

Final Report

Proposed Residential Subdivision, 460 Grossmans Road, Bellbrae, Victoria: Aboriginal and Historical Cultural Heritage Management Plan

Client

Keith Grossman

31 March 2015

SURF COAST SHIRE COUNCIL

This plan/proposal complies with the requirements of Clause
43.04 of the Surf Coast Planning Scheme.

Approval No: 14/0413

Plan of [Signature] Date: 27/11/15

Signature for the Responsible Authority

THIS IS NOT A BUILDING APPROVAL

Ecology and Heritage Partners Pty Ltd

Author

Rick Bullers

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- Keith Grossman for project and site information.
- St Quentin Consulting for project and site information.
- Wathaurung Aboriginal Corporation for cultural heritage information.
- Office of Aboriginal Affairs Victoria for information regarding Aboriginal Places.
- Heritage Victoria for information regarding historical heritage places.

Important Note: This Plan does not constitute a formal Aboriginal Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*.

Cover Photo: View north across the study area towards Mt Moriac
(Photo by Ecology and Heritage Partners Pty Ltd)

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ABBREVIATIONS

Acronym	Description
Act, the	<i>Aboriginal Heritage Act 2006</i>
AHCHMP	Aboriginal and Historical Cultural Heritage Management Plan
AHHA	Aboriginal and Historical Heritage Assessment
CHA	Cultural Heritage Advisor
CHL	Commonwealth Heritage List
CHMP	Cultural Heritage Management Plan
CHP	Cultural Heritage Permit
CMA	Catchment Management Authority
DEPI	Department of Environment and Primary Industries (Victoria)
DoE	Department of the Environment (Commonwealth)
DPC	Department of the Premier and Cabinet (Victoria)
DPO	Development Plan Overlay
DTPLI	Department of Transport, Planning and Local Infrastructure
EES	Environment Effects Statement
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EVC	Ecological Vegetation Class
HHA	Historical Heritage Assessment
HO	Heritage Overlay
HV	Heritage Victoria
LDAD	Low Density Artefact Distribution
NES	National Environmental Significance
NHL	National Heritage List
NNTT	National Native Title Tribunal
OAAV	Office of Aboriginal Affairs Victoria
PMST	Protected Matters Search Tool
RAP	Registered Aboriginal Party
RNE	Register of the National Estate
Regulations, the	<i>Aboriginal Heritage Regulations 2007</i>
SGD	Significant Ground Disturbance
SLV	State Library of Victoria
T/O	Traditional Owner/s
VAHC	Victorian Aboriginal Heritage Council
VAHR	Victorian Aboriginal Heritage Register
VGf	Victorian Geomorphological Framework

Acronym	Description
VHI	Victorian Heritage Inventory
VHR	Victorian Heritage Register
VWHI	Victorian War Heritage Inventory
WAC	Wathaurung Aboriginal Corporation
WHL	World Heritage List

EXECUTIVE SUMMARY

Introduction

Ecology and Heritage Partners Pty Ltd was commissioned by Keith Grossman to prepare an Aboriginal and Historical Cultural Heritage Management Plan (AHCHMP) for a proposed residential subdivision at 460 Grossmans Road, Bellbrae, Victoria (Surf Coast Shire) (Map 1).

The Activity

The study area is currently proposed for residential subdivision.

The Study Area

The study area is located in Bellbrae, Victoria (Surf Coast Shire). The study area is approximately 29 ha in size and is bounded to the north by farmland overlooking Coombes Road and an unnamed drainage line, to the east by a residential estate, to the west by rural farmland adjacent to Anglesea Road and to the south by Grossmans Road (Map 2).

The study area does not encompass the entire title boundary; it occupies the higher ground in the south eastern section of the title boundary. The remainder of the title boundary slopes north and west to the drainage channel, but is outside of the study area. Topographic relief between the higher ground in the study area and the creek margins is approximately 20 m.

Methods

The assessments undertaken as part of this AHCHMP were a desktop assessment with a preliminary site inspection. The desktop assessment consisted of reviews of relevant heritage registers and databases, previous archaeological publications and unpublished reports, and a review of the environmental context of the study area, culminating in a predictive statement regarding the likelihood of Aboriginal cultural heritage occurring in the study area.

The field inspection consisted of a brief walkover of the study area to identify any areas of Aboriginal and/or historical cultural heritage likelihood (areas that have landforms that are considered likely to contain subsurface Aboriginal or historical archaeological deposits).

Formal archaeological survey and subsurface testing did not form part of the scope of works for this assessment.

Results

Desktop Assessment

A search of the Victorian Aboriginal Heritage Register (VAHR) was conducted on 12 January 2015 for sites within the geographic area (an area larger than the study area). The search identified a total of 43 registered Aboriginal places within the geographic area. These sites consist of a total of 50 site components comprising six site component types (Map 8). No Aboriginal sites and no historical places were located in the study area.

The desktop assessment concluded that Aboriginal cultural heritage was unlikely to occur in the study area and that tree plantings and farming sites were the types of historical heritage places most likely to occur within the study area.

Field Inspection

The field survey was undertaken on 17 March 2015 by Ecology and Heritage Partners Pty Ltd Archaeologist/Cultural Heritage Advisor Rick Bullers.

Aboriginal Cultural Heritage

No specific areas of Aboriginal likelihood were identified, and it is considered likely that Aboriginal cultural heritage is more likely to occur in the Spring Creek catchment to the south of Grossmans Road; however it is acknowledged that Aboriginal cultural heritage may occur anywhere in the landscape and therefore management recommendations have been developed to assist the proponent to fulfil their obligations not to harm Aboriginal cultural heritage under s.27 of the *Aboriginal Heritage Act 2006*.

Historical Heritage

No historical heritage places or areas considered to have historical heritage likelihood were located.

Summary of Management Recommendations

Aboriginal Cultural Heritage

Before Activity Commencement

It is recommended that the following actions be implemented prior to the activity commencing.

Recommendation 1: No Requirement for a Mandatory CHMP under the Aboriginal Heritage Act 2006

As the study area is not within an identified area of cultural heritage sensitivity defined by the *Aboriginal Heritage Act 2006*, a mandatory Cultural Heritage Management Plan, prepared under that Act, is not required.

Recommendation 2: Cultural Awareness Training

A Cultural Heritage Induction Booklet containing these Management Recommendations and all relevant maps should be produced by a Cultural Heritage Advisor. Prior to the commencement of the activity a representative of the RAP and a Cultural Heritage Advisor should be engaged to present a Cultural Heritage Induction to all employees and contractors involved in ground disturbing works in the study area. The RAP should be provided at least two weeks' notice of the requirement to present the cultural awareness induction. Costs of any such induction must be borne by the developer.

The induction should cover aspects of Aboriginal cultural heritage including basic stone artefact recognition as well as the management recommendations in this Plan.

During the Activity

Recommendation 3: Maintain Awareness of Aboriginal Cultural Heritage

All employees and contractors involved in ground disturbing works in the study area should maintain a visual awareness of soils excavated in the study area in case Aboriginal cultural heritage is present.

Recommendation 4: Contingency for Aboriginal Cultural Heritage

There are no known Aboriginal cultural heritage issues in regard to the proposed development. However, if any Aboriginal cultural heritage issues are encountered during the course of construction then the contingency plan presented in Appendix 4 should be followed.

After the Activity

The activity is likely to modify the topsoils throughout the study area, negating any potential for Aboriginal or historical heritage. No specific management actions are recommended.

Historical Heritage

Recommendation 5: No Requirement for Further Archaeological Investigation

As there are no known historical heritage sites or areas considered to have historical heritage likelihood there is no requirement for any further historical heritage investigations.

Recommendation 6: Contingency for Historical Heritage

There are no other known historical heritage issues in regard to the proposed development. If any historical heritage issues are encountered during the course of construction then works should cease within 10 m of the area of concern and a qualified Cultural Heritage Advisor (or Heritage Victoria) should be contacted to investigate.

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1 INTRODUCTION

1.1 Reasons for Preparing this Plan

Ecology and Heritage Partners Pty Ltd was commissioned by Keith Grossman to prepare an Aboriginal and Historical Cultural Heritage Management Plan (AHCHMP) for a proposed residential subdivision at 460 Grossmans Road, Bellbrae, Victoria (Surf Coast Shire) (Map 1). St Quentin Consulting (STQC) is preparing a development plan in relation to the proposed residential subdivision of a portion of land within the title boundary.

1.1.1 Legislative Requirements

The overarching legislative framework for protection of Aboriginal cultural heritage in Victoria is the *Aboriginal Heritage Act 2006* (the Act). Under the Act if certain high impact activities are undertaken as stated in the *Aboriginal Heritage Regulations 2007* (the Regulations) then preparation of an Aboriginal Cultural Heritage Management Plan (CHMP) may be required to be approved by OAAV or, in this region, the Registered Aboriginal Party (RAP) prior to lodging a planning permit.

Triggers for mandatory preparation of a CHMP include whether certain criteria are met under the Regulations, required by the Minister, or if the activity requires an Environmental Effects Statement (EES) under Sections 46 to 49 of the *Environmental Effects Act 1978*. The Regulations require a mandatory CHMP if:

1. All or part of the proposed activity is a high impact activity; and
2. All or part of the activity area (study area) is an area of cultural heritage sensitivity (subject to whether the entire area of cultural heritage sensitivity has been subject to *significant ground disturbance*).

'Significant Ground Disturbance (SGD)' is defined in r.4 of the Regulations as meaning 'disturbance of – (a) the topsoil or surface rock layer of the ground; or (b) a waterway – by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping...' The Victorian Civil and Administrative Tribunal (VCAT) has determined that the words 'topsoil or surface rock layer' include the former topsoil or former surface rock layer if that topsoil or surface rock layer is a naturally occurring surface level that is readily ascertainable and does not include the current topsoil or current surface rock layer if established by the mere filling of the land (OAAV 2010: 2).

In relation to this study area, the proposed activity is a high impact activity under the Regulations (r.46), being the subdivision of land. However the study area *is not* located within an area of cultural heritage sensitivity under the Regulations (**Error! Reference source not found.**). Given that the activity area is not within an area of cultural heritage sensitivity, a mandatory Aboriginal CHMP *is not required*. The Act also provides provision for developers (Sponsors) to prepare a voluntary CHMP under s.45 of the Act. In this case, the developer has elected not to prepare a voluntary CHMP under the Act.

However, Schedule 11 to Clause 43.04 of the Surf Coast Planning Scheme (Development Plan Overlay [DPO11]) stipulates that the development plan must be accompanied by a CHMP, which details:

...the results of an assessment of the potential impact of the proposed activity on Aboriginal cultural heritage, and outlining measures to be taken before during and after an activity in order to manage and protect Aboriginal cultural heritage in the activity area.

Discussions between STQC and Council indicate that this requirement has been upheld by Council regardless of the non-requirement for a CHMP under the Act. Further discussion between Council and STQC regarding preparation of an alternative document, indicates that an AHCHMP 'is a reasonable approach' (C. Gray, STQC, pers. comm., 9 December 2014).

1.1.2 Purpose of the Plan

The purpose of the AHCHMP is to provide STQC with management advice as to potential Aboriginal and historical cultural heritage values that may be present within the subject land and outlining the measures to be taken before, during and after the activity in order to manage and protect any Aboriginal cultural heritage that may be present in the study area.

It is important to note that the AHCHMP is not a formal CHMP under the *Aboriginal Heritage Act 2006*.

1.2 Scope of Works

Ecology and Heritage Partners Pty Ltd was commissioned by St Quentin Consulting (STQC), on behalf of Keith Grossman, to prepare an Aboriginal and Historical Cultural Heritage Management Plan (AHCHMP) for a proposed Residential Subdivision at 460 Grossmans Road, Bellbrae, Victoria (Surf Coast Shire) (Map 1).

The project brief agreed upon by Ecology and Heritage Partners Pty Ltd and the client is as follows:

- Prepare a desktop assessment, including:
 - Review the relevant heritage databases (e.g. Victorian Aboriginal Heritage Register [VAHR] administered by the Office of Aboriginal Affairs Victoria [OAAV] and Local Government Heritage Overlays);
 - Review relevant available literature (e.g. previous archaeological reports);
 - A brief review of the land use of the subject site;
- A review of the land use of the subject site;
- Review aerial photography, historical land titles and other historical records of the property's usage that may contribute to a finding of significant ground disturbance;
- A site visit to photographically record the site, establish landforms and record associated disturbance;
- Provide information in relation to any implications of Commonwealth and State environmental legislation and Government policy associated with the proposed development;
- Liaise with the RAP regarding the recommended actions and contingencies;

- Discuss any opportunities and constraints associated with the subject site, in particular to provide a series of management recommendations for actions to be taken before, during and after the activity; and
- Provide a detailed report documenting the above.

1.3 Limitations

The cultural heritage information used to inform this PCHS is limited to that obtained through desktop assessment and a site visit.

The level of assessment undertaken for this site visit is not considered to meet the requirements for a formal archaeological survey in accordance with Heritage Victoria and Office of Aboriginal Affairs guidelines (HV 2008; Duncan et al. 2008; OAAV 2010). Consultation with the local Aboriginal community has been carried out in the form of an email request to check if they have any known cultural heritage values for the study area and an invitation to review and comment on the management recommendations.

This report is not a formal Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*.

1.4 Location and Description of the Study Area

The study area is located in Bellbrae, Victoria (Surf Coast Shire). The study area is approximately 29 ha in size and is bounded to the north by farmland overlooking Coombes Road and Deep Creek, to the east by a residential estate, to the west by rural farmland adjacent to Anglesea Road and to the south by Grossmans Road (Map 2).

The study area does not encompass the entire title boundary; it occupies the higher ground in the south eastern section of the title boundary. The remainder of the title boundary slopes north and west to the drainage channel of Deep Creek, but is outside of the study area. Topographic relief between the higher ground in the study area and the creek margins is approximately 20 m.

The land is currently zoned Low Density Residential Zone (LDRZ).

The cadastral details of the study area are as follows:

- Part Lot: 2, Title Plan: PS514103, Parish: Puebla and County: Grant.

1.5 Name of Client

This report was commissioned by Keith Grossman.

1.6 Name of Cultural Heritage Advisors

This report was prepared by Ecology and Heritage Partners Pty Ltd Senior Archaeologist/Cultural Heritage Advisor Rick Bullers. The quality assurance review was undertaken by Ecology and Heritage Partners Pty Ltd Director/Principal Heritage Advisor Oona Nicolson. The field inspection was undertaken by Ecology and

Heritage Partners Pty Ltd Senior Archaeologist/Cultural Heritage Advisor Rick Bullers. Mapping was provided by Ecology and Heritage Partners Pty Ltd GIS Officer Monique Elsley.

Details of the Project Team are provided in Appendix 1.

1.7 Name of Owner and Occupier of the Study Area

The study area is owned by Keith Grossman. The study area is unoccupied.

1.8 Consultation with Aboriginal Parties

Registered Aboriginal Parties

The Registered Aboriginal Party (RAP) for the study area is the Wathaurung Aboriginal Corporation. Consultation consisted of initial enquiries regarding the RAP's interest in being consulted for this Plan, requests for information on any known cultural heritage values relating to the study area, as well as direct review of the draft report and a request to make comment.

Table 1: Consultation in Relation to the AHCHMP

Date	Participants	Details and Outcomes of Consultation
4.02.2015	Rick Bullers Ecology and Heritage Partners Pty Ltd; John Young Wathaurung Aboriginal Corporation	Telephone Initial call to discuss in the briefest terms, the development, the current lack of triggers for mandatory CHMP and to gauge interest in being consulted for this project. The RAP indicated that since there are no formal legislative triggers for a CHMP there is not formal need for consultation; however if the proponent wished to consult with the RAP they would be happy to do so. Consultation may involve email correspondence regarding any known cultural heritage values of the land, and an opportunity to comment on any management recommendations proposed.
24.03.2015	Rick Bullers Ecology and Heritage Partners Pty Ltd; John Young Wathaurung Aboriginal Corporation.	Email Request for information on any known cultural heritage values in the study area. The RAP responded on 31.03.2015 advising that they were not aware of any known cultural significance values for the study area.
24.03.2015	Rick Bullers Ecology and Heritage Partners Pty Ltd; John Young Wathaurung Aboriginal Corporation.	Email Email copy of draft report and requested comments from the RAP on the content and management recommendations. The RAP responded on 31.03.2015 advising they had reviewed the relevant sections of the AHCHMP and note that both the conclusions and management recommendations in the report are reasonable and in compliance with the <i>Aboriginal Heritage Act 2006</i> .

Date	Participants	Details and Outcomes of Consultation
		The RAP only queried whether the landform in the study area were the same or similar to those associated with the registered Aboriginal Places to the east of the study area (and therefore how would it affect the likelihood of Aboriginal cultural heritage occurring in the study area. However, they also noted that those sites were associated with Deep Creek some 1.5 km to the east and were at pains to note that the above was only a query, not an objection.

1.9 Native Title

There are currently no Native Title applications or claims extending over the study area and, as the study area comprises privately owned land, Native Title has been extinguished (see Appendix 2 for a summary of the Commonwealth *Native Title Act 1993*).

1.10 Report Review and Distribution

Copies of this CHMP will be lodged with the following organisations:

- Keith Grossman;
- Wathaurung Aboriginal Corporation;
- Office of Aboriginal Affairs Victoria; and
- Heritage Victoria.

1.11 Heritage Legislation

An overview of the *Aboriginal Heritage Act 2006*, the *Commonwealth Native Title Act 1993*, the *Victorian Planning and Environment Act 1987*, the *Heritage Act 1995* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is included in Appendix 2. This legislation is subordinate to the *Victorian Coroners Act 2008* in relation to the discovery of human remains.

2 BACKGROUND REVIEW

The background review includes research into information relating to Aboriginal and historical cultural heritage in or associated with the study area. This information provides contextual background suitable for formulation management recommendations and contingencies strategies suitable for management of Aboriginal cultural heritage that may be discovered in the study area during the activity.

2.1 Geographic Region

The geographic region defined for this AHCHMP is the combined catchment of Spring Creek and the unnamed drainage line immediately north of the study area. The creek catchment is a relatively low energy system that drains eastwards from the foothills 10 km west of the study area to the coast, with the drainage line terminating near the head of Deep Creek, east of the study area. The Deep Creek outlet is north of the Torquay township and the Spring Creek outlet is to the south. Topographic relief within the catchment ranges from sea level at Torquay to 100 m above mean sea level (amsl) along the Great Ocean Road at Jan Juc to the south west (Map 4).

This geographic region reflects the specific vegetation history and resource availability for Aboriginal people and exhibits environmental characteristics that likely influenced Aboriginal occupation. The geographic region addresses the specific environmental context of Holocene resources available from the study area. It is also bounded by those significant markers on the landscape that would have influenced the movement of groups across the landscape. Thus the geographic region relates specifically to the tangible and intangible values of the landscape and is highly relevant to any Aboriginal cultural heritage that may be present within the study area.

More generally, the region (and the study area itself) forms a part of the Otway Plain Bioregion (DEPI 2015a).

2.2 Environmental Context

Environmental factors influence how land may have been used in the past. This section reviews the environmental context of the study area to gain an understanding of environmental factors relevant to Aboriginal cultural heritage.

2.2.1 Geology, Geomorphology and Soils

Geology

Geologically, the study area occurs on the Pliocene to Miocene-aged deposits of the Moorabool Viaduct Sands (designated 'Nbm' in Map 5). The deposits consist of gravels, sands and silt. A major fault separating the Moorabool Viaduct Sands from other older formations including the Eastern View Formation and Pliocene deposits of ferruginous sandy clays is located nearby (Marshall and Webb 2010: 2). The latter deposits occur across the activity area and underlie a more recent layer of aeolian sand. Large patches of siliceous sand occur to the east and south of the study area. These sands (designated 'Qdl1'), which form

sheets across the landscape and are later Quaternary in age, are known to be sensitive for Aboriginal archaeology. The closest examples occur either side of Grossmans Road to the east of the activity area (Map 5).

Geomorphology and Soils

The undissected sand plains associated with the geomorphic regions noted above occupy an area south of the volcanic plains and north of the Heytesbury (Hanson Plain, Ross Plain, Duck Hole Plain, Saddlecloth Plain), where they form generally flat landscapes with very gentle low rises (Map 6). Further north the sand plains are present in a 'window' through the basalt plains. Further east, a remnant of the sedimentary plains forms gently dissected plains north of Anglesea (Pitt 1981).

Associated soil types include sodic and non-sodic texture contrast soils (Kurosols) and pale or grey sandy soils with 'coffee rock' or clay at depth (Podosols) (DEPI 2015b).

2.2.2 Landforms and Hydrology

Landforms

Topographically, the study area is relatively flat. To the north and west, outside the study area but within the title boundary, the land slopes gently to a small drainage line about 260 m to the north. The highest point occurs at the location of an existing house and outbuildings, on Grossmans Road, immediately west of the study area.

Hydrology

The Otway Plain in the region near Torquay comprises several waterways, draining primarily eastwards from their headwaters some 10 km to the west and flowing to the coast near Torquay. Spring Creek is the most prominent waterway in the area, flowing past the study area about 1.2 km south, and has the most deeply-incised valley, with a topographic relief of up to 50 m. About 3.5 km to the north is the confluence of Merrijig Creek with Thompsons Creek.

The nearest local waterway is Jaar Nu Ruc Creek, whose headwaters rise to the east of the study area (south of Grossmans Road) and drains to the east. A minor un-named waterway (referred to hereafter as 'the drainage line') flows along the northern boundary of the study area's title parcel. The eastern (lower) reaches of this drainage line stops near the headwaters of Deep Creek, which is an area of cultural heritage sensitivity according to OAAVs mapping (OAAV 2015), but this area of sensitivity does not extend westwards to the study area (Map 2).

2.2.3 Vegetation

The soils types of the study area would have historically supported a mosaic of vegetation communities combining woodland and heathland characteristics with considerable variation in structure and species depending on climate, elevation and soil parent material. According to the Department of Environment and Primary Industry's (DEPI) mapping of vegetation prior to European colonisation (Pre-1750 EVCs), the study area would have contained vegetation classified as Heathy Woodland/Sand Heathland Mosaic (EVC892), although immediately adjacent the study area on the slopes towards the creek, vegetation would have been Grassy Woodland (EVC175)(Map 7). Heathy Woodland vegetation include a sparse cover of eucalypts,

including Messmate Stringybark (*Eucalyptus obliqua*) and Brown Stringybark (*E. baxteri* s.l.), with a mid-story of medium shrubs such as Silver Banksia (*Banksia marginata*), Common Heath (*Epacris impressa*), Prickly Tea-tree (*Leptospermum continentale*) and Heath-Tea-tree (*L. myrsinoides*), as well as herbs and grasses such as Austral Grass-tree (*Xanthorrhoea australis*), Wattle Mat-rush (*Lomandra filiformis*) and Austral Bracken (*Pteridium esculentum*). In addition, sand heathland communities may have species such as Common Rice-flower (*Pimelea humilis*) and Bristly Wallaby-grass (*Austrodanthonia setacea*).

Many of these types of vegetation would have been utilised by Aboriginal people in the area for food and the creation of weapons and vessels, and would have supported a range of game that could be hunted for food.

In particular, species such as mat-rushes were used to make baskets, and to build fish-traps (Gott and Conran 1991: 58). Kangaroo Grass seeds ripen in summer and can be ground into a flour for the preparation of damper. Rice-flower bark could be made into a fine net for the purpose of catching insects during the summer (Nash 2004). The starchy roots of Austral Bracken (common to both EVCs), were eaten raw or roasted and prepared into a past (Flood 1980; Gott and Conran 1992: 25; Zola and Gott 1992: 37).

Other plants and fungi were also valuable food and medicine, however, the ethnobotanical records of their use are limited. Eucalypt and tea tree leaves were crushed and soaked in water to prepare medicinal ointments. Bowls and dishes were made from the bark and gnarled growths, for food and water transportation. Canoes were also made from the bark of gum trees. The removal of bark characteristically results in visible modification of the trees that make them identifiable as scarred or culturally modified trees. Other items such as spears, boomerangs and shields were made from the timber of Eucalypts (Nash 2004).

2.2.4 Climate

The climate of Bellbrae is characterised by cool summers and wet winters, with climatic factors influenced by the Otway Ranges to the west. Temperatures range between an average maximum of 22.5°C in summer and minimum of 12.8°C in winter. Rainfall varies between a maximum average of 60.9 mm in August and a minimum of 34.7 mm in January, with annual average rainfalls of 603.3 mm (BOM 2015).

2.3 Aboriginal Context

The following section reviews the Aboriginal context of the study area and includes an examination of historical and ethnohistorical sources, previously recorded Aboriginal archaeological site types and locations in the geographic region of the study area and, archaeological studies undertaken in the area. Together, these sources of information can be used to provide background context to formulate management strategies and contingency plans in the event that Aboriginal cultural heritage is discovered in the study area during the activity.

2.3.1 History and Ethnohistory

The *Wadawurrung/Watha wurrung* language was one of the five primary languages spoken in south-western Victoria. The *Wadawurrung* people are part of the greater Kulin nation surrounding Port Phillip and Western Port Bays (Clark 1990), with an area that is bounded to the east by the Werribee River, to the south by Port Phillip Bay and Bass Strait, to the west by various watercourses and roadways including Painkallac Creek at

Aireys Inlet, Salt Creek at Woorndoo Upper and Fiery Creek to the west of Beaufort and the ridgeline of the Great Dividing Range to the north (J. Young, pers. comm. 7 May 2013).

Linguistically, the *Wadawurrung* were most similar to the *Djadja wurrung* to the north and the *Woi wurrung*, *Bun wurrung* and *Daung wurrung* to the east (Clark 1990: 276). Collectively these five groups form the Kulin Nation, who shared similarities in language, customs, and some traditions. It appears that the *Wadawurrung* were genetically related to the other four Kulin groups, but diverged enough in terms of language, their burial practices and distinctive facial and body markings at corroborees (Clark 1990: 276-277) to be a separate tribal group. Their traditional land includes both coastal and inland environments, and thus the *Wadawurrung* interacted with neighbouring clans along their western boundary (*Gulidjan* and *Djargurd wurrung*), whose speech was essentially the same, as well as various clans belonging to other Eastern Kulin groups, such as the *Woi wurrung* (Wurundjeri), and the *Bun wurrung* to the east, the *Dja Dja wurrung* to the north.

The *Wadawurrung* and their eastern and northern neighbours shared a patrilineal form of moiety system. The Kulin social world was divided into either one of two moieties; the *Waa* (crow) or *Bunjil* (eaglehawk) moieties (Clark 1990: 276). Marriage was always across the moieties, with a *Waa* person having to marry a *Bunjil* person, preferably from a distant clan group (Barwick 1984: 104-105). In some instances, members of the *Wadawurrung* clans intermarried with the matrilineal clans of the *Gulidjan*, *Djab wurrung*, and the *Djargurd wurrung*, although in many instances, these practices ended in inter-clan hostility.

Land Tenure

The *Wadawurrung* were divided into 25 or 26 clans, each of which was responsible for a specific area of land within the wider *Wadawurrung* territory, with group sizes between 40 to 60 people. According to Clark (1990: 311) and Presland (2010: 28-29), each of these clans occupied a distinctive geographical area and belonged to one of the two moieties. *Wadawurrung* groups that belong to the *Waa* moiety include the *Beerekwart balug* (Mount Emu), *Bengalat balug* (Indented Head), *Carninje balug* (Emu Hill station, Lintons Creek), *Corrin corringer balug* (Carranbulluc), *Moner balug* (Trawalla station, Mount Emu Creek), and the *Tooolora balug* (Mount Warrenheip, Lal Lal Creek, west branch of Moorabool River).

Clans of the *Bunjil* moiety include the *Burrunbeet balug* (Lakes Burrunbeet and Learmonth), *Keyeet balug* (Mount Buninyong), *Marpeang balug* (Blackwood, Myrniong, Bacchus Marsh), *Moijerre balug* (Mount Emu Creek), *Peerickelmoon balug* (near Mount Misery), *Wadawurrung balug* (Barrabool Hills), and the *Wongerrerr balug* (head of Woody Yallock Creek).

Clans of unknown moiety association include the *Barere barere balug* (Colac and Mount Bute stations), *Borogundidj* (Yarrowee River), *Carringum balug* (Carngham), *Corrac balug* (Commeralghip station and Kuruc-a-ruc Creek), *Gerarlture* (west of Lake Modewarre), *Neerer balug* (between Geelong and the You Yangs), *Pakeheneek balug* (Mount Widderin), *Woodeallope gundidj* (Wardy Yallock River, south of Kuruc-a-ruc Creek), *Worinyaloke balug* (west side of Little River), and the *Yaawanggi* (You Yang Hills).

Nowadays, descendants of a *Wadawurrung* woman named 'Queen Mary' and her son John Robinson (aka Robertson), and are identified as members of the Wathaurung Aboriginal Corporation (WAC).

Resources

The mainstays of the Aboriginal diet were plants and roots. One of the most important foods was called Murnong (*Microseris lanceolata*), a tuber that resembled a dandelion, also known as Yam Daisy or Native Dandelion. Other roots that were also cooked by boiling them in hot water include potatoes (Milkmaids: *Burchardia umbellata*), tarook (Blushing bindweed) and puewon (Bulbine lily). In a similar fashion to other Kulin clans, especially the *Wurundjeri*, the *Wadawurrung* used sharp sticks (*karni*) to dig roots out, separate bulbs and aerated the soil. Other commonly utilised plants and fruits included watercress (Boyungkaal: *Nasturtium officinale*), Warrigal Cabbage (New Zealand Spinach, Captain Cook's Lettuce: *Terragonia tetragoniododes*) and native raspberry (*Rubus parvifolius*), all of which can be eaten either fresh or used as a flavour enhancer. Other plants consumed all over Australia were also utilised by the *Wadawurrung*, including aquatic plants such as the water ribbons (*Triglochin procera*) (Gott and Conran 1991: 9).

The coastal and riverine *Wadawurrung* clans had access to a wide variety of fish, including mullet, whiting, flounder, flathead, salmon, trevally, tommy-rough and many other species were speared and netted, particularly along tidal flats and in estuaries. Shellfish and seafood were also exploited including abalone (*Haliotis* sp.), turbot (gastropod) and pipi shell (*Paphies australis*) (Barwon Bluff Marine Sanctuary 2012). Finally, all mammals present were probably target species for hunting. Birds and eggs were also taken, along with lizards and insects.

When the *Wadawurrung* were migrating to the north where there are fewer freshwater streams, women used to collect water from freshwater wells. These wells are natural depressions on rocks, of which there are still some in use, one located near the Werribee River (about a mile from its mouth), and one more located on Big Rock in the You Yangs (Presland 2010: 62-63).

Presumably the *Wadawurrung* along with the *Girai wurrung* clans gathered at Lake Bolac with local *Djab wurrung* clans in early Autumn to take advantage of the annual migratory season of eels (*Anguilla australis*) (Clark 1990: 276).

Conflict

It has been reported that during the 1830s the *Wadawurrung* were 'at enmity' with both the *Djargurd wurrung* and the *Gulidjan* clans as a result of disputes related to marriage arrangements (Robinson journal 7.04.1840, in Clark 1990:275). This 'war' was the result of *Djargurd wurrung* and *Wadawurrung* men competing for *Gulidjan* women. During the early years of the Buntingdale mission, it was reported that the *Wadawurrung* and the *Djargurd wurrung* clashed several times as they competed for superiority within the mission (Clark 1990: 275).

Shortly after the first contact with the Europeans, the clan populations diminished rapidly. Contact between the *Wadawurrung* and European people first occurred in 1802, when Matthew Flinders and his party made their way to the nearby You Yangs. By 1803 contact between European explorers and *Wadawurrung* people had turned violent on at least one occasion, whereby one or two *Wadawurrung* were killed and several others were injured (Clark 1990: 277). Violent encounters between Aboriginal people and settlers continued through the late 1830s and early 1840s. By 1841 some of the clans had rapidly declined and by 1849 one report estimated that the number of Aborigines in the Geelong region had been reduced to 25% of their

1836 population. Restricted access to resources, disease, inter-tribe hostility and European extermination were cited as the main causes (Clark 1990: 308).

Religion

The basic unit of *Wadawurrung* social organisation was the clan, a group based on kinship through the male line with a shared religious identity (Barwick 1984: 105-6). The clan was a land-owning unit whose territory was defined by ritual responsibilities (Barwick 1984: 106). The common spiritual identities resulted in the larger tribal groups also being intimately interconnected. The basis of the *Wadawurrung* religious identity is totemism, which is likened to the Dreamtime – the time of creation when the ancestral being roamed the land, creating people and naming the animals and plants.

Wadawurrung society is divided into two groups, called moieties, each with specific Totemic Beings belonging to it. Every person belongs to one or the other moiety (*Bunjil* the eaglehawk or *Waa* the crow) (Barwick 1984: 105-6). Clan moiety in *Wadawurrung* society is patrilineal. For the members of this unit, the clan, the totem is a symbol of membership of the unit. It is recognised for the members of this clan and those of other clans. This totem has strong territorial and mythological ties associated with it, and it is believed that it can warn them of approaching danger.

Ritual and Magic

The *Wadawurrung* beliefs system is shared with the other Kulin clans; however, the ethnographic information regarding the *Wadawurrung* is scarce. All Kulin groups believe in black magic and the curative powers of medicine-men or witchdoctors. A peculiar practice by the *Wadawurrung* was to put the rough cones of the She-oak (*Casuarina quadrivalvis*) into a man's fire, so that the smoke might blow into his eyes and blind him (Howitt 2001: 366).

In terms of disposal of the dead, the *Wadawurrung* from the Barrabool Hills (the *Wathawurrung balug*) and those from around Port Phillip practiced the inhumation of their dead as a symbol of respect. This practice is in sharp contrast to that of neighbouring clans from the *Woi wurrung* (such as the *Gunung willam balug*) who practice cremation (Howitt 2001: 458). Different disposal practices are one of the cultural differences between the *Wadawurrung* and their neighbours that set them apart, as mentioned earlier (Clark 1990: 276-277).

However, being part of the larger Kulin sub-group, the *Wadawurrung* share some ritual practices, included cannibalism. Cannibalistic practices have been documented, including the ceremonial consumption of human flesh and/or blood, not only from enemies, but also from relatives. The connotations of these two practices are different, with the former being more a sign of revenge, and the latter mostly ceremonial. In 1837 some members of the *Wadawurrung* killed an old man and a child and brought with them on the ends of their spears portions of their flesh, which they ate with great exultation (Howitt 2001: 752).

European Settlement

From the 1830s, European settlement of the coast, as well as settlement of the inland by explorers and overlanders from NSW, resulted in Aboriginal people experiencing displacement from their lands and massive changes in their way of life. The encroachment onto Aboriginal land by pastoralists resulted in numerous conflicts, reduction in the availability of food resources and the introduction of new diseases. Despite the upheavals, Aboriginal people tried to maintain some of their traditions, with some ceremonies

such as initiations and occasionally corroborees observed by settlers. In many places Aboriginal people became part of the new colonial life, finding work as shepherds, stockriders, shearers, bark cutters and domestic servants.

By the 1850s the *Wadawurrung* had suffered a massive decrease in numbers (Clark 1990: 298). Between 1837 and 1852 the *Wadawurrung* population went from 275 to 30 people, a decline of 90% as the result of disease and conflict. Many of the clans were also driven away from the heavily settled areas of Geelong and Melbourne to the north and west. Widespread conflict led to a system of official protectorates (1835-1849), reserves and rations depots aimed at providing protection and supplies to displaced Aboriginal people. In 1839 the Aboriginal Protectorate Scheme was introduced in Victoria. Four Assistant Protectors were appointed under a Chief Protector, George Augustus Robinson. The role of the protectorates was to provide food, shelter and medical supplies, record cultural and population information and to indoctrinate Aboriginal peoples in to the western European cultural and economic systems. Aboriginal reserves and stations were established across Victoria and Aboriginal peoples were encouraged to move to them (Clark 1990: 311-329). *Wadawurrung* clans moved to the reserves and stations set up at Wesleyan Mission Station and Buntingdale Station (Clark 1990: 293). The Protectorate was largely unsuccessful and was disbanded in 1849.

The Central Board for the Protection of the Aborigines was founded in 1860 to provide an administrative structure to manage Aboriginal people in Victoria. This involved local reserves and local guardians who operated Honorary Correspondent Depots, distributing food and clothing to local Aboriginal people (Clark 1990: 301). By the end of 1861 three reserves were established for the *Wadawurrung*; Steiglitz, Karngun, and Mt. Duneed (Clark 1990: 300). In addition a rations station was established at Stockyard Hill in 1860, which operated until 1874. Between 1901 and 1906, all three reserves were handed back to the Department of Lands as they were no longer required due to the decrease in Aboriginal population (Clark 1990: 307).

While many Aboriginal people lived on the missions and government stations, a significant number of people worked and lived on farms and pastoral stations. Some Aboriginal people farmed the land on smallholdings, or worked in industries such as fishing, goldmining and logging. People outside the reserves sometimes gathered together in camp sites on the outskirts of towns. They were also involved in sports such as cricket, football and athletics.

Today the descendants of the *Wadawurrung* are represented by the RAP for the activity area, the Wathaurung Aboriginal Corporation.

2.3.2 Oral History

The Wathaurung Aboriginal Corporation did not offer any oral histories relating to the study area for inclusion in this report.

2.3.3 Database Searches

The following database searches were conducted:

2.3.3.1 Victorian Aboriginal Heritage Register

A search of the Victorian Aboriginal Heritage Register (VAHR) was conducted on 12 January 2015 for sites within the geographic area. The search identified a total of 43 registered Aboriginal places within the

geographic area. These sites consist of a total of 50 site components comprising six site component types (Table 2). The difference between the number of sites and number of site components is because several sites contain two or more site component types or comprise low density artefact distributions (LDADs) where every artefact is recorded as a component. No Aboriginal Historical References were identified within the geographic area.

None of these Aboriginal Places are located within the study area (Map 8).

The nearest sites to the study area are:

- VAHR 7721-0559 (Rosedale 1), which comprises an artefact scatter located on flat, sandy, valley floor landform associated with Deep Creek, approximately 970 m east of the study area. A total of 15 quartzite, silcrete and quartz artefacts in a site extent measuring 75 x 10 m were recorded. The site is not considered to be in situ and has now been subsumed by a residential development.
- VAHR 7721-0560 (Rosedale 2), which comprises an artefact scatter measuring 75 x 50 m located on sandy slope of a dune ridge landform associated with both the drainage line and Deep Creeks, approximately 1.2 km east of the study area. The site comprises a total of 28 quartzite, silcrete, quartz and sandstone artefacts that include multi-purpose implements (grindstone/anvil), scrapers, cores, flakes and flake fragments. The site is not considered to be in situ and has now been subsumed by a residential development.
- VAHR 7721-0561 (Rosedale 3), which comprises a single silcrete flake located on an undulating dunal landform in a paddock just south of Coombes Road, approximately 800 m east of the study area. The site has now been subsumed by a residential development.
- VAHR 7721-0630 (Webb 1), which comprises a single quartz flake located on a flat dunal sandsheet landform in a paddock 80 m north of Grossmans Road, approximately 1.5 km south east of the study area. The site has now been subsumed by a residential development.
- VAHR 7721-0764 (Duffields Road 2), which comprises a possible scarred tree, located just south of Grossmans Road, about 1.6 km east of the study area. The site is located along the margins of a tributary of Spring Creek. The scar is on a Melaleuca and is only listed as 'possible'.

Table 2 shows that stone artefact sites, either stone artefact sites (including isolated artefacts, artefact scatters, LDADs or their associated object collections) account for 43 of the 50 site components and are by far the most prevalent site type in the region (n=86%). There is also one scarred tree recorded along the margins of a tributary of Spring Creek, and five shell midden sites. The middens are all located along the coast and are not considered to be a relevant site type for the study area.

A summary of the Aboriginal archaeological site component types appears in Table 2 and a list of all sites in the search area is shown in Appendix 3.

Table 2: Summary of Previously Identified Aboriginal Site Component Types within the Geographic Area

Site Type	Quantity	Percentage (%)
Artefact Scatters	34	68
LDADs	7	14
Scarred Trees	1	2
Shell Middens	5	10
Mounds	1	2
Object Collections	2	4
Total	50	100

2.3.3.2 Local Council

The activity area is located within, and is governed by, the Surf Coast Planning Scheme. Planning schemes set out policies and provisions for the use, development and protection of land.

The Heritage Overlay of the Surf Coast Planning Scheme was examined (DPTLI 2015). No Aboriginal heritage places listed on the Heritage Overlay are present within the study area.

2.3.4 Previous Aboriginal Archaeological Investigations

The most relevant previous investigations for the study area are discussed below.

Weaver (2000) conducted a background assessment for the proposed Rosedale Lodge on 70 ha of land bordered by Grossmans Road, Coombes Road and Ghazeepore Road, approximately 230 m east of the current study area. The study considered that areas of Aboriginal archaeological likelihood are likely to occur on high points in the landscape. This was followed up by archaeological survey by **Weaver and Haley (2002)**, who identified three Aboriginal Places (VAHR 7721-0559 to 0601) discussed above. A follow up subsurface testing project conducted by **Weaver and Haley (2003)** comprised a total of 32 backhoe scrapes, mostly in the northern and central sections. Additional artefacts associated with the three recorded sites were recovered but no other sites were found across the landscape. The assessment also concluded that extensive topsoil disturbance through historical land use activities had occurred throughout the investigation area.

Murphy and Amorosi (2003a) conducted a survey of 6.3 ha of land on the northern side of Grossmans Road, approximately 1.2 km east of the current study area. This investigation was for Stage 5 of the 'Ocean Acres' Estate, and covered land previously assessed by Weaver and Haley (2002, 2003). No Aboriginal places were identified during the survey but considered that elevated areas in the southern section, adjacent to the original course of Deep Creek, may have some (low to moderate) archaeological potential. **Murphy and Amorosi (2003b)** also conducted an archaeological investigation of 88 ha of land 2km north east of the current study area. The survey identified two Aboriginal Places, both being isolated artefacts. No subsurface testing appears to have been carried out.

Weaver and Haley (2004a) conducted an archaeological investigation of approximately 7 ha of land at 200 Grossmans Road, approximately 1.4 km east of the current study area. One Aboriginal place was identified during the survey (VAHR 7721-0630 discussed above), a single quartz flake. **Weaver and Haley (2004b)** also

conducted a survey of land at Briody Drive, approximately 2.5 km east of the current study area. Two surveys were conducted and identified one Aboriginal Place (VAHR 7721-0634, discussed above), originally an isolated silcrete flake located on the southern side of Deep Creek, at the top of a creek bank and on a gradual uphill rise. The follow up survey also identified a second silcrete flake. The following year **Weaver and Haley (2005)** conducted subsurface testing comprising 15 plough transects about 12-20 m apart; however no additional Aboriginal cultural heritage was identified.

Paynter and Rhodes (2005) conducted a pedestrian survey of approximately 90 ha on the corner of Duffields Road and Grossmans Road, to the east of the current study area. Two Aboriginal archaeological sites were identified during the survey: VAHR 7721-0763 and 0764. The first is a stone artefact scatter 'on the upper slope of the hill' near the eastern boundary of the survey area. The second is a possible scarred tree. Paynter and Rhodes recommended subsurface testing of potentially sensitive areas, particularly where development was proposed.

Marshall (2007) prepared a desktop assessment of the known and potential archaeological values of 8.8 ha of land at 255 Grossmans Road, east of the current study area. The desktop survey identified no registered Aboriginal archaeological sites, Aboriginal historical places or historical archaeological sites. Based on a review of previous archaeological surveys in the vicinity, the authors concluded that the subject land had potential to retain Aboriginal archaeological stone artefacts.

Wheeler et al. (2010) prepared a CHMP for 57 acres of land on the south side of Grossmans Road and east of Duffield Road, approximately 2.4 km east of the study area. A deeply incised tributary of Spring Creek passes through the southern half of this activity area. Eight surface Aboriginal Places (VAHR 7721-0624 to 0626 and 0795 to 0799) had previously been identified, all associated with the tributary, but no additional Aboriginal sites were discovered during the standard assessment. A complex assessment was carried out, which identified a total of 607 stone artefacts, 545 of which were within stratigraphic sequences (the remainder were found in a spoil heap). It was concluded that tool manufacture had occurred at this location and that the previously identified sites were, in fact, one large artefact scatter, which was recorded as VAHR 7721-0932 (Duffields ad Grossmans Road 1). The site was considered to be a large, variable density stone artefact scatter occurring in greater concentration along and near the waterways.

MacManus and Harbour (2012) prepared a CHMP for a small residential subdivision on Illawong Drive, approximately 2.8 km west of the current study area. The activity area was located south of Deep Creek. No Aboriginal cultural heritage was identified.

Thomas et al. (2014) prepared a CHMP for a 31.5 ha land parcel either side of Briody Drive, approximately 2 km east of the current study area. Part of the activity area abuts the southern side of Deep Creek. No surface Aboriginal sites were identified due to thick grass cover. Subsurface testing identified a total of two artefacts comprising one LDAD Aboriginal Place (VAHR 7721-1260, discussed above). The assessment concluded that the presence of these artefacts was most likely due to accidental loss or deliberate discard whilst traversing the landscape, rather than through any intensive occupational activity.

Perhaps the most relevant investigation to the current study area is a desktop assessment carried out by **Marshall and Webb (2010)** for the entire land parcel at 460 Grossmans Road, including the current study area. The desktop assessment identified 40 Aboriginal Places within 5 km of the study area, only five of which were within 2 km of the study area. No registered sites were identified in the study area itself.

Following a site inspection, the report provided some conflicting and contradictory results. In Section 3.1 the report states that during a site inspection of the property no obvious potential for Aboriginal cultural heritage were present. However the following section (Section 3.2) states that an area of potential for Aboriginal cultural heritage included higher ground overlooking previous drainage lines. The report recommended that a voluntary CHMP be prepared.

2.3.5 Aboriginal Heritage Desktop Assessment – Summary of the Results and Conclusions

A review of previous archaeological investigations indicates that the majority of Aboriginal archaeological sites in the geographic area are likely to be highly associated with reliable waterways, which would have provided a reliable resource. Most sites occur within 200 m of these waterways, with the highest density within 100 m. Despite extensive archaeological investigations associated with residential development in the Grossmans Road, Coombes Road, Duffields Road and Ghazeepore Road environs, few Aboriginal Places have been discovered, and most of these were either isolated artefacts or low density scatters. Only one site (VAHR 7721-0932) was found to be more extensive, but this was associated with Spring Creek and its tributaries, rather than the drainage line or Deep Creek to the north. In fact, most of the Aboriginal Places identified in the geographic area were associated with the more deeply incised and larger Spring Creek, suggesting that this waterway was more important to Aboriginal people than the less reliable drainage line near the current study area.

Whilst it is possible that Aboriginal archaeological material may be present in the current study area, it is more likely¹ that they will be found further downslope within 100 m of the drainage line.

2.4 Historical Context

The section reviews the historical context of the study area and includes an examination of primary historical sources, relevant heritage databases, previously recorded historical built-heritage or archaeological site types and locations in the geographic region of the study area, and previous heritage and archaeological studies undertaken in the area. Together, these sources of information can be used to formulate a predictive site model concerning what types of sites are most likely to occur in the study area, and where these are most likely to occur.

2.4.1 History

2.4.1.1 Regional History

The first European to visit the region was William Buckley, an escaped convict who lived with local Aboriginal people (the Wathaurung) for 33 years before returning to the European colony. John Batman arrived in 1835, and with John Wedge, he established the Port Phillip Association. This body of men aimed to settle the Port Phillip district, and carried out many surveys around the Port Phillip area, including the Bellarine Peninsula with the assistance of William Buckley. The settlement of Victoria began in 1835 when large

¹ Likely is an assessment of site types with a 50% or more likelihood of occurring; Unlikely is an assessment of site types with less than 50% likelihood of occurring.

numbers of sheep were shipped from Tasmania to Port Phillip and Western Port by members of the Port Phillip Association. One of the first pastoral runs in the region was 'Kardinia', which was taken up by Dr Alexander Thomson in 1836. By 1840 Silas Harding had occupied land ('Mt Pleasant') from Torquay (originally named Puebla or Spring Creek) to Bellbrae and south to Point Addis. An 1846 plan of the run shows it as 'Steels Station' (Wynd 1992).

It was not until 1859 when a bridge was built over the Barwon River that further development of the Torquay area was possible. During the 1850s much of the land in Port Phillip region was subdivided and sold (Wynd 1992). Many of the landowners in the Torquay region held smaller allotments of approximately 90 to 147 acres (except for Elias Harding on 'Mt Pleasant'), and they are likely to have lived on or developed their land (Murphy 2000). The Torquay region was not taken up as quickly as the Barrabool Shire, as it was heavily timbered. However, once land was cleared pastoral activities developed and the local economy flourished. Grape growing was a major industry in the region during the 1860s and 1870s (Wynd 1992: 63). In 1876 a railway line between Geelong and Warrnambool was built, further opening up the region to tourism and commerce.

Since the 1870s, Torquay has been a popular seaside holiday destination. Many semi-permanent huts were erected along Spring Creek, with most of the visitors travelling from Geelong to spend the day. In 1882 Torquay had a boarding house and bathing house on the beach, and a more permanent village was begun in 1886 when allotments for the township (then named the 'Spring Creek' township) were sold, most of which were purchased by Geelong businessmen. The town was renamed Torquay in 1892.

2.4.1.2 Land Use History

In 1840 Silas Harding established the Mount Pleasant Run, a roughly triangular 8 square mile property between Puebla (present day Torquay) to Point Addis, to north of Bellbrae (Spreadborough and Anderson 1983: 269,). In June 1853 the property was taken over by Elias Harding.

From 1844, new squatting regulations were developed and five years of occupation of a run entitled squatters to Pre-emptive Rights. Land was usually purchased in 640 acre blocks for £1 per acre. The home station was frequently built on this block, as freehold rights resulted in greater security over land tenure (Marshall and Webb 2010: 6). During the 1850s and 60s the Land Acts sought to open up the squatter's lands for Closer Settlement, and the big pastoral runs were subdivided for more intensive farming.

By 1869, lands around Torquay had been subdivided into smaller blocks ranging from smaller parcels of 100 acres to larger parcels of 300-400 acres. In June 1869 several larger parcels were acquired by A. White. The study area itself was part of a 308 acre parcel bounded by today's Anglesea, Grossmans, Coombes and Ghazeepore Roads (). This allotment (crown Allotment 79) was part of a larger land holding which, by 1901, included over 1,900 acres and was held by a consortium of White's children including William Andrew White, Alfred Gilbert White, Ann McGregor, Jane Whitelaw, Adeline Charlotte White and Laura Amelia Richardson (Landata Vol 2837 Fol. 328)

According to Marshall and Webb (2010: 6) the property had been held by Conrade Rupert Grossman (1902-1992). The Grossman's have been long-term residents in Torquay. After Conrade's death in December 1992, he left most of his property to his son, Clarence Keith Grossman and his daughter, Dulcie Jean Seiffert (this was based on files held in the Public Records Office).

This appears to be contradicted by Land Title records for the property (Table 3).

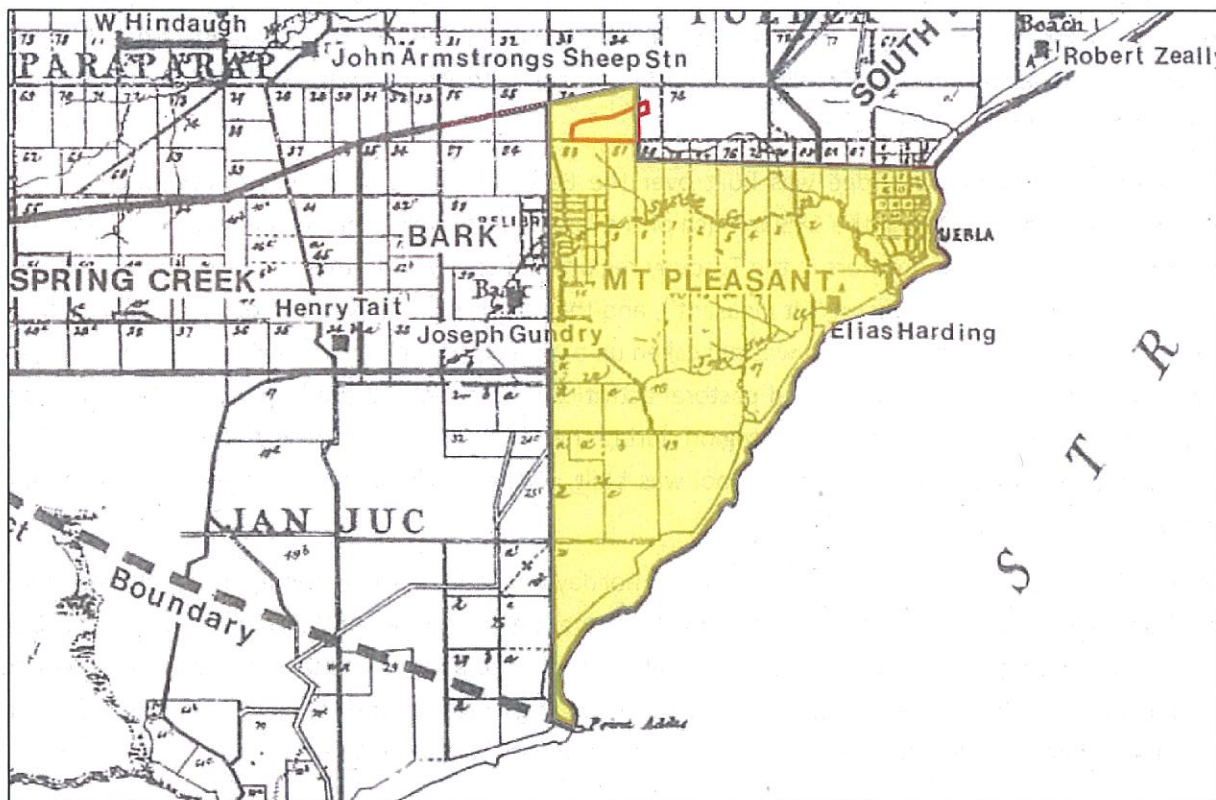


Figure 1: Mount Pleasant Run, c.1840 (in yellow), with study area shown in red (Spreadborough and Anderson 1983)

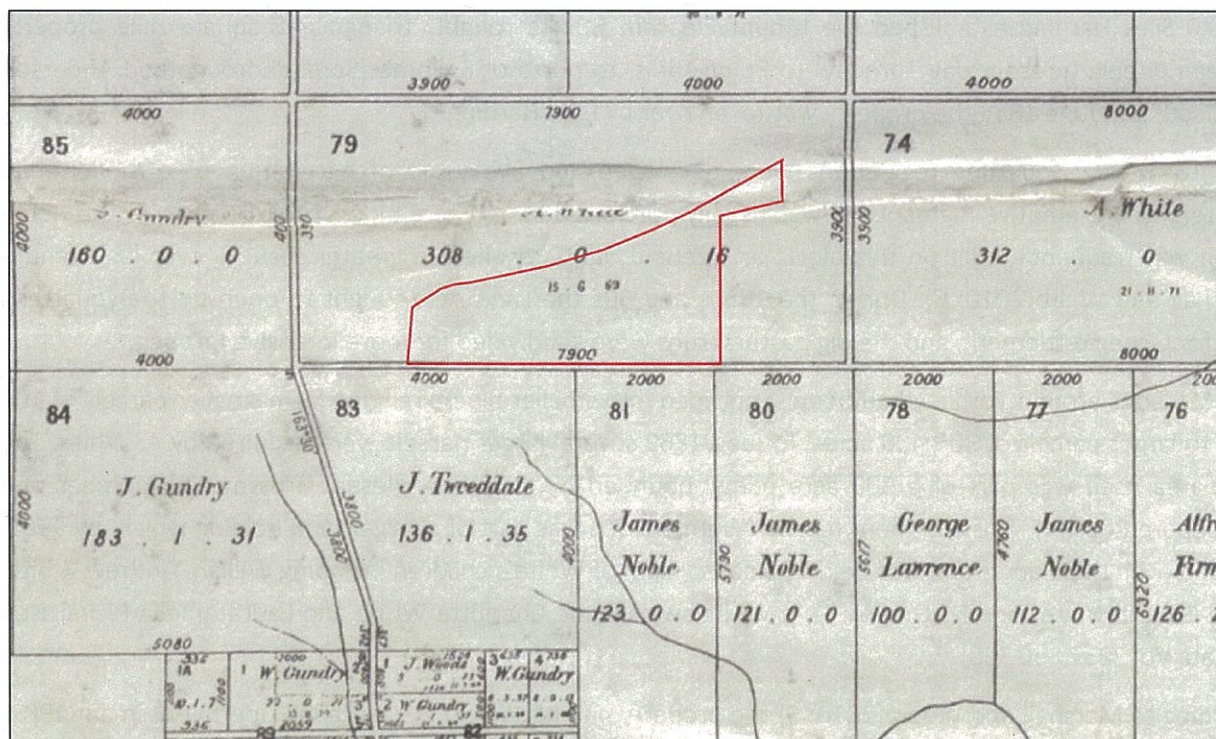


Figure 2: Parish of Puebla Map from 1879 showing approximate location of the study area (SLV ha000919)

Between 1901 and 1952, the property went through a succession of land holding consortiums, all of which centred on the original White family. As each of the original consortium died, they left their portions to other family members. In the 1950s the property Mary Walsh and in the 1960s to 80s it came under the control of the McDowalls. The first direct mention of the Grossmans is in 1986 when Clarence Keith Grossman and his wife Heather became the registered owners.

The study area has remained in use for rural, agricultural activities since its settlement by European people in 1840. The expansion of Torquay for residential purposes is encroaching on the general area.

Table 3: Registered Land Ownership from Land Title Searches

Allotment & Plan	Address	Title Vol/Folio	Owners/Year	Year Transferred
Lot 2 PS614103S	460 Grossmans Road, Bellbrae	02837 / 328	William Andrew White, Alfred Gilbert White, Ann McGregor, Jane Whitelaw, Adeline Charlotte White and Laura Amelia Richardson	19.08.1901
			Errol Andrew White, Alfred Gilbert White, Ann McGregor, Jane Whitelaw, Adeline Charlotte White and Laura Amelia Richardson	31.07.1923
			Ronald Errol White, Douglas Alfred White & John Wilfred White, Alice Emily McGregor & Adeline Elson-Smith, Jane Whitelaw, Audrey Gilbert Vines and Laura Amelia Richardson	10.09.1952
			Mary Alice Rosalie Walsh	6.10.1952
		08047 / 308	Mary Alice Rosalie Walsh	6.10.1952
			Edwin William Lance Altman and Murial Thelma Altman	28.08.1957
			William Kennedy McDowall and Grace McDowall	27.04.1964
			Grace McKay McDowall and Bruce Duncan McPherson (following Probate of W. K. McDowall will)	20.11.1969
		09638 / 473	Grace McKay McDowall (1/2), and Grace McKay McDowall and Robyn Elizabeth Falkenberg (1/2)	1.11.1984
			Clarence Keith Grossman and Heather Janice Grossman	23.10.1986
		10240 / 899	Christine Leanne Grossman	18.04.1997
		10775 / 748	Christine Leanne Grossman	2.01.2004
		10926 / 271	Clarence Keith Grossman and Heather Janice Grossman	16.01.2008
		11054 / 328	Clarence Keith Grossman and Heather Janice Grossman	21.09.2010

2.4.2 Database Searches

2.4.2.1 Victorian Heritage Register

The Victorian Heritage Register (VHR), established by the Victorian *Heritage Act 1995*, provides the highest level of statutory protection for historical sites in Victoria. Only the State's most significant historical sites are listed on the VHR.

The VHR also lists historic shipwrecks in Victorian State waters. Under the Victorian *Heritage Act 1995*, all shipwrecks in Victorian State waters that wrecked 75 years² or more ago (including any parts that were originally from that shipwreck) are protected. Certain shipwrecks that are less than 75 years old may also be declared historic shipwrecks.

A search of the VHR was conducted for the geographic region. The search identified a total one registered historical heritage place in the search area (Map 8):

- H2261 (Great Ocean Road).

The site is not located within the study area.

2.4.2.2 Victorian Heritage Inventory

The Victorian Heritage Inventory (VHI), established by the Victorian *Heritage Act 1995*, provides the statutory protection for all historical archaeological sites, areas or relics, and private collections of relics, in Victoria. Sites listed on the VHI are not of State significance but are usually of regional or local significance.

A search of the VHI was conducted for the geographic area. The search identified one registered historical heritage place in the search area (Map 8):

- D7721-0125 (Grossmans Road 4), 5 Sandy Way, Torquay.

The site is the remains of a cattle race, pens and shearing shed located on a ridge overlooking Spring Creek. The site is not located within the study area.

2.4.2.3 Victorian War Heritage Inventory

The Victorian War Heritage Inventory (VWHI) was established in 2011 as a means to catalogue Victoria's war history such as war memorials, avenues of honour, memorial buildings, former defence sites and places of commemoration. Places listed on the VWHI do not currently have discrete statutory protection, however many are concurrently listed on the VHR, VHI, or local planning schemes.

A search of the VWHI was conducted for the geographic area. The search identified one registered historical heritage site in the search area (Map 8):

- Bellbrae War Memorial, 50 Bellbrae School Road, Bellbrae;
- Point Danger War Memorial, Torquay Foreshore, Torquay; and
- Torquay Anzac Memorial Wall, Torquay.

² Note that that this is a blanket, 75-year, rolling provision. This means that more shipwrecks become protected each year as the 75th anniversary of their loss is reached

These sites are not located within the study area.

2.4.2.4 Local Council

The study area is located within the Surf Coast Shire and is governed by the Surf Coast Planning Scheme. Planning schemes set out policies and provisions for the use, development and protection of land.

The Heritage Overlay (HO) of the Surf Coast Planning Scheme was examined within the geographic area. The search identified a total of 10 registered historical heritage places in the search area (Map 8). These sites include:

- HO6 (Bellbrae Cemetery Monumental Masonry), 65 School Rd, Bellbrae;
- HO16 ('Scammel' house [Deckhouse from the wreck Scammel]), 24 Pride Street, Torquay;
- HO90 (Se View Villa), 4 Anderson Street, Torquay;
- HO122 (Torquay Caravan Park), 35 Bell Street, Torquay;
- HO123 (Former Payne's Garage), 18 Bristol Road, Torquay;
- HO124 (Torquay Public Hall), 8-12 Price Street, Torquay;
- HO125 (St Lukes Anglican Church), 17 Pride Street, Torquay;
- HO126 (Torquay Foreshore Precinct), The Esplanade, Torquay;
- HO127 (House), 18 The Esplanade, Torquay; and
- HO128 (Taylor Park), 47-70 The Esplanade, Torquay.

None of these sites are located within the study area. The majority (HO16 to HO128) are located within the township Torquay. HO6 is located 2.1 km south west of the study area.

2.4.2.5 National Trust Register

The National Trust of Australia (Victoria) is an independent, not-for-profit organisation that classifies a number of heritage places. Listing on the National Trust Register (NTR) does not impose any statutory protection, however often National Trust listings are supported by the local council Planning Scheme.

A search of the NTR was conducted for the geographic area. The search identified a total of two registered historical heritage places in the search area (Map 8). These sites include:

- B2019 (Scammell House); and
- L10278 (Great Ocean Road).

Neither of these sites are located within the study area.

2.4.2.6 Commonwealth and International Heritage Lists

The Commonwealth Department of the Environment (DoE) maintains the National Heritage List (NHL), a register of exceptional natural, Aboriginal and historical heritage places which contribute to Australia's

national identity. DoE also maintains the Commonwealth Heritage List (CHL), a register of natural, Aboriginal or historical heritage places located on Commonwealth land which have Commonwealth heritage values.

A place can be listed on one or both lists, and placement on either list gives the place statutory protection under the EPBC Act.

The World Heritage List (WHL) lists cultural and natural heritage places which are considered by the World Heritage Council to have outstanding universal value.

DoE also maintains the Register of the National Estate (RNE) which is a list of natural, Indigenous and historic heritage places throughout Australia. Following amendments to the *Australian Heritage Council Act 2003*, the RNE was frozen on 19 February 2007, and no new places have been added or removed since then. The RNE ceased as a statutory register in February 2012, although items listed on the RNE may continue to be considered during approvals processes. Many items on the RNE have been listed on the NHL or CHL. They may also be registered on State or local heritage registers. In these cases, those items are protected under the relevant Commonwealth or State heritage legislation. However, items that are only listed on the RNE no longer have statutory heritage protection.

Listings on the NHL, CHL, WHL and RNE are accessed via the Australian Heritage Database (AHD), managed by DoE.

DoE also maintains the Commonwealth Historic Shipwreck Database (HSD). Under the *Commonwealth Historic Shipwrecks Act 1976*, all shipwrecks in Commonwealth waters that were lost 75 years or more ago are protected. For Victoria, the majority of these are also reflected as listings on the VHR.

A search of the AHD and HSD was conducted for the geographic area. The search identified two registered historical heritage place in the search area (Map 8):

- RNE 15767 (Scammell House), 24 Pride Street, Torquay; and
- NHL 105875 (Great Ocean Road and Scenic Environs).

Neither of these sites are located within the study area.

2.4.2.7 Summary

A total of 15 historical heritage places and sites were identified in the geographic area. A summary of the relevant historical heritage sites appears in Table 4. No historical heritage places are located within the study area.

Table 4: Summary of Previously Identified Historical Heritage Sites within the Geographic Area

Register & Site Number	Site Name	Site Type	Within Study Area?
VHR H2261 NHL 105875 NTR L10278	Great Ocean Road	Landscape Feature	No
VHI D7721-0125	Grossmans Road 4	Archaeological Site: Pastoral	No
HO6	Bellbrae Cemetery Monumental Masonry	Built Heritage: Monument	No
HO16 RNE 15767 NTR B2019	'Scammel' house (Deckhouse from the wreck Scammel)	Built Heritage: Residential	No
HO90	Sea View Villa	Built Heritage: Residential	No
HO122	Torquay Caravan Park	Built Heritage: Commercial	No
HO123	Former Payne's Garage	Built Heritage: Commercial	No
HO124	Torquay Public Hall	Built Heritage: Municipal	No
HO125	St Lukes Anglican Church	Built Heritage: Religious	No
HO126	Torquay Foreshore Precinct	Landscape Feature	No
HO127	House	Built Heritage: Residential	No
HO128	Taylor Park	Built Heritage: Residential	No
VWHI	Bellbrae War Memorial	Built Heritage: Monument	No
	Point Danger War Memorial	Built Heritage: Monument	No
	Torquay Anzac Memorial Wall	Built Heritage: Monument	No

2.4.3 Previous Historical Archaeological Investigations

Regional and localised archaeological investigations have established the general character of historical archaeological sites located within the same geographic region as the study area and, heritage studies have been conducted for the Surf Coast Shire Local Government Area (LGA). These studies often define the historical character of the LGA or for a specific township, predominantly for built heritage but also for archaeological heritage. This information, together with the information gathered in Section 2.4.2 can be used to form the basis for a site prediction statement (Section 2.4.4)

Chamberlain and Marshall (2002) conducted a survey of land on the corner of Coombes Road and Ghazeepore Road Torquay, approximately 1 kilometre northwest of the Grossman's Road subject land. The area consisted of a small section of cleared flat paddock where a water storage tank and pump were proposed. No historical archaeological material was found during the survey.

Collins and Marshall (2004) conducted an assessment including a survey of a parcel of land extending from Grossmans Road south to Spring Creek, where residential sub-division was proposed. One historical site was located during the survey. This consisted of remnant farm buildings and fencing including flooring of a timber

shearing shed, a cattle race, corrugated iron sheep wash, post and rail fence and a low wormwood hedge. This site was 'D' listed by Heritage Victoria and is on the inventory as D7721-0125 (D listed sites are not provided with statutory protection).

Marshall (2007) prepared a desktop assessment of the known and potential archaeological values of 8.8 ha of land at 255 Grossmans Road, east of the current study area. The desktop survey identified no registered historical archaeological sites. The authors concluded that since the subject land is rural land close to the Torquay township, the subject land also has potential to retain historical archaeological sites.

The most relevant investigation to the current study area is a desktop assessment carried out by **Marshall and Webb (2010)** for the entire land parcel at 460 Grossmans Road, including the current study area. The assessment included a review of historical maps and aerial images to assess the likelihood of any former built structures or ruins or other features which may have heritage value. However nothing was identified. Since their study area also included the remainder of the 460 Grossmans Road land parcel (outside the current study area), they also assessed the potential of the timber weatherboard house on the land. They concluded that 'with its timber fabric and in its design the existing farmhouse looks relatively modern. Being on a slight rise and fronting Grossmans Road, this is also the most likely location of older structures that may predate this house' (Marshall and Webb 2010: 10). They did not identify any historical heritage places during their site inspection and considered that the Cypress tree rows were of insufficient age and regional rarity for historical significance.

2.4.4 Historical Archaeological Site Prediction Statement

The following site prediction statement has been formulated from the review of previous assessments. The statement presented is based on a site type approach. The review of the previously recorded historical archaeological sites and previous archaeological investigations indicates that the most likely³ site types in the study area are tree plantings and farming sites.

Domestic Sites are unlikely to occur because there is no known historical occupational use of the study area. Evidence of domestic occupation may include structural remains or ruins of homesteads and/or outbuildings, domestic rubbish dumps or bottle dumps, wells or underground storage tanks.

Dry stone walls are unlikely to occur in the study area because these landscape features are not generally found in this part of the Shire. Dry stone walls may line internal property divisions or external property boundaries.

Tree Plantings are likely to occur in the study area. Historical tree plantings may be evidenced by large introduced trees planted along original driveways, paddock boundaries or close to homestead sites.

Farming Sites may occur in the study area because of the historical land use as a farming property. Evidence of farming may include fence lines, dams, water channels, plantings or terracing.

Pastoral Sites are unlikely to occur in the study area because closer settlement subdivision is likely to have removed all traces of any early pastoral use. Breeding of livestock and dairying may be evidenced by the remains of stockyards, stables, barns and holding pens.

³ **Likely** is an assessment of site types with a 50% or more likelihood of occurring; **Unlikely** is an assessment of site types with 50% or less chance of occurring).

Road and Rail Infrastructure Sites are unlikely to occur in the study area because there are no known historical road/rail easements in the study area. Old road or railway routes may be evidenced by bridges, railway tracks or road or railway embankments.

War Heritage Sites are unlikely to occur in the study area because of the study area's use as a private farming property. War heritage sites may include standing monuments and marked locations, but may also include avenues of honour, grave sites, ex-military sites and local memorial sites.

2.4.5 Historical Heritage Desktop Assessment – Summary of the Results and Conclusions

There are 15 registered heritage places located within the geographic area but none are located within the study area itself. Most of the heritage places are located within the township of Torquay itself. The site prediction statement indicates that tree planting and farming sites are the most likely sites to occur in the study area.

3 FIELD INSPECTION

An inspection of the study area was conducted to confirm the results of the desktop assessment and to identify areas of archaeological likelihood and, for Aboriginal cultural heritage, areas of significant ground disturbance.

3.1 Aims and Objectives

The aim of the survey was to:

- To identify and record any surface indications of Aboriginal and historical heritage sites and/or areas of Aboriginal and historical archaeological likelihood in areas that will be impacted by the proposed development; and/or
- To verify the results of the background review and site predictive statement; and/or
- To assess the cultural heritage significance of any historical sites identified in the survey.

3.2 Methodology of the Inspection

The study area was inspected on 17 March 2015 by Ecology and Heritage Partners Pty Ltd Senior Archaeologist/Cultural Heritage Advisor Rick Bullers.

The survey took the form of a pedestrian inspection across parts of the study area (Error! Reference source not found.).

3.3 Results of the Inspection

3.3.1 Limitations of the Inspection

The level of assessment undertaken for this site visit is not considered to meet the requirements for a formal archaeological survey in accordance with Heritage Victoria and Office of Aboriginal Affairs guidelines (HV 2008; Duncan et al. 2008; OAAV 2010). Representatives of the RAP were not involved in the site visit.

3.3.2 Landforms and Features

The inspection showed that the study area comprised almost entirely of a single landform: a flat ridge crest, which is consistent with the findings of the desktop assessment.

The study area comprises open farmland divided into smaller paddocks separated by fencing and Cypress pine windrows in a 'cross' formation (Plate 1). However, the northern, eastern and western arms are outside of the study area, so only the southern arm is within (Plate 2). These windrows are the only notable vegetation across the paddocks, which are almost completely cleared except for the remnant stumps of some dead trees throughout. Another Cypress windrow is located just outside the study area, to the north west (Plate 3), and some young native plantation trees are near the north east corner bordering an internal

lane (Plate 4). The majority of the study area is currently used for cattle and sheep grazing and pasture cover was fairly low, but thick enough to provide poor ground surface visibility. One paddock in the north east corner is under crop (Plate 5).

Directly north of the study area, the land slopes gently towards Coombes Road (Plate 6), providing sweeping vistas to the north and north west, including prominent views towards Mount Moriac (Plate 7).

This assessment concurs with Marshall and Webb's (2010: 11) assessment of the soil being a fine aeolian sandy loam, grey in colour, which appears to constitute a relatively thin surface layer covering the majority of the study area and probably overlaying buck shot (ironstone) and clay which are older deposits relating to the area's volcanic origins.

3.3.3 Areas of Aboriginal Cultural Heritage Likelihood

There are no mature native trees present within the study area and there are no caves, cave entrances or rock shelters present within the study area.

No specific areas of Aboriginal likelihood were identified during the survey. The fact that the study area forms the flat crest of a ridge overlooking waterways to the north and south would, ordinarily, suggest that there is some likelihood. However, the waterway directly to the north occurs on a mid-slope landform and appears to be a highly modified artificial drain. It is most predominant where it crosses Anglesea Road (Plate 8), but elsewhere, such as at the Coombes Road crossing (Plate 9) and further east along Coombes Road (Plate 10), it is indistinct and appears to have been artificially elevated. The slope north from the study area is undulating but continues descending very gently until it meets the twin courses of Merrijig and Thompsons Creeks, several kilometres to the north. The drainage line immediately north of the study area is actually on a mid-slope landform suggesting that it is not natural. In any case, its small size means that it is unlikely to have sufficient water to be an attractive Aboriginal resource.

To the south of Grossmans Road, and the study area, the land drops more sharply to the south to feed the Spring Creek catchment. It is considered that this side of Grossmans Road has a higher potential for having in situ Aboriginal cultural heritage than the northern side within the study area.

3.3.4 Historical Heritage Areas of Historical Archaeological Likelihood

No areas of historical archaeological likelihood were identified during the inspection.

The farm house (Plate 11) and outbuildings are not within the study area itself and are outside the scope of this assessment. A large dam in the centre paddocks adjacent to Grossmans Road (Plate 12) is the primary artificial structure, with a smaller dam to the west, except for a minor artificial drainage line from the south west corner (Plate 13) that feeds the dam. Minor unsealed vehicle tracks also cross the paddocks.

3.3.5 Previous (Significant) Ground Disturbance

The term Significant Ground Disturbance (SGD) is defined under r.4 of the *Aboriginal Heritage Regulations 2007* (see Glossary). SGD is used to determine whether a CHMP is triggered for an activity. Under the *Aboriginal Heritage Act 2006*, a CHMP is required where a study area (or parts thereof) is located within an identified area of cultural heritage sensitivity and the activity is a high impact activity. The portions of an area

of cultural heritage sensitivity that have been subject to SGD are no longer considered to be areas of cultural heritage sensitivity. This may have a direct bearing on whether a mandatory CHMP is required or not.

Three areas of previous (significant) ground disturbance were identified during the inspection (**Error! Reference source not found.**):

- A large centrally located dam, covering approximately 6,300 m² (Plate 12);
- A smaller dam located immediately west of the large dam, covering approximately 1,500 m²; and
- An incised artificial drainage channel entering the study area along the south west boundary and draining to the central dams. This channel is approximately 400 m long, by 2-3 m wide and approximately 0.5 m deep (Plate 13).

These three areas are likely to be the only disturbances to meet the definition of SGD under the Regulations.



Plate 1: Looking north west across the flat crest landform from Grossmans Road to the Cypress windrows



Plate 2: Looking north west towards the 'southern arm' of the Cypress windrow 'cross'.



Plate 3: Cypress pines along the south western corner, although these are outside the study area itself



Plate 4: Native trees planted along the laneway near the north eastern corner of the study area



Plate 5: Cropped paddock along northern edge of the study area, looking south west towards the central Cypress windrows



Plate 6: Looking west across the northern edge of the study area, where it begins to descend gently towards Coombes Road



Plate 7: Looking north westerly from the study area, across the gentle slope towards Mt Moriac in the distance



Plate 8: Looking east along the drainage line where it crosses Anglesea Road



Plate 9: Drainage line at Coombes Road crossing, looking south towards the study area in the far distance



Plate 10: Drainage line along Coombes Road, showing elevated edges suggesting it is artificially created or at least highly modified



Plate 11: Weatherboard house on Grossmans Road adjacent to (outside) the south west corner of the study area



Plate 12: Looking north west towards the large central dam



Plate 13: Looking north east along the artificial drainage channel in the study area at Grossmans Road

4 DISCUSSION

No specific areas of Aboriginal or historical archaeological likelihood were identified during the inspection. The study area comprises a very flat crest of an east-west ridge. Grossmans Road traverses the southern edge of the ridge, whilst the study area comprises the ridge crest itself, before sloping gently to the north away from the study area.

Ridge crest landforms, particularly those with a good outlook, are typically considered to be archaeologically sensitive for Aboriginal cultural heritage. This is especially the case if the ridge is in close association with a reliable water resource. The nearest waterline appears to be the channel that crosses west to east past the study area parallel to Coombes Road. However, this watercourse is considered unlikely to be a naturally occurring creek because of its position traversing across what is essentially a mid-slope landform (natural waterways are at the base of gullies) and evidence that the edges have been artificially raised on the downslope side of the channel. Therefore this watercourse is considered unlikely to have been a natural resource available to Aboriginal people, but more likely a more recent artificial channel to distribute water around the local region. The slope north of the study area is part of a much broader gently descending (albeit undulating) slope towards the larger and more reliable waterways of Merrijig and Thompsons Creeks to the north.

Consequently the northern side of the ridge, within the study area, is not closely associated with a reliable water resource. The sweeping vistas to the north and north west would have provided an attractive outlook for Aboriginal people, but the lack of reliable water suggests that sustained occupational activities in this location is unlikely and therefore the likelihood of Aboriginal cultural heritage being present is also unlikely.

Of more interest is the slope along the southern side of Grossmans Road, which forms part of the catchment of Spring Creek, approximately 1.3 km to the south. This area, to the south of Grossmans Road, is considered more likely to be culturally sensitive.

No areas of historical archaeological likelihood were identified and the artificial features noted in the desktop assessment and site inspection are not considered to have any historical heritage significance.

The discussion above relates primarily to the likelihood of Aboriginal cultural heritage occurring. However, it should be noted that although sustained Aboriginal occupation is considered to have been unlikely and, consequently, dense or extensive archaeological deposits are also unlikely, it is possible that ephemeral occupation and/or travel along this ridge occurred and that Aboriginal people may have left artefactual evidence in the form of isolated artefacts or low density artefact distributions (LDADs). Therefore, although a formal CHMP is not considered to be warranted, the following section provides a series of management recommendations that the developer should follow so as to minimise any potential impacts.

5 MANAGEMENT RECOMMENDATIONS

This section provides a summary of the recommendations made in relation to the Aboriginal and historical heritage values of the study area.

5.1 Aboriginal Cultural Heritage

5.1.1 Before Activity Commencement

It is recommended that the following actions be implemented prior to the activity commencing.

Recommendation 1: No Requirement for a Mandatory CHMP under the *Aboriginal Heritage Act 2006*

As the study area is not within an identified area of cultural heritage sensitivity defined by the *Aboriginal Heritage Act 2006*, a mandatory Cultural Heritage Management Plan, prepared under that Act, is not required.

Recommendation 2: Cultural Awareness Training

A Cultural Heritage Induction Booklet containing these Management Recommendations and all relevant maps should be produced by a Cultural Heritage Advisor. Prior to the commencement of the activity a representative of the RAP and a Cultural Heritage Advisor should be engaged to present a Cultural Heritage Induction to all employees and contractors involved in ground disturbing works in the study area. The RAP should be provided at least two weeks' notice of the requirement to present the cultural awareness induction. Costs of any such induction must be borne by the developer.

The induction should cover aspects of Aboriginal cultural heritage including basic stone artefact recognition as well as the management recommendations in this Plan.

5.1.2 During the Activity

Recommendation 3: Maintain Awareness of Aboriginal Cultural Heritage

All employees and contractors involved in ground disturbing works in the study area should maintain a visual awareness of soils excavated in the study area in case Aboriginal cultural heritage is present.

Recommendation 4: Contingency for Aboriginal Cultural Heritage

There are no known Aboriginal cultural heritage issues in regard to the proposed development. However, if any Aboriginal cultural heritage issues are encountered during the course of construction then the contingency plan presented in Appendix 4 should be followed.

5.1.3 After the Activity

The activity is likely to modify the topsoils throughout the study area, negating any potential for Aboriginal or historical heritage. No specific management actions are recommended.

5.2 Historical Heritage

Recommendation 5: No Requirement for Further Archaeological Investigation

As there are no known historical heritage sites or areas considered to have historical heritage likelihood there is no requirement for any further historical heritage investigations.

Recommendation 6: Contingency for Historical Heritage

There are no other known historical heritage issues in regard to the proposed development. If any historical heritage issues are encountered during the course of construction then works should cease within 10 m of the area of concern and a qualified Cultural Heritage Advisor (or Heritage Victoria) should be contacted to investigate.

MAPS



Map 1
Location of Study Area
Aboriginal and Historical
Cultural Heritage Plan:
460 Grossmans Road,
Bellbrae

Legend

- | | |
|--|--|
| Study Area | Minor Watercourse |
| Major Road | Permanent Waterbody |
| Collector Road | Land Subject to Inundation |
| Minor Road | Parks and Reserves |
| Proposed Road | Crown Land |
| Walking Track | Localities |



Local Government: Surf Coast Shire
25k Mapsheet: Torquay 7721-2-4
Coordinate System: MGA Zone 55 (GDA94)
Map Scale: 1:50,000

VicMap Data: The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.



Map 2
Extent of Study Area
Aboriginal and Historical Cultural Heritage Plan:
460 Grossmans Road,
Bellbrae

Legend

- Study Area
- Contour (10m)
- Minor Watercourse
- Permanent Waterbody
- Land Subject to Inundation
- Property Boundaries



Local Government: Surf Coast Shire
25k Mapsheet: Torquay 7721-2-4
Coordinate System: MGA Zone 55 (GDA94)
Map Scale: 1:9,000

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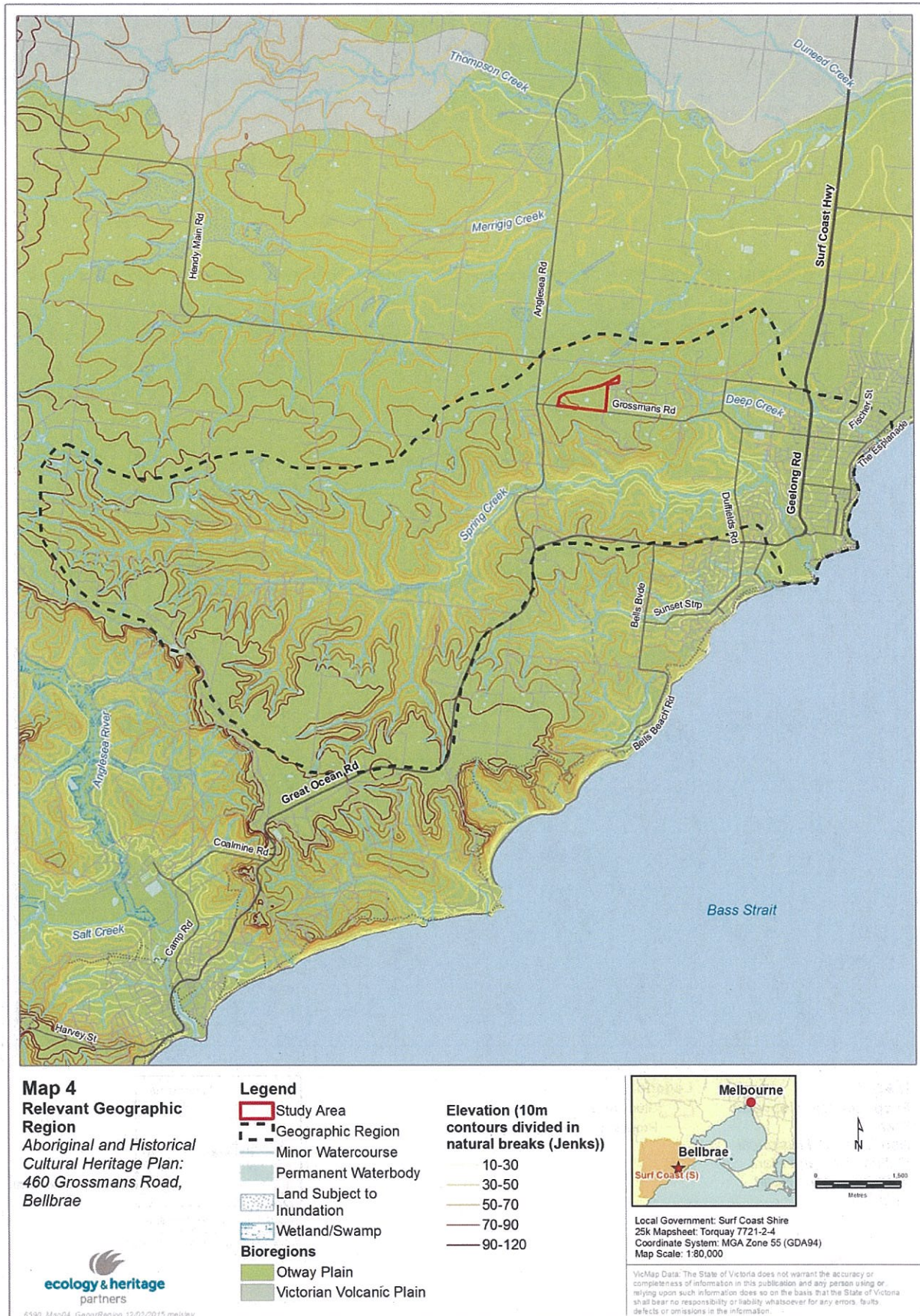
Map 3
Proposed Development Plan
Aboriginal and Historical Cultural Heritage Plan:
460 Grossmans Road,
Bellbrae

Legend
 Study Area
 Proposed development plan



Local Government: Surf Coast Shire
25k Mapsheet: Torquay 7721-2-4
Coordinate System: MGA Zone 55 (GDA94)
Map Scale: 1:8,000

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Map 5
Relevant Geology
*Aboriginal and Historical Cultural Heritage Plan:
460 Grossmans Road,
Bellbrae*

Legend

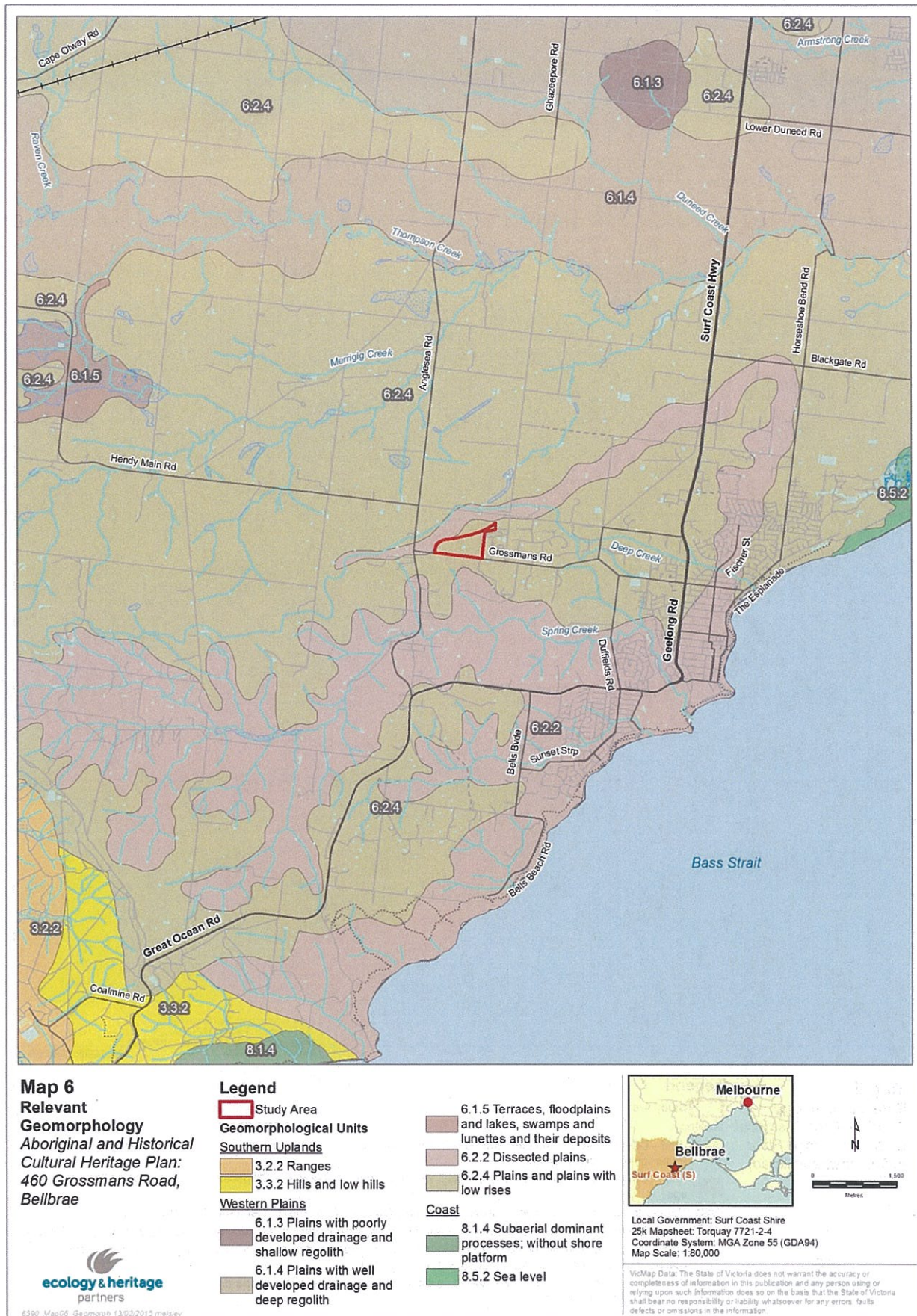
Study Area

Geology

- Pnd - Demons Bluff Formation, Marine: silt, fine sand, clay, carbonaceous, pyritic, burrowed (Palaeogene (Eocene) to Palaeogene (Eocene) in age)
- Pxj - Jan Juc Formation, Marine: marl, clay, silt, glauconitic (Palaeogene (Oligocene) to Palaeogene (Oligocene) in age)
- Nbm - Moorabool Viaduct Sand, Gravel, sand, silt (Neogene (Pliocene) to Neogene (Miocene) in age)
- Qa1 - Unnamed alluvium, Fluvial: alluvium, gravel, sand, silt (Quaternary (Holocene) to Quaternary (Holocene) in age)
- Qd1 - Unnamed coastal dune deposits, Aeolian: coastal and inland dunes: dune sand, some swamp deposits (Quaternary (Holocene) to Quaternary (Holocene) in age)
- Qn - Newer Volcanic Group, Extrusive: tholeiitic to alkaline basalts, minor scoria and ash (Quaternary (Holocene) to Neogene (Pliocene) in age)

Local Government: Surf Coast Shire
25k Mapsheet: Torquay 7721-2-4
Coordinate System: MGA Zone 55 (GDA94)
Map Scale: 1:50,000

VicMap Data: The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information





Map 7
Pre 1750 Ecological Vegetation Classes
Aboriginal and Historical Cultural Heritage Plan: 460 Grossmans Road, Bellbrae

Legend

Study Area

Ecological Vegetation Classes (pre 1750)

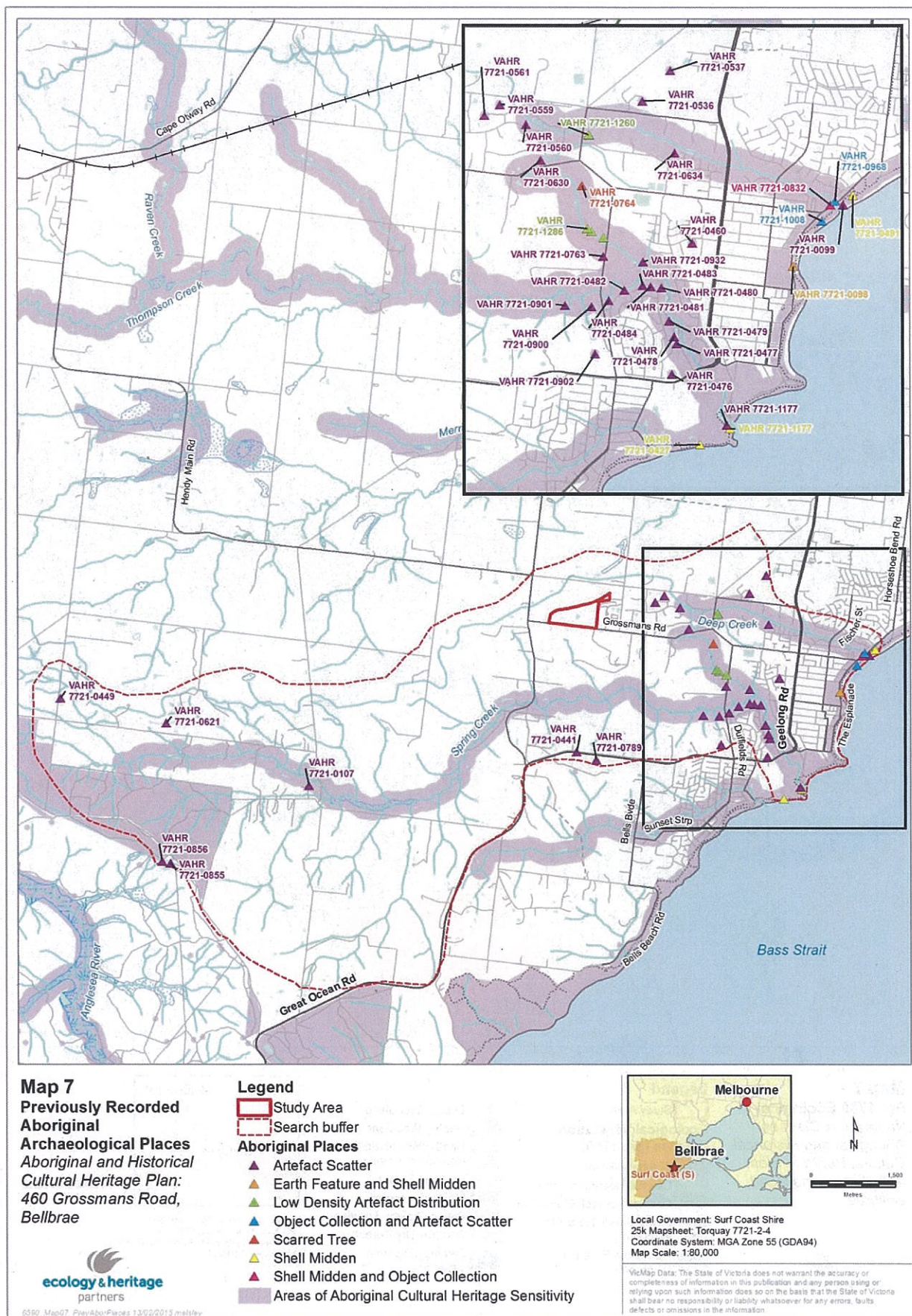
- Coastal Alkaline
- Coastal Headland Scrub
- Coastal Tussock Grassland
- Damp Sands Herb-rich Woodland
- Floodplain Riparian Woodland

- Grassy Woodland
- Heathy Woodland
- Heathy Woodland/Sand
- Heathland Mosaic
- Lowland Forest
- Plains Grassland
- Plains Grassy Woodland
- Shrubby Dry Forest
- Swampy Riparian Woodland



Local Government: Surf Coast Shire
25k Mapsheet: Torquay 7721-2-4
Coordinate System: MGA Zone 55 (GDA94)
Map Scale: 1:50,000

VicMap Data: The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.





APPENDICES

Appendix 1: Cultural Heritage Advisors

Details of the cultural heritage team that prepared this report are provided below.

Rick Bullers

Rick has more than 18 years of natural and cultural resource management experience. Rick has specialised in archaeology and built heritage since 2004, and has worked as a heritage consultant since 2007. He has managed numerous Aboriginal and historic heritage projects for a variety of Agents and developments within Victoria, NSW and SA. Projects include heritage assessments and/or excavations for linear construction projects such as pipelines, sewerage lines and transmission lines, large area heritage assessments for Greenfield developments (e.g. residential subdivision and mining operations), as well as cultural heritage assessments and cultural heritage management plans for large Department of Defence sites. To date Rick has authored nearly 50 CHMPs.

Rick has experience in a variety of tasks, including project management, peer reviews, background research and due diligence assessments, archaeological survey, subsurface testing and salvage excavation, Aboriginal and non-Aboriginal site identification, recording and photography, site significance assessment, development of recommendations to mitigate the impact of development upon Aboriginal and non-Aboriginal historical heritage, flaked stone artefact and historical artefact recording and interpretation, communication and consultation with regulatory bodies (OAAV and HV), Agents, landowners, RAPs and community representatives, preparation of conservation management plans, Historical Heritage Assessments and desktop, standard and complex Aboriginal CHMPs. Rick has published widely in refereed scientific journals including *International Journal of Nautical Archaeology*, *Bulletin of the Australasian Institute for Maritime Archaeology* and *Papers and Proceedings of the Tasmanian Historical Society*. His formal qualifications include:

- Bachelor of Applied Science (Conservation and Park Management), University of South Australia (1994);
- Graduate Diploma of Maritime Archaeology, Flinders University (2005);
- Master of Maritime Archaeology, Flinders University (2006);
- Full Member: Australian Association of Consulting Archaeologists Inc. (AACAI);
- Member (Cultural Heritage): Barwon Otway Bushfire Advisory Group (2013-present);

Treasurer: Australasian Institute for Maritime Archaeology (2014-2015), Committee Member (2013-2014);

- Committee Member (Victoria): Maritime Heritage Advisory Committee (2014-present); and
- Member, Anthropological Society of South Australia.

Oona Nicolson

Oona Nicolson is a Director and the Principal Heritage Advisor at Ecology and Heritage Partners Pty Ltd. She is a heritage specialist with over 18 years of experience in the archaeological consulting sector, working in Victoria, South Australia, New South Wales and Tasmania. Oona regularly appears before VCAT and

independent panels as an Expert Witness in the areas of Aboriginal and historical heritage. Oona has extensive experience in over 800 projects with a wide variety of Agents.

Oona's skills include project management, peer reviews, background research and due diligence assessments, archaeological survey, subsurface testing and salvage excavation, Aboriginal and non-Aboriginal site identification, recording and photography, site significance assessment, development of recommendations to mitigate the impact of development upon Aboriginal and non-Aboriginal historical heritage, flaked stone artefact and historical artefact recording and interpretation, communication and consultation with regulatory bodies (OAAV and HV), Agents, landowners, RAPs and community representatives, preparation of conservation management plans, expert witness statements, Permits and Consents to Disturb for Heritage Victoria, Historical Heritage Assessments and, desktop, standard and complex Aboriginal CHMPs. Her formal qualifications and memberships include:

- Bachelor of Arts (Honours in Archaeology; First Class), Flinders University (1996);
- Bachelor of Arts (Australian Archaeology and Australian Studies), Flinders University (1995);
- Current Archaeology (Alternate) Member of the Victorian Heritage Council;
- Maritime Archaeology Certificate: Part 1 (Part 2 pending), AIMA and NAS (U.K.);
- Australian Association of Consulting Archaeologists Inc. AACAI (Full Member and current Treasurer of Victorian Chapter; Current National Secretary and Current Membership Committee);
- Member, Australian Archaeological Association (AAA);
- Victorian Planning and Environmental Law Association;
- Accredited UDIA EnviroDevelopment Professional (Accredited August 2012)
- UDIA Sustainability Committee; and
- Heritage member of the South Australian Chamber of Mines and Energy (SACOME) Sustainability and Development Committee.

Appendix 2: Heritage Legislation

A2.1 *Aboriginal Heritage Act 2006 (State)*

The *Aboriginal Heritage Act 2006* protects Aboriginal cultural heritage in Victoria. A key part of the legislation is that Cultural Heritage Management Plans (CHMPs) are required to be prepared by Sponsors (the developer) and qualified Cultural Heritage Advisors in accordance with the *Aboriginal Heritage Act 2006* and the accompanying *Aboriginal Heritage Regulations 2007*. A CHMP is the assessment of an area (known as an 'activity area') for Aboriginal cultural heritage values, the results of which form a report (the CHMP) which details the methodology of the assessment and sets out management recommendations and contingency measures to be undertaken before, during and after an activity (development) to manage and protect any Aboriginal cultural heritage present within the area examined.

The preparation of a CHMP is mandatory under the following circumstances:

- If the *Aboriginal Heritage Regulations 2007* require a CHMP to be prepared (s. 47);
- If the Minister of Aboriginal Affairs Victoria requires a CHMP to be prepared (s. 48); or
- If an Environmental Impact Statement (EIS) is required by the *Environment Effects Act 1978* (s. 49).

The *Aboriginal Heritage Regulations 2007* require a CHMP to be prepared:

- If all or part of the proposed activity is a 'high impact activity'; and
- If all or part of the activity area is an area of 'cultural heritage sensitivity'; and
- If all or part of the activity area has not been subject to 'significant ground disturbance'.

The preparation of a CHMP can also be undertaken voluntarily. Having an approved CHMP in place can reduce risk for a project during the construction phase by ensuring there are no substantial delays if sites happen to be found. Monitoring construction works is also rarely required if an approved CHMP is in place.

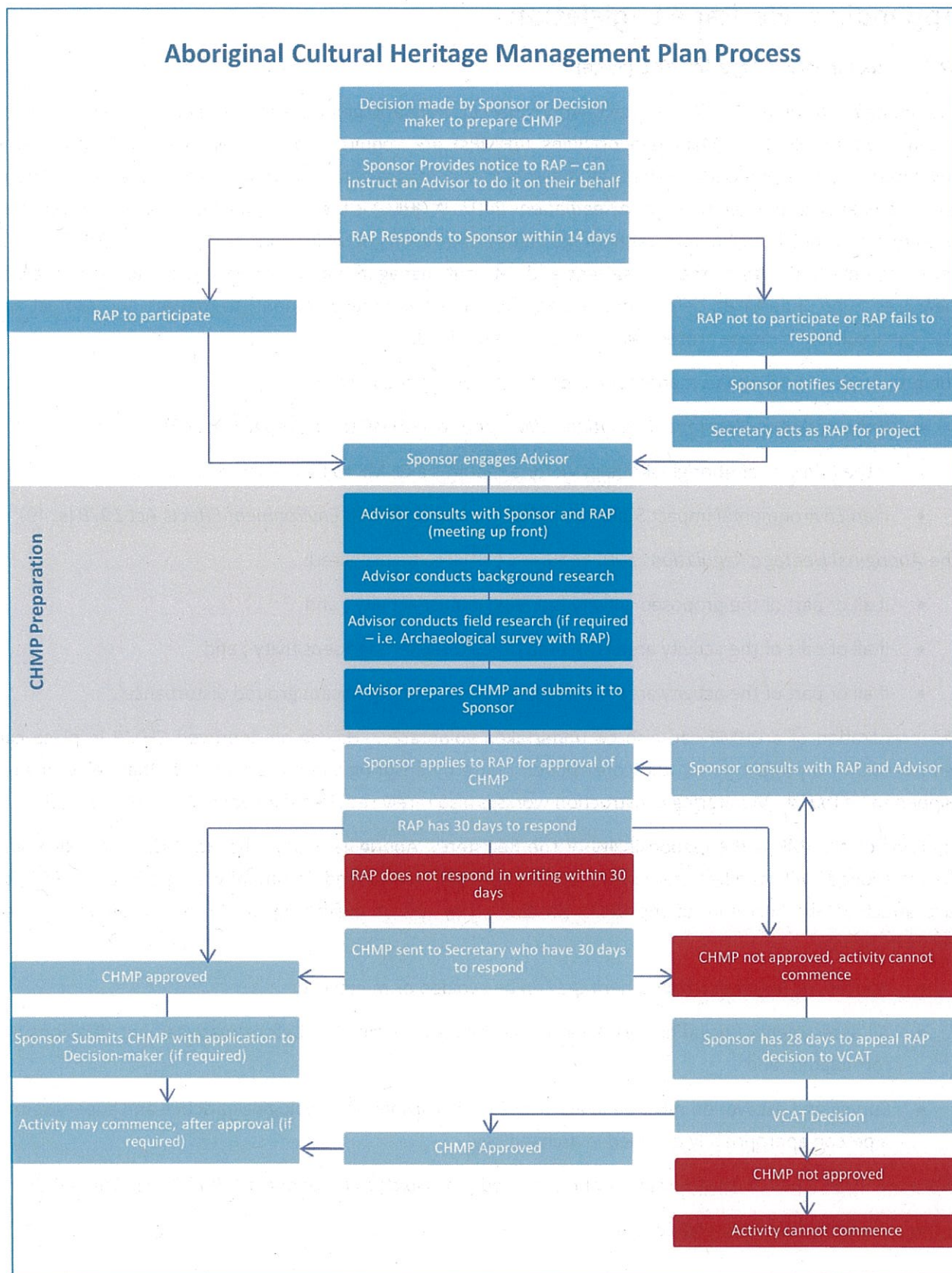
Approval of a CHMP is the responsibility of the Registered Aboriginal Party who evaluates the CHMP and then it is lodged with the Secretary of the Department of Planning and Community Development (DPCD) to take effect or, the Secretary of the DPCD (OAAV)⁴. They will be examining the CHMPs in detail with key points including:

- Addressing whether harm to heritage can be avoided or minimised;
- All assessments (including test excavations) must be completed before management decisions are formulated; and
- Survey and excavation must be in accordance with proper archaeological practice and supervised by a person appropriately qualified in archaeology.

There are three types of CHMPs that may be prepared (*The Guide to Preparing a CHMP* 2010). These are:

- Desktop; Standard; and Complex.

⁴ In 2013, The DPCD was abolished and OAAV was transferred to the Department of the Premier and Cabinet (DPC). However the wording within the Act still retains reference to the Secretary of DPCD.



A desktop CHMP is a literature review. If the results of the desktop show it is reasonably possible that Aboriginal cultural heritage could be present in the activity area, a standard assessment will be required.

A standard assessment involves a literature review and a ground survey of the activity area. Where the results of ground survey undertaken during a standard assessment have identified Aboriginal cultural heritage within the activity area, soil and sediment testing, using an auger no larger than 12 cm in diameter, may be used to assist in defining the nature and extent of the identified Aboriginal cultural heritage (Regulation 59[4]).

Where the results of ground survey undertaken during a standard assessment have identified Aboriginal cultural heritage within the activity area or areas which have the potential to contain Aboriginal cultural heritage subsurface, a complex assessment will be required. A complex assessment involves a literature review, a ground survey, and subsurface testing. Subsurface testing is the disturbance of all or part of the activity area or excavation of all or part of the activity area to uncover or discover evidence of Aboriginal cultural heritage (Regulation 62[1]).

It is strongly advised that for further information relating to heritage management (e.g. audits, stop orders, inspectors, forms, evaluation fees, status of RAPs and penalties for breaching the Act) Sponsors should access the OAAV website (<http://www.aboriginalaffairs.vic.gov.au/>).

The flow chart above also assists in explaining the process relating to CHMPs.

A2.2 Native Title Act 1993 (Commonwealth)

Native Title describes the rights and interests of Aboriginal and Torres Strait Islander people in land and waters, according to their traditional laws and customs. In Australia, Aboriginal and Torres Strait Islander people's rights and interests in land were recognised in 1992 when the High Court delivered its historic judgment in the case of *Mabo v the State of Queensland*. This decision overturned the legal fiction that Australia upon colonisation was *terra nullius* (land belonging to no-one). It recognised for the first time that Indigenous Australians may continue to hold native title.

Native Title rights may include the possession, use and occupation of traditional country. In some areas, native title may be a right of access to the area. It can also be the right for native title holders to participate in decisions about how others use their traditional land and waters. Although the content of native title is to be determined according to the traditional laws and customs of the title holders, there are some common characteristics. It may be possessed by a community, group, or individual depending on the content of the traditional laws and customs. It is inalienable (that is, it cannot be sold or transferred) other than by surrender to the Crown or pursuant to traditional laws and customs. Native Title is a legal right that can be protected, where appropriate, by legal action.

Native Title may exist in areas where it has not been extinguished (removed) by an act of government. It will apply to Crown land but not to freehold land. It may exist in areas such as:

- Vacant (or unallocated) Crown land;
- Forests and beaches;
- National parks and public reserves;

- Some types of pastoral leases;
- Land held by government agencies;
- Land held for Aboriginal communities;
- Any other public or Crown lands; and/or
- Oceans, seas, reefs, lakes, rivers, creeks, swamps and other waters that are not privately owned.

Native Title cannot take away anyone else's valid rights, including owning a home, holding a pastoral lease or having a mining lease. Where native title rights and the rights of another person conflict the rights of the other person always prevail. When the public has the right to access places such as parks, recreation reserves and beaches, this right cannot be taken away by Native Title. Native Title does not give Indigenous Australians the right to veto any project. It does mean, however, that everyone's rights and interests in land and waters have to be taken into account.

Indigenous people can apply to have their native title rights recognised by Australian law by filing a native title application (native title claim) with the Federal Court. Applications are required to pass a test to gain certain rights over the area covered in the application. The Native Title Tribunal (NNTT) was established to administer application processes. Once applications are registered, the NNTT will notify other people about the application and will invite them to become involved so all parties can try to reach an agreement that respects everyone's rights and interests. If the parties cannot agree, the NNTT refers the application to the Federal Court and the parties argue their cases before the Court.

As a common law right, native title may exist over areas of Crown land or waters, irrespective of whether there are any native title claims or determinations in the area. Native Title will therefore be a necessary consideration when Government is proposing or permitting any activity on or relating to Crown land that may affect native title⁵.

A2.3 *Planning and Environment Act 1987 (State)*

All municipalities in Victoria are covered by land use planning controls which are prepared and administered by State and local government authorities. The legislation governing such controls is the *Planning and Environment Act 1987*. Places of significance to a locality can be listed on a local planning scheme and protected by a Heritage Overlay (or other overlay where appropriate). Places of Aboriginal cultural heritage significance are not often included on local government planning schemes.

A2.4 *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a national framework for the protection of heritage and the environment and the conservation of biodiversity. The EPBC Act is administered by the Australian Government Department of the Environment (DoE). The Australian Heritage Council assesses whether or not a nominated place is appropriate for listing on either the National or Commonwealth Heritage Lists and makes a recommendation to the Minister on that basis.

⁵ The information in this section was taken from the Department of Sustainability and Environment, Fact Sheet on Native Title, 2008

The Minister for the Environment, Water, Heritage and the Arts makes the final decision on listing. DSEWPac also administers the Register of the National Estate.

The objectives of the EPBC Act are:

- To provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- To promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- To promote the conservation of biodiversity;
- To provide for the protection and conservation of heritage;
- To promote a cooperative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples;
- To assist in the cooperative implementation of Australia's international environmental responsibilities;
- To recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- To promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

A2.5 Coroners Act 2008 (State)

The Victorian *Coroners Act 2008* requires the reporting of certain deaths and the investigation of certain deaths and fires in Victoria by coroners to contribute to the reduction of preventable deaths. Of most relevance to heritage is the requirement for any "reportable death" to be reported to the police (s. 12[1]). The *Coroners Act 2008* requires that the discovery of human remains in Victoria (s. 4[1]) of a person whose identity is unknown (s. 4[g]) must be reported to the police.

Appendix 3: Aboriginal and Historical Heritage Places in the Geographic Area

Table A3.1: List of Previously Identified Aboriginal Places within the Geographic Area

VAHR Site Number	Component Number	Site Name	Component Type	Within Activity Area?
7721-0098	1	Yellow Bluff 1 BP 85/19	Shell Midden	No
	2		Earth Feature	No
7721-0099	1	Fishermans Beach BPAS 6	Artefact Scatter	No
7721-0107	1	Bellbrae 1	Artefact Scatter	No
7721-0427	1	Jan Juc Foreshore 1	Shell Midden	No
7721-0441	1	Gor IA	Artefact Scatter	No
7721-0449	1	Flaxbournes Rd 1	Artefact Scatter	No
7721-0460	1	Beach Road 1	Artefact Scatter	No
7721-0476	1	Spring Creek 1	Artefact Scatter	No
7721-0477	1	Spring Creek 2	Artefact Scatter	No
7721-0478	1	Spring Creek 3	Artefact Scatter	No
7721-0479	1	Spring Creek 4.	Artefact Scatter	No
7721-0480	1	Spring Creek 5	Artefact Scatter	No
7721-0481	1	Spring Creek 6	Artefact Scatter	No
7721-0482	1	Spring Creek 7	Artefact Scatter	No
7721-0483	1	Spring Creek 8	Artefact Scatter	No
7721-0484	1	Spring Creek 9	Artefact Scatter	No
7721-0491	1	Whites Beach 4	Shell Midden	No
7721-0536	1	Coombes IA 1	Artefact Scatter	No
7721-0537	1	Coombes IA 2	Artefact Scatter	No
7721-0559	1	Rosedale 1	Artefact Scatter	No
7721-0560	1	Rosedale 2	Artefact Scatter	No
7721-0561	1	Rosedale 3	Artefact Scatter	No
7721-0621	1	Portreath Rd 1	Artefact Scatter	No
7721-0630	1	Webb 1	Artefact Scatter	No
7721-0634	1	Broidy 1	Artefact Scatter	No
7721-0763	1	Duffields Road 1	Artefact Scatter	No
7721-0764	1	Duffields Road 2	Scarred Tree	No
7721-0789	1	Tara IA 1	Artefact Scatter	No
7721-0832	1	Zeally Bay Caravan Park	Shell Midden	No
	2		Artefact Scatter	No
7721-0855	1	Anglesea Basin 1	Artefact Scatter	No

VAHR Site Number	Component Number	Site Name	Component Type	Within Activity Area?
7721-0856	1	Anglesea Basin 2	Artefact Scatter	No
7721-0900	1	Spring Creek 10	Artefact Scatter	No
7721-0901	1	Spring Creek 11	Artefact Scatter	No
7721-0902	1	Spring Creek 12	Artefact Scatter	No
7721-0932	1	Duffields Road Artefact Scatter 1	Artefact Scatter	No
7721-0968	1	Deep Creek	Artefact Scatter	No
7721-0968	2	Deep Creek	Object Collection	No
7721-1008	1	Surf Coast Walk 2	Artefact Scatter	No
7721-1008	2	Surf Coast Walk 2	Object Collection	No
7721-1177	1	Spring Creek 13	Shell Midden	No
7721-1177	2	Spring Creek 13	Artefact Scatter	No
7721-1260	1	Briody Drive 1	Low Density Artefact Distribution	No
	2			No
7721-1286	1	Duffields Road 8	Low Density Artefact Distribution	No
	2			No
	3			No
	4			No
	5			No

Appendix 4: Aboriginal Heritage Contingencies

A4.1 Contingency Regarding the Discovery of Aboriginal Cultural Heritage

A4.1.1 Unexpected Discovery of Aboriginal Cultural Heritage (Non-Human Remains)

If a person discovers or suspects that they have discovered Aboriginal cultural heritage during the activity, the following contingency plan should be followed:

- The person in charge or site manager of the activity within the activity area must be notified immediately;
- The person in charge or site manager must immediately suspend all activities and works at the location of the discovery and within 20 m of the extent of the Aboriginal cultural heritage;
- Within a period of two business days, the person in charge or site manager must engage an appropriately qualified and experienced Cultural Heritage Advisor and inform them of the discovery;
- The Cultural Heritage Advisor must be engaged to assess the discovered Aboriginal cultural heritage in consultation with the RAP, record the cultural heritage material and complete new site cards for the discovered Aboriginal cultural heritage;
- The Cultural Heritage Advisor must be engaged to catalogue and analyse all discovered cultural heritage;
- The Cultural Heritage Advisor must notify OAAV of the discovery by lodging either a new or updated VAHR site record card within a timely manner.
- Work in the excluded area may recommence provided:
 - The discovered Aboriginal cultural heritage has been identified, inspected and recorded by a Cultural Heritage Advisor;
 - The Sponsor has taken appropriate measures to avoid harming the Aboriginal cultural heritage, including appropriate protection measures as agreed upon by the Sponsor and the RAP;
 - If the Sponsor cannot avoid harming the Aboriginal cultural heritage, the Sponsor has taken appropriate measures to minimise harm to Aboriginal cultural heritage, including appropriate protection measures as agreed upon by the Sponsor and the RAP;
 - The Cultural Heritage Advisor has undertaken the appropriate salvage excavations or collections (if required); and
 - New or updated VAHR site record cards have been completed and forwarded to OAAV.
- Notwithstanding the above, the Sponsor must make every effort to avoid or minimise harm to Aboriginal cultural heritage.
- The RAP must be involved in all stages of the decision-making process.

- Failure of parties to reach an agreed course of action in this manner will be classed as a dispute under this plan and the contingency protocols in this AHCHMP (Appendix A4.4) regarding dispute resolution must be followed.

A4.1.2 Unexpected Discovery of Human Remains

Under Section 4 of the *Coroners Act 2008*, if the body of a deceased person is found in Victoria (s.4 [1][a]) and the identity of the deceased is unknown (s. 4[2][g]) then the death is reportable and under Section 12 of the *Coroners Act 2008* there is an obligation to report death. If any suspected human remains are found during any activity, works must cease. The media must not be contacted under any circumstances. The State Coroner's Office on 1300 309 519 and Victoria Police on 03 9684 4387 should be notified immediately (s. 12 [1]). If there are reasonable grounds to believe that the remains are Aboriginal, the Department of Environment and Primary Industry's (DEPI) Emergency Coordination Centre must be contacted immediately on 1300 888 544. This advice has been developed further and is described in the following five-step contingency plan. Any such discovery within the activity area must follow these steps.

1. Discovery:

- If suspected human remains are discovered, all activity in the vicinity must stop; and
- The remains must be left in place, and protected from harm or damage.

2. Notification:

- Once suspected human skeletal remains have been found, the State Coroner's Office on 1300 309 519 and Victoria Police on 03 9684 4387 must be notified immediately;
- If there is reasonable grounds to believe that the remains could be Aboriginal, the DEPI Emergency Co-ordination Centre must be immediately notified on 1300 888 544;
- The media must not be contacted under any circumstances;
- All details of the location and nature of the human remains must be provided to the relevant authorities; and
- 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, DPCD⁶, in accordance with s.17 of the *Aboriginal Heritage Act 2006*.
- The person responsible for the activity must ensure that the media is not notified of the discovery of any Aboriginal skeletal remains.

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 *Aboriginal Heritage Act 2006*;

⁶ In 2013, DPCD was disbanded and OAAV was transferred to the jurisdiction of the Department of Premier and Cabinet (DPC); however the wording within the *Aboriginal Heritage Act 2006* still refers to DPCD. For practical purposes, reporting will occur directly through OAAV.

- An appropriate impact mitigation or salvage strategy as determined by the Secretary must be implemented by the Sponsor.

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

A4.2 Reporting the Discovery of Aboriginal Cultural Heritage during the Activity

Under s.24 of the *Aboriginal Heritage Act 2006*, where Aboriginal cultural heritage is identified during an activity, the person in charge of the works is responsible for notifying the Secretary of DPCD of the discovery by lodging either a new or updated VAHR site record card within a timely manner. To facilitate this, the Sponsor must engage an appropriately qualified and experienced Cultural Heritage Advisor (Appendix A3.2) to investigate, report, and facilitate an appropriate outcome in accordance with the above contingency plans, in consultation with the RAP.

A4.3 Contingency for the Removal, Curation, Custody and Management of Aboriginal Cultural Heritage (Artefacts) Discovered During the Activity

Aboriginal cultural material recovered/collected during the course of the activity, must be returned to the custody of the RAP. If reburial of artefacts is agreed as a management recommendation, the location for reburial must also be agreed to by the RAP and the following must occur:

- A reburial location should be identified in the activity area, and this location must be in an area that is protected from future development or disturbance;
- Once reburied, the reburial location must be recorded to sub-metre accuracy by a CHA and be relocatable;
- Flagging tape should be laid within the hole, at a depth of 30 cm above the reburied cultural material to identify that cultural material is buried below the flagging tape;
- The relevant VAHR site record card must be updated and a 'collection' component form must be completed by the CHA and lodged with OAAV;
- Cultural material to be reburied must be placed in a durable container manufactured by WAC;
- A separate container is to be manufactured for each Aboriginal Place to be reburied;
- Where an Aboriginal Place is comprised of a large amount of cultural material it will be necessary to manufacture a number of containers to rebury the cultural material;
- The contents of the container/s must include the cultural material to be reburied, a catalogue of the cultural material to be reburied both on paper and on an archive quality storage medium, a copy of

the relevant sections of the CHMP under which the reburial is being performed, and a handful of soil from the Aboriginal Place from which the cultural material originated;

- A smoking ceremony must be performed prior to the reburial of cultural material; the reburial must be attended by a Wadawurrung Elder and a Wadawurrung field representative; and
- The cost of the manufacture of the container, the analysis and preparation of the cultural material for reburial, smoking ceremony and Wadawurrung attendance at the reburial must be borne by the Sponsor.

A4.4 Contingency Regarding Dispute Resolution

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.

A4.4.1 Authorised Project Delegates

For the purposes of dispute resolution for this activity, the following people will act as Authorised Project Delegates (APDs) for each party:

- *The RAP:* John Young, Wathaurung Aboriginal Corporation, telephone (03 4308 0420)
- *The Developer:* Keith Grossman, telephone (03 #####)

Any change in personnel appointed as the APDs in one party will be promptly notified to all other parties.

A4.1.2 Dispute Resolution Procedures

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 Appendix A4.4.1 above.
- Project delegates (as listed above) 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 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 be initially 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, mediation shall be effected by a mediator nominated upon the application by either party, by the Victorian Chapter of the Institute of Arbitrators and Mediators or the Dispute Settlement Centre of Victoria.
- If the matter remains unresolved after mediation the Parties shall seek to agree upon the appointment of an independent arbitrator to hear and resolve the matter. In the absence of agreement as to an arbitrator, arbitration shall be effected by an arbitrator nominated upon the

application by either Party by the Victorian Chapter of the Institute of Arbitrators and Mediators, or, failing such nomination within 28 days, appointed with the provisions of the *Commercial Arbitration Act (Vic) 1984*.

- A reference to arbitration under this Clause shall be deemed to be a reference to arbitration within the meaning of the laws relating to arbitration in force in the State of Victoria. The arbitrator shall have all the powers conferred by those laws. The arbitrator's decision shall be final, subject to any rights of appeal under the *Commercial Arbitration Act (Vic) 1984*.
- The procedures concerning mediation and arbitration, including payment of costs, shall be agreed between the Parties.
- These arrangements do not preclude any legal recourse open to the Parties being taken but the Parties agree the above avenues will be exhausted before such recourse is made.

In order to facilitate the above procedure:

- The Party with the grievance must notify each other Party of the problem at the earliest opportunity;
- Throughout all stages of the procedure all relevant facts must be clearly identified and recorded;
- All disputes will be jointly investigated; and
- Sensible time limits must be allowed for completion of the various stages of discussion. However, the parties must cooperate to ensure that the dispute resolution procedures are carried out as quickly as possible.

Without prejudice to either party, and except where a bona fide safety issue is involved, and/or when the nature of the work or the area affected by the work concerns the matter in dispute, Work should continue in accordance with this Plan while matters in dispute between them are being negotiated in good faith. No party shall be prejudiced as to final settlement by the continuance of work in accordance with this procedure.

Any corrective or remedial activities required by a resolution to a dispute under this Clause (e.g. repairing damage to sites) will be overseen by representatives from the Wathaurung and will take place in accordance with their instructions.

See Dispute Resolution Form below.

DISPUTE RESOLUTION NOTIFICATION FORM

Cultural Heritage Plan No

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 0421	PO Box 734 Ballarat VIC 3353	john@wathcorp.com. au	
The Sponsor					
Site Supervisor					
CHA					

32.03 LOW DENSITY RESIDENTIAL ZONE

15/07/2013
VC100

Shown on the planning scheme map as **LDRZ** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

32.03-1

15/07/2013
VC100

Table of uses

Section 1 - Permit not required

Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent person's unit	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 32.03-2.
Dwelling (other than Bed and breakfast)	Must be the only dwelling on the lot. Must meet the requirements of Clause 32.03-2.
Home occupation	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone.
Minor utility installation	
Railway	
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation (other than Dependent person's unit and Dwelling)	
Agriculture (other than Animal keeping,	

Use	Condition
Apiculture and Intensive animal husbandry)	
Animal boarding	
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Road Zone.
Community market	
Convenience restaurant	The site must adjoin, or have access to, a road in a Road Zone.
Convenience shop	
Dependent person's unit – if the Section 1 condition is not met	Must meet the requirements of Clause 32.03-2.
Dwelling (other than Bed and breakfast) - if the Section 1 condition is not met	Must result in no more than two dwellings on the lot. Must meet the requirements of Clause 32.03-2.
Food and drink premises (other than Convenience restaurant)	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Place of assembly (other than Amusement parlour, Carnival, Circus and Nightclub)	
Plant nursery	
Service station	The site must either: <ul style="list-style-type: none"> • Adjoin a commercial zone or industrial zone. • Adjoin, or have access to, a road in a Road Zone. The site must not exceed either: <ul style="list-style-type: none"> • 3000 square metres. • 3600 square metres if it adjoins on two boundaries a road in a Road Zone.
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use

Amusement parlour
 Brothel
 Cinema based entertainment facility
 Industry (other than Car wash)
 Intensive animal husbandry
 Motor racing track
 Nightclub
 Office (other than Medical centre)
 Retail premises (other than Community market, Convenience shop, Food and drink premises and Plant nursery)
 Saleyard
 Stone extraction
 Transport terminal
 Warehouse (other than Store)

32.03-2

19/01/2006
 VC37

Use for one or two dwellings or a dependent person's unit

A lot may be used for one or two dwellings provided the following requirements are met:

- Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.
- Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.

These requirements also apply to a dependent person's unit.

32.03-3

15/07/2013
 VC100

Subdivision

Permit requirement

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

A permit may be granted to create lots smaller than 0.4 hectare if the subdivision:

- Excises land which is required for a road or a utility installation.
- Provides for the re-subdivision of existing lots and the number of lots is not increased.

32.03-4

15/07/2013
VC100

Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 32.03-1.
- An outbuilding which has dimensions greater than those specified in a schedule to this zone.

32.03-5

15/07/2013
VC100

Application requirements

Subdivision

An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis. The report must:

- In the absence of reticulated sewerage, include a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- Show for each lot:
 - A building envelope and driveway to the envelope.
 - Existing vegetation.
 - In the absence of reticulated sewerage, an effluent disposal area.
- Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.
- If a staged subdivision, show how the balance of the land may be subdivided.

32.03-6

15/07/2013
VC100

Decision guidelines

General

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Subdivision

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage:
 - The capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria).
- The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.
- The relevant standards of Clauses 56.07-1 to 56.07-4.

32.03-7 Advertising signs

15/07/2013
VC100

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

Appendix 6: Development Plan Overlay Schedule 11

SURF COAST PLANNING SCHEME

13/02/2014
C84

SCHEDULE 11 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO11**.

PART 460 GROSSMANS ROAD, BELLBRAE

1.0

13/02/2014
C84

Requirement before a permit is granted

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;
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes; and
- A fence.

The responsible authority must be satisfied the use and development will not unreasonably prejudice the future subdivision of the land.

2.0

13/02/2014
C84

Requirements for development plan

The development plan must be prepared for the whole of the site but may be implemented in stages. The development plan should be generally in accordance with Map 1 to Schedule 11 to Clause 43.04: Grossmans Road West Concept Plan and contain or make provision for:

- Any proposed staging of development;
- Full reticulation of services;
- Road access to be from Grossmans Road;
- Intersections with Grossmans Road to be sensitively located in terms of safe view lines and retention of native roadside vegetation;
- Lots sufficiently large to enable building envelopes which protect areas of native vegetation in private ownership;
- An increasing graduation of lot sizes to the periphery of the land generally from east to west;
- Internal roads to be constructed with a rural seal with grassed verges and swale drains to retard runoff and reinforce a semi-rural landscape character;
- Footpath provision should be in accordance with the requirements of Clause 56; and
- Planting of all proposed internal roads with native trees complementary to the existing indigenous species present upon the site.

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 Barwon Water.

SURF COAST PLANNING SCHEME

A Flora and Fauna Management Plan that includes:

- 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.
- A net gain assessment including an Offset Management Plan that addresses the removal of any native vegetation to allow for the residential development of the land.

A Landscape Concept and Management Plan that includes:

- An 8 metre wide landscaping strip along the northern boundary of the land that is fenced at the northern boundary and forms part of the private land title. It must be accompanied by a planting schedule that details the type and density of plants to provide a landscape screen to the development when viewed from the north. As such it will need to include a mixture of trees and shrubs, ensuring that any planting constitutes Low Threat Vegetation in accordance with Clause 2.2.3.2 of Australian Standard 3959-2009 Construction of buildings in bushfire prone areas.
- A 5 metre wide landscaping strip along the southern boundary adjacent to the Grossmans Road reserve that forms part of the private land title. It must be accompanied by a planting schedule that details the type and density of plants that will assist in enhancing and protecting significant roadside vegetation along Grossmans Road, ensuring that any planting constitutes Low Threat Vegetation in accordance with Clause 2.2.3.2 of Australian Standard 3959-2009 Construction of buildings in bushfire prone areas.
- The mechanism for the initial planting and ongoing management and maintenance of the above landscaping.
- Proposed street planting in accordance with Council's selection criteria for street tree planting.
- The extensive use, where appropriate, of local indigenous plant species throughout the development site.

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.
- Confirmation of the most appropriate location for new intersections with Grossmans Road that meet sight distance requirements and minimises the removal of native vegetation.

A Stormwater and Drainage Management Plan that takes an integrated approach to stormwater system management, designed with reference to the whole of the catchment and includes:

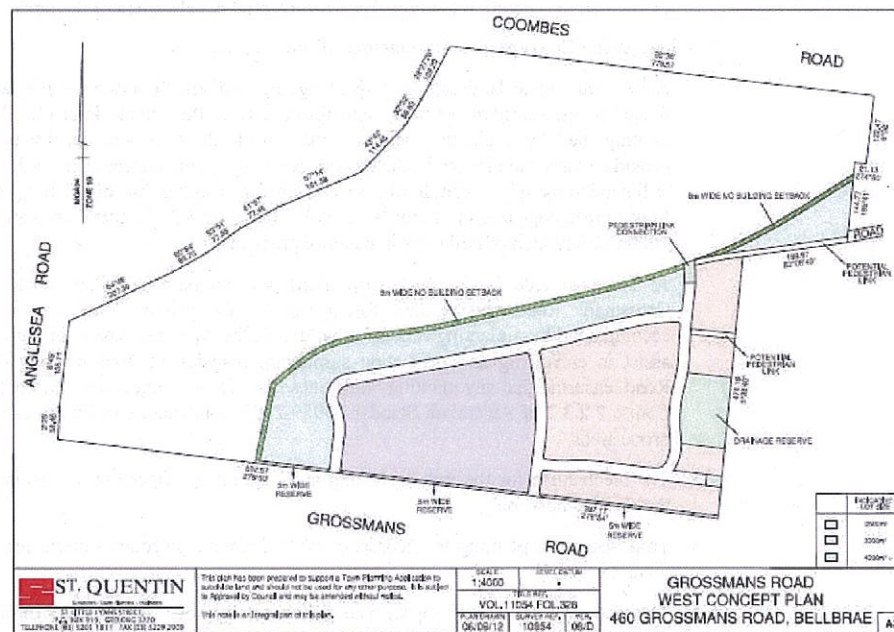
- A retardation basin at an appropriate location to retard and treat stormwater prior to discharge.
- An integrated stormwater management system for the properties discharging directly to the Kithbrooke Park drainage system that ensures the peak discharge rate, and pollutant load of stormwater leaving 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.

SURF COAST PLANNING SCHEME

- A design based upon the principles of Water Sensitive Urban Design (WSUD).

A **Cultural Heritage Management Plan (CHMP)** prepared by a suitably qualified and experienced person, detailing the results of an assessment of the potential impact of the proposed activity on Aboriginal cultural heritage, and outlining the measures to be taken before, during and after an activity in order to manage and protect Aboriginal cultural heritage in the activity area.

Map 1 to the Schedule 11 to Clause 43.04: Grossmans Road West Concept Plan



Appendix 7: Glossary

Items highlighted in ***bold italics*** in the definition are defined elsewhere in the glossary.

Acronym	Description
Aboriginal Cultural Heritage Likelihood	An area assessed by a Cultural Heritage Advisor as having potential for containing either surface or subsurface Aboriginal archaeological deposits. This term is used in this report to differentiate between <i>legislated areas of cultural heritage sensitivity</i> and areas considered by an archaeologist to be sensitive.
Aboriginal Place	An Aboriginal cultural heritage site registered on the VAHR, cf. <i>Aboriginal Site</i> .
Aboriginal Site	A location containing Aboriginal cultural heritage, e.g. <i>Artefact scatter, isolated artefact, scarred tree, shell midden</i> , whether or not the site is registered in the VAHR, cf. <i>Aboriginal Place</i> .
Angular Fragment	An artefact which has technologically diagnostic features but has no discernible ventral or dorsal surface and hence is unidentifiable as either a flake or a core
Area Of Cultural Heritage Sensitivity	An area specified as an area of cultural heritage sensitivity in Division 3 or Division 4 of Part 2 of the <i>Aboriginal Heritage Regulations 2007</i> .
Artefact Scatter	Stone artefact scatters consist of more than one stone artefact. Activities associated with this site type include stone tool production, hunting and gathering or domestic sites associated with campsites. Stone artefacts may be flakes of stone, cores (flakes are removed from the stone cores) or tools. Some scatters may also contain other material such as charcoal, bone, shell and ochre.
Assemblage	The name given to encompass the entire collection of artefacts recovered by archaeologists, invariably classified into diagnostic items used to describe the material culture.
Backed	When one margin of a flake is retouched at a steep angle, and that margin is opposite a sharp edge. The steep margin is formed by bi-polar or hammer and anvil knapping. Also used to describe artefacts with backing, e.g. Backed artefact.
Backed Artefact	A class of artefact employed by archaeologists to describe artefacts which are backed. Sometimes divided into elouera, bondi point, microlith and geometric.
Bipolar	A flaking technique where the object to be reduced is rested on an anvil and struck. This process is identified by flakes with platform angles close to 90 degrees as well as apparent initiation from both ends. Some crushing may also be visible.
Burials	Aboriginal communities strongly associate burial sites with a connection to country and are opposed to disturbance of burials or their associated sites. General considerations for the presence of burial sites are the suitability of Subsurface deposits for digging purposes; with soft soil and sand being the most likely. They are more likely near water courses or in dunes near old lake beds or near the coast. Burials are often located near other sites such as oven mounds, <i>shell middens</i> or <i>artefact scatters</i> .
Chert	A cryptocrystalline siliceous sedimentary stone.
CHMP	Cultural Heritage Management Plan . A plan prepared under the <i>Aboriginal Heritage Act 2006</i> .
Core	An artefact which has technologically diagnostic features. Generally this class of artefact has only negative scars from flake removal, and thus no ventral surface, however, for the purposes of this research core has been employed to encompass those artefacts which were technically flakes but served the function of a core (ie. The provider of flakes).
Cortex	The weathered outer portion of a stone, often somewhat discoloured and coarser compared with the unweathered raw material.
Decortications	The process of removing cortex from a stone (generally by flaking).

Acronym	Description
Deep Ripping	The ploughing of soil using a ripper or subsoil cultivation tool to a depth of 60 cm or more (see <i>significant ground disturbance</i>).
DEPI	Department of Environment and Primary Industries. The Victorian State Government department responsible for management of natural heritage in Victoria.
DoE	Department of the Environment. The Commonwealth Government department responsible for management of heritage sites on the World, National or Commonwealth Heritage lists.
DPC	Department of the Premier and Cabinet. The Victorian State Government department, of which OAAV is a part, responsible for management of Aboriginal cultural heritage in Victoria.
DTPLI	Department of Transport, Planning and Local Infrastructure. The Victorian State Government department, of which HV is a part, responsible for management of historical heritage in Victoria.
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)
Fabric (Heritage)	Any physical element, feature, material or finish that is associated with the heritage values in all or part of a structure, place, object, feature or site. The original heritage fabric is any such physical element that was an integral part of the original heritage site.
Feature (Archaeological)	A collection of one or more contexts representing some human non-portable activity that generally has a vertical characteristic to it in relation to site stratigraphy.
Flake	An artefact which has technologically diagnostic features and a ventral surface.
High Impact Activity	An activity specified as a high impact activity in Division 5 of Part 2 of the <i>Aboriginal Heritage Regulations 2007</i> .
Heritage Place	A <i>registered</i> historical site listed on a heritage planning instrument that affords statutory protection to the site.
Heritage Values	The values of a heritage site that relate to its historical, social, cultural, spiritual, architectural, archaeological or technological significance.
Historical Heritage Likelihood	An area assessed by a Heritage Advisor as having potential for containing either surface or subsurface historical archaeological deposits or fabric.
Historical Site	An historical site, whether or not recorded in the <i>VHR</i> , <i>VHI</i> or other historical site database (cf. <i>Heritage Place</i>).
HHA	Historical Heritage Assessment. An assessment of the historical heritage values of a defined study area by a qualified heritage consultant.
HO	Heritage Overlay. A list of Heritage Places of local significance with statutory protection under a local government planning scheme.
HV	Heritage Victoria. A division of <i>DTPLI</i> responsible for management of historical heritage in Victoria.
Isolated Finds Or Artefacts	Isolated finds refer to a single artefact. These artefacts may have been dropped or discarded by its owner once it was of no use. This site type can also be indicative of further subsurface archaeological deposits. These site types can be found anywhere within the landscape, however, they are more likely to occur within contexts with the same favourable characteristics for stone artefact scatter sites.
LDAD	Low Density Artefact Distribution. A category of <i>Aboriginal Place</i> type in the <i>VAHR</i> comprising single stone artefacts and/or distributions of multiple stone artefacts at concentrations of less than 10 artefacts in a 10 x 10 m area.
Manuport	An object which has been carried by humans to the site.
NHL	National Heritage List. A register of heritage places, under the EPBC Act, of heritage places of national significance.

Acronym	Description
OAAV	Office of Aboriginal Affairs Victoria. A division of <i>DPC</i> responsible for management of Aboriginal cultural heritage in Victoria.
Oriented Length	Dimension measured according to the following criteria: The length of the flake from the platform, at 90° to force indicators such as ring-crack, bulb of percussion, force ripples and striations, to the opposing end. Where there were an insufficient number of features present to take this measurement, such as when the flake was broken, this variable was not recorded (sometimes referred to as percussion length).
Oriented Thickness	Dimension measured at 90° and bisecting the oriented width dimension. This was done from the ventral surface to the dorsal surface (sometimes referred to as percussion thickness).
Oriented Width	Dimension measured at 90° and bisecting the oriented length dimension. This was done from one margin to the other. As this measurement and oriented thickness, both rely on oriented length, these were not recorded where the oriented length was not recorded (sometimes referred to as percussion width).
Procurement	The process of obtaining raw material for reduction.
Quarries	Stone quarries were used to procure the raw material for making stone tools. Quarries are rocky outcrops that usually have evidence of scars from flaking, crushing and battering the rock. There may be identifiable artefacts near or within the site such as unfinished tools, hammer stones, anvils and grinding stones.
Quartz	A crystalline form of silica.
RAP	Registered Aboriginal Party. An Aboriginal organisation with responsibilities relating to the management of Aboriginal cultural heritage for a specified area of Victoria under the <i>Aboriginal Heritage Act 2006</i> .
Raw Material	The kind of stone the artefacts were manufactured from.
Reduction	The process of removing stone flakes from another piece of stone. Generally this is performed by striking (hard hammer percussion) one rock with another to remove a flake.
Registered Cultural Heritage Place	An Aboriginal site recorded in the <i>VAHR</i> , cf. <i>Aboriginal site</i> .
Retouch	Retouch is when a <i>flake</i> is removed after the manufacture of the original flake. This sequence can be observed when a flake scar is present and encroaches over the ventral surface and thus must have been made after the initial flake removal. Recorded whether retouch was absent or present on the artefact.
RNE	Register of the National Estate. A commonwealth-managed register of heritage assets; as of 2012 the RNE no longer provides statutory protection to heritage places.
Rock Shelter	A concave area in a cliff where the cliff overhangs; or a concave area in a tor where the tor overhangs; or a shallow cave, where the height of the concave area is generally greater than its depth.
Scarred Trees	It is known that the wood and bark of trees have been used for a variety of purposes, such as carrying implements, shield or canoes. The removal of this raw material from a tree produces a 'scar'. The identification of a scar associated with aboriginal custom as opposed to natural scarring can be difficult. The scar should be of a certain size and shape to be identifiable with its product; the tree should also be mature in age, from a time that aboriginal people were still active in the area.
Significant Ground Disturbance	Disturbance of topsoil or surface rock layer of the ground or a waterway by machinery in the course of grading, excavating, digging, dredging or <i>deep ripping</i> , but does not include ploughing other than <i>deep ripping</i> .

Acronym	Description
Silcrete	A silicified sedimentary stone, often with fine inclusions or grains in a cryptocrystalline matrix. Because of the nature of the grains in silcrete (a hindrance in knapping/flaking predictability) the stone is sometimes heat treated. This exposure to heat can be identified by the presence of pot-lidding as well as a 'lustre' to the stone which is otherwise absent in the stones' natural state. Exposure to sufficient heat homogenises the stone matrix and improves the knapping (flake path) predictive potential (Crabtree & Butler 1964; Mandeville and Flenniken 1974; Purdy 1974; Domanski and Webb 1992; Hiscock 1993; Domanski <i>et al.</i> 1994). Similar to indurated mudstone, it has also been demonstrated that silcrete from the hunter valley often turns a red colour after being exposed to heat (Rowney 1992; Mercieca 2000).
Stone Arrangements	Stone arrangements are places where Aboriginal people have deliberately positioned stones to form shapes or patterns. They are often known to have ceremonial significance. They can be found where there are many boulders, such as volcanic areas and are often large in size, measuring over five metres in width.
Taphonomy	The study of the processes (both natural and cultural) which affect the deposition and preservation of both the artefacts and the site itself.
Technology	A form of artefact analysis which is based upon the knapping/ manufacturing process, commonly used to subsequently infer behaviour patterns, cultural-selection and responses to raw material or the environment.
Thumbnail scraper	A conceptual class of artefact employed to describe small rounded retouched flakes with steep margins (based on the classification by Mulvaney and Kamminga 1999).
VAHR	Victorian Aboriginal Heritage Register. A register of Aboriginal cultural heritage places maintained by <i>OAAV</i> .
VHI	Victorian Heritage Inventory. A register of places and objects in Victoria identified as historical archaeological sites, areas or relics, and all private collections of artefacts, maintained by <i>HV</i> . Sites listed on the VHI are not of State significance but are usually of regional or local significance. Listing on the <i>VHR</i> provides statutory protection for that a site, except in the case where a site has been "D-listed".
VHR	Victorian Heritage Register. A register of the State's most significant heritage places and objects, maintained by <i>HV</i> . Listing on the VHR provides statutory protection for that a site.
WHL	World Heritage List. A register of heritage places, under the EPBC Act, of heritage places of international significance.

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Maps and Images

State Library of Victoria (SLV), Puebla, County of Grant [cartographic material] / photo-lithographed at the Department of Lands and Survey, Melbourne, by J. Noone 15. 12. 79., image no ha000919.