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BY:

TERRACULTURE

HERITAGE CONSULTANTS

11 December 2013

Mr Carl Schokman
Costaland
C/- Chris Marshall
TGM Group Pty Ltd
1/27-31 Myers Street
Geelong VIC 3220

Dear Carl

Re: Cultural Heritage Assessment of Ibbotson Street St Leonards

The property on Ibbotson Street in St Leonard's was assessed for Aboriginal archaeology by TerraCulture Pty Ltd in 2002 and the survey report lodged with AAV. A recent check of the VAHR (9.12.13) indicates that the property is not in an area of cultural heritage sensitivity. Further, due to the previous assessment, the transitional arrangements of the Aboriginal Heritage Regulations apply and in the absence of any recent place registrations, a CHMP is not mandatory for the proposed subdivision.

Yours sincerely



Dr Catherine Webb
Director

2385

AN ARCHAEOLOGICAL INVESTIGATION at 321 Ibbotson Street St Leonards

A Report Prepared for
Jordan Park
August 2002

ETIA
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An Archaeological Investigation at 321 Ibbotson Street St Leonards

Prepared for:

Jordan Park Pty Ltd

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1.0 INTRODUCTION

This is a report on an Aboriginal archaeological investigation of 39 ha of rural land on the eastern side of Ibbotson Road at St Leonards, about 30 kilometres west of the Geelong CBD (Map 1). St Leonards is a small town at the eastern end of the Bellarine Peninsula on the Port Phillip Bay coastline. The Ibbotson Road land is located on the northwestern edge of the township between the St Leonards Golf Course to the north, Lakeview Drive to the east and Old St Leonards Road to the south (Map 2). The archaeological investigation is part of a rezoning application for a proposed residential development.

Like much of the Bellarine Peninsula, the Aboriginal heritage of the St Leonards area is poorly known. As discussed below, there have been few local surveys and although all of these have resulted in the recording of Aboriginal archaeological sites, there are as yet no clear patterns to the distribution or composition of these sites.

The immediate coastal strip is known to be generally sensitive for Aboriginal midden sites, but little can be said about the landforms that make up the hinterland, such as those in the current survey areas. Certainly historically, St Leonards and Indented Head were places frequented by the *Wada wurrung* people, the area's previous Aboriginal occupants, and there are known archaeological sites close to the survey area.

Vautier Eljorn Pty Ltd commissioned the survey reported below on behalf of Jordan Park Pty Ltd.

1.1 Project Aims

The archaeological assessment of the Ibbotson St property consisted of:

- Background research in the Site Registries at Aboriginal Affairs Victoria (AAV) and Heritage Victoria (HV) to establish the location of any previously recorded archaeological sites,
- Consultation with the *Wathaurong* Aboriginal Co-operative,
- Consultation with the client regarding the proposed development and any specific issues that they wished to see addressed during the course of the study,
- Foot survey to identify any visible archaeological sites or heritage places,
- Production of a report to describe the project. This report would include an assessment of the heritage values of the property, identification of any constraints to the proposed development posed by the heritage values, and recommendations to mitigate any such constraints, including additional research required to adequately assess the heritage values.

The field assessment included subsurface testing for Aboriginal archaeological sites. This was considered necessary because of the potential of the property to be sensitive for Aboriginal archaeological remains, and because of the poor surface visibility, a result of a thick covering of pasture grasses. The excavation permits (Appendix 2) were issued after the initial site inspection and foot survey.

The investigation required that:

- TerraCulture Pty Ltd employ a representative of the *Wathaurong* Aboriginal Co-operative for the duration of the fieldwork as required under State policy,
- TerraCulture Pty Ltd produce a report on the results of the fieldwork, which conforms to the AAV Guidelines and HV expectations, and which addresses any specific issues identified by the client.

Further to the above, the standard AAV *Outline Brief for Archaeological Survey Projects* was adopted in order to meet the requirements for undertaking and reporting on an archaeological investigation.

The objectives outlined in this brief are summarised below:

1. To locate archaeological sites within the project area, using a systematic strategy.
2. To record and interpret any archaeological sites found.
3. To establish the significance of any archaeological sites found, using criteria normally applied to the assessment of cultural heritage resources.
4. To identify any areas or landforms of high archaeological potential.
5. To establish the implications which the presence of any archaeological resources may have for the future management and/or development of the project area.
6. To establish the views of Aboriginal people, and of any other groups with a special interest in the archaeology of the project area, on matters such as the interpretation and significance of recorded sites, and on appropriate management procedures.
7. To develop recommendations and guidelines for:
 - Management of each identified archaeological site, or areas of high archaeological potential
 - Methods to be used for carrying out additional work, including information on permits /consents required if it is proposed that sites are to be disturbed or destroyed
 - Interpretation of each identified archaeological site, or areas of high archaeological potential.

1.2 Aboriginal Consultation

Under the Regulations of the Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act* 1984, St Leonards falls within the boundaries of the *Wathaurong* Aboriginal Co-operative Ltd. Under the legislation, this organisation represents the Aboriginal owners and custodians of Aboriginal cultural heritage sites in the St Leonards area.

Prior to the commencement of the survey Brendan Marshall contacted Trevor Edwards (*Wathaurong* CEO) to discuss the timing and the scope of the works. At the completion of the foot survey the project archaeologist (Brendan Marshall) contacted Trevor Edwards again to discuss the progress of the investigation and the need for subsurface testing. He advised Trevor that TerraCulture would be seeking permission from the co-operative to undertake this testing, as per AAV requirements. At the completion of the field investigation, Brendan contacted Trevor to discuss the results of the foot survey and subsurface testing.

1.3 Wathaurong Perspective

The *Aboriginal and Torres Strait Islander Heritage Protection Act* 1984 recognises a cultural significance to artefacts, sites and places, distinct from an assessment based on scientific values. The *Wathaurong* have their own views on the importance of individual sites and on areas and landforms that are generally sensitive for Aboriginal heritage materials.

This report focuses on the scientific values but records any views expressed by *Wathaurong* representatives on any archaeological materials found during this investigation.

1.4 Aboriginal Affairs Victoria

AAV Heritage Services Branch is the State Government body that administers the Commonwealth and State Legislation that serves to protect Aboriginal heritage in Victoria. This heritage includes archaeological sites, artefact collections and places of cultural significance. Prior to the fieldwork, a Form D survey notification was lodged with AAV Heritage Services Branch (see Appendix 1).

A Form C excavation permit to undertake subsurface testing was also sought from AAV (Appendix 2). This permit requires consent from the local Aboriginal community (the *Wathaurong* Aboriginal Co-operative).

1.5 Heritage Victoria

Heritage Victoria is the State Government body that administers the Heritage Act (1995). This Act serves to protect heritage in Victoria relating to non-indigenous or European settlement of the State. This heritage encompasses built structures, and modifications to the landscape, including archaeological features and deposits, resulting from its historic use. Heritage Victoria was notified of the survey via a survey notification (see Appendix 1).

1.6 Wathaurong and the City of Greater Geelong Protocol

The subject land at St Leonards falls within an area that has been defined as potentially sensitive for Aboriginal archaeological sites following the Aboriginal Cultural Heritage Management and Protection Development Planning Protocol, as agreed to and signed by the City of Greater Geelong (CoGG). This protocol sets out the planning responsibilities of the CoGG and procedures for undertaking Aboriginal heritage impact assessments within the *Wathaurong* area. It also establishes a list of situations where surveys for Aboriginal archaeological sites are required.

1.7 Report Format and Contents

This report follows the format recommended by AAV Heritage Services Branch for reporting on archaeological investigations. As a stand-alone report it necessarily reiterates background information on the physical or historical context of the subject land that may have been presented elsewhere. However, this report will focus on what is relevant for understanding the distribution and form of the Aboriginal archaeology and any historic remains in the area to be surveyed.

Copies of the report will be sent to:

- The *Wathaurong* Aboriginal Co-operative Ltd.
- Aboriginal Affairs Victoria
- Heritage Victoria

2.0. STATUTORY REGULATIONS AND NON-STATUTORY AUTHORITIES

The State and Commonwealth legislation relating to Aboriginal and European heritage sites and places is summarised below. There are three main pieces of heritage legislation relevant to the study area. These are:

- The Archaeological and Aboriginal Relics Protection Act (1972) – Victoria.
- The Aboriginal and Torres Strait Islander Heritage Protection Act (1984) - Commonwealth
- The Heritage Act (1995) - Victoria

The main implications for any development in an area where there are known or potential Aboriginal or non-Aboriginal historic sites are outlined below:

2.1 Aboriginal Archaeological Sites and Places

- A permit from the Aboriginal community that has statutory authority to issue consents to disturb or destroy an Aboriginal archaeological site is required by the developer before any action whatsoever to disturb or destroy an Aboriginal archaeological site occurs. As noted above, under the Regulations of the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984, St Leonards falls within the boundaries of the *Wathaurong* Aboriginal Co-operative Ltd. They can be contacted through:

CEO: Mr Trevor Edwards
PO Box 402
North Geelong 3215
Ph: 5277 0044
Fax: 5278 4123

- The *Wathaurong* Aboriginal Co-operative currently charges an administration fee to issue a Consent and may place conditions upon the granting of a Consent.
- A permit to disturb an Aboriginal archaeological site for the purposes of conducting scientific investigation is required from both the *Wathaurong* Aboriginal Co-operative and Aboriginal Affairs Victoria (AAV).

2.2 European (Non-Aboriginal) Historic Archaeological Sites

- A *Consent* from the Executive Director of Heritage Victoria is required to disturb or destroy historic archaeological sites, places, buildings or structures listed on the Victorian Heritage Inventory.
- A *Permit* from the Executive Director of Heritage Victoria is required to modify, disturb or destroy historic archaeological sites, places, buildings or structures listed on the Victorian Heritage Register. The Heritage Council must approve permit applications.
- Fees apply for the issue of Consents and Permits and a conservation bond is required for artefacts from a historic archaeological site.
- The issue of a Permit or Consent is not automatic and will be subject to furnishing of adequate supporting documentation.
- Heritage Victoria has introduced a new '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.

The legislation protecting archaeological sites is discussed in more detail below. This investigation did not involve an assessment of any European archaeological sites or features. However, given the history of land use of the Golf Course in particular (presented below in Section 4.1), there is a recommendation for additional investigations into the historic cultural heritage of the subject land.

3.0 PHYSICAL AND NATURAL BACKGROUND

3.1 Description of 321 Ibbotson Street, St Leonards (Plates 1-4)

St Leonards is located at the eastern end of the Bellarine Peninsula, about 30 kilometres west of the Geelong CBD.

The property is approximately 39 ha of rural land on the eastern side of Ibbotson Street, directly south of and adjacent to the St Leonards Golf Course and bordered on the east and south by residential housing. The property slopes north to south. A creek that extends from the west to outlet at St Leonards runs across the southern half. This creek is bordered by River Red Gum trees, which are probably self-seeded and less than 200 years old. The creek has been heavily modified through the removal of sediments to create small dams and through the addition of material, e.g. blue metal and other stone. The southeastern corner where the creek crosses Old St Leonards Road is quite low-lying.

The paddocks are currently cropped and grazed. Following the general early history of the St Leonards area (see below), the property does not appear to contain any remnant vegetation.

3.2 Climate

The Bellarine Peninsula has a mild maritime climate. Wright (1973) states that *'the range of maximum temperatures indicates that Queenscliff is cooler than most bayside resorts with average maxima around 22°C for the two hottest months January and February while other bayside areas generally range between 26 to 28°C'*. Similarly the temperature range for the Peninsula during winter is less than that experienced by other bayside areas – minimum temperatures averaging 7°C rather than 5°C.

The Peninsula's climate provided no constraints to either the Aboriginal or the European settlement of the St Leonards area (although accessing reliable sources of water was a major constraint for the farming of some locations).

3.3 Geology and Geomorphology

The Bellarine Peninsula is an uplifted landmass bounded by the Barrabool Fault to the north and the Bellarine Fault along the east. It forms the southern and western boundary of the Port Phillip Sunkland. The southern side of the Peninsula fronts the coast of Bass Strait and its south-eastern point (Point Lonsdale) forms the western heads of the entrance to Port Phillip Bay.

Topographically, the landforms on the Bellarine Peninsula vary from vast areas of shallow lakes and low-lying estuary (namely Lake Connemara and Reedy Lake) to the uplifted Tertiary Plain in the centre of the Peninsula, and the basalt hills between Drysdale and Portarlington (see Wright 1973; Bird 1993).

The coastline at St Leonards is a low energy coastline and Bird provides the following description:

At St Leonards converging waves have shaped a cusped spit in the lee of the harbour pier. Bluffs continue northwards along the coastline, which consists of a succession of sandy beaches separated by shore platforms and spreads of ferruginous gravel, with two or three parallel near-shore bars. The bluff passes inland behind a former embayment now occupied by shallow Salt Lagoon, bordered by salt marshes and cut off from the sea by a barrier of shelly sand (Bird 1993: 136).

The surface geology of the Bellarine Peninsula consists primarily of sand sheets overlaying Miocene clays. The hills in the centre of the peninsula are formed from the oldest sand sheet, which is Tertiary in age. Parts of the Tertiary sand sheet have been weathered to form a 'gently rolling plain' and more recent sands of variable depth have in turn covered these. The flat areas at the toe of the plain such as at St Leonards also consist of these recent (Quaternary) sands (see Wright 1973: 4-5).

From the available geological maps it appears that the elevated northern half of the Ibbotson Street property is located on parts of the Pleistocene sandsheet that lie between the present coastline and the marginal bluff that marks the higher Pleistocene sea level. The southern part of the property, associated with the creek, consists of fluvial deposits of alluvium, gravel, sand and silt (Queenscliff Geological Map 1997). As discussed below, the subsurface testing revealed minor differences in the surface sediments between these two areas.

3.4 Implications for the Aboriginal Archaeology

The Aboriginal archaeology of the Pleistocene sand sheet is more-or-less unknown, as most previous surveys on the Bellarine Peninsula have been along the immediate coastal strip in the more recent sand dunes. Marshall recently recorded an extensive surface scatter of stone artefacts in this landform, in the hinterland at Ocean Grove. This scatter of stone was associated with a local drainage line and is one of few recorded Aboriginal archaeological sites away from the immediate coastal strip in this area. More recent investigations of the St Leonards Golf Course and adjoining rural property to the west did not locate any additional sites, but as is discussed below, this was at least partly due to a lack of ground visibility.

3.5 Implications for the non-Aboriginal Archaeology

The location of the subject land to the west of the main St Leonards settlement and the use of the area for grazing indicates that there are unlikely to be major archaeological deposits or other significant heritage related to its European occupation.

4.0 HISTORICAL BACKGROUND

In order to meet AAV's guidelines, the following section presents a brief outline of St Leonard's history.

4.1 History of European Land Use 1802-1900

The coastline between St Leonards-Indented Heads was the location from which Europeans began the colonisation of much of southern Victoria. Matthew Flinders landed at Indented Head in the Investigator in 1802 and John Batman used the location as a base for his camp in 1835. It was also the location where the earliest settlers met the local Aborigines, the *Wada wurrung* (see below).

The history of St Leonards has been included in a number of texts (see McLeod nd, 1962; Bracher nd; Wynd 1988). Extracts from Wynd's 1988 summary are presented below. As noted by Wynd, the permanent European settlement of St Leonards began with the exploitation of the area's timber resources.

St Leonards owed its early development to Captain George Ward Cole, pioneer Melbourne merchant, who exploited the natural resources of the area to provide firewood for Melbourne. ... Cole bought 779 acres along the eastern foreshore of the Peninsula, extending from today's Indented Head to below the town of St. Leonards. He is said to have established the firewood trade in 1855 and to have built the first houses in the area (Wynd: 1988, 114).

Cole constructed a pier with imported timber and by 1858 the township comprised a hotel, store and several houses, 'all owned by Cole to form an early example of the company town' (Wynd 1988, 114).

Wynd goes on to note that

The first land in the town was sold in 1864, with another sale in 1872. ... In 1865 St Leonards was unattractively described as a postal town and watering place on a nameless creek and freshwater hole dammed up from the sea on the south side of the township (Wynd 1988: 115).

St Leonards was in communication with Melbourne via a steamer that ran three times a week. Grazing in the area was limited and the township had attracted very few families.

Wynd notes that

As well as providing firewood, St Leonards also produced bricks from the five large brick kilns established by Anderson in 1860; these were situated on today's golf course. Later fishing became an important industry when a hundred strong Chinese community established itself along the banks of the creek (Wynd 1988, 115).

Throughout the late 1900's St Leonards experienced fairly slow population growth and by 1891 the permanent residential population only numbered 50.

4.2 Aboriginal History – the Wada wurrung

According to Clark (1990: Fig 11), St Leonards falls within the known traditional boundaries of the *Wathaurong* or *Wada wurrung* language group, whose territory included the coast west of the

Werribee River to Painkalac Creek at Aireys Inlet. This language group included at least twenty-five different clans – family units who were associated with specific localities.

The *Wada wurrung* clans who lived on the coast were the first to come into direct contact with the *ngamadjig/amerjig* or white man. 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 clans that occupied the You Yangs, Hovells Creek and Little River were the next *Wada wurrung* to have direct contact with white explorers; which continued sporadically between 1802 and 1835 (see below).

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: 276-277, see also Barwick 1984: 105).

4.3 The local *Wada wurrung* clan at St. Leonards

According to Clark, the clan who occupied the eastern end of the Bellarine Peninsula including St Leonards are thought to be the *Bengalat balug* (Clark 1990: Figure 11). The accepted documentary evidence for the *Bengalat balug* is poor. As noted in Clark, the *Bengalat balug*'s clan location was Indented Head. Their clan name *Bengalat* means people from *Bengala*, the Aboriginal word for Indented Head. The clan head was named *Hullamboin* (and synonyms) and the clan belonged to the *Waa* moiety (see Clark 1990: 317).

In his regional survey of the Bellarine Peninsula, Rhoads (1986) and G. Dunnett (in Rhoads 1986) present exhaustive lists of potential Aboriginal plant and animal resources, noting their habitat and seasonal availability. Given the location of St Leonards close to Port Phillip Bay, it is possible that many of the resources listed for the coast and hinterland were present during pre-contact times and were used by the *Bengalat* people.

Generally though, like most other *Wada wurrung* clans, there is little specific historical information on the *Bengalat balug*. Corris (1968) cited in Clark (1990) believes '(that) there is 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 further 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 follow year streams of squatters from Melbourne and Geelong met and thrust westwards towards the Colac district. The Bachus Marsh lands were next to be occupied, and then the headwaters of the Leigh and Buninyong (Clark 1990: 281).

In the absence of more historical information, archaeological sites and materials are often the only means of reconstructing the Aboriginal past.

5.0 ARCHAEOLOGICAL BACKGROUND

5.1 Previous Archaeological Investigations

Like much of the Bellarine Peninsula, the local Aboriginal archaeology of the St Leonards area is poorly known. Rhoads (1986) presented a review of and management recommendations for known Aboriginal archaeological sites and archaeologically sensitive landforms for the entire Bellarine Peninsula. While his is one of the few regional studies of Aboriginal archaeological sites within the CoGG, only small samples of land at widely separated localities were the subject of an actual ground survey. Several coastal sites between St Leonards and Indented Head were registered.

Since Rhoads' survey there have been many investigations on the Bellarine Peninsula, the majority of these along the west coast between Barwon Heads and Queenscliff. The Ibbotson Street survey area has not been previously investigated for Aboriginal archaeological sites. Local

surveys at Portarlinton and St Leonards have been conducted by Tulloch (nd), Weaver (2001) and Marshall and Chamberlain (2002). The results of these and other minor investigations are summarised below.

5.2 Recent Local Archaeological Surveys

Tulloch (nd)

Tulloch (nd) undertook a survey at Portarlinton for a proposed wastewater treatment plant. The survey focused on a 60 ha area on the corner of Grassy Point and Church Street in Portarlinton, about 3 kilometres north of the current survey area. Parts of the area had been previously quarried for sand over the last 30 years and were currently being used to graze livestock. Some of the land had been ploughed. Ground visibility varied between 0 and 100% and was generally poorest in the northern paddocks and greatest in areas previously quarried.

Six Aboriginal archaeological sites were discovered during the survey (AAV Site No's 7821/418-423. Tulloch reported that five of these sites were scatters of Aboriginal stone artefacts and the sixth site was a scarred tree. The scatters were low in artefact density but contained a wide range of types: cores, microliths and hand axes. The range of stone types was also wide, with silcrete, milky quartz, chert and quartzite represented. Some of the sites were associated with mud balls and baked sand features (possibly hearths). Most of the sites appeared to be eroding from what Tulloch calls *terra rossa* soil. The scarred tree was located in a northeastern paddock. The lithic scatters were considered to be of high scientific significance.

A single historic site was also discovered during the survey. Described as a stone formation, it was interpreted as part of a path or road. The feature was registered with Heritage Victoria (Site No H7821/28).

Weaver 2001

Weaver undertook a survey of a proposed subdivision to the south of the Ibbotson Street survey area, at the northeastern end of Swan Bay. While visibility across the area was described as poor, an Aboriginal archaeological site (AAV Site No 7821/529) was located during the survey. This site was a scatter of stone artefacts about 100m south of Edwards Point Road. As with Tulloch's sites noted above, the artefacts represented a range of types (blades, cores and waste flakes) made on silcrete, quartz and other stone material. The sites were associated with a drainage ditch whose formation had created good ground visibility and exposure.

No historic sites were located on the subject land.

Webb and Marshall 2001

As part of site-specific investigations conducted for AAV, Webb and Marshall registered a single stone ground-edge axe (AAV Site No 7821/459) that was found in a sewer trench during the early 1980s. The axe was found by a local backhoe driver, Mr Bill Ackerschott, while excavating a sewer trench at 1353 Murradoc Road, at the rear of the residential property. The axe was a very large example of a ground-edge implement made on basalt.

Marshall and Chamberlain 2002

Marshall and Chamberlain undertook an archaeological survey of the St Leonards Golf Course and adjoining rural property to the west of Ibbotson Street. The survey area included a number of landform types, most of which had been highly modified by historic or existing uses. The visibility across the area was insufficient to assess the occurrence of any surface Aboriginal archaeological material. Because of this and also the current functioning of the golf course, subsurface testing was not included as part of the current investigation and has been recommended prior to any ground disturbance.

5.3 Registered Aboriginal Archaeological Sites

A search of the AAV Site Register showed that there are 24 registered Aboriginal archaeological sites and historic places within a 5 kilometres radius of the St Leonards Township. Four of these sites are literature references to stone artefact scatters, the remainder are sites registered as the result of the studies discussed above or as a result of specific site inspections.

Most of these sites are located inland, to the north of the Ibbotson Street subject land, or on the bay at Indented Head. The closest registered site to the survey area is the isolated axe registered by Webb and Marshall.

5.4 Implications of Previous Archaeological Investigations

Of the above noted studies, Tulloch's survey was the only one to have located significant quantities of Aboriginal archaeological material. However, the common element to all the recorded sites is that stone artefact sites have been found under conditions of good ground exposure and surface visibility, i.e. where buried sediments have been disturbed. In the case of the Tulloch survey it was the sand quarries; in Weaver's survey it was the local drainage ditch and Webb and Marshall's axe was found in a sewer trench. **This strongly suggests that there will be buried archaeological deposits elsewhere in the St Leonards area and that the absence of stone artefacts or other archaeological material on the surface does not mean a total absence at that location.** The probability that parts of the Ibbotson Street survey area contain buried archaeological deposits that may be disturbed during any development is recognised in the recommendations presented below.

5.5 Registered Aboriginal Historical Places

There are three registered Aboriginal historical places within a five kilometre radius of St Leonards. These are described below.

Indented Head (St. Leonards) Exploration Camp (Inventory No 11.2-5)

The AAV entry for this place states:

On 9th (8th in Clark 1990: 323) June 1835, two days after the 'treaty signing' near present-day Melbourne, Batman returned with his party by boat to the place where he first landed when arriving in Port Phillip Bay, at Indented Head (probably more accurately the present-day location of St. Leonards township). The party included James Gunn and William Todd. On June 22, 1835 they met a group of Aborigines from the Wada wurrung tribe and spent several days with them. William Buckley made himself known to them at this camp on July 1835.

Point Lonsdale – Indented Head Resource Area (Inventory No 12.1-18)

The AAV entry for this place states:

According to E. B. Addis the Commissioner of the County of Grant, noted on the 14th November, 1848, that his choice for a reserve for local Aboriginal people was near Point Lonsdale, Indented Head, where Aboriginal people resorted during the summer months, hunting and collecting shellfish and bathing.

Bingoilite – Indented Head (Inventory No 12.9-6)

The AAV entry for this place states:

According to the "Ballarat Star" (8th June 1864) J. L. Currie, who had a property at Lara near Mount Elephant, had procured the meaning of place names from Aboriginal people in the southwestern part of the state last century. The Aboriginal word 'Bingoilite' refers

to the 'the stratified (ribbed) appearance of the face of the cliff in the area now known as Indented Head.

5.6 Registered Historical Archaeological Sites and Places

There are no historic places or archaeological sites listed on the Victorian Heritage Register or the Heritage Victoria Site Inventory.

5.7 Predicted Archaeological Site Types

Of the Aboriginal archaeological site types known to occur in the St Leonards area, isolated artefacts and artefact scatters are those most likely to be found on the Ibbotson Street survey area. While scarred trees are known on the Bellarine Peninsula, they can be ruled out due to a lack of mature remnant trees, as noted above.

The possible site types are defined below:

Stone Artefact Scatters A surface scatter of stone artefacts, defined as being a cluster of five or more artefacts. These represent locations where stone artefacts were manufactured and/or used.

Isolated Artefacts An isolated artefact is defined, following AAV guidelines, as less than five stone artefacts within a location.

The area is not considered to be sensitive for European sites, although there is a possibility of archaeological sites consisting of domestic refuse.

6.0 FIELD ASSESSMENT

6.1 Field Personnel

The foot survey was conducted on a single day by an archaeologist, Brendan Marshall, and a Wathaurong Co-operative representative, Sue Darby during fine weather.

The subsurface testing was also conducted over a single day. Field personnel included archaeologists Brendan Marshall, Dr Cathie Webb and Matthew Chamberlain; Trevor Abrahams (Cultural Heritage Protection Officer for the South West and Wimmera Cultural Heritage Region) and Frankie Abrahams, representing the Wathaurong Co-operative.

On a third day of the fieldwork, transects that were dug in the previous week were walked again by Brendan, Trevor and Frankie. On this day, John Vautier representing the developer assisted the field crew. The purpose to reinspecting the transects was to allow for the affects or rain and wind to reduce the dust and clean the surfaces of any stone artefacts that may have been present.

6.2 Foot Survey Methods

The foot survey was restricted to parts of the southern half of the property. It was impractical and of no value to the assessment to track over the grassed paddocks in the northern half of the survey area. These were covered in long pasture grasses and provided zero visibility.

The survey focused on the southern part of the property, particularly along the course of and adjacent to the small creek. Areas associated with the River Red Gum trees were targeted as these were devoid of ground vegetation.

6.3 Subsurface Testing Methods

A two metre wide rotary hoe pulled by a small tractor was used to sample areas within the main paddocks and alongside the small creek (see Map 3). The hoe 'churns up' the surface of the ground to a depth of between 7 and 10cm. This creates up to 100% visibility where the grass is short, which was the case for most of the tested areas. Longer grass tends to become mixed with the sods and reduces the amount of ground surface that is visible.

For mechanical subsurface testing where the aim is to remove pasture grasses and expose the ground's surface, there are four main advantages with using a rotary hoe over using a backhoe and standard bucket. These are:

1. The rotary hoe disturbs the ground's surface *in situ*, i.e. without the need to remove the grass layer and topsoil onto the adjacent ground;
2. Related to this, artefacts that are sitting on the ground's surface will not be displaced with the topsoil grass layer and thus remain unseeable;
3. There is no requirement to reinstate the spoil (ie the grass topsoil layer) at the completion of the transects;
4. The rotary hoe can expose a substantial amount of ground efficiently and a much greater area than normally allowed for when undertaking mechanical subsurface testing.

Naturally, the use of the rotary hoe for the purpose of creating ground exposure is restricted to areas where the substrate is free of rocks, (floaters) as is the case at Ibbotson Road.

6.4 Recording

The results of the field survey and subsurface testing and any Aboriginal archaeological material were recorded according to AAV minimum standards. Details were kept on the distances walked, GPS readings and the size and type of any ground exposure.

6.5 Foot Survey Results (Plates 1-4)

6.5.1 Surface Visibility and Ground Coverage

Topographically, the survey area encompasses two different units:

1. to the north, a dune ridge is covered in thick pasture grasses. Surface visibility was virtually zero and the area was not sampled during the foot survey;
2. to the south, there were patches of visibility along the course of the creek and its banks. Elsewhere, thick pasture grasses prevented an inspection of the ground surface.

Approximately one linear kilometre was walked during the foot survey. Other areas were inspected from the boundary fencelines along Ibbotson Street and from Doongarra Avenue. In terms of effective coverage, this represents less than 1% of the total area and only one landform feature.

6.5.2 Local Sediments Along the Creek

Along the creek the sediments consisted of sandy grey sediments overlying orange brown clays; consistent with the local geomorphology described above. Beneath the trees there is some lateral exposure of the sandy grey sediments. Elsewhere, sediments weren't exposed.

6.6 Subsurface Testing Results (Plates 5-8, see Map 3)

The rotary hoe sampled much of the subject land both in terms of area (which as noted above was 39 ha) and landform type; the Pleistocene sandsheet associated with a distinctive ridge in the northern half of the area, and the fluvial deposits of alluvium associated with the creek and low-lying area in the south.

Table 1 below records the location of the rotary hoe transects, their length and the nature of the sediments exposed.

Landform	Location	Transect Count	Length (m)	Width (m)	Area Exposed (m ²)	Sediments	Aboriginal archaeological material
Pleistocene Sandsheet	Northwest Paddock	6	326	2	3912	Grey sandy loam	No
	Eastern Paddock	1	652	2	1304	Grey Sandy loam	No
	Southwest Paddock	17	Av 294	2	9996	Grey Sandy loam	No
Fluvial alluvium	Creepline	4	300	2	2400	Light Grey	No
	Southern Paddocks	1	74	2	148	Light Grey	No
	Southern Paddocks	1	189	2	378	Light Grey	No
	Southern Paddocks	1	304	2	608	Light Grey	No
TOTALS			Total linear length=9373		Total square metre=18,746		

Table 1. Subsurface testing data for the Ibbotson Road survey area

The data show that approximately 5% of the surface of the 30ha survey area was exposed during the subsurface testing. The testing covered areas within both landform categories. As Table 1 records, the sediments were mostly grey sands. Cattle wallows adjacent to the creek had revealed lighter-yellow sands, but the stratigraphic relationship of these to the grey sands is unknown.

6.7 Discussion of Survey and Subsurface Testing Results

No Aboriginal archaeological material was located during the foot survey and none were found along any of the subsurface transects. As with much rural agricultural land, and other than the removal of the original native vegetation, there appears to have been little removal of the local sediment or other major modifications to the landform. As all parts of the survey area have been disturbed to some degree, the chances of finding *in situ* Aboriginal archaeological deposits were poor. However, the presence of a creek adjacent to a ridgeline is the type of setting where Aboriginal archaeological material is expected. Hence the result of no Aboriginal archaeological sites is unexpected. There is a possibility of more deeply buried material, but the scope of this study did not allow for (nor did the assessment require) investigation of this possibility. The subsurface transects provided a large lateral sample (5%) of surface sediments to a depth of around 10cm. These transects were inspected on two occasions, with some rain falling during the intervening week. This rain would have served to reduce the dust and to clean the surfaces of any stone artefacts that may have been present.

6.8 Historic Archaeological Sites

No historic archaeological sites were located during the survey and the area is unlikely to be sensitive for buried material.

6.9 Scientific Significance Assessment

As no archaeological sites were found during the survey of the Ibbotson Street survey area, there is no requirement to discuss scientific significance.

6.10 Aboriginal Cultural Significance

The heritage legislation that protects Aboriginal archaeological sites recognises significance in terms of Aboriginal cultural beliefs. The *Wathaurong* Aboriginal Co-operative believes that all archaeological sites within their community boundaries are significant and that every effort should be made to conserve Aboriginal archaeological heritage.

While no sites were found during the survey, the *Wathaurong* Aboriginal Co-operative request that the following statement be included in survey reports such as this one:

- The *Wathaurong* Aboriginal Co-operative Ltd is the guardian of and responsible for Aboriginal archaeological sites within their community boundary;
- All Aboriginal sites are important to the Aboriginal Community because they provide an important link to the past;
- The *Wathaurong* regard the focus on 'artefacts' and 'sites' to be a European approach to Aboriginal heritage. A locality or place has more importance than the artefacts on or in it, because Aboriginal people have a spiritual connection with the land itself. The natural context of a place is an integral part of its heritage and this context can often extend beyond the boundaries of an archaeological site;
- Archaeologists should use subsurface testing methods when surveying areas with poor ground visibility, or in any cultural heritage management situation where it is suspected that buried occupation deposits are present.

7.0 LEGISLATIVE PROTECTION FOR ARCAEOLOGICAL SITES

Victoria has legislation for the protection of non-Aboriginal sites and places of cultural significance, and both State and Commonwealth legislation providing protection for aboriginal cultural heritage.

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

7.1 State and Commonwealth Aboriginal Heritage Legislation

With the exception of human remains interred after the year 1834, the *State Archaeological and Aboriginal Relics Preservation Act* 1972 provides blanket 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 tools, rock art sites, ancient camp sites, human burials, trees with slabs of bark removed (for the manufacture of canoes, shelters, etc.) 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 (AAV) administers the *Archaeological and Aboriginal Relics Preservation Act* 1972.

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. Currently, this delegation is held by the Hon. Keith Hamilton MP, and the legislation is administered on a day to day basis by AAV.

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'. Again, there is no cut-off date and the Act may apply to contemporary Aboriginal 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.

The Commonwealth Act prohibits anyone from defacing, damaging, interfering with or endangering an Aboriginal place unless the prior consent of the local Aboriginal community has been obtained in writing. The Schedule to the Act lists local Aboriginal communities and each community's area is defined in the Regulations so that the whole of Victoria is covered.

St Leonards is in the community area of the *Wathaurong* Aboriginal Co-operative Ltd. The *Wathaurong* can be contacted through the following:

CEO: Mr Trevor Edwards
PO Box 402
North Geelong Vic. 3215
Ph: 5277 0044
Fax: 5278 4123

Further information on the State and Commonwealth legislation protecting Aboriginal heritage in Victoria and the role of Aboriginal Affairs Victoria (AAV) Heritage Services Branch can be obtained from:

Aboriginal Affairs Victoria
Heritage Services Branch
PO Box 515
East Melbourne Vic 3002
Phone: (03) 9616 2923

7.2 European Cultural Heritage

The Victorian *Heritage Act* (1995) protects historic buildings, shipwrecks and archaeological sites. 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 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.

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 after a period of 30 days.

The Heritage Inventory

The Heritage Inventory is a listing of all 'places or objects identified as historic archaeological sites, areas and relics', areas where archaeological relics are found and private collections which 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. 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.

Consents to Disturb

Consent from Heritage Victoria is required to disturb or destroy historic archaeological sites, places, buildings or structures listed on the Victorian Heritage **Inventory**.

A Permit from Heritage Victoria is required to modify, disturb or destroy historic archaeological sites, places, buildings or structures listed on the Victorian Heritage **Register**. Permit applications must be approved by the Heritage Council.

Heritage Victoria may apply fees for the issue of Consents and Permits and a conservation bond is required for artefacts from a historic archaeological site. The issue of a Permit or will be subject to the provision of appropriate documentation. An application for Consent to uncover or expose an archaeological site or relic or to excavate land for the purpose of uncovering a site or relic is \$80.00. An application for Consent to disturb or destroy an archaeological site on the Heritage Inventory is \$320.00.

D Classification

Heritage Victoria has introduced 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.

8.0 MANAGEMENT RECOMMENDATIONS

8.1 Aboriginal Archaeological Sites

The investigation of the Ibbotson Street land at St Leonards that is the subject of the rezoning application showed that prior to the survey no Aboriginal archaeological sites were registered. Also, none of the historic Aboriginal places registered in St Leonards occur on the subject land.

The field survey was restricted to a small portion of the southern half of the property, where there was limited ground visibility. The subsurface testing provided a 5% sample of the surface sediments across the entire area, which included the two major landforms and ground adjacent to the creek. This sample was more than adequate to test for surface Aboriginal archaeological sites that were otherwise obscured by the pasture grasses, and to test for archaeological material to a depth of 10cm.

No Aboriginal archaeological sites were discovered during the survey, and none were exposed during this subsurface testing.

In light of the results of the investigation the following recommendations have been formulated:

- 1) There is no requirement for any further Aboriginal archaeological survey or subsurface testing.
- 2) There is a possibility that Aboriginal archaeological sites may occur at deeper levels. The proponent should provide the opportunity for a suitably qualified archaeologist to undertake an inspection of, report on and register any additional archaeological material that is

uncovered during any excavations. Any report should be added as an addendum to this current report unless the scope of the additional assessment requires a stand-alone document.

- 3) If human skeletal remains are uncovered during any ground disturbance the recommendations presented below should be followed:
- All works must cease immediately. The Police or Victorian Coroner's Office must be immediately notified, as required by the 1985 Coroner's Act. The state Coroner's Office can be contacted at any time on (03) 9684-4444.
 - If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery should also be reported to the *Wathaurong* Co-operative on Ph:(03) 5277 0044 and AAV on Ph. (03) 9616 2923.
 - The remains are not to be touched or otherwise interfered with, other than to safeguard them from further disturbance.
 - Do not contact the media.
 - To facilitate any further assessment the precise area of any ground disturbance should be pegged out.

8.2 *Wathaurong* Aboriginal Co-operative

Brendan Marshall has discussed the results of the survey with Trevor Edwards, the CEO of the *Wathaurong* Co-operative. Trevor Edwards will respond in writing to the report and the above Recommendations.

The *Wathaurong* Co-operative will request monitoring of ground disturbance associated with any development, particularly within the vicinity of the creek. The timing and scope of this monitoring should be discussed with the *Wathaurong*. Elsewhere, monitoring of this type has been tied into the grader scrapes associated with road construction, where approximately 0.5m of sediments are disturbed. The *Wathaurong* Co-operative's fees and charges are presented in Appendix 3.

8.3 Historical Archaeology

- 4) There is no requirement for any further historical archaeological survey.

8.4 Report Distribution

It is a statutory requirement that copies of an archaeological consultant's report be lodged with the responsible State heritage agency and with the relevant Aboriginal community.

TerraCulture will provide copies of this report to:

- The *Wathaurong* Aboriginal Co-operative Ltd
- Aboriginal Affairs Victoria
- Heritage Victoria

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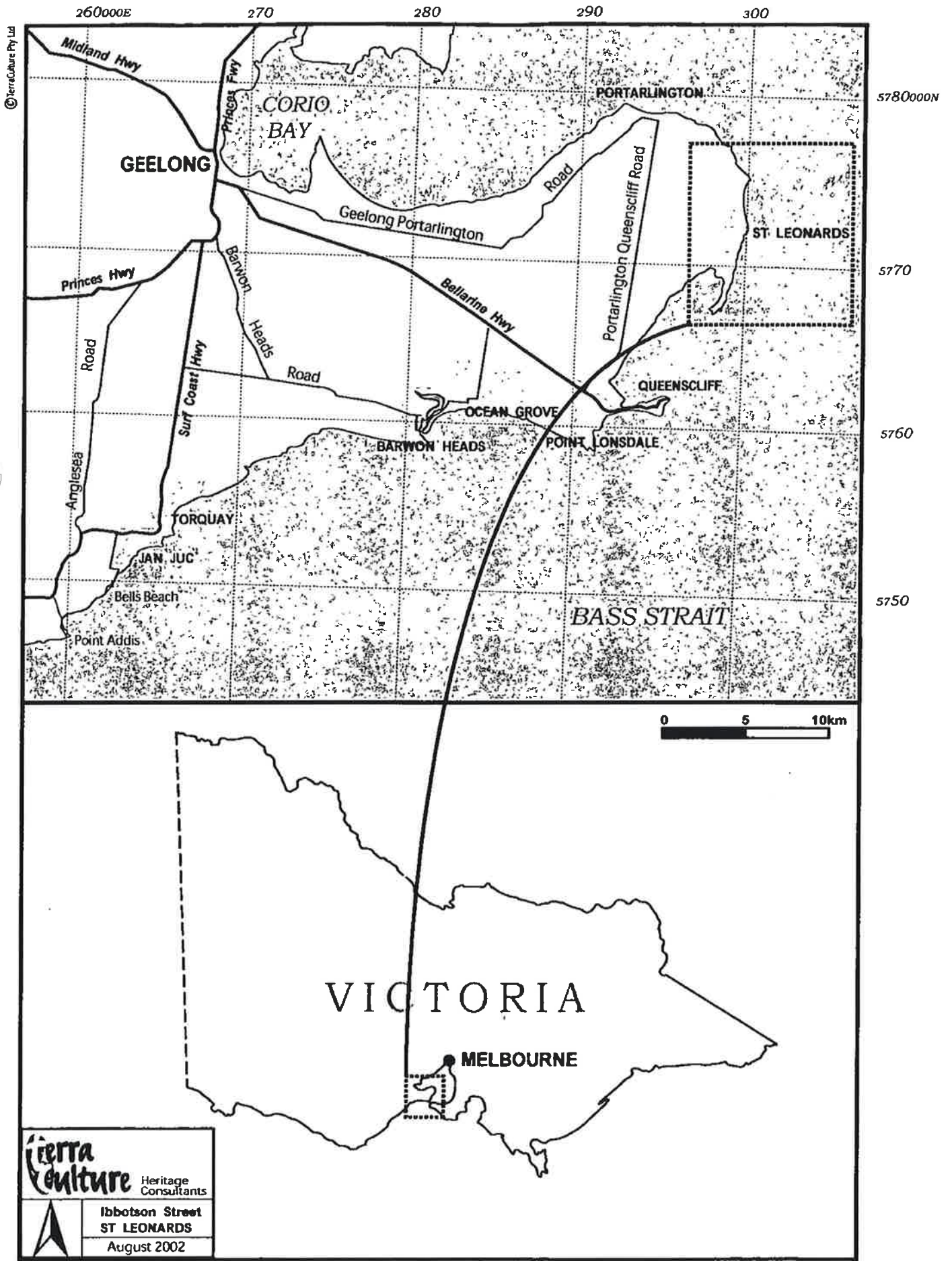
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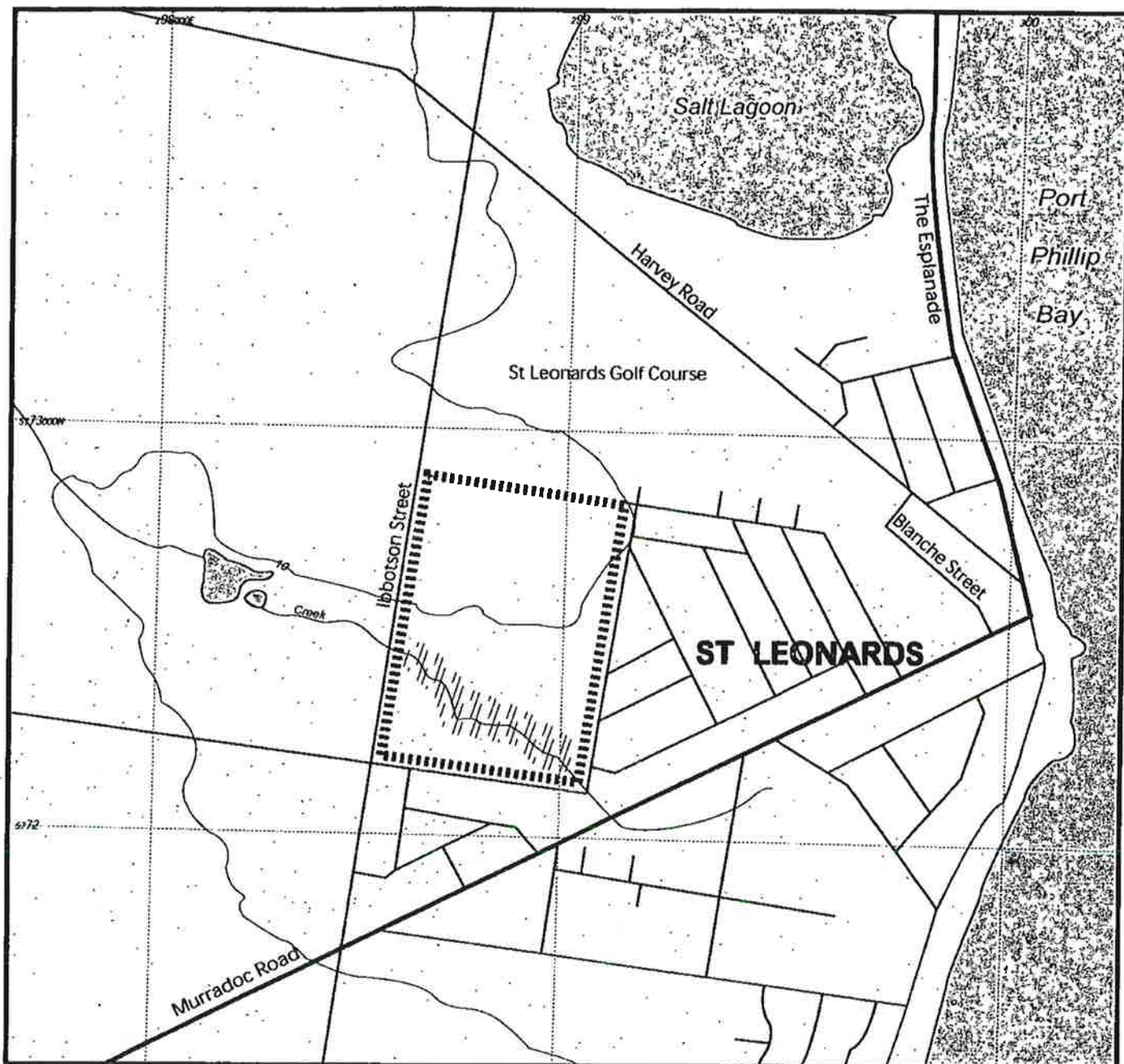
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
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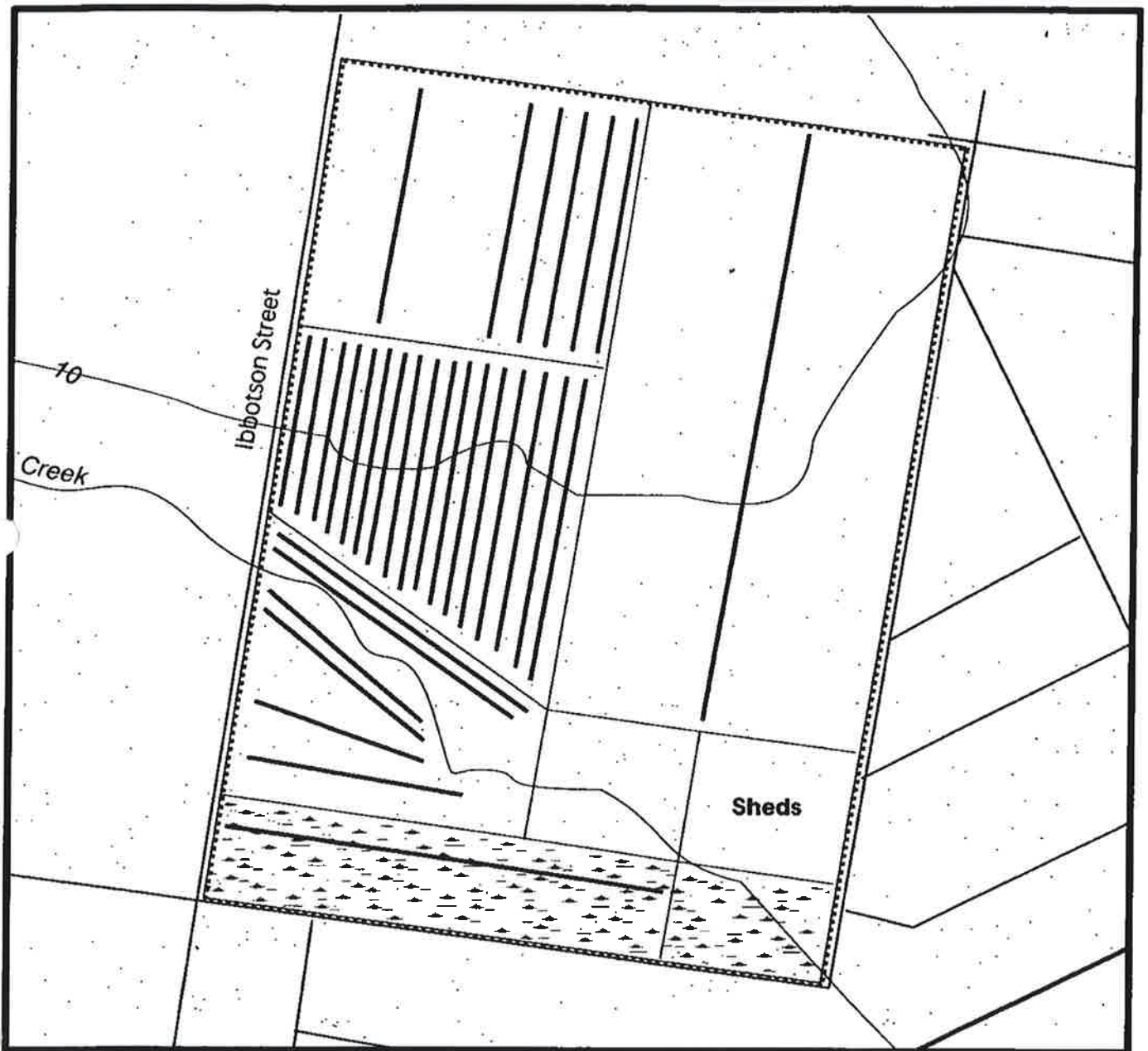
Map 1: Regional map showing the location of St Leonards.



	Heritage Consultants
	Ibbotson Street
	ST LEONARDS
August 2002	

-  Ibbotson Street subject land
-  Area surveyed




Map 2: The Ibbotson Street subject land at St Leonards.



0 250 500 metres

© TerraCulture Pty Ltd

	Heritage Consultants
	Ibbotson Street ST LEONARDS August 2002

-  Ibbotson Street subject land
-  Sub-surface transects
-  Swamp

Map 3: The location of sub-surface transects on the Ibbotson Street subject land at St Leonards.

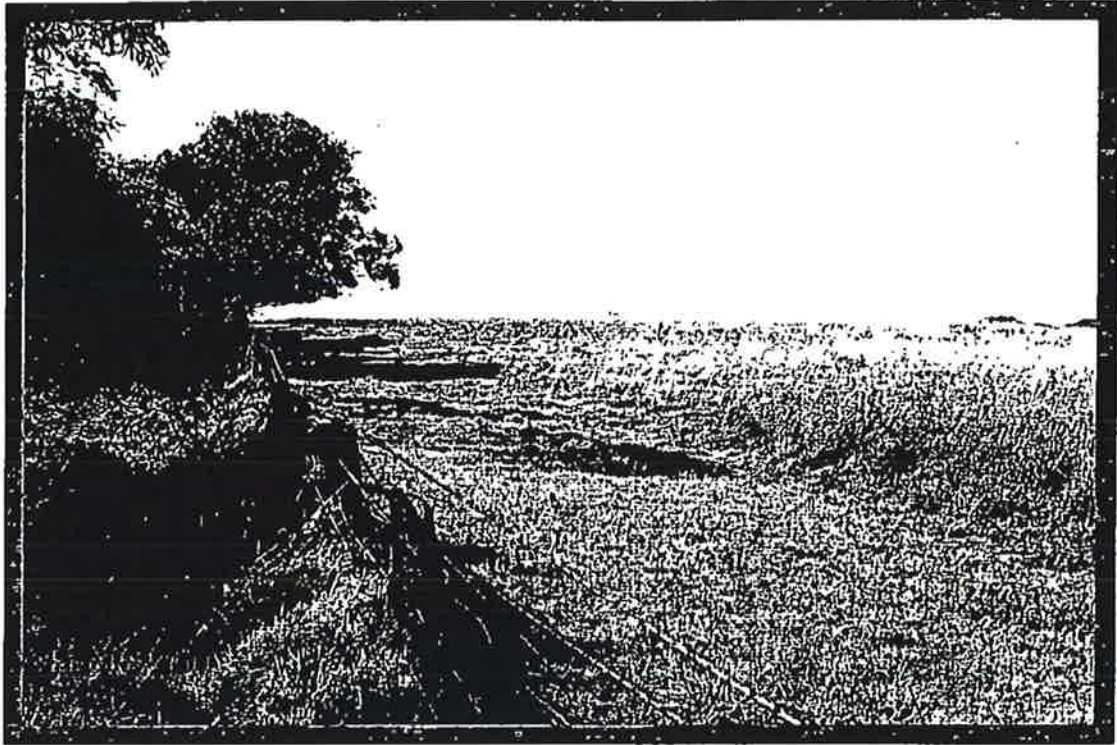


Plate 1: View of the survey area from Ibbotson Street looking north along fenceline. Note the long grass.



Plate 2: View of the survey area from Ibbotson Street looking east along the creek. Note the poor ground visibility and the trees.



Plate 3: Sue Darby of the Wathaurong Co-op surveying along the course of the creek.

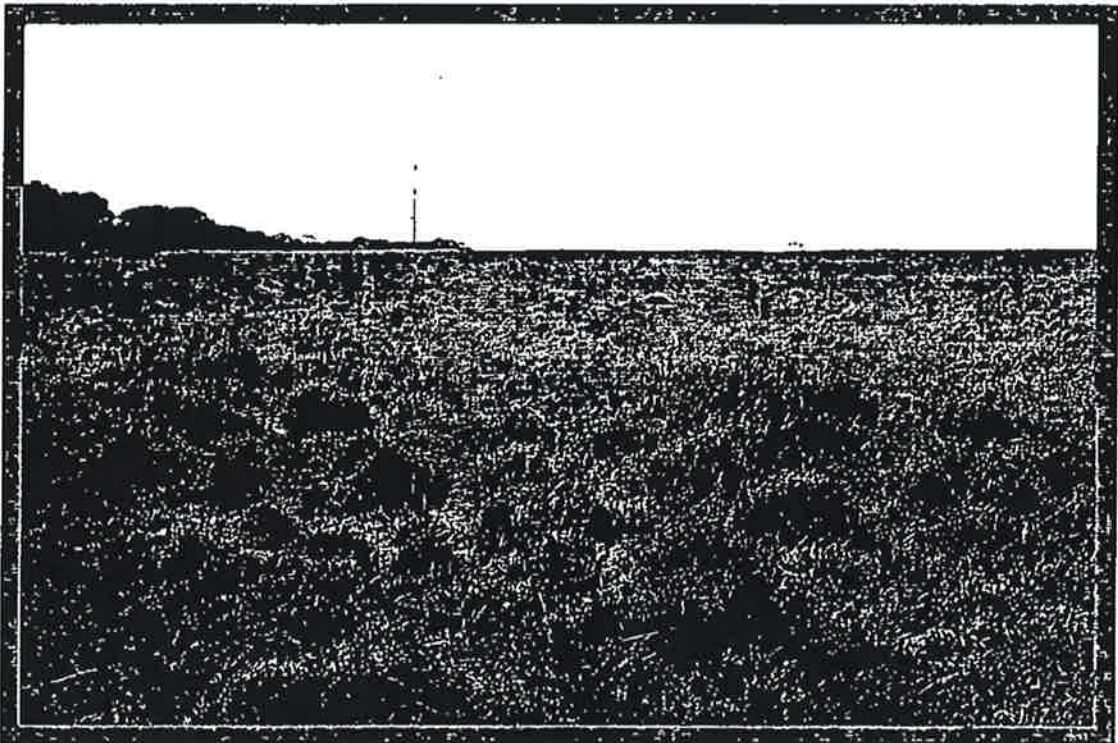


Plate 4: View of the paddock to the north from the creek line. Note the poor ground visibility.



Plate 5: Rotary hoe transect in the south-west paddock, heading south to the creek.



Plate 6: The field crew (Cathie Webb, Frankie Abraham and Trevor Abraham) survey a transect in the north-west paddock, adjacent to Ibbotson Road.

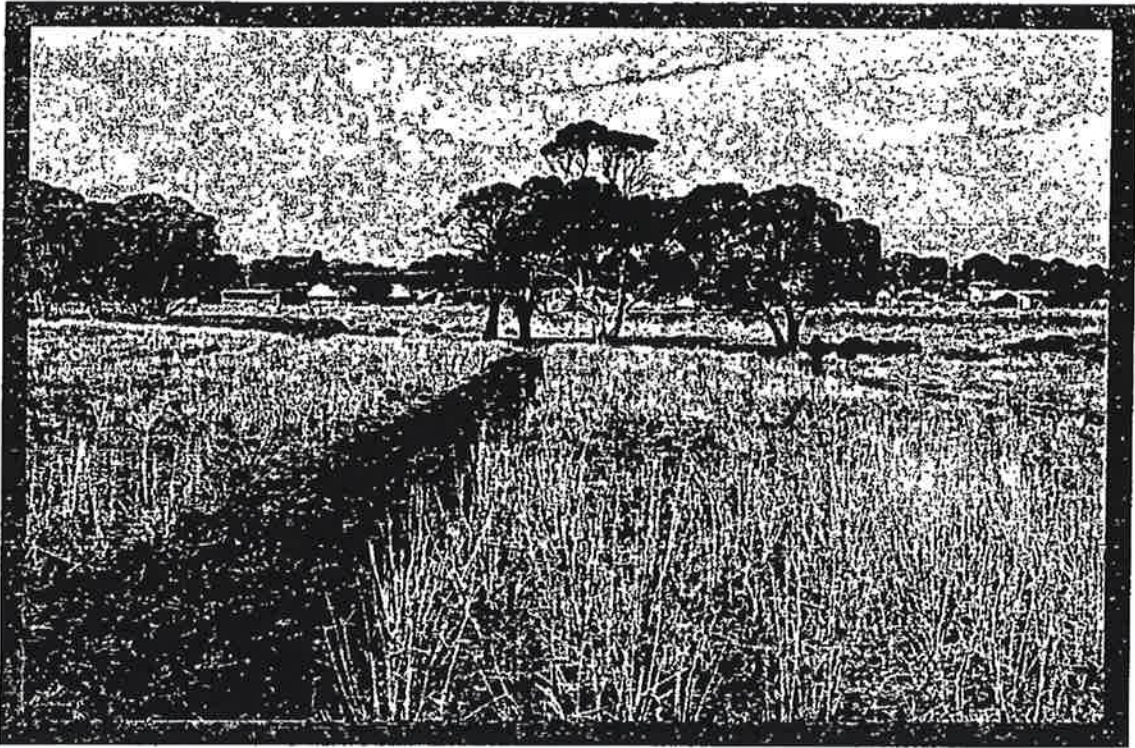


Plate 7: Transect in the southern half of the subject land, heading south-east toward the creek. Note the surveyors inspecting the tested area (right).



Plate 8: Cathie Webb inspecting a rotary hoe transect through long grass at the north end of the south-west paddock.



Department of Natural Resources and Environment

Aboriginal Affairs Victoria

IH/04/0001

Project no: 2384

Our Ref:

11th July 2002

Ms Cathie Webb
Terra Culture Pty Ltd
28 Anketell Street
COBURG VIC 3058

Dear Cathie

PROPOSED SITE SURVEY: 321 IBBOTSON STREET, ST LEONARDS

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 / Manager for the relevant Regional Aboriginal Cultural Heritage Program (RACHP). The AAV web site at <http://www.nre.vic.gov.au/aaav> includes maps and contact lists relating to local Aboriginal communities and the RACHP.

Please contact me on (ph) 03 9637 8035 if any further information is required.

Yours sincerely

TRISH TERRY
Heritage Information Officer
Aboriginal Affairs Victoria

02_0431

AAV SURVEY ATTRIBUTES PROFORMA

Author/Consultant <u>MARSHALL + WEBB</u>	
Report/Survey Name <u>An archaeological survey, Ibbotson St St Leonards</u>	
AAV Report Number <u>2384</u>	Survey Date <u>7 July 2002</u>
Survey Area Number <u>N/A</u>	Weather Conditions <u>FINE</u>
Survey Spacing(m) <u>3</u>	No. of People <u>2</u> % Area Surveyed <u>1%</u>
Visibility % <u>along creek 20%</u> <u>elsewhere 0%</u>	

Survey Design	Survey Type	Survey Method	Survey Sample
<input checked="" type="checkbox"/> Opportunistic <input type="checkbox"/> Random <input type="checkbox"/> Systematic <input type="checkbox"/> Stratified <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Surface <input type="checkbox"/> Sub-surface <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Pedestrian <input checked="" type="checkbox"/> Vehicle	<input type="checkbox"/> Area <input type="checkbox"/> Transect <input checked="" type="checkbox"/> Locality <input type="checkbox"/> Haphazard <input type="checkbox"/> Other

Disturbance

<input checked="" type="checkbox"/> Logged <input type="checkbox"/> Levelled <input type="checkbox"/> Trenched <input checked="" type="checkbox"/> Ploughed <input checked="" type="checkbox"/> Grazed <input type="checkbox"/> Heavy Machinery <input type="checkbox"/> Track <input type="checkbox"/> Road Reserve <input type="checkbox"/> Fire Break <input type="checkbox"/> Burned <input type="checkbox"/> Deflated <input type="checkbox"/> Burrowing <input checked="" type="checkbox"/> Gully Erosion <input type="checkbox"/> Sheet Erosion <input type="checkbox"/> Alluvial Erosion <input type="checkbox"/> Wave Action <input type="checkbox"/> Alluvial Deposition <input type="checkbox"/> Aeolian Deposition <input type="checkbox"/> General Erosion <input type="checkbox"/> General Aggradation

Landform

<input checked="" type="checkbox"/> Dune <u>RIDGE</u> <input type="checkbox"/> Plain <input type="checkbox"/> Lunette <input type="checkbox"/> Flood Plain <input checked="" type="checkbox"/> Hill (Gentle/Moderate) <input type="checkbox"/> Steep Hill/Mountain <input type="checkbox"/> Undulating Slopes <input type="checkbox"/> Other

Vegetation

<input type="checkbox"/> Closed Forest <input type="checkbox"/> Open Forest <input type="checkbox"/> Open Woodland <input type="checkbox"/> Scrub <input type="checkbox"/> Heath <input type="checkbox"/> Wetland/Swamp <input type="checkbox"/> Grassland/Pasture/Alpine Meadow <input checked="" type="checkbox"/> Agricultural Pasture <input type="checkbox"/> Barren/Unvegetated <input type="checkbox"/> Other

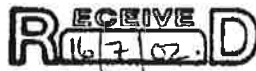
Comments _____



Heritage
VICTORIA

Ref: HER/1999/000180 5

15 July, 2002



Nauru House
Level 22
80 Collins Street
Melbourne 3000

Telephone (03) 9655 6519
Facsimile (03) 9655 9720

www.heritage.vic.gov.au
www.doi.vic.gov.au/heritage/

Ms Cathie Webb
TerraCulture Pty Ltd
8 Glenleith Rd
GEELONG VIC 3220

Dear Cathie

**RE: PROPOSED SURVEY
321 IBBOTSON STREET, ST LEONARDS**

Thank you for forwarding a completed Notification of Survey Form, advising of your intent to conduct a survey for historical archaeological sites in the above area.

Should your survey reveal previously unrecorded sites I will be able to provide you with the appropriate Heritage Inventory numbers on receipt of completed Archaeology Site Record Forms.

Please quote project number **1569** in all following correspondence that relates to this survey. The final report will be lodged as report number **1569**. Please note that you are required to provide this office with two copies (one bound and one unbound) of any resulting report.

Should you have any queries or require any further assistance please call Jeremy Smith, Archaeologist, on (03) 9655 9764.

Yours sincerely

RAY TONKIN
EXECUTIVE DIRECTOR

RECEIVED
26/7/02

Form C

Victoria

Archaeological and Aboriginal Relics Preservation Act 1972

**ARCHAEOLOGICAL AND ABORIGINAL RELICS
PRESERVATION REGULATIONS 1992**

EXCAVATION PERMIT

Brendan Marshall

of

Terra Culture Pty Ltd
8 Glenleith Avenue
GEELONG VIC 3220

is authorised to disturb or excavate the land described below for the purpose of uncovering or exposing any relic or excavating any relic.

The land is described as open paddocks located at 321 Ibbotson Street, St Leonards, in the Parish of Paywit, in the County of Grant, and shown hatched on the accompanying map.

This permit is valid from **24 July 2002** to **24 August 2002** and is issued subject to the attached terms, conditions and limitations.

Dated: *23 July 2002*

Joy Elley
Director, Heritage Services
on behalf of the Minister

Victoria

Archaeological and Aboriginal Relics Preservation Act 1972

**ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION
REGULATIONS 1992**

EXCAVATION PERMIT

Standard Conditions

1. The permit does not abrogate the holder's responsibility to obtain the permission of the owner, occupier and/or manager of the subject land and to obtain relevant permits and/or consents from government authorities.
2. The permit is conditional on the consent of the local Aboriginal community being obtained in accordance with Section 21U (4) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.
3. The permit is valid only for the time period, land and site described in the application.
4. The permit can be renewed providing there has been compliance with the conditions of the permit up until the renewal application.
5. The permit cannot be transferred or assigned.
6. In cases of illness or other circumstances which may prevent the undertaking of the excavation, the Minister may agree, on application, to suspend the permit provided that the suspension does not result in any variation of the applicant's ability to undertake the work outlined in the application.
7. An officer of Aboriginal Affairs Victoria, or an Inspector acting under the authority of the *Archaeological and Aboriginal Relics Preservation Act 1972* may at any time inspect the works undertaken or relics recovered under the permit.
8. The permit can be revoked at any time at the discretion of the Minister.
9. The holder of the permit shall, within 6 months of completion of the excavation or expiry of the permit (whichever is the earlier), submit to Aboriginal Affairs Victoria an interim report of the results of the excavation.
10. The holder of the permit shall, within 6 months of completion of the excavation or expiry of the permit (whichever is the earlier), lodge with Aboriginal Affairs Victoria a copy of all excavation notes, plans, section drawings and relevant photographs relating to the work carried out under the permit, to form an archival record in the event that the originals are lost or destroyed.
11. Copies of all work based on the results of the excavation for which the permit was issued should be submitted to Aboriginal Affairs Victoria for lodgement in its archive/library.
12. The permit holder must agree to indemnify the Minister and the Crown against all claims in connection with the permit.
13. The permit holder must agree to apply reasonable and appropriate safety procedures to all aspects of the proposed excavation work.

Victoria

Archaeological and Aboriginal Relics Preservation Act 1972

**ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION
REGULATIONS 1992**

EXCAVATION PERMIT

Special Conditions

1. The disturbance of the land is to be limited to:
 - (a) the excavation of sub-surface sediments by means of up to 50 east-west and north-south oriented transects. Each transect, to be excavated by means of a backhoe blade, is to be 200m in length and 600mm wide.
2. If considered necessary, further excavation may be carried out. This work is to be limited to an additional 25 transects of the same dimensions as described above.
3. Aboriginal Affairs Victoria site record cards (Forms E or G) are to be completed for all sites and/or occurrences of artefacts discovered as a result of the excavation. These cards are to be forwarded to the Registrar, Heritage Services Branch as soon as possible after the completion of the field work, and within a maximum of 30 days.
4. The location of each pit and transect is to be recorded accurately, along with details of any exposed stratigraphy. This information is to be provided to the Registrar, Heritage Services Branch as soon as possible after completion of the field work, and within a maximum of 30 days. Please note that this requirement applies whether or not any cultural material is found during the excavation.
5. The holder of this permit shall ensure that the site is properly restored and stabilised following the excavation, to the satisfaction of the owner/manager of the subject land.

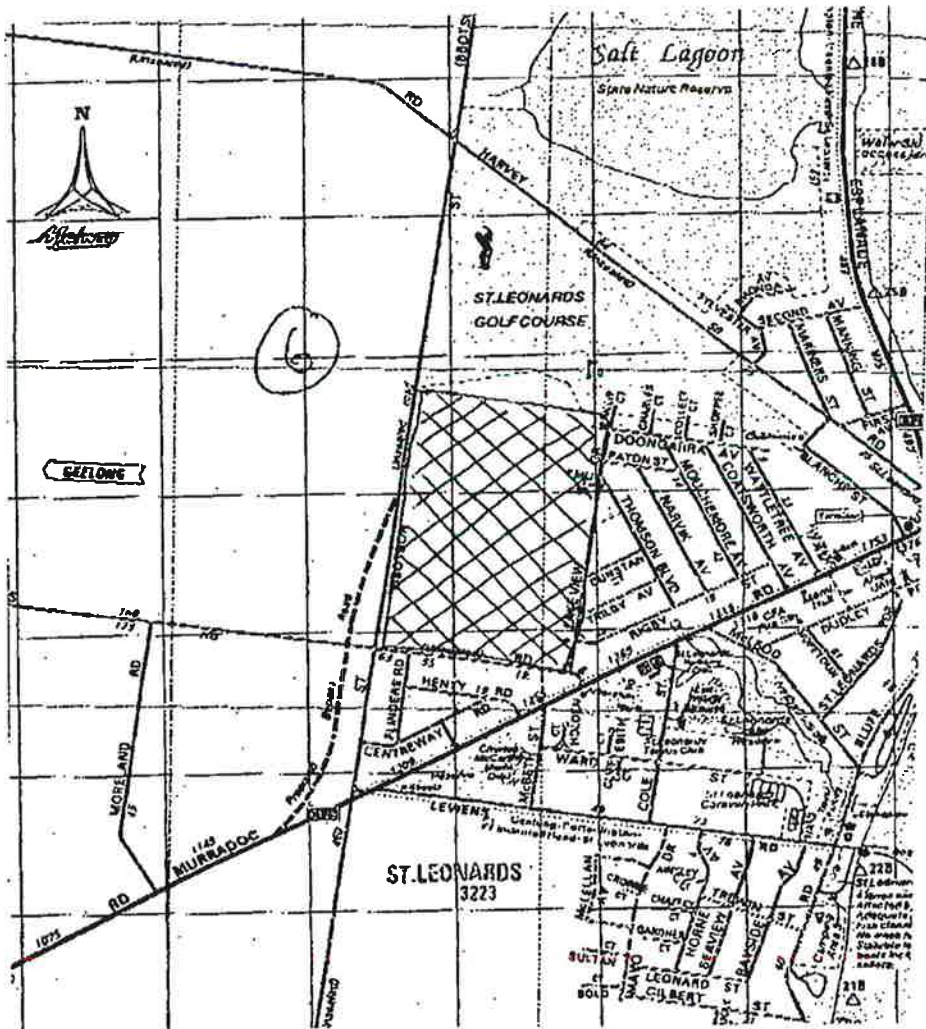
Victoria

Archaeological and Aboriginal Relics Preservation Act 1972

ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION
REGULATIONS 1992

EXCAVATION PERMIT

Map showing location of the subject land



APPENDIX 3:

WATHAURONG ABORIGINAL CO-OPERATIVE LTD SCHEDULE OF PAYMENT FOR SITE WORK AND PERMIT FEES (ALL RATES AND FEES ARE INCLUSIVE OF GST)

ORDINARY RATES	8.00AM To 5.00pm Mon-Fri	\$45.00 per hour
TIME & HALF	5.00PM To Midnight Mon-Fri & Sat	\$67.50 per hour
DOUBLE RATES	Midnight To 8.00AM Mon-Fri & Sun	\$90.00 per hour
DOUBLE TIME & HALF	All gazetted Public Holidays	\$112.50 per hour

Kilometer reimbursement is at a flat rate of 0.60 per kilometer

Please note:

2 Hour *minimum start – payable on jobs organised and cancelled without notice **within** a radius of 25 km of GPO Geelong.

4 Hours *minimum start – payable on jobs organised and cancelled without notice **outside** a radius of 25 km of GPO Geelong. This also applies to jobs cancelled within one (1) hour of commencement time.

All work organised and worked for 2 hours or less will be charged at 3 hours **within** a radius of 25 km of GPO Geelong and will attract the kilometer reimbursement of 0.60 per km.

All work organised and worked for 2 hours or less will be charged at 4 hours **outside** a radius of 25 km of GPO Geelong and will attract the kilometer reimbursement of 0.60 km.

Application fees are listed:

Permit rates as at the 10th May 2002 shall be charged at a rate of \$825.00 for each sub-surface test subject to this area not being an AAV archaeological registered site but sensitive to archaeological materials.

1. The fee for sub-surface testing in and around an AAV archaeological registered site that shall or may impact upon the said site will be \$825.00.
2. The request to disturb, remove and/or otherwise destroy an AAV archaeological registered site shall be negotiated by the Chief Executive Officer in consultation with the Board of Directors and may need to be confirmed through a Community meeting with appropriate terms and conditions attached.

The consultation by the Board of Directors with the Community may result in exceeding the required time frame set down under the present Cultural Heritage Act 84.

It is therefore expected the first written contract may result in a refusal to remove a registered site, this will allow sufficient time to adequately consult with the Board (and the Community if deemed necessary). Please note it may not be the first and final decision or outcome.

