

FIGURES

Figure 1: The study area.

Figure 2: Aboriginal archaeological sites and areas of archaeological sensitivity.

Figure 3: Historic sites and significant trees in the study area.

PLATES

Plate 1: The study area showing some of the exotic trees.

Plate 2: Scarred tree AAV7822-3-19

Australia

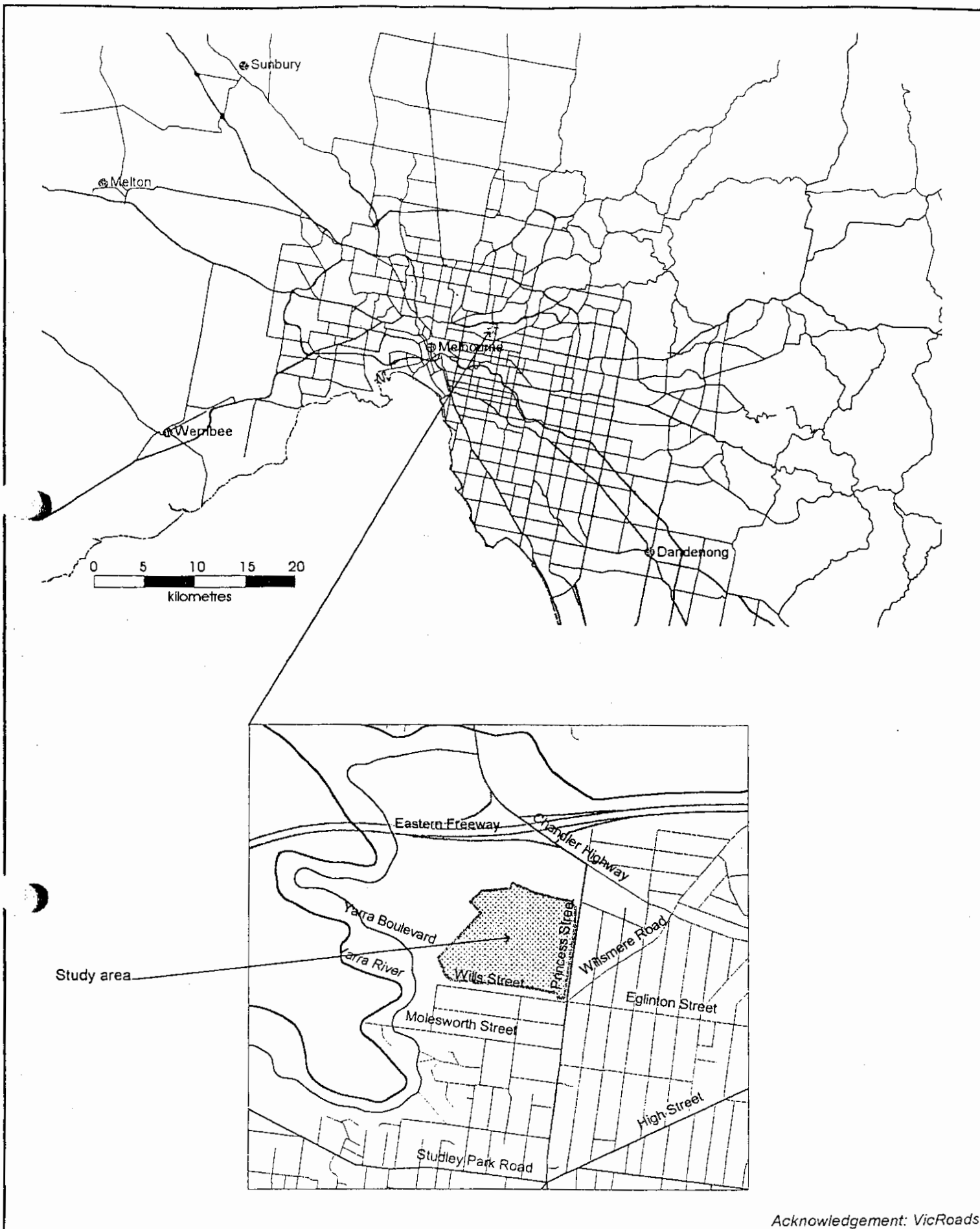
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FIGURES



Acknowledgement: VicRoads



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322 Bay Street
Port Melbourne
VICTORIA 3207

Figure 1: Location of the study area, Kew.

DATE: 12 September 2001

Checked by: GV File number: 2207

Location: projects\2200s\2207\Mapping\2207 Fig1.wor

Scale:

0 250 500 750 1000
metres



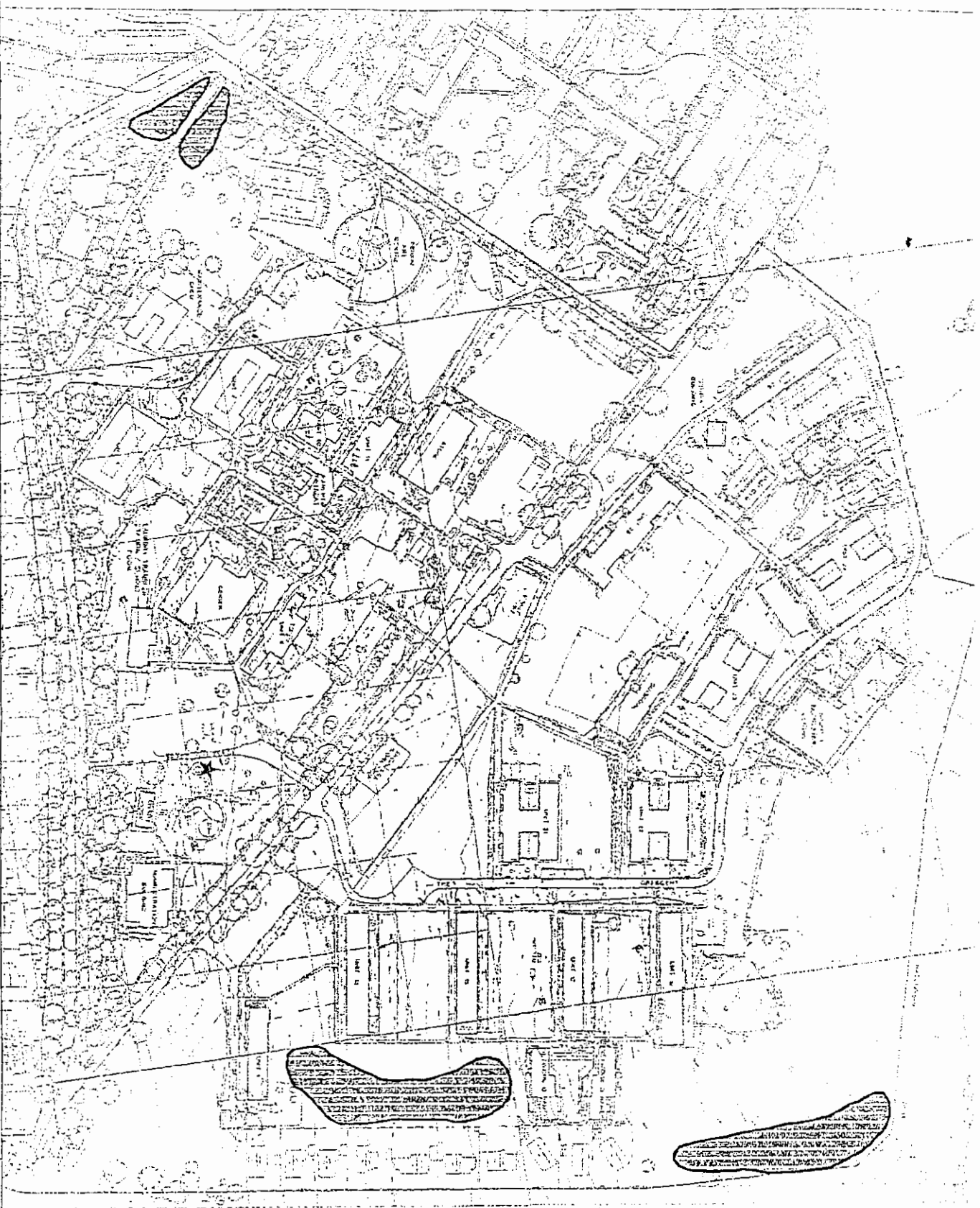




Figure 2: Aboriginal sites and areas of potential Aboriginal archaeological sensitivity, Kew Cottages.

Scale: 1:12 September 2001
Prepared by: EV Job number: 2207
Location: .../kewcottage2207/Map/kewcottage2207_Fig 2A.dwg

Legend:

-  Aboriginal site: scarred tree
-  Areas of potential Aboriginal archaeological sensitivity

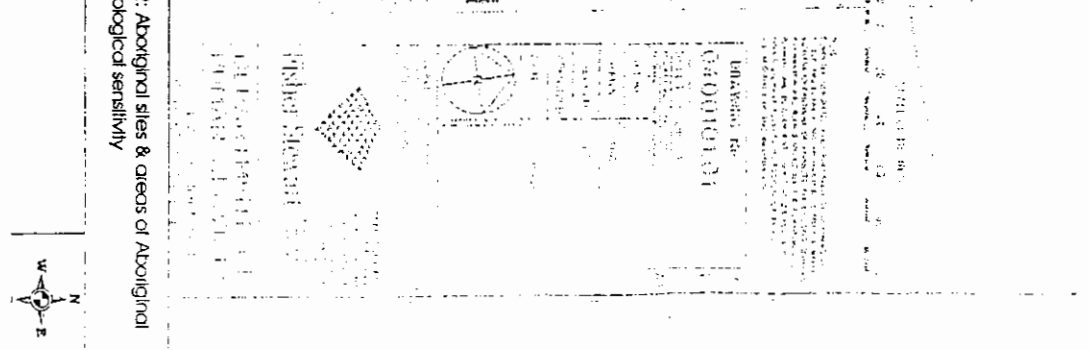


Figure 2: Aboriginal sites & areas of Aboriginal archaeological sensitivity

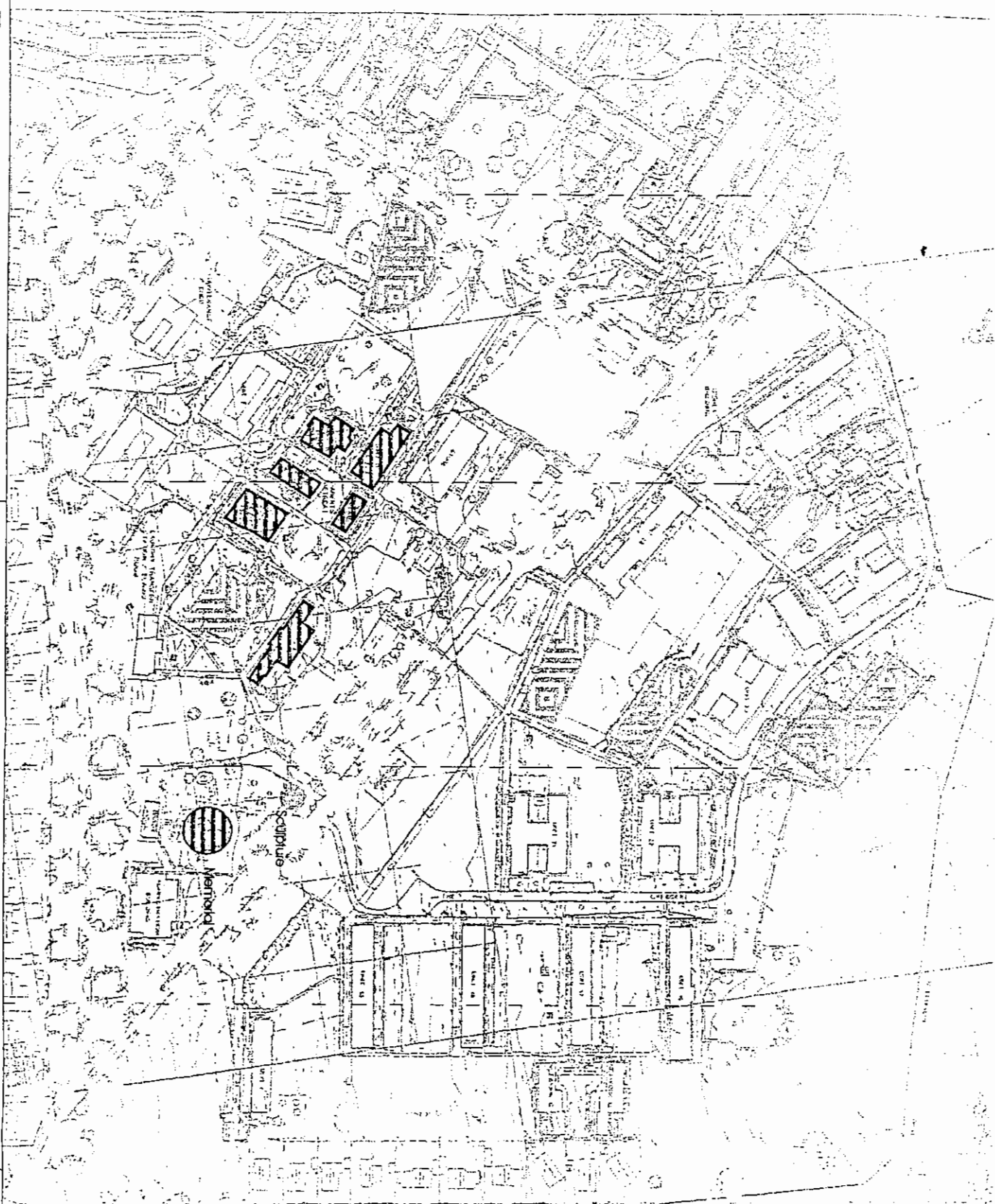


Figure 3: Areas of historical significance, Kew Cottages.

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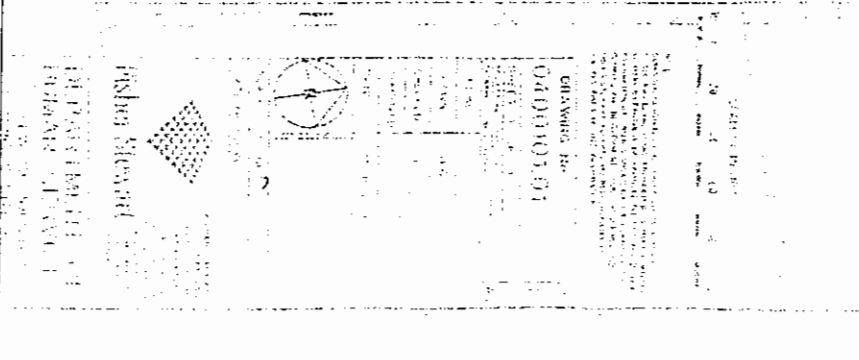


Legend:
Historical significance

Primary significance

Possible contributory significance

Significant trees and landscape elements



PLATES

Plate 1: The study area.



Plate 2: Scarred tree AAV7822-3-19

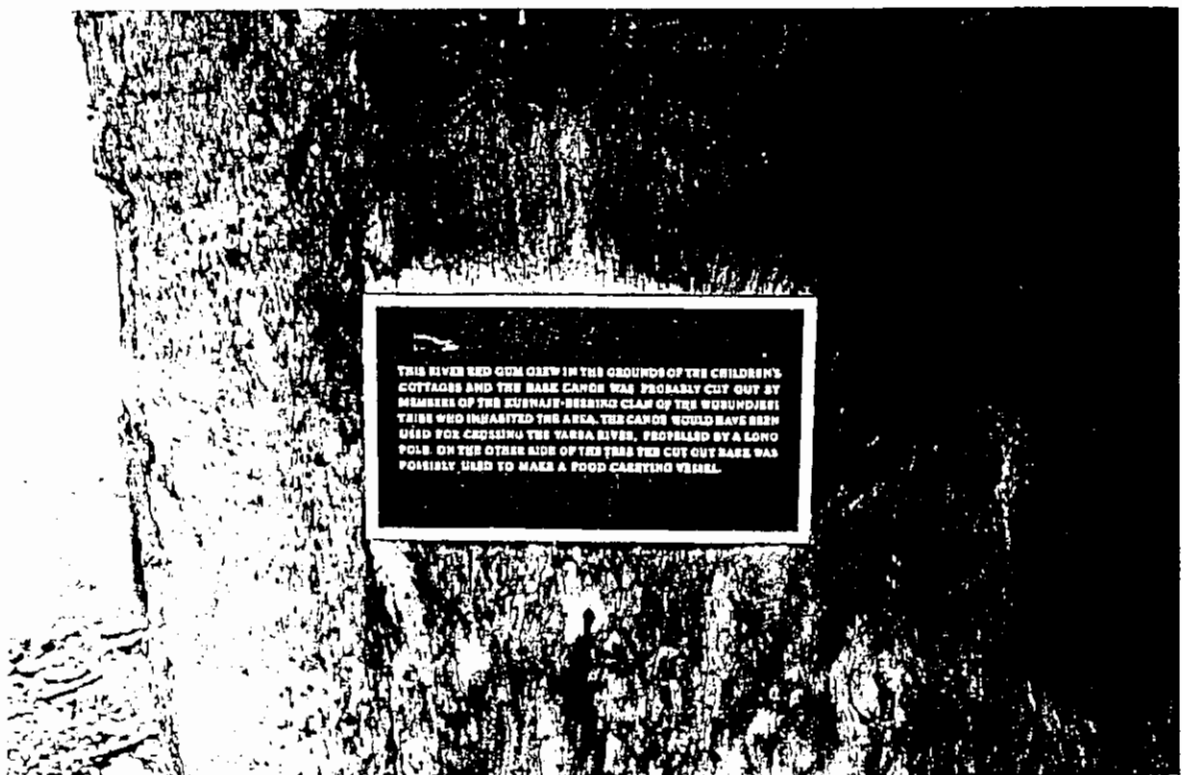


Plate 3: Unit 9 – one of c1889 original buildings



Plate 4: Chapel – one of c1889 original buildings



Plate 5: View of original building from the south (surviving Chapel in centre.)

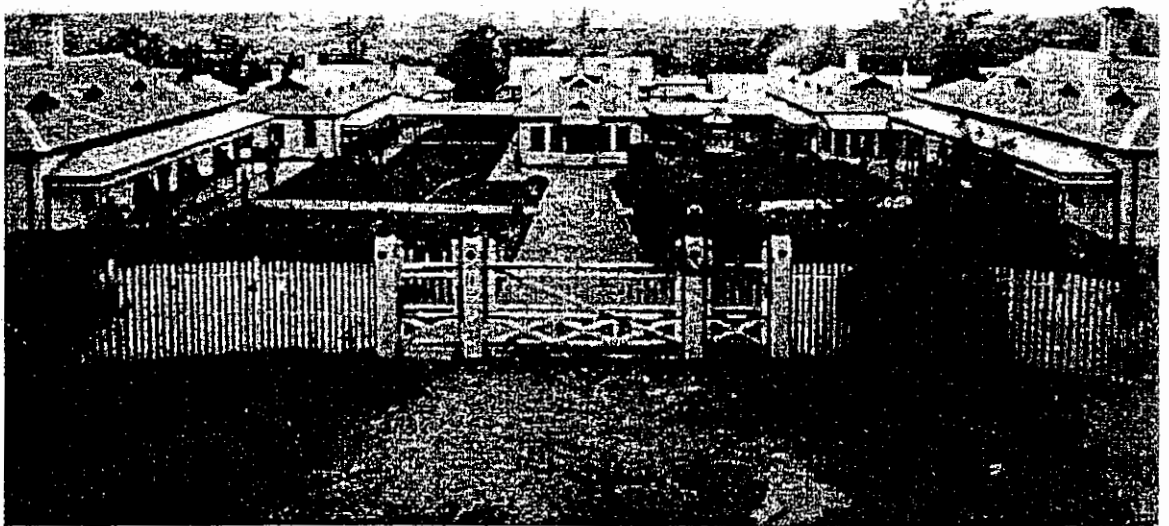


Plate 6: View of original cottage from playground (probably Unit 9) (photos from Lloyd 1987, *Payment by Results* p 7)



APPENDICES

Appendix 1

A 1. PROJECT BRIEF

KEW RESIDENTIAL SERVICES – MASTERPLAN / REVIEW

PROPOSED METHODOLOGY AND EXPECTED OUTCOMES

(18th July 2001)

Introduction

Further to our recent discussions we are please to provide our proposed scope of works, methodology and expected outcomes on the above project.

Methodology Overview

The methodology will include preparation of a detailed report covering the following key areas.

- 1) *Statutory Planning,*
- 2) *Infrastructure Services,*
- 3) *Traffic,*
- 4) *Historical, cultural and social report and*
- 5) *Identify site opportunities/constraints, preparation of a detailed and comprehensive site analysis plan.*

Details of each key area are:

Statutory Planning

Task

- ☐ Review existing planning controls (State and Local policies, zones/overlays etc.)
 - ☐ Identify opportunities & constraints of site, prepare site analysis plan based on "anticipated" development.
 - ☐ Identify existing surrounding open space & linkages, analyse regional facilities & integration opportunities.
 - ☐ Liaison with the City of Boroondara, Dept. of Infrastructure and Parks Victoria (to be confirmed by DHS) *to be confirmed by DHS*
- Personnel - Colin Harris - SKM, Marius Brits - Edaw *+ Helen left*

Outcome: Detailed advice on existing planning controls, site opportunities & constraints derived from analysis.

Infrastructures Services

Task

- ☐ Location and condition of existing roads
- ☐ Locate the relevant services and their serviceability and capacity
- ☐ Advise on the plant condition and the possibility of re-use for future development.
- ☐ Consultations with relevant authorities.

Personnel – Sam Baraz SKM – Mechanical, Electrical, Civil & Hydraulics engineers

Outcome: Detailed understanding of existing infrastructure capacities & opportunities for further development.

Traffic

Task

- ☐ Assess current traffic status of subject site and environs.
- ☐ Provide advice opportunities and constraints regarding access/egress etc.
- ☐ Liaison with VicRoads / Council regarding traffic impact and any likely ameliorative works.

Personnel- Robert Stamp SKM

Outcome: Detailed understanding of existing infrastructure capacities & issues affecting opportunities for further development.

Historical, cultural and social report

Task

- ☐ Literature Research
- ☐ Consultation with DOI and Aboriginal Affairs and community representations
- ☐ Aboriginal and non aboriginal archaeological assessment
- ☐ Existing flora and fauna assessment.

Personnel- sub-consultant Biosis Research

Outcome: Detailed literature research & identification of historical issues, together with comprehensive flora and fauna search.

Environmental Conditions

Task

- ☐ Site search to identify previous uses on the site and any potential contamination.
- ☐ Report on conclusions for potential for site contamination
- ☐ Liase with Kew Cottage staff.

Personnel.- Rick Graham SKM

Outcome: Detailed desktop environmental assessment, key issues likely to affect future development identify.

There is an expectation that all available relevant information on this site held by both DHS and Kew staff will be made available for review. Extensive consultation will take place with current facility managers for site and relevant staff to ensure all appropriate information is incorporated within this commission..

Project Management and SKM contacts

Due to the revised brief and emphasis of the project, Sinclair Knight Merz's Principle Co ordinator for this project will be Mr Colin Harris. Colin will be responsible for the relevant Town Planning of the project, together with managing and coordinating the team.

Nick Tsoucalas will take on the role of the Project Director and maintain his involvement.

Project Delivery

We anticipate finalising our report and associated documents within 4 weeks from date of formal notification of appointment.

A more detailed programme can be provided following appointment.

N Tsoucalas
Project Director
Sinclair Knight Merz

APPENDIX 2

A 2. NOTIFICATIONS AND PERMITS

FAXED



BIOSIS
RESEARCH

FAX TRANSMISSION

Date:	3 August 2001	Fax number:	5962 3699.
To:	Doreen Garvey	Pages (including cover sheet):	2
Company:	Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc		
From:	GARY VINES		
Subject:	Survey		

Dear Doreen,

I will be doing a survey at Kew Cottages and would like a representative of the Wurundjeri out in the field with me. Here are the details:

Date: one day for the week starting 6 August 2001, preferably early in the week ie Tuesday 7th. I will ring on Monday to discuss.

Location: Kew Cottages, Princess Street Kew (see attached plan)

Meeting Place: Biosis offices 322 Bay St. Port Melb, or site, to be agreed with rep.

Time: 9:00 to 4:00

Duration: 1 day

Size of land: 400 x 400 metres

Lay of land or Difficulty: easy

Kindest regards,

Gary Vines

Biosis Research Pty. Ltd. A.C.N. 006 175 097
322 Bay Street, Port Melbourne, VIC 3207, AUSTRALIA
Tel. (03) 9646 9499 Fax. (03) 9646 9242 Email biosispm@ozemail.com.au

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FORM D

Victoria

*Archaeological and Aboriginal Relics
Preservation Act 1972*

Archaeological and Aboriginal Relics Preservation Regulations 1992

NOTIFICATION OF INTENTION TO CARRY OUT A SURVEY

I / We the undersigned give notice that I / we intend to undertake a survey of Aboriginal archaeological sites in the area described as

Kew Cottages Princess St KEW

and shown hatched on the accompanying map.

It is my / our intention to conduct the survey between the dates

of *1/8/01* and *1/10/01*.

Name: *GangVines*

Signed:



c/o Biosis Research Pty. Ltd.

Address:

PO Box 489, Port Melbourne, 3207.

322 Bay Street, Port Melbourne, 3207.

ph:(03) 9646 9499 fax:(03) 9646 9242

Dated: *24.7.01*

When completed, this form should be returned to:

Manager, Heritage Services Branch

Aboriginal Affairs Victoria

7th Floor, 589 Collins Street

MELBOURNE VIC 3000

ph:(03) 9616 2911

fax:(03) 9616 2954



BIOSIS
RESEARCH

FAX TRANSMISSION

Date:	24 July 2001	Fax number:	9655 9720
To:	Jeremy Smith	Pages (including cover sheet):	3
Company:	Heritage Victoria		
From:	Gary Vines		
Subject:	Notice of intention to survey		

Our job number: 2207

Dear Jeremy,

Please find attached a Survey Notification and map for a survey to be conducted for SKM and the Department of Health at Kew Cottages.

A map of the study area is attached.

Lucy Amorosi will organise to examine the site cards and reports for this area shortly.

Thank you,

Gary Vines
Cultural Heritage Group
Biosis Research Pty Ltd

Biosis Research Pty. Ltd. A.C.N. 006 175 097
322 Bay Street, Port Melbourne, VIC 3207, AUSTRALIA
Tel. (03) 9646 9499 Fax. (03) 9646 9242 Email biosispm@ozemail.com.au

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Heritage
VICTORIA

Notice of Intention to carry out an Archaeological Survey

1. Details of notifier

Name GARY VINES
Postal address BIOGEO RESEARCH 322 BAY ST.
POOD MELBOURNE Postcode 3207
Telephone (Business hours) 96469699 Facsimile 9646 9242
Commissioning agent SKM for Department of Health

2. Survey location

Notice is given that the above-named person intends to undertake a survey of historical archaeological sites in the area delineated on the attached map, described as: (if more space is required, attach additional material)

Kew Cottages Princess St Kew

The survey area is located on the following 1:100,000 map sheet/s:

Map no	Map name
<u>7622</u>	<u>MELBOURNE</u>

3. Dates of survey

It is intended that the survey will be conducted between the following dates:

From 1/8/01 to 1/10/01
Signature Gongylines Date 24/7/01

Assistance

If you require assistance to complete this form, please telephone (03) 9655 6519.

This form should be lodged by post or fax with

Heritage Victoria, Level 22, 80 Collins St., Melbourne 3000

Facsimile (03) 9655 9720

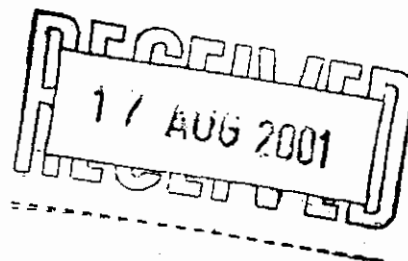


**ABORIGINAL
AFFAIRS
VICTORIA**

Level 7, 589 Collins Street, Melbourne VIC 3000
P.O. Box 515 East Melbourne VIC 3002 DX Number - DX 210176 Melbourne
Telephone: (03) 9637 8000 Facsimile: (03) 9616 2954

IH/04/0001
Project no: 2121

14 August 2001



Mr Gary Vines
Biosis Research Pty Ltd
PO Box 489
PORT MELBOURNE VIC 3207

Dear Mr Vines

PROPOSED SITE SURVEY: KEW COTTAGES, PRINCESS ST, KEW.

Thank you for providing Aboriginal Affairs Victoria (AAV) with notice of your intended survey.

Please note that, under the terms of section 22(5)(b) of the *Archaeological and Aboriginal Relics Preservation Act 1972* and associated regulations, you are required to provide this office with:

- completed AAV record forms for any sites found during the survey; and
- two copies of any resultant project report.

Please ensure that the project number shown at the top of this letter is quoted in any correspondence with AAV relating to this survey. The project number should also be added to any record forms resulting from the survey (in the "Reference in literature or report" space provided).

Blank record forms, and copies of the document *Guidelines for Conducting and Reporting upon Archaeological Surveys in Victoria*, are available on request.

Under the terms of the *Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, specified local Aboriginal organisations hold responsibility for cultural heritage matters within their particular community boundaries. Further, if your survey will include Crown land, it may be necessary to consult with any parties who hold native title interests in the area.

Information on Aboriginal community interests relating to your project area may also be obtained by contacting the Co-ordinator / Director for the relevant Regional Aboriginal Cultural Heritage Program (RACHP). The AAV web site at <http://www.nre.vic.gov.au/aav> includes maps and contact lists relating to local Aboriginal communities and the RACHP.

Please contact me on (ph) 03 9616 2923 if any further information is required.

Yours sincerely

JULIA CUSACK
Registrar



IH/04/0001
Project no: 2122

14 August 2001

Mr Gary Vines
Biosis Research Pty Ltd
PO Box 489
PORT MELBOURNE VIC 3207

Dear Mr Vines

PROPOSED SITE SURVEY: SHEPPARTON BYPASS EASTERN ROUTE (E1)

Thank you for providing Aboriginal Affairs Victoria (AAV) with notice of your intended survey.

Please note that, under the terms of section 22(5)(b) of the *Archaeological and Aboriginal Relics Preservation Act 1972* and associated regulations, you are required to provide this office with:

- completed AAV record forms for any sites found during the survey; and
- two copies of any resultant project report.

Please ensure that the project number shown at the top of this letter is quoted in any correspondence with AAV relating to this survey. The project number should also be added to any record forms resulting from the survey (in the "Reference in literature or report" space provided).

Blank record forms, and copies of the document *Guidelines for Conducting and Reporting upon Archaeological Surveys in Victoria*, are available on request.

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Please contact me on (ph) 03 9616 2923 if any further information is required.

Yours sincerely



JULIA CUSACK
Registrar

APPENDIX 3

A 3. SITE GAZETTEER

Aboriginal sites

Site number	Grid Ref. 1:25 000	Site Type	Landform Unit	Dimensions L x W	Significance
7822-3-19	3262800 58145800	Scarred Tree	Grassy Woodland	1.9 high, 35cm wide	High

Table A3.1: Aboriginal sites.

APPENDIX 4

A 4. ASSESSMENT OF HERITAGE SIGNIFICANCE

A4.1 Introduction

Assessing the significance of a cultural heritage place is undertaken to make decisions about the best way to protect and manage that particular heritage place. The category and significance of a heritage place will also determine if it is to be given statutory protection. The statutory issues that affect heritage places are discussed in detail in Appendix 5.

Places that are assessed as having National heritage significance can be added to the Commonwealth Register of the National Estate, those of State significance to the Victorian Heritage Register. Aboriginal Affairs Victoria maintains a register of known Aboriginal sites, and Heritage Victoria lists all known historical archaeological sites on the Victorian Heritage Inventory. A heritage place can also be protected under a planning scheme administered by local government. The National Trust maintains a list of significant heritage places, and local historical societies and Aboriginal communities will often have substantial knowledge about local heritage places.

Assessment of the significance of a heritage place can be complex and include a range of heritage values. The cultural heritage values of a site or place are broadly defined in the Burra Charter – the set of guidelines on cultural heritage management and practice prepared by Australia ICOMOS (International Council on Monuments and Sites) – as the ‘aesthetic, historic, scientific or social values for past, present or future generations’ (Marquis-Kyle and Walker 1992: 21). Various government agencies, including the Australian Heritage Commission and Heritage Victoria, have developed formal criteria for assessing heritage significance. These have been included at the end of this appendix and used in this report as applicable. Many Aboriginal sites also have significance to a specific Aboriginal community – this is discussed in a separate section below.

The primary criterion used to assess archaeological sites is *scientific* significance. This is based on the capacity of archaeological relics and sites to provide us with historical, cultural or social information. The following evaluation will assess the scientific significance of the archaeological sites recorded during this project. The **scientific significance assessment** methodology outlined below is based on scores for research potential (divided into site contents and site condition) and for representativeness. This system is refined and derived from Bowdler (1981) and Sullivan and Bowdler (1984).

A4.2 Criteria for significance assessment – archaeological sites

- i) Scientific significance assessment: historical archaeological sites and Aboriginal artefact scatters and isolated artefacts

Scientific significance is assessed by examining the *research potential* and *representativeness* of archaeological sites.

Research potential is assessed by examining *site contents* and *site condition*. Site contents refers to all cultural materials and organic remains associated with human activity at a site. Site contents also refers to the site structure – the size of the site, the patterning of cultural materials within the site, the presence of any stratified

deposits and the rarity of particular artefact types. As the site contents criterion is not applicable to scarred trees, the assessment of scarred trees is outlined separately below. Site condition refers to the degree of disturbance to the contents of a site at the time it was recorded.

The *site contents* ratings used for archaeological sites are:

- 0 No cultural material remaining.
- 1 Site contains a small number (e.g. 0–10 artefacts) or limited range of cultural materials with no evident stratification.
- 2 Site contains:
 - (a) a larger number, but limited range of cultural materials; and/or
 - (b) some intact stratified deposit remains; and/or
 - (c) rare or unusual example(s) of a particular artefact type.
- 3 Site contains:
 - (a) a large number and diverse range of cultural materials; and/or
 - (b) largely intact stratified deposit; and/or
 - (c) surface spatial patterning of cultural materials that still reflect the way in which the cultural materials were deposited.

The *site condition* ratings used for archaeological sites are:

- 0 Site destroyed.
- 1 Site in a deteriorated condition with a high degree of disturbance; some cultural materials remaining.
- 2 Site in a fair to good condition, but with some disturbance.
- 3 Site in an excellent condition with little or no disturbance. For surface artefact scatters this may mean that the spatial patterning of cultural materials still reflects the way in which the cultural materials were laid down.

Representativeness refers to the regional distribution of a particular site type.

Representativeness is assessed by whether the site is *common*, *occasional*, or *rare* in a given region. Assessments of representativeness are subjectively biased by current knowledge of the distribution and number of archaeological sites in a region. This varies from place to place depending on the extent of archaeological research. Consequently, a site that is assigned low significance values for contents and condition, but a high significance value for representativeness, can only be regarded as significant in terms of knowledge of the regional archaeology. Any such site should be subject to re-assessment as more archaeological research is undertaken.

Assessment of representativeness also takes into account the contents and condition of a site. For example, in any region there may only be a limited number of sites of any type that have suffered minimal disturbance. Such sites would therefore be given a high significance rating for representativeness, although they may occur commonly within the region.

The *representativeness* ratings used for archaeological sites are:

- 1 common occurrence
- 2 occasional occurrence
- 3 rare occurrence

Overall scientific significance ratings for sites, based on a cumulative score for site contents, site integrity and representativeness are:

- 1–3 low scientific significance
- 4–6 moderate scientific significance

7-9 high scientific significance

ii) Scientific significance assessment: scarred trees

The scientific significance assessment for scarred trees varies from the significance assessment outlined above because a scarred tree has no site contents rating (a tree either is, or is not, a scarred tree). Although scarred trees are a site type usually associated with traditional Aboriginal cultural activity, there are examples of scarred trees associated with non-Aboriginal activity (survey blazes for example).

The *site condition* ratings used for scarred trees are:

- 1 poorly preserved tree scar
- 2 partly preserved tree scar
- 3 well preserved example of a scarred tree

Representativeness refers to the regional distribution of scarred trees.

Representativeness is assessed on whether the site is common, occasional or rare in a given region. Representativeness should take into account the type and condition of the scar(s)/tree (the tree will be in: good health, poor health, dying, dead-standing, dead-on ground or destroyed) and the tree species involved.

The *representativeness* ratings used for scarred trees are:

- 1 common occurrence
- 2 occasional occurrence
- 3 rare occurrence

Overall scientific significance ratings for scarred tree sites based on a cumulative score for site condition and representativeness are:

- 1-2 low scientific significance
- 3-4 moderate scientific significance
- 4-6 high scientific significance

A4.3 Scientific significance assessment of sites recorded during survey

i) Aboriginal sites

The above criteria and scores have been applied to the Aboriginal Archaeological sites recorded in this survey. The results are tabulated below.

Site Name and Number	Site contents	Condition	Represent- ativeness	Scientific significance
7822-3-0019		3	3	6 (high)

Table A4.1: Scientific significance assessment for Aboriginal archaeological sites located during the survey.

A4.4 Aboriginal Cultural Significance

Aboriginal sites and areas of land for which a local Aboriginal community has custodianship usually have a special significance for Australian Aboriginal people.

Australian Aborigines have a very ancient and distinct traditional culture, which is very much alive. At the same time, in Australian society today they constitute a visibly oppressed and disadvantaged minority. These two elements give their heritage and history a special significance, ...Aboriginal places may be important to Aboriginal people in a number of ways.

In southern Australia the vast majority of sites are prehistoric [rather than 'sacred' or historic]. They relate to evidence of Aboriginal occupation of the continent over 60,000 years, but they have no specific traditional significance to any particular group. They are usually as unknown to Aborigines as to others until located and identified by archaeological survey or other research.

(Pearson and Sullivan 1995: 159, 162)

All pre-contact (pre-European settlement) sites that are located in the study area are considered to be of cultural significance to the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc. The sites are evidence of past Aboriginal occupation and use of the area, and are the main source of information about the Aboriginal past. The consultants cannot comment directly on such cultural significance – comment can only be made by the Aboriginal community. In addition, any recorded (and unrecorded) pre-contact sites are of cultural significance because they are rare or, at least, uncommon site-types. In particular, many sites in the greater Melbourne region have been destroyed as a result of land clearance and land-use practices in the historic period.

A4.5 Historic sites – Cultural Heritage Significance

Heritage Victoria is the State Government body responsible for protecting non-Aboriginal heritage places in Victoria, including gardens, buildings, shipwrecks and historical archaeological sites. Heritage Victoria administers the *Heritage Act 1995*, and has provided formal criteria for the assessment of cultural heritage significance. The application of these criteria will determine if a heritage place meets the threshold to be considered for addition to the Victorian Heritage Register.

Although most historical archaeological sites will have application to Criterion C, which addresses scientific value (discussed in detail above), several of the other criteria may still be applicable. On the basis of these criteria, heritage places are generally accorded a significance ranking of State, Local or none. Historical archaeological sites, as with other heritage places, can be considered for addition to the Victorian Heritage Register if they are considered to have State significance. It should be noted, however, that *all* historical archaeological sites are included on the Victorian Heritage Inventory and are accorded statutory protection, irrespective of their level of significance.

(Criteria adopted by the Heritage Council on 6 March 1997 pursuant to Sections 8(c) and 8(2) of the Heritage Act 1995):

- CRITERION A.** The historical importance, association with or relationship to Victoria's history of the place or object.
- CRITERION B.** The importance of a place or object in demonstrating rarity or uniqueness.
- CRITERION C.** The place or object's potential to educate, illustrate or provide further scientific investigation in relation to Victoria's cultural heritage.

- CRITERION D.** The importance of a place or object in exhibiting the principal characteristics or the representative nature of a place or object as part of a class or type of places or objects.
- CRITERION E.** The importance of the place or object in exhibiting good design or aesthetic characteristics and/or in exhibiting a richness, diversity or unusual integration of features.
- CRITERION F.** The importance of the place or object in demonstrating or being associated with scientific or technical innovations or achievements.
- CRITERION G.** The importance of the place or object in demonstrating social or cultural associations.

Assessment against Heritage Victoria Criteria

The non-Aboriginal heritage places identified and recorded during the survey have been assessed against the Heritage Victoria criteria as follows:

Site Name: Kew Cottages buildings and grounds

Relevant Criteria: **A.** The historical importance, association with or relationship to Victoria's history of the place or object.

Kew cottages demonstrates the development of social theories and provision of care for people with mental and physical disabilities in the late nineteenth century and the changes in attitudes to the disabled from that period into the twentieth century.

B. The importance of a place or object in demonstrating rarity or uniqueness.

As the site of the first full implementation of the "Cottage system" for care of the disabled, Kew represents a critical phase in the history of mental health. It is possibly the first and only site where this method was introduced in full.

C. The place or object's potential to educate, illustrate or provide further scientific investigation in relation to Victoria's cultural heritage.

Kew offers opportunities for investigating the character of the mental health system in Victoria in the late nineteenth/early twentieth century and how this reflects changes in thinking in mental health.

D. The importance of a place or object in exhibiting the principal characteristics or the representative nature of a place or object as part of a class or type of places or objects.

D. The importance of the place or object in exhibiting good design or aesthetic characteristics and/or in exhibiting a richness, diversity or unusual integration of features.

The design of the early buildings at Kew demonstrates thinking of health administrators and government architects, and innovation in the provision

of physical facilities for the disabled. The trees and gardens reflect the aesthetic of public works landscape design in the nineteenth century and the role of von Mueller and subsequent Government gardeners.

- F. The importance of the place or object in demonstrating or being associated with scientific or technical innovations or achievements.

Kew cottages demonstrates the application of scientific principals to the care of the disabled in the design, layout, landscaping and operation of the institute.

- G. The importance of the place or object in demonstrating social or cultural associations.

Kew Cottages has played a significant role in the lives of its residents, their families, volunteers and workers. It has very strong personal and historical associations for the community it has served. It is also a place which has been ingrained in the wider communities mind, for its connection with the treatment of people with disabilities, and in particular because of the events associated with the 1996 fatal fire.

Significance: **Local/Regional**

A4.5 Species List – Significant Trees

APPENDIX 5

A 5. STATUTORY REGULATIONS

A5.1 Aboriginal Sites

i) Victorian Aboriginal cultural heritage legislation

With the exception of human remains interred after the year 1834, the State *Archaeological and Aboriginal Relics Preservation Act 1972* provides protection for all material relating to the past Aboriginal occupation of Australia, both before and after European occupation. This includes individual artefacts, scatters of stone artefacts, rock art sites, ancient camp sites, human burials, scarred trees, and ruins and archaeological deposits associated with Aboriginal missions or reserves. The Act also establishes administrative procedures for archaeological investigations and the mandatory reporting of the discovery of Aboriginal sites. Aboriginal Affairs Victoria administers the *Archaeological and Aboriginal Relics Preservation Act 1972*.

The *Archaeological and Aboriginal Relics Preservation Act 1972* requires that:

- (1) Notification of an intent to conduct an archaeological survey (Form D) be lodged with the Heritage Services Branch of Aboriginal Affairs Victoria prior to conducting an archaeological survey that does not involve disturbance to Aboriginal archaeological sites.
- (2) Consent from the Heritage Services Branch of Aboriginal Affairs Victoria be obtained before **archaeological fieldwork** involving disturbance to an Aboriginal site is carried out. Aboriginal Affairs Victoria will not usually issue consents for archaeological fieldwork involving disturbance to an Aboriginal site without prior permission from the relevant Aboriginal community.

ii) Commonwealth Aboriginal cultural heritage legislation

In 1987, Part IIA of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* was introduced by the Commonwealth Government to provide protection for Aboriginal cultural property in Victoria. Immediately after enactment, the Commonwealth delegated the powers and responsibilities set out in Part IIA to the Victorian Minister Responsible for Aboriginal Affairs. The legislation is administered on a day-to-day basis by Aboriginal Affairs Victoria.

Whereas the State act provides legal protection for all the physical evidence of past Aboriginal occupation, the Commonwealth act deals with Aboriginal cultural property in a wider sense. Such cultural property includes any places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'. There is no cut-off date and the Act may apply to contemporary Aboriginal cultural property as well as ancient sites. The Commonwealth act takes precedence over State cultural heritage legislation where there is conflict. In most cases, Aboriginal archaeological sites registered under the State act will also be Aboriginal places subject to the provisions of the Commonwealth act.

Section 21U(3-4) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, requires written consent from the relevant Victorian Aboriginal community to disturb, destroy, interfere with or endanger an Aboriginal place, object or archaeological site. If a reply to any such permit application is not received from an Aboriginal community within 30 days, an application for a permit may be made to the State minister responsible for Aboriginal affairs. This is

provided for under Section 21U(5-6) of the 1987 addition to the Act.

The schedule to the Commonwealth act lists local Victorian Aboriginal communities. Each community's area is defined in the Regulations. The relevant Aboriginal community for the area encompassing the study area is the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc. An application must be made to the Cultural Officer for permission to disturb or destroy an Aboriginal site. Applications should be made in writing to:

Cultural Officer
James Wandin
P.O. Box 1676
Healesville Vic 3777

Applications to excavate or disturb an Aboriginal archaeological site for purposes of archaeological fieldwork, should be made in writing to:

The Director
Aboriginal Affairs Victoria
7th Floor
589 Collins Street
MELBOURNE VIC 3000

General inquiries relating to Aboriginal archaeological sites should be forwarded to:

The Site Registrar
Heritage Services Branch
Aboriginal Affairs Victoria
7th Floor
589 Collins Street
MELBOURNE VIC 3000
Ph: (03) 9637 8000
Fax: (03) 9616 2954

A5.2 Non-Aboriginal Sites

i) Victorian cultural heritage legislation

The Heritage Act 1995 details statutory responsibilities for historic buildings and gardens, historic places and objects, historical archaeological sites, and historic shipwrecks. These responsibilities are set out in Part 1 of the Act, which states that one of the main purposes of the Act is to: 'provide for the protection and conservation of places and objects of cultural heritage significance and

the registration of such places and objects'. The Act is administered by Heritage Victoria, part of the Department of Infrastructure. The Act establishes the Heritage Council, a ten-member, independent statutory authority. The Heritage Council determines which heritage places are included on the Victorian Heritage Register and acts as an appeal body.

• The Victorian Heritage Register

The Victorian Heritage Register was established pursuant to Section 18 of the *Heritage Act 1995*. Heritage places included on the Heritage Register are places assessed as having cultural heritage significance at a State level. For a place to be added to the Victorian Heritage Register a nomination must be made to the Executive Director. The Executive Director will review nominations and make recommendations to the Heritage Council for inclusion on the Victorian Heritage Register. All recommendations are advertised in a relevant newspaper and the owners or any party with a substantial interest in the heritage place or object can make a submission to the Heritage Council.

A permit may be required for particular works or activities in relation to a registered place or object. Permit applications must be submitted to the Executive Director who will consider the application and determine the matter. Should the applicant or owner object to the decision of the Executive Director, an appeal can be made to the Heritage Council.

• The Heritage Inventory

The Heritage Inventory was established pursuant to Section 120 of the *Heritage Act 1995*. The Heritage Inventory includes historical archaeological sites, places and relics in Victoria, providing they are older than 50 years, and regardless of their level of cultural heritage significance.

A Consent will be required for particular works or activities, including excavation, in relation to an archaeological site. Under the Heritage Act it is an offence to damage or disturb

relics and archaeological sites, whether or not they have been included on the Heritage Inventory, without obtaining the appropriate permission from the Executive Director.

Consents and Permits

Depending on whether a place/site is listed on the Heritage Register or the Heritage Inventory, any proposed works will require the submission of an application for either a *Permit* (Heritage Register) or a *Consent* (Heritage Inventory). If an archaeological site has been added to the Heritage Register, this will take precedence: a Permit will be required, but not a Consent. In summary:

- A Permit is required if the site is on the Heritage Register. The assessment of the Permit application will be guided by its heritage status as a site of State significance.
- A Consent is required if the site is on the Heritage Inventory (and not on the Heritage Register). The assessment of the Consent application will be guided by the significance and integrity of the site.

Applications for Consents or Permits should be accompanied by a cheque for the prescribed fee. The cheque should be payable to the **Heritage Council**. The fees payable for particular classes of work are advised in Schedule 3 (Permits) or Schedule 5 (Consents) of *Heritage (General) Regulations 1996 (Statutory Rule No. 85/1996)*. The application should be made on the appropriate form and sent to:

Mr Ray Tonkin
Executive Director
Heritage Victoria
Level 22
Nauru House
80 Collins Street
MELBOURNE VIC 3000

General queries relating to either Consent or Permit applications can be directed to:

Permits Co-ordinator
Heritage Victoria
Level 22
Nauru House
80 Collins Street

MELBOURNE VIC 3000

Ph: (03) 9655 6519

Fax: (03) 9655 9720

Consultation relating to the Heritage Inventory and to historical archaeological sites should be conducted with Heritage Victoria archaeology officers, contact details as above.

Consultation and discussion with Heritage Victoria should be initiated well before lodging an application for a Consent or Permit to disturb or destroy a historical archaeological site.

A5.3 Additional Legislation

Australian Heritage Commission Act 1975

The Commonwealth Australian Heritage Commission Act established the Australian Heritage Commission and provides for protection of Aboriginal and historic cultural sites, and of natural sites of significance to Australians. The Australian Heritage Commission maintains the Register of the National Estate (RNE), which lists significant sites of the natural and cultural environments, including heritage places that are important to Aboriginal, European and Asian cultures in Australia.

Any place that has been nominated and assessed as having cultural heritage significance at a National level can be added to the RNE. Places are assessed against formal criteria included in the Act in 1990. The general purpose of the register is to 'alert and educate all Australians to the existence of places of National Estate significance, and to provide an essential reference and a working tool for balancing conservation and development decisions' (Pearson and Sullivan 1995: 48-9). Protection under the Australian Heritage Commission Act is only enforceable, however, where the place in question is on Commonwealth property or is affected by actions of the Australian government. Listing on the RNE has no direct legal constraint on owners of private property, or on State or local governments.

Planning and Environment Act 1987

The Victorian Planning and Environment Act provides local governments with the power to implement heritage controls over significant buildings or places. Heritage and conservation areas and heritage places – both Aboriginal and non-Aboriginal – can be identified and listed on a particular local planning scheme, and protected as places of heritage significance. A planning permit may be required from the local council if a place is subject to a heritage overlay control or is individually listed in the planning scheme. It is advisable to check with the relevant local council to determine if any additional permits are required.

Environment Effects Act 1978 and Amendment Act 1994

The Victorian Environment Effects Act may have relevance with certain projects as it requires some development proposals to be assessed for their possible impact on the environment. The definition of environment includes the cultural heritage of the project area.

APPENDIX 6

A 6. ADVICE ABOUT THE DISCOVERY OF HUMAN REMAINS

If suspected human remains are discovered during any excavation or development work, the steps outlined below should be followed.

1. Legal requirements

The *Coroner's Act 1985* requires anyone who discovers the remains of a 'person whose identity is unknown' to report the discovery directly to the State Coroner's Office or to the Victoria Police. A person who fails to report the discovery of such remains is liable to a \$10,000 fine. The Coroner's Act does not differentiate between treatment of Aboriginal and non-Aboriginal remains. The majority of burials found during development work are, therefore, likely to be subject to this reporting requirement.

In addition, Part IIA of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* requires anyone who discovers suspected Aboriginal remains in Victoria to report the discovery to the responsible Minister. The Director, Aboriginal Affairs Victoria, holds delegated authority to receive and investigate such reports.

It should be noted that the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* is subordinate to the *Coroner's Act 1985* regarding the discovery of human remains. Therefore, the location at which the remains are found should be first treated as a possible crime scene, and the developer and/or contractor should not make any assumptions about the age or ethnicity of the burial.

Victoria Police Standing Orders require that an archaeologist from the Heritage Services

Branch, Aboriginal Affairs Victoria, should be in attendance when suspected Aboriginal remains have been reported (Police Headquarters and the State Coroner's Office hold after-hours contact numbers for Heritage Services Branch staff). Where it is believed the remains are Aboriginal, the Police will usually invite representatives of the local Aboriginal community to be present when the remains are assessed. This is because Aboriginal people usually have particular concerns about the treatment of Aboriginal burials and associated materials.

2. Aboriginal Affairs Victoria - suggested procedure to be followed if suspected human remains are discovered

1. If suspected human remains are discovered during development, work in the area must cease and the Police or State Coroner's Office must be informed of the discovery without delay. The State Coroner's Office can be contacted at any time on ph: (03) 9684 4444.
2. If there are reasonable grounds to suspect the remains are Aboriginal, the discovery should also be reported to Aboriginal Affairs Victoria on ph: (03) 9637 8000. Aboriginal Affairs Victoria will ensure that the local Aboriginal community is informed about the circumstances of the discovery.
3. Do not touch or otherwise interfere with the remains, other than to safeguard them from further disturbance.
4. Do not contact the media.

GLOSSARY AND REFERENCES

GLOSSARY

Introduction and terminology

The following list provides definitions of various terms used in this report. Many of the terms have been referenced and the sources included in the reference list at the end of this report.

There is often a degree of confusion about the use of terms such as *heritage place*, *historical site*, *archaeological site* and so on. The definitions of these terms, as used in this report, have been included in the glossary and their relationship outlined in **Figure 1** below. The term used most consistently is *heritage place* and this is defined as follows:

Heritage place: A place that has aesthetic, historic, scientific or social values for past, present or future generations – ‘... this definition encompasses all cultural places with any *potential* present or future value as defined above’ (Pearson and Sullivan 1995:7).

For the purpose of discussion in this document ‘heritage place’ can be sub-divided into **Aboriginal place** and **historic place** (i.e. a historic place refers more particularly to non-Aboriginal sites).

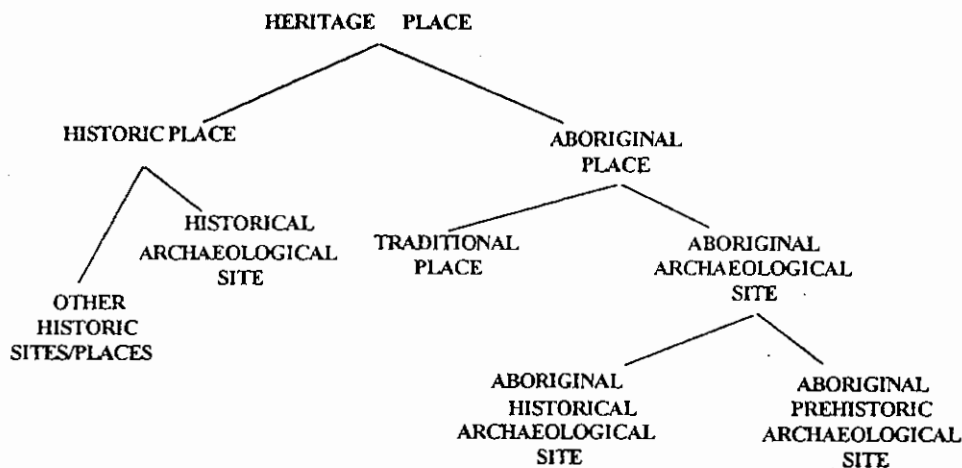


Figure G1: Terminology used for categories of heritage places.

Archaeological site types

The archaeological site types encountered in Australia can be divided into three main groups:

Historical archaeological site: an archaeological site formed since non-Aboriginal settlement that contains physical evidence of past human activity (for example a structure, landscape or artefact scatter).

Aboriginal historical archaeological site (or contact site): a site with a historical context such as an Aboriginal mission station or provisioning point; or a site that shows evidence of Aboriginal use of non-Aboriginal materials and ideas (for example: artefact scatter sites that have artefacts made from glass, metal or ceramics).

Aboriginal prehistoric archaeological site: a site that contains physical evidence of past Aboriginal activity, formed or used by Aboriginal people either before, or not long after, European settlement. These sites are commonly grouped as follows (further definition of each is contained in the glossary list):

- artefact scatter
- burial
- hearth

- isolated artefact
- mound
- quarry
- scarred tree
- shell midden
- structures
- rock art
- rock shelter
- rock well

One of the most common artefact types that provides evidence of Aboriginal people are those made from stone. Types and categories are outlined below in **Figure 2**, with further definition of each in the glossary list.

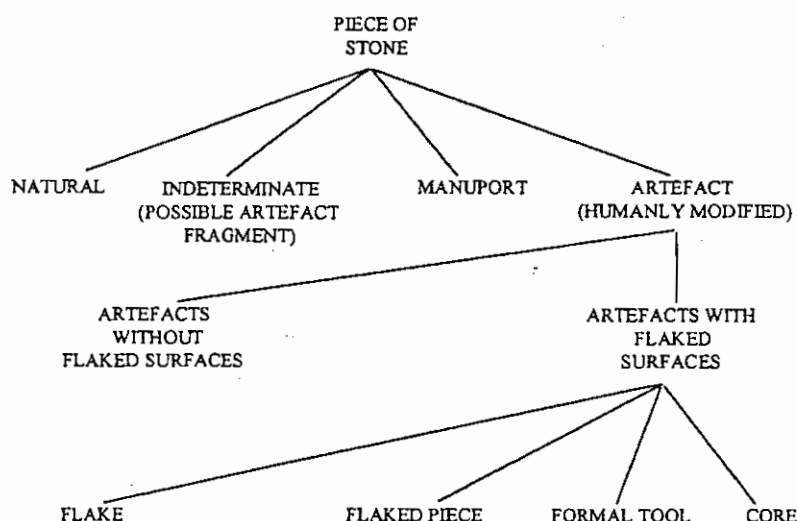


Figure G2: Stone artefact types/categories.

List of definitions

Aboriginal historical archaeological site (or contact site): either a site with an historic context such as an Aboriginal mission station or provisioning point; or a site that shows evidence of Aboriginal use of European/non-Aboriginal materials and ideas (e.g. artefact scatter sites that contain artefacts made from glass, metal or ceramics).

Aboriginal prehistoric archaeological site: a site that contains physical evidence of past Aboriginal use, formed or used by Aboriginal people either before, or not long after, European settlement.

Alluvial terrace: a platform created from deposits of alluvial material along river banks.

Anvil: a portable flat stone, usually a river pebble, used as a base for working stone. Anvils used frequently have a small circular depression in the centre where cores were held while being struck. An

anvil is often a multi-functional tool also used as a grindstone and hammerstone.

Archaeology: the study of the remains of past human activity.

Artefact scatter: a surface scatter of cultural material. Aboriginal artefact scatters are defined as being the occurrence of five (5) or more items of cultural material within an area of about 100 sq. metres (AAV 1993:1j). Artefact scatters are often the only physical remains of places where people have lived camped, prepared and eaten meals and worked.

Backed piece: a flake or blade that has been abruptly retouched along one or more margins opposite an acute (sharp) edge. Backed pieces include backed blades and geometric microliths. They are thought to have been hafted onto wooden handles to produce composite cutting tools. Backed pieces are a feature of the 'Australian small tool tradition', dating from between 5000 and 1000 years ago in

southern Australia (Mulvaney 1975).

Bipolar working: technique used for the reduction of stone, in particular quartz, by placing a core on an anvil and 'smashing' with a hammerstone.

Blade: a flake at least twice as long as it is wide.

Burial site: usually a sub-surface pit containing human remains and sometimes associated artefacts.

Burin: a stone implement roughly rectangular-shaped with a corner flaked to act as point for piercing holes in animal skins. The distinguishing feature is a narrow spall, usually struck from the distal end down the lateral margin of a blade, but sometimes across the end of a flake (McCarthy 1976:38).

Contact site: see 'Aboriginal historical archaeological site'.

Core: an artefact from which flakes have been detached using a hammerstone. Core types include single platform, multi-platform and bipolar forms.

Cortex: original or natural (unflaked) surface of a stone.

Edge-ground implement: a tool, such as an axe or adze, which has usually been flaked to a rough shape and then ground against another stone to produce a sharp edge.

Edge modification: irregular small flake scarring along one or more margins of a flake, flaked piece or core, which is the result of utilisation/retouch or natural edge damage.

Flake: a stone piece removed from a core by percussion (striking it) or pressure. It is identified by the presence of a striking platform and bulb of percussion, not usually found on a naturally shattered stone.

Flaked piece: a piece of stone with definite flake surfaces, which cannot be classified as a flake or core.

Formal tool: an artefact that has been shaped by flaking, including retouch, or grinding to a predetermined form for use

as a tool. Formal tools include scrapers, backed pieces and axes.

Gilgai soils: soils with an undulating surface, presenting as a pattern of mounds and depressions. A possible cause is the alternation of swelling and cracking of clay during periods of wet and dry conditions.

Grindstones: upper (handstone) and lower (basal) stones used to grind plants for food and medicine and/or ochre for painting. A handstone sometimes doubles as a hammerstone and/or anvil.

Hammerstone: a piece of stone, often a creek/river pebble/cobble, which has been used to detach flakes from a core by percussion. During flaking, the edges of the hammerstone become 'bruised' or crushed by impact with the core.

Hearth: usually a sub-surface feature found eroding from a river or creek bank or a sand dune - it indicates a place where Aboriginal people cooked food. The remains of a hearth are usually identifiable by the presence of charcoal and sometimes clay balls (like brick fragments) and hearth stones. Remains of burnt bone or shell are sometimes preserved within a hearth.

Heat treatment: the thermal alteration of stone (including silcrete) by stone workers to improve its flaking qualities (see Flenniken and White 1983).

Heritage Place: A place with aesthetic, historic, scientific or social values for past, present or future generations - '...this definition encompasses all cultural places with any *potential* present or future value as defined above' (Pearson and Sullivan 1995:7).

Historic place: a place that has some significance or noted association in history.

Historical archaeological site: an archaeological site formed since non-Aboriginal settlement that contains physical evidence of past human activity (for example a structure, landscape or artefact scatter).

Isolated artefact: the occurrence of less than five items of cultural

material within an area of about 100 sq. metres (AAV 1993:1j). It/they can be evidence of a short-lived (or one-off) activity location, the result of an artefact being lost or discarded during travel, or evidence of an artefact scatter that is otherwise obscured by poor ground visibility.

Manuport: foreign fragment, chunk or lump of stone that shows no clear signs of flaking but is out of geological context and must have been transported to the site by people.

Moiety: a moiety is a half. Tribes were composed of two moieties (halves), and each clan belonged to one of the moieties.

Mound: these sites, often appearing as raised areas of darker soil, are found most commonly in the volcanic plains of western Victoria or on higher ground near bodies of water. The majority were probably formed by a slow build-up of debris resulting from earth-oven cooking; although some may have been formed by the collapse of sod or turf structures. It has also been suggested some were deliberately constructed as hut foundations (Bird and Frankel 1991: 7–8).

Noxious weeds: plants that have been proclaimed under the Victorian *Catchment and Land Protection Act 1994*. They include four types: state prohibited, regionally prohibited, regionally controlled and restricted. Noxious weeds are species that seriously threaten or potentially threaten agricultural production.

Obtrusiveness: how visible a site is within a particular landscape. Some site types are more conspicuous than others. A surface stone artefact scatter is generally not obtrusive, but a scarred tree will be (Bird 1992).

Pebble/cobble: natural stone fragments of any shape. Pebbles are 2–60 mm in size and cobbles are 60–200 mm in size (McDonald et al. 1984: 78).

Percussion: the act of hitting a core with a hammerstone to strike off flakes.

Platform preparation: removal of small flake scars on the dorsal edge of a flake,

opposite the bulb of percussion. These overhang removal scars are produced to prevent a platform from shattering (Hiscock 1986: 49).

Pre-contact: before contact with non-Aboriginal people.

Post-contact: after contact with non-Aboriginal people.

Quarry (stone/ochre source): a place where stone or ochre is exposed and has been extracted by Aboriginal people. The rock types most commonly quarried for artefact manufacture in Victoria include silcrete, quartz, quartzite, chert and fine-grained volcanics such as greenstone.

Regionally controlled weed: legally defined by the Victorian Catchment and Land Protection Act, and determined by each Victorian Regional Catchment authority in conjunction with DNRE for each particular Region. Listed species are those that are widespread, but are still considered important for control. Landholders must take all reasonable steps to control and prevent the spread of these weeds on their property and adjacent roadsides.

Retouch: a flake, flaked piece or core with intentional secondary flaking along one or more edges.

Rock art: 'paintings, engravings and shallow relief work on natural rock surfaces' (Rosenfeld 1988: 1). Paintings were often produced by mineral pigments, such as ochre, combined with clay and usually mixed with water to form a paste or liquid that was applied to an unprepared rock surface. Rock engravings were made by incising, pounding, pecking or chiselling a design into a rock surface. Rare examples of carved trees occasionally survive.

Rock shelter: may contain the physical remains of camping places where people prepared meals, flaked stone, etc. They are often classed as a different type of site due to their fixed boundaries and greater likelihood of containing sub-surface deposits. Rockshelters may also contain rock art.

Rock-well: a natural or modified depression within a stone outcrop, which collects water. The most identifiable of these sites have been modified by Aboriginal people, either by deepening or enlarging.

Scarred tree: scars on trees may be the result of removal of strips of bark by Aborigines e.g. for the manufacture of utensils, canoes or for shelter; or resulting from small notches chopped into the bark to provide hand and toe holds for hunting possums and koalas. Some scars may be the result of non-Aboriginal activity, such as surveyors marks.

Scraper: a flake, flaked piece or core with systematic retouch on one or more margins. Scraper types follow Jones (1971).

Shell midden: a surface scatter and/or deposit comprised mainly of shell, sometimes containing stone artefacts, charcoal, bone and manuports. These site types are normally found in association with coastlines, rivers, creeks and swamps – wherever coastal, riverine or estuarine shellfish resources were accessed and exploited.

Significance: the importance of a heritage place or site for aesthetic, historic, scientific or social values for past, present or future generations.

Striking platform: the surface of a core, which is struck by a hammerstone to remove flakes.

Structures (Aboriginal): can refer to a number of different site types, grouped here only because of their relative rarity and their status as built structures. Most structures tend to be made of locally available rock, such as rock arrangements (ceremonial and domestic), fishtraps, dams and cairns, or of earth, such as mounds or some fishtraps.

Stratified deposit: material that has been laid down, over time, in distinguishable layers.

Utilised artefact: a flake, flaked piece or core that has irregular small flake scarring along one or more margins that does not represent platform preparation.

Visibility: the degree to which the surface of the ground can be seen. This may be influenced by natural processes such as wind erosion or the character of the native vegetation, and by land-use practices, such as ploughing or grading. Visibility is generally expressed in terms of the percentage of the ground surface visible for an observer on foot (Bird 1992).

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