

**Final Report  
for SKM**

**Kew Cottages Cultural Heritage  
Survey.**

August 2001

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## ABBREVIATIONS

AAV	Aboriginal Affairs Victoria (Heritage Services Branch)
AHC	Australian Heritage Commission
AMG	Australian Map Grid
ATSIC	Aboriginal and Torres Strait Islander Commission
BP	Before Present
DCNR	Department of Conservation and Natural Resources (now DNRE)
DNRE	Department of Natural Resources and Environment (formerly DCNR)
DOI	Department of Infrastructure
HV	Heritage Victoria (DOI)
ICOMOS	International Council on Monuments and Sites
LCC	Land Conservation Council
RNE	Register of the National Estate
VAS	Victoria Archaeological Survey (now part of AAV and Heritage Victoria)

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## 1.0 SUMMARY

Kew Cottages is a State Government institution originally established in the nineteenth century as part of the Kew Lunatic Asylum (Lloyd 1997). It has undergone many changes of use and different roles in accommodating people with disabilities or special needs. There has been controversy over its role in society at many points in its history, while at the same time it has been home to many hundreds of people, some for almost all their lives.

The most recent proposal for the closure and redevelopment of the Kew Cottages site has required base data for a planning study with an emphasis on site opportunities and constraints.

The survey of cultural heritage values of the Kew Cottages site has revealed a highly modified landscape featuring a large number of exotic trees, many dating from the nineteenth Century. A group of early buildings form an historical core, although much of the remainder of the building fabric is quite modern, dating to the 1970s or later.

Several memorials reflect the close community links and the personal stories and tragedies of the residents, including a stone memorial to the nine people who died in the 1996 fatal fire, and a garden dedicated to the long term residents, many of whom spent their whole lives at Kew.

One Aboriginal Archaeological site was identified - a scarred tree that has been relocated from elsewhere on the site. Three areas of potential archaeological significance were identified on the basis that they represented an unmodified ground surface in conjunction with remnant vegetation and fitted with archaeological predictive models.

Archaeological reports and the management recommendations contained therein will be independently reviewed by the Heritage Services Branch of Aboriginal Affairs Victoria, the relevant Aboriginal community and Heritage Victoria.

Although the findings of a consultant's report will be taken into consideration, recommendations in relation to managing heritage place should not be taken to imply automatic approval of those actions by Aboriginal Affairs Victoria, the Aboriginal community or Heritage Victoria.

## 1.1 SUMMARY OF RECOMMENDATIONS

The following recommendations have been prepared on the basis of the available information on Kew Cottages and the results of the one-day survey. Initially this assessment has identified areas that need additional research. These are:

- A Conservation Plan and Conservation Policy for the site should be prepared in accordance with the Burra Charter and Kerr's *The Conservation Plan* (1996) by a suitably qualified heritage practitioner, which addresses the condition, significance and conservation requirement of the buildings and landscape elements. This should specifically address the architectural significance of the buildings including the central historic core, the Perkin Arts Centre and Old Gym, and any other architect designed buildings, and the cultural value of the historic trees and landscape. It should provide a policy framework for the ongoing conservation and management of these cultural heritage items in the context of the potential re-use and redevelopment of the site.

Other recommendations can be made on the basis of the current information as follows.

1. The memorial to the 1996 fire, including the stone monument and the circular garden in front of the kiosk should be retained and conserved in consultation with the Kew Cottages Parents Association, residents and staff, (although not necessarily on its current location)
2. The scarred tree should be protected from disturbance, preferably in its current position, but if needed moved to a site agreed upon by the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc. and Aboriginal Affairs Victoria.
3. If the areas of Aboriginal archaeological sensitivity are to be disturbed, they should be monitored by a qualified archaeologist and representative of the Aboriginal community, prior to the commencement of any works. The monitoring should involve the inspection of the removal of the topsoil to a depth of 30 cm. Any Aboriginal artefacts identified in the process would require a permit to disturb from the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc. Such a permit may have conditions such as the artefacts being collected, analysed, conserved and relocated to a suitable place agreed by the Wurundjeri.
4. Appropriate Statutory protection may be put in place following completion of the Conservation Plan (eg inclusion in the heritage overlay of the City of Boroondara Planning Scheme). Opportunities for the preservation and

conservation buildings should be considered in any future development where appropriate.

5. Similarly opportunities for the preservation of the avenues of trees and other exotic trees and landscape element should be explored in any redevelopment. The concrete lamp stands could also be retained in this context. Appropriate Statutory protection may be put in place following completion of the Conservation Plan (eg inclusion in the significant landscape overlay of the City of Boroondara Planning Scheme)
6. The retention of the alignment or axis of the road system in any future development, including Main Drive, Lower Drive and Boundary Road would conserve the relationships between original elements of the landscape.
7. Monitoring of future demolition and preliminary construction work including service trenches, roads and clearance should be carried out to determine if evidence of earlier buildings and structures survives. The area for potential historical archaeological evidence and therefore monitoring, needs to be further defined through additional research. This would be one of the aspects covered in a Conservation Plan for the site.



## 2.0 INTRODUCTION

Biosis Research Pty. Ltd. was commissioned by Sinclair Knights Merz to provide a review of cultural heritage values and issues associated with the Kew Cottages site, in Kew, Victoria. The proposal for the closure and redevelopment of the Kew Cottages site has required base data for a planning study with an emphasis on site opportunities and constraints for the use of the site for residential purposes.

Cultural heritage legislation protecting Aboriginal and non-Aboriginal heritage places applies in Victoria. These places are an important part of our heritage. They are evidence of more than 40,000 years of occupation of Victoria by Aborigines, and of the more recent period of settlement by non-Aboriginal people.

Heritage places can provide us with important information about past lifestyles and cultural change. Preserving and enhancing these important and non-renewable resources is encouraged.

It is an offence under sections of legislation to damage or destroy heritage sites without a permit or consent from the appropriate body (see Appendix 5 for a complete discussion of relevant heritage legislation and constraints).

The subject matter of this report involves the use of a number of technical words and terms with which the reader may be unfamiliar. An extensive glossary has been included at the end of the report and reference to this may be of assistance.

## 2.1 Study Area

The study area is located in Kew, approximately 6 kilometres to the north-east of the Melbourne central business district. It is roughly square in shape, and is bounded by Princes St to the east, Wills Street and residential houses to the south, Willsmere Apartments and Yarra Bend Park to the west and Hutchison Drive to the north (Figure 1). The site is approximately 27 hectares in size. Buildings, roads and other infrastructure cover most of the site. Planted trees and shrubs and open grassy areas also occur scattered throughout site.

## 2.2 Aims

The aim of this study as required by Sinclair Knight Merz, is to provide an assessment of the site addressing ecological, flora and fauna and any natural heritage issues that may be apparent. This report contains only the assessment of the cultural heritage. The primary cultural heritage aims of the study are to:

- Conduct literature research;
- Carry out consultation with the Department of Infrastructure and Aboriginal Affairs and community representations;
- Undertake Aboriginal and non-Aboriginal archaeological/heritage assessment;
- Present the findings in a report.

## 2.3 Consultation

Before undertaking surveys for heritage places there is a statutory requirement to notify the Heritage Service Branch of Aboriginal Affairs Victoria and Heritage Victoria – the State government agencies responsible for Aboriginal and non-Aboriginal heritage places respectively – and to consult with the relevant Aboriginal community.

### 2.3.1 Consultation with Aboriginal Affairs Victoria and the Aboriginal Community

Aboriginal Affairs Victoria must be informed when a survey that aims to identify Aboriginal sites is to be undertaken by submitting a standard form (Form D). A completed Form D was forwarded to the Heritage Services Branch

on 24 July 2001. Acknowledgement of receipt of the Form D is in Appendix 2.

The Heritage Services Branch site register was checked for information about sites and archaeological studies in the study area.

The Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc. is the Aboriginal community organisation which has jurisdiction over Aboriginal Cultural matters in the Melbourne Area. Their office was contacted by telephone prior to commencement of the study and they were invited to nominate a representative to assist on the field survey. Tony Garvey took part in the field survey and discussed the potential Aboriginal cultural heritage issues with the consultant on 7 August 2001.

### 2.3.2 Consultation with Parents Association

Because of the close link which the residents and parents have had with the site over many years, consultation was carried out with representatives of the Kew Cottages Parents Association. Initially contact was made with Jan Bryant and John Molloy. John is the current Vice President of the association. Discussions were initially concerned with the historic background to the cottages, which the Residents Association has been involved in compiling.

This discussion led to further contact with Fran Van Brummeller, who a retired social worker from the cottages, who has been involved in collecting historical records and documents on Kew Cottages. Jan Bryant also lent a copy of the Association's publication *Payment by Results*, which is the centenary history of the cottages. Several other contacts were also provided by these people including June Guest who was the founding president of the friends group in 1957.

Discussions with John Molloy and Jan Bryant also dealt with the possible view of the parents regarding the cultural and historical significance of the site. It was stressed in these discussions that the Cultural Heritage assessment considered social significance as one of the categories and that this might have a different meaning to the questions of social equity which may be important to the current residents and their families. As a result of the conversations it was recognised that there are strongly held views about both the social importance and historical significance of Kew Cottages, but there is also a diversity of opinion. This came out especially in reference to the 1996 fire with divergent views about how the tragedy should be acknowledged and commemorated.

### 2.3.3 Consultation with Heritage Victoria

Heritage Victoria must be informed when a survey that aims to identify historical archaeological sites is to be undertaken by submitting a

standard form (Notification of Intent to Conduct a Survey). A completed notification form was forwarded to Heritage Victoria on 24 June 2001. Acknowledgement of receipt of this notification is in Appendix 2.

The Victorian Heritage Inventory and Heritage Register were checked for information about historical archaeological sites, other heritage places and archaeological studies.

## 3.0 BACKGROUND INFORMATION

### 3.1 Environmental Background

Kew Cottages is located on a prominent rise just to the east of the Yarra River. The underlying geology is formed of Upper Silurian sedimentary rocks – sandstone, mudstone and shale, overlaid by Pliocene “Brighton Group” sands in places. This means that the ground is generally rocky with but well developed soil originally able to support a grassy woodland habitat. The Brighton Sands also include quartzite gravels, but these do not appear to have been useful for tool making.

Suitable stone for toolmaking may have come from the washed river pebbles and from silcrete and basalt deposits to the west where the Yarra River marks the boundary between the newer volcanics and the Silurian sediments. This is an erosional landscape for the most part so Aboriginal sites are likely only to occur in the upper soil levels, confined to the plough-zone in areas that have not been excessively disturbed. A small gully in the north east of the site has been filled, but may have included sediments suitable for preserving stratified sites.

#### Vegetation

The vegetation of the area is still recognisable in the surviving indigenous remnants of Yarra Bend and Studley Parks. A riparian woodland is located on the steep Yarra River bank to the west which grades to a *Plains Grassy Woodland* on the higher ground.

The over-storey would have consisted of an open woodland dominated by river red gum *Eucalyptus camaldulensis*. When intact, the ground-layer is dominated by kangaroo grass *Themeda triandra*, wallaby grasses *Austrodanthonia* spp. and spear grasses *Austrostipa* spp. with a diversity of grasses and herbs including common everlasting *Chrysocephalum apiculatum*, yam daisy *Microseris scapigera* and scaly buttons *Leptorhynchus squamatus*.

In the south-west of the study site, is a small remnant area of wallaby grasses *Austrodanthonia* spp. The primary food resource would have been associated with the Yarra River where fish, water birds and aquatic plants provided abundant resources. Cumbungi was also a staple with the starchy base of the plant being roasted.

#### Fauna

Within the grassy woodland a range of animals and birds would have existed that would have provided a food resource for Aboriginal people. They include grassland-specialising species such as ground-dwelling fauna (e.g.

reptiles, small marsupials, wallaby, kangaroo, echidna) and foraging sites for birds of prey (e.g. Black-shouldered Kites).

## 3.2 Aboriginal History

Archaeological research in the Melbourne area has demonstrated people have lived here for at least 30,000 years. Excavations at Dry Creek Keilor have established firm dates for occupation at 27,000 years BP. But other less authoritative data may put occupation back several thousand years earlier. In any case, Aboriginal people have a cultural history of great antiquity.

This has not been an unchanging history, as social and cultural patterns may have changed over time, particularly in response to climatic and environmental changes. The current climatic conditions were established following the last glacial period of about 10,000 years ago. Sea levels, which had previously been much lower, rose to flood the former plain connecting Tasmania to the mainland. The climate became warmer and wetter and may have led to an environment richer in food resources, and an intensification of occupation.

It is difficult to establish the culture and traditions of Aboriginal people prior to European settlement because of the poor quality of early records and the fact that Aboriginal social and economic structures were disrupted before or during the first wave of white settlement. By the time their culture was recorded, it had already undergone considerable change.

Through dispossession of land and subsequent loss of many oral histories, historians have only been able to piece together splintered accounts of Aboriginal life. This has been done mainly through nineteenth century European ethnographic observations and oral histories. An overview of Aboriginal life at the time of European contact in this region is provided by Presland (1994) and Goulding (1988 in LCC 1991: 14-32). More specific information on the social and organisational aspects of the Aboriginal people that inhabited the study area is provided in Barwick (1984) and Clark (1990).

People who identified themselves as the 'Kulin' nation occupied a large portion of south central Victoria. The Kulin nation was a confederation of five language groups.

*In traditional Koorie society the most common day to day group was the foraging band, composed generally of one or two families, plus visitors. The clan was the land owning unit in traditional society and was also the group with which the individual Koorie would first identify herself or himself. All members of a clan spoke the same language and identified with a particular area of land or estate, which they regarded as their*

own...In traditional Koorie society a number of clans who spoke the same language and had adjacent estates made up of a larger group was usually referred to as a tribe. The tribal territory was the total area of the clan's estates (Presland 1994: 38-39).

The Kulin nation was united by intermarriages between clan members; that is, women married outside their clan group. Women also married into other language groups (Presland 1994: 36; 46). The Kulin clans affiliated themselves with one of two moieties: *Bunjil* (eaglehawk) or *Waa* (crow). The affiliation was determined by patrilineal descent. Members of clans had to find a spouse of the opposite moiety. This practice strengthened kinship ties throughout the region. The name Kulin means human being.

The study area is located in the territory of the *Woi wurrung*, which is composed of a number of clans who spoke the same language (Clark 1990: 364). The territory stretched loosely along physical features, such as rivers, from Kyneton in the north to west Gippsland, and the Werribee River and Bacchus Marsh to Mount Baw Baw. The language group occupied most of present metropolitan Melbourne, except for the southern suburbs and areas around Port Phillip Bay.

A clan of the *Woi wurrung* occupied the region that includes the present study area (Clark 1990: 383 – 384). This clan was divided into two patrilineal groups: the *Wurundjeri willam* and *Bulug willam*. The *Wurundjeri willam* occupied most of the area now known as metropolitan Melbourne. Bebejan's mob was located at Heidelberg, up the Yarra to Mount Baw Baw. Bebejan was the clan leader, whose son was William Barak (1824-1903). Billibillary's mob of the *Wurundjeri willam* occupied the land between the Darebin Creek, the Maribymong River and Jackson's Creek, and between the northern bank of the Yarra River near Kew north to Mt William. *Wurundjeri willam* means white gum tree dwellers. Billibillary was the clan *ngurungaeta*, or leader, and is recognised as one of the signers of Batman's treaty. His brother Berberry, who was said to have shown Batman the land now known as Melbourne, succeeded him as clan leader in 1846. The last recognised *ngurungaeta* was Wonga, Billibillary's eldest son, who died in 1874. The moiety or totem of these clans was the *Waa*.

The British government and their administrators in Australia could not abide the cultural customs and lifestyle of the Aboriginal people. It was the opinion of the British government that Aboriginal people should be 'civilised' (Presland 1994: 92 – 94). In 1837, an Anglican Aboriginal Mission was set up in South Yarra, in part of present Botanic Gardens. The Anglican missionary, George Langhorne, tried to implement a work for goods scheme and induce Aboriginal children to stay in school with the promise of three meals a day, though Aboriginal people were reluctant to take part.

In 1839 an Aboriginal protectorate scheme was introduced. The role of the protectorates was to provide food and shelter, record information about the population and to Europeanise the Aboriginal people. The Assistant Protector of the Melbourne region was William Thomas. Thomas attempted to draw Aboriginal people away from the Melbourne settlement by setting up an Aboriginal station at Narre Narre Warren (Presland 1994: 103; Wiencke 1984: 34). Thomas also tried to establish Aboriginal reserves at Mordialloc, Warrandyte and on the Acheron River (Wiencke 1984: 42 – 44). A school for Aboriginal children was established on the Merri Creek and ran from 1846 to 1851 (LaTrobe 1849 in Reynolds 1972: 157; Presland 1994: 100). This was built near the junction of the Merri Creek and Yarra River (Presland 1994: 100). The protectorate was disbanded in 1849.

In the 1860s the Coranderrk Mission Station was opened near Healesville (Australian Archives and the Public Record Office of Victoria 1993: 70). The Aboriginal people who lived and died at the station belonged to many Aboriginal nations in Victoria.

The Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc. today represents Aboriginal People in the Melbourne area.

### 3.3 Previous Aboriginal Archaeological Work

Archaeological survey and research in the vicinity of the study area has concentrated on the surviving areas of remnant vegetation and open space. Gary Presland undertook a survey of the Melbourne metropolitan area in 1983. This selectively surveyed a number of sites across the whole metropolitan area, and was the first systematic archaeological survey in the region. A survey of the Yarra River between Burke Road and Pound Bend Warrandyte (Witter and Upcher 1977) recorded 25 sites including 20 scarred trees, four artefact scatters and one axe grinding site.

A survey of the Merri Creek (Hall 1989) did not investigate the areas closest to the Yarra as this area was deemed of low sensitivity due to urban development and disturbance. However, Hall recorded a number of scarred trees and artefact scatters along the creek and noted that most artefacts belonged to the Small Tool Tradition which is dated to the last 5000 years. The most common raw material, comprising nearly three-quarters of the artefacts were made of the fine grained stone, silcrete.

Surveys of the Lower Darebin Creek (Weaver 1992) and the Plenty River (Weaver 1991) resulted in similar findings. The most recent archaeological investigation in the vicinity of the study area involved monitoring of works on the Yarra River in Kew and Heidelberg (Murphy 2000). In her report



Murphy proposes a site prediction model which can be adapted as follows to the Kew site.

- Scarred trees, may occur where suitable aged native trees survive, particularly in proximity to the river;
- Isolated artefacts, artefact scatters and sub-surface sites are likely to be located in proximity to permanent water sources;
- Aboriginal burials sites, earth mounds, hearths or ceremonial sites are unlikely to be identified; and
- Any sites located are likely to date to the last 5000 years.

One Aboriginal site has previously been recorded in the study area. This is the scarred tree AAV7822/3/019. The tree was originally recorded by D Casey and A. West of the National Museum Victoria, (also J. Holman) for the Aboriginal and Archaeological Relics Office, possibly in the 1970s. The tree was originally listed as located: '...in grounds of Kew Mental Hospital in paddock between "farmhouse" (Dr. G. Goding) & Princess Street. Gate'. Comments suggest that the tree had been recently damaged by fire at the base and that Dr. Coding had a photograph taken before the fire. The tree at the time of its first recording was in 'vigorous' health and a photograph shows it as a well developed mature tree. There is no indication that a permit was issued for the disturbance or removal of the tree by the Aboriginal community.

The grid reference is given as '059 388', then '258 150', but was later altered to 'e326350 n5813700 approximately,' 'Mr. Melways Map 45 B3' is also given as a reference. The first appears to be latitude and longitude or an obsolete mapping grid system. The second would place it on the western side of Willsmere, about the end of the new Stevens Close, the third, which must be in error, places it 100 metres north of Kew Junction. The Melway reference is the only one that could match the current position, although this is only accurate to within about 400 metres. Not surprisingly the site card also notes that an attempt was made to relocate the tree on 24.1.1989 but was not successful.

It is not known when the tree was cut down and moved, but it is reported to have been in its present location since at least 1984.

## 3.4 Post-Contact History

### 3.4.1 Early settlement

Freshwater, upstream of the Yarra River falls at Queen Street, was one of the reasons Melbourne was chosen as a site for settlement. As occupation expanded, it naturally followed the river valley. Charles Grimes had rowed up the river to Dights Falls in 1803 and 32 years later Edward Tice Gellibrand explored the river up to Arthur's Creek. When Robert Hoddle surveyed the Yarra Valley in 1837 he noted the tracks and campsites of Aboriginal people although none were seen.

Thomas Glass was one of the first permanent settlers in the area. He established a homestead and squatting run in 1839 centred on what is now Kew Golf Course where 'Glass Creek' commemorates his name. By the 1840s a bullock track passed through Kew on the way to the Yarra Valley. John Hodgson took a squatting licence over Studley Park in 1840.

Hoddle surveyed the Parish of Boroondara in 1844 creating 150 portions of 10 to 200 acres and using the existing bullock tracks to orientate the main roads (Rogers 1973). A large area of land in the north of the parish on the banks of the Yarra was reserved initially for a village reserve, but later changed to a reserve for a mental asylum in 1856.

### 3.4.2 Beginnings of mental health care in Victoria

The history of the establishment of the Lunatic Asylum at Kew has been well documented by Miles Lewis. The particular story of Kew Cottages has also been documented in a published history of the site *Payment by Results* by Arthur Lloyd (1987). Much of the following section has been obtained from these two works.

The predecessors for Kew were a range of private and government facilities of dubious standards. They included a wooden lunacy ward attached to the Collins Street West gaol, temporary accommodation at Yarra Bend for two hundred inmates, the use of the Royal Park Powder Magazine, and farming out patients to J T Harcourt's private asylum in Richmond, as well as the conversion of the Collingwood Stockade into an asylum in 1866. (Lewis: 49).

In 1846 a commencement was made on a Lunatic Asylum at Yarra Bend at the junction of the Yarra River and Merri Creek. This site subsequently became Fairlea Women's Prison, and a monument constructed from part of the original asylum wall is located just off Yarra Bend Park Drive. The Yarra Bend

Asylum opened in October 1848 and was enlarged over time, particularly during the gold rushes, but it was regarded as archaic and obsolete soon after opening.

Dr. William McRae, the Colonial surgeon from 1853, disapproved of Yarra Bend because of its poor location and inadequate facilities, and recommended a more salubrious site be chosen for a new asylum. His views on the humane treatment of the insane reflect the then current British ideas that had been developed in Hanwell and Colney Hatch (Lewis 43-4). A site was chosen on the opposite side of the river in Kew where a large area had been set aside as a special purposes reserve.

Construction began in 1856, but the Legislative Assembly refused further funds and caused the project to be abandoned, possibly because of the influence of Dr. Bowie, the superintendent of the Yarra Bend Asylum. Another Board was established to look into Yarra Bend and a select committee of the Legislative Assembly formed in 1858 to consider the matter. The Committee highly commended one aspect of Yarra Bend, which was the use of cottages rather than barrack type wards. A number had been built at Yarra Bend by 1861.

Dr. Bowie in giving evidence before the Haines Committee spoke in favour of a cottage system which was an idea which had recently emanated from the work of Pierre Esquirol and Edoude Sequin in Europe (Lloyd 1987: 4). The committee itself concluded in favour of a compromise in which a single barracks style building was surrounded by dispersed groups of cottages. This debate can be seen in the context of the gradual but monumental changes in attitudes to the psychiatrically and mentally ill in the middle of the nineteenth century.

At the beginning of the century the insane were grouped with a large range of social 'deviants' including vagrants, paupers, the physically disabled and petty criminals. By the mid century the insane were generally housed in special institutions set apart from the community and their condition recognised as a medical one that could be treated, if not cured by the application of scientific medicine (Allom Lovell & Assocs 1994: 6)

### **3.4.3 Kew Mental Asylum**

The pressure to increase accommodation led to the revival of the Kew site on the original barracks plan, and the construction of cottages in the grounds of Victorian asylums did not commence until the 1880s. The original scheme continued thanks in part to the influence of architect G.W. Vivian and Frederick Kawerau who argued that considerable work had already been expended (Lewis 73-5).

The development of the new asylum at Kew was further delayed, in part by the increasing objections from the Kew Borough council, but by 1871 the first building was completed and the Metropolitan Lunatic Asylum was opened in the following year to take inmates progressively from Yarra Bend and elsewhere in Melbourne. Yarra Bend, however, continued to operate for many years, and was not demolished until 1926 (Lloyd 1987:3-4).

In 1872 the new Victorian Education Act was passed making schooling for Victorian children free, compulsory and secular without any distinction accorded to the mentally handicapped. The Government also adopted the New South Wales scheme of *payment by results*, which in effect meant that the children at Kew Mental Asylum were neglected and ignored.

### 3.4.4 The Cottages

The inadequacy of the barracks buildings was recognised from the start and were an obsolescent concept even at the time of building and about 1880 pressure began to change to the previously discussed but abandoned cottage system. Dr. F N Manning of New South Wales published a critical report at this time. It included the Cottage Form as one of the English systems then being considered. An Royal Commission, headed by the Minister for Public Instruction Pearson, in 1876, into Kew Asylum, recommended small dormitories replace the large ones at Kew and that in all asylums in the colony the barrack system of construction be abandoned and replaced by the cottage system (Lewis 1990).

It also resulted in the removal of the legislative requirement for the compulsion of mentally retarded children to attend normal schools opening the options for introducing special schools. Another suggestion, not fully implemented until 1905, was the abolishment of payment by results (Lloyd 1987: 4).

The Kew Cottages for children were added to the Asylum grounds and opened on 19<sup>th</sup> May 1887, initially with three cottages intended to provide special training and accommodation for children who were mentally handicapped. Two of the three were allocated for boys and one for girls. This was perhaps the first instance where the cottage system was fully executed in Victoria. It is possible that the particular needs of children, or the greater sympathy they received from the medical bureaucracy led to this more responsive form of institution.

There were to be 20 'idiot' children in each. (Lloyd 1987). This has been described as the first Government initiative to attempt something specifically for the welfare of its mentally handicapped children. Each of the cottages was equipped with a kitchen – and the Lunacy Department provided a school for the children. The medical profession was by now distinguishing between the

mentally ill, who should be treated by medication, and the mentally retarded, who were in need of training (Lloyd 1987:5).

The cottages were adjacent to the Kew Mental Asylum and remained under the control of the Medical Superintendent of Kew, initially J. V. McCreery. Spacious grounds were provided for walking, exercise and gymnastics and tents and yards were provided to provide access to light and air, then considered therapeutic.

The grounds of Kew Lunatic Asylum and Kew Cottages were landscaped in the tradition of the English country park. Baron Ferdinand Von Mueller, keeper of the Botanic Gardens, is credited with supplying many of the first trees and plants used on the site. Hugh Linaker, head gardener at Mont Park was appointed Superintendent of Parks and Gardens for Victoria in 1932. He had been responsible prior to this, for the design and maintenance of the grounds of all mental hospitals in the state, and is also credited with the design of the approaches to the Shrine of Remembrance, the Yarra Boulevard beautification scheme and the Yarra Bend National Park.

It is therefore probably that the landscape of Kew Cottages is a result of the initial efforts of von Mueller and the un-named gardeners of Kew, and the ongoing work of Linaker in the bigger picture of the Kew and Yarra Bend developments (O'Neil & Taylor 1995: 22).

The Psychological Section of the 1889 Medical Congress which was held in Melbourne, inspected the Cottages and spoke highly of the work being attempted. The members described the Cottages as a remarkable advance on any work previously attempted in Australia, and one of the best of its kind in the world.

As originally laid out, the site incorporated a central courtyard, flanked by verandahed dormitories with a series of connecting covered walkways. The courtyard space featured gardens, walkways, playground and amenities building. In 1891 two new cottages were added but over-crowding became an on-going issue as more and more parents, despairing of being able to handle their 'problem' children brought them to Kew, often on the unequivocal instructions of their doctors – "send them to Kew and forget them" (Lloyd 1987: 6-11).

By 1906 the Cottages had a staff of 45 nurses to care for 315 children and the facilities were straining. An almost continuing political fight had begun where the Superintendent and other advocates for the disabled campaigned to have the often appalling conditions improved though requests for better staffing and improved buildings, while successive Governments neglected both Kew Cottages, and other mental institutes around the country.

Some periods of improvement were connected to the special efforts of uniquely compassionate and effective individuals such as the Inspector-General of the Asylums Dr. W. E. Jones, or in the remarkable Dr E Cunningham Dax who presided over some of the most thorough transformations from 1952 as the first chairman of the then new Mental Hygiene Authority (Lloyd 1987: 19).

Kew Cottages operated as a separate institution only from 1956 when control was transferred from Kew Mental Hospital (Lloyd 1987: 29). Its role in accommodating intellectually and physically disabled children expanded to cover children in social disadvantage. This role further changed as residents grew up and continued to live in the cottages as adults. Many ended up spending their entire lives in the institution with several living there into their 70s and 80s.

### 3.4.5 Public Assistance

The Kew Cottages Parents Association was formed in 1957 to provide a means for parents to assist in the care of residents at Kew Cottages and to lobby for their interests. It has played an important role in the campaigns for better quality services for disabled people in Victoria. This was the first such organisation in any Australian institution for people with intellectual disabilities.

Substantial improvements also came to Kew Cottages as a result of public appeals. In 1953 Cunningham Dax was able to mobilise public opinion and get the support of community organisations such as the Country Women's Association, the Red Cross, Melbourne Rotary Club, the Mental Health Federation and the Lions Club. The Lions Club and the Master Painters Decorators and Signwriters Association arranged for a hundred men to descend on the cottages in August 1953 to thoroughly paint them. The Public Works Department supplied 450 gallons of paint.

Bill Tipping, a columnist with the *Herald*, and known as one of Melbourne's best journalists took up the plight of parents of a mentally disabled boy who were unable to cope with his behaviour but were afraid to take him for help in fear of what might happen to him at Kew. This resulted in a series of articles exposing the dilemma of parents and the struggles of the staff at Kew to provide the solutions under extremely difficult and sometimes appalling conditions.

The Tipping Appeal was launched on 9<sup>th</sup> April 1953 by the Premier John Cain Senior and with the support of Radio 3DB, it raised £47,798 which was matched dollar for dollar by the Government. The Geiger Playhouse was constructed in 1960 with the aid of an employee of the firms Messrs Hicks, Atkinson, for whom it was named. Further improvements in accommodation came in the late 1950s and '60s including four new wards in 1958, units 13/14 and the first of the H-shaped 'Dax' wards in 1963. Residential Units 4 and 5 were built in 1974

to replace the old Camp Pell corrugated iron wards 14a and 16a (Lloyd 1987: 30-34).

In 1959 a Paediatric Unit was established to provide hospital facilities, treatment and a research centre. In 1969 W P O'Shea Research Unit was presented by Frank O'Shea for psycho-therapeutic activities.

Again in 1975, a public appeal was necessary to improve the conditions at the cottages, which had deteriorated following the resignation of Dax. The Age newspaper's Insight team Ben Hills and John Larkin focussed public attention on the Cottages revealing the imminent collapse of the State's Welfare program and huge waiting lists for disability care. The Age promoted the Minus Children's Appeal raised \$283,000, again matched by the Government and led to the construction of four new facilities at Kew:

- the Age/Geiger Building incorporating the earlier Geiger playhouse;
- the Perkin Building for art named after Graham Perkin, editor of the Age;
- the Hamer Building, named for the Premier; and
- the Smorgan Building in recognition of the work of the Voluntary Organiser Val Smorgan.

All four buildings were erected within a year with architects being Peddle, Thorp and De Preu and builders Jennings Industries Ltd.(Lloyd 1987: 35-42).

Restructuring of the Kew services was undertaken over an extended period in the 1970s and 80s in conjunction with a prevailing attitude that congregate facilities were inappropriate and that services should foster development and be individualised. However, insufficient resources still plagued both styles of services.

On 8 April 1996 a fire started in Kew Cottages residential unit 31 in which nine men died. The 1997 Coronial Inquest into the nine deaths found that the State of Victoria had contributed to their deaths. The DHS has since completed an extensive fire safety upgrade and a Fire Risk Management Strategy.

### **3.5 Previous Historical investigations**

Historical investigations in the area of Kew Cottages are confined to the work associated with the Willsmere redevelopment. There has been no specific archaeological survey of the Kew Cottages site before. However, the same archaeological surveys that identified Aboriginal cultural resources in the area, also addressed historical archaeology. No historical archaeological sites have been identified within 3 kilometres of Kew Cottages. Several historical archaeological sites were recorded as part of Hall's survey of Merri

Creek Parklands (Hall 1989), they include remains of quarrying along Merri Creek (H7822-0136, 0137, 0138, 0139) and landscaping associated with Yarra Bend Park (H7822-0143, 0144). These sites do not assist in predicting possible historical archaeological sites at Kew Cottages as they are associated with specific urban land uses. The former Fairlea Women's Prison (on the site of the Yarra Bend Asylum) is also included on the Victorian Heritage Register. The registration covers the gateway and dispensary buildings. However, the gateway appears to have been demolished, and partly reconstructed to create a monument on the opposite site of Yarra Bend Park Road.

An in-depth heritage study was undertaken of Willsmere Hospital at the time of its closure and redevelopment by Miles Lewis. This records the significance of Willsmere, but only refers indirectly to the establishment and development of Kew Cottages. It does recognise the importance of the adjoining landscape and the perimeter wall of Willsmere as significant features. The History of Kew Cottages was written as a centenary project by Arthur Lloyd in 1987.

The Kew Urban Conservation Study (Allom Lovell & Assocs. 1990) refers in passing to the development of Kew Cottages, but does not assess the site. Kew Cottages is not included in the heritage overlay of the City of Boroondara Planning Scheme, although it is identified in the scheme through zoning controls (Graeme Butler, Boroondara Heritage Adviser pers. com.; Edwin Ervine, City of Boroondara Strategic Planning pers. com.).

Willsmere is included on the Register of the National Estate (reg no. 005684) as "Kew Mental Hospital". It is also included on the Victorian Heritage Register (H861) and the National Trust Register (B1278).

However, these registrations do not extend to Kew Cottages or its grounds



## 4.0 SURVEY METHODS

The archaeological and heritage survey was conducted on 7 the August 2001, by the consultant and a representative of the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc., Tony Garvey. The site was walked over, with notes taken of ground conditions, visibility, vegetation, and any structures noted. Aboriginal and historical survey was done at the same time, so that the character, style and construction of the buildings was also noted. The areas of useful ground visibility from an Aboriginal archaeological point of view are indicated in the following table.

Survey unit	Notes	dimen- sions (L x W)	Visibility (%)	sites(s)/ isolated finds
South west corner	Patches of wallaby grass under exotic tree canopy, landscaped parkland	100 x 50 metres	30-50%	0
South of playing field	Bare ground, lichen covered, under planted Eucalypts	200 x 50 m	20-50%	0
North east corner	Altered ground surface near remnant red gums	300 x 100 m	0-20%	0
Eastern boundary	Denuded exotic grasses under remnant red gums	200 x 50 m	20-50%	0

Table 1: Survey Coverage.

The assessment of buildings was by necessity a preliminary one. Buildings were only examined and photographed from the outside. Information of construction details could only be obtained from visual inspection and was limited by time constraints. The survey revealed a range of building forms ranging in date from the late nineteenth century to very recent structures. Francine Gilfedder provided expert advice on the significance of the exotic trees and landscape.

## 5.0 SURVEY RESULTS

### 5.1 Aboriginal sites

Only one Aboriginal archaeological site was identified during the survey. This was possibly the previously recorded scarred tree AAV 7822-3-19, which Liz Kilpatrick of VAS tried unsuccessfully to relocate in 1989. The AAV site card does not appear to identify this tree in the current position but includes several grid references that may relate to its original location. This would most likely have been on the western most part of the Kew site, possibly on the rise of ground beyond Willsmere at the grid reference 258 150. The site card identifies the location in the Grounds of Kew Mental Hospital. The current location is in the garden west of the administration building (see Figure 2). A three metre high section of the tree trunk has been erected on a concrete foundation and a small rotunda erected over it to protect it from the weather.

The main scar (identified as a canoe scar) measures 1.9 m long and 38cm wide. The base of the scar has been lost when the trunk was cut out, however, the original recording of the live tree indicated the scar commenced 6 inches (150 cm) from the ground. On the opposite side is a smaller scar measuring 40 cm long and 15 cm wide. Both scars show overgrowth of about 15-20centimetres. A brass plaque bearing the following inscription has been attached to the tree.

*This River Red Gum grew in the grounds of the Children's Cottages and the bark canoe was probably cut by members of the Kurnadje-berring clan of the Wurundjeri tribe who inhabited the area. The canoe would have been used for crossing the Yarra River, propelled by a long pole. On the other side of the tree the cut out bark was possibly used to make a food carrying vessel.*

There are also a number of nails hammered into the tree at various points, of unknown origin, but possibly related to other things having been attached to it.

<i>AAV Site Number</i>	<i>Site Type</i>	<i>Location</i>	<i>significance</i>
7822-3-0019	Scarred tree	West of admin building	high – the tree is dead and out of context, but it is also one of the most substantial scarred trees in the inner Melbourne area

Table 2: Aboriginal archaeological sites recorded during the survey of the study area.

### 5.1.1 Aboriginal Archaeological Sites – Assessment of Significance

An assessment of archaeological site significance involves a range of heritage criteria and values. The heritage values of a site or place are broadly defined as the 'aesthetic, historic, scientific or social values for past, present or future generations' (Marquis-Kyle and Walker 1992: 21). This means a place can have different levels of heritage value and significance to different groups of people.

Archaeological sites can tell us about past lifestyles and people. They are most commonly assessed in terms of historical and scientific values. There is an accepted procedure for determining the level of significance of an archaeological site. The following discussion summarises these procedures. Please see Appendix 4 for a comprehensive discussion of the significance assessment procedures.

### 5.1.2 Scientific Significance Assessment

The scientific values of Aboriginal archaeological sites are assessed using three main criteria: site contents (cultural material, organic remains and site structure), site condition (degree of disturbance of a site), and representativeness (the regional distribution of a particular site type). The site-contents criterion is not applicable when the site is a scarred tree.

Each site is given a score (or rating) on the basis of these criteria - the overall scientific significance is determined by the cumulative score. This scoring procedure has been applied to Aboriginal sites recorded during this survey. The results are in Table below.

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

Table 3: Scientific significance assessment for Aboriginal archaeological sites located during the survey.

### 5.1.3 Aboriginal Cultural Significance

Aboriginal sites and areas of land under the custodianship of a local Aboriginal community usually have a special significance for Aboriginal people.

All pre-contact (pre-European settlement) sites in the study area are considered to have cultural significance to the Wurundjeri. The sites are evidence of past Aboriginal occupation and use of the area, and are a 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.

Recorded (and unrecorded) pre-contact sites also have cultural significance because they are rare or, at least, uncommon site-types. In particular, many sites in the greater Melbourne area have been destroyed by land clearance and land-use practices in the historic period.

Specific details about cultural significance should be dealt on a case-by-case basis with the Aboriginal community. Tony Garvey, representing the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc. indicated during the survey that the Aboriginal community would regard this tree as having very high cultural significance because of the very rare occurrence of such trees in the Metropolitan area.

While not officially defined as archaeological sites or relics, the several large red gums also have cultural significance to Aboriginal people as evidence of the pre-European landscape of the Melbourne region. Such trees may have had special social, cultural or spiritual significance to Aborigines in the past and are generally regarded as part of Aboriginal people's cultural traditions.

#### **5.1.4 Areas of archaeological potential**

Three areas of Aboriginal archaeological potential were identified during the survey.

One is located in the south west corner of the property where an under-story of indigenous grass survives in an otherwise altered landscape of exotic trees. This is the closest part of the study area to the Yarra River and has a commanding view to the west. Such locations have been shown in less disturbed contexts to be sensitive for Aboriginal archaeological sites, which would relate to camping and food preparation. This location would have a low to moderate potential for the occurrence of stone artefact scatters, isolated artefacts and/or hearths.

The second area of Aboriginal archaeological potential is located among mature red gum trees on the east of the site. While further from the river, and without the prominent position, this area of relatively undisturbed ground may have a low potential for isolated artefact occurrences.

Another area on the north west corner of the site where the largest of the remaining red gum stands has been extensively modified. This appears to be a former creek gully that has been filled and turned into an underground drain. However, there is still potential for undisturbed soil profiles to survive, particularly close to the red gum. Creeks are also identified as sensitive areas in

site prediction models.

These areas would require further investigation or archaeological monitoring in the event of their disturbance and prior to any development, in order to determine if archaeological relics or sites are preserved. The areas of archaeological potential are shown in Figure 2.

### 5.1.5 Statutory Regulations

The following discussion is a summary of legislation that applies to Aboriginal sites. The statutory regulations that affect the heritage places identified and recorded during this survey are detailed in Appendix 5. Please consult this appendix for a comprehensive discussion about relevant regulations.

#### 5.1.5.1 Victorian Aboriginal Cultural Heritage Legislation

With the exception of human remains interred after 1834, the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972* provides protection for all material relating to the past Aboriginal occupation of Australia. This includes individual artefacts, scatters of stone artefacts, rock art sites, ancient camp sites, human burials, scarred trees, 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*.

#### 5.1.5.2 Commonwealth Aboriginal Cultural Heritage Legislation

The Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* provides protection for Aboriginal cultural property in Victoria. The Commonwealth has delegated specific powers and responsibilities to the Victorian Minister responsible for Aboriginal affairs. The legislation is administered 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 broader sense. This 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 older sites.

The Commonwealth act takes precedence over State cultural heritage legislation if there is conflict. In most cases, Aboriginal archaeological sites

registered under the State act will also be Aboriginal places subject to the Commonwealth act.

The schedule to the Commonwealth act lists local Victorian Aboriginal communities and 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', and general enquires relating to Aboriginal archaeological sites should be made to the Site Registrar at the Heritage Services Branch, at this address:

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

Ph: (03) 9637 8000  
Fax: (03) 9616 2954

## 5.2 Historic Sites

The *Heritage Act 1995* protects all non-Aboriginal archaeological sites in Victoria older than 50 years and historic places nominated to the Victorian Heritage Register. A wide range of archaeological and historical site types are protected by this Act, including below-ground features (such as building foundations, wells and artefacts) and above-ground features (such as the standing remains of buildings, machinery, fence posts and exotic vegetation). These may be single sites or complexes made up several related parts. The survey methodology aims to locate archaeological features in the study area.

No historical archaeological sites were identified during the survey. It is likely that a number of former buildings at Kew Cottages have been demolished and left evidence in the form of buried foundations, demolition rubble or

occupation debris. However, the sites of former buildings have been heavily modified by later works and landscaping so that there is little evidence of their presence visible today. One of the most recent building demolitions, Unit 1 at the east end of the Main Drive, has left demolition rubble. However, this does not suggest the survival of material of archaeological value.

Several historic buildings survive on the site. A central group of buildings appear to be located in proximity to the original historic core. Unit 9 and the Parent's Retreat/Chapel appear to be remnants of the 1887 layout, while 10, 11, the STAD and House/Hostel are on the sites of, if not reconstructions of original cottages.

The landscape of Kew Cottages as demonstrated by the pattern of streets, historic land uses, and the extensive stands of mature exotic trees, is a significant element of the site's cultural heritage. The historic buildings and landscape features are summarised in Table 5. They are also described in the following section and their location is indicated on Figure 3.

A survey of the exotic trees and historic landscape elements was carried out by Francine Gilfedder on 6 September. This resulted in an extensive list of species reflecting mostly nineteenth century plantings which relate to the establishment of both Willsmere and Kew Cottagers (see Appendix 4.5). It also showed that there was not much that could be related directly to the Hugh Linacre period (c1930s).

<b>Site name/ building number</b>	<b>Description</b>
Unit 9	1880s brick building with complex floor plan, central corridor slate roof, bluestone foundations, window and door sills, segmental brick arches to openings, iron verandahs, brickwork painted over.
Unit 10	1920s brick building with hipped terracotta tiled roof and modern verandahs
Unit 11	1920s brick building with hipped terracotta tiled roof and modern verandahs
House/Hostel	1920s brick building on "U" plan with hipped terracotta tiled roof and modern reproduction verandahs- re-roofed in steel decking
Parents Retreat/Chapel	1880s brick building with weatherboard room as extension on south end, unusual chimney pattern, "I" plan, bluestone foundations, window and door sills, segmental brick arches to openings, timber verandahs, re-roofed in steel decking, brick work originally tuck-pointed, now painted over.
STAD	c1910 red brick building on with gabled terracotta tiled roof and modern verandahs, rendered window surrounds
South west garden plantation	Dense planting of conifers, including Norfolk Island Pine, Spruce, Cypress, Algerian Oak, Canary Island Palm, possible Bishop Pine, and others, also concrete c1930 fluted lamp standards.
Main Drive	double avenue of grafted Algerian Oaks, other trees interspersed randomly including Morton Bay Fig, pines and Elm, concrete c1930 fluted lamp standards.
Lower Drive	Algerian Oak double avenue, some gaps, other trees interspersed elms, pines and other oaks.
Other Trees/landscape	Large oaks and conifers around central core – especially gardens west of Unit 10 and north of House/Hostel
Sculpture	Large sculpture of decorated and glazed ceramic tiles mounted to wire mesh frame. Made by residents and inscribed with their names.
Long term residents memorial	Plaque in recently established circular garden been, planted with sensory plants, dedicated to residents who have spent most of their lives at Kew
1996 fire memorial	Engraved pink granite monument on north west of circular landscaped garden recording names of the 9 men who died in the 1996 fire in Unit 32
Site of unit 31	The site of Unit 31 where the fatal fire occurred is now an empty area to the east of Unit 28 behind the recently established Sensory Garden.
Perkin Art Centre	Architect designed semi-circular reinforced concrete building with encircling steel framed verandah.
Old Gym	Steel and timber framed hall with high glazing, low pitched roof extending to verandah supported on steel posts

Table 4: Historic sites recorded during the survey of the study area.



## 5.2.1 Historic sites – Assessment of Cultural Significance

### 5.2.1.1 Heritage listings

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 assessing cultural heritage significance. Applying these criteria will determine if a heritage place should be considered for addition to the Victorian Heritage Register.

On the basis of these criteria, heritage places are generally given a significance ranking of State, Local, (sometimes regional) or none. Historical archaeological sites, as with other heritage places, can be considered for addition to the Victorian Heritage Register if they have State significance. However, *all* historical archaeological sites are included on the Victorian Heritage Inventory and are given statutory protection, irrespective of their level of significance.

There is no current listings with Heritage Victoria or the Australian Heritage Commission. However, the adjacent Willsmere hospital site is included in the heritage overlay Boroondara Planning Scheme, Register of the National Estate (005684), Victorian Heritage Register (H861) and National Trust Register (B1278). The Heritage Victoria listing includes landscaped grounds of Willsmere and the brick wall along Boundary Road. The National Trust Willsmere classification also covers the landscape and wall, as well as several individual historic trees.

While this will not have a direct impact on the development of the Kew Cottages site, there may be potential impacts from future development on the significance of the Willsmere site such as overshadowing or unsympathetic adjoining structures, building adjacent to the Boundary Road wall etc. such impacts should be considered in the planning for the development of Kew Cottages.

Only a preliminary assessment of significance of the surviving historic buildings has been possible within the scope of this study. More detailed architectural research would be required to determine the individual significance of each structure. Similarly the assessment of the trees and landscape is necessarily preliminary. Specialist horticultural expertise and the input of a garden historian is required to address this issue.

### 5.2.1.2 Social significance

One of the criteria used for assessing significance is the importance of a place in demonstrating social or cultural associations (Heritage Victoria Significance Criterion G – see Appendix 4). The parents association has a strongly held view about the social significance of both Kew Cottages as a whole, and the site of the 1996 fire. While some of the issues relate to personal tragedy, there is also the sense that Kew has played a unique role in society for over 100 years. This role has been both in the care of one of the most vulnerable groups in society, and as a focus for public attitudes to the treatment of people with disabilities. It was under Cunningham Dax's influence, that terms such as *idiot*, *lunatic*, *congenital mental defective*, etc. ceased to be acceptable in describing intellectually and mentally disable people.

### 5.2.1.3 Landscape

John Hawker at Heritage Victoria (pers com 8/9/01) has indicated that he believes the avenue of Algerian Oaks and some other individual trees (including the Bishop Pine) are of considerable interest and warrant protection, either through a significant landscape overlay in the Planning Scheme, or inclusion of the Victorian Heritage Register.

The Oak lined driveways (Lower Drive and Main Drive) and other densely planted areas, are also form a significant cultural landscape as they demonstrate the character or the design philosophy for the grounds of mental health institutes in the nineteenth century. The driveways were intended to provide a special entrance approach to the institute, possibly as a concession to the harsh conditions within the buildings. The avenues of Algerian Oaks (*Quercus canariensis* and possibly a few other species, ie. *Q. robur*) are unusual for the number of trees, and also that most of the oaks have been grafted about a metre above the ground. John Hawker (pers. com.) has said he no idea why this was done as its is easily grown from seed. There are also a few similar trees in Rosalind Park, Bendigo. Hawker believes the oak avenue is very important and should be protected.

There are also a few uncommon *Prunus ilicifolia*, which are also at Willsmere, Rosalind Park and Caulfield Park.

One particular tree (a Bishop Pine) is one of only three examples in the State. This is listed on the National Trust's significant tree register (File No:T11759). This tree (*Pinus muricata*) is similar to radiata pine but has a distinct needle form. The Kew specimen is located north of main drive and west of kiosk, and is 13.5 metres high with a canopy spread of 9.50 m. and a girth of 2.57m. It was estimated to be 80 years old when classified in 1988. The species is unusual in cultivation, while other known plantings occur at Creswick Botanic Gardens.

According to Francine Gilfedder, large collections of mature exotic trees, mostly planted in the nineteenth century, are very rare in Victoria. There are relatively few in large private gardens (the collection of trees, especially conifers, at Alton, Mt Macedon, is recognised as very rare) and even fewer in public reserves outside of botanic gardens. There are a number of National Trust properties with large gardens but they do not contain such an extensive range of exotic trees. Victoria has a number of provincial botanic gardens in addition to the Royal Melbourne Botanic Gardens but these are essentially collections of plants and designed features and built elements, rather than collections of mature exotic trees. The collection of trees at Daylesford (botanic gardens and water reserve) is possibly the only similar one but it is less extensive. There are no arboreta of mixed exotic trees that can be compared with the collection of trees at Kew Cottages.

In terms of the landscape design, much has been lost with the physical separation of ownership of the Cottages from Willsmere and the unsympathetic placement of buildings, car parks et al, in the development of the Cottages. However many striking landscape features remain eg. extensive use of avenues of oaks, etc.; use of contrasting foliage eg. groups of different species of Araucarias.

It would seem that the only comparable exotic landscape in Victoria is that at Willsmere, of which the Kew Cottages landscape is derived. This is of State significance but you would need to check with the NTA and Heritage Victoria. The historic landscape and collection of trees at Kew Cottages are, according to Francine Gilfedder, potentially of State significance.

#### 5.2.1.4 Component sites

Appendix 4 provides an assessment of significance for the site as a whole against the Heritage Victoria Criteria. This can at this stage only be regarded as a preliminary assessment as further historical research, architectural and horticultural assessment is required to refine the assessment. The individual components of the site contribute to its overall significance to a greater or lesser extent. Those components which can be identified as of primary or contributory importance have been identified below with a preliminary assessment of their individual significance.

<i>Site name/ building number</i>	<i>Contributory/ primary significance</i>	<i>Potential level of significance</i>
Unit 9	primary	Regional-state
Unit 10	contributory	local
Unit 11	contributory	local
House/Hostel	contributory	local
Parents Retreat/Chapel	primary	Regional-state
STAD	primary	Local-regional
South west garden plantation	primary	State
Main Drive	primary	State
Lower Drive	primary	Local-regional
Other Trees/landscape	primary	Local-regional
Sculpture	contributory	Local
Long term residents memorial	contributory	Local
1996 fire memorial	primary	Local
Site of unit 32	primary	Local
Perkin Art Centre	contributory	Possible architectural significance
Old Gym	Contributory	Possible architectural significance

Table 5: Preliminary Cultural Significance assessment of Historic Sites

**Note:** This is a preliminary assessment of significance and might change from a more in depth assessment, or as a result of the Boroondara City Council's or Heritage Victoria's own assessments following completion of a Conservation Plan. The places found of local and regional significance would warrant inclusion in the heritage overlay of the planning scheme and places of state significance could be included in the Victorian Heritage Register.

Details of statutory controls are contained in Appendix A4

## 5.2.2 Statutory Regulations

The following discussion is a summary of the legislation that applies to historical archaeological sites. For a comprehensive discussion about the statutory regulations that affect the heritage places identified and recorded during this survey please see Appendix 5.

The Victorian *Heritage Act 1995* details the statutory requirements for protecting historic buildings and gardens, historic places and objects, historical archaeological sites, and historic shipwrecks. The Act is administered by Heritage Victoria, Department of Infrastructure.

### 5.2.2.1 The Victorian Heritage Register

The Victorian Heritage Register was established under Section 18 of the Heritage Act 1995. Heritage places on the Heritage Register are assessed as having State-level cultural heritage significance.

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

Discussions with Patrick Miller at Heritage Victoria suggest that while Heritage Victoria may make an informal assessment of the 'potential' significance of Kew Cottages, it cannot make a statutory determination unless the site is formally nominated to the register. At this point the assessment process would begin and would take a minimum of three months. Patrick Miller also indicated that Heritage Victoria would take into account the findings of any heritage assessments of the site in its own assessment of the site.

### 5.2.2.2 The Heritage Inventory

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

A Consent is required for any works or activities, including excavation, associated with an archaeological site. As no historical archaeological sites have been identified there is at present no requirement for obtaining a Consent under Section 120. However, the potential for archaeological sites has been

identified and so this should be considered during any proposed works. The recommended Conservation Plan should address where potential historical archaeological sites may occur.

Inquiries regarding the Heritage Inventory and historical archaeological sites should be conducted with an archaeology officer at Heritage Victoria. The contact details are:

Heritage Victoria  
Level 22  
Nauru House  
80 Collins Street  
MELBOURNE VIC 3000

Ph: (03) 9655 6519

Fax: (03) 9655 9720

#### 5.2.2.3 Planning Scheme

Further heritage protection can be provided through the provisions of the Planning and Environment Act. This 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.

The City of Boroondara may include a place that it determines has special significance for its architectural, historic or cultural values, in a heritage overlay of the planning scheme. Edwin Ervine, Strategic Planner with the City of Boroondara, has indicated that the Council has an interest in the cultural values of the site, and would wish to see the local significance of the place dealt with through appropriate planning scheme protection.

The site has not been identified or assessed in detail within the Kew Heritage Study (Allom Lovell & Associates 1990), this appears to have been an oversight. Discussions with Council suggest that further assessment may be required by Council to determine appropriate future heritage planning for the site.

## **6.0 MANAGEMENT ISSUES AND RECOMMENDATIONS**

### **6.1 Introduction**

Cultural heritage places provide us with evidence of past human activity. Heritage places may be confined to a small area, or represented by a complex of features, including a cultural landscape. The nature of human activity is that the places used in the past are affected by the actions of the present, particularly urban expansion and agricultural processes. This means cultural heritage places are a diminishing resource.

Cultural heritage places are valuable, not only for the scientific records of the past they provide, but also for their social significance. Many Aboriginal places, for example, have a special significance to Aboriginal communities as places where traditional life has continued and places that may have sacred or symbolic significance.

Many heritage places may also be outstanding examples of artistic and creative achievement. Heritage places are valuable to Australians – and the rest of the world – as they not only provide a link with a culturally rich past, but they can contribute to recreational and community life.

Heritage places may also have economic potential (Pearson and Sullivan 1995: 15). These values should, where possible, be protected and handed on to future generations. We all have some degree of social, spiritual, ethical – and legal – obligation to see that this happens.

### **6.2 Aboriginal Sites**

#### **6.2.1 Potential Impacts**

While no new Aboriginal archaeological sites were identified, the presence of recorded sites in the vicinity, and the survival of relatively natural land surfaces, suggests a moderate potential for further archaeological sites to exist in the less disturbed parts of the study area.

##### **6.2.1.1 Archaeological Sites**

One Aboriginal site is located in the study area the re-located scarred tree. It is unclear at this stage what impact may be present for this site. It has already been

shifted once and will require long term conservation to protect it in the future

#### 6.2.1.2 Areas of Potential Archaeological Sensitivity

Three areas of archaeological potential have been identified. These may reveal further archaeological evidence through further investigation and/or monitoring. Any development in these areas would impact the sensitive areas, but mitigation may be possible through appropriate monitoring programs.

### 6.3 Historic Sites

#### 6.3.1 Potential Impacts

Any development of Kew Cottages will impact on the historic sites. This may not mean they would be damaged or demolished, but change in use, further building and new construction will alter the historic character of the site. This can be controlled through appropriate planning and conservation measures.

##### 6.3.1.1 Archaeological Sites

No non-Aboriginal archaeological sites were identified during the survey.

##### 6.3.1.2 Areas of Potential Archaeological Sensitivity

No areas of potential non-Aboriginal archaeological sensitivity were identified during the survey. However, it is known that other buildings and structures have existed on the site over extensive areas and other areas may have been used for activities which would create archaeological deposits, such as rubbish dumps, occupation debris, etc. these areas can be identified and assessed through an appropriate monitoring program

### 6.4 Management Recommendations

Considering the limited scope of this assessment, it is recommended that further heritage assessment be carried out of the Kew Cottages site. This should include the following

A Conservation Plan and Conservation Policy for the site should be prepared in accordance with the Burra Charter and Kerr's *The Conservation Plan* (1996) by a suitably qualified heritage practitioner, which addresses the condition, significance and conservation requirement of the buildings and landscape elements. This should specifically address the architectural significance of



the buildings including the central historic core, the Perkin Arts Centre and Old Gym, and any other architect designed buildings, and the cultural value of the historic trees and landscape. It should provide a policy framework for the ongoing conservation and management of these cultural heritage items in the context of the potential re-use and redevelopment of the site.

Note. Any reference above to other "architect designed buildings", is intentionally broad to indicate that the architectural assessment and further historical research is necessary as part of the conservation plan, to properly assess the significance of the site. I.E. significant building should not be limited only to those identified at this stage. The requirements under current legislation are described in Appendix 5.

Other recommendations can be made on the basis of the current information as follows.

1. The memorial to the 1996 fire, including the stone monument and the circular garden in front of the kiosk should be retained and conserved in consultation with the Kew Cottages Parents Association, residents and staff, (although not necessarily on its current location)
2. The scarred tree should be protected from disturbance, preferably in its current position, but if needed moved to a site agreed upon by the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc. and Aboriginal Affairs Victoria.
3. If the areas of Aboriginal archaeological sensitivity are to be disturbed, they should be monitored by a qualified archaeologist and representative of the Aboriginal community, prior to the commencement of any works. The monitoring should involve the inspection of the removal of the topsoil to a depth of 30 cm. Any Aboriginal artefacts identified in the process would require a permit to disturb from the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc. Such a permit may have conditions such as the artefacts being collected, analysed, conserved and relocated to a suitable place agreed by the Wurundjeri.
4. Appropriate Statutory protection may be put in place following completion of the Conservation Plan (eg inclusion in the heritage overlay of the City of Boroondara Planning Scheme). Opportunities for the preservation and conservation buildings should be considered in any future development where appropriate.
5. Similarly opportunities for the preservation of the avenues of trees and other exotic trees and landscape element should be explored in any redevelopment. The concrete lamp stands could also be retained in this context.

Appropriate Statutory protection may be put in place following completion of the Conservation Plan (eg inclusion in the significant landscape overlay of the City of Boroondara Planning Scheme)

6. The alignment or axis of the main road system including Main Drive, Lower Drive and Boundary Road should be retained in any future development of the site in order to conserve the relationships between original elements of the landscape.
7. Monitoring of future demolition and preliminary construction work including service trenches, roads and clearance should be carried out to determine if evidence of earlier buildings and structures survives. The area for potential historical archaeological evidence and therefore monitoring, needs to be further defined through additional research. This would be one of the aspects covered in a Conservation Plan for the site.

## 6.5 Report Lodgement

This report has been distributed to:

- Sinclair Knight Merz
- Heritage Services Branch, Aboriginal Affairs Victoria (two copies)
- Heritage Victoria (two copies)
- City of Boroondara
- Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc.
- Kulin Nations Cultural Heritage Organisation

## 6.6 Independent Review of Reports

Archaeological reports and the management recommendations contained therein will be independently reviewed by the Heritage Services Branch of Aboriginal Affairs Victoria, the relevant Aboriginal community and Heritage Victoria.

Although the findings of a consultant's report will be taken into consideration, recommendations in relation to managing a heritage place should not be taken to imply automatic approval of those actions by Aboriginal Affairs Victoria, the Aboriginal community or Heritage Victoria.

# 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

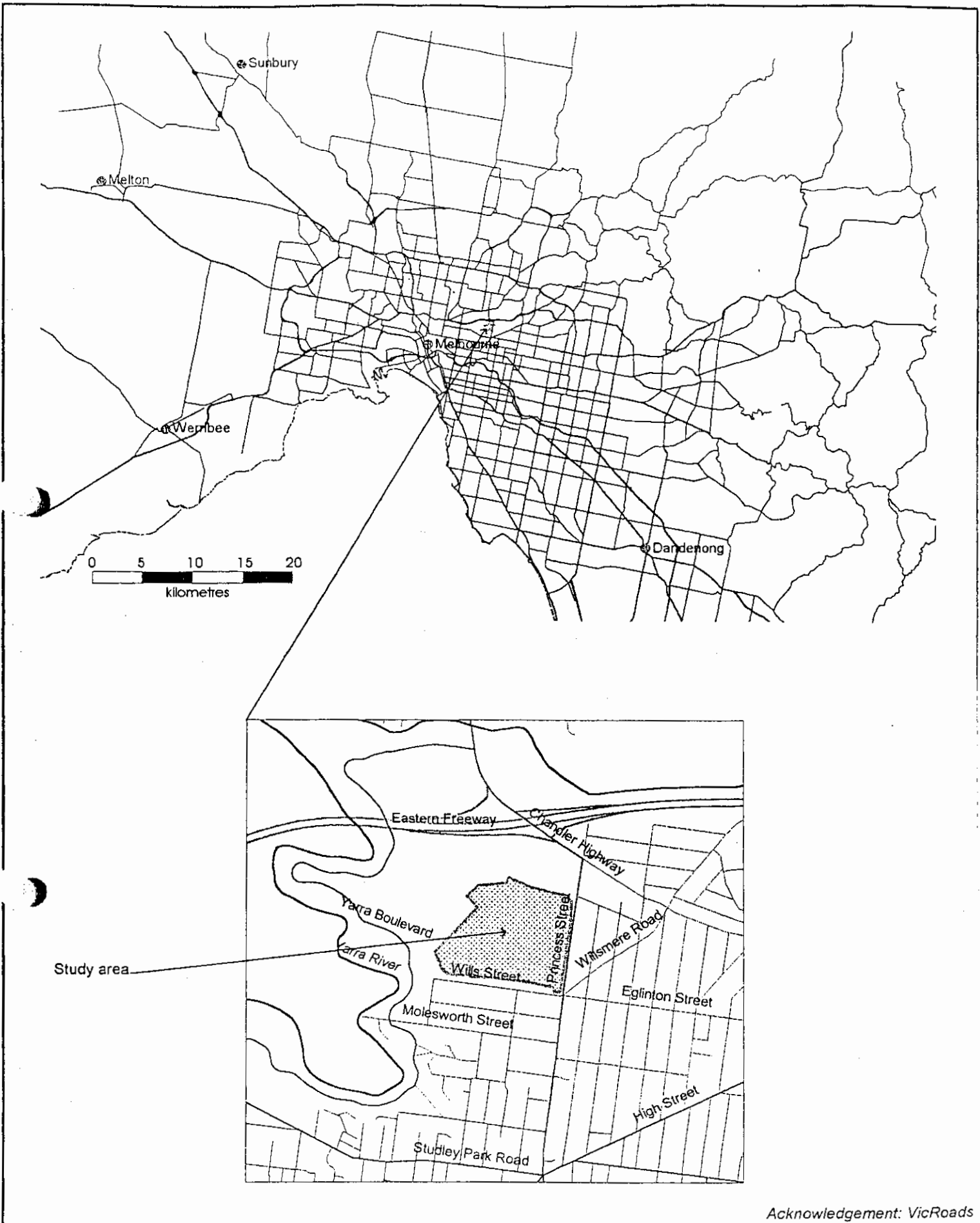
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Fax: +61 2 9928 2520

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# FIGURES



Acknowledgement: VicRoads



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Port Melbourne  
VICTORIA 3207

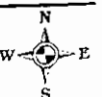
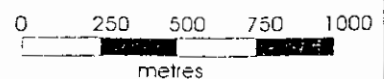
Figure 1: Location of the study area, Kew.

DATE: 12 September 2001

Checked by: GV File number: 2207

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

Scale:



BIOSIS  
RESEARCH

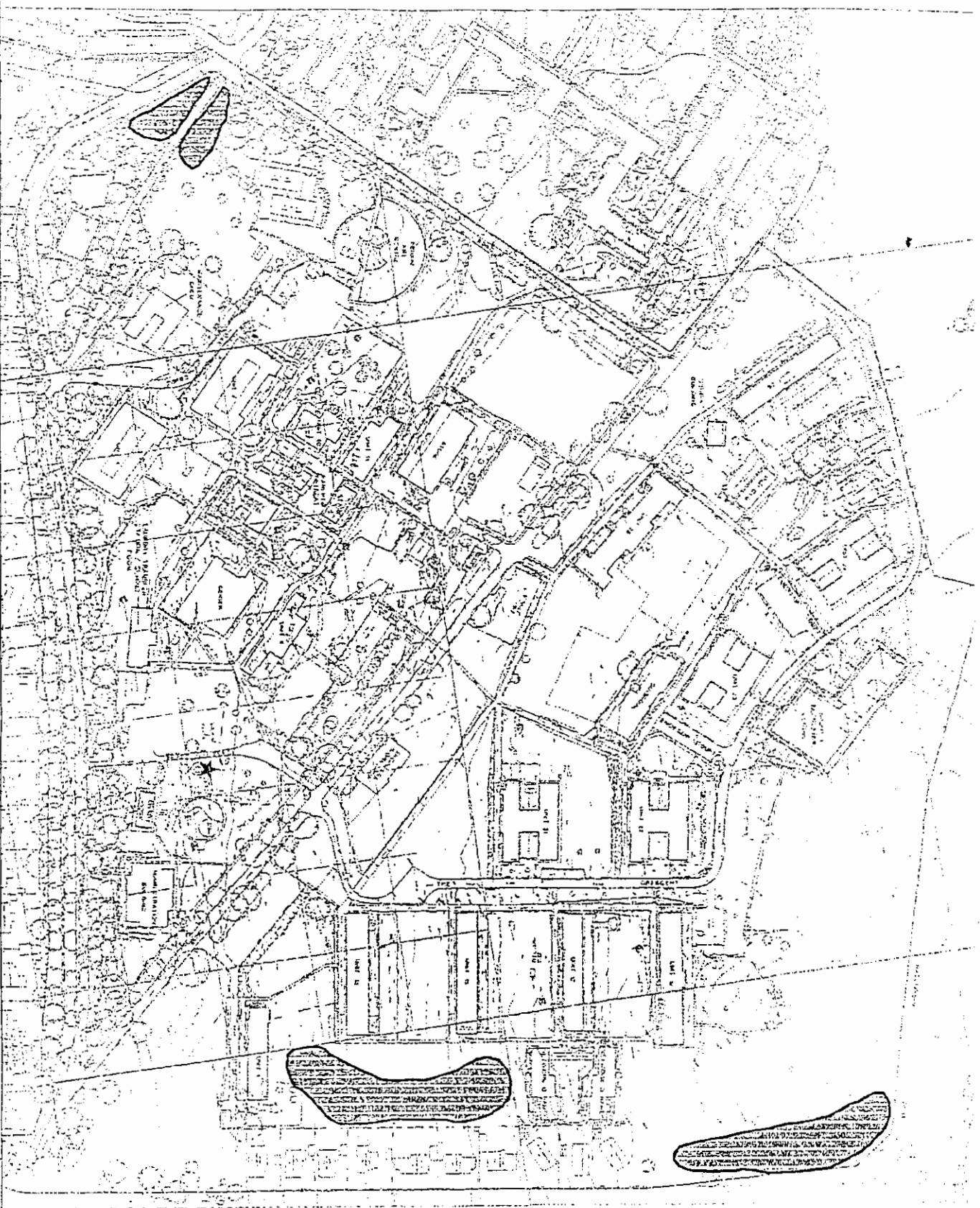


Figure 2: Aboriginal sites and areas of potential Aboriginal archaeological sensitivity, Kew Cottages.

Scale: 1:12 September 2001  
 Projected By: G.V.  
 Job number: 2207  
 Location: .../kewcottage/2207/24/area/2207/24/area



**Legend:**

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

UNIVERSITY OF MELBOURNE  
 FACULTY OF ARCHITECTURE  
 ARCHITECTURAL RESEARCH  
 REPORT

PROJECT: Kew Cottages  
 DATE: 12 September 2001  
 DRAWN BY: G.V.  
 SCALE: 1:12

Figure 2: Aboriginal sites & areas of Aboriginal archaeological sensitivity



# PLATES

Plate 1: The study area.



Plate 2: Scarred tree AAV7822-3-19

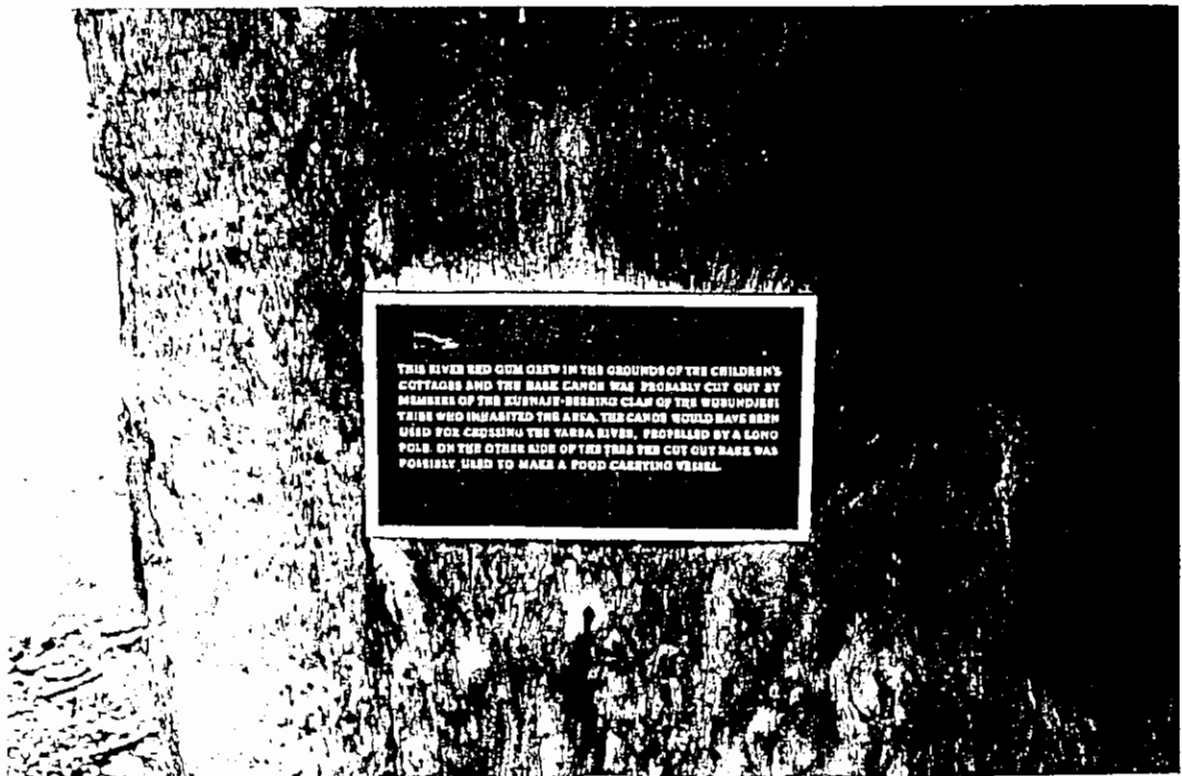


Plate 3: Unit 9 – one of c1889 original buildings



Plate 4: Chapel – one of c1889 original buildings

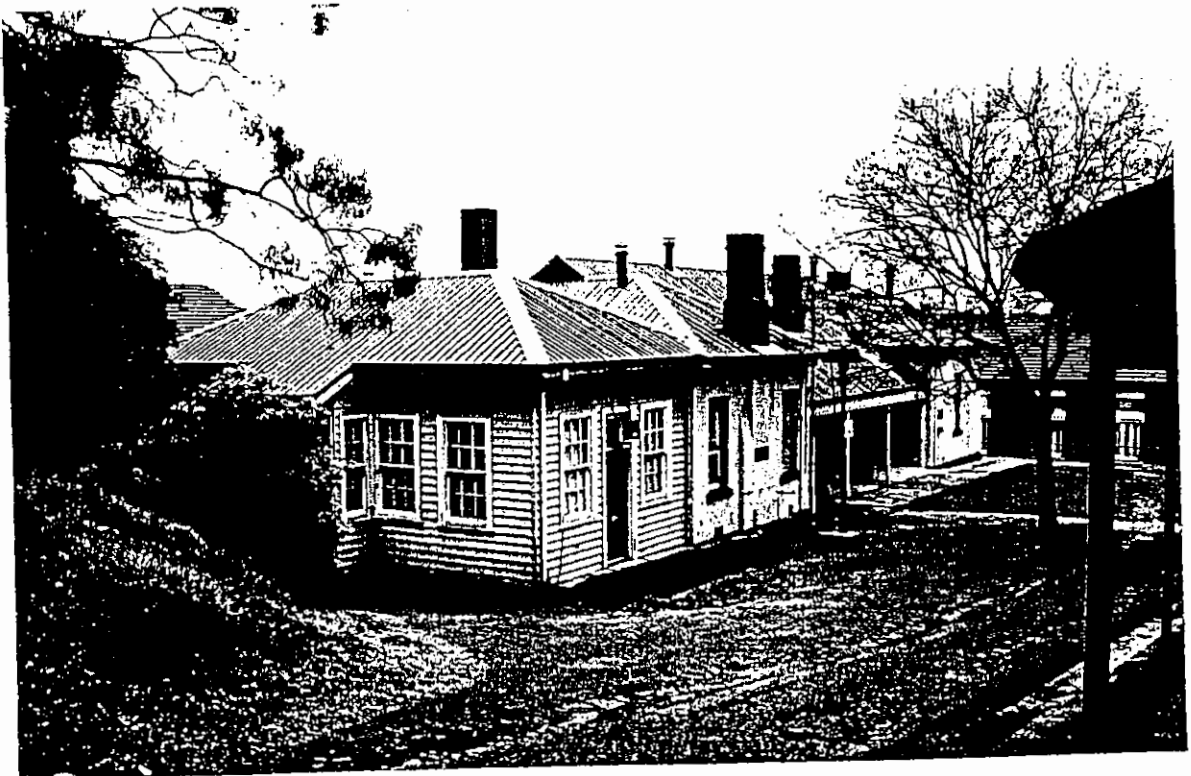




Plate 5: View of original building from the south (surviving Chapel in centre.)

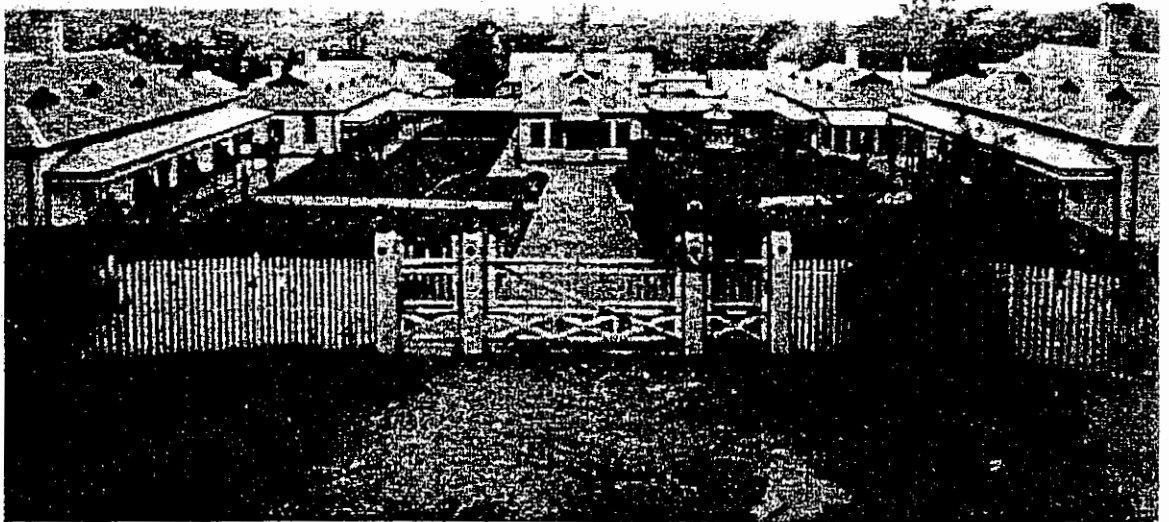


Plate 6: View of original cottage from playground (probably Unit 9) (photos from Lloyd 1987, *Payment by Results* p 7)



# APPENDICES

# Appendix 1

## A 1. PROJECT BRIEF

**KEW RESIDENTIAL SERVICES – MASTERPLAN / REVIEW**  
**PROPOSED METHODOLOGY AND EXPECTED OUTCOMES**  
*(18<sup>th</sup> 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)

*Personnel - Colin Harris - SKM, Marius Brits - Edaw*

*Operations  
+ maintenance  
+ safety 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 7<sup>th</sup>. 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*

IMPORTANT NOTE: Unless varied by prior agreement between BIOSIS RESEARCH PTY. LTD. and the addressee, the recipient should assume that the contents of this facsimile may be proprietary information of BIOSIS RESEARCH PTY. LTD. or another. Therefore this facsimile must at all times be kept confidential by the recipient and may only be used by the addressee and only as agreed with BIOSIS RESEARCH PTY. LTD.

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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: *Gang Vines*

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](mailto:biosispm@ozemail.com.au)

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# Notice of Intention to carry out an Archaeological Survey

## 1. Details of notifier

Name GARY VINES

Postal address BIOLOGICAL RESEARCH 322 BAY ST  
PO BOX MELBOURNE Postcode 3207

Telephone (Business hours) 96469499 Facsimile 96469242

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 Gary Vines 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

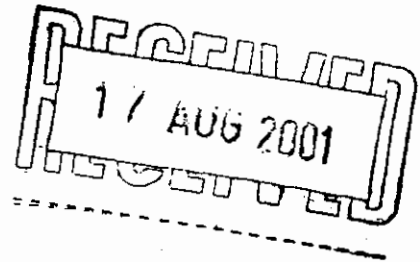


**ABORIGINAL  
AFFAIRS  
VICTORIA**

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.

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

## APPENDIX 3

## A 3. SITE GAZETTEER

## Aboriginal sites

Site number	Grid Ref. 1:25 000	Site Type	Landform Unit	Dimensions L x W	Signific-ance
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 of 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:

<i>Site Name</i>	Kew Cottages buildings and grounds
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*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**

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## 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).

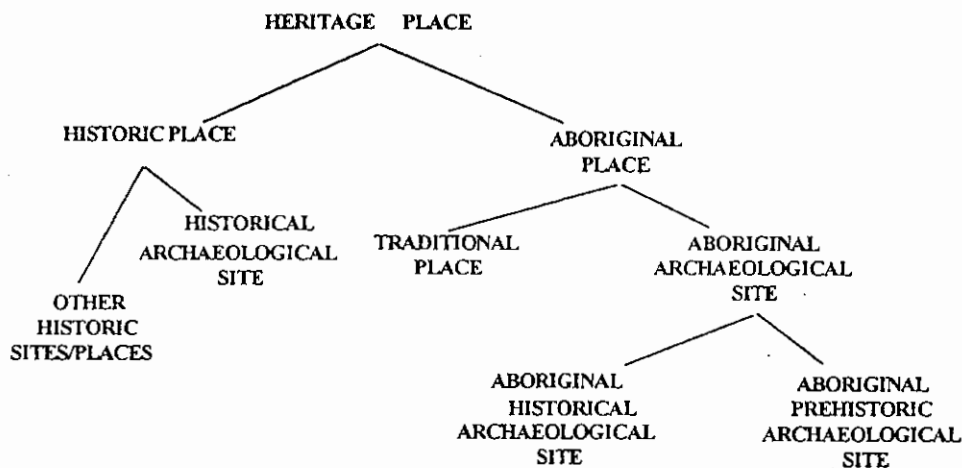


Figure G1: Terminology used for categories of heritage places.

## 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.

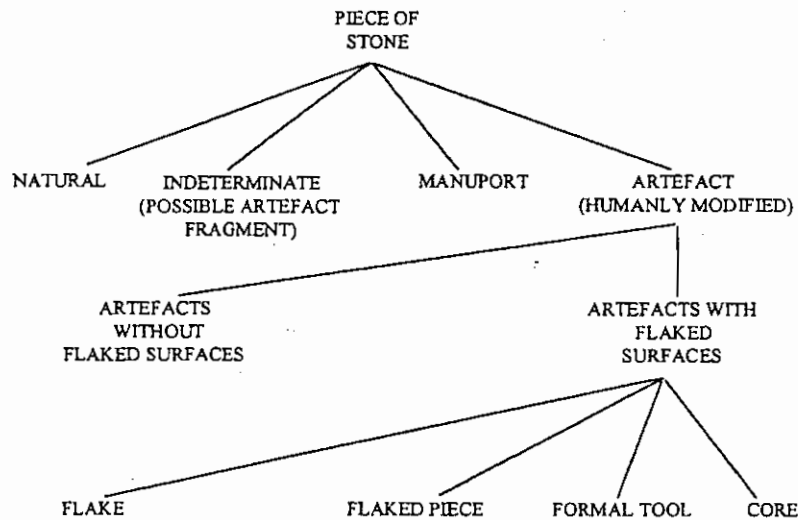


Figure G2: Stone artefact types/categories.

### 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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