

Land at Forest Rd North, Windermere Rd, Curletts Rd and Osterlund Ct, Lara Preliminary Cultural Heritage Assessment



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EXECUTIVE SUMMARY

Background

TerraCulture Pty Ltd has been commissioned by TGM Group to prepare a preliminary cultural heritage assessment for land at Forest Rd, Windermere Rd, Curletts Rd and Osterlund Ct within Lara. The proposed activity is a rezoning and future subdivision with preliminary design showing thirty-five lots of varying sizes. This assessment is to identify any cultural heritage issues that may affect the implementation of these works and to advise on any legislative requirements prior to the commencement of the project.

This due diligence advice is based primarily on existing heritage place registrations at the time of the searches and the potential for any unknown archaeological heritage within the boundaries of study area, according to its setting and history of use. This is not a definitive cultural history of the addresses or its setting. Rather, it is an assessment of the potential for archaeological heritage and the need to assess such heritage given the likely impact of the future development.

This report does not consider intangible heritage or other values that may be held by members of the public for the study area or its setting.

Register searches

A search of the VAHR was undertaken by Catherine Webb on the 17th of March 2014. This search indicates that the western half of the study area is within a cultural heritage area of sensitivity as defined by the Aboriginal Regulation 2007 (within 200 metres of Hovells Creek). It also shows that several previous assessments have been completed on land close to the study, including two Cultural Heritage Management Plans (CHMP), one for a residential subdivision (Toscano 2013) the other for a drainage line (Orr 2014).

Within the broader Lara area there are a high number of registered sites, and while a good few are along the banks of Hovells Creek, the majority have been recorded within surrounding farmland away from the creek. The closest sites to the study area that follow this model is VAHR 7721-1237 found approximately 1 km from Hovells Creek on a slight rise within land used for grazing and other agricultural purposes. This site is 500 metres from the approximate middle of the study area and extends over an area of 530m². Within the same landform, further to the east, another two sites have been registered (VAHR 7721-1236 and 7721-0821). These sites were recorded/investigated during CHMP 12538 (Toscano 2013) and included both surface and subsurface components.

The following heritage registers were accessed for historical heritage: Heritage Victoria Site Inventory, Victorian Heritage Register, Australian Heritage Database (Register of the National Estate), Register of the National Trust (Victoria), and the City of Greater Geelong Planning Scheme.

There are no heritage places listed on any of these registers within or immediately adjacent to the study area. The closest is Pirra Homestead located on the northern side of Windermere Road 530 metres from the study area.

Management Recommendations

Following the completion of the background research and field inspection the following recommendations with regards to potential heritage issues within the study area can be made.

Aboriginal Heritage – General Recommendations

Division 2 of the Act states that a cultural heritage management plan is required for a proposed activity if the regulations require the preparation of the plan for the activity. Part 2 Division 1 Regulation 6 of the Aboriginal Heritage Regulations 2007 states that 'A cultural heritage management plan is required for an activity if– (a) all or part of the activity area for the activity is an area of cultural heritage sensitivity; and (b) all or part of the activity is a high impact activity.'

Division 5 of the Regulations specifies High Impact Activities, which includes: Regulation 46, subdivision of land into three or more lots, where at least three of the lots is less than eight hectares and where at least three of the lots may be used as a dwelling.

The Activity Area is within an area of cultural heritage sensitivity as defined by the Aboriginal Heritage Regulations, specifically regulation 23, being within 200 metres of a waterway (including a lake, lagoon, swamp or marsh – reg 4 Definitions).

In summary, for the proposed future subdivision, the Aboriginal Heritage Regulations require the mandatory preparation of a CHMP under the *Aboriginal Heritage Act 2006*. The number and the scope of the CHMPs will depend on (if) and how the land is divided into smaller parcels and if its future development is staged. The mandatory requirement for a CHMP may also differ according to the division of the properties for subdivision / development:-

- If all of the properties along Forest Road North, Windermere Road, Curletts Road and Osterlund Court are dealt with as a whole, then the entire study area is subject to a mandatory CHMP when a high impact activity is proposed.
- The following properties contain areas of cultural heritage sensitivity and are subject to a mandatory CHMP when a high impact activity is proposed.
 - 245 Windermere Road
 - 235 Windermere Road
 - 145 Forest Road North
 - 130 Forest Road North
 - 120 Forest Road North
 - 125 Curletts Road
 - 105 Curletts Road

- 95 Curletts Road
- The following properties do not contain any areas of cultural heritage sensitivity as defined by the *Aboriginal Heritage Regulations 2007* and by themselves or in combination, do not require a mandatory CHMP:
 - 84 Curletts Road
 - 85 Curletts Road
 - 10 Osterlund Court
 - 20 Osterlund Court
 - 30 Osterlund Court
 - 60 Osterlund Court

However the current distribution of registered sites demonstrates that Aboriginal Cultural heritage in the form of stone artefact scatters are commonly found during assessments regardless of distance from a waterway. This is demonstrated with several sites found during CHMP 12538, all of which are further away from Hovells Creek than the study area itself. It should also be noted that the properties that do not require a mandatory CHMP are within the same landform type as sites found during CHMP 12538, and therefore there is potential for the same site types to be present within these properties. In this case applicant may choose to undertake a voluntary CHMP.

Recommendations for historical heritage

While there are no registered European heritage sites within the study area, there is a low potential for European heritage to survive in the form of remnants related to the former rural use of the area and it would be prudent for a historical heritage survey to be undertaken prior to subdivision and development. In addition it is a requirement of the *Heritage Act (1995)* that Heritage Victoria must be notified (section 131) of any archaeological survey (including any survey for Aboriginal archaeology) and a report submitted.

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1.0 INTRODUCTION

1.1 Project Background

TerraCulture Pty Ltd has been commissioned by TGM Group to prepare a preliminary cultural heritage assessment for land at Forest Rd North, Windermere Rd, Curletts Rd and Osterlund Ct within Lara. The proposed activity is rezoning and future subdivision with preliminary design showing thirty-five lots of varying sizes. This assessment is to identify any cultural heritage issues that may affect the implementation of these works and to advise on any legislative requirements prior to the commencement of the project.

1.2 The Study Area

The study area is located approximately 50 km west of Melbourne CBD and consists of approximately 22 hectares off Forest Rd North, Windermere Rd, Curletts Rd and Osterlund Ct within the township of Lara.

The extent of the study area is shown in map 1.

1.4 Proposed Works

The proposed works is a residential subdivision with preliminary plans showing thirty-five lots. The study area in total is approximately 22 hectares in size. A preliminary plan of the proposed subdivision is shown in figure 1.

1.5 Consultation

The study area is within the Registered Aboriginal Party (RAP) boundaries of the Wathaurung Aboriginal Corporation. Under Part 10 of the *Aboriginal Heritage Act 2006*, the RAP has rights and responsibilities for the Aboriginal cultural heritage within their area. There was no consultation with the RAP as it is not required for this level of assessment.

The Office of Aboriginal Affairs Victoria (OAAV) administers the *Aboriginal Heritage Act 2006*. They were notified of the project during an application to access ACHRIS, the online Victorian Aboriginal Heritage Register (VAHR).

Heritage Victoria administers the *Heritage Act 1995*. They have not been notified of this project and there was no legal requirement to do so.

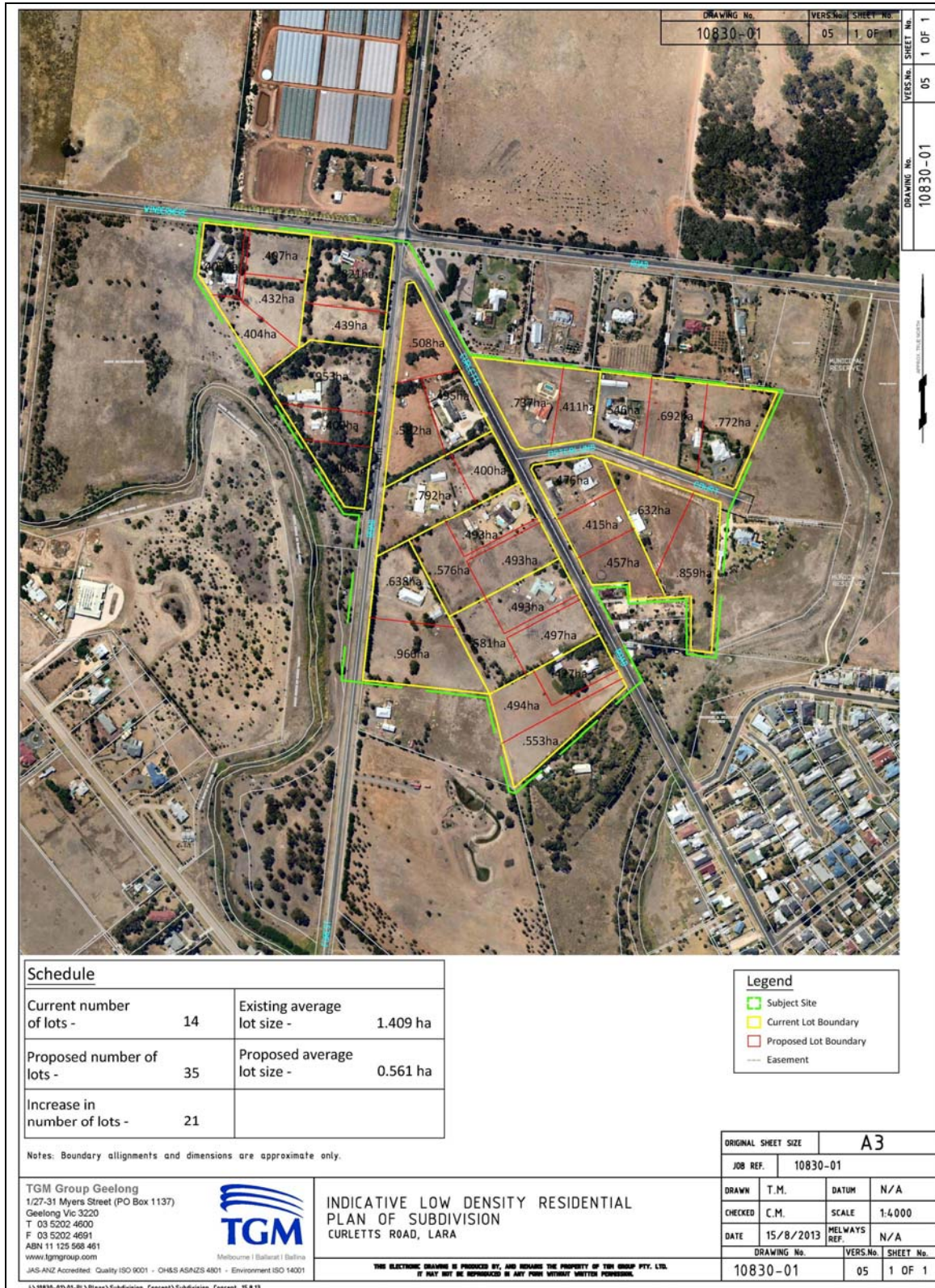


Figure 1: Preliminary Subdivision Plan

2.0 LEGISLATIVE PROTECTION FOR CULTURAL HERITAGE SITES

The main pieces of legislation relevant to the protection of cultural heritage in Victoria are the *Aboriginal Heritage Act 2006* and the *Heritage Act 1995*, discussed briefly below. Other legislation that is relevant to areas of significance includes the *Environment Protection and Biodiversity Conservation Act 1999* (amended 2004) and local planning schemes.

All heritage legislation is subordinate to the Coroner's Act 1985 in relation to the discovery of human remains.

2.1 Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* replaced both the *State Archaeological and Aboriginal Relics Preservation Act 1972* and the *Federal Aboriginal and Torres Strait Islander Heritage Protection Act 1984* Part IIA in relation to Aboriginal Cultural Heritage in Victoria.

The Act defines procedures for the investigation and management of Aboriginal cultural heritage and, through the accompanying *Aboriginal Heritage Regulations 2007*, specifies circumstances where the preparation of a Cultural Heritage Management Plan (CHMP) is required.

A CHMP must be undertaken if proposed development that would result in significant ground disturbance falls within defined areas of cultural heritage sensitivity. A CHMP consists of an assessment of the area to determine the nature of any Aboriginal Cultural Heritage and a written report setting out the results of the assessment and recommendations to manage and protect any Aboriginal Cultural Heritage identified in the assessment. The assessment must include background research and may include a ground survey and excavation. The CHMP is evaluated by one or more relevant Registered Aboriginal Parties (RAP), or in the absence of a RAP, by the Secretary under the Act.

The Act establishes an Aboriginal Heritage Council to, amongst other things, advise the Minister in regard to Cultural Heritage matters and to register Aboriginal Parties with a cultural heritage interest in an area.

Registered Aboriginal Parties (RAP's) will represent defined areas and may:

- Evaluate Cultural Heritage Management Plans that relate to the area for which the Party is registered;
- Enter into Cultural Heritage Agreements;
- Apply for interim and ongoing protection declarations; and
- Carry out any other functions conferred under this Act.

A RAP has been appointed for part of the nominated Study Area, this being the *Wathaurung Aboriginal Corporation*.

Further information on the *Aboriginal Heritage Act 2006* and the role of the Office of Aboriginal Affairs Victoria (OAAV) Heritage Services Branch can be obtained from:

Office of Aboriginal Affairs Victoria
Heritage Services Branch
GPO 2392V
Melbourne Vic 3001
Phone: (03) 9208 3333

- **No items within or directly adjacent to the Study Area appear on the Victorian Aboriginal Heritage Register.**

2.2 Victorian Heritage Act 1995

The Victorian *Heritage Act* (Victoria) was passed in 1995. The main purposes of the Act are:

- To provide for the protection and conservation of places and objects of cultural heritage significance and the registration of such places and objects;
- To establish a Heritage Council; and
- To establish a Victorian Heritage Register

The Heritage Act serves to protect all categories of historic cultural heritage relating to the non-Aboriginal settlement of Victoria, including historic buildings, shipwrecks and archaeological sites. The Act defines an archaeological relic as:

- a) Any archaeological deposit; or
- b) Any artefact, remains or material evidence associated with an archaeological deposit which:
- c) Relates to the non-Aboriginal settlement or visitation of the area or any part of the area which now comprises Victoria; and
- d) is more than 50 years old (*Heritage Act* 1995 Part 1 Section 3)

There are two categories of listing provided for under the *Heritage Act* (1995), the Heritage Register and the Heritage Inventory. The Heritage Register is established under Section 18 of the Act and the Heritage Inventory under Section 120.

The Heritage Register

The Heritage Register is a register of all heritage places, relics, buildings, objects or shipwrecks deemed to be of outstanding cultural significance within the State of Victoria. Section 23 of the Act sets out procedures for nomination of a place or object to the Heritage Register. Section 23(4) of the Act states that nominations are required to clearly specify why the place or object must be included in the Heritage Register, and states that such nominations are to include an assessment of cultural significance against the criteria published by the Heritage Council. Nominations are

assessed by the Executive Director of Heritage Victoria; if accepted, the Executive Director may then recommend to the Heritage Council that the nomination be accepted for inclusion in the Heritage Register. The notice of the recommendation must be published in a newspaper within the area where the place or object is located. Submissions in relation to a recommendation for inclusion in the Heritage Register can be made within 60 days after notification of a decision by the Executive Director. A person with a specific interest in the place or object, such as a property owner or local historical society, may request a hearing by the Heritage Council into a recommendation by the Executive Director for nomination. Archaeological sites or places and relics from any such sites or places can be nominated for the heritage register.

Section 64 of the *Heritage Act* (1995), states that it is an offence under the Act to disturb or destroy a place or object on the Heritage Register. Under Section 67 of the Act, a person may apply to the Executive Director for a 'Permit to carry out works or activities in relation to a registered place or a registered object'. Permit applications within the classes of works identified in Section 64 must be referred to the Heritage Council. They must also be publicly advertised and formal notification provided to local government authorities by the Executive Director. The Heritage Council will state, within 30 days of receiving a permit application, whether it objects to the issue of a permit.

- **No items within or directly adjacent to the Study Area appear on the Victorian Heritage Register.**

The Heritage Inventory

Section 121 of the Acts states that the Heritage Inventory is a listing of all:

1. Places or objects identified as historic archaeological sites, areas or relics on the register under the *Archaeological and Aboriginal Relics Preservation Act 1972*;
2. All known areas where archaeological relics are located;
3. All known occurrences of archaeological relics; and
4. All persons known to be holding private collections of artefacts or unique specimens that include archaeological relics.

Under Section 127 of the Act, it is an offence to disturb or destroy an archaeological site or relic, irrespective of whether it is listed on the Heritage Register or the Heritage Inventory.

Consent from Heritage Victoria is required to disturb or destroy historical archaeological sites, places, buildings or structures listed on the Victorian Heritage Inventory. An application may be made to the Executive Director for a Consent to disturb or destroy an archaeological site or relic listed on the Heritage Inventory under Section 129. Consent application fees apply.

- **No items within or directly adjacent to the Study Area appear on the Victorian Heritage Inventory.**

D Classification

Heritage Victoria also has a 'D' classification for places of low historical or scientific significance. Sites assigned a 'D' classification are listed on the Heritage Inventory but there is no requirement to obtain a Consent from Heritage Victoria to allow the removal of these sites.

- **No items within or directly adjacent to the Study Area have been assigned a 'D' classification on the Victorian Heritage Inventory.**

2.3 Planning and Environment Act 1987

The *Planning and Environment Act 1987* established and governs a statewide planning process within Victoria. One of its stated objectives is "...to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value" (Section 1d).

Heritage places of 'local significance' (that is, places important to a local community) are usually identified within the local municipal planning scheme and are afforded protection via a Heritage Overlay control. Municipal Councils are responsible for issuing planning permits for the development of heritage places under the *Planning and Environment Act (1987)* (Department of Planning and Community Development website: accessed 29.06.2012).

- **No items within or closely adjacent to the Study Area appear on the City of Greater Geelong Heritage Overlay,**

2.4 Other Commonwealth Protection for Historic (non-indigenous) Cultural Heritage

In August 2003 the Federal Parliament passed three new sets of legislation that identify, conserve and protect cultural and natural heritage places of national significance. The legislation also creates an independent body to advise the relevant Minister on the registration and management of significant heritage places. These acts are:

1. *Environment and Heritage Legislation Amendment Act (No. 1) 2003*
2. *Australian Heritage Council Act 2003*; and
3. *Australian Heritage Council (Consequential and Transitional Provisions) Act 2003*

These Acts establish or manage existing and new heritage listings:

National Heritage List

This list consists of '...natural, historic and indigenous places that are of outstanding national heritage value to the Australian nation'. 'Each place in the List would be assessed by the Australian Heritage Council (see below) as having National heritage values which can be protected and managed under a range of Commonwealth powers. Listed places are protected under the *Environment Protection and Biodiversity Act 1999* (EPBC Act).

- **No items within or directly adjacent to the Study Area appear on the National Heritage List.**

Commonwealth Heritage List

This list consists of natural and cultural heritage places ‘...owned or controlled by the Australian Government’. ‘These include places connected to defense, communications, customs and other government activities that also reflect Australia’s development as a nation. As with the National Heritage List, heritage places on the Commonwealth Heritage List are protected by the EPBC Act, which means that ‘...no-one can take an action that has, will have or is likely to have, a significant impact on the environment of a listed place, including its heritage values, without the approval of the Minister’ and ‘...that it is a criminal offence not to comply with this legislation’.

- **No items within or directly adjacent to the Study Area appear on the Commonwealth Heritage List.**

Register of the National Estate

The Register of the National Estate (RNE) is a statutory register that was established under the *Australian Heritage Commission Act 1975*. While this Act has been repealed the RNE has been ‘...retained under the *Australian Heritage Council Act 2003*. The Council will compile and maintain the register’

- **No items within or directly adjacent to the Study Area appear on the Register of the National Estate.**

3.0 RESULTS OF THE INVESTIGATION

3.1 Background Information

3.1.1 Aboriginal Cultural Heritage Places

Existing Registrations

OAAV maintains the Victorian Aboriginal Heritage Register (VAHR), a register of all known Aboriginal heritage places, and a library of all published and unpublished reports describing investigations of Aboriginal heritage in Victoria.

A search of the VAHR was undertaken by Catherine Webb on the 17th of March 2014. This search indicates that the western half of the study area is within a cultural heritage area of sensitivity as defined by the Aboriginal Regulation 2007 (within 200 metres of Hovells Creek). It also shows that several previous assessments have been completed on land close to the study area to the east, including two Cultural Heritage Management Plans (CHMPs); one for a residential subdivision (Toscano 2013) the other for a drainage line (Orr 2014).

Within the broader Lara area there are a high number of registered sites, and while a good few are along the banks of Hovells Creek, the majority have been recorded within surrounding farmland away from the creek. The closest site to the study area that follows this model is VAHR 7721-1237, found approximately 1 km from Hovells Creek on a slight rise within land used for grazing and other agricultural purposes. This site is 500 metres from the approximate middle of the study area and extends over an area of 530m². Within the same landform and further to the east, another two sites have been registered (VAHR 7721-1236 and 7721-0821). These sites were recorded/investigated during CHMP 12538 (Toscano 2013) and included both surface and subsurface components.

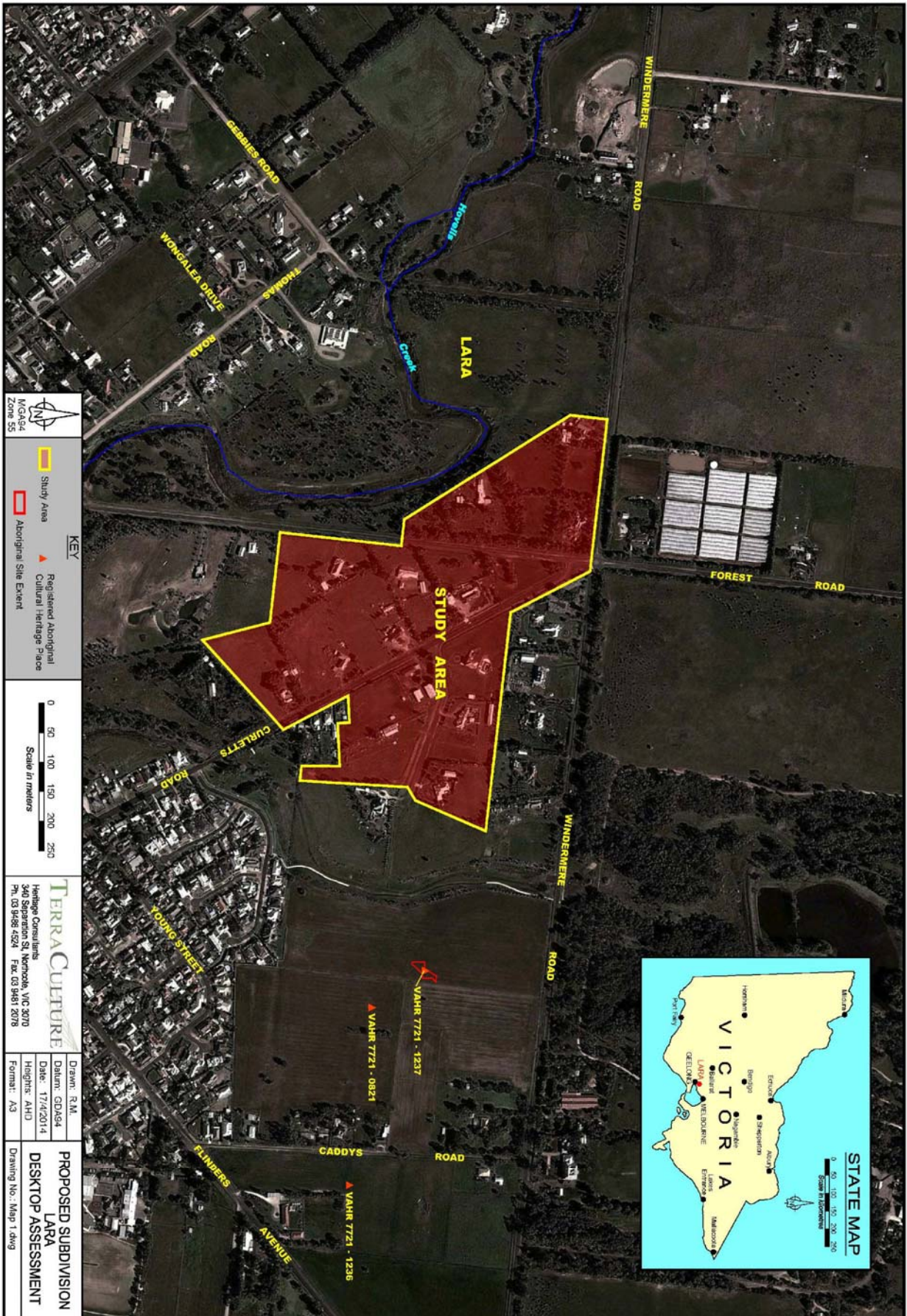
3.1.2 Historical Cultural Heritage Places

The following heritage registers were accessed by Catherine Webb on the 17 March 2014

Heritage Victoria Site Inventory, Victorian Heritage Register, Australian Heritage Database (Register of the National Estate), Register of the National Trust (Victoria), and the City of Greater Geelong Planning Scheme.

There are no historical heritage places listed on any of these registers within the subject land. The closest is 570 metres east (Pirra Homestead H1723) on the northern side of Windermere Road.

MAP 1: Showing Study Area.



3.2 Previous Investigations

Toscano 2013

This Cultural Heritage Management Plan (CHMP 12538) was conducted 200 metres east of the westernmost extent of the current study area. Both a Standard (survey) and Complex (subsurface testing) Assessment were conducted within the activity area. This resulted in two sites being registered (7721-1236 and 7721-1237) in addition to a previously registered site (7721-0821). The largest of these sites, and closest to the current study area is 7721-1237 and comprises a total of 72 artefacts, with 70 recorded within subsurface deposits and 2 on the ground surface. The sites found/investigated during the CHMP are within the same landform type as sampled by the current study area.

Orr 2014

In 2014 a Cultural Heritage Management Plan (CHMP 12928) was conducted in a small area for proposed drainage to service the proposed subdivision investigated during CHMP 12538. Sub-surface testing was conducted with a 1m x 1m test pit excavated in the east of the Activity Area. Following this, seven 50 cm x 50 cm test pits were excavated in a linear transect through the centre of the activity area, at 25 metre intervals. The subsurface testing identified a shallow soil profile of loamy silt overlying clay subsoil. No artefacts or archaeological features were present.

Marshall 2001

Marshall undertook a survey for a pipeline installation on the western side of Hovells Creek, approximately 250 metres from the study area. No sites were found however it was noted that archaeological deposits have the potential to be present along Hovells Creek.

3.3 Summary and Conclusions

Aboriginal Places

There are no Places within the study area, and the closest site is some 500 metres to the east. However the western half of the study area is within 200 metres of Hovells Creek, which the background research has shown to be sensitive for Aboriginal Places. In addition, a previous assessment completed close to the study area and which sampled the banks of Hovells Creek, noted it as an area of potential sensitivity for subsurface cultural deposits.

The eastern half of the study area, while outside 200 metres of Hovells Creek, samples the same landform type as the activity area of CHMP 12538, where three artefact scatters both surface and subsurface are located. This indicates that there is potential for Aboriginal Places to be present within the study area both on the surface and subsurface.

Historic Places

There are no historic sites within the study area; and the closest one “Pirra” does not extend into the study area.

3.4 Geological and Environmental Background

Vegetation

The study area is within three difference EVC classes, Creekline Grassy woodland along Hovells Creek, Plains Grassy Woodland from Forest Road South to Curletts Road, and Plains Grassland around the eastern edge.

Creekline Grassy Woodland is described as *Eucalypt-dominated woodland to 15 m tall with occasional scattered shrub layer over a mostly grassy/sedgy to herbaceous ground-layer. Occurs on low-gradient ephemeral to intermittent drainage lines, typically on fertile colluvial/alluvial soils, on a wide range of suitably fertile geological substrates. These minor drainage lines can include a range of graminoid and herbaceous species tolerant of waterlogged soils, and are presumed to have sometimes resembled a linear wetland or system of interconnected small ponds* (Department of Sustainability and Environment).

Plains Grassy Woodland consists of *open, eucalypt woodland to 15 m tall. Occupies poorly drained, fertile soils on flat or gently undulating plains at low elevations. The understorey consists of a few sparse shrubs over a species-rich grassy and herbaceous ground layer. This variant occupies areas receiving approximately 500 – 700 mm annual rainfall.* (Department of Sustainability and Environment).

Plains Grassland was made up of *plants mostly less than 1 m tall including graminoid (grass, sedge, rush or similar) and upright herb (non-woody) life forms. Occasional trees or shrubs are present, but they do not significantly influence this plant community’s nutrient cycling or fire behavior. Occurs on fertile basalt soils prone to cracking in dry periods and being seasonal waterlogged in wet periods. Occurs in areas receiving at least 500 mm annual rainfall.*

According to the 2005 EVC map shows that the majority of the original vegetation has been removed from the study area, with only the Creek line maintaining some sections outside the study area. The other two classes have only a few small patches remaining. Remnant vegetation usually indicates an increased potential for intact Aboriginal cultural heritage whereas the absence of such vegetation is evidence of prior ground disturbances since European settlement, which may have disturbed or destroyed archaeological features or deposits within the area.

Local Geology and Geomorphology

According to the 1:63,360 Geological map for Geelong the study area samples the freshwater limestone formations. Freshwater limestone formations are also common within the Lara area. These are Pleistocene in age and have been described by Spencer Jones:

Freshwater limestone's associated with sand and gravel out crop at sea level on Limeburners Point and over a fairly wide area near the township of Lara. They outcrop in the valley of Hovells Creek upstream from the Princes Highway. The limestone and associated sediments overlie the NV1 basalts and obviously formed in lakes dammed by some of the basalt lava flows. A high percentage of detrital material is of granitic origin suggesting that the source area may have been the You Yangs. Marsupial bones and fresh water mollusks have been found in these sediments and recorded at Limeburner's Point and Lara (Spencer Jones 1970:6)

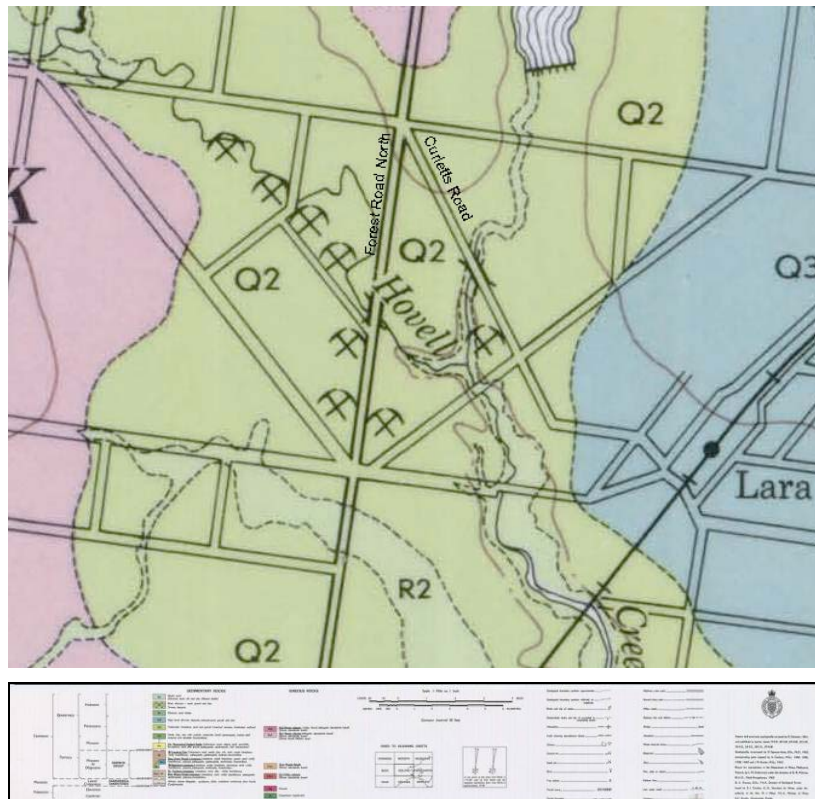


Figure 2- 1:63,000 Geology map of Geelong. Drawn for reproduction in the Department of Mines, 1963

Named Waterways

The closest waterway to the study area is Hovells Creek which runs just outside the eastern boundary of the study area. Hovells Creek is approximately 26 kilometres long, starting from below Mt Anakie and drains into Limeburners Bay on the northern shoreline of Corio Bay.

This waterway would have been an important source of water, food and other material resources for the Aboriginal inhabitants of the region.

3.5 Land Use

3.5.1 Aboriginal Land Use at the time of European occupation

As one of the two locations from which Europeans colonised much of Victoria, Geelong has a number of written and illustrated historical accounts on the Aboriginal people of the area. Europeans first made written observations of the Aboriginal people of the Bellarine Peninsula from 1802, when explorers began to chart the entrance of Port Phillip Bay. Most of the accounts however relate to 1836 onwards when there was a permanent European presence. Clark (1990) collated the primary sources of this ethnohistory in his reconstruction of traditional language boundaries in western Victoria. These sources include journal entries and government correspondence produced by explorers such as Matthew Flinders and Charles Grimes, as well as settlers and missionaries, particularly G.A. Robinson, the Chief Aboriginal Protector.

William Buckley, an escaped convict from an aborted 1803 settlement at Sorrento, was adopted by the *Wada wurrung* and lived with them until July 1834. As recorded by Morgan (1852), Buckley's reminiscences have also become an important source of historical data on the Aboriginal clans of the *Wada wurrung* area. Excluding Morgan (1852), most of the historical accounts of the early contact period refer to specific events, usually involving contact and conflict between settlers and the local Aboriginal clan. There is little historic data from this period. However, it may be assumed that at least some clans continued to live in traditional ways.

Corris (1968) cited in Clark (1990) believes *'(that) there is so little known about the social organisation of the Wada wurrung bespeaks the rapidity with which they were physically destroyed by settlers seeking undisputed possession of their land'* (Clark 1990: 277). As noted by Clark:

'By the end of 1836, the sheep runs of the 'ngamadjig' spread round Geelong within a semi-circle of twenty-five miles radius. In the following year streams of squatters from Melbourne and Geelong met and thrust westwards towards the Colac district. The Bacchus Marsh lands were next to be occupied, and then the head-waters of the Leigh and Buninyong.'

The *Wada wurrung* Language Group

Following Clark (1990), at the time of European contact Lara was part of the *Wada wurrung* language area. The *Wada wurrung* territory extended along the coast from Painkalac Creek at Aireys Inlet east into Port Phillip Bay to the Werribee River. It extended north as far as Fiery and Mt Emu creeks.

The social and spatial organisation of traditional Aboriginal society has been the subject of considerable debate. It is considered by most that Aboriginal society was organised according to local descent groups called clans. Clans were the 'landowning, land renewing and land sustaining unit of Aboriginal society' (Clark 1990: 4, 5). Clans occupied estates or home country and the area of land over which the clan hunted and gathered has been called the range. As explained by Clark:

'...the tract or stretch of country identifiable as the economic range, normally included the estate and was thus owned by clans. The band seasonally occupied and utilised various parts of the range in a settlement pattern that was a response to the group's habitat.' (Clark 1990: 4, 5)

Clark suggests there were twenty-seven *Wada wurrung* clans at the time of European contact.

'I have been able to reconstruct 27 Wada wurrung clans. Using Lourandos' (1977) estimates that clan sizes ranged from between 40 to 60, this would give a Wada wurrung population of between 1080 and 1620 at the time of contact. Dawson (1991) estimated clan sizes were 120, and this would give Wada wurrung a population of 3240. The real figure was probably somewhere between 1620 and 3240' (Clark 1990: 307).

Wada wurrung clans were patrilineal and organised into moieties belonging to either the *Waa* (crow) or *Bunjil* (eaglehawk) moiety – marriage partners were required to belong to different moieties (Clark 1990: 276-7, also see Barwick 1984: 105).

Clark noted that:

'Clan heads were known as either Nourenit/Narenit or Arweet. The Wada wurrung were the most powerful and influential people in the western district. During his 1841 tour Robinson met with many Wada wurrung clan heads.'

As mentioned marriage was not allowed between two people from the same tribe 'the object of these laws is to prevent marriages between those of one flesh.' (Dawson 1881: 26)

Every person is considered to belong to his father's tribe, and cannot marry into it. Besides this division, there is another which is made solely for the purpose of preventing marriages with maternal relatives. The aborigines are everywhere divided into classes, as everyone is considered to belong to his mother's class, and cannot marry into it in any tribe, as all of the same class are considered brothers and sisters. (Dawson 1881: 26)

According to Dawson, the Aboriginals he wrote about within the Western District of Victoria believed in supernatural beings – celestial, infernal and terrestrial. These included good and bad spirits 'Of terrestrial spirits there are devils, wraiths, ghosts and witches, the difference between them being somewhat indefinite (Dawson 1881: 50).' There were many creation stories, (which differed slightly in other areas) which played an important role within belief system of the *Wada wurrung* clans. Within these creation stories, animals have a significant role. One such story is recounted by Dawson;

*There is a tradition that fire, such as could be safely used, belonged exclusively to the crows inhabiting the Grampian mountains; and, as these crows considered it of great value, they would not allow any other animal to get light. However, a little bird called *Yuuloin kaeer*—'fire-tail wren'—observing the crows amusing themselves by throwing firesticks about, picked up one, and flew away with it. A hawk called *Tarrakukk* took the firestick from the wren, and set the whole country on fire. From that time there have always been fires from which lights could be obtained (Dawson 1881: 54).*

This religious system people were identified with a particular animal plant or natural feature, which like themselves was endowed with life essence by creation ancestors in the Dreamtime (Flood 1990: 273).

The *Wada wurrung* clans who lived on the coast were the first to come into direct contact with the 'ngamadjig/amerjig' or white man. As noted above, this occurred by at least 1802 '...when Lieut. John Murray in the *Lady Nelson*, charted part of Indented Head and named Swan Bay' (Clark 1990: 227). The clan that occupied the areas around Geelong, the *Wada wurrung balug*, was probably the next to have direct contact with the white explorers and continued to have the same between 1802 and 1835.

Neerer balug

The *Neerer balug* occupied an area between Geelong and the You Yangs. Clark shows the location of this clan at Hovells Creek but neither the clan head nor the moiety of this group was recorded (Clark 1990: 326). Hume and Hovell reported an encounter with a local Aboriginal group possibly belonging to the clan:

In 1842, Hamilton Hume and William Hovell led an overland exploration party that traversed the Werribee Plains on December 16th. At the Creek they named Kennedy's Creek (Hovells Creek), they encountered some Wada wurrung who showed some aggression to one of the group when they surprised him alone. When the Aborigines saw the size of the expedition they became more circumspect, but were more fearful of the Ngamadjigs's animals than their weapons. (Clark 1990: 279, 280)

Yaawangji

The *Wada Wurrung* clan that occupied the You Yangs was called the *Yaawangji*. Citing Tudehope (1962: 234) this clan name means 'Yawang Hills' and Yawang Plains' = You Yangs. In 1835 the *Yaawangji* clan head was named *Murradonnaneuke* (and variants). Clark states that;

Buckley expressed fear of this man, although he proved entirely friendly and was closely associated with Wolmudging, the head of the Wada wurrung balug (sic the Barrabool Hills people). In December 1841 Land Commissioner Addis noted that Murordorake [a variant spelling of Murradonnaneuke] had been killed in 1839 by the 'Yarra's (Woi wurrung)' – his loss was regrettable by colonists because of his support after several 1836 murders (when shepherds refused supplies which Wada wurrung thought was the compensation promised by Batman's party).

Citing several historic sources, Clark lists the approximate territory of *Yaawangji* as the You Yangs (Clark 1990: 334, Table 15). It may be that members of this clan were mostly based in the You Yangs as Clark has clan locations for two other groups close by: the *Worinyaloke balug* on the west side of Little River and the *Neerer Balug* between Geelong and the You Yangs (Clark 1990: 335). Like most of the other clans that made up the *Wada wurrung*, there is little specific historical information of the *Yaawangji*. Other than *Murradonnaneuke*, the only other individual discussed (at least by Clark) is Billy Leigh, in relation to his death.

Wada wurrung Hunting and Gathering

The details of traditional *Wada wurrung* settlement patterns, technology and social organisation are unknown. It can be assumed that they were mobile hunters and gatherers who occupied a specific range over which they moved according to subsistence requirements and trading and social obligations.

Plains fauna such as kangaroo and emu were hunted for food. Dawson (1881) writes that several kinds of kangaroo were eaten, as well as wombat, wild dog, porcupine ant-eater, possum and other smaller animals. Fish was also consumed such as eel and shell fish.

Of fish, the eel is the favourite; but besides it, there are many varieties of fish in the lakes and rivers, which are eaten by the natives.

Smaller foods such as grubs were also part of Indigenous people's diet. These were usually cut out of trees and eaten alive.

'The grubs are about the size of the little finger, and are cut out of trees and dead timber, and are alive, while the work of chopping is going on....that caution is necessary to avoid their powerful mandibles, ever ready to bite the lips or tongue.'

The western basalt plains probably provided edible plant species such as Murnong. These were gathered by women using digging sticks with the tubers eaten raw or cooked (Zola and Gott 1990: 52).

It is much esteemed on account of its sweetness, and is dug up by the women with the muurang pole. The roots are washed and put into a rush basket made on purpose, and placed on the oven in the evening to be ready for next mornings breakfast. ...the cooking of the muurang entails a considerable amount of labour on the women, inasmuch as the baskets are made by them; and as these often get burnt they're rarely served more than twice. The muurang root, when cooked, is call yuwatch. It is often eaten uncooked.
(Dawson 1881: 21)

Root plants such as these were abundant as they are safer from animals and birds growing beneath the soils. Plants were also used for medicines, including River mint and Old Man Weed, which were used for colds and chest problems. Gum from gum trees and wattle barks were also used for burns and stomach issues. Plants for medical uses could be prepared in a number of ways; Infusion, steaming, smoking, poultices, and binding of the plants around the head. (Zola and Gott 1990: 52).

Wada wurrung Post-Contact History

The presence of *Wada wurrung* people in the area continued to be written about, mostly in government correspondence, until they were forced onto mission stations such as at Buntingdale or until their integration into the broader community. As an indication of their decline Clark records:

'Fyans noted that when he arrived in the Geelong district in 1837 he was ordered to assemble all the Aboriginal population to receive gifts. Assisted by William Buckley all the Aborigines within 30 miles of Geelong were assembled, amounting to 297 men, women and children. Each received a blanket and a portion of flour. In 1858 Fyans considered that no more than 20 of these 297 people were alive.' (Clark 1990: 299)

In 1861, the surviving *Wada wurrung* were gathered onto a parcel of land at Mt Duneed, the Duneed Reserve, on which a 'shelter hut' had been installed (Clark 1990: 300). The remnant population, which around this time appears to have numbered eleven people, were encouraged to stay at the Duneed Reserve and were prohibited from staying in the Geelong Township after sundown. There is considerable historical detail on the fate of particular individuals. According to Clark the last 'full blood' *Wada wurrung balug* who was known as 'King Billy....whose Aboriginal

name was *Waurun Bunyip* or *Worm Banip* died at the Geelong hospital on the 11th of November 1885' (1990: 306). In relation to other *Wada wurrung* clans Clark records the demise of Billy Leigh of the *Yaawangji* (You Yangs):

'Billy Leigh, purported to be the last of the Yawangji (sic Yaawangji) clan, died on the 9th of August 1912. Billy had been adopted by Fredrick Armytage and his wife, the owners of Woolloomanata Station. He was baptized and confirmed in the Trinity Church of England in Lara, and when he died the Armytages erected a memorial above his grave in the eastern cemetery in Geelong.' (Clark 1990: 335)

Wadawurrung Post- Contact history continues to this day and Wadawurrung people are represented by the Wathaurung Aboriginal Corporation and continue the tradition of caring for country.

3.5.2 Land Use History

Early Settlement of Victoria

In the mid-1830s permanent European settlement of Victoria commenced with the arrival of the first squatters. A treaty was signed in 1835 by John Batman and elders of the local Aboriginal inhabitants for an arrangement to exchange supplies of basic goods for the provision of 600,000 acres of land (Kociumbas 1992: 190-191). The treaty was never recognised by the Government in NSW.

By 1838 squatters had moved into large areas of Victoria and usurped large tracts of land from the resident Aboriginal people for the purpose of grazing livestock. Spreadborough and Anderson (1983: ix) discuss the 'squattling expansion' between 1834 and 1860, noting that '...it was the early squatters who were permitted to become 'free' selectors, choosing and learning about their land with a fair degree of independence from official control'. The first decade of this expansion saw squatters taking up land across Victoria, particularly on the plains north of Melbourne and running westward to Geelong (Spreadborough & Anderson 1983: Figure 1).

Township of Lara

The first land sales in the parish of Lara occurred in the late 1850s. Subdivision of Section 15A was offered by J. Bates for the establishment of the township of Lara. To the west, James Austin advertised his land, subdivided to form Cheddar Farms and the Cheddar Township. To the east, John Highett attempted to commence the township of Swindon. Settlement in the Parish of Lara at this time consisted of small pastoral holdings around the larger estates such as Elcho, Marathon and Woolloomanatta. The first hotel; the Robin Hood' was situated at Lanercost (along the Princes Hwy) but was licensed for only 2 years. The subsequent You Yangs Hotel was licensed in 1857 and in 1872 the Lakebank Hotel was opened on the corner of Canterbury Road West and Forest Street (Bayce 1974: 8; Rowe and Huddle Vol.2 1998-2000:12).

By 1882 the fledgling Lara township included a state school, three churches and a small settlement with a population of around 200 (Shire of Corio 1864, A brief History: 6). The name of

'Lara' did not come about until 1874. Prior to that the township was known variously as Kennedy's Creek (as called by Hume and Hovell), Wourn Yalock, Limeburners Creek, Ducks Ponds, Ducks Pond Creek and Hovell Creek in 1872 (Shire of Corio 1864, A brief History: 5).

The study area appears to have only been used in the past for agricultural purposes such as grazing and cropping. The parish plan of Woornyalook shows the owners of the land within the study area.

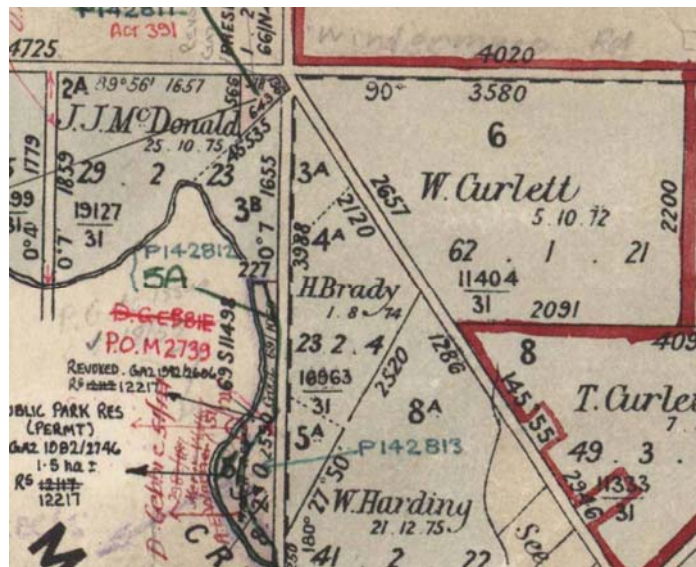


Figure 3: Woornyalook parish plan.

4.0 FIELD INSPECTION – EXISTING CONDITIONS

4.1 Timing and Personnel

The study area was inspected by Monica Toscano (Senior Project Archaeologist) on Wednesday 19th March 2014. This involved an overview of the study area from the roadway, and in some case within the property itself. This inspection did not involve any survey of the ground surface or other deliberate search for heritage but was merely to gain some indication of the existing conditions in terms of potential sensitivity for cultural heritage sites, the extent of any previous ground disturbance and the proximity of any known sites to the study area.

4.2 Location and Setting

Specifically the study area is located within land off four roads; Windermere, Forest North, Curletts roads and Osterlund Ct. Currently the study area includes fourteen lots with an average size of 1.409 hectares. The overall size of the study area is approximately 22 hectares and is shown in map 1.

4.3 Existing Conditions

Five house blocks were inspected along Osterlund Court, all of which were located on the same landform of a large rise; that rises westwards from the drainage channel (outside activity area). This is the same as the eastern side of the drainage channel, where a subsurface artefact scatter is registered. Below is a rough drawing showing the profile of the landform and how it rises both ways from the drainage channel.

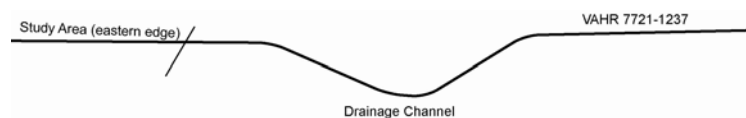


Figure 3 - Drawing showing land rising from each side of the drainage channel.

The properties along Osterlund Court are mainly farming land with at least two areas containing horse dressage training equipment. Within property number 60, the edge against the fence line has been built up in a rough circular shape around the properties yard. Large farming / storage sheds are visible as well as two disused old railway carts on the edge of the paddock.

For most of Curletts Road, the road way is cut into the ground, leaving the ground level of the properties higher than that of the road itself. Along the road reserve limestone is visible, most likely due to disturbance from the construction of the road. Within property 95 Curletts Road, a secondary rise can be seen on the eastern edge which also extends into the neighbouring property 105 Curletts Road.

Like the rest of the area, the land either side of Forest Road North slightly slopes northwards from the southern point of the study area (120 Forest Road North) gradually levelling beyond

Windermere Road. Grass cover in most of the properties to either side of Forest Road North is short with good ground surface visibility with red loamy silt clearly seen on the surface. A section of Hovells Creek is visible from the southern end of the study area, on the western side of Forest Road North.



Photograph 1 - Looking east from Osterlund Crt. View in background of rise and location of VAHR 7721-1237



Photograph 2 - Looking southwest at 60 Osterlund Crt.



Photograph 3 - Looking east at 95 Curletts Road, with small rise in background



Photograph 4 - Looking at 95 Curletts Road from the front of the property at small rise



Photograph 5 - Looking at section of Hovells Creek just outside study area

4.4 Noted Aboriginal or European Heritage.

Aboriginal Heritage

No registered Aboriginal Cultural Heritage Places are located within the study area. The closest site is approximately 500 metres to the west.

Historical heritage

There are no Historical places registered within the study area. The closest is “Pirra” Homestead approximately 570 metres on the northern side of Windermere Road.

4.5 Potential Impact of the Proposed Works

No known Aboriginal or historical Places will be impacted by the proposed works. There is however potential for sites to occur within the study area, especially given the proximity to Hovells Creek and other landforms which have demonstrated sensitivity elsewhere, and the high impact that the activity will have on the ground surface.

5.0 CONCLUSIONS AND RECOMMENDATIONS

Under Victoria's cultural heritage legislation it is an offence to harm cultural heritage places without consent from the relevant statutory organizations.

5.1 Aboriginal Heritage

- It is an offence under the Aboriginal Heritage Act 2006 (the Act) to harm Aboriginal cultural heritage (Part 3 Division 1).
- Division 2 of the Act states that a Cultural Heritage Management Plan (CHMP) is required for a proposed activity if the regulations require the preparation of the plan for the activity. Part 2 Division 1 Regulation 6 of the Aboriginal Heritage Regulations 2007 states that 'A cultural heritage management plan is required for an activity if– (a) all or part of the activity area for the activity is an area of cultural heritage sensitivity; and (b) all or part of the activity is a high impact activity.'

Management Recommendations

Division 2 of the Act states that a Cultural Heritage Management Plan is required for a proposed activity if the regulations require the preparation of the plan for the activity. Part 2 Division 1 Regulation 6 of the Aboriginal Heritage Regulations 2007 states that 'A cultural heritage management plan is required for an activity if– (a) all or part of the activity area for the activity is an area of cultural heritage sensitivity; and (b) all or part of the activity is a high impact activity.'

Division 5 of the Regulations specifies High Impact Activities, which includes: Regulation 46, subdivision of land into three or more lots, where at least three of the lots is less than eight hectares and where at least three of the lots may be used as a dwelling.

The Activity Area is within an area of cultural heritage sensitivity as defined by the Aboriginal Heritage Regulations, specifically regulation 23, being within 200 metres of a waterway (including a lake, lagoon, swamp or marsh – reg 4 Definitions).

In summary, the proposed subdivision of these of more lots, the Aboriginal Heritage Regulations require the mandatory preparation of a CHMP under the Aboriginal Heritage Act 2006. The number and the scope of the CHMPs will depend on (if) and how the land is divided into smaller parcels and if its future development is staged. The mandatory requirement for a CHMP may also differ according to the division of the properties for subdivision / development:-

- If all of the properties along Forest Road North, Windermere Road, Curletts Road and Osterlund Court are dealt with as a whole, then the entire study area is subject to a mandatory CHMP when a high impact activity is proposed.

- The following properties contain areas of cultural heritage sensitivity and are subject to a mandatory CHMP when a high impact activity is proposed
 - 245 Windermere Road
 - 235 Windermere Road
 - 145 Forest Road North
 - 130 Forest Road North
 - 120 Forest Road North
 - 125 Curletts Road
 - 105 Curletts Road
 - 95 Curletts Road

- The following properties do not contain any areas of cultural heritage sensitivity as defined by the Aboriginal Heritage Regulations 2007 and by themselves or in combination, do not require a mandatory CHMP:
 - 84 Curletts Road
 - 85 Curletts Road
 - 10 Osterlund Court
 - 20 Osterlund Court
 - 30 Osterlund Court
 - 60 Osterlund Court

However the current distribution of registered sites demonstrates that Aboriginal Cultural heritage in the form of stone artefact scatters area commonly found during assessments regardless of distance from a waterway. This is demonstrated with several sites found during CHMP 12538, all of which are further away from Hovells Creek than the study area itself. It should also be noted that the properties that do not require a mandatory CHMP are within the same landform type as sites found during CHMP 12538, and therefore there is potential for the same site types to be present within these properties. In this case the applicant may choose to undertake a voluntary CHMP.

5.2 Historical Heritage

Recommendations pertaining to non-indigenous or historic heritage

While there are no registered European heritage sites within study area, there is a low potential for European heritage to survive in the form of remnants related to the former rural use of the area and it would be prudent for a historical heritage survey to be undertaken. In addition it is a requirement of the Heritage Act (1995) that Heritage Victoria must be notified (section 131) of any archaeological survey (including any survey for Aboriginal archaeology) and a report submitted.

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