

BRIODY DRIVE WEST HOUSING DEVELOPMENT, TORQUAY

CULTURAL HERITAGE MANAGEMENT PLAN No. 12805

13 March

14



A Report to St. Quentin Consulting

Cultural Heritage Advisor: David Thomas

Authors: David Thomas, Sarah Collins and Jodi Turnbull

Sponsor: Briody Drive West Landowners Group

PLANNING & ENVIRONMENT ACT 1987
SURF COAST PLANNING SCHEME

This Briody Drive West Development Plan complies with the requirements of Clause
43.04 of the Surf Coast Planning Scheme

Approval Number: 15/0446
Date: 7/12/2017 Sheet No: 1 of 160

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Cover Photograph: Subsurface testing with WAC representatives

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Issue Date: 14/03/2014

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17th March 2014

*Aboriginal Heritage Act 2006
Section 65*

Cultural Heritage Management Plan – Notice of Approval

The Wathaurung Aboriginal Corporation trading as Wadawurrung, acting as the Registered Aboriginal Party hereby approve the cultural heritage management plan referred to below:

Housing Development – Briody Drive West, Torquay

Cultural Heritage Management Plan number: 12805

Sponsor: Briody Drive West Landowners Group

Cultural Heritage Advisor: David Thomas

Authors: David Thomas, Sarah Collins & Jodi Turnbull

Cover Date: 14th March 2014

Pages: Cover Page, ii – xxiv, 1 – 134

Received for Approval: 14th February 2014

Pursuant to s.64(1) of the Act this cultural heritage management plan takes effect upon the granting of this approval and once a copy is lodged with the Secretary of DPCD.*



**John Young
RAP Manager**

Wathaurung Aboriginal Corporation
trading as: Wadawurrung

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*This notice of approval should be inserted after the title page and bound with the body of the management plan.

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Briody Drive West Housing Development, Torquay

Cultural Heritage Management Plan Number: 12805

Sponsor: Briody Drive West Landowners Group

Cultural Heritage Advisor: David Thomas

Authors: David Thomas, Sarah Collins and Jodi Turnbull

Issue Date: 14 March 2014

Assessment: Desktop, Standard and Complex (in accordance with r.56 of the *Aboriginal Heritage Regulations 2007*)

Size of Activity Area: Medium (in accordance with r.68 of the *Aboriginal Heritage Regulations 2007*)

Copies Issued To: Wathaurung Aboriginal Corporation
Briody Drive West Landowners Group
St. Quentin Consulting
Office of Aboriginal Affairs Victoria

Quality Control: Petra Schell

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EXECUTIVE SUMMARY

Background

This Cultural Heritage Management Plan (CHMP) has been prepared for the Sponsor (Briody Drive West Landowners Group) for a re-subdivision and development of a substantial standard density residential area on the north-western edge of Torquay, about 19 km south-south-west of Geelong. St. Quentin Consulting is acting as project manager on behalf of the Sponsor.

The activity area comprises a total of 31.5 ha of pastoral / agricultural and residential land along either side of Briody Drive. The activity area shall hereafter be referred to as Briody Drive West.

This CHMP was prepared in accordance with the requirements of the *Aboriginal Heritage Act 2006*. The Wathaurung Aboriginal Corporation (WAC) was the evaluation authority for this CHMP.

The aim of the CHMP was to:

- Determine the location, nature and significance of Aboriginal places in the activity area;
- Determine whether Aboriginal places can be avoided by the proposed activity; and,
- Develop a framework for managing Aboriginal places, prior, during and subsequent to the activity.

Activity Area Location & Extent

The proposed activity area comprises a 31.5 ha area of agricultural and residential land along either side of Briody Drive.

A search of the Victorian Aboriginal Heritage Register undertaken during the Desktop Assessment of the CHMP revealed that no Aboriginal places have previously been registered within the activity area. Two Aboriginal Places (artefact scatters VAHR 7721-0634 and 7721-0764) occur within 200 m of the activity area.

The activity area is bounded by:

- Deep Creek, residential and farmland and Briody Drive to the north;
- Illawong Drive to the east;
- Grossmans Road to the south; and,
- Messmate Road to the west.

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The activity area is characterised in the main by a gently undulating aeolian plain consisting of Moorabool Viaduct Sand, dissected by creeks such as Deep Creek to the north and the larger Spring Creek to the south. A small area of Unnamed Coastal Dune Deposits is located in the north-west of the activity area. None of the geological units in the activity area are particularly strongly associated with recorded Aboriginal cultural heritage which occurs across the landscape.

The activity area comprises arable and pastoral land, a horse-trap exercise oval, private residences with landscaped gardens, modified drainage, internal fence lines and rows of exotic evergreen and indigenous trees lining many of the property boundaries and driveways in the activity area. Native trees line Deep Creek in the north.

Activity Description

The proposed activity involves the re-subdivision and development of a substantial standard density residential area. As such, it is in accordance with the Residential Infill policy of the Torquay-Jan Juc Strategy in the Surf Coast Planning Scheme to: “Encourage the resubdivision of key low density residential sites (e.g. Briody Drive Estate, Torquay Heights, etc.) at densities appropriate to their location and physical characteristics”.¹ The activity area is classified as Residential 1 Zone (R1Z).

The proposed activity will involve disturbance of surface and subsurface deposits across most parts of the activity area. Activities that will occur during the course of the development include:

- a. Soil excavation for the construction of buildings; soil excavation will affect both buried and surface soils;
- b. Grading of soil and clay during road construction; and
- c. Excavation for service trenches (gas, electricity, water).

All of the above activities will involve the removal of topsoil. The depth of excavation will vary according to ground conditions. The standard depth of excavation for pipes and services, to the top of the pipe, are:

- 750 mm for water and gas;
- 600 mm for electricity and Telstra; and
- 900 mm minimum for drainage, and

¹ http://planning.schemes.dpcd.vic.gov.au/schemes/surfcoast/ordinance/21_mss08_surf.pdf (page 3, Map 1 to Clause 21.08) [accessed 14/10/2013]

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- 1,300 mm for sewer.

Assessment Method

The assessment method for this CHMP involved background research, a field inspection and subsurface testing of soil profiles in the activity area. Under the *Aboriginal Heritage Act 2006*, this assessment would be considered a Complex Assessment, although it was preceded by Desktop and Standard Assessments.

The background research (Desktop Assessment) aimed to:

- provide contextual information regarding Aboriginal cultural heritage in the region;
- determine whether any registered Aboriginal places exist in the activity area; and
- identify – if possible – the likely potential for Aboriginal cultural heritage to occur in the activity area.

The aims of the field assessment (Standard Assessment) were to determine the nature, distribution and significance of Aboriginal cultural heritage in locations to be impacted by the proposed activity. Thick grass over the majority of the activity area, however, resulted in negligible surface visibility and rendered systematic surface survey futile. Aerial imagery indicated that none of the trees in the activity area are likely to be old enough to have Aboriginal scars. Consequently, based on previous experience in areas with negligible surface visibility, and in consultation with the RAP, we decided to move straight to the Complex Assessment, pursuant r.58(2) of the *Aboriginal Heritage Regulations 2007*.

Subsurface testing (Complex Assessment) was carried out because the Standard Assessment could not determine whether Aboriginal cultural heritage occurred in subsurface deposits over much of the activity area – surface visibility was negligible in most areas. The Desktop Assessment identified land within 100 m of Deep Creek as having particular archaeological potential. Subsurface testing was also carried out to gain a better understanding of the archaeological sensitivity of the wider aeolian plain.

Assessment Results

The Desktop Assessment found that no previously registered Aboriginal places are known to exist within the activity area. Two artefact scatters (VAHR 7721 0634 and 7721 0764) occur within 200 m of the activity area. Further Aboriginal places cluster along Spring Creek to the south, but much of the land between Deep Creek and the north plain Spring Creek to the south has not been subject to archaeological field assessments. The desktop assessment established that there was a moderate potential for additional Aboriginal cultural heritage to occur within the activity area, probably in the form of surface and subsurface stone artefacts

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and possibly Aboriginal scarred trees. The area in proximity to Deep Creek was considered most likely to contain stone artefacts.

Given that a meaningful Standard Assessment was not possible, the potential remained for the activity area to contain subsurface stone artefacts. It was hypothesized on the basis of previous studies in the region that any subsurface stone artefacts were likely to be scarce on the aeolian plain in areas over 100 m from major waterways and their tributaries. With this in mind, and following discussions with the RAP, we decided to focus subsurface testing in the land 100 m to the south of Deep Creek, with progressively less intensive subsurface testing further away from the creek. This methodology aimed to maximise the likelihood of locating any subsurface Aboriginal cultural remains.

The Complex Assessment was undertaken in order to:

- determine the archaeological sensitivity of the land within 200 m of Deep Creek, particularly the land within 100 m of the waterway; and,
- test the other areas of the activity area which were not suitable for surface survey.

Subsurface excavation was carried out in the form of 20 1 x 1 m excavation pits (EP) and 48 roughly 0.5 x 0.5 m shovel test pits (STP). Ten (50%) of the EPs were located within 100 m of Deep Creek, with nine EPs sampling the land between 100-200 m from Deep Creek and one further EP establishing the soil profile in the eastern part of the activity area. Fourteen STPs were excavated to assess the spatial extent of the Aboriginal cultural heritage identified in EP5, while the remaining 34 STPs were used to test the rest of the activity area.

A total of two Aboriginal stone artefacts were identified during the Complex Assessment, one in EP5 and one in the spoil heap of STP6. The stone artefacts originated within the topsoil plough-zone at depths of about 100-200 mm, c. 90 m from Deep Creek. These subsurface stone artefacts are a Low Density Artefact Distribution (LDAD).

Aboriginal Cultural Heritage in the Activity Area

One new Aboriginal place was recorded during the Complex Assessment:

- VAHR 7721-1260 (Briody Drive West 1) – a Low Density Artefact Distribution consisting of two subsurface artefacts. This place was assigned a low archaeological significance.

The small assemblage size limits the value of detailed lithic analyses and comparisons, especially given the fact that the assemblage itself may be a palimpsest. That said, the raw materials used (quartzite and possibly coastal flint) are comparable to those found at other Aboriginal places within the wider area, as are the artefact types (a small flake and one broken geometric backed blade).

No means of assessing the chronological spans of the assemblages was found, other than to assign them tentatively to the mid to late Holocene on typological grounds (Australian Small Stone Tool Tradition – ASSTT).

In conclusion, the newly recorded Aboriginal place is indicative of the accidental loss and / or deliberate discard of artefacts during repeated movement across the landscape over an undetermined, but possibly lengthy period. Like other Aboriginal places in the region, VAHR 7721-1260 may be associated with a waterway (i.e. Deep Creek), although the relatively small amount of Aboriginal cultural heritage found close to Deep Creek contrasts with the much larger amounts found nearby in the vicinity of Spring Creek, suggesting that the larger Spring Creek was more important to Aboriginal people in the past.

Cultural Heritage Management Recommendations

This section presents measures for managing Aboriginal cultural heritage, prior to, during and after the proposed activity. A total of twelve management measures (MM), including specific Aboriginal place management requirements and contingency plans, must be adhered to in order to ensure compliance with the *Aboriginal Heritage Act 2006*.

No specific cultural heritage management requirements are needed VAHR 7721-1260. There are, however, requirements for the RAP to be involved in a Cultural Heritage Induction and the possible reburial of artefacts.

The CHMP must be kept on-site during construction works associated with the activity so that it can be referred to if required.

These recommendations become compliance requirements once this Cultural Heritage Management Plan is approved.

MM1: Management Measure for VAHR 7721-1260 (Briody Drive West 1)

This CHMP allows for VAHR 7721-1260 to be harmed by the activity. No specific management measures are required as the two artefacts identified have been collected as part of the Complex Assessment.

MM2: Cultural Heritage Induction

All personnel involved with ground disturbance works must participate in a cultural heritage induction prior to the initiation of the activity. This must be conducted by representatives of the RAP, at the cost of the Sponsor. This may be undertaken on the day that site works commence and can take the form of a toolbox meeting. The RAP must be contacted directly to organise the timing, content and duration of this induction, and must be given a minimum of 2 weeks' notice. RAP contact details are provided in MM11.

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A map showing the location of the Aboriginal place in the activity area must remain on display for all contractors throughout the course of works, and a copy of this CHMP must remain on-site throughout the course of works.

MM3: Aboriginal Cultural Heritage Contingencies

The following contingencies must be followed by the Sponsor during the development in relation to Aboriginal cultural heritage that may be identified during the activity.

- i. In the event that suspected human remains are discovered, the procedures outlined in MM4 must be followed;
- ii. If suspected Aboriginal cultural heritage that is not associated with VAHR 7721-1260 is identified, the following process applies:
 - a) Relevant works within 25 m of the discovery must be suspended immediately and the place extent must be isolated from further disturbance by safety webbing and star pickets. The cultural material must not be removed;
 - b) The Site Supervisor must be notified immediately and the CHA and the RAP must be notified within 24 hours of the discovery;
 - c) A CHA and RAP representative must inspect the site as soon as is practical. During this inspection, the management of any Aboriginal cultural heritage must be discussed and agreed to. If the Aboriginal cultural heritage is assessed to be of particularly high scientific significance (e.g. it is an intact cultural deposit) or Aboriginal significance, then protection or impact mitigation measures must be formulated; options for these must be explored by the CHA in consultation with the RAP and the Sponsor or lot owner;
 - d) The Sponsor must try to avoid harm to any Aboriginal place regardless of its scientific significance;
 - e) If protection is not possible, then a salvage program by a suitably experienced and qualified archaeologist must take place prior to works proceeding. Any salvage program should be carried out in accordance with proper archaeological practice and standards, and an archaeological report detailing the methods, analysis and results of the excavation should be prepared;
 - f) Agreement as to the process to be followed to manage the Aboriginal cultural heritage and how to proceed with works must be made within a period not exceeding three working days by a RAP representative, the CHA and the Sponsor / lot owner;

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- g) The Office of Aboriginal Affairs Victoria must be notified of the discovery of the additional Aboriginal cultural heritage as per the requirements of Section 24 of the *Aboriginal Heritage Act* 2006. This will be undertaken through the submission of the appropriate Victorian Aboriginal Heritage Registry (VAHR) forms and (if applicable) a salvage program report;
- h) The CHA (with the approval of the RAP) must advise the Site Supervisor when suspended construction works can proceed. In general, works may recommence:
- When the appropriate protective measures have been taken;
 - Where the relevant Aboriginal cultural heritage records have been updated and / or completed;
 - Where all parties agree there is no prudent or feasible course of action; or
 - Once any relevant dispute has been resolved.

MM4: Discovery of Human Remains

If any suspected human remains are found during any activity, works must cease. The Victoria Police and the State Coroner's Office should be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Control Centre must be contacted immediately on 1300 888 544.

This advice has been developed by the Office of Aboriginal Affairs Victoria and is described in the following five step contingency plan. Any such discovery at the activity area must follow these steps.

1. Discovery:

- If suspected human remains are discovered, all activity in the vicinity must stop to ensure minimal damage is caused to the remains;
- The remains must be left in place, and protected from harm or damage. No photography of any human remains aside from that required by the Coroner's Office must be taken.

2. Notification:

- Once suspected human skeletal remains have been found, the Coroner's Office and the Victoria Police must be notified immediately;
- If there are reasonable grounds to believe that the remains could be Aboriginal the DSE Emergency Co-ordination Centre must be immediately notified on 1300 888 544;

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- All details of the location and nature of the human remains must be provided to the relevant authorities;
- If it is confirmed by these authorities that the discovered remains are Aboriginal skeletal remains, the person responsible for the activity must report the existence of the human remains to the Secretary, DPCD in accordance with s.17 of the Act.

3. Impact Mitigation or Salvage:

- The Secretary, after taking reasonable steps to consult with any Aboriginal person or body with an interest in the Aboriginal human remains, will determine the appropriate course of action as required by s.18(2)(b) of the Act;
- An appropriate impact mitigation or salvage strategy as determined by the Secretary must be implemented (this will depend on the circumstances in which the remains were found, the number of burials found and the type of burials and the outcome of consultation with any Aboriginal person or body).

4. Curation and further analysis:

- The treatment of salvaged Aboriginal human remains must be in accordance with the direction of the Secretary.

5. Reburial

- Any reburial place(s) must be fully documented by an experienced and qualified archaeologist, clearly marked, and all details provided to OAAV;
- Appropriate management measures must be implemented to ensure that the remains are not disturbed in the future.

MM5: Custody of Aboriginal Cultural Heritage

It is the responsibility of the CHA to ensure that all Aboriginal cultural heritage recovered from the activity area is fully documented, bagged and labelled. The Office of Aboriginal Affairs Victoria (OAAV) must be advised of this through completion and submission of relevant VAHR forms to the Heritage Registrar, OAAV, by the CHA. Once scientific analysis of any cultural heritage is completed the artefacts must be returned to the RAP. The RAP will be the caretaker of this material and may choose to reburial in the activity area (Figure 15).

Any reburial of recovered artefacts, including those collected during field work undertaken as part of this CHMP, shall take place within the activity area, at a time and place mutually agreed between the RAP and the Sponsor.

If the RAP chooses to reburial the Aboriginal cultural heritage within the activity area:

- This must be facilitated by the Sponsor where required;
- The reburial location must be a mutually agreed location where the artefacts will not be disturbed in the future. The specific location of the reburied cultural heritage should not be marked;
- Where deemed appropriate by the RAP, the RAP will be permitted to carry out a cultural ceremony to mark the reburial process;
- The RAP will check the artefact catalogue against any returned artefacts, and if necessary re-bag the artefacts prior to reburial; and,
- Where deemed appropriate by the RAP, the cultural heritage, and any other cultural material and objects, will be placed in a container manufactured by the RAP for burial.

In addition, a CHA must be involved in this process to:

- Consult with the RAP and Sponsor to determine a reburial location that is protected from future development and disturbance (preferably within its original place extent, and where possible, at the primary grid coordinate (PGC) for that place);
- Ensure that the Aboriginal cultural heritage is reburied in a durable container with a record of provenance and with the catalogue and assessment documentation on an archive-quality storage medium;
- Ensure that the reburial location is recorded to sub-metre accuracy;
- Complete and submit relevant VAHR forms to the Heritage Registrar, OAAV.

The CHA must manage and facilitate the implementation of these measures in consultation with the RAP and the Sponsor. The cost of implementing the requirements of this management measure must be borne by the Sponsor.

MM6: Future Changes to the Activity

Future changes to the conduct of the activity can be made so long as they are restricted to within the activity area and are associated with the same activity for which this CHMP has been prepared (i.e. a residential subdivision).

MM7: Inspections by RAP

Access to the activity area must be provided to representatives of the RAP before, during and after construction for the purpose of ensuring compliance with the CHMP. Where possible, inspections should be at a time agreed upon by the RAP and the Sponsor. The representatives of the RAP must comply with all the OHS requirements of the activity area.

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MM8: Handling of Sensitive Information

Outside of publically available information and information presented in this CHMP, Aboriginal cultural heritage information must not be distributed without the approval of the RAP. All Aboriginal place dGPS co-ordinates must be removed from this CHMP prior to its distribution to all parties other than those listed in MM11 and OAAV.

MM9: Safety

RAPs, the CHA or any other cultural heritage personnel must be permitted on-site during construction for the purposes of on-the-spot compliance checks, so long as they inform the Site Supervisor. Notification of such visits will be required on a day-to-day basis during construction works. It is the responsibility of RAPs, the CHA or any other cultural heritage personnel to ensure they comply with Personal Protective Equipment requirements required by the Site Supervisor.

RAPs, the CHA or any other personnel involved in on-the-spot compliance checks and recovering and documenting Aboriginal cultural heritage must abide by the Site Supervisor’s OH&S procedures and Victorian Work Safe practice at all times. In any matters relating to OH&S, the Site Supervisor shall have the right to require any party to vacate the construction area and, if applicable, the area managed by the Sponsor.

MM10: Dispute Resolution

Clause 13(1) Schedule 2 of the Regulations requires that the CHMP must contain a contingency plan for the resolution of any disputes between the Sponsor and relevant RAPs in relation to the implementation of an approved CHMP or the conduct of the activity. Disputes may occur at various stages during the activity. Procedures for dispute resolution aim to ensure that all parties are fully aware of their rights and obligations, that full and open communication between parties occurs and those parties conduct themselves in good faith.

If a dispute arises that may affect the conduct of the activity, resolution between parties using the following Informal Dispute Resolution guidelines is recommended.

Informal Dispute Resolution

- The party raising the dispute must complete a Dispute Notification Form (included below) and email or fax a copy to all parties listed in MM11.
- Project delegates (as listed in MM11) of each party (RAP and Sponsor) must attempt to negotiate a resolution to any dispute related to cultural heritage management of the activity area within 48 hours of written notice being received that a dispute between parties is deemed to exist. If the project delegates cannot reach an

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agreement, representatives of both parties must meet to negotiate a resolution to an agreed schedule;

- If representatives of the relevant parties fail to reach an agreement, an independent mediator must initially be sought to assist in resolving the dispute. A timeframe for the independent mediator must be agreed upon by both parties. If an independent mediator cannot be agreed on, or fails to resolve the dispute within the allowed timeframe, the Aboriginal Heritage Council may be approached for their willingness to act in resolving the dispute;
- All disputes will be jointly investigated;
- Where a breach of a CHMP recommendation has been found to occur, the RAP and the Sponsor must agree to the best method of correction or remediation;
- Any correction or remedial activities required (e.g. repairing damage to Aboriginal places) must be overseen by a RAP representative and must take place in accordance with their instruction;
- The RAP must use their best endeavours to minimise delays to work schedules while not compromising cultural places or values;
- Only issues directly relating to cultural heritage management will be handled through the dispute resolution mechanism;
- If it is deemed that a cultural heritage audit is the most appropriate method of addressing a breach, the CHA must contact either an inspector or OAAV regarding this process. If ordered by the Minister of the OAAV, a cultural heritage audit must be undertaken as per the requirements for such audits outlined in c.83-86 of the *Aboriginal Heritage Act 2006*; and,
- These arrangements do not preclude any legal recourse open to the parties being taken but the parties agree that the above avenues must be exhausted before such recourse is made.

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DISPUTE RESOLUTION NOTIFICATION FORM

Cultural Heritage Plan No 12805

Relevant Party Making the Dispute:

Contact Person:

Date:

Nature of the Dispute:

Proposed Meeting Time / Date & Place:

Relevant parties who have been sent (email or fax) this notification (tick box):

Party to Agreement	Name of Delegate	Fax	Postal Address	Email	Contacted (✓)
RAP	John Young (Wathaurung Aboriginal Corporation)	(03) 4308 0420	PO Box 734 Ballarat VIC 3353	john@wathcorp.com.au	
The Sponsor	Chris Mason (St Quentin Consulting, on behalf of Sponsors)	(03) 5201 1832	PO Box 919 Geelong 3220	Chris@stqc.com.au	
Site Supervisor	TBA	TBA	TBA	TBA	
CHA	TBA	TBA	TBA	TBA	

MM11: Communication Between Parties

Notification of the parties listed below is deemed to comply with the requirements for a notice to be given under this Management Plan.

Each party must ensure that there is an electronic means of confirmation of notification. Telephone notification must be confirmed by either fax or email within 12 hours of the telephone conversation.

The CHA must notify all parties of any change in RAP status that occurs prior to the completion of construction works. If the CHA is engaged, the Sponsor is responsible to determine any relevant RAP status.

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Party to Agreement	Name of Delegate	Phone	Fax	Email
The Sponsor	Chris Mason	(03) 5201 1832	(03) 5229 2909	chris@stqc.com.au
RAP	John Young	(03) 4308 0420	(03) 4308 0421	john@wathcorp.com.au
Site Supervisor	TBA	TBA	TBA	TBA
CHA	TBA	TBA	TBA	TBA

MM12: Provision For Review

Review of this plan can be undertaken at any time by a project delegate/s representing the Sponsor to ensure compliance with the management measures outlined in the plan. If concerns are raised by the RAP, CHA or a third party, a project delegate/s must review CHMP compliance within 7 days of such concerns being raised by completing the following checklist:

Management Measure	Yes/No/N A	If No – Proposed Action to Remedy Non- Compliance
Has a cultural heritage induction been undertaken prior to the activity taking place (MM2)?		
Are Cultural Heritage Contingencies being adhered to (MM3)?		
Have the artefacts from VAHR 7721-1260 been reburied, if requested by the RAP (MM5)?		
Has the discovery of any human remains been dealt with using the process outlined in MM4?		
Do the custody arrangements of any Aboriginal cultural heritage follow the requirements of the CHMP (MM6)?		
If there are future changes to the conduct or layout of the activity, are they allowed as per MM6?		

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Management Measure	Yes/No/N A	If No – Proposed Action to Remedy Non- Compliance
If the RAP has requested an inspection at a key point in implementation of the CHMP, has a time been agreed to by both the RAP and Sponsor as per MM7?		
Has the RAP been consulted prior to the distribution of information as per MM8?		
Have Aboriginal place grid co-ordinates been removed prior to the distribution of this CHMP in accordance with MM8?		
Have site specific safety procedures been followed as per MM9?		
In the event of a dispute, has the dispute resolution process outlined in MM10 been followed?		
Is communication between parties being undertaken as per MM11?		
Has this plan been reviewed within 7 days of any cultural heritage concerns being raised (MM12)?		
In the event of non-compliance, has a meeting been held to establish actions to address non-compliance (MM12)?		

All non-compliance issues must result in a stop works until such a time as a meeting can be held between the Sponsor, CHA and RAP to establish a process moving forward. The stop works must be applied immediately even if Aboriginal cultural heritage has not been harmed.

The meeting must take place within 7 days, or as soon as is practical, from the completion of the 'CHMP Compliance Checklist'. **This Bridle Drive West Development Plan complies with the requirements of Clause 43.04 of the Surf Coast Planning Scheme**

It is noted that under Part 6 of the Aboriginal Heritage Act 2006 the Minister may order a cultural heritage audit if:

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- The Sponsor of an approved CHMP has contravened, or is likely to contravene, the recommendations in the plans (s.81a); or,
- The impact on Aboriginal cultural heritage of an activity to which an approved CHMP applies will be greater than that determined at the time the plan was approved (s.81c).

Maximum penalties for breaching the Act are more than \$215,000 for an individual or more than \$1.1 million for a company.

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ABBREVIATIONS / ACRONYMS

ASSTT – Australian Small Stone Tool Tradition

BP – Before Present (i.e. 1950)

CHA – Cultural Heritage Advisor

CHMP - Cultural Heritage Management Plan

CHP – Cultural Heritage Permit

EES – Environment Effects Statement

EP – Excavation Pit

LDAD – Low Density Artefact Distribution

m asl – metres above sea level

NoI – Notice of Intent to Prepare a CHMP

OAAV – Office of Aboriginal Affairs Victoria

RAP – Registered Aboriginal Party

STP – Shovel Test Probe

VAHR – Victorian Aboriginal Heritage Register

WAC – Wathaurung Aboriginal Corporation

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PART 1 – ASSESSMENT

1 INTRODUCTION

1.1 BACKGROUND

This Cultural Heritage Management Plan (CHMP) has been prepared for the Sponsor (Briody Drive West Landowners Group) for a re-subdivision and development of a substantial standard density residential area on the north-western edge of Torquay, c. 19 km south-south-west of Geelong. St. Quentin Consulting is acting as project manager on behalf of the Sponsor.

The activity area comprises a total of c. 31.5 ha of pastoral / agricultural and residential land along either side of Briody Drive. The activity shall hereafter be referred to as Briody Drive West.

The Sponsors are the current landholders of the activity area; their details are provided in Table 1.

This CHMP was prepared in accordance with the requirements of the *Aboriginal Heritage Act 2006*. The Wathaurung Aboriginal Corporation (WAC) is the Registered Aboriginal Party (RAP) for the activity area and was the evaluation authority for this CHMP.

The aim of the CHMP was to:

- Determine the location, nature and significance of Aboriginal places in the activity area;
- Determine whether Aboriginal places can be avoided by the proposed activity; and
- Develop a framework for managing Aboriginal places, prior, during and subsequent to the activity.

Terminology

Aboriginal cultural heritage and Aboriginal places are terms used throughout this report and their meanings are taken as follows from the *Aboriginal Heritage Act 2006*:

Aboriginal cultural heritage means 'Aboriginal places, Aboriginal objects and Aboriginal human remains' (s.4).

An Aboriginal place is 'an area in Victoria or the coastal waters of Victoria that is of cultural heritage significance to the Aboriginal people of Victoria' (s.5).

All known Aboriginal places in Victoria are recorded on the Victorian Aboriginal Heritage Register (s.145).

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David Thomas was the Cultural Heritage Advisor for this CHMP. David meets the requirements for a Cultural Heritage Advisor under Section 189 of the *Aboriginal Heritage Act* 2006. He has a Ph.D. in Archaeology (La Trobe University, 2012), a Master of Science in Computing and Archaeology (University of Southampton, 1994) and a Bachelor of Arts in Archaeology and Anthropology (University of Cambridge, 1992). He has nearly five years of fieldwork experience since 1990 in Australia and around the world, on sites ranging in date from the Middle Palaeolithic to the Historical period. David also has over five years' experience as a research assistant and research associate on several international archaeological projects and in cultural heritage in Australia, and an extensive publication record. He is currently an Honorary Research Associate at La Trobe University.

The Complex Assessment that was undertaken as part of this CHMP were supervised by David Thomas and Anna Kent (both archaeologists with *Ochre Imprints*). Anna has an Honours Degree in Archaeology from Monash University (2013) and a Bachelor of Arts (Archaeology and Palaeoanthropology), from the University of New England (2012). She has over two years' experience working as a consultant archaeologist within historical and Indigenous cultural heritage.

1.2 LEGISLATIVE CONTEXT

1.2.1 *Aboriginal Heritage Act* 2006

The *Aboriginal Heritage Act* 2006 provides blanket protection for Aboriginal cultural heritage in Victoria. This means that Aboriginal cultural heritage is protected from harm and it is illegal to carry out an activity that can disturb Aboriginal places without the appropriate authorities under the Act (and its associated Aboriginal Heritage Regulations 2007). There are two principal mechanisms under the Act that remove the risk of illegal harm to Aboriginal cultural heritage, namely:

- Cultural Heritage Management Plan (CHMP); and
- Cultural Heritage Permit (CHP).

These are briefly discussed below.

Cultural Heritage Management Plan

A CHMP is a report recommending measures to be taken to protect Aboriginal cultural heritage affected by a development or use of land. It must include recommendations for measures to be taken before, during and after a relevant activity. The underlying philosophy of the CHMP is to minimise harm to Aboriginal cultural heritage. It is, however, also the document through which provisions can be made to harm Aboriginal places legally. A CHMP

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SURE COAST PLANNING SCHEME

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must be approved by the appropriate registered Aboriginal party or where no party exists for the area, the Secretary of the Department of Planning and Community Development, before the activity may commence.²

A CHMP usually involves a staged investigation of the risk posed by a proposed activity to Aboriginal cultural heritage. The Act and associated Regulations set out the requirements for different levels of investigation:

- Desktop Assessment;
- Standard Assessment (Field Survey); and
- Complex Assessment (Subsurface Testing; Controlled Excavation).

The Sponsor (usually the proponent) of a CHMP must ensure that the plan is prepared in accordance with the prescribed standards outlined in the Act, their associated regulations, and approved forms. The CHMP must consider the following matters:

- a) Whether the activity will be conducted in a way that avoids harm to Aboriginal cultural heritage.
- b) If it does not appear to be possible to conduct the activity in a way that avoids harm to Aboriginal cultural heritage, whether the activity will be conducted in a way that minimises harm to Aboriginal cultural heritage.
- c) Any specific measures required for the management of Aboriginal cultural heritage likely to be affected by the activity, both during and after the activity.
- d) Any contingency plans required in relation to disputes, delays and other obstacles that may affect the conduct of the activity.
- e) Requirements relating to the custody and management of Aboriginal cultural heritage during the course of the activity.

Section 46 of the Act specifies the circumstances in which preparation of a CHMP is mandatory:

- When required by the Regulations;
- When the Minister directs a CHMP to be prepared for an activity; or
- When an Environment Effects Statement (EES) is required for an activity.

Clause 6 of the Regulations states that a CHMP is required where:

- All or part of the activity is a high impact activity.

² The Department of Planning and Community Development replaced the Department of Victorian Communities, as referred to in the *Aboriginal Heritage Act* 2006, in August 2007. The Office of Aboriginal Affairs Victoria carries out the day-to-day administrative functions on behalf of the Secretary.

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and

- All or part of the activity area is in an area of cultural heritage sensitivity – which has not been subject to significant ground disturbance.

'High impact activities' and 'areas of cultural heritage sensitivity' are defined in the Regulations (see Divisions 3-4 of the Aboriginal Heritage Regulations 2007).³ For activities that trigger a CHMP, a statutory authorisation cannot be granted for the activity without an approved CHMP.

A CHMP may be prepared voluntarily even when not required by the Act (s.45).

Cultural Heritage Permit

A Cultural Heritage Permit (CHP) is issued by the Secretary of the Department of Planning and Community Development to "carry out an activity that will, or is likely to, harm Aboriginal cultural heritage". A CHP application is made to the Secretary of the Department of Planning and Community Development and, where a Registered Aboriginal Party exists for the area, must be supported by that organisation before it can be issued.

A CHP is sought for those instances where there is a known Aboriginal place that will be harmed by an activity. The permit outlines the measures that must be taken in order to disturb that place lawfully. Archaeological investigations are often required to inform a CHP application.

Other key features of the *Aboriginal Heritage Act* 2006 are:

- The creation of the Victorian Aboriginal Heritage Council to provide a statewide voice for Aboriginal people and to advise the Minister for Aboriginal Affairs on issues relating to the management of Aboriginal cultural heritage.
- A system of Registered Aboriginal Parties – approved by the Victorian Aboriginal Heritage Council – to be involved in cultural heritage decision making processes, and in particular CHMPs.
- Aboriginal Cultural Heritage Agreements to support the development of partnerships around the protection and management of Aboriginal cultural heritage.
- Provisions relating to enforcement including: cultural heritage audits, protection declarations and stop orders, inspection arrangements and penalties. Maximum penalties for breaching the Act are more than \$215,000 for an individual and \$1.1 million for a company.

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³ Available from http://www.austlii.edu.au/au/legis/vic/consol_reg/ahr2007273/ [accessed 12/06/2013]

1.2.2 Other Relevant Legislation

Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* is intended to provide additional protection from injury or desecration of artefacts and areas that are of particular significance to Aboriginal peoples and traditions.

The Act provides for emergency declarations to be made for the protection of significant Aboriginal areas or objects that are under 'serious or immediate threat of injury or desecration'.

The Act protects 'significant Aboriginal areas' and 'significant Aboriginal objects'. A 'significant' area or object is one of particular significance to Aboriginal people in accordance with Aboriginal or Torres Strait Islander tradition.

An application for protection of a specified area or object under threat can be made orally or in writing by an Aboriginal or Torres Strait Islander person.

The Minister for Families, Housing, Community Services and Indigenous Affairs can make declarations to protect areas and objects if the area or object is under threat of injury or desecration (used, treated or affected in a manner inconsistent with Aboriginal tradition) and State law does not effectively protect the area.

The Minister may make emergency declarations or long-term declarations. Emergency declarations last for thirty days, but may be extended for a further thirty days. The Minister may not make a declaration in relation to an area or object located in a State, the Northern Territory or Norfolk Island unless he or she has consulted with the appropriate Minister of that State or Territory. These declarations may "contain provisions for and in relation to the protection and preservation of the area from injury or desecration".

Officers authorised by the Minister under the Act may also make emergency declarations, lasting up to 48 hours in relation to Indigenous heritage areas and objects.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* provides protection for the following types of heritage places and items:

- World Heritage;
- National Heritage; and
- Commonwealth Heritage.

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Any action that is likely to have a significant impact on heritage properties and places must be referred to the Minister for the Environment and undergo an environmental assessment and approval process.

There are provisions for emergency listing of the national heritage values of a place if the Minister believes that those heritage values are under threat. The Minister can list the place before referring it to the Heritage Council and must take reasonable steps to advise any owners or occupiers of the place. Any person may request that a place be included on the National Heritage List under the emergency listing provision, and, if the Minister does not list the place within ten business days after receiving the request, the Minister must:

- Publish notice of that on the internet; and
- Provide to the person who made the nomination and anyone else who requests them, reasons why the Minister has not listed the place.

1.2.3 Why Was a CHMP Undertaken for The Activity?

The CHMP for this project is a mandatory CHMP. The proposed activity (re-subdivision of land) is a high impact activity (as defined under Aboriginal Heritage Regulations 2007, r.46) and the proposed activity area incorporates land within 200 m of a waterway, which is an area of cultural heritage sensitivity (as defined under Aboriginal Heritage Regulations 2007, r.23).

The Sponsor's project manager, Chris Mason of St. Quentin Consulting, submitted a Notice of Intent to Prepare a CHMP to the Deputy Director of the Office of Aboriginal Affairs Victoria (OAAV), the Wathaurung Aboriginal Corporation (RAP) and the current landholders of the activity area, dated 26 September 2013. The Wathaurung Aboriginal Corporation (WAC) provided a response to the Sponsor on 2 October 2013 electing to evaluate the CHMP. Copies of these notices are provided in Appendix 1.

This CHMP has been registered as No. 12805 by the Office of Aboriginal Affairs Victoria.

This CHMP was prepared in accordance with the requirements of the *Aboriginal Heritage Act* 2006. The *Aboriginal Heritage Act* 2006, the Aboriginal Heritage Regulations 2007, and the Approved Form under the Aboriginal Heritage Regulations 2007, r.64(a) specify that certain information must be included in the preparation of a CHMP. A checklist was formulated by the Cultural Heritage Advisor to assist in this process that indicates in which section of the CHMP relevant information can be found. This Checklist Scheme provided to the Sponsor or the Office of Aboriginal Affairs Victoria on request.

A CD is included in the rear of this CHMP, which includes:

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- An electronic version of this CHMP; and,
- Spatial data generated as part of the CHMP showing the activity area, ground survey areas, subsurface testing or excavation pits or transects, and the extent of each Aboriginal place present in the activity area.

Other documentation that has been provided separately to the Office of Aboriginal Affairs Victoria includes:

- Victorian Aboriginal Heritage Register (VAHR) forms, including site inspection forms and representative photographs of every Aboriginal place (where relevant);
- Spatial data generated as part of the CHMP showing the activity area, ground survey areas, subsurface testing or excavation pits or transects, and the extent of each Aboriginal place present in the activity area; and
- An archaeological survey and excavation attributes form (where relevant).

1.3 LOCATION AND EXTENT OF ACTIVITY AREA

The proposed activity area comprises a c. 31.5 ha area within agricultural properties on either side of Briody Drive, Torquay. The location and existing conditions of the activity area are shown in Figures 1 and 2.

Cadastral details are provided in Table 1. The activity area is bounded by:

- Deep Creek, residential and farmland and Briody Drive to the north;
- Illawong Drive to the east;
- Grossmans Road to the south; and,
- Messmate Road to the west.

The activity area is characterised in the main by a gently undulating aeolian plain consisting of Moorabool Viaduct Sand, dissected by creeks such as Deep Creek in the north and the larger Spring Creek to the south. A small area of Unnamed Coastal Dune Deposits is located in the north-west of the activity area. None of the geological units in the activity area are particularly strongly associated with recorded Aboriginal cultural heritage which occurs across the landscape.

The activity area comprises arable and pastoral land, a stables' exercise oval, private residences with landscaped gardens, modified drainage, internal fence lines and rows of non-indigenous evergreen and indigenous trees lining many of the property boundaries and driveways in the activity area. Native trees line Deep Creek in the north.

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Details	
Category	Puebla
Parish	Grant
County	Surf Coast
Local Government Area	Geelong South 7721-1-S
Map Sheet (1:25,000)	

Address / Property Identifiers (SPI)	Landowner
95 BRIODY DRIVE TORQUAY 3228 – Lot 3\LP204878	Rod & Karen Goring
105 BRIODY DRIVE TORQUAY 3228 – Lot 4\LP204878	Kathy Simson
111 BRIODY DRIVE TORQUAY 3228 – Lot 2\PS338340	Noel Dubberly
119 BRIODY DRIVE TORQUAY 3228 – Lot 1\PS338340	Judy & Frank Capicchiano
125 BRIODY DRIVE TORQUAY 3228 – Lot 3\PS645026	Bill & Coral Campbell
129 BRIODY DRIVE TORQUAY 3228 – Lot 2\PS645026	Dieter Hauck, Suzanne Soulsby & Melinda Chadwick
135 / 135a BRIODY DRIVE TORQUAY 3228 – Lot 1\PS645026	Dieter Hauck, Suzanne Soulsby & Melinda Chadwick
150 BRIODY DRIVE TORQUAY 3228 – Lot 3\LP219180	Daniel Warbrick
170 BRIODY DRIVE TORQUAY 3228 – Lot 4\PS604122	Lukas & Bianca Capicchiano
90 GROSSMANS ROAD TORQUAY 3228 – Lot 6\LP204878	Matthew Chamberlain
96 GROSSMANS ROAD TORQUAY 3228 – Lot 5\LP204878	Ray Hamill
120 GROSSMANS ROAD TORQUAY 3228 – Lot 3\PS531300	Stuart Baker
150 GROSSMANS ROAD TORQUAY 3228 – Lot 1\PS531300	Peter & Jill Tregonning
170 GROSSMANS ROAD TORQUAY 3228 – Lot 1\TP208530	Keith Duffield
15 ILLAWONG DRIVE TORQUAY 3228 – Lot 1\LP134716	
25 ILLAWONG DRIVE TORQUAY 3228 – Lot 2\LP149563	

Table 1:

PLANNING INFORMATION ACT 1987
SURF COAST PLANNING SCHEME
Clause 22.04-1
This Briody Drive West Development Plan complies with the requirements of Clause 22.04-1 of the Surf Coast Planning Scheme

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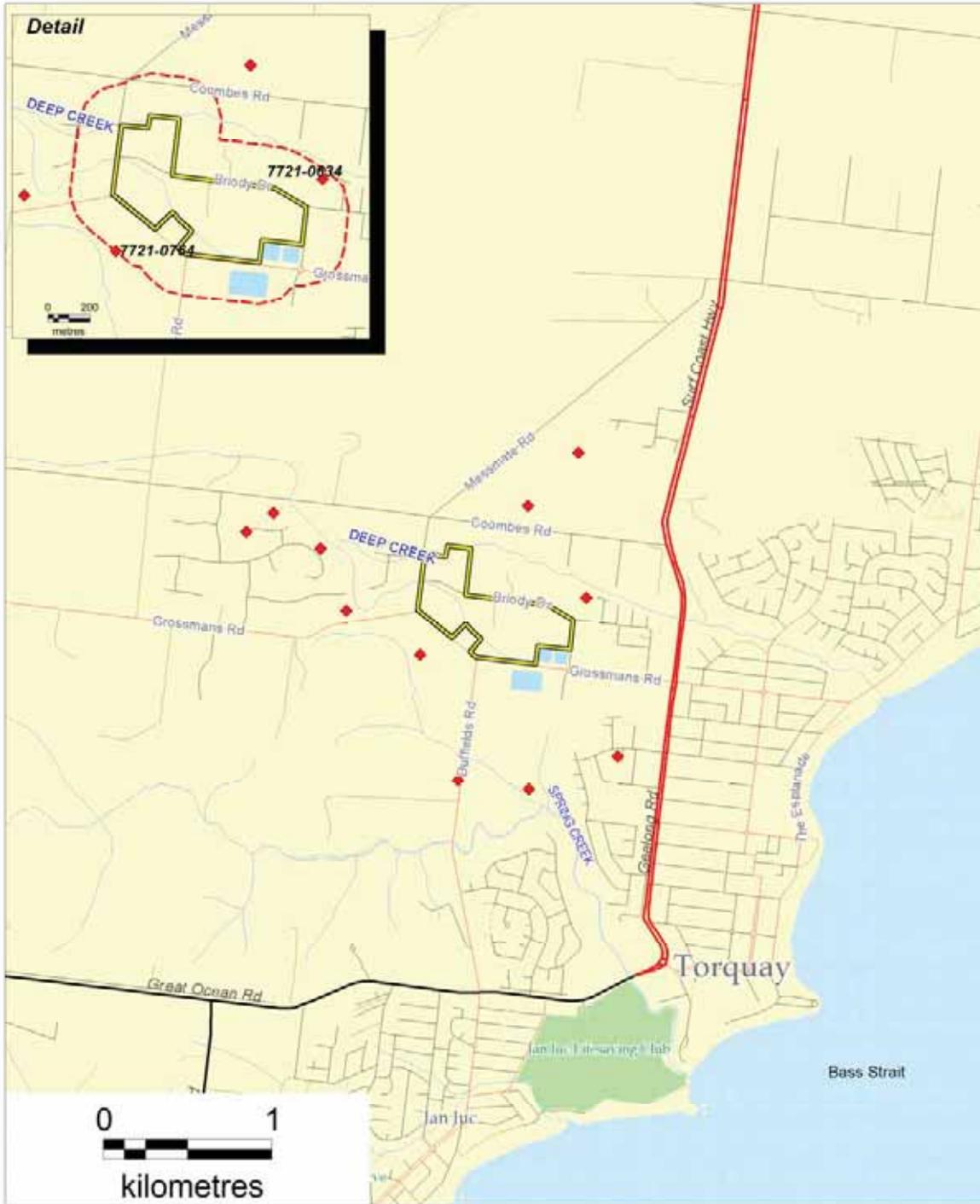
A search of the Victorian Aboriginal Heritage Register undertaken on 9 October 2013 during the Desktop Assessment of the CHMP (see Section 2.5 below) revealed that no Aboriginal places had previously been registered within the activity area. Two Aboriginal Places, an isolated artefact (VAHR 7721-0634) and a scarred tree (VAHR 7721-0764) occur within 200 m of the activity area.

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GDA 94 MGA 55

Grid North

Figure 1: Location of the Activity Area and Distribution of Previously Recorded Aboriginal places within 1km of the Activity Area (inset)



Figure 2: Existing Conditions showing the Distribution of Previously Recorded Aboriginal Places close to the Activity Area

1.4 DESCRIPTION OF PROPOSED ACTIVITY

The proposed activity involves the re-subdivision and development of a substantial standard density residential area (Figure 3). As such, it is in accordance with the Residential Infill policy of the Torquay-Jan Juc Strategy in the Surf Coast Planning Scheme to: “Encourage the resubdivision of key low density residential sites (e.g. Briody Drive Estate, Torquay Heights, etc.) at densities appropriate to their location and physical characteristics”.⁴ The activity area is classified as Residential 1 Zone (R1Z). The details of the development have yet to be finalized, but current requirements and guidelines are outlined in Schedule 10 (DPO10) to the Development Plan Overlay of the Surf Coast Planning Scheme (Appendix 2).

The proposed activity will involve disturbance of surface and subsurface deposits across most parts of the activity area.⁵ Activities that will occur during the course of the development include:

- a. Soil excavation for the construction of buildings; soil excavation will affect both buried and surface soils;
- b. Grading of soil and clay during road construction;
- c. Excavation for service trenches (gas, electricity, water);

All of the above activities will involve the removal of topsoil. The depth of excavation will vary according to ground conditions. The standard depth of excavation for pipes and services, to the top of the pipe, are:

- 750 mm for water and gas;
- 600 mm for electricity and Telstra;
- 900 mm minimum for drainage; and
- 1,300 mm for sewer.

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⁴ http://planning.schemes.dpcd.vic.gov.au/schemes/surfcoast/ordinance/21_mss08_surf.pdf (page 3, Map 1 to Clause 21.08) [accessed 14/10/2013].

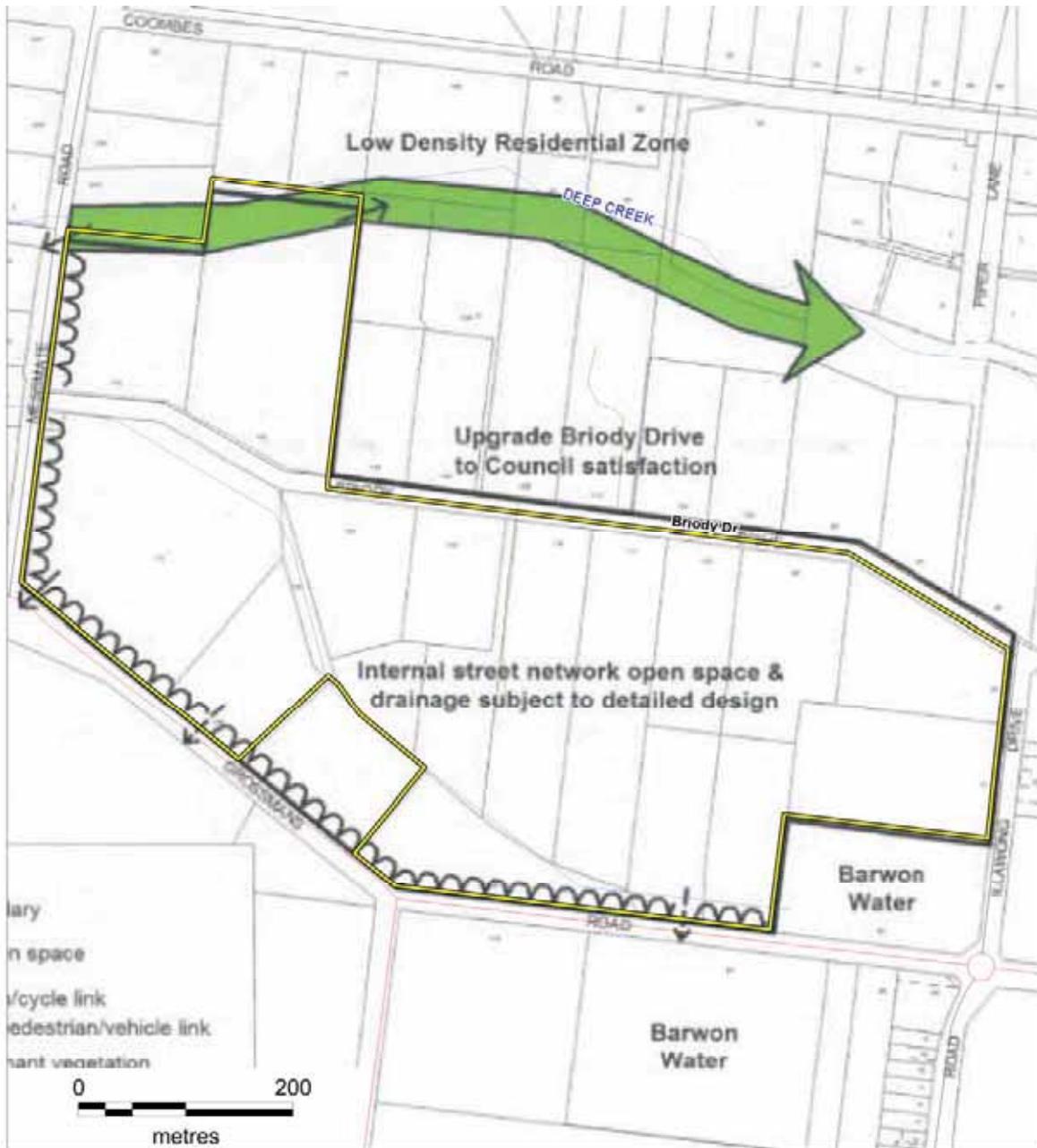
⁵ Aside from sterile clay surfaces that predate Aboriginal occupation of Australia, no buried land surfaces were identified in the activity area

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Grid North

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1.5 REGISTERED ABORIGINAL PARTY (RAP)

1.5.1 Communication with the RAP

The Wathaurung Aboriginal Corporation (WAC) is the RAP for the activity area. WAC was contacted regarding the CHMP, was involved in the fieldwork component and was consulted regarding the management of any Aboriginal cultural heritage and the content of the CHMP. Details are given below.

Simone Werts (Administration Officer) and John Young (RAP Manager, WAC) were notified and consulted regarding preparation of the CHMP. WAC elected to evaluate the CHMP, providing a written response confirming evaluation to the Sponsor on 2 October 2013 (Appendix 1). Communication and meetings with WAC undertaken by Ochre Imprints are summarised in Table 2. Participation in the fieldwork program by WAC is detailed in Sections 1.5.2 and 4.1.

Date	Group / Person	Nature of Contact	Reason
27/9/13	David Thomas to Simone Werts	Email	To request project establishment meeting
30/9/13	Simone Werts to David Thomas	Email	Confirming project establishment meeting details
30/9/13	David Thomas to Simone Werts	Email	To request fieldwork representatives
30/9/13	Simone Werts to David Thomas	Email	Confirming booking of fieldwork representatives
1/10/13	John Young to David Thomas	Email	Request to reschedule project establishment meeting
1/10/13	David Thomas to John Young & Simone Werts	Email	Rescheduling of project establishment meeting
2/10/13	Simone Werts to David Thomas	Email	Notice that WAC will evaluate the CHMP
2/10/13	David Thomas to Simone Werts	Email	Rescheduling of project establishment meeting
2/10/13	Simone Werts to David Thomas	Email	Rescheduling project establishment meeting
15/10/13	David Thomas to John Young	Email	To provide packages and information for the project
15/10/13	David Thomas and John Young; Chris Mason on speaker phone	Meeting	Project establishment meeting to discuss the fieldwork methodology and desktop assessment

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Date	Group / Person	Nature of Contact	Reason
15/10/13	David Thomas to John Young	Email	Outline of what was agreed in the project establishment meeting
16/10/13	John Young to David Thomas	Email	Confirmation that the outline of what was agreed in the project establishment meeting is accurate; request for further consultation and testing if STPs establish that those parts of the activity area further than 200 m from Deep Creek are archaeologically sensitive
16/10/13	David Thomas to John Young	Email	Confirmation that consultation and further testing will take place as requested / required, if unexpectedly archaeological sensitive landforms are encountered
01/11/13	David Thomas to John Young	Email	Update and request for any further information about the name Jaar-na-Ruc, old name of Deep Creek
01/11/13	John Young to David Thomas	Email	Request for further information passed on to Sean Fagan
6/11/13	David Thomas to Simone Werts	Email	Discussing booking of field representatives
7/11/13	John Young to David Thomas	Email / phone	Discussing booking of field representatives
10/11/13	David Thomas to John Young	Email	Discussing booking of field representatives
11/11/13	John Young to David Thomas	Email	Discussing booking of field representatives
11/11/13	David Thomas to Simone Werts	Email	Request for field representatives
12/11/13	Simone Werts to David Thomas	Email	Confirmation of booking of field representatives
14/1/14	David Thomas to Simone Werts	Email / phone	Request for meeting to discuss results of fieldwork and management measures
14/1/14	Simone Werts to David Thomas	Email	Confirmation of meeting request
14/1/14	David Thomas to John Young	Email	Executive summary as background to meeting

17/1/14 David Thomas & John Young Meeting Meeting to discuss results of fieldwork and management measures

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Table 2: Details of Consultation

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A project overview was provided by David Thomas. This overview included information on the activity, the known nature and distribution of Aboriginal cultural heritage within the geographic region and a land use model predicting the likely location of Aboriginal cultural heritage within the activity area. The preliminary results of the Desktop Assessment were presented and discussed. This assessment had established that most of the Aboriginal places in the geographic region had been identified along Spring Creek which occurs to the south of Deep Creek (Deep Creek occurs on the northern margin of the activity area). Most of these Aboriginal places comprised stone artefact scatters. Discussion centred on whether this site distribution pattern reflected the distribution of archaeological survey/subsurface testing or real differences in the archaeology associated with these creeks.

The outcomes of the meeting included the following requirements and considerations:

- Thick grass cover may hinder the pedestrian survey and increase the need for a Complex Assessment.
- A grid will be used to locate 1x1m EPs and 50 x 50 cm STPs systematically across the activity area, and a higher number of EPs will be located in areas close to Deep Creek;
- Any Aboriginal cultural heritage located during pedestrian survey should be documented in the field and left in situ;
- Shovels may be used to excavate the 1x1m EPs until artefacts are located, after which trowels shall be used;
- Artefacts recovered from the 1x1m EPs will be labelled and bagged and analysed offsite; and,
- STPs will be used to test the archaeological sensitivity of areas away from Deep Creek and will also be used as radials where Aboriginal cultural heritage is located, to assess the extent of the distribution of Aboriginal cultural material.

1.5.2 Participation in Standard and Complex Assessments

The following WAC representatives were involved in the fieldwork which took place over seven days on 16-18, 22-23, 25 October and 21 November 2013.

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Name	Dates
Daniel Clarke	16-18 October, 21 November 2013
Albert Fagan	22-23, 25 October 2013
Tammy Gilson	22-23 October 2013
Kacie Mitchell	16-18, 25 October, 21 November 2013
Ron Arnold	21 November 2013

Table 3: Fieldwork Participation

The fieldwork methodology was discussed with John Young on 15 October 2013, and with WAC representatives in the field. We agreed that, in the light of the negligible surface visibility across virtually all of the activity area, a Standard Assessment was impractical and that the CHMP should progress to the Complex Assessment. In the event that areas with moderate or better surface visibility were encountered during the Complex Assessment, these would be surveyed as appropriate.

The Complex Assessment methodology would involve the excavation of a series of 1 x 1 m excavation pits (EPs), focusing on the north-western corner of the activity area that lies within 200 m of Deep Creek. Shovel test pits (STPs) would be used to determine the extent of any subsurface deposits identified in EPs, and to test the remainder of the activity area. Where a potentially archaeologically sensitive landform was encountered outside the 200 m creek corridor, an EP would be excavated to establish and record the stratigraphy and the fieldwork methodology revised, in conjunction with WAC, if required.

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1.5.3 Views of RAP

The views of the RAP regarding Aboriginal cultural heritage and its management were sought. A draft summary of the CHMP results and management recommendations was provided to John Young on 14/1/2014 for comment, prior to a meeting to discuss the results and management measures on 17/1/2014. No major comments relating to the Management Measures arose from this meeting, other than that the retention of topsoil around VAHR 7721-1260 was not required, given the small size of the assemblage and low density nature of this place.

The final version of the CHMP was formally submitted to WAC in February 2014. WAC provided the following comments (other than highlighting occasional minor typographic errors and inconsistencies). These comments were addressed and the amended CHMP was resubmitted to WAC on 14 March 2014.

WAC comment	Action
Consistency with reference to Sponsor	Changes made to front cover and title pages
Require more detail in relation to ethnohistorical section	Have expanded this section of the CHMP
Consider several reports omitted in DA	These have been summarised in the desktop assessment
Further discussion of Unnamed Coastal Dune Deposits required	Discussion at the end of the CA now includes information in relation to these deposits
Map showing Aboriginal places in relation to the entire activity area required	Figure 12 has been changed to address this
Consistency and cross referencing in relation to management measures, and a map showing reburial location of Aboriginal cultural material	Changes have been made in the management section to address this.

Table 4: Summary of WAC comments on the submitted draft of the CHMP and resultant actions

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2 DESKTOP ASSESSMENT

2.1 INTRODUCTION

This section fulfils the CHMP requirements for a Desktop Assessment. It provides contextual geographical, environmental, historical and archaeological information for the activity area and the region surrounding it. The focus of the Desktop Assessment is on placing the activity area in a regional context to inform the expected nature of Aboriginal places in the activity area. This allows a comparative analysis and significance assessment to be undertaken if Aboriginal places are present in the activity area.

Parts of the information contained in this section are derived from previous archaeological assessments undertaken by Ochre Imprints in the wider region (Collins 2011; Turnbull 2009; van der Linde & Collins 2013).

2.2 ENVIRONMENTAL CONTEXT

2.2.1 Geographic Region

The *Aboriginal Heritage Act* 2006 requires a Desktop Assessment to include 'an identification and determination of the geographic region of which the activity area forms a part that is relevant to the Aboriginal cultural heritage that may be present in the activity area' (Section 57).

The geographic region identified here encompasses a range of landforms and geological zones including those represented within the activity area. A 1 km radius around the centre of the activity area was selected as the geographic region, to incorporate a representative sample of the registered Aboriginal places most relevant to the current activity area. The geographic region is depicted in Figures 4 and 5.

The following sections provide background information of relevance to the geographic region. Where information is limited on a given topic (i.e. climate, land use history, ethnohistory), data have been drawn from a wider area.

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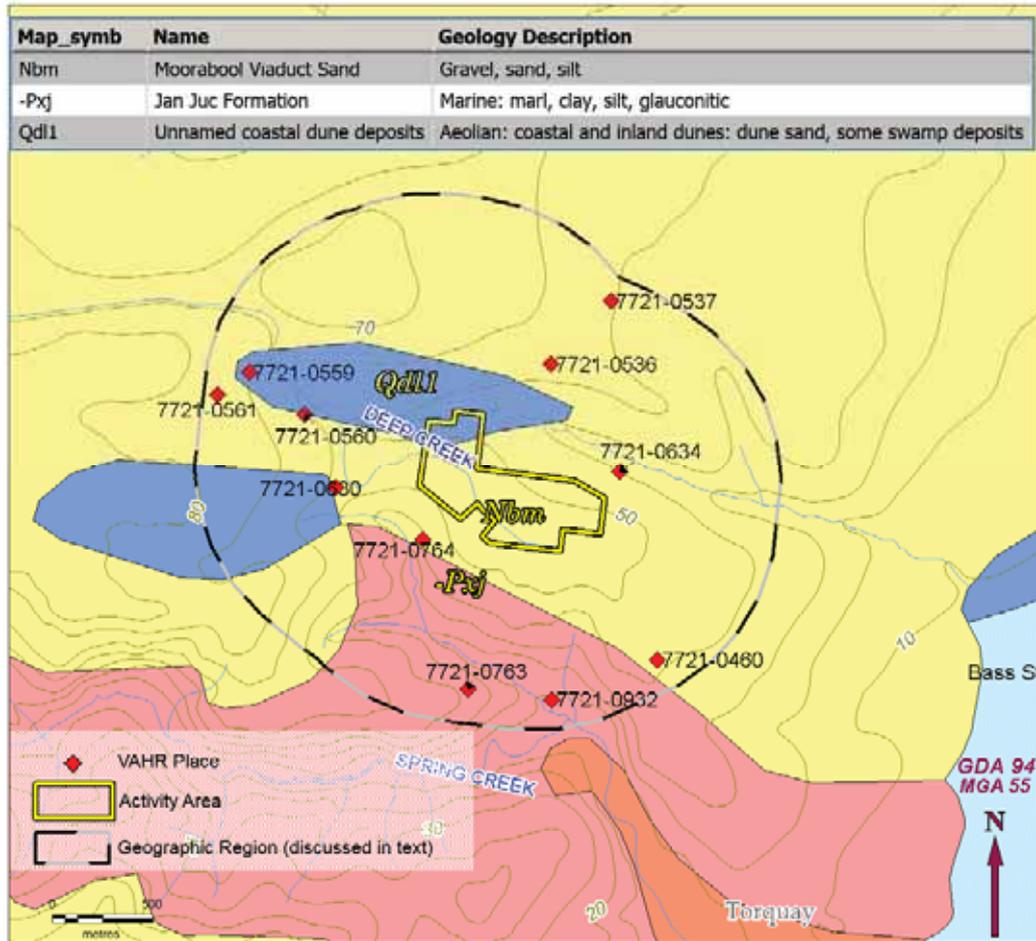


Figure 4: Geographic Region (showing Geological Units and the Location of Aboriginal Places in the Vicinity of the Activity Area)

2.2.2 Landforms and Underlying Geology

The geographic region comprises part of the Moorabool Viaduct Sand formation (Miocene to Pliocene marine gravel, silt and sand), Jan Juc Formation (Oligocene marine marl, clay, silt and glauconitic marl), and unnamed coastal dune deposits (Holocene Aeolian coastal and inland dunes – Holdgate & Gallagher 2003: 313; Robinson *et al.* 2003: 108; Vandenberg 1997). The geological units are illustrated in Figure 4.

The activity area falls within the Western Plains Geomorphic Unit and consists of gently dissected sedimentary plains north of Anglesea (The Planning and Environment Act 1987 – DPI 2013a). The flat-topped hills represent the remnants of an extensive former lateric plateau (DPI 2013b). The largest watercourse in the region is the Barwon River (located approximately 15 km north-east of the activity area) which becomes brackish below Buckley Falls approximately 20 km from the river outlet. The river drains into low-lying swamps, Reedy Lake and Lake Connewarre before entering Bass Strait. A series of smaller creeks

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(such as Freshwater Creek, Deep Creek and Spring Creek), to the south-west of Barwon River, drain into low-lying swampland and Bass Strait.

The activity area extends to the south of the upper reaches of the Deep Creek drainage catchment. Deep Creek has variable flow volumes; these are generally limited outside high rainfall events (Moulton & Groves 2010: 3), although it should be noted that modern drainage systems divert water away from the current headwaters of the creek into a reservoir and large storage tank to the south-east of the activity area (see Figures 1 and 2).

The activity area is located at around 50 m a.s.l and comprises a small plateau and gentle slopes dipping down to the north towards Deep Creek.

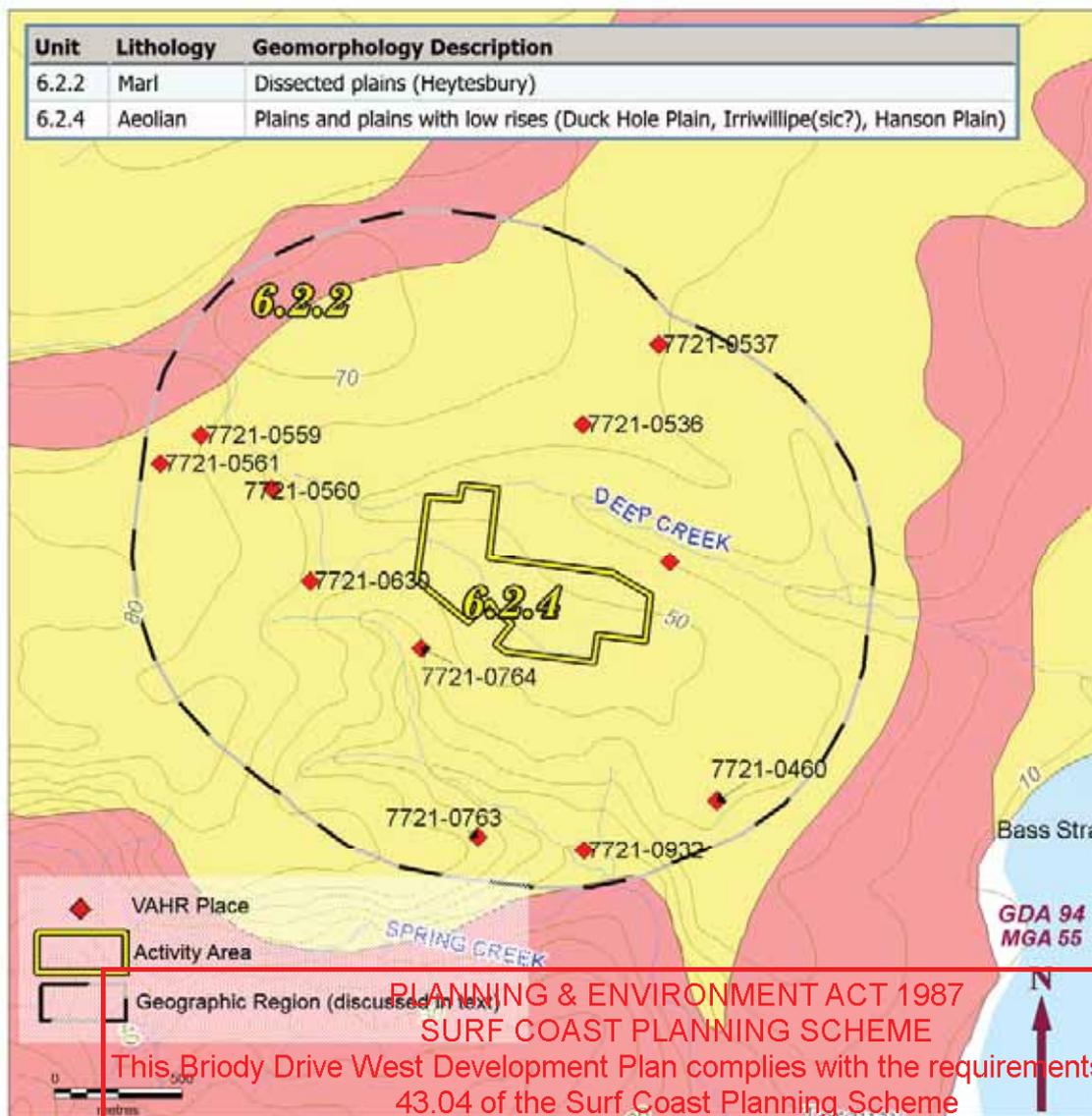


Figure 5: **Approval Number: 15/0446**
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(showing Geomorphological Units and the Location of Aboriginal Places in the Region)

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In terms of geomorphology, the geographic region contains two units (Figure 4):

- **Dissected plains (Heytesbury) (6.2.2)** comprising a rectilinear pattern of parallel tributaries running north-west to south-east, due to ridges and swales of strand lines left by the retreating late Tertiary sea. Most soils are mottled black and brown sodic mottled texture contrast soils, with deeply formed clays and ironstone at shallower depths (DPI 2013c).
- **Aeolian Plains with Low Rises (6.2.4)** comprising sedimentary undissected sand plains with very low rises, often present in a 'windrow' through the volcanic plain. Associated soil types are generally infertile and include sodic and non-sodic mottled texture contrast soils, and pale or grey sandy soils with coffee rock or clay at depth (DPI 2013a). This unit covers the whole of the activity area.

During the field assessment for this CHMP, landforms in the activity area were observed to comprise low rises and partially cleared aeolian plains. No distinct creek corridor / floodplain was evident in the vicinity of Deep Creek, other than the narrow, meandering creek bed (Plates 1 and 2).



Plate 1: Low Rise at the North Western End of the Activity Area looking south

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Plate 2: Lower Slopes leading down to Deep Creek, looking North

There are several registered greenstone quarry sites in the general region. These would have provided sources of stone for Aboriginal tool production such as axe heads. These include Dog Rocks Quarry (VAHR 7721-0001), Gleeson Hill (VAHR 7721-0002) and Georges Hill (VAHR 7721-0128), located at Fyansford and Batesford c. 19 km and 25 km to the north of the activity area, respectively. The closest registered silcrete quarry (VAHR 7722-0034) is at Sutherlands Creek, west of the Brisbane Ranges, 42 km north-north-west of the activity area. Other sources of raw material include quartz from the Barwon River where it is found in the form of river cobbles, chert from the Moorabool River, and greenstone from the Barrabool Hills (Birch *et al.* 1997: 98-9; Webb 1999: 103). Jarosite, a sulphate mineral also known as red ochre, is available at Point Addis, 7.5 km to the south-west of the activity area. It was mined in the 1920s in an open cut mine and used to paint the Red Rattler trains, although it is difficult to mix as a paint dye (Albert Fagan, pers. comm. 25/10/2013). The Brinsley Drive 7722-0019 Development Plan in 1929 was issued with the requirement of Clause 43.04 of the Surf Coast Planning Scheme during the Great Depression.⁶

⁶ http://vhd.heritage.vic.gov.au/#detail_places-7604 [accessed 29/10/2013]

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2.2.3 Climate

In its c. 40-60,000 years of human habitation, Australia's climate has undergone a series of fluctuations, and at times quite dramatic changes. Throughout much of the Pleistocene period, for example, the south of Australia looked very different than it does today. Lower sea levels meant that the coast extended much further southward, and that Tasmania was joined to the mainland as part of one larger landmass (Cosgrove 1999: 362-3). A major change occurred during the terminal Pleistocene (from about 12,000 years BP) when sea levels began to rise, flooding much of Australia's landmass (and thus large portions of territory and resource-bases for local Indigenous peoples) in the process. The coastline thus receded, and Tasmania became separated from the mainland. Sea levels in Victoria stabilised around 1.0-1.5 m above today's levels between 7,700-7,400 BP, before reaching current levels approximately 2,000 years BP (Lewis *et al.* 2012: 14).

The climatic conditions experienced by Aboriginal people over the course of their extensive occupation of the region would have varied markedly from those experienced today. During the Pleistocene period, at the time of the Last Glacial Maximum (approximately 21,000-15,000 years BP), temperatures would have been an average of 6-10°C lower than presently experienced (Mulvaney & Kamminga 1999: 115-16). Conditions were notably drier around this time, with less than half of today's annual rainfall falling across the region. This reduced rainfall meant that forested areas were scant across southern Victoria, with the region dominated by grasses (Kershaw 1995: 664). Between 12,000 and 9,000 years BP, warmer temperatures and increased precipitation encouraged the expansion of eucalypts, and forested areas became more common with the grasses surviving 'as the dominant understorey' (Kershaw 1995: 666). Sea levels rose, causing low-lying land along the Barwon River to become swampy (Bird 1993: 119-20; Rhoads 1986: 27). Salt water flowed up the Barwon River as far as Buckley Falls (Woorongo to the local Aborigines, at the time of Buckley's stay – Flannery 2002: vi-vii, Map), and then remained brackish as sea levels retreated again over the last few thousand years (Rhoads 1986: 26-7). The climatic and vegetation descriptions in the Desktop Assessment, therefore, most accurately describe the region in the Holocene period, which encompasses approximately the last 10,000 years (the presence of lateritic profiles indicate a much wetter, more tropical climate in the past).

The current climate of the region is generally described as temperate, with warm and dry summers with a mean maximum temperature of 24.5°C (January), and cool winters with a mean minimum temperature of 5.4°C (July). The average annual rainfall is 527.1 mm, and the wettest season is spring, which receives a monthly average of 49.7 to 52.8 mm of rainfall (BoM 2013).

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2.2.4 Flora & Fauna

Since European settlement, most of the Bellarine Peninsula and adjacent coastal region has been cleared of native vegetation, although some remnant vegetation still exists along the Deep Creek corridor (Deep Creek east Reserve).

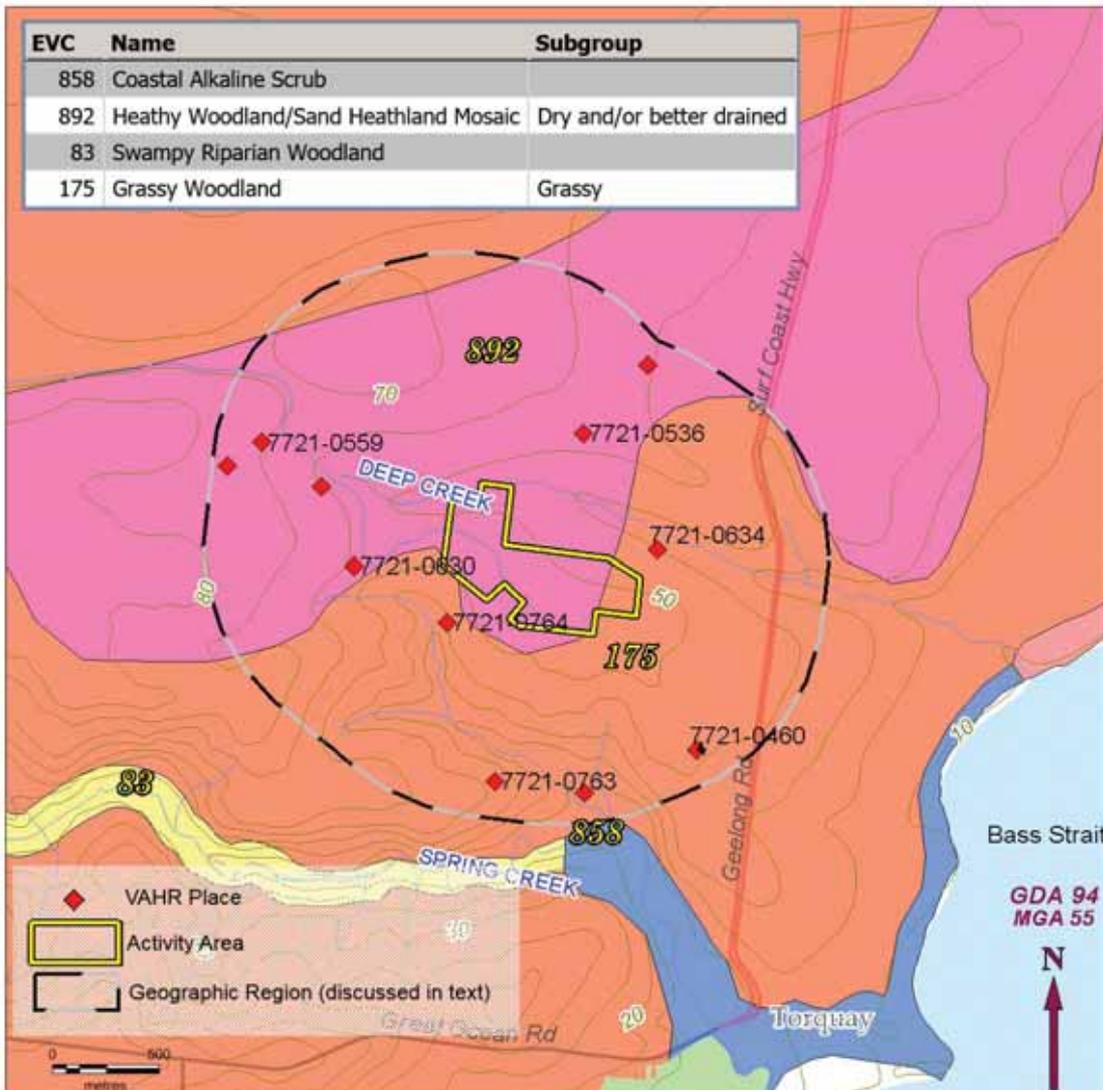


Figure 6: Estimated pre-Contact Ecological Vegetation Classes (EVC) for the Region

Prior to European land clearing, the vegetation communities with the activity area is thought to have comprised Heathy Woodland/Sand Heathland Mosaic and Grassy Woodland (DSE 2013). This is supported by historic observations of the Bellarine Peninsula, which noted that a grassy understorey was most common in the area. (Rhoads, 1986: 19)

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Moulton and Groves (2010: 4) note, with reference to the flora in Deep Creek (east) Reserve:⁷

A Phytophthora cinnamomi (Cinnamon Fungus) study was undertaken in 2009 and confirmed that the reserve had been subject to the pathogen in the past (as evidenced by the affected Grass Trees) and that the pathogen was potentially sitting dormant in the soil until weather conditions favoured its re-emergence...

The riparian area supports species conditioned to wetter soils, such as ferns, sedges, rushes, etc, through to species that have a preference for drier sites. Examples of the latter include indigenous and introduced grasses, Wattles (*Acacia* spp.), Drooping Sheoak (*Allocasuarina verticillata*) and Eucalypts (*E. leucoxylon* and *E. viminalis*) and Sweet Bursaria (*Bursaria spinosa*). There are numerous Austral Grass Trees (*Xanthorrhoea australis*) distributed throughout the reserve but these occur more prominently on the northern upper and mid-slopes closer to the coast.

The flora diversity of the reserve is high. Approximately 90 species of indigenous species have been recorded from the reserve, reflecting gradients associated with soil types, hydrology, coastal influences and disturbances including fire and light availability.

Grassy Woodland comprises variable open eucalypt woodland up to 15 m tall, over a diverse ground layer of grasses and herbs with a typically sparse shrub component (DSE 2013). Trees commonly found within this vegetation class include Narrow-leaf Peppermint (*Eucalyptus rasiata*), Bellarine Yellow-gum (*Eucalyptus leucoxylon*) and Drooping Sheoak (*Allocasuarina verticillata*), while shrubs are sparse. It is widespread throughout Victoria, and found on gentle slopes and undulating hills in a range of geological settings. A number of floral species would have been utilised by Aboriginal people in the region surrounding the activity area.

The potential faunal resources in the geographic region are less well documented, but would probably have included mammals such as *Macropus* sp. (kangaroos and wallabies) and *Phalanger* sp. (possums). The intermittent creeks would have also provided some food resources, including crustaceans and small fish. To the north, along the Bellarine Peninsula, eels, fish, birdlife and shellfish would have been particularly abundant in the waterways (Rhoads 1986: 23-6).

Four types of riverine fish occur in the Barwon River and two species of eels (*Anguilla australis*, *A. reinhardtii*) are common in fresh and brackish water conditions. Both are most active in spring and summer when feeding in shoreline shallows. In autumn, they travel to the sea to breed. Large numbers of *A. reinhardtii* migrate once every three years (Rhoads

⁷ See Attachment 1 for a Species List (Moulton & Groves 2010: 18-20)

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1986: 23). Wildfowl such as ibis, waders, swans, ducks and cormorants would have been concentrated around the inland water bodies on the Peninsula (Rhoads 1986).

2.3 EUROPEAN LAND USE HISTORY

Lieutenant John Murray on the Lady Nelson conducted the first detailed European exploration of Corio Bay in February 1802. Aside from occasional visits by sealers, the Port Phillip area was practically neglected by Europeans until Hamilton Hume and William Hovell arrived at Corio Bay in 1824, following an overland exploration of the country from Sydney to Port Phillip (Wynd 1992: 1).

By 1827, requests for land in the Port Phillip region were being made, and following refusal of this request from Governor Darling, John Batman established the Port Phillip Association and set out to explore Port Phillip. Arriving at Indented Head, Batman explored the Bellarine Peninsula and the area to the north and north-east of Corio Bay before examining the country inland of the heads. On behalf of the Port Phillip Association, Batman 'purchased' 500,000 acres around the Melbourne area and 100,000 acres around the Geelong area from the local Aboriginal population (Wynd 1992: 3).

In 1835 John Hedler Wedge, a surveyor by profession and member of the Port Phillip Association, set out to explore more thoroughly the areas discovered by Batman. He commenced with the Bellarine Peninsula and then headed westward toward the Barwon River (Wynd 1992: 5).

Wedge's reports on the landscape were favourable, and following his report that the area was fine pasturage for sheep, squatters began to establish stations in the region. Squatters entered the region between 1834-37. Robert Zeally occupied land to the east of the activity area in 1851 and named it South Beach. Modern Torquay was originally known as Jan Guck (after Jan Juc Creek) and then Puebla, before being called Spring Creek (after the eponymous creek that runs through the settlement) and finally being renamed as Torquay in 1892 (Everist 2005: 143). Early settlers in the area document that the land was occupied by a clan of the Wathaurung Aboriginal people (Everist 2005: 143).

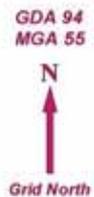
An undated (1848?) map of the 'Settled District' (Figure 7) indicates that the current activity area straddles part of what was John Armstrong's Sheep Station (later River Station No. 3) and part of South Beach Station. John Armstrong's Sheep Station was 16 square miles in area. It was originally bought by North and Grass in 1838, before being sold to John Armstrong on 2 November 1852 (Spreadborough & Anderson 1983: 270). South Beach Station comprised 6 square miles; it was originally bought by William Neil in 1841 and then

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sold to Robert Zeally and Richard Boyle on 4 December 1852, before being cancelled in December 1869 (Spreadborough & Anderson 1983: 270).



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 Activity Area

GDA 94
MGA 55

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Figure 8: 1857 Parish of Puebla Map (No. 562) Showing Subdivisions Along Deep Creek (Jaar-Nu-Ruc).

The modern waterways illustrate how much drainage systems have been modified over the past 150 years.

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By 1857, the Country Lots in the Parish of Puebla map⁸ indicates that the activity area had been “selected” by J. Gleeson (Figure 8). Deep Creek is named on this map as Jaar-Nu-Ruc (probably an Aboriginal name), and it is recorded as being “Thickly timbered with Gum Stringybark and She Oak”. Elsewhere on the map, the surveyor notes:

The portions on Spring Creek (N^{os} 65 to 70) afford a small proportion of good arable land, lightly wooded. The remainder consists of thickly wooded country and open Grass-tree plains, affording at present very scanty herbage.

Between 1847 and 1850, Assistant Surveyor William Pickering began surveying the Duneed Parish which comprises Armstrong's River Station, subdividing c. 640 acre lots for purchase. The large size of the lots resulted in few sales and Armstrong continued to graze livestock over the activity area. Between 1855 and 1860, the land comprising Armstrong's River Station was again surveyed and subdivided for sale (Wynd 1992: 19).

Following the subdivision and sale of large squatting runs, the regional industry remained rural in outlook but shifted to an agricultural focus. In the 1861 census, 33 farmers and 38 farm labourers were recorded in Puebla Parish, and the total population amounted to 218, living in 45 dwellings (Wynd 1992: 30). Puebla Parish was less cultivated than the neighbouring parish of Duneed, for example, which was settled earlier and easier to bring under cultivation. Only a small amount of wheat and “other” crops were grown – the figures are too small and imprecise to judge whether Puebla Parish experienced the region-wide decline in cultivation during the late nineteenth century due to drought and soil exhaustion. The latter led to sheep grazing once again becoming the principal industry in the region (Wynd 1992: 32-6).

Transport within the region was limited to a few roads bordering original land allotments with the major thoroughfare from Geelong to Torquay (Torquay Road), 0.6 km to the east of the activity area. A bridge was built over Deep Creek, just north of Grossmans Road, in 1893, although the road “still left a lot to be desired” (Wynd 1992: 143).

A number of roads in the geographic region are named after prominent local people. The Frog Hollow development, which incorporates the activity area, is the vision of “Joe Briody, a grazier and golfer of some prominence in the district, who purchased the land in 1950 and farmed it until he commenced a private subdivision.”⁹ Duffield's Road is named after an early landholder some of whose descendants still live within the activity area (Robert Duffield, This Briody Drive West Development Plan complies with the requirements of Clause

⁸ No. 562, available from

http://digital.slv.vic.gov.au/view/action/singleViewer.do?div_1383273585950_319&locale=en_US&metadata_object_ratio=1.0&show_metadata=true&preferred_usage_type=VIEW_MAIN&frameId=1&usePid1=true&usePid2=true [accessed 1/11/2013].

⁹ http://en.wikipedia.org/wiki/Torquay,_Victoria [accessed 4/11/2013].

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pers. comm. 23/10/2013).

Throughout the early twentieth century, the area remained generally rural in character with few buildings among the paddocks. Further subdivisions of some blocks into 5-10 acre lots for hobby farms occurred in the mid-1960s (Wynd 1992: 175).

Currently, the activity area comprises paddocks (some used as agistments) and landscaped gardens around properties primarily between Briody Drive and Grossmans Road. Two properties to the north of Briody Drive, in the north-west of the activity area, lead down to Deep Creek. The trees that line many of the property boundaries were planted relatively recently (i.e. in the twentieth century), judging from 1947 aerial imagery (Figure 9).



Figure 9: 1947 aerial photograph of the activity area
 (Image source: Land Vic Project Ref. 7721S6 866/7 Run 4 Film 716 photo 93)

Impacts to the land surface and subsurface in activity area are likely to have been:

- The clearing of native vegetation in the mid to late nineteenth century, and resultant erosion,
- Ground disturbance brought about by fencing, ploughing, sowing and harvesting activities (evident in the satellite and aerial photographs of the area available through Google Earth and Nearmap);

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- A trap exercise oval is visible at 150 Briody Drive (Figure 10), although it is no longer in use. The circular ‘cropmarks’ evident in the aerial images relate to lunging circles to exercise horses and waste-water outlets;
- Stock grazing and trampling; and,
- Ground disturbance caused by introduced burrowing animals.



Figure 10: Trap exercise oval and related modern ‘cropmarks’ at 150 Briody Drive
(image: Google Earth 07/01/2010)

2.4 ETHNOHISTORY

2.4.1 Introduction

The following section presents historical information in order to gain insights into Aboriginal culture and land use. It should be noted that information gathered from historical sources is biased and incomplete, presenting a European perspective of Aboriginal society at a time when traditional lifestyles were being severely disrupted. Post-settlement observations should be viewed critically when attempting to understand a dynamic culture that according to consensus has survived in Victoria for at least 40,000 years (Mulyaney & Kamminga 1999: 172).

The lives of Aboriginal groups across Victoria were severely disrupted by the establishment and expansion of a European settlement. As a result, limited information is available regarding the pre-contact lifestyle of Aboriginal people in the geographic region. A full

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ethnographic search was outside the scope of this assessment. The following section broadly summarises major syntheses previously undertaken on Aboriginal associations within the wider Geelong area in the pre-contact and post-contact period. No Aboriginal oral history has been gathered during this research.

2.4.2 Pre Contact History

The basic unit of Aboriginal social organisation in Victoria was the clan: a group based on kinship through the male line with a shared historical, religious and genealogical identity (Barwick 1984a: 105-6). The clan was a land-owning unit whose territory was defined by ritual and economic responsibilities (Barwick 1984a: 106). Groups of neighbouring clans speaking the same dialect and sharing political and economic interests identified themselves by a language name. In many cases, this name used the suffix *(w)urrung*, meaning ‘mouth or way of speaking’ (Barwick 1984a: 105).

The activity area is located within the *Wada Wurrung*¹⁰ language boundary, which was one of four primary languages spoken in south-west Victoria (Clark 1990: 275). This language area extended from the Geelong area north to Ballarat, south along the coast to Aireys Inlet and north-west for 180 km as far as Beaufort. In turn, the *Wada Wurrung* was made up of at least 25 smaller clans. The closest documented Wada wurrung clan to Torquay was the *Wada wurrung balug* who were associated with land encompassing the wider Geelong and Barrabool Hills (Clark 1990: 311).

William Buckley, an escaped convict, was adopted into this clan and became fully conversant in the clan’s dialect. Buckley’s favourite spot was the estuary of the Karaaf River, which is now known as Thompsons (or Bream) Creek, 6.3 km north-east of the activity area (Buckley, in Flannery 2002: xvii, 122). Buckley built a turf, log and stone hut at the site and lived off bream he trapped in a weir made from faggots (Buckley, in Flannery 2002: 108-9) and the roots of the yam daisy (*murrnong* or *Microseris lanceolata*), a staple food of the Aboriginal people of Victoria at the time of contact (Buckley, in Flannery 2002: 110, 122; Zola & Gott 1992: 41). According to Buckley, his Aboriginal friends said he “deserved three or four wives” for his invention of the weir, such was its success in trapping fish (Buckley, in Flannery 2002: 111).

The *Wada wurrung balug* followed a semi-sedentary hunter-gatherer lifestyle. Resource rich watercourses and swamps, containing a diversity of fish, shellfish, birds and other plants and animal foods formed a particular focus for regular occupation. George Armytage, an early land holder in the Geelong area, noted that the *Wada wurrung* depended upon fishing in the

¹⁰ Various spellings exist. The spelling used here is taken from Clark 1990.

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summer and autumn periods and hunting and the plant food murnong in the winter and spring period (Bride 1969: 173). The clan are known to have fished for eel at Lake Modeware, 10 km north west of the activity area (Morgan 1852: 24, 32). Aboriginal groups are also known to have camped at the present day caravan park at Torquay (Taylor 1973).

The uneven distribution of particular resources (e.g. greenstone for ground edge axes) resulted in a trade and exchange network between different clan groups across the study region. Jan Juc is an Aboriginal name for 'forest of iron bark' and it is believed local Aboriginal clans traded iron bark in the region (Wynd 1992: 3-10). Items were often traded at large regional gatherings. The *Wada wurrung* attended meetings at Mt. Noorat (over 100 km west of the activity area) and at Mirrewuae Swamp (120 km west of the activity area). At Mt. Noorat;

'...the Aborigines from the Geelong district brought the best stones for making axes and a kind of wattle gum celebrated for its adhesiveness. The Geelong gum is so useful in fixing handles of stone axes and the splinters of flint in gum and for cementing the joins of bark buckets, that it is carried in large lumps all over the Western District.' (Dawson 1881: 78)

This association between clans in the Geelong area and the wider Western District is illustrated by an incident in 1839, when C.J. Tyers, the first European to survey inland South West Victoria, engaged a *Wada wurrung balug* man called Tommy to guide his party across 290 km to Portland Bay – country that was unchartered by Europeans (Tyers 1976: 4).

2.4.3 Post Contact History

The advent of European colonisation had a profound effect upon the population of the *Wada Wurrung*. Some of the direct causes of the sharp population decline included introduced disease (e.g. influenza, whooping cough, measles, smallpox), dispossession, alcohol abuse, and massacre by Europeans via poison or gunshot (Robinson 1846; Thompson 1985: 19). Richard Broome, however, notes that smallpox has been endemic in Macassar and Asia for millennia and argues: 'European contagion certainly did not cause the south-east Australia outbreak of 1830. The weight of evidence suggests that smallpox occasionally spread from Macassar fishermen, who visited northern Australia annually from about 1720...' (Broome 2005: 7). Whatever the source, the effects of smallpox were devastating with an estimated Aboriginal population of 60,000 in Victoria being halved around 1790, and again in 1830 (Broome 2005: 9, 91, citing Butlin 1983, Clark (1990: 303-8) estimates, based on Dawson's (1881) calculations, that the *Wada wurrung* population comprised between 1,620 to 3,240 people at the time of European contact. By 22 August 1865, a total of 108 *Wada wurrung* people were recorded in their language area.

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The earliest recorded meeting between the *Wada wurrung* and European colonists was in February 1802, when Lieutenant John Murray chartered part of Indented Head in the *Lady Nelson*, and named Swan Bay (Parker 1854: 25). The first known violent encounter with the *Wada wurrung* was in October 1803, when Lieutenant J.H. Tuckey was surveying and exploring the North West Harbour (Corio Bay), as a part of Lieutenant-Colonel David Collins' brief settlement at Sorrento (Tuckey 1805: 168). Two hundred *Wada wurrung* advanced upon the surveyors, shouting and brandishing spears. The Europeans opened fire, felling a warrior who wore a reed necklace, large septum bone and massive coronet of swans' feathers, causing the *Wada wurrung* to flee (Broome 2005: 5).

By the end of 1836, European settlers' sheep runs had extended into *Wada wurrung* territory around Geelong, within a semi-circular radius of twenty-five miles. In the subsequent years larger streams of squatters, from both Melbourne and Geelong, gradually met and pushed westwards towards the Colac district, Bacchus Marsh lands, and then the headwaters of the Leigh and Buninyong rivers. The effects of this expansion meant that Aboriginal resources were being rapidly depleted through clearing and grazing. Access to traditional lands was frequently prevented by settlers (Barwick 1984b: 31). Conflict with encroaching Europeans was inevitable, and during the twenty years after 'Contact', conflicts between Aboriginal people and European settlers occurred on several pastoral runs on the Barwon River (Clark 1990: 281-312).

Buckley was authorised by Wedge to tell local Aborigines that they would be given blankets and knives, amongst other things, as presents, if they went to the European settlement at Geelong (Buckley, in Flannery 2002: 151). Other accounts from early settlers such as Addis report that the Barrabool Tribe was attracted to the township of Geelong, partly out of curiosity and partly to procure offal meat from the sheep and cattle slaughtered by butchers, as well as rice, flour and sugar. In return, Aboriginal people traded birds, skins, delivered parcels from stores and chopped wood – Eugene von Guérard's 1854 painting, *The Barter*, depicts such an encounter between "natives offering skins for sale to some bushmen" (Bruce 1980: 33), possibly at Barwon River.¹¹ The population of the clan was estimated to be over 300 at 'Contact' although by 1853 the *Wada wurrung balug* was reduced to nine women, seven men and one child (Clark 1990: 332).¹²

In response to the increasing amount of conflict between European settlers and Aboriginal people, the Government established protectorates, reserves and missions to act as bases for displaced Aboriginal communities. The first four Aboriginal 'Assistant Protectors' were

¹¹ http://www.artistsfootsteps.com/html/vonGuerard_Barter.htm (accessed 30/10/2013)

¹² Other estimates for the population of the 'Wathawurrung / Barrabools of Geelong' chart a similar decline, from 275 in 1837 to just 30 in 1852 (Broome 2005: 91).

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appointed in 1838 to work under Chief Protector George Augustus Robinson. Their job was to establish reserves for Aboriginal people in Port Phillip who wished to live in a traditional manner (Caldere & Goff 1991: 3-5; Culvenor 1992: 1). Captain C.W. Sievwright was responsible for the Geelong – Wimmera districts (Massola 1971: 10).

From 1838 onwards, an increasing number of *Wada wurrung* people moved to the nearby mission station at Buntingdale. Such institutions aimed to teach Aboriginal people the “arts” of British civilisation, to transform them from hunter-gatherers to a farming people, and to protect them from the “worst effects” of colonisation (Broome 2005: 36). The Wesleyan Buntingdale Mission (VAHR 7621-0099) was the second mission to open in Victoria, and was established by Rev. Francis Tuckfield just outside Birregurra (approximately 50 km west-south-west of the activity area) in 1838 (Le Griffon 2006). However, it closed a decade later in 1848 (Broome 2005: 38) and in 1849 the government-run Protectorate was abolished. It was replaced with a form of Guardianship, ‘to watch over the interests of Aborigines’, overseen by William Thomas in 1850 (Woolmington 1973: 173). This involved two systems: local reserves and local guardians who operated Honorary Correspondent Depots distributing food and clothing to local Aboriginal people (Clark 1990: 301).

Several unofficial reserves were established in the Geelong region for local Aboriginal populations. In the 1850s Aboriginal people were noted camping at ‘Toolim Beal’ or ‘Dooliebeal’ 9.5 km to the north-east of the activity area on Armstrong’s Creek where J. Armstrong held River Run station (L. Lane Collection: GHC 1104/1/37). In c. 1856, John Stewart donated this parcel of land (Stewarts Reserve – VAHR 7721-0787) for use by local Aboriginal people as a place where the “dispossessed could camp unmolested” (Rowe & Huddle 1998-2000: 10). Stewart donated food to the Aboriginal people who camped at this unofficial reserve. Stewart’s son, interviewed in the late 1960s when he was 80, recalled “he could clearly remember the last camp of the Aborigines.....they camped in Stewarts Lane opposite the Stewarts farm gates on a bush setting”. Walter Burville, a resident of the area born on Whites Road in 1871, later purchased part of Armstrong’s station and old homestead south of Stewarts Reserve. He noted that local Aboriginal people often called in to his homestead for food and tobacco (Pescott 1985: 148).

In June 1860, this Guardianship was replaced by the Central Board for the Protection of Aborigines. The Board was responsible for mediating between the Government and Aboriginal groups, and distributing items of foodstuffs to Aboriginal groups in the neighbourhood until 1885. By the end of 1861, three reserves had been gazetted for the use of the *Wada Wurrung*: 640 acres at Steiglitz, located between the Moorabool and Werribee Rivers, three acres at Karngun, and one acre at Mount Duneed (Clark 1990: 300). However, Karngun was revoked in 1900, Steiglitz was handed back to the Department of Lands in

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1902 due to the continuing decrease in the Aboriginal population, and Mount Duneed was revoked in 1906, as it was no longer required (Clark 1990: 300, 307).

The Duneed Aboriginal Reserve (VAHR 7721-0903), comprising one acre of Government land along the northern branch of Armstrong Creek, was established on 29 June 1861 (Felton 1981: 199), 11 km north of the activity area. J.M. Garratt, an Honorary Correspondent, reported in the 1860s that the Aboriginal people in the Geelong district had a good shelter hut erected for them at Duneed and believed that they had no need for entering into the Geelong Township. James McCann recalled that “the remnant of the Geelong or Barabool 'tribe' and a few of the Colac blacks used to come into Geelong every day but by regulation had to leave the town every evening at sundown for their camps near Mount Duneed” (McCann 1918: 190, cited in Clark 1990: 301-2).

Seven of the last ‘full blood’ (using the term of the time) *Wada Wurrung* people were sent to the Duneed Reserve, but all died between 1862 and 1885 (Barton 1997, cited in Paynter & Rhodes 2006: 19). The reserve was revoked in 1906, although Hanrahan (1984: 8) indicates that the reserve was open until 1948 (Clark 1990: 307).

Currently, the Wathaurung Aboriginal Corporation (WAC) is the Registered Aboriginal Party for land encompassing the activity area, and has both a cultural and a legal role in cultural heritage decision making. The WAC is actively involved in the management of *Wada wurrung* cultural and natural heritage, and members of WAC have continued to live on country and have maintained an ongoing relationship with the land of *Wada wurrung* people.

2.5 SEARCH OF THE VICTORIAN ABORIGINAL HERITAGE REGISTER

A review of the Victorian Aboriginal Heritage Register (VAHR) maintained by OAAV was undertaken on 9 October 2013. A total of 11 previously registered Aboriginal places occur within the geographic region; no places are located within the activity area. Two Aboriginal places (VAHR 7721-0634 and 7721-0764) are located within 200 m of the activity area (Table 5). No Aboriginal historical references have been registered in the geographic region.¹³ The distribution of these places is indicated in Figure 4 above.

The frequency of Aboriginal place types are as follows:

- Artefact scatters (n=10): artefact scatters are locations where stone artefacts and other cultural material (i.e. hearth stones, ochre, charcoal, bone) are

¹³ 'Historical references' are listed on the Victorian Aboriginal Heritage Registry and comprise locations where Aboriginal people are known to have associations in the past (i.e. locations where Aboriginal people lived, worked, gathered traditional resources, etc.). The information used to list and map historical references is derived from historical records and Aboriginal oral history.

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present on the ground surface and / or in subsurface deposits. All of the artefact scatters recorded in the geographic region contain stone artefacts only.

- Scarred Tree (n=1).

The registered Aboriginal places within the geographic region are predominantly stone artefact scatters which contain very low numbers of stone artefacts and occur on a variety of landforms. The exceptions to this pattern are VAHR 7721-0560, which consists of 28 artefacts and is located upstream from the current activity area, and VAHR 7721-0932, a large subsurface place, located to the south, on Spring Creek. One scarred tree, VAHR 7721-0764, is located within the geographic region.

Aboriginal Place No.	Component Type	Place Contents	Place Context / Landform
7721-0460	Artefact Scatter	1 silcrete & 2 quartzite stone artefacts	Surface/Hill
7721-0536	Artefact Scatter	1 chert stone artefact	Surface/Plain
7721-0537	Artefact Scatter	1 quartzite flake	Surface/Plain
7721-0559	Artefact Scatter	Quartzite, quartz &, silcrete stone artefacts (n=9)	Surface/Dune
7721-0560	Artefact Scatter	Silcrete, quartzite, sandstone grindstone, scraper, cores and flakes(n=28)	Surface/Dune, near old water course
7721-0561	Artefact Scatter	1 silcrete flake	Surface/Dune
7721-0630	Artefact Scatter	1 quartz flake	Surface/Sandsheet/Drift
7721-0634	Artefact Scatter	1 silcrete flake	Unknown
7721-0763	Artefact Scatter	2 silcrete flakes	Unknown
7721-0764	Scarred Tree	36 x 15 cm scar on dying tree	Unknown
7721-0932	Artefact Scatter	Large dispersed scatter of 605 stone artefacts up to 35.1/ sq m in some places.	Subsurface/Floodplain, plain

Table 5: Previously Recorded VAHR Places Located within 1 km of the Activity Area

The majority of stone artefacts at the registered Aboriginal places were identified in surface exposures on a variety of landforms. One VAHR place (7721-0932), however, comprises 605 subsurface artefacts identified in various subsurface trenches over a large area adjacent to Spring Creek. The highest densities were identified on the creek flat landforms and the raw materials and artefacts types are varied at this place.

It should be noted that the known distribution of registered Aboriginal places within the geographic region is not an accurate representation of the distribution of Aboriginal places. Factors such as the quantity and type of cultural heritage research that has been undertaken, and field work conditions, have influenced the result. Nevertheless, the distribution of registered Aboriginal places indicates that in present, Aboriginal places in the activity area are likely to comprise stone artefacts in surface or subsurface deposits and potential scarred trees if mature vegetation is present.

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The following patterns are evident in the distribution of Aboriginal places within the geographic region:

- The majority of Aboriginal places are stone artefact scatters, and the remainder a scarred tree;
- The stone artefact scatters are generally low density, although a higher density stone artefact scatter has been identified to the south of the activity area along Spring Creek;
- The scarred tree is located on the upper reaches of Spring Creek and generally occur on River Red Gums;
- The stone artefact scatters are found on the aeolian plain landform; they are not exclusively associated with a particular soil type; and,
- Some, but not all, of the stone artefact scatters are found close to creeks; and,
- The larger stone artefact scatters appear to be more frequent along Spring Creek, which is a larger creek system than Deep Creek.

2.6 PREVIOUS ARCHAEOLOGICAL INVESTIGATIONS

2.6.1 Introduction

No previous assessments have been undertaken of the activity area, and none of the regional studies such as those relating to the Bellarine Peninsula and Barwon Drainage are particularly relevant due to their distance from the current activity area and the different landforms present in these areas.

Several localised archaeological assessments have been undertaken in the vicinity of the activity area; most found little and are summarised in Table 6.¹⁴ Four of the localised surveys are discussed in more detail below due to their immediate proximity to the current activity area (MacManus & Harbour 2012; Weaver 2005; Weaver & Haley 2004b) or the archaeological significance of the Aboriginal place identified (Wheeler *et al.* 2010). These studies provide an indication of the nature of Aboriginal places likely to be present in the activity area.

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¹⁴ Desktop assessments (i.e. Murphy and Morris 2008) are excluded from this summary as they do not provide any additional archaeological information than what has been provided in the Desktop Assessment of this CHMP.

2.6.2 Localised Archaeological Studies

MacManus & Harbour (2012)

A 1 ha area was surveyed and tested by MacManus and Harbour immediately to the east of the current activity area, prior to subdivision. The authors' desktop assessment predicted that Aboriginal places were likely to occur in the activity area due to the prevalence of stone artefact scatters within 200 m of waterways in the region. Stone artefact scatters and isolated artefacts were considered the most likely site types (MacManus & Harbour 2012: 27). Surface visibility was generally poor and no surface artefacts were found (MacManus & Harbour 2012: 32-3). One 1 x 1 m stratigraphic test pit and seventeen 400 x 400 mm shovel test holes at 25 m intervals were excavated in the activity area (MacManus & Harbour 2012: 37-8). Deposits were found to be relatively shallow (200-300 mm deep) and to consist of hard clayey silt overlying an undulating sticky yellow clay base; no Aboriginal cultural material was found (MacManus & Harbour 2012: 38-9). The authors concluded that, contrary to their site prediction model, the complex assessment had demonstrated that it was unlikely that Aboriginal cultural heritage would be found during the activity; any Aboriginal cultural heritage that might be found would most likely consist of isolated artefacts (MacManus & Harbour 2012: 51).

Archaeological Survey of Lots 12, 43, 44, 14, 15, 16 and 17 Briody Drive Torquay Sub-surface Testing Project (Weaver 2005)

Subsurface testing took place to the east of the current activity area in 2005, following a surface survey (see Weaver & Haley 2004b below). Fifteen transects were ploughed and inspected for Aboriginal cultural material; none was initially found, although two artefacts (a quartzite core and a quartz flake) were later located during a re-inspection (Weaver 2005: 11-12). They were recorded as part of the existing artefact scatter (VAHR 7721-0634).

Archaeological Survey of Lots 12, 43, 44, 14, 15, 16 and 17 Briody Drive Torquay (Weaver & Haley 2004b)

A 5.8 ha study area to the north and east of Briody Drive (east of the current activity area) was surveyed by Weaver and Haley in 2003 and 2004, prior to a residential subdivision (Weaver & Haley 2004b: 1). Visibility was extremely poor due to thick pasture grass and cape weed and thick vegetation in and around Deep Creek (Weaver & Haley 2004b: 9). Two surface artefacts (Briody Drive West Development Plan, map sheet HR712-0634) (Weaver & Haley 2004b: 9). The authors acknowledged the likelihood that further Aboriginal cultural material may be located in the study area and recommended a subsurface testing program (Weaver & Haley 2004b: 12; see Weaver 2005 above).

Duffields & Grossmans Roads – Residential Subdivision Response (Weaver et al. 2010)

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Wheeler, Barry and Walther undertook subsurface testing of 57 ha to the south of the current activity area, prior to residential sub-division. The activity area contained eight Aboriginal places which had previously been recorded, along Spring Creek (see Griffin & Ward 2006 in Table 6 for details of five of these). A total of 77.3 m² was excavated: 6 1 x 1 m manually excavated trenches and 23 3 x 1.1 m mechanically excavated trenches (Wheeler *et al.* 2010: 99). The trenches were spaced 100 m apart, to sample each of the landforms present within the activity area (Wheeler *et al.* 2010: 100-1, Figure 19).

A total of 607 stone artefacts were recovered from 17 of the 29 trenches – 545 from excavations and 62 from a spoil heap derived from previous, unsupervised gorse clearance (Wheeler *et al.* 2010: 111, 128). Flint and quartz formed the largest raw material types, accounting for over two-thirds of the assemblage. The assemblage is thought to date from the mid-late Holocene, due to the presence of geometric microliths, end scrapers, micro-blade flaking techniques and bipolar flaking technology (Wheeler *et al.* 2010: 117). Despite the effects of bioturbation, the archaeological deposits were found to have some stratigraphic integrity, with possible evidence of increasing use of flint and decreasing use of quartz over time (Wheeler *et al.* 2010: 123). The highest artefact densities were associated with creek flat landforms within 100 m of watercourses (Wheeler *et al.* 2010: 135-7, 142 Figure 37).

The stone artefacts were recorded as part of a continuous artefact scatter (VAHR 7721-0932) occurring across the whole activity area in varying densities (Wheeler *et al.* 2010: 143). An area of high archaeological sensitivity on low gradient creek flat landforms was mapped within this broader artefact scatter (Wheeler *et al.* 2010: 146, Figure 38).

The authors conclude that tool manufacture took place on site, using a variety of raw materials including coastal flint. The assemblage represents multiple uses of the place (Wheeler *et al.* 2010: 147-8). The place may have been used because of its favourable location within a resource intersection zone (Wheeler *et al.* 2010: 150). The place fits within the broader regional site prediction models which postulate a preference for areas close to water bodies in the hinterland behind the coastal fringe (Wheeler *et al.* 2010: 151).

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Author/s	Location / Landforms	Type and Coverage of Assessment	Results	Archaeological Sensitivity & Interpretation
Collins 2011	Spring Creek corridor	Field survey and subsurface testing.	Surface and subsurface stone artefacts identified in shallow alluvial silt deposits (<200 mm in depth). Average subsurface artefact density was 2.4 per m ² (or 6.3 per m ³) and maximum density was 7 artefacts per m ² (or 23.3 per m ³).	The changes in stone artefact density in the Spring Creek corridor may be related to changes in potable water with the lower reaches of Spring Creek potentially estuarine in the past.
Collins & Marshall 2004	21 ha, Grossmans Road, south of activity area	Survey – poor visibility (<3% ESC); focus on exposed areas	2 stone artefact scatters (VAHR 7721-0624, 7721-0626) and 1 isolated artefact (VAHR 7721-0625) identified; 180 artefacts collected from VAHR 7721-0624, which is introduced sandy loam	Subsurface testing recommended at VAHR 7721-0625, which may be in situ
Griffin & Ward (ERM) 2006	Pastoral paddock south of activity area, dissected by Spring Creek	Desktop assessment; survey	Five Aboriginal places identified, four within 25 m of Spring Creek: two isolated artefacts (VAHR 7721-0797, -0799) and 3 artefact scatters (VAHR 7721-0795, -0796, 0798). A sample of 24 artefacts were recorded from VAHR 7721-0798, including 11 retouched silcrete scrapers; these belong to part of a much larger assemblage.	The isolated artefacts have low significance; two of the scatters have moderate significance with 7721-0798 having high significance.
MacManus & Harbour 2012	1 ha, immediately east of activity area	Desktop assessment; survey – poor visibility; subsurface testing: 1 EP, 17 STPs	No Aboriginal places identified	Any unidentified cultural heritage in activity area likely to be isolated artefacts
Marshall et al 2004	Property north of Spring Creek	Pedestrian field survey	Three stone artefact scatters, two of which were associated with introduced fill.	Spring Creek valley was focus of Aboriginal occupation.
Murphy & Amorosi 2003a	6.3 ha, Grossmans Road, west of activity area	Survey – poor visibility (0-5%)	No Aboriginal places identified	Poor surface visibility was a factor, potential for subsurface remains
Murphy & Amorosi 2003b	88 ha, Coombes Rd, north of activity area	Desktop assessment; survey – excellent visibility across 85% of study area	This Briody Drive West Development is a complete compliance with the requirements of Clause 40.04 of the Surf Coast Planning Scheme – flint core; 7721-0537	The isolated artefacts have low significance; two of the scatters have moderate significance with 7721-0798 having high significance.
Stone 2001	1.5 km corridor from Fishermans Beach to Beach Rd, south-east of activity area	Survey – generally very low visibility	1 artefact scatter (VAHR 7721-0466) consisting of numerous flakes (2 quartz, 1 silcrete) determined as middle midden VAHR 7721-0098	Subsurface testing recommended at VAHR 7721-0625, which may be in situ

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Author/s	Location / Landforms	Type and Coverage of Assessment	Results	Archaeological Sensitivity & Interpretation
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Weaver 2000	101 ha, Grossmans Road, west of activity area	Desktop assessment; drive-by	No Aboriginal places identified	Quarrying has removed soil deposits in part of the study area
Weaver & Haley 2002	101 ha, Grossmans Road, west of activity area; highpoints overlooking creek	Survey, following desktop assessment (Weaver 2000)	Two artefact scatters (VAHR 7721-0559 and 7721-0560) and one isolated artefact (VAHR 7721-0561) were located	The artefacts were predominantly located on high points close to watercourses, and may have been scattered by agricultural activities in the second half of the twentieth century. VAHR 7721-0560 has medium sensitivity, the other 2 places low sensitivity.
Weaver & Haley 2003	101 ha, Grossmans Road, west of activity area	Mechanical testing, following survey (Weaver & Haley 2002); thirty-two 40-50 m long backhoe scrape transects	A quartz flake and red sandstone possible grinding stone were identified in the spoil from the scrapes, with a further eight stone surface artefacts located (six of these during a reinspection of VAHR 7721-0559). A shell was also found on the surface of the study area, as well as a "small amount" of additional cultural material at VAHR 7721-0560.	Much of landscape has already been disturbed; eastern section of study area remains "sensitive"
Weaver & Haley 2004a	<7 ha, Grossmans Road, west of activity area	Survey: extremely poor surface visibility	An isolated stone artefact (a quartz flake) was found – VAHR 7721-0630	Monitoring recommended
Weaver & Haley 2004b	5.8 ha, north and east of Briody Drive, north-east of activity area	Survey – extremely poor surface visibility	Original isolated surface artefact (siltcrete flake) at VAHR 7721-0634 could not be relocated, but another isolated surface artefact (another siltcrete flake) was found	Subsurface testing recommended
Weaver 2005	5.8 ha, north and east of Briody Drive, north-east of activity area	Subsurface testing – 15 plough transects	Nothing found during subsurface testing, but 2 further surface artefacts (quartzite core fragment and quartz flake) identified, associated with VAHR 7721-0634	Low density artefact scatter
Wheeler, Barry & Walther 2010	57 ha, Duffields / Grossmans Road, south of activity area	Subsurface testing of a variety of landforms, mechanical and hand excavation	VAHR 7721-0932: 607 stone artefacts, coastal flint and quartz form most common low material types; on site knapping / tool manufacture, Mid-late Holocene artefact densities associated with creek flat for 150m x 100 m of watercourses	Artificial scatter of varying density across the activity area; generally low density, with highest artefact densities associated with creek flat

Nothing found during subsurface testing, but 2 further surface artefacts (quartzite core fragment and quartz flake) identified, associated with VAHR 7721-0634

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Table 6: Summary of Localised Aboriginal Cultural Heritage Assessments in the Geographic Region

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2.7 IMPLICATIONS

The Aboriginal Heritage Regulations 2007 (r.58) state that a Standard Assessment is required in circumstances where a Desktop Assessment shows that it is reasonably possible that Aboriginal cultural heritage is present in the activity area. Further, the Aboriginal Heritage Regulations 2007 (r.60) state that a Complex Assessment is required in circumstances where a Desktop Assessment or Standard Assessment shows that Aboriginal cultural heritage is, or is likely to be, present in the activity area; and it is not possible to identify the extent, nature and significance of the Aboriginal cultural heritage in the activity area unless a Complex Assessment is carried out.

The Desktop Assessment determined that no previously registered Aboriginal places occur in the activity area. Based on the nature and distribution of Aboriginal places in the geographic region, it is considered possible that Aboriginal cultural heritage may occur within the activity area. In particular, it is predicted that low numbers of stone artefacts may occur in proximity of Deep Creek. Aboriginal scarred trees may also occur on native trees in the activity area.

Numerous archaeological assessments within the geographic region have demonstrated that Aboriginal cultural heritage occurs in the region, most commonly in the form of surface and subsurface stone artefact scatters. None of these places has been dated in absolute terms, although it is well established that the first humans to colonise Australia reached the south-eastern region (including Tasmania) c. 35,000 years ago (Cosgrove 1999: 359; see also Habgood & Franklin 2008). OSL dates from the site of Bend Road, to the east of Melbourne, suggest that it was occupied c. 30-35,000 years ago (Hewitt & Allen 2010: 1), while further OSL dates from artefact-bearing sands beneath peat / swamp deposits at Chelsea Heights suggest a date range of 23,000 – c. 32,000 years ago (Kennedy *et al.* 2012: 111-30). A basal radiocarbon date of c. 24,000 BP was attained from a hearth near Pakenham (Rhodes 2004: i) and a date of c. 12-13,000 BP has been gained for bone collagen from a femur in the Keilor burial (Habgood & Franklin 2008: 202). Other OSL and AMS dates indicate that Aboriginal people were camping in the Maribyrnong River Valley around 15,800 years ago (Tunn 2006: 19-20). It is notable that some of these dates are associated with Australian

Small Stone Tool Tradition artefacts. Traditionally, thought to date to the mid to late Holocene. Most of the Aboriginal cultural heritage in the Geographic Region has been located close to Spring Creek and its tributaries, to the south of the activity area, with primarily isolated surface artefacts being found close to the current activity area. The exception to this pattern is VAHR 7721-0560, which consists of 28 artefacts and was located upstream from the current activity area.

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The surrounding plains generally have low potential to contain Aboriginal cultural heritage, with Aboriginal places mostly occurring as low density or isolated stone artefact scatters identified in disturbed surface or shallow subsurface deposits. No particular clustering of artefacts is discernible along Deep Creek, although this may partly reflect the limited nature of archaeological assessments in the region.

There is limited potential for *in situ* deposits due to land use practices including agriculture and grazing that may have impacted Aboriginal cultural heritage within the activity area. *In situ* deposits, if present, will likely be limited to the margins of Deep Creek.

Based on the results of the Desktop Assessment, the CHMP was progressed to a Standard Assessment. This was undertaken because the Desktop Assessment could not determine whether Aboriginal cultural heritage occurred in the vicinity of Deep Creek, an area that the Desktop Assessment had identified as having archaeological potential.

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3 STANDARD ASSESSMENT

3.1. INTRODUCTION

The activity area consists of a mixture of residential properties and farmland, primarily being utilised as pasture. Thick grass over the majority of the activity area resulted in negligible surface visibility and rendered systematic surface survey futile (Plate 3). Consequently, based on previous experience attempting to survey under these conditions, and in consultation with the RAP, we decided to move straight to the Complex Assessment, pursuant r.58(2) of the *Aboriginal Heritage Regulations 2007* which states that:

If a complex assessment of all, or all relevant parts of, the activity area is carried out following a desktop assessment, a standard assessment for that area is not required.

This approach was adopted with the proviso that if any areas of good visibility were identified during the Complex Assessment, they would be surveyed opportunistically. None were found.

Although numerous well-established tree lines exist within the activity area, archival research (see Figure 9 above) has demonstrated that most of these date to the second half of the twentieth century. The banks of Deep Creek, which have the potential for remnant native vegetation, largely lie outside the activity area. Consequently, no mature native trees with the potential for having scars were located within the activity area.

Similarly, no caves or rockshelter were present in the activity area due to the local geomorphology.



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Plate 3: Thick grass cover resulting in negligible surface visibility in land utilised as pasture (150 Briody Drive, facing east with Deep Creek to the left)

Obstacles identified prior to the Complex Assessment included thick grass cover over much of the paddocks, moderate to dense vegetation along Deep Creek and old fencelines, colonial period vegetation clearance and subsequent agricultural activities, landscaping of residential grounds, and recreational activities such as dirt-bike riding and horse-trap training. Some disturbance from rabbit burrowing was also noted.

Since it would have been futile to undertake a Standard Assessment, given the negligible surface visibility across virtually all of the activity area, the CHMP was progressed to a Complex Assessment. Land within 200 m of Deep Creek, the only waterway close to or within the activity area, was identified as having archaeological potential during the Desktop Assessment. As this area could not be tested adequately during the Standard Assessment, it became the focus of subsurface testing. Limited subsurface testing was also carried out elsewhere on unsurveyed parts of the activity area to gain a better understanding of the archaeological sensitivity of the landscape away from the creek.

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4 COMPLEX ASSESSMENT

4.1. INTRODUCTION

A Complex Assessment was undertaken as part of the preparation of this CHMP for two reasons:

- the Desktop Assessment identified an area of potential archaeological sensitivity along Deep Creek; and,
- a Standard Assessment was impractical due to the negligible surface visibility in the activity area, so the nature and significance of any Aboriginal cultural heritage could not be assessed through field survey.

The aims, method, coverage and results of the Complex Assessment are presented in this section.

The subsurface investigation was carried out over seven days: 16-18, 22, 23, 25 October and 21 November, 2013. The archaeological field program was supervised by David Thomas and Anna Kent (*Ochre Imprints*), assisted by Sarah Collins and Jodi Turnbull (*Ochre Imprints*), and Maurizio Campanelli (Contract Archaeologist). The following WAC field representatives provided assistance (Table 7):

Date	Daniel Clarke	Kacie Mitchell	Tammy Gilson	Albert Fagan	Ron Arnold
16/10/2013	1	1			
17/10/2013	1	1			
18/10/2013	1			1	
22/10/2013				1	1
23/10/2013				1	1
25/10/2013		1			1
21/11/2013	1	1			1
Total	4	4	3	3	1

Table 7: WAC field representative assistance during fieldwork

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4.2. AIMS OF THE COMPLEX ASSESSMENT

The *Aboriginal Heritage Regulations 2007* (r. 60) state that a Complex Assessment is required in circumstances where a Desktop Assessment or Standard Assessment show that Aboriginal cultural heritage is, or is likely to be, present in the activity area; and it is not possible to identify the extent, nature and significance of that Aboriginal cultural heritage unless a Complex Assessment is carried out. In this instance, subsurface testing (Complex Assessment) was considered warranted in order to determine whether Aboriginal cultural heritage occurred in subsurface deposits across the activity area. Land within 200 m of the south bank of Deep Creek was the primary focus of the subsurface testing, as this area was deemed to have the highest potential archaeological sensitivity. Less intensive subsurface testing was also carried out across the rest of the activity area in order to gain a better understanding of the archaeological sensitivity of the wider activity area which could not be surveyed adequately during the Standard Assessment.

4.3. METHOD AND COVERAGE

The subsurface testing method involved a combination of excavation pits (EPs) and shovel test pits (STPs). The EPs were excavated in order to determine the stratigraphy and the archaeological sensitivity of subsurface deposits on the slopes leading down to Deep Creek, and to establish the stratigraphy of any other landforms in the activity area. The STPs were utilised to determine the extent of any Aboriginal cultural heritage identified in a subsurface context, and to test the landforms beyond 200 m of Deep Creek which were determined to have the lowest potential archaeological sensitivity during the Desktop Assessment.

The precise location of EPs and STPs were agreed in consultation with Aboriginal representatives and were chosen to avoid locations of existing infrastructure, significant disturbance and impenetrable vegetation. The following methodology, agreed with the RAP through a consultation process outlined in Section 1.5.1, was applied to the subsurface testing program:

- 1 x 1 m excavation test pits (EPs) were excavated by shovel and trowel to an underlying sterile clay deposit, proceeding in 100 mm spits until any *in situ* Aboriginal cultural heritage was located, thereafter proceeding by trowel in 100 mm spits;
- Predominantly 500 x 500 mm shovel test pits (STPs) were excavated by shovel to an underlying sterile clay deposit across the activity area on land over 200 m from Deep Creek, and around any EPs which contained some artefacts in order to gauge the extent of the artefact scatter;

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- An automatic level (commonly, but incorrectly, referred to as a 'dumpy') was used when necessary to assist in the excavation of deposits in horizontal spits of a uniform depth;
- All excavated sediments were fully sieved through 5 mm mesh. Sieved deposits were dumped on tarpaulins positioned c. 0.5 m from the pit edges to prevent edge collapse and to ease backfilling;
- Written and photographic documentation was prepared for each STP and EP. This included the taking of pH readings to test for the acidity of the deposits (the greater the acidity, the lower the chances of bone preservation) and Munsell chart readings of the deposits to standardize colour descriptions;
- The locations of all Aboriginal cultural heritage identified during manual excavation were documented prior to its removal for further analysis and cataloguing;
- A dGPS was used to record STP and EP locations and the location of any identified Aboriginal cultural heritage; and,
- All Aboriginal cultural heritage identified during subsurface testing was individually washed and catalogued off-site.

The weather was mixed during the fieldwork – rainfall occasionally halted work and out of hours precipitation resulted in saturated deposits in some areas. The wet nature of the deposits slowed sieving, but did not have a major impact on the effectiveness of the subsurface testing program – to confirm that we were not missing artefacts, a couple of quartz pebbles were surreptitiously included in one bucket and correctly identified by the sievers. There were no other obstacles encountered during the Complex Assessment.

Although Deep Creek forms the northern boundary of the activity area in the north-west, it is a small creek. The creek has no readily definable floodplain, in topographic or geomorphological terms. The stratigraphy in this area differs little in general from the gentle slopes rising up to the south. Consequently, although minor topographic differences were recorded in the "Location" of the EPs, such as lower / mid / upper slope, the activity area essentially consists of one plain.

A total of 20 EPs were excavated during the subsurface testing program on the aeolian plain landform in the activity area. The locations of the EPs and STPs are provided in Figure 11. The EP locations targeted the area within 200 m of the south bank of Deep Creek, as the

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most archaeologically sensitive part of the landform – 19 EPs (95%) were excavated in this 5.44 ha area. One EP (EP20) was excavated in the eastern part of the activity area, to establish the stratigraphy away from the creek.

Forty-eight STPs were excavated during the subsurface testing program; 14 of these were excavated to establish whether any additional stone artefacts could be identified around EP3, the only EP to contain Aboriginal cultural heritage. The remaining 34 STPs (70.8%) were excavated in the 26.06 ha of the activity area that falls outside 200 m of Deep Creek. Given the irregular shape of the activity area and properties within it, the STPs have been grouped in Zones (Z1-4) rather than regular linear transects across the landscape (see Figure 11).

A description of the results of the EPs and STPs with artefacts is provided in Tables 8 and 9; details of the remaining EPs and STPs without artefacts are provided in Appendices 3-4.

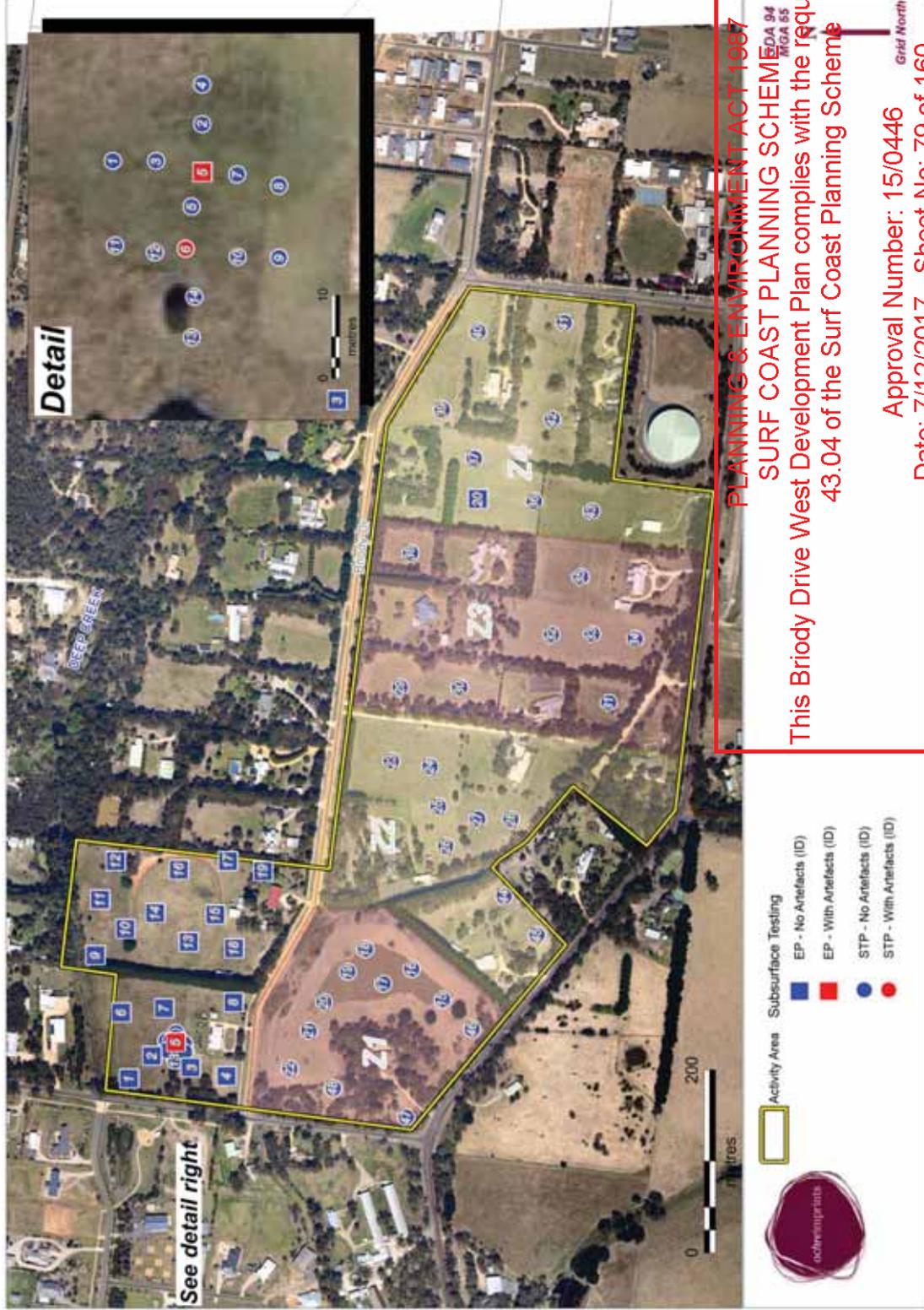
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Location of Subsurface Testing within the Activity Area
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Figure 11:

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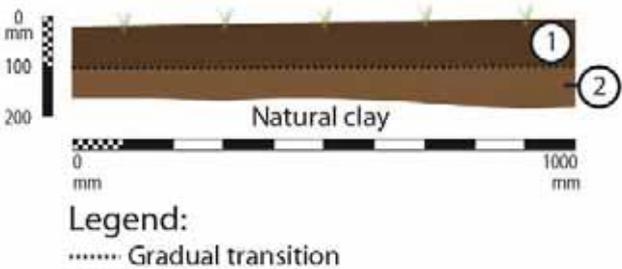
Excavation Pit EP5 (1X1 m)	Grid Reference
Located in paddock on mid slope of aeolian plain.	GDA 94 MGA Zone 55 E 264149.26 N 5755717.64
<p>Soil Horizons</p> <p>1. 0-100 mm: Munsell 7.5 YR 3/2 pH 6.5 Dark brown, loose, dry, clayey silt with grass roots, worms and insects. Gradual transition into context 2 below.</p> <p>2. 100-160 mm: Munsell 7.5 YR 4/2 pH 6.5 Brown, loose, dry, clayey silt. Essentially the same as context 1 above, but lighter in colour. Excavation ceased upon reaching distinct horizon of natural clay below.</p>	<p>Maximum Depth:</p> <p>North west 140 mm North east 160 mm South east 150 mm South west 230 mm</p> <p>Disturbance: Grass roots, worms and insects.</p> <p>Obstacles: None.</p>
Aboriginal Cultural Heritage: 1 snapped geometric backed blade – possibly burnt coastal flint	
 <p>EP5 North Section</p>	 <p>EP5 North Balk</p>

Table 8: Details of the one EP that yielded an artefact

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STPs 1-14

Landform: Aeolian plain; mid slope of paddock.

Dimensions: 500 x 500 mm.

Average Depth: 200 mm.

Stratigraphic Layers:

1. Dark brown, very moist, friable clayey silt with worms and grass roots. Gradual transition into context 2 below.

2. Brown, moist, sandy silt. Excavations ceased upon reaching Natural – orange clay.

Inclusions: Buckshot throughout (<30%, <20 mm).

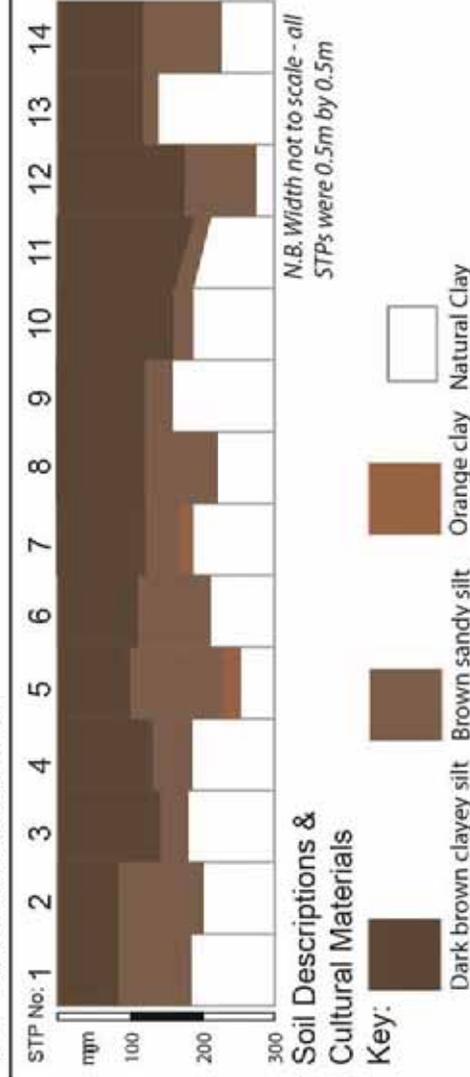
Some small, rounded quartz pebbles (<1%, <10 mm) in some STPs.

Disturbance: Grass roots and worms.

Grid References (GDA 94 MGA 55)

- STP 1** E 264150 N 5755728; **STP 10** E 264139 N 5755713;
- STP 2** E 264155 N 5755718; **STP 11** E 264140 N 5755728;
- STP 3** E 264150 N 5755723; **STP 12** E 264139 N 5755723;
- STP 4** E 264159 N 5755718; **STP 13** E 264129 N 5755719;
- STP 5** E 264145 N 5755719; **STP 14** E 264134 N 5755719.
- STP 6** E 264140 N 5755720;
- STP 7** E 264149 N 5755713;
- STP 8** E 264147 N 5755708;
- STP 9** E 264138 N 5755708;

STP radials around EP5



Aboriginal Cultural Heritage:

STP 6: 1 artefact found on spoil heap after a rain break, but probably originally from between 100-200 mm deep – 7.5 YR 4/2 brown sandy silt, pH 6.5



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STP 6 - Base Approval Number: 150146
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Table 9: Details of the STPs around EP5, including the only STP signed by the Responsible Authority
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4.4. ASSESSMENT RESULTS

4.4.1. Stratigraphy of Landforms

During the Complex Assessment a total of 20 EPs and 48 STPs were excavated in the aeolian plain landform which is essentially the only landform in the activity area. Ten (50%) of the EPs were located within 100 m of Deep Creek, with nine EPs sampling the land between 100-200 m from Deep Creek and one further EP establishing the soil profile in the eastern part of the activity area. Fourteen STPs were excavated to assess the spatial extent of the Aboriginal cultural heritage identified in EP5, while the remaining 34 STPs were used to test the rest of the activity area.

Altogether, the subsurface testing amounts to an excavated area of 33.0 m² and the excavation and sieving of a total of 7.0 m³ of deposits (see Table 10 below). The stratigraphy of this landform is discussed below. All EPs and STPs were excavated to sterile clay. The entire activity area is likely to have been impacted by European activities since colonization, in particular agricultural practices including land clearance, ploughing, cultivation and stock grazing, and residential development and the landscaping of gardens / grounds.

The activity area is essentially comprised of an aeolian plain landform. A slight watershed exists in the west (effectively Zone 1 in Figure 11), with gentle slopes down to the north to Deep Creek, and upper slopes inclined gently towards the south in the south-west corner of the activity area. To the east of this 'watershed area', the landform is predominantly flat.

The twenty EPs excavated across the activity area generally had a comparable stratigraphic sequence of dark brown clayey silt topsoil overlying weak, lighter brown silt and / or firm orangey-brown sterile clay at depths of between 80-270 mm (the average depth of natural clay was at 200 mm).

Several EPs close to Deep Creek (see EPs 6, 7, 9 and 11, in particular) had a slightly different stratigraphy with a lighter coloured, more sandy lens lying above undulating natural clay. This lens represents the deposition of fluvial deposits by Deep Creek during flood episodes. As noted above, this silty lens was not found consistently along the margins of Deep Creek, so it cannot be used to define a uniform or extensive 'floodplain' in part due to the gentle slope leading down to the creek.

Many of the STPs exhibit similar stratigraphic profiles to those of the EPs, although deeper, fine sandy deposits were encountered in a cluster of STPs in Zone 2 (see STPs 23-8 and 44, and a nearby STP, STP 29, in Zone 3). The average depth of the 40 STPs comparable to the EPs was 217 mm, compared to an average depth of 541 mm for the 8 deepest STPs. These deeper sandy deposits probably represent a pocket of the ill named coastal dune

deposits' – Geological Unit Qd11 in Figure 4 above – which are found within the geographic region.

Discussion

The majority of the activity area has been impacted by European settlement and agricultural practices. The EPs excavated during the Complex Assessment generally revealed relatively shallow deposits overlying natural clay, as did most of the STPs, although a pocket of deeper, sandy deposits was identified in Zone 2. No evidence of buried surfaces was encountered.

4.4.2. Aboriginal Cultural Heritage in the Activity Area

Aboriginal cultural heritage in the form of 2 stone artefacts was identified during the Complex Assessment. The artefacts were identified in one EP (EP 5), and on the spoil heap of a nearby STP radial (STP 6), after a break in work due to a sudden downpour. Both were located around 90 m from Deep Creek.

The Complex Assessment results, as shown in Table 10, show the excavated sediment volume in the activity area and artefact density. The results indicate, in keeping with the results of the Desktop Assessment and the predictive model, that the aeolian plain has a low potential for Aboriginal cultural heritage (stone artefact scatters), particularly over 100 m from Deep Creek. Where artefacts are found, they occur as a low density scatter of isolated artefacts.

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Landform	Excavated Area m ²	Excavated Sediment Volume (m ³)	Number of Artefacts	Average Artefact per m ² (m ³)
Aeolian Plain within 200 m of creek				
EPs (n=19)	19.0	3.7	1	0.05 (0.27)
STPs (n=14)	3.5	0.8	1	0.29 (1.25)
Sub-total	22.5	4.5	2	0.09 (0.44)

Aeolian Plain over 200 m from creek				
EPs (n=1)	1.0	0.2	0	-
STPs (n=34)	9.50	2.3	0	-
Sub-total	10.5	2.5	0	-

Total Activity Area	33.0	7.0	2	0.06 (0.29)

Table 10: Artefact Densities within the Aeolian Plain Landform

4.5. DISCUSSION

The Complex Assessment generally confirmed the predictive model established during the Desktop Assessment. Previous fieldwork in the region has found that Aboriginal cultural heritage tends to occur as isolated artefacts in low densities with no particular correlation to landform type. To a certain degree, Aboriginal cultural heritage does appear to be concentrated along major waterways, but this primarily applies to Spring Creek, to the south of the activity area, rather than to the much smaller, and thus presumably less significant, Deep Creek (see Figure 4 above).

Interestingly, no Aboriginal cultural heritage was identified in STPs excavated in an area of 'Unnamed coastal dune deposits' during the Complex Assessment. Elevated well drained sandy deposits have often been associated with Aboriginal cultural heritage in other parts of Victoria (i.e. Cranbourne Sands). The absence of cultural heritage in association with sandy soils may be because silt/clays in the remainder of the activity area were also well drained though this couldn't be ascertained with any confidence at the time of the field work. Given the lack of Aboriginal cultural heritage it is considered more likely that land in proximity to this section of Deep Creek was not a focus of Aboriginal occupation, irrespective of drainage.

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It is impossible to draw any meaningful conclusions from such a small artefact assemblage, which has been registered as a Low Density Artefact Distributions (LDAD) – VAHR 7721-1260. A description of the significance of this Aboriginal place is discussed in Section 5.4 and a stone artefact analysis of the assemblage is presented in Section 5.2.

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5 ABORIGINAL CULTURAL HERITAGE

5.1. INTRODUCTION

This section provides a full description of the one discovered Aboriginal place in the activity area, including a significance assessment and an analysis of the lithic assemblage. The potential for Aboriginal cultural heritage to be present in areas that will not be disturbed by the activity is also discussed, following a review of the archaeological sensitivity of the activity area.

5.2. ABORIGINAL PLACE

5.2.1 Analysis of Aboriginal Cultural Heritage

The details of the assessment of the Aboriginal cultural heritage within the activity area are provided in Section 4. A full significance assessment is provided in Section 5.4. No radiometric or OSL dating has been undertaken as part of the CHMP. This is because no suitable organic material was found in intact archaeological contexts.

An analysis of the lithic assemblages was undertaken as part of the CHMP and is presented below.

Stone Artefact Analysis

Due to the low number of Aboriginal stone artefacts identified during the Complex Assessment (n=2), a statistical analysis of the technological and typological characteristics of the artefacts is not possible. The following presents a discussion of the raw material and technological types represented in the assemblage at VAHR 7721-1260 (Table 11). A full stone artefact database is provided in Appendix 5. A glossary of technological and typological terms used in the following artefact analysis is provided in Appendix 6.

A total of two Aboriginal stone artefacts were identified at VAHR 7721-1260 during the Complex Assessment. Both artefacts were from subsurface deposits, although one was found in the spoil heap. The raw materials present are quartzite and an indetermined raw material, possibly coastal flint. These raw material types are typical of those found at other sites in the geographic region / Deep Creek area.

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	Quartzite	Other	Total
7721-1260 - Briody Drive West 1	1	1	2
Subsurface	1	1	2
Grand Total	1	1	2

Table 11: Raw Material Counts Represented at VAHR 7721-1260

A comparison of the primary forms represented in the assemblage is presented in Table 12. No cores were present in the assemblage, although the distal flake from EP5 appears to be a heat-treated geometric backed blade.

	Flake – complete	Flake – distal	Total
7721-1260 - Briody Drive West 1	1	1	2
Subsurface	1	1	2
Grand Total	1	1	2

Table 12: Primary Form Counts Represented at VAHR 7721-1260

5.2.2 Description of the Aboriginal Place

One Aboriginal place, VAHR 7721-1260, occurs in the activity area (Table 13). It is a Low Density Artefact Distribution, comprising two subsurface stone artefacts.

VAHR Place	Place Type	Artefact Count
7721-1260 - Briody Drive West 1	LDAD	
Subsurface		2
Total		2

Table 13: VAHR Place Type

The location of the VAHR places is shown in Figure 12. The newly recorded Aboriginal place does not have a boundary or extent because it is a Low Density Artefact Distribution. The Primary Grid Coordinate has been assigned arbitrarily to the EP containing an artefact.

The Aboriginal place is described in further detail in Table 14, below. This table includes a site plan and representative photographs of the Aboriginal place and artefacts. A site gazetteer is provided in Appendix 7.

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Figure 12: Location of Aboriginal places in the activity area.

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Briody Drive West 1	Cadastral Description:
VAHR 7721-1260	Parish of Puebla, County of Grant, Property Identifiers: Lot 4, PS604122
Type:	Context & Condition:
Sub-surface Deposit	This Aboriginal place was recorded as a low density artefact distribution located in the north-western section of the activity area. It is indicative of the accidental loss and / or deliberate discard of artefacts during repeated movement across a landscape over an undetermined, but probably lengthy period.
Size: n/a	
Artefact Density:	The two artefacts were identified during the Complex Assessment, although one was found on the spoil heap. All of the artefacts were located in shallow contexts that have been disturbed by modern agricultural practices.
Average density 1 artefact per 197 m ² / 2.11 m ³ (as determined by the excavated EP and STPs, distributed across a 394 m ² area in Complex Assessment)	The stratigraphy of the aeolian plain consists generally of loose clayey silt topsoil, with depths averaging 210 mm, overlying the natural clay.
Primary Grid Coordinate:	Contents/Stone Artefact Assemblage & Archaeological Significance:
GDA 94 MGA 55 E 264149.2610 N 5755717.641	VAHR 7721-1260 has been assessed as having low archaeological significance based on the low density and limited range of the stone artefacts. This part of the activity area has been subject to agricultural practices over decades, disturbing the topsoil which is overlying the natural clay. Therefore, the stone artefacts found in this area are not considered to be <i>in situ</i> . The two stone artefacts identified were made on quartzite and an indetermined raw material, possibly coastal flint. <u>Raw material:</u> Quartzite (n=1), Other (n = 1). <u>Artefact types:</u> one complete flake and one distal flake. The distal flake is a backed artefact – a geometric microlith. <u>Location:</u> The artefacts are located in a paddock, north of a modern house, on the mid slope leading down to the north to Deep Creek.

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Stone Artefacts
 (left: distal flake / geometric microlith from 100-200 mm in EP 5;
 right: quartzite blade from STP 6)



View of VAHR 7721-1260 (circled), facing east



Plan of place extent (satellite image; Nearman 09 Dec 2011)

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5.3. INFORMATION PROVIDED BY RAPs OR OTHER PERSONS

No Aboriginal stakeholders provided any specific information about the Aboriginal cultural values in the activity area.

5.4. SIGNIFICANCE OF ABORIGINAL PLACES

Cultural heritage significance is defined in the *Aboriginal Heritage Act 2006* as including archaeological, anthropological, contemporary, historical, scientific, social or spiritual significance, and significance in accordance with Aboriginal tradition (Section 4(a) & (b)).

The significance of Aboriginal cultural heritage in the activity area is described within a framework provided by 'The Burra Charter' (Australia ICOMOS Burra Charter 2013), which defines aesthetic, historic, scientific, social and spiritual values.¹⁵ A general statement of the significance for each value is presented below. This is based on the results of the field assessments undertaken as part of this CHMP, and has been discussed with the RAP.

Aesthetic values: while the aesthetic value of the activity area has been altered by European land use practices, it is likely to retain some important aesthetic values to Aboriginal people.

Historic values: The activity area is important as a place that has evidence of Aboriginal occupation and where aspects of Aboriginal people's association with the area have been clearly demonstrated.

Scientific values: Bowdler (1984) developed a method for the assessment of scientific significance through ranking the contents, condition, and representativeness of individual Aboriginal places. This method has been used as a basis – although it has been slightly modified – for assessing the scientific significance of VAHR 7721-1260. The results of the scientific significance assessment are presented in Table 15.

VAHR 7721-1260 (Briody Drive West 1) is rated as having *low* scientific significance based on the low number and range of stone artefacts and the common occurrence of this place type in the region. The context of the Aboriginal cultural heritage, within land which has been modified by agricultural practices, has also impacted the overall scientific rating for this Aboriginal place.

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¹⁵ See also the Practice Notes: *The Burra Charter and Archaeological Practice* and *The Burra Charter and Indigenous Cultural Heritage Management*, available from <http://australia.icomos.org/publications/charters/> [accessed 30/12/2013].

VAHR No.	Place Type	Place Contents	Place Condition	Representative -ness	Scientific Significance
7721-1260	Low Density Artefact Distribution	1	1	1	3 (Low)

Key:

Place Contents: 0 – No remnant cultural material; 1 – Limited range and / or low number (e.g. 0-10 stone artefacts) of cultural material; 2 – Moderate range and/or density of cultural material; 3 – High density and diverse range of cultural material and/or presence of rare artefact types.

Place Condition: 0 – Place destroyed; 1 – Place displaced / eroded from original context; 2 – Place contains some remnant *in situ* or intact components (surface or subsurface); 3 – Place is predominantly *in situ* or intact (surface or subsurface).

Representativeness: 1 – Common occurrence; 2 – Occasional occurrence; 3 - Rare occurrence.

Scientific Significance: 1-4 Low scientific significance; 5-7 Moderate scientific significance; 8-9 High scientific significance.

Table 15: Scientific Significance of VAHR 7721-1260

Social values:

All sites within the Wathaurung area are significant in cultural terms as they are a tangible link to our past and a non-renewable source of information about the lifestyle of our ancestors. The cultural significance afforded to the sites by the Aboriginal community must be given a higher standing than the scientific rating as the scientific rating is based on a European perspective without due regard to the value of the Aboriginal culture as a whole (Bryon Powell, WAC).

Spiritual values: Aboriginal people continue to have spiritual connections to their country and Aboriginal places that occur within it.

Statement of Cultural Heritage Significance**VAHR 7721-1260**

In accordance with Aboriginal tradition, this Aboriginal place is considered to be of high cultural significance, which must be considered when establishing management measures. This Aboriginal place is of historical significance as a tangible link to the occupation of the area by the *Wada wurrung* people both in the pre-contact and post-contact periods and an important historical reference to the use of the area around Deep Creek by Aboriginal people within a broader regional context. The *Wada wurrung* would have used Deep Creek and its environs as a source of fresh water for a variety of purposes including to play, food consumption and for resources used to make shelters, tools and implements. The natural aesthetic value of this Aboriginal place has been impacted by extensive disturbance caused by European land use practices. This Aboriginal place has a low archaeological / scientific significance based on

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the relatively common occurrence of places of this type in the region and the small size and limited nature of the artefact assemblage (cf. Bowdler 1984).

5.5. ARCHAEOLOGICAL SENSITIVITY OF THE ACTIVITY AREA

Archaeological places frequently consist of buried deposits of material which are not visible on the ground surface due to a range of factors (e.g. sedimentation, vegetation cover, etc.). It is usually not possible to identify every archaeological place within a given area due to these factors, or because the size of an area is too large to survey fully. Most heritage impact assessments, therefore, rely on predictive modelling to define areas of archaeological sensitivity.

An area of Aboriginal archaeological sensitivity potentially contains Aboriginal cultural heritage. Areas of Aboriginal archaeological sensitivity are rated from low to high, depending upon the relative probability that archaeological deposits will be present. The known registered Aboriginal place distribution and the types of landforms present influence the end rating. The conditions that *generally* apply for each rating level that is used in the report are described below, although it is stressed that other factors may come into play depending on the individual area.¹⁶

Low: No registered Aboriginal places are present or Aboriginal places are confined to single stone artefacts. Landforms in the study area are not known to be associated with Aboriginal places (aside from isolated stone artefacts) in the wider region.

Moderate: No registered Aboriginal places or registered Aboriginal places of low-moderate significance are present. Landforms in the study area are known to be associated with Aboriginal places in the wider region.

High: No registered Aboriginal places or registered Aboriginal places of moderate to high significance are present. Landforms in the study area are known to be associated with significant Aboriginal places in the wider region.

As a result of the Complex Assessment, the archaeological sensitivity of the land within the activity area has been defined as having low archaeological sensitivity (Figure 13). If unrecorded Aboriginal cultural heritage is present, it will most likely consist of isolated or low densities of stone artefacts on the surface or in shallow disturbed subsurface deposits. These may be more likely to occur within 100 m of Deep Creek. If unrecorded Aboriginal cultural heritage is present in the activity area, it is likely to consist of isolated stone artefacts

¹⁶ For instance, an area may contain registered Aboriginal scarred tree places, but the potential for any other places to occur in the area may be non-existent due to the absence of further mature trees.

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on the surface or in shallow disturbed subsurface deposits. It is predicted to occur as subsurface densities of 1 artefact per 3.5 m³.¹⁷

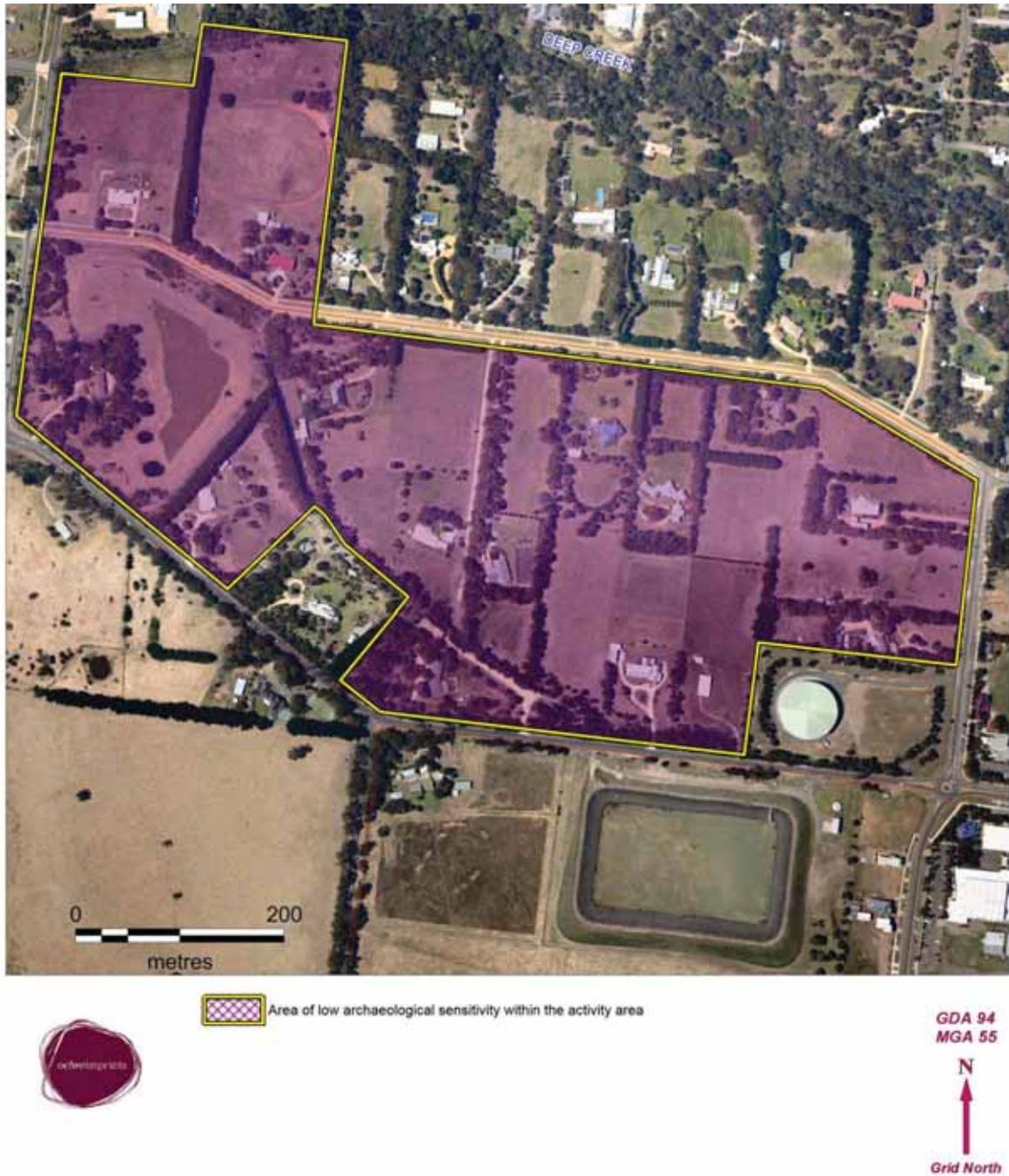


Figure 13: Areas of Sensitivity within the Activity Area

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¹⁷ Surface densities cannot be predicted with any accuracy for the areas of low archaeological sensitivity as these areas could not be surveyed due to the poor surface visibility.

5.6. AREAS LIKELY TO CONTAIN ABORIGINAL CULTURAL HERITAGE

Areas likely to contain Aboriginal cultural heritage, which will not be impacted by the proposed development, were not identified in the activity area during the Desktop, Standard and Complex Assessments.

5.7. CONCLUSION

One Aboriginal place was identified during the Complex Assessment, VAHR 7721-1260, a Low Density Artefact Distribution (LDAD). It consists of two artefacts, found in the upper 200 mm of deposits, within roughly 90 m from Deep Creek.

The small size of the assemblage limits the value of detailed lithic analysis. The artefacts are made from quartzite and an undetermined material, possibly coastal flint. One of the artefacts is a broken geometric microlith. VAHR 7721-1260 is located within a section of the activity area that has been ploughed in the past and therefore cannot be considered to be *in situ*.

The artefact assemblage is indicative of the accidental loss and / or deliberate discard of artefacts during repeated movement across the landscape over an undetermined, but possibly lengthy period. It is unclear whether the artefacts from VAHR 7721-1260 are associated or represent a palimpsest of two unrelated and temporally distinct activity events.

Based on artefact density, range, condition and representativeness, the newly identified Aboriginal place was assessed as having low scientific significance.

Based on the Desktop and Complex Assessments, the activity area has been deemed to have low archaeological sensitivity.

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6 CONSIDERATION OF SECTION 61 MATTERS

CHMPs are required to address matters raised in Section 61 of the *Aboriginal Heritage Act* 2006. These matters concern the management of Aboriginal cultural heritage prior to, during, and after the activity. A discussion of these matters is provided below.

One Aboriginal place has been recorded within the activity area as a result of fieldwork undertaken for this CHMP (VAHR 7721-1260). The location of the Aboriginal place is shown in Figure 12. A discussion of Section 61 matters is provided below with reference to the Aboriginal place within the activity area. The matters raised in this section inform the management requirements presented in Section 7.

Section 61a whether the activity will be conducted in a way that avoids harm to Aboriginal cultural heritage.

VAHR 7721-1260 (Briody Drive West 1) – this Aboriginal place has been assessed as having high cultural significance to the *Wadawurrung* people and low scientific significance. This place consists of a Low Density Artefact Distribution of two subsurface artefacts on the aeolian plain leading down to Deep Creek. Both artefacts in the scatter are likely to have been disturbed and dispersed by post-contact land use. The entirety of this Aboriginal place will be impacted by the clearance of land for allotments, as well as road construction and the installation of utilities and underground services, and will, therefore be harmed by the activity (Figure 14). Given the small number and diffuse distribution of the artefacts that comprise this place, it is not practical to avoid harm to them – in any case, the identified artefacts have been collected so they will not be harmed.

Section 61b if it does not appear to be possible to conduct the activity in a way that avoids harm to Aboriginal cultural heritage, whether the activity will be conducted in a way that minimises harm to Aboriginal cultural heritage.

VAHR 7721-1260 (Briody Drive West 1) – as previously stated, it is not practical to avoid harm to this Aboriginal place, and for similar reasons it is not possible to minimise harm to the Aboriginal place. The only practical way to minimise harm to Aboriginal cultural heritage at this Aboriginal place is to salvage the artefacts. This has already happened as the artefacts were collected during the excavations that took place as part of the Complex Assessment of this CHMP. Radial testing around the find spots did not reveal anything suggestive of a larger scatter of artefacts in the vicinity, although the possibility remains that further subsurface artefacts are located nearby.

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Section 61c any specific measures required for the management of Aboriginal cultural heritage likely to be affected by the activity, both during and after the activity.

VAHR 7721-1260 (Briody Drive West 1) – this Aboriginal place is considered to warrant specific measures for the management of Aboriginal cultural heritage. Measures relate to the reburial, if the RAP wishes, of the retrieved Aboriginal cultural heritage in a suitable location, following consultation with the RAP and subsequent to documentation and analysis. These measures are outlined in detail in Section 7.

Section 61d any contingency plans required in relation to disputes, delays and other obstacles that may affect the conduct of the activity.

Processes to be followed in relation to disputes, delays and other obstacles are outlined in the Management Requirements (Section 7.2). These include procedural guidelines in the event that suspected human remains or other Aboriginal cultural heritage are discovered and a dispute resolution procedure.

Section 61e requirements relating to the custody and management of Aboriginal cultural heritage during the course of the activity.

The custody and management of Aboriginal cultural heritage that may be uncovered during the activity is addressed in Section 7.2.

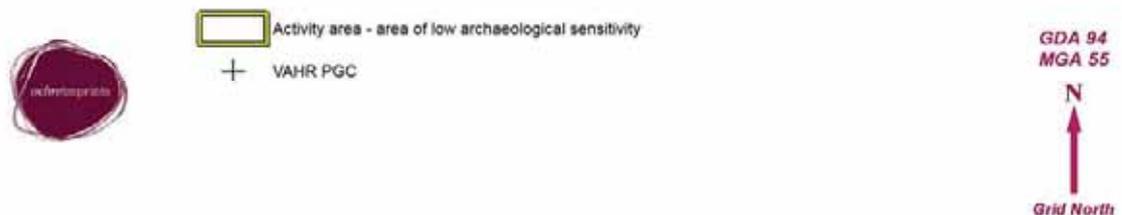
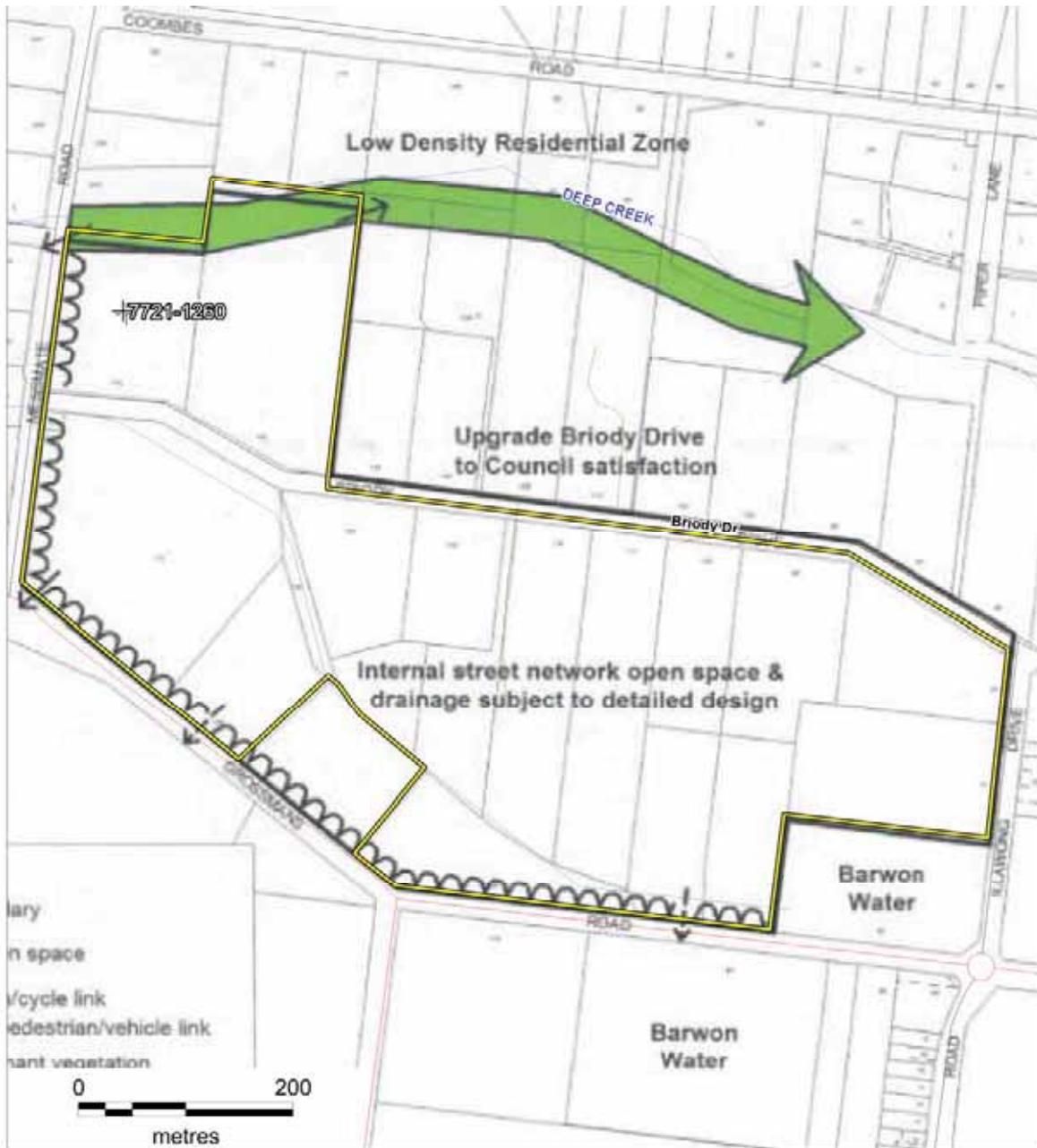
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 Figure 14 - Map Showing West Development Plan 7721-1260 in Relation to the Requirements of Clause 43.04 of the Surf Coast Planning Scheme
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PART 2 – CULTURAL HERITAGE MANAGEMENT RECOMMENDATIONS

7 CULTURAL HERITAGE MANAGEMENT

7.1 INTRODUCTION

This section presents measures for managing Aboriginal cultural heritage, prior to, during and after the proposed activity. A total of twelve management measures (MM), including specific Aboriginal place management requirements and contingency plans, must be adhered to in order to ensure compliance with the *Aboriginal Heritage Act 2006*.

No specific cultural heritage management requirements are needed for VAHR 7721-1260. There are, however, requirements for the RAP to be involved in a Cultural Heritage Induction and the possible reburial of artefacts.

The CHMP must be kept on-site during construction works associated with the activity so that it can be referred to if required.

These recommendations become compliance requirements once this Cultural Heritage Management Plan is approved.

7.2 SPECIFIC CULTURAL HERITAGE MANAGEMENT REQUIREMENTS

MM1: Management Measure for VAHR 7721-1260 (Briody Drive West 1)

This CHMP allows for VAHR 7721-1260 to be harmed by the activity. No specific management measures are required as the two artefacts identified at this place have been collected as part of the Complex Assessment.

MM2: Cultural Heritage Induction

All personnel involved with ground disturbance works must participate in a cultural heritage induction prior to the initiation of the activity. This must be conducted by representatives of the RAP, at the cost of the Sponsor. This may be undertaken on the day that site works commence and can take the form of a toolbox meeting. The RAP must be contacted directly to organise the timing, content and duration of this induction, and must be given a minimum of 2 weeks' notice. RAP contact details are provided in MM1.

A map showing the location of the Aboriginal place in the activity area must remain on display for all contractors throughout the course of works, and a copy of this CHMP must remain on-site throughout the course of works.



Activity area - area where salvaged Aboriginal cultural heritage is to be reburied
+ VAHR PGC

GDA 94
MGA 55



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MM3: Aboriginal Cultural Heritage Contingencies

The following contingencies must be followed by the Sponsor during the development in relation to Aboriginal cultural heritage that may be identified during the activity.

- i. In the event that suspected human remains are discovered, the procedures outlined in MM4 must be followed;
- ii. If suspected Aboriginal cultural heritage that is not associated with VAHR 7721-1260 is identified, the following process applies:
 - a) Relevant works within 25 m of the discovery must be suspended immediately and the place extent must be isolated from further disturbance by safety webbing and star pickets. The cultural material must not be removed;
 - b) The Site Supervisor must be notified immediately and the CHA and the RAP must be notified within 24 hours of the discovery;
 - c) A CHA and RAP representative must inspect the site as soon as is practical. During this inspection, the management of any Aboriginal cultural heritage must be discussed and agreed to. If the Aboriginal cultural heritage is assessed to be of particularly high scientific significance (e.g. it is an intact cultural deposit) or Aboriginal significance, then protection or impact mitigation measures must be formulated; options for these must be explored by the CHA in consultation with the RAP and the Sponsor or lot owner;
 - d) The Sponsor must try to avoid harm to any Aboriginal place regardless of its scientific significance;
 - e) If protection is not possible, then a salvage program by a suitably experienced and qualified archaeologist must take place prior to works proceeding. Any salvage program should be carried out in accordance with proper archaeological practice and standards, and an archaeological report detailing the methods, analysis and results of the excavation should be prepared;
 - f) Agreement as to the process to be followed to manage the Aboriginal cultural heritage and how to proceed with works must be made within a period not exceeding three working days by a RAP representative, the CHA and the Sponsor / lot owner;

- g) The Office of Aboriginal Affairs, Victoria must be notified of the discovery of the additional Aboriginal cultural heritage as per the requirements of Section 24 of the *Aboriginal Heritage Act 2006*. This will be undertaken through the submission

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of the appropriate Victorian Aboriginal Heritage Registry (VAHR) forms and (if applicable) a salvage program report;

h) The CHA (with the approval of the RAP) must advise the Site Supervisor when suspended construction works can proceed. In general, works may recommence:

- When the appropriate protective measures have been taken;
- Where the relevant Aboriginal cultural heritage records have been updated and / or completed;
- Where all parties agree there is no prudent or feasible course of action; or
- Once any relevant dispute has been resolved.

MM4: Discovery of Human Remains

If any suspected human remains are found during any activity, works must cease. The Victoria Police and the State Coroner's Office should be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Control Centre must be contacted immediately on 1300 888 544.

This advice has been developed by the Office of Aboriginal Affairs Victoria and is described in the following five step contingency plan. Any such discovery at the activity area must follow these steps.

1. Discovery:

- If suspected human remains are discovered, all activity in the vicinity must stop to ensure minimal damage is caused to the remains;
- The remains must be left in place, and protected from harm or damage. No photography of any human remains aside from that required by the Coroner's Office must be taken.

2. Notification:

- Once suspected human skeletal remains have been found, the Coroner's Office and the Victoria Police must be notified immediately;
- If there are reasonable grounds to believe that the remains could be Aboriginal the DSE Emergency Co-ordination Centre must be immediately notified on 1300 888 544;
- All details of the location and nature of the human remains must be provided to the relevant authorities;

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- If it is confirmed by these authorities that the discovered remains are Aboriginal skeletal remains, the person responsible for the activity must report the existence of the human remains to the Secretary, DPCD in accordance with s.17 of the Act.

3. Impact Mitigation or Salvage:

- The Secretary, after taking reasonable steps to consult with any Aboriginal person or body with an interest in the Aboriginal human remains, will determine the appropriate course of action as required by s.18(2)(b) of the Act;
- An appropriate impact mitigation or salvage strategy as determined by the Secretary must be implemented (this will depend on the circumstances in which the remains were found, the number of burials found and the type of burials and the outcome of consultation with any Aboriginal person or body).

4. Curation and further analysis:

- The treatment of salvaged Aboriginal human remains must be in accordance with the direction of the Secretary.

5. Reburial

- Any reburial place(s) must be fully documented by an experienced and qualified archaeologist, clearly marked, and all details provided to OAAV;
- Appropriate management measures must be implemented to ensure that the remains are not disturbed in the future.

MM5: Custody of Aboriginal Cultural Heritage

It is the responsibility of the CHA to ensure that all Aboriginal cultural heritage recovered from the activity area is fully documented, bagged and labelled. The Office of Aboriginal Affairs Victoria (OAAV) must be advised of this through completion and submission of relevant VAHR forms to the Heritage Registrar, OAAV, by the CHA. Once scientific analysis of any cultural heritage is completed the artefacts must be returned to the RAP. The RAP will be the caretaker of this material and may choose to rebury it in the activity area (Figure 15).

Any reburial of retrieved artefacts, including those collected during field work undertaken as part of this CHMP, shall take place within the activity area, at a time and place mutually agreed between the RAP and the Sponsor.

If the RAP chooses to rebury the Aboriginal cultural heritage within the activity area:

- This must be facilitated by the Sponsor where required.

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- The reburial location must be a mutually agreed location where the artefacts will not be disturbed in the future. The specific location of the reburied cultural heritage should not be marked;
- Where deemed appropriate by the RAP, the RAP will be permitted to carry out a cultural ceremony to mark the reburial process;
- The RAP will check the artefact catalogue against any returned artefacts, and if necessary re-bag the artefacts prior to reburial; and,
- Where deemed appropriate by the RAP, the cultural heritage, and any other cultural material and objects, will be placed in a container manufactured by the RAP for burial.

In addition, a CHA must be involved in this process to:

- Consult with the RAP and Sponsor to determine a reburial location that is protected from future development and disturbance (preferably within its original place extent, and where possible, at the primary grid coordinate (PGC) for that place);
- Ensure that the Aboriginal cultural heritage is reburied in a durable container with a record of provenance and with the catalogue and assessment documentation on an archive-quality storage medium;
- Ensure that the reburial location is recorded to sub-metre accuracy;
- Complete and submit relevant VAHR forms to the Heritage Registrar, OAAV.

The CHA must manage and facilitate the implementation of these measures in consultation with the RAP and the Sponsor. The cost of implementing the requirements of this management measure must be borne by the Sponsor.

MM6: Future Changes to the Activity

Future changes to the conduct of the activity can be made so long as they are restricted to within the activity area and are associated with the same activity for which this CHMP has been prepared (i.e. a residential subdivision).

MM7: Inspections by RAP

Access to the activity area must be provided to representatives of the RAP before, during and after construction for the purpose of ensuring compliance with the CHMP. Where possible, inspections should be at a time agreed upon by the RAP and the Sponsor. The representatives of the RAP must comply with all the OH&S requirements of the activity area.

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MM8: Handling of Sensitive Information

Outside of publically available information and information presented in this CHMP, Aboriginal cultural heritage information must not be distributed without the approval of the RAP. All Aboriginal place dGPS co-ordinates must be removed from this CHMP prior to its distribution to all parties other than those listed in MM11 and OAAV.

MM9: Safety

RAPs, the CHA or any other cultural heritage personnel must be permitted on-site during construction for the purposes of on-the-spot compliance checks, so long as they inform the Site Supervisor. Notification of such visits will be required on a day-to-day basis during construction works. It is the responsibility of RAPs, the CHA or any other cultural heritage personnel to ensure they comply with Personal Protective Equipment requirements required by the Site Supervisor.

RAPs, the CHA or any other personnel involved in on-the-spot compliance checks and recovering and documenting Aboriginal cultural heritage must abide by the Site Supervisor’s OH&S procedures and Victorian Work Safe practice at all times. In any matters relating to OH&S, the Site Supervisor shall have the right to require any party to vacate the construction area and, if applicable, the area managed by the Sponsor.

MM10: Dispute Resolution

Clause 13(1) Schedule 2 of the Regulations requires that the CHMP must contain a contingency plan for the resolution of any disputes between the Sponsor and relevant RAPs in relation to the implementation of an approved CHMP or the conduct of the activity. Disputes may occur at various stages during the activity. Procedures for dispute resolution aim to ensure that all parties are fully aware of their rights and obligations, that full and open communication between parties occurs and those parties conduct themselves in good faith.

If a dispute arises that may affect the conduct of the activity, resolution between parties using the following Informal Dispute Resolution guidelines is recommended.

Informal Dispute Resolution

- The party raising the dispute must complete a Dispute Notification Form (included below) and email or fax a copy to all parties listed in MM11
- Project delegates (as listed in MM11) of each party (RAP and Sponsor) must attempt to negotiate a resolution to any dispute related to cultural heritage management of the activity area within 48 hours of written notice being received that a dispute between parties is deemed to exist. If the project delegates cannot reach an

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agreement, representatives of both parties must meet to negotiate a resolution to an agreed schedule;

- If representatives of the relevant parties fail to reach an agreement, an independent mediator must initially be sought to assist in resolving the dispute. A timeframe for the independent mediator must be agreed upon by both parties. If an independent mediator cannot be agreed on, or fails to resolve the dispute within the allowed timeframe, the Aboriginal Heritage Council may be approached for their willingness to act in resolving the dispute;
- All disputes will be jointly investigated;
- Where a breach of a CHMP recommendation has been found to occur, the RAP and the Sponsor must agree to the best method of correction or remediation;
- Any correction or remedial activities required (e.g. repairing damage to Aboriginal places) must be overseen by a RAP representative and must take place in accordance with their instruction;
- The RAP must use their best endeavours to minimise delays to work schedules while not compromising cultural places or values;
- Only issues directly relating to cultural heritage management will be handled through the dispute resolution mechanism;
- If it is deemed that a cultural heritage audit is the most appropriate method of addressing a breach, the CHA must contact either an inspector or OAAV regarding this process. If ordered by the Minister of the OAAV, a cultural heritage audit must be undertaken as per the requirements for such audits outlined in c.83-86 of the *Aboriginal Heritage Act 2006*; and,
- These arrangements do not preclude any legal recourse open to the parties being taken but the parties agree that the above avenues must be exhausted before such recourse is made.

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DISPUTE RESOLUTION NOTIFICATION FORM

Cultural Heritage Plan No 12805

Relevant Party Making the Dispute:

Contact Person:

Date:

Nature of the Dispute:

Proposed Meeting Time / Date & Place:

Relevant parties who have been sent (email or fax) this notification (tick box):

Party to Agreement	Name of Delegate	Fax	Postal Address	Email	Contacted (✓)
RAP	John Young (Wathaurung Aboriginal Corporation)	(03) 4308 0420	PO Box 734 Ballarat VIC 3353	john@wathcorp.com.au	
The Sponsor	Chris Mason (St Quentin Consulting, on behalf of Sponsors)	(03) 5201 1832	PO Box 919 Geelong 3220	Chris@stqc.com.au	
Site Supervisor	TBA	TBA	TBA	TBA	
CHA	TBA	TBA	TBA	TBA	

MM11: Communication Between Parties

Notification of the parties listed below is deemed to comply with the requirements for a notice to be given under this Management Plan.

Each party must ensure that there is an electronic means of confirmation of notification. Telephone notification must be confirmed by either fax or email within 12 hours of the telephone conversation.

The CHA must notify all parties of any change in RAP status that occurs prior to the completion of construction works. If the CHA is engaged it is the Sponsor's responsibility to determine any relevant RAP status.

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Party to Agreement	Name of Delegate	Phone	Fax	Email
The Sponsor	Chris Mason	(03) 5201 1832	(03) 5229 2909	chris@stqc.com.au
RAP	John Young	(03) 4308 0420	(03) 4308 0421	john@wathcorp.com.au
Site Supervisor	TBA	TBA	TBA	TBA
CHA	TBA	TBA	TBA	TBA

MM12: Provision For Review

Review of this plan can be undertaken at any time by a project delegate/s representing the Sponsor to ensure compliance with the management measures outlined in the plan. If concerns are raised by the RAP, CHA or a third party, a project delegate/s must review CHMP compliance within 7 days of such concerns being raised by completing the following checklist:

Management Measure	Yes/No/N A	If No – Proposed Action to Remedy Non- Compliance
Has a cultural heritage induction been undertaken prior to the activity taking place (MM2)?		
Are Cultural Heritage Contingencies being adhered to (MM3)?		
Have the artefacts from VAHR 7721-1260 been reburied, if requested by the RAP (MM5)?		
Has the discovery of any human remains been dealt with using the process outlined in MM4?		
Do the custody arrangements of any Aboriginal cultural heritage follow the requirements of the CHMP (MM6)?		
If there are future changes to the conduct or layout of the activity, are they allowed as per MM6?		

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Management Measure	Yes/No/N A	If No – Proposed Action to Remedy Non- Compliance
If the RAP has requested an inspection at a key point in implementation of the CHMP, has a time been agreed to by both the RAP and Sponsor as per MM7?		
Has the RAP been consulted prior to the distribution of information as per MM8?		
Have Aboriginal place grid co-ordinates been removed prior to the distribution of this CHMP in accordance with MM8?		
Have site specific safety procedures been followed as per MM9?		
In the event of a dispute, has the dispute resolution process outlined in MM10 been followed?		
Is communication between parties being undertaken as per MM11?		
Has this plan been reviewed within 7 days of any cultural heritage concerns being raised (MM12)?		
In the event of non-compliance, has a meeting been held to establish actions to address non-compliance (MM12)?		

All non-compliance issues must result in a stop works until such a time as a meeting can be held between the Sponsor, CHA and RAP to establish a process moving forward. The stop works must be applied immediately even if Aboriginal cultural heritage has not been harmed.

The meeting must take place within 7 days, or as soon as is practical, from the completion of the 'CHMP Compliance Checklist'. **This Bridle Drive West Development Plan complies with the requirements of Clause 43.04 of the Surf Coast Planning Scheme**

It is noted that under Part 6 of the Aboriginal Heritage Act 2006 the Minister may order a cultural heritage audit if:

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- The Sponsor of an approved CHMP has contravened, or is likely to contravene, the recommendations in the plans (s.81a); or,
- The impact on Aboriginal cultural heritage of an activity to which an approved CHMP applies will be greater than that determined at the time the plan was approved (s.81c).

Maximum penalties for breaching the Act are more than \$215,000 for an individual or more than \$1.1 million for a company.

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REFERENCES

- Australia / ICOMOS. 2013. *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*. Burwood, Victoria: Australia ICOMOS.
- Bahn, P. 2004. *The New Dictionary of Archaeology*. London: Penguin Books.
- Barwick, D.E. 1984a. 'Mapping the Past: An Atlas of Victorian Clans 1835-1904', *Aboriginal History* 8: 100-31.
- Barwick, D. 1984b. *Rebellion at Coranderrk*. Fyshwick: Capital Printing.
- Birch, W.D., J. Broomfield, D.A. Henry & F. Coffa. 1997. *Gem Minerals of Victoria*. Melbourne: Royal Society of Victoria; Mineralogical Society of Victoria.
- Bowdler, S. 1984. 'Archaeological Significance as a Mutable Quality', in S. Sullivan and S. Bowdler (eds.), *Site Surveys and Significance Assessment*, pp. 1-9. Department of Prehistory, Research School of Pacific Studies. Canberra: Australian National University.
- Bride, T. (ed.). 1969. *Letters From Victorian Pioneers*. Second edition. Heinemann, Melbourne.
- Broome, R. 2005. *Aboriginal Victorians: A History Since 1800*. Crows Nest, NSW: Allen & Unwin.
- Bruce, C. 1980. *Eugen von Guérard*. Canberra: Australian Gallery Directors' Council / Australian National Gallery.
- Bureau of Meteorology (BOM) 2013
http://www.bom.gov.au/climate/averages/tables/cw_087025.shtml [accessed October 2013].
- Butlin, N. 1983. *Our Original Aggression*. London: Allen & Unwin.
- Calder, D. & D. Goff. 1991. *Aboriginal Reserves and Missions in Victoria*. Melbourne: Department of Conservation and Environment.
- Clark, I. 1990. *Aboriginal Languages and Clans: An Historical Atlas of Western and Central Victoria, 1800-1900*. Monash Publications in Geography 37. Melbourne: Monash University.
- Collins, S. & B. Marshall. 2004. An Archaeological Survey at Grossmans Road Torquay. Unpublished report for Vautier-Phipps Pty Ltd.
- Collins, S. 2011. *Spring Creek Pathway, Torquay*. Cultural Heritage Management Plan Number: 11404. Unpublished report to Surf Coast Shire.
- Cosgrove, R. 1999. 'Forty-two degrees south: the archaeology of Late Pleistocene Tasmania', *Journal of World Prehistory* 13 | 4: 357-402.
- Culvenor, C. 1992. *The Boundaries of the Mount Franklin Aboriginal Reserve, Daylesford*. Melbourne: Jim Crow Press.
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Department of Primary Industries (DPI) 2013a. 6.2.4 Plains and plains with low rises (Duck Hole Plain, Irrewillipe, Hanson Plain),

http://vro.dpi.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphological_framework_6.2.4

[accessed 29/10/2013].

Department of Primary Industries (DPI) 2013b. Gherang Gherang Land System,

http://vro.dpi.vic.gov.au/dpi/vro/coranregn.nsf/pages/corangamite_landsystems_gherang [accessed 29/10/2013].

Department of Primary Industries (DPI) 2013c. 6.2.2. Dissected plains (Heytesbury):

http://vro.dpi.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphological_framework_6.2.2

[accessed 29/10/2013].

Everist, R. 2005. *Geelong & the Bellarine Peninsula – the spirit of place*. Geelong West, VIC: Best Shot Publications.

Felton, P. 1981. 'Victoria: Land Reserved for the Benefit of Aborigines 1835-1971', in N. Peterson (ed.), *Aboriginal Rights: A Handbook*. Canberra: Australian Institute of Aboriginal Studies.

Flannery, T. (ed.). 2002. *The Life and Adventures of William Buckley*. Melbourne, VIC: The Text Publishing Company.

Hewitt, G. & J. Allen. 2010. 'Site Disturbance and Archaeological Integrity: the Case of Bend Road, an Open Site in Melbourne Spanning Pre-LGM Pleistocene to Late Holocene Periods', *Australian Archaeology* 70: 1-16.

Griffin, D. & J. Ward. 2006. *An Archaeological/Cultural Heritage Assessment of 35 Duffields Road, Torquay, Victoria*. Unpublished report to Watsons Pty Ltd by Environmental Resources Management Australia.

Habgood, P.J. & N.R. Franklin, 2008. 'The revolution that didn't arrive: A review of Pleistocene Sahul', *Journal of Human Evolution* 55 / 2: 187–222.

Hanrahan, J. 1984. *Sites of National Estate Significance in Victoria*. An unpublished Report to the Australian Heritage Commission.

Holdaway, S. & N. Stern. 2004. *A Record in Stone: The Study of Australia's Flaked Stone Artefacts*. Melbourne: Museum of Victoria.

Holdgate, G.R. & S.J. Gallagher. 2003. 'Tertiary: a period of transition to marine basin environments', in W.D. Birch (ed.) *Geology of Victoria*. Sydney: NSW Geological Society of Australia (Victorian Division): 289-335.

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Bill Cathcart

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Kennedy, S., J. Wheeler & E. Foley. 2012. *44 First Avenue, Chelsea Heights: Residential Subdivision. Cultural Heritage Management Plan (AAV#11958)*. Unpublished report to Lynette Ann Clissold, Janice Victoria Rayne & Leonie Joy Kingston.

Kershaw, P. 1995. 'Environmental Change in Greater Australia', *Antiquity* 69: 656-75.

Le Griffon, H. 2006. *Campfires at the Cross: An Account of the Bunting Dale Aboriginal Mission at Birregurra, Near Colac Victoria 1839- 1851*. Kew, VIC: Australian Scholarly Publishing.

Lewis, S.E., C.R. Sloss, C.V. Murray-Wallace, C.D. Woodroffe & S.G. Smithers, 2012. 'Post-glacial sea-level changes around the Australian margin: a review', *Quaternary Science Reviews* XXX: 1-24.

Massola, A. 1971. *The Aborigines of South-east Australia as They Were*. Melbourne: William Heinemann Australia Pty. Ltd

MacManus, T. & M. Harbour, 2012. *Residential Subdivision, 30 Illawong Drive Torquay, Victoria: Aboriginal Cultural Heritage Management Plan 12010*. Unpublished report to Surfcoast Living Pty Ltd.

Marshall, B. S. Collins, C. Webb, and N. Paynter 2004. An Archaeological Survey at Grossmans Road Torquay. Unpublished report to Vautier Phipps.

Morgan, J. 1852. *The Life and Adventures of William Buckley: Thirty-two Years a Wanderer Amongst the Aborigines of the then Unexplored Country around Port Phillip, now the Province of Victoria*. Heinemann, Melbourne.

Moulton, P. & D. Groves, 2010 [1999]. *Deep Creek (east) Reserve, Torquay. Fire Management Plan*. Surf Coast Shire. Available from http://www.surfcoast.vic.gov.au/files/70c14322.../Deep_Creek_east_FMP.pdf [accessed 29/10/2013].

Mulvaney, J. & J. Kamminga, 1999. *Prehistory of Australia*. Sydney, NSW: Allen & Unwin.

Murphy, A. & L. Amorosi, 2003a. *Stage 5, 'Ocean Acres', Grossmans Road, Torquay, Cultural Heritage Assessment*. Unpublished report to Tract Consultants on behalf of FKP Residential.

Murphy, A. & L. Amorosi, 2003b. *40 Coombes Road Torquay, Cultural Heritage Assessment*. Unpublished report to Surf Coast Shire.

Murphy, A. & A. Morris, 2008. *Spring Creek Urban Growth Framework*. Unpublished report to Hansen Partnership P/L.

Parker, E.S. 1854. *The Aborigines of Australia. A Lecture Delivered in the Mechanics' Hall, Melbourne*. Melbourne: McColl.

Paynter, N. & D. Rhodes. 2006. *Armstrong Creek Urban Growth Plan - Indigenous Cultural Heritage Technical Report*. Unpublished Report for David Lock and Associates on Behalf of the City of Geelong.

Pescott, J. 1985. *South Barwon 1857-1985*. Belmont, VIC: Neptune Press in conjunction with the City of Barwon.

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Digitally Signed by the Responsible Authority
Bill Cathcart

Robinson, G.A. 1846. *Letterbook of the Port Phillip Protectorate*. A7046-8 MLS.

Robinson, N., D.B. Rees, K. Reynard, R. MacEwan, P. Dahlhaus, M.P. Imhof, G. Boyle & N. Baxter. 2003. *A land resource assessment of the Corangamite region*. Unpublished report to the Department of Primary Industries.

Rhoads, J.W. 1986. *Bellarine Peninsula: Archaeological Site Assessment and Management Study*. Sydney: University of Sydney.

Rhodes, D. 2004. *Report on an Archaeological Excavation of a Pre-Contact Bunurong Campsite, Lakeside Estate, Pakenham*. Unpublished report to Delfin Lendlease.

Rowe, D. & L. Huddle. 1998-2000. *City of Greater Geelong Outer Areas Heritage Study Stage 2*. Vols 1, 10 & 13. A report to City of Greater Geelong.

Spreadborough, R. & H. Anderson. 1983. *Victorian Squatters*. Ascot Vale, VIC: Red Rooster Press.

Stone, T. 2001. *An Archaeological Survey of the Proposed NAVA 1 Project Optical Fibre Cable Route at Torquay, Southern Victoria*. Unpublished report to Connell Wagner Pty. Ltd.

Taylor, E. J., 1973. *A Brief History of Early Torquay*, Torquay: Torquay Improvement Association.

Thompson, K. 1985. *A History of the Aboriginal People of East Gippsland*. Victoria: Land Conservation Council.

Tuckey, J. H. 1805. *An Account of a Voyage to Establish a Colony at Port Phillip in Bass's Strait, on the South Coast of New South Wales, in His Majesty's Ship Calcutta, in the Years 1802-3-4*. London: Longman, Hurst, Rees and Orme.

Tunn, J. 2006. 'An Aboriginal campsite on the Maribyrnong River – new dates for Keilor', *The Artefact*, 29: 14-21.

Turnbull, J. 2009. *Armstrong Creek West Precinct. Desktop Cultural Heritage Assessment*. Unpublished report to Villawood Properties P/L.

van der Linde, S. & S. Collins, 2013. *The Esplanade, Torquay, Parking Bay Development and Jan Juc Creek Pathways, Jan Juc*. Cultural Heritage Management Plan Number: 12578. Unpublished report to Surf Coast Shire.

Weaver, F. 2000. *"Rosedale Lodge", Grossmans Road, Torquay. Archaeological Background Research*. Unpublished report for Tract Consultants Pty Ltd and Rosedale Lodge Pty Ltd.

Weaver, F. 2005. *Lots 12, 43, 44, 14-17 Briody Drive, Torquay. Subsurface Testing Project*. Unpublished report to Hanson Partnership Pty Ltd and Mr G. Millman.

Weaver, F. & M. Haley. 2002. *Rosedale Lodge, Grossmans Road*. Unpublished report for Tract Consultants Pty Ltd and Rosedale Lodge, Torquay, Victoria.

Weaver, F. & M. Haley. 2003. *Rosedale Lodge, Proposed Residential Development, Ocean Acres, Grossmans Road, Torquay, Victoria*. Unpublished report for Tract Consultants Pty Ltd and Rosedale Lodge, Torquay, Victoria.

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- Weaver, F. & M. Haley. 2004a. *200-220 Grossmans Road Torquay, Victoria. A survey for Aboriginal and historic archaeological sites*. Unpublished report for Mr and Mrs Webb and Mr and Mrs Lathouras and St Quentin Consultants Pty Ltd.
- Weaver, F. & M. Haley. 2004b. *Archaeological Survey of Lots 12, 43, 44, 14-17 Briody Drive, Torquay*. Unpublished report to St Quentin Consulting and Mr G. Millman.
- Webb, J.A. 1999. 'Chapter Five', in G.W. Cochrane, D. Spencer-Jones & G.W. Quick (eds), *Introducing Victorian Geology*. Melbourne: Geological Society of Australia (Victorian Division).
- Wheeler, J., F. Barry & E. Walther, 2010. *Duffields and Grossmans Roads – Residential Subdivision, Torquay, Victoria. Cultural Heritage Management Plan 10381*. Unpublished report to Watsons Pty Ltd.
- Woolmington, J. 1973. *Aborigines in Colonial Society, 1788-1850: From "Noble Savage" To "Rural Pest"*, Armidale, NSW: University of New England.
- Wynd, I. 1992. *Barrabool: Land of the Magpie*. Torquay, VIC: Barrabool Shire.
- Zola, N. & Gott, B. 1992. *Koorie Plants, Koorie People*. Melbourne: The Koorie Heritage Trust.

Maps

- Vandenberg, A.H.M. 1997. Queenscliff SJ 55-9 Edition 2, 1:250000 Geological Map Series, 1:250,000 geological map. Geological Survey of Victoria.
- Victoria. Surveyor General's Office. 1857. Country Lots in the Parish of Puebla, County of Grant (Map No. 562), Lithographed by R. Meikle. Melbourne: Surveyor General's Office, Feb. 9 1857.

Collections

- L. Lane Collection held at Geelong Heritage Centre: Reference No. 1104/1/37

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**APPENDIX 1: COPY OF 'NOTICE OF INTENT TO PREPARE A CHMP' & RAP
RESPONSE**

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Notice of Intent to prepare a Cultural Heritage Management Plan for the purposes of the *Aboriginal Heritage Act 2006*

This form can be used by the Sponsor of a Cultural Heritage Management Plan to complete the notification provisions pursuant to s.54 of the *Aboriginal Heritage Act 2006* (the "Act").

For clarification on any of the following please contact Victorian Aboriginal Heritage Register (VAHR) enquiries on 1800-726-003.

SECTION 1 - Sponsor Information

Sponsor: Briody Drive West Landowners Group
 ABN/ACN: _____
 Contact Name: Chris Mason @ St Quentin Consulting
 Postal Address: PO Box 919 Geelong 3220
 Business Number: 5201 1811 Mobile: _____
 Email Address: chris@stqc.com.au

Sponsor's agent (if relevant)

Company: _____
 Contact Name: _____
 Postal Address: _____
 Business Number: _____ Mobile: _____
 Email Address: _____

SECTION 2 - Description of proposed activity and location

Project Name: Briody Drive West
 Municipal district: Surf Coast Shire Council

Clearly identify the proposed activity for which the cultural heritage management plan is to be prepared (ie. Mining, road construction, housing subdivision)

Subdivision _____

SECTION 3 - Cultural Heritage Advisor

David Thomas	Ochre Imprints	david@ochreimprints.com.au
<i>Name</i>	<i>Company</i>	<i>Email address</i>

SECTION 4 - Expected start and finish date for the cultural heritage management plan

Start Date: 23-Sep-2013 Finish Date: 31-Jan-2014

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Submitted on: 26 Sep 2013

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SECTION 5 - Why are you preparing this cultural heritage management plan?

- A cultural heritage management Plan is required by the Aboriginal Heritage Regulations 2007
What is the high impact activity as it is listed in the regulations?
Subdivision
Is any part of the activity an area of cultural heritage sensitivity, as listed in the regulations? Yes
- Other Reasons (Voluntary)
- An Environmental Effects Statement is required
- A Cultural Heritage Management Plan is required by the Minister for Aboriginal Affairs.

SECTION 6 - List the relevant registered Aboriginal parties (if any)

This section is to be completed where there are registered Aboriginal parties in relation to the management plan.

Walhaurung Aboriginal Corporation

SECTION 7 - Notification checklist

Ensure that any relevant registered Aboriginal party/s is also notified. A copy of this notice with a map attached may be used for this purpose.
(A registered Aboriginal party is allowed up to 14 days to provide a written response to a notification specifying whether or not it intends to evaluate the management plan.)

In addition to notifying the Deputy Director and any relevant registered Aboriginal party/s, a Sponsor must also notify any owner and/or occupier of any land within the area to which the management plan relates. A copy of this notice with a map attached may be used for this purpose.

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ACTIVITY AREA SUBMITTED ALONG WITH THE NOI

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2nd October 2013

Briody Drive West Landowners Group
C/- St Quentin Consulting
Chris Mason
PO Box 919
GEELONG VIC 3220

To Whom It May Concern,

NOTICE OF INTENT TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN

I am writing to acknowledge your written notice of intention to prepare a management plan, received on the 27th September 2013, for the Subdivision – Briody Drive West, Torquay project.

Wathaurung Aboriginal Corporation (WAC) trading as Wadawurrung is the Registered Aboriginal Party (RAP) for the proposed activity area and will:

1. Evaluate the plan when it is completed and
2. Pursuant to s.60 of the *Aboriginal Heritage Act 2006* give notice that the WAC will do all or any of the following:
 - (a) Consult with the sponsor in relation to the assessment of the area for the purposes of the plan.
 - (b) Consult with the sponsor in relation to the recommendations to be included in the plan.
 - (c) Participate in the conduct of the assessment.

To aid in the development of the CHMP, the following process is recommended as a minimum:

At least one pre-planning meeting with Sponsor/Cultural Heritage Advisor to determine process and methodology.

One post-investigation meeting to develop appropriate management recommendations.

And for the evaluation of the CHMP, the following is requested:

2 hard copies and 1 electronic (PDF or word) copy on disc to the Wadawurrung Office for evaluation

For further information regarding this advice, please contact

John Young on:
0457 008 616
john@wathcorp.com.au
Yours sincerely,

John Young
RAP Manager
Wathaurung Aboriginal Corporation
trading as: Wadawurrung

PO Box 734 Ballarat VIC 3350
99 Main Street East
BALLARAT VIC 3350
P. 03 4305 0420
F. 03 4305 0421
www.wathcorp.com.au

PLANNING & ENVIRONMENT ACT 1987

SURF COAST PLANNING SCHEME

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**APPENDIX 2: SCHEDULE 10 TO THE DEVELOPMENT PLAN OVERLAY OF THE SURF
COAST PLANNING SCHEME¹⁸**

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¹⁸ Schedule 10 is available from: http://planningschemes.dpcd.vic.gov.au/schemes/surfcoast/ordinance/43_04s10_surf.pdf
[accessed 14/01/2014].

20/12/2012
C71(Part 3)**SCHEDULE 10 TO THE DEVELOPMENT PLAN OVERLAY**Shown on the planning scheme map as **DPO10**.**BRIODY ESTATE WEST DEVELOPMENT PLAN**

A development plan must be prepared to guide the future subdivision, use and development of the following land:

- 90-170 Grossmans Road;
- 95-135 and 150-170 Briody Drive; and
- 15 and 25 Illawong Drive, Torquay.

The objectives of this schedule are:

- To co-ordinate the actions of land owners to ensure a comprehensively planned residential subdivision generally in accordance with the Briody Estate West Concept Plan 2012 contained in this schedule.
- To facilitate an attractive and high amenity residential area that:
 - integrates well with existing and future adjoining residential development and the existing character of Torquay;
 - responds in a sensitive way to the protection of remnant vegetation and the abutting Deep Creek environs; and
 - provides a variety of lot sizes.

1.0 Requirement before a permit is granted20/12/2012
C71(Part 3)

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- One dwelling on an existing lot, including outbuildings, extensions, additions or modifications, provided it is the only dwelling on the lot and the responsible authority is satisfied that it will not unreasonably prejudice the future subdivision of the land;
- A use permitted under the zone, provided the responsible authority is satisfied that it will not unreasonably prejudice the future subdivision of the land.
- A subdivision that facilitates land aggregation to create a larger developable parcel of land where the subdivision occurs in conjunction with a Plan of Consolidation to create the aggregated lot/s.

2.0 Conditions for Permits20/12/2012
C71(Part 3)

A permit for subdivision of the land:

- may require a Section 173 Agreement under the Planning and Environment Act 1987 to:
 - provide for the development of an integrated stormwater management system and the equalisation of costs associated with the provision of land for and the construction of the system, or
 - provide for any other approach to the management of stormwater to the satisfaction of the responsible authority.

3.0 Requirements for development plan20/12/2012
C71(Part 3)

The Development Plan must include:

- The location of all proposed land uses including, but not restricted to, roads, public open space (including a local park that is approximately 1 hectare in area), drainage reserves, and other known authority reserves (including sewerage and gas).

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- An internal road network that:
 - Provides a high level of permeability through and within the site for pedestrians, cyclists and vehicles, providing direct and safe access to public transport connections, the Deep Creek environs, community facilities and local schools. The network must have regard to future development of 70–140 Briody Drive.
 - Considers the need for up to 2 new vehicle accesses to Grossmans Road between Illawong Drive and Messmate Road to assist in distributing traffic more evenly through the precinct and reducing reliance on Briody Drive as a sole access provided any new intersection can be accommodated by minimising impacts on significant roadside vegetation.
 - Provides for the upgrading of Briody Drive as an Access Street Level 2.
- The general subdivision layout, including location and distribution of lots showing a variety of lot sizes and densities to encourage a range of housing types. The layout should maximise solar efficiency to as many lots as possible. Higher residential densities should be focussed around public open space areas.
- Identification of the Deep Creek waterway as a linear open space between Messmate Road and the existing open space reserve generally in accordance with the Concept Plan.
- Provision of a shared sealed pathway (walking/cycling track) along the waterway and linking to the pathway in the Frog Hollow Estate, to be sited above the 1 in 100 year flood level.
- Maximising surveillance of public areas through provision of street frontages to areas of public open space.
- At the interface of Messmate Road and Grossmans Road and the remnant native vegetation the following must be provided;
 - Retention of the remnant vegetation in a linear reserve to a width to the satisfaction of the responsible authority.
 - An access street immediately adjacent to the vegetation reserve that will separate private land from the remnant vegetation. The access street road reserve width should be 11.5m.
 - A rural post and rail fence (or similar) between the remnant vegetation and the Grossmans and Messmate Road reserves designed to inhibit uncontrolled pedestrian access to the external road network.
- Pedestrian and/or bicycle links, including a link from the corner of Grossmans and Messmate Roads to the nearby schools.
- Designation of areas to be subject to building restrictions and fencing provisions.
- Identification of land aggregation opportunities over the land that will facilitate integrated development and recommended staging of development that provides for the sequential delivery of infrastructure. These opportunities must have regard to ownership pattern, servicing and accessibility and the orderly release of land for residential development.

The Development Plan must be supported by the following:

A Town Planning Report that includes:

- An assessment of the provisions of the Surf Coast Planning Scheme, including the State and Local Planning Policy Framework and Clause 56.
- An assessment of the capacity of existing water, sewer and gas infrastructure. Opportunity for connection to a third pipe scheme is also to be explored with Bayside Water.
- The logical sequencing of development given the need to provide full reticulation of services. Consideration should be given to ‘out of sequence’ development and what interim infrastructure, particularly stormwater is required.

A Flora and Fauna Management Plan that includes:

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- A flora and fauna assessment carried out by suitably qualified and experienced person/s that identifies the vegetation communities, the quality of habitat, the actual indigenous flora and fauna species that inhabit the site, threats to the indigenous flora and fauna species including pest plant and animal species and for any threatened flora and fauna species and communities their conservation status under local, regional, state and national legislation policies.
- Recommendations where vegetation should be retained and by what mechanism (ie reserves).
- A net gain assessment that addresses the removal of any native vegetation to allow for the residential development of the land. This assessment will implement, as appropriate, the recommendations of the Open Space and Landscape Masterplan.

A Road Network and Traffic Management Plan that includes:

- An assessment of the traffic generated by the residential development of the land.
- Classification of streets according to standards contained in Clause 56 of the Surf Coast Planning Scheme.
- Pedestrian links from Messmate Road and Grossmans Road to the nearby areas and facilities.
- Identification of all off-site traffic infrastructure requirements associated with the site, including at the intersections of Grossmans Road and Messmate Road, and Messmate Road and Briody Drive and Grossmans Road and Duffields Road, including and land required in order to accommodate a roundabout at the intersection of Grossmans Road and Duffields Road.
- Definition of the cross-sections, including where relevant, verge widths, naturestrips, kerb and channel, drainage, pavement widths and pathways for all identified roads within and abutting the development.

A Flooding, Stormwater and Drainage Management Plan that takes an integrated approach to stormwater system management, designed with reference to the two catchments that affect the land and includes:

- An integrated stormwater management system for the properties discharging directly to Deep Creek (170 Grossmans Road and 150 and 170 Briody Drive) that ensures the peak discharge rate, and pollutant load of stormwater leaving the subject land within this DPO is no greater than pre-development levels, meets current best practice and is discharged to the existing drainage system.
- An integrated stormwater management system for the remainder of the land that ensures the pollutant load of stormwater leaving the land is no greater than pre-development levels, meets current best practice and the stormwater is discharged to Deep Creek via the Council walkway and designed to cater for the 1 in 100 year (1% AEP) storm to the existing drainage system.
- Any interim stormwater management arrangements that could provide for out of sequence residential development.
- Input from the Corangamite Catchment Management Authority for works in, on or over Deep Creek, which is a designated waterway.
- Where required, a description of the methodology and apportionment of costs for the provision of the integrated stormwater management system including how its costs will be equalised across all landowners. This may be implemented via a condition on a planning permit that approves a residential subdivision for a Section 173 Agreement that requires a cash contribution to equalise the costs associated with providing land for and the construction of the system or any other mechanism to the satisfaction of the responsible authority.

An Open Space and Landscape Masterplan that includes:

- A local park of approximately 1 hectare in area located to best service the area and respond to local features. The playground design shall comply with Council's Playground Strategy.

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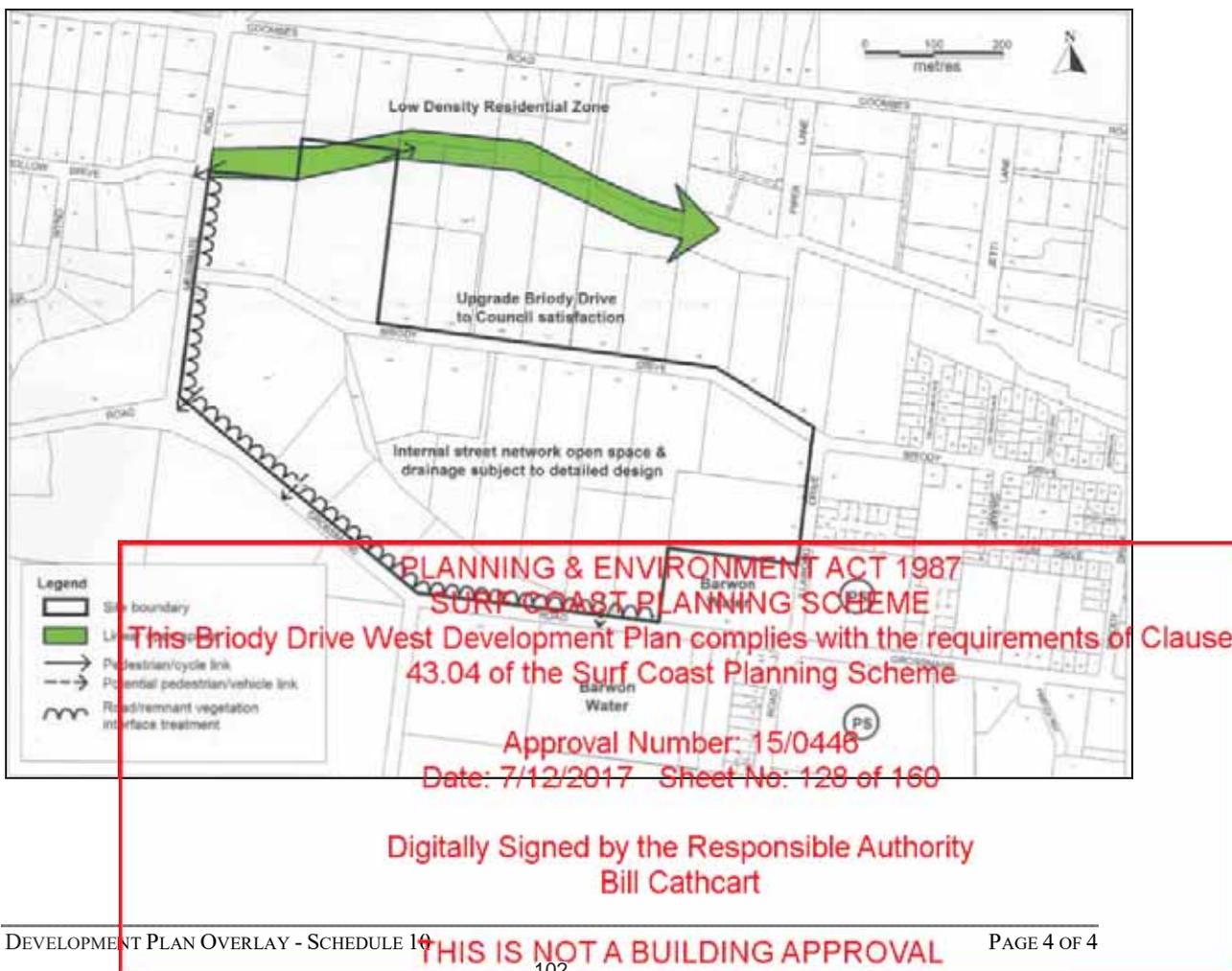
- A linear open space reserve along the Deep Creek waterway. The linear reserve is to be a width not less than 25 metres each side of the centre line of the waterway / drainage line (as applicable to the subject land) and should include all significant vegetation adjacent to the creek.
- Proposed revegetation of the Deep Creek linear reserve and showing the location of the shared trail, seating and signage.
- Considers the opportunity to retain some of the established non indigenous planted windbreaks as an urban landscape form.
- The extensive use, where appropriate, of local indigenous plant species throughout the development site, particularly along Deep Creek and adjacent areas of significant remnant vegetation.
- Proposed street planting in accordance with Council’s street planting guide.
- Considers the appropriate location of open space having regard to existing and proposed open space in the surrounding area.

The Open Space and Landscape Masterplan is to ensure that areas set aside for useable public open space are clearly visible and accessible, providing safe and convenient land to serve the recreational needs of current and future residents in the locality. Passive surveillance to such areas must accord with Crime Prevention Through Environmental Design (CPTED) principles.

Encumbered land shall not be credited as Public Open Space. Encumbered land includes:

- Land set aside to protect significant vegetation, save that up to 5 metres linear width of the proposed vegetation reserve along the Grossmans and Messmate Roads frontages will be credited as public open space as a linear pedestrian accessway.
- Drainage basins and associated stormwater treatment sites; and
- Land within 15 metres either side of the centre line of the Deep Creek drainage line.

FIGURE 1 - BRIODY ESTATE WEST CONCEPT PLAN 2012



APPENDIX 3: DESCRIPTIONS OF EPs NOT CONTAINING ABORIGINAL CULTURAL HERITAGE

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Excavation Pit EP1 (1X1 m)

Located in paddock on lower slope south of creek; aeolian plain

Grid Reference

GDA 94 MGA Zone 55
E 4418248 N 5755768

Soil Horizons

1. 0-130 mm: Munsell 7.5 YR 3/1 pH 6

Very dark grey, friable, slightly moist, clayey silt topsoil with grass roots, small bulbs and worms.

2. 90-150 mm: Munsell 7.5 YR 5/2 pH 6.5

Brown, weak, slightly moist, silty sand - fill in animal burrow. Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 100 mm

North east 220 mm

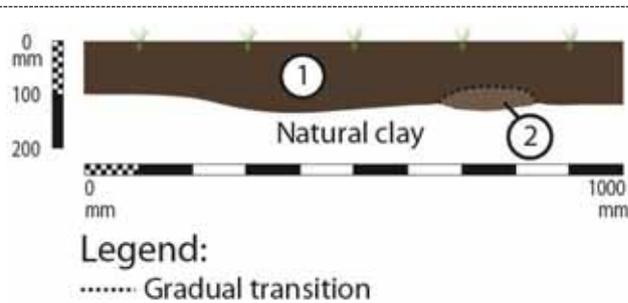
South east 130 mm

South west 100 mm

Disturbance: Grass roots, small bulbs and worms.

Obstacles: None.

Aboriginal Cultural Heritage: None.



EP1 North Section



EP1 North Baulk

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Excavation Pit EP2 (1X1 m)

Located in paddock on mid slope down towards creek; aeolian plain.

Grid Reference

GDA 94 MGA Zone 55
E 264134 N 5755744

Soil Horizons

1. 0-170 mm: Munsell 7.5 YR 3/2 pH 6

Dark brown, mottled, loose, slightly moist, clayey silt topsoil with grass roots and worms. Gradual transition into context 2 below.

2. 170-290 mm: Munsell 7.5 YR 5/2 pH 6.5

Grey, weak, damp, fine sand collected in pockets above natural clay. Pebbles (<15mm, <20%).
Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 270 mm

North east 200 mm

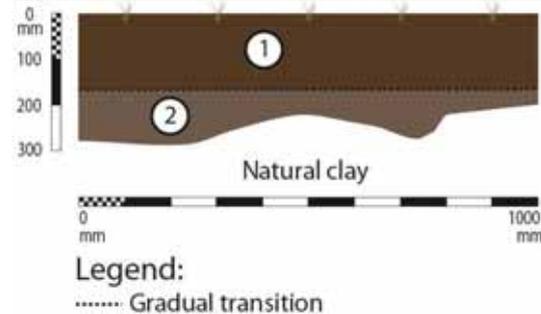
South east 320 mm

South west 240 mm

Disturbance: Grass roots and worms.

Obstacles: None.

Aboriginal Cultural Heritage: None.



EP2 North Section



EP2 North Baulk

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Excavation Pit EP3 (1X1 m)

Located in paddock on upper slope of aeolian plain.

Grid Reference**GDA 94 MGA Zone 55**E 264121 N 5755701

Soil Horizons

1. 0-190 mm: Munsell 7.5 YR 3/2 pH 6

Mottled brown, weak, clayey silt topsoil with fine grass roots, worms, spiders and bugs. Becomes lighter with depth but no distinct difference in context until reaching natural clay below. Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 170 mm

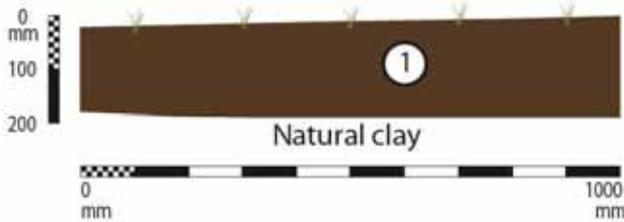
North east 190 mm

South east 190 mm

South west 190 mm

Disturbance: Fine grass roots, worms, spiders and bugs.**Obstacles:** None.

Aboriginal Cultural Heritage: None

**EP3 North Section****EP3 North Baulk**

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Excavation Pit EP4 (1X1 m)

Located in paddock on upper slope of aeolian plain.

Grid Reference**GDA 94 MGA Zone 55**E 264112 N 5755663

Soil Horizons

1. 0-180 mm: Munsell 10 YR 3/3 pH 6

Dark brown, loose, moist, clayey silt topsoil with grass roots and worms. Gradual transition into context 2 below.

2. 140-230 mm: Munsell 7.5 YR 4/2 pH 6.5

Brown, weak, damp, fine sand with gravel pebbles (<20mm, <20%). Alluvial deposit.

Maximum Depth:

North west 150 mm

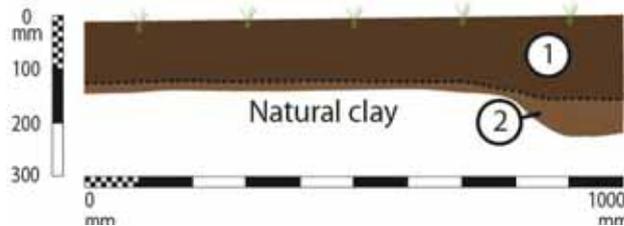
North east 240 mm

South east 280 mm

South west 200 mm

Disturbance: Grass roots and worms.**Obstacles:** None.

Aboriginal Cultural Heritage: None.

**EP4 North Section****EP4 North Baulk**

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Excavation Pit EP6 (1X1 m)

Located in paddock on lower slope of aeolian plain.

Grid Reference

GDA 94 MGA Zone 55
E 264182 N 5755777

Soil Horizons

1. 0-220 mm: Munsell 10 YR 3/3 pH 6.5

Dark brown, friable, clayey silt with grass roots, worms and insects. Gradual transition into context 2 below.

2. 140-300 mm: Munsell 7.5 YR 4/2 pH 6.5

Brown, fine, clayey silt sitting in pockets above clay. Buckshot (<30mm, <10%). Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 200 mm

North east 180 mm

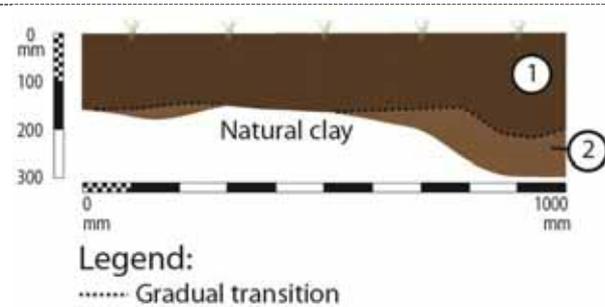
South east 300 mm

South west 170 mm

Disturbance: Grass roots, worms and insects.

Obstacles: None.

Aboriginal Cultural Heritage: None.



EP6 East Section



EP6 East Baulk

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Excavation Pit EP7 (1X1 m)

Located in paddock on mid slope of aeolian plain.

Grid Reference

GDA 94 MGA Zone 55
E 264186 N 5755730

Soil Horizons

1. 0-100 mm: Munsell 10 YR 3/3 pH 6.5

Dark brown, friable, clayey silt with grass roots, worms and insects. Gradual transition into context 2 below.

2. 100-200 mm: Munsell 7.5 YR 4/2 pH 6.5

Brown, fine, clayey silt sitting in pockets above clay. Buckshot (<30mm, <10%). Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 210 mm

North east 160 mm

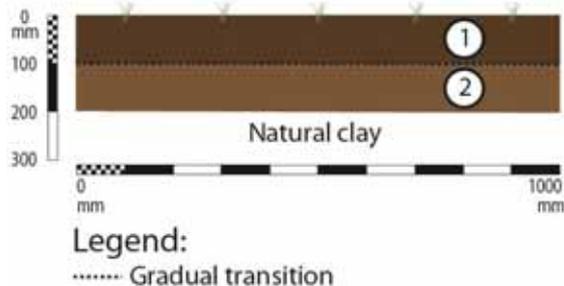
South east 230 mm

South west 230 mm

Disturbance: Grass roots, worms and insects.

Obstacles: None.

Aboriginal Cultural Heritage: None.



EP7 North Section



EP7 North Baulk

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SURF COAST PLANNING SCHEME

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Excavation Pit EP8 (1X1 m)

Located in paddock on upper slope of aeolian plain.

Grid Reference**GDA 94 MGA Zone 55**E 264193 N 5755655

Soil Horizons

1. 0-100 mm: Munsell 10 YR 3/3 pH 5.5

Dark brown loam with grass roots and worms.
Gradual transition into context 2 below.

2. 100-200 mm: Munsell 10 YR 4/4 pH 6

Dark yellowish brown, sandy silt with buckshot inclusions (<20mm, <20%). Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 200 mm

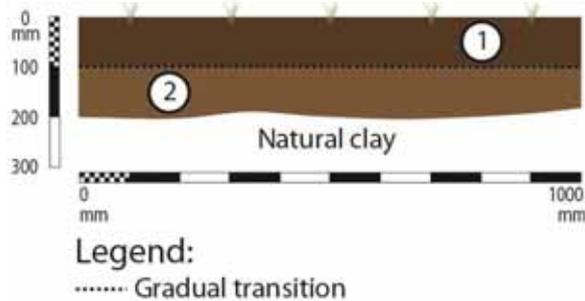
North east 180 mm

South east 200 mm

South west 200 mm

Disturbance: Grass roots, worms and insects.**Obstacles:** None.

Aboriginal Cultural Heritage: None.

**EP8 North Section****EP8 North Bank**

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Excavation Pit EP9 (1X1 m)

Located in paddock on creek flat.

Grid Reference**GDA 94 MGA Zone 55**

E 264244 N 5755805

Soil Horizons

1. 0-230 mm: Munsell 7.5 YR 3/1 pH 6

Dark brown, weak, dry, clayey silt topsoil with a few fine roots, worms, ants and occasional charcoal. Merges with context 2 below.

2. 110-410 mm: Munsell 7.5 YR 6/2 pH 6.5

Pinkish grey, fine sand with fine roots and ants. Fine alluvial deposit from creek flooding. Occasional charcoal fragments. Excavation ceased upon reaching distinct horizon of natural clay below.

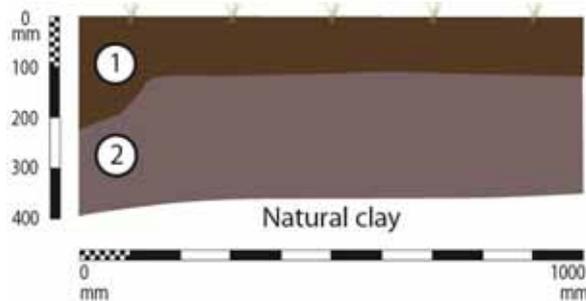
Maximum Depth:

North west 410 mm

North east 350 mm

South east 380 mm

South west 385 mm

Disturbance: Grass roots, worms and insects.**Obstacles:** None.**Aboriginal Cultural Heritage:** None.**EP9 North Section****EP9 North Baulk**

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Excavation Pit EP10 (1X1 m)

Located in paddock on mid slope of aeolian plain.

Grid Reference

GDA 94 MGA Zone 55
E 264273 N 5755772

Soil Horizons

1. 0-120 mm: Munsell 7.5 YR 3/2 pH 6.5

Dark brown, dry, weak, clayey silt topsoil with fine roots and worms. Gravel inclusions (<10mm, <2%). Excavation ceased upon reaching distinct horizon of natural clay below. Two pockets above natural clay filled with fine sand - possible fence post holes or animal burrows.

Maximum Depth:

North west 100 mm

North east 95 mm

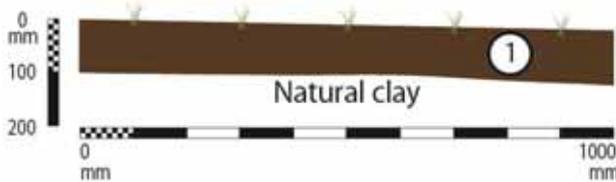
South east 280 mm

South west 90 mm

Disturbance: Grass roots and worms.

Obstacles: None.

Aboriginal Cultural Heritage: None.



EP10 North Section



EP10 North Baulk

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Excavation Pit EP11 (1X1 m)

Located in paddock on lower slope of creek flat.

Grid Reference

GDA 94 MGA Zone 55
E 264305 N 5755800

Soil Horizons

1. 0-140 mm: Munsell 7.5 YR 3/1 pH 6

Very dark grey, weak, moist, clayey silt topsoil with fine roots, worms and grubs.

2. 90-240 mm: Munsell 7.5 YR 4/2 pH 6.5

Brown, moist, fine sand. Undulating clay at base with rivulets of alluvial deposit laying in between upstanding clay nodules. Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 160 mm

North east 240 mm

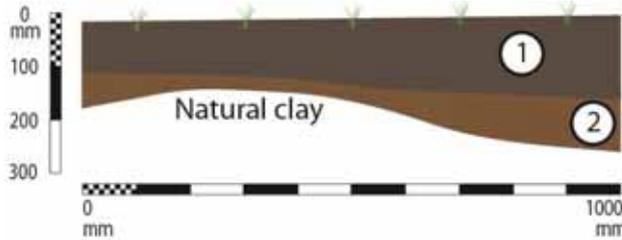
South east 160 mm

South west 300 mm

Disturbance: Grass roots, worms and grubs.

Obstacles: None.

Aboriginal Cultural Heritage: None.



EP11 North Section



EP11 North Baulk

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Excavation Pit EP12 (1X1 m)

Located in paddock on mid slope of aeolian plain.

Grid Reference

GDA 94 MGA Zone 55
E 264347 N 5755783

Soil Horizons

1. 0-90 mm: Munsell 7.5 YR 3/3 pH 6

Dark brown, weak, clayey silt topsoil with tree and grass roots, ants, grubs and worms. Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 90 mm

North east 90 mm

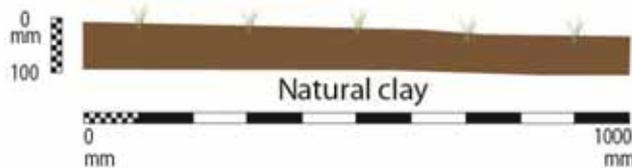
South east 80 mm

South west 80 mm

Disturbance: Grass and tree roots, ants, grubs and worms.

Obstacles: None.

Aboriginal Cultural Heritage: None.



EP12 North Section



EP12 North Bulk

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Excavation Pit EP13 (1X1 m)

Located in paddock; aeolian plain.

Grid Reference**GDA 94 MGA Zone 55**

E 264259 N 5755704

Soil Horizons

1. 0-130 mm: Munsell 7.5 YR 3/2 pH 5.5

Dark brown, dry, weak, clayey silt with worms, fine grass roots and quartz pebbles (<20mm, <5%).

2. 100-200 mm: Munsell 7.5 YR 3/2 pH 6

Brown, fine sand with buckshot inclusions (<10mm, <30%), fine grass roots and insects. Excavation ceased upon reaching distinct horizon of natural clay below.

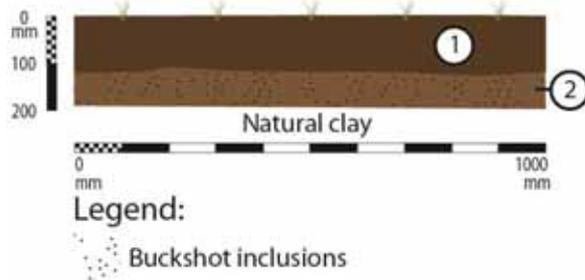
Maximum Depth:

North west 190 mm

North east 190 mm

South east 200 mm

South west 200 mm

Disturbance: Grass roots and worms.**Obstacles:** None.**Aboriginal Cultural Heritage:** None.**EP13 North Section****EP13 North Baulk**

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Excavation Pit EP14 (1X1 m)

Located in paddock on upper slope of aeolian plain.

Grid Reference**GDA 94 MGA Zone 55**E 264291 N 5755740

Soil Horizons

1. 0-180 mm: Munsell 7.5 YR 3/2 pH 6.5

Dark brown, dry, weak, clayey silt topsoil with grass roots and worms. Quite distinct from context 2 below.

2. 170-260 mm: Munsell 7.5 YR 5/3 pH 6.5

Grey brown, fine sand with some buckshot and occasional grass roots. Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 130 mm

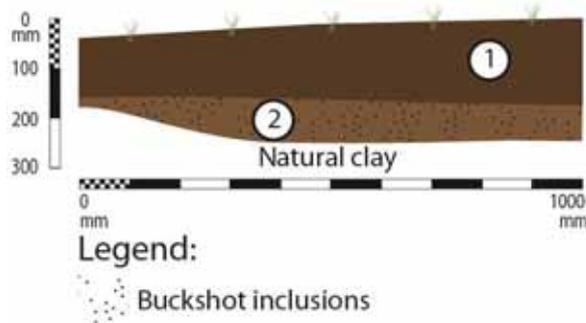
North east 265 mm

South east 190 mm

South west 140 mm

Disturbance: Grass roots and worms.**Obstacles:** None.

Aboriginal Cultural Heritage: None.

**EP14 North Section****EP14 North Bulk**

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Excavation Pit EP15 (1X1 m)

Located in paddock on upper slope of aeolian plain.

Grid Reference**GDA 94 MGA Zone 55**E 264289 N 5755675

Soil Horizons

1. 0-80 mm: Munsell 7.5 YR 3/2 pH 6.5

Dark brown, moist, loose, silty clay with grass roots, worms and quartz pebbles (<20mm, <1%).

2. 50-240 mm: Munsell 7.5 YR 4/3 pH 6.5

Brown, moist, silty clay with grass roots and worms. Charcoal (<10mm, <1%). Iron-rich gravel (<30mm, <1%). Buckshot (<10mm, <1%). Sand pocket in NE corner. Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 170 mm

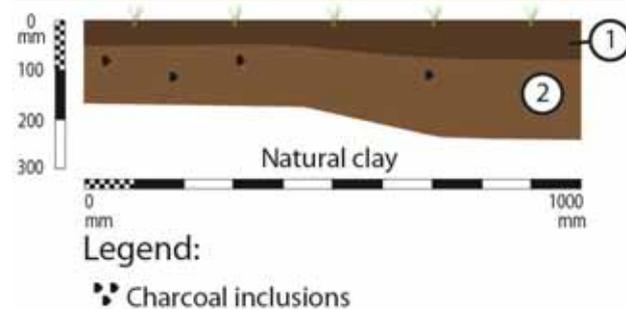
North east 240 mm

South east 180 mm

South west 170 mm

Disturbance: Grass roots and worms.**Obstacles:** None.

Aboriginal Cultural Heritage: None.

**EP15 North Section****EP15 North Bulk**

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Excavation Pit EP16 (1X1 m)

Located in paddock on mid slope of aeolian plain.

Grid Reference

GDA 94 MGA Zone 55
E 264338 N 5755714

Soil Horizons

1. 0-60 mm: Munsell 7.5 YR 3/1 pH 6

Very dark grey, moist, loose, sandy clay with grass roots and worms.

2. 60-160 mm: Munsell 7.5 YR 4/2 pH 6

Brown, moist, sandy clay with grass roots and worms. Charcoal (<10mm, <2%). Buckshot (<30mm, <1%). Undulating interface between contexts 2 and 3.

3. 140-260 mm: Munsell 7.5 YR 6/4 pH 6

Light brown, moist, sandy clay. Charcoal (<15mm, <2%). Buckshot (<15mm, <3%), Quartz pebbles (<101mm, <1%). Large clay nodules towards base of pit. Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 260 mm

North east 250 mm

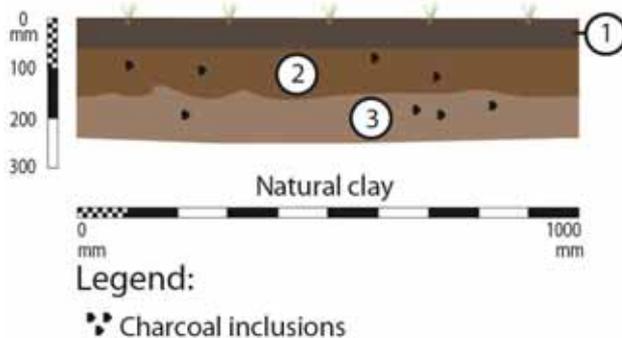
South east 280 mm

South west 260 mm

Disturbance: Grass roots and worms.

Obstacles: None.

Aboriginal Cultural Heritage: None.



EP16 North Section



EP16 North Bulk

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Excavation Pit EP17 (1X1 m)

Located in paddock on mid slope of aeolian plain.

Grid Reference

GDA 94 MGA Zone 55
E 264347 N 5755661

Soil Horizons

1. 0-50 mm: Munsell 7.5 YR 3/2 pH 6

Dark brown, dry, compact, silty clay with grass roots and worms. Humic content (sticks, leaves, bark <1%), buckshot (<15mm, <1%).

2. 50-160 mm: Munsell 7.5 YR 4/2 pH 6

Brown, moist, silty clay with grass roots and worms. Buckshot (<50mm, <2%). Undulating interface between contexts 2 and 3.

3. 140-260 mm: Munsell 7.5 YR 6/4 pH 6

Light brown, moist silty clay with patches of dry, compact, silty clay. Charcoal (<50mm, <2%). Increasing buckshot (<50mm, <3%). Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 240 mm

North east 220 mm

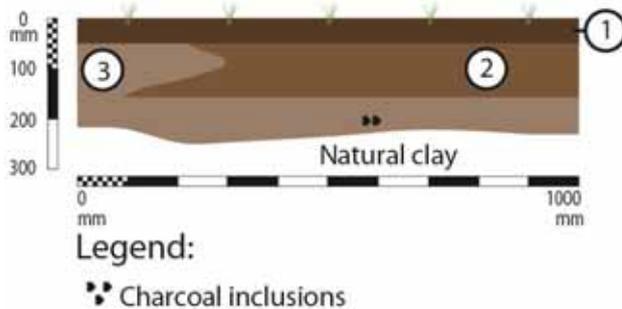
South east 150 mm

South west 140 mm

Disturbance: Grass roots and worms.

Obstacles: None.

Aboriginal Cultural Heritage: None.



EP17 North Section



EP17 North Baulk

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Excavation Pit EP18 (1X1 m)

Located in paddock on upper slope of aeolian plain.

Grid Reference**GDA 94 MGA Zone 55**E 264252 N 5755654

Soil Horizons

1. 0-80 mm: Munsell 7.5 YR 3/2 pH 6

Dark brown, moist-wet, silty clay with grass roots and worms. Buckshot (<50mm, <1%). Quartz pebbles (<10mm, <1%).

2. 80-210 mm: Munsell 7.5 YR 5/2 pH 6.5

Brown, moist-wet, silty clay with increasing buckshot (<30mm, <2%). Quartz pebbles (<10mm, <1%).

Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 190 mm

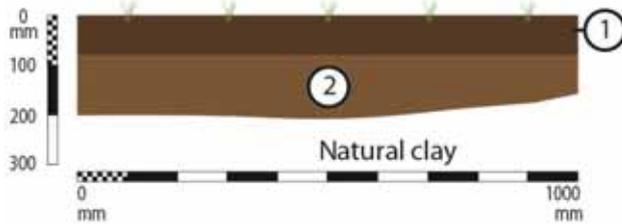
North east 160 mm

South east 130 mm

South west 210 mm

Disturbance: Grass roots and worms.**Obstacles:** None.

Aboriginal Cultural Heritage: None.

**EP18 North Section****EP18 North Baulk**

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Excavation Pit EP19 (1X1 m)

Located on upper slope of lawn.

Grid Reference**GDA 94 MGA Zone 55**

E 264336 N 5755623

Soil Horizons

1. 0-140 mm: Munsell 7.5 YR 3/1 pH 6

Dark brown, moist, weak, clayey silt topsoil with fine grass roots and worms. Possibly introduced deposit for garden lawn.

2. 50-160 mm: Munsell 7.5 YR 5/2 pH 6.5

Brown, moist, weak, fine sand. Merges with context 1 above. Occasional buckshot. Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

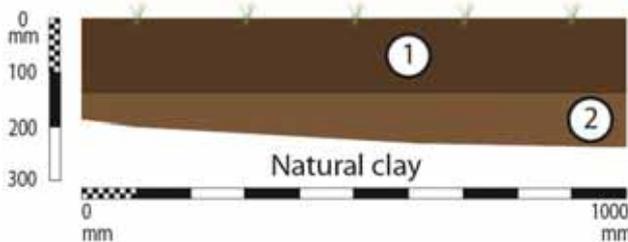
North west 180 mm

North east 230 mm

South east 300 mm

South west 220 mm

Disturbance: Grass roots and worms.**Obstacles:** None.

Aboriginal Cultural Heritage: None.**EP19 North Section****EP19 North Baulk**

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Excavation Pit EP20 (1X1 m)

Located on paddock of aeolian plain.

Grid Reference**GDA 94 MGA Zone 55**E 264744 N 5755390

Soil Horizons

1. 0-220 mm: Munsell 7.5 YR 3/2 pH 6

Dark brown, moist, weak, clayey silt with worms and thick grass roots in upper 100mm. Excavation ceased upon reaching distinct horizon of natural clay below.

Maximum Depth:

North west 220 mm

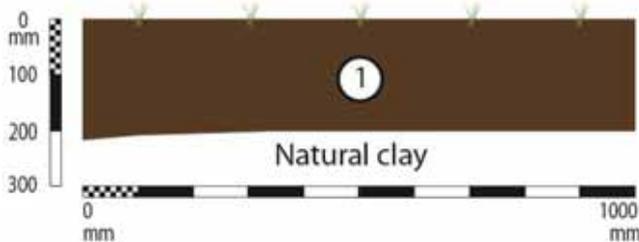
North east 190 mm

South east 190 mm

South west 300 mm

Disturbance: Grass roots and worms.**Obstacles:** None.

Aboriginal Cultural Heritage: None.

**EP20 North Section****EP20 North Bulk**

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**APPENDIX 4: DESCRIPTIONS OF STPs NOT CONTAINING ABORIGINAL
CULTURAL HERITAGE**

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Issue Date: 14/03/2014

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Zone 1 STPs 15-22, 46-8

Landform: Aeolian plain; mid - upper slope of paddock

Dimensions: 500 x 500 mm.

Average Depth: 200 mm.

Stratigraphic Layers:

1. Mostly mid to dark brown, moist or wet, loose clayey silt with worms and grass roots. Merging with context 2 below in STPs 46-8.
2. STP 15 featured mid brown silty clay with red ochre fragments. STPs 16 & 18 were composed of mid brown fine sand. STPs 46-8 were composed largely of silt. Excavations ceased upon reaching Natural – orange clay.

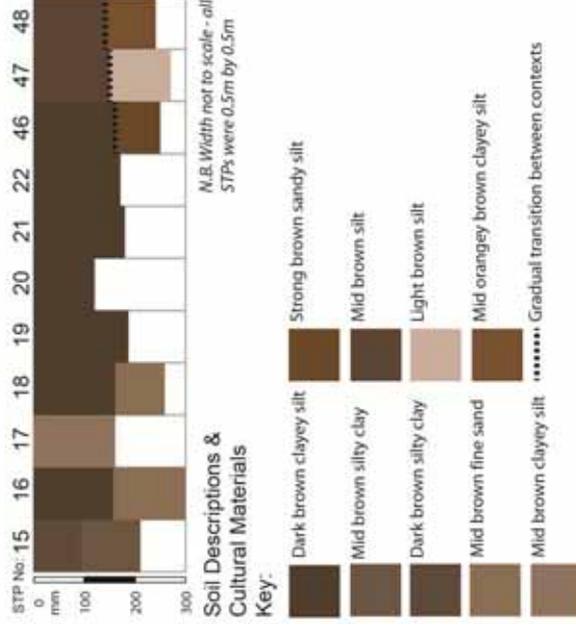
Inclusions: Buckshot (<1%, < 15 mm) throughout STP 15. Occasional charcoal flecks throughout STPs 47-8.

Disturbance: Grass roots and worms.

Grid References (GDA 94 MGA 55)

- STP 15** E 264195 N 5755428; **STP 47** E 264067 N 5755468;
STP 16 E 264229 N 5755462; **STP 48** E 264099 N 5755547.
STP 17 E 264213 N 5755493;
STP 18 E 264251 N 5755512;
STP 19 E 264226 N 5755531;
STP 20 E 264193 N 5755557;
STP 21 E 264161 N 5755573;
STP 22 E 264120 N 5755594;
STP 46 E 264163 N 5755396;

STPs Zone 1



STP 18 - Base **Approval Number: 15/07/2017** - **Base**
Photographs of typical Zone 1 STPs **Date: 7/12/2017** **Sheet No: 150 of 160**

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Zone 2 STPs 23-8, 44-5

Landform: Aeolian plain; paddock

Dimensions: 500 x 500 mm.

Average Depth: 500 mm.

Stratigraphic Layers:

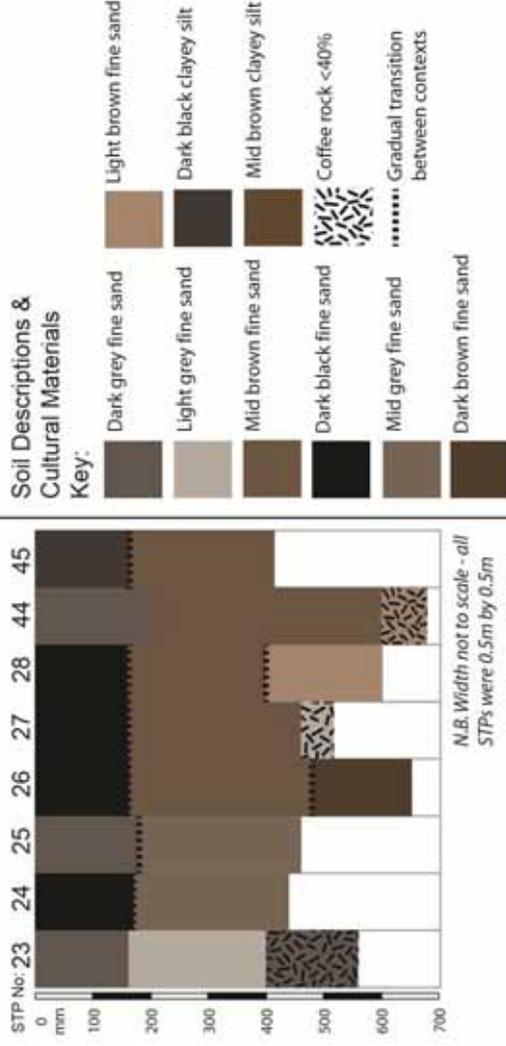
1. Mostly mid to dark grey/black, moist, weak, fine sand, although STP 45 was composed of clayey silt. Merging with context 2 below in STPs 24-8 & 45.
 2. Characterised by brown or grey, moist, weak, fine sand. Occasional grass roots, worms and coffee rock (<5%, <10 mm).
 3. Characterised by light-dark grey or brown, moist/wet/waterlogged fine sand. Excavations ceased upon reaching Natural – orange clay.
- Inclusions:** Coffee rock (<80%, < 100 mm) increasing with depth in STPs 23, 25, 27, 44. Occasional charcoal flecks in context 2 of STPs 44-5.

Disturbance: Grass roots and worms in contexts 1 and 2.

Grid References (GDA 94 MGA 55)

- STP 23 E 264456 N 5755484;
- STP 24 E 264451 N 5755442;
- STP 25 E 264407 N 5755433;
- STP 26 E 264363 N 5755425;
- STP 27 E 264393 N 5755390;
- STP 28 E 264393 N 5755354;
- STP 44 E 264266 N 5755326;
- STP 45 E 264120 N 5755594.

STPs Zone 2



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STP 24 - North baulk STP 25 - North baulk

Photography of typical Zone 2 STPs Authority
Bill Cathcart

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Zone 3 STPs 29-35 & 38

Landform: Aeolian plain; paddock

Dimensions: 500 x 500 mm.

Average Depth: 240 mm.

Stratigraphic Layers:

1. STPs 29-31 were composed of dark brown, weak, moist, fine sand. STPs 32-5 & 38 were composed of dark grey, black or brown, weak, clayey silt. Grass roots and worms throughout.
2. STPs 29-30 & 38 were composed of grey-brown or pinkish grey, moist, weak, fine sand. STPs 33-4 were composed of mid brown, weak, clayey silt. Excavations ceased upon reaching natural clay.

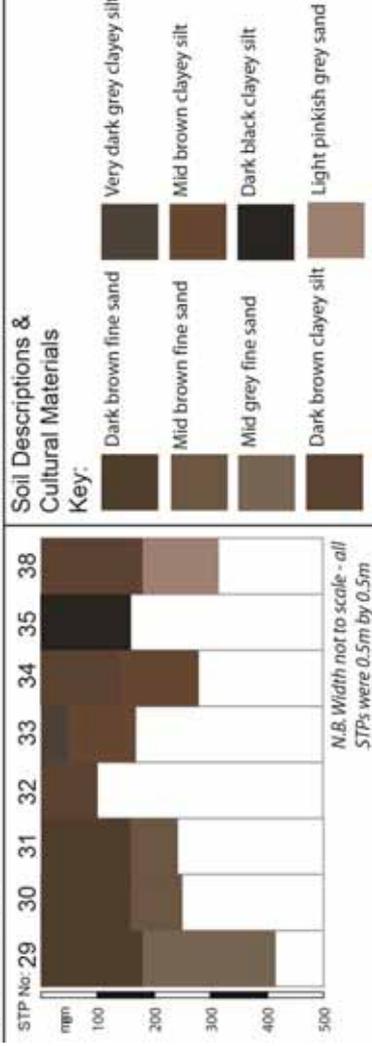
Inclusions: Occasional charcoal fragments in lower depths of STPs 32-4.

Disturbance: Grass roots and worms.

Grid References (GDA 94 MGA 55)

- STP 29 E 264538 N 5755475;
STP 30 E 264537 N 5755410;
STP 31 E 264520 N 5755248;
STP 32 E 264595 N 5755310;
STP 33 E 264596 N 5755266;
STP 34 E 264590 N 5755219;
STP 35 E 264658 N 5755278;
STP 38 E 264685 N 5755463.

STPs Zone 3



STP 29 - North baulk



STP 30 - North baulk

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Bill Gatheart

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Zone 4 STPs 36-7 & 39-43

Landform: Aeolian plain; paddock

Dimensions: 500 x 500 mm.

Average Depth: 230 mm.

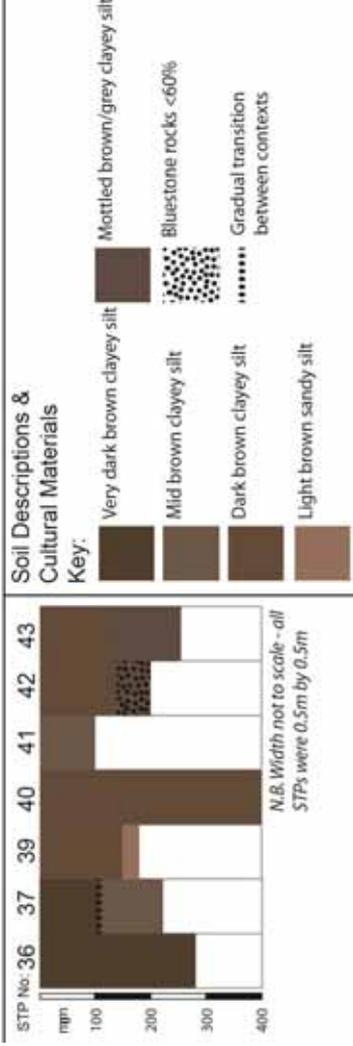
Stratigraphic Layers:

1. Dark brown to very dark brown, weak, clayey silt. Grass roots and worms throughout.
2. Mostly light to dark brown, weak, clayey silt apart from STP 39 which comprised light brown sandy silt with clay lumps. Excavations ceased upon reaching Natural clay.

Inclusions: Bluestone rocks (<60%, <90 mm) in context 2 of STP 42. Some charcoal flecks in context 2 of STP 43.

Disturbance: Grass roots and worms.

STPs Zone 4



Grid References (GDA 94 MGA 55)

- STP 36 E 264741 N 5755329;
- STP 37 E 264788 N 5755394;
- STP 39 E 264841 N 5755429;
- STP 40 E 264927 N 5755390;
- STP 41 E 264936 N 5755296;
- STP 42 E 264831 N 5755309;
- STP 43 E 264730 N 5755267.



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STP 36 - North baulk **STP 40 - North baulk**
STP 41 - North baulk
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Photographs of typical Zone 4 STPs

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APPENDIX 5: ARTEFACT CATALOGUE

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APPENDIX 6: GLOSSARY

This glossary utilises definitions taken from the following reference books:

- Bahn, P. 2004. *The New Dictionary of Archaeology*. Penguin Books, London.
- Holdaway, S. & N. Stern. 2004. *A Record in Stone: The Study of Australia's Flaked Stone Artefacts*. Museum Victoria, Melbourne.

ASSTT	Australian Small Stone Tool Tradition
Backed / Backing	Any stone artefact on which one (usually) or more margins contains consistent retouch, opposite a sharp working edge.
Blade	Blade: Any stone artefact retaining observable and complete fracture planes, platform, lateral margins and termination and has a length more than twice its width. Broken Blade: Any stone artefact retaining partial diagnostic features of a blade.
BP	Before Present
Basalt Floater	Large basalt boulder that is visible on top of or within topsoil deposits.
CHA	Cultural Heritage Advisor
Chalcedony	Very fine grained cryptocrystalline silica quartz found in a range of colours from transparent to opaque. Branded forms include agate, jasper and onyx.
CHMP	Cultural Heritage Management Plan
Chert	Very fine grained siliceous rock of organic and inorganic origin with no macroscopic visible grains.
Core	Any stone artefact retaining more than two negative scars of previous flakes struck from the piece.
Cortex	The original surface of the stone prior to the flaking episode. This may be further divided into nodule, pebble and terrestrial cortex indicating the original source of the material (i.e. pebble indicates a river or beach source).
Flaked Piece/ Angular Fragment	Any stone artefact retaining evidence of cultural modification (i.e. fracturing consistent with stone tool manufacture) but no diagnostic features associating it to other artefact class categories.
Edge Damage	Minor retouch or usewear that is unable to be described as formal retouch. May also be a result of post deposition breakage.
Flake	Broken flake: Any stone artefact retaining partial diagnostic features of a flake. Complete/Whole flake: Any stone artefact retaining observable and complete fracture planes, platform, lateral margins and termination. Distal Flake: Any flake on which the breakage removes the platform but retains the termination. Left Split Flake: Any flake on which the breakage removes the right portion of the flake (the distal end).

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	<p>surface exposed.</p> <p>Proximal Flake: Any flake on which the breakage removes the termination but retains the platform.</p> <p>Right Split Flake: Any flake on which the breakage removes the left portion of the flake (the right is retained) when oriented platform down and dorsal surface exposed.</p>
Flint	A member of the chalcedony group of silica minerals characterised by its dark (black, grey or brown) colour resulting from included organic matter.
Geometric Microlith	A piece on which at least one end and sometimes one lateral margin is backed forming a tool that is 'symmetrical around its transverse axis' (e.g. triangles, trapezoids) (Holdaway & Stern 2004, 262).
kya	Thousand years ago.
Ferruginous concretions	Iron oxide rich gravel identified on volcanic plain.
Manuport	Any object, generally stone material, transported and deposited by humans.
OAAV	Office of Aboriginal Affairs Victoria
Platform	<p>Cortical Platform: A platform retaining cortex.</p> <p>Crushed Platform: A platform which retains the diagnostic features of a proximal flake but on which too much damage has occurred to identify its features.</p> <p>Facetted Platform: A platform on which negative flake scars (≥ 1) are present.</p> <p>Plain Platform: A platform surface that shows no evidence of preparation, cortex, or negative scars.</p> <p>Overhung Platform: A platform surface that shows evidence of overhang removal prior to being struck.</p>
Quartzite	A metamorphic rock; quartz-rich sandstone that has been recrystallised by heat, by pressure, or by both... [it is] granular (or sugary) in texture and varies in grain size' (Holdaway & Stern 2004, 24).
Quartz	A mineral that, while not ideal for flaking due to its irregularity (difficult to predict fracturing behaviour), was often utilised for artefact production.
RAP	Registered Aboriginal Party
Tool	<p>Complete Tool: Any piece retaining edges modified by use or consistent retouch.</p> <p>Broken Tool: Any piece retaining a partial edge modified by use or consistent retouch.</p> <p>Formal Tool: Any tool that is unambiguously a known tool type (cf. artefact type Holdaway & Stern 2004).</p>
Tachylyte	A fine grained grey to black volcanic material, often with a thin grey weathered cortex.
Scraper	Scraper: Any piece with systematic retouch along part of its margin.

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	Thumbnail Scraper: Small semi-discoidal flake with unifacial and systematic steep retouch around a curved margin.
Stone Artefact Dimensions	<p>Oriented Length: In this case, the distance from the impact point to the distal margin in the direction of flaking.</p> <p>Maximum Dimension: The largest measurement possible to take on a stone artefact.</p> <p>Oriented Thickness: In this case, measured at right angles to the oriented width and oriented length.</p> <p>Oriented Width: In this case, the width of the artefact at the mid point at right angles to the oriented length.</p> <p>Quadrants: artefact is oriented with proximal end down and dorsal side facing observer.</p>
Retouch	<p>Scalar: Shallow scale like scars on margin with feather terminations. Usually small rounded scars.</p> <p>Step: Small, abrupt flake scars on margin, with step terminations.</p>
Silcrete	A sedimentary rock; 'formed through the impregnation of a sedimentary layer with silica [consisting] of quartz grains in a matrix of either amorphous or fine-grained silica' (Holdaway & Stern 2004, 24).
Stone Artefact	A piece of stone that has been formed by Aboriginal people to be used as a tool or is the bi-product of Aboriginal stone tool manufacturing activities. Stone artefacts can be flaked (i.e. to make points and scrapers) or ground (i.e. ground-edge axes, grinding stones).
VAHR	Victorian Aboriginal Heritage Register

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APPENDIX 7: SITE GAZETTEER

VAHR Name & No: Briody Drive West 1: VAHR 7721-1260

Aboriginal Place Type: Low Density Artefact Scatter

Primary Grid Reference (MGA 55 GDA 94): E 264149.26 N 5755717.64

Size (m²): n/a

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