

Final Report

# Northern Geelong Growth Area, Lovely Banks and Lara, Victoria: Phase 1 Post-Contact Heritage Assessment

Client

Lovely Banks Landowner Consortium

20 December 2016



Ecology and Heritage Partners Pty Ltd

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**Cover Photo:** Elcho Homestead

(Source: Victorian Heritage Database)

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## ABBREVIATIONS

Acronym	Description
Act, the	<i>Heritage Act 1995</i>
AV	Aboriginal Victoria, formerly the Office of Aboriginal Affairs Victoria
CHL	Commonwealth Heritage List
CHMP	Cultural Heritage Management Plan
CMA	Catchment Management Authority
CoGG/Council	The City of Greater Geelong
DELWP	Department of Environment, Land, Water and Planning (Victoria)
DoEE	Department of the Environment and Energy (Commonwealth)
DPC	Department of the Premier and Cabinet (Victoria)
EES	Environment Effects Statement
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EVC	Ecological Vegetation Class
PCHA	Post-Contact Heritage Assessment
HA	Heritage Advisor
HO	Heritage Overlay
HV	Heritage Victoria
NES	National Environmental Significance
NHL	National Heritage List
NTR	National Trust Register (Victoria)
PMST	Protected Matters Search Tool
PSP	Precinct Structure Plan
RNE	Register of the National Estate
SLV	State Library of Victoria
VGF	Victorian Geomorphological Framework
VHI	Victorian Heritage Inventory
VHR	Victorian Heritage Register
VWHI	Victorian War Heritage Inventory
WHL	World Heritage List

# EXECUTIVE SUMMARY

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## Introduction

Ecology and Heritage Partners Pty Ltd was commissioned by Wilcon Projects Pty Ltd (on behalf of the Lovely Banks Landowner Consortium) to prepare a Phase 1 (Desktop) Post-Contact Heritage Assessment (PCHA) for the Northern Geelong Growth Area (NGGA) in Lovely Banks and Lara, Victoria (City of Greater Geelong) (Map 1).

### The Activity

The City of Greater Geelong (CoGG) is preparing a Framework Plan to guide the future development of the lands within the study area.

### The Study Area

The study area is the Northern Geelong Growth Area. It is approximately 2,127 ha in size and is bounded by Staceys Road to the north, Geelong-Bacchus Marsh Road to the east, the Geelong Ring Road to the southeast, Anakie Road to the south west, and private rural land to the west (Map 2).

## Methods

The assessments undertaken as part of this PCHA were a desktop assessment in accordance with the brief and scope of works issued by CoGG. The desktop assessment consisted of reviews of relevant heritage registers and databases, previous heritage assessment reports, archaeological publications and unpublished reports, and a review of the environmental context of the study area, culminating in mapping showing currently registered heritage places, and a predictive statement and preliminary sensitivity mapping regarding the likelihood of historical archaeological sites occurring in the study area.

In addition, a rapid site inspection was also carried out to obtain an overview of the study area and to ground-truth results obtained during the desktop assessment. Formal archaeological survey or subsurface testing did not form part of the scope of works for this assessment.

## Results

### Desktop Review

A total of 11 historical heritage places and sites were identified within 1 km of the study area. A summary of the relevant historical heritage sites appears in Table ES1. A total of six registered historical heritage places are located within the study area; one, Elcho Homestead, is listed on multiple registers.

The desktop review concluded that domestic sites, dry stone walls, tree plantings and road infrastructure sites were the types of historical heritage sites most likely to occur within the study area. Other site types that may occur are pastoral and farming sites.

**Table ES1:** Summary of Previously Identified Historical Heritage Places within the Search Area

Register & Place Number	Place Name	Site Type	Within Study Area?
VHR H0283 HO16 B1277	Elcho Homestead 605 Bacchus Marsh Road, Lovely Banks	Domestic/Residential	Yes
VHI H7721-0249	Goldsworthy Road Stables/Dairy Goldsworthy Road, Corio	Farming and Grazing	No, adjacent
VHI D7721-0047	Stone Feature Elcho Road 400 Elcho Road, Lovely Banks	Farming and Grazing	Yes
VHI D7721-0048	Dry Stone Fence – Elcho Road 400 Elcho Road, Lovely Banks	Farming and Grazing	Yes
VHI D7721-0049	Stone Feature 5 Staceys Road, Lovely Banks	Farming and Grazing	Yes
VHI D7721-0114	Bacchus Marsh Road Hawthorn Hedge 295 Bacchus Marsh Road, Corio	Farming and Grazing	No, adjacent
VHI H7721-0115	Bacchus Marsh Road House Site Bacchus Marsh Road, Corio	Domestic/Residential	No, adjacent
HO1721	Lovely Banks Service Reservoir 600 Anakie Road, Lovely Banks	Infrastructure - Water	Yes
HO1979	Lochnaben 295 Patullos Road, Lara	Domestic/Residential	No
HO1988	Kia Ora 75 Staceys Road, Lovely Banks	Domestic/Residential	Yes
HO1991	Residence 785 Bacchus Marsh Road, Anakie	Domestic/Residential	No

### Field Inspection

The field inspection was undertaken on 10 and 11 September 2016 by Rick Bullers (Senior Archaeologist/Heritage Advisor). The inspection comprised visual observation from roadsides only. The inspection was not included in the scope of works for the project but was conducted as a ground-truthing exercise for the desktop review.

### Historical Heritage

Six registered historical heritage Places are present (see above). In addition, a number of dry stone walls were identified during the inspection in the northern and western sections of the study area (along and off Staceys Road, Elcho Road, Evans Road and Anakie Road (additional walls may be present along internal property boundaries that are not visible from roadsides)).

No other additional historical heritage sites were identified during the inspection that was suitable for statutory listing on a heritage instrument. Three potential historical archaeological features were identified, including (Map 6):

- The site of the former house at 350 Emersons Road;
- The potential site of a former house in the vicinity of 75 Tower Hill Drive; and
- Unidentified structure on 800 Anakie Road.

## Summary of Management Recommendations

The following recommendations are made in relation to the historical heritage values of the study area.

### Recommendation 1: NHL Site; EPBC Referral

There are no Matters of National Environmental Significance (MNES) within the study area. Therefore there is no requirement for a referral to the Minister of the Environment (Commonwealth) under the *Environment Protection and Biodiversity Conservation Act 1995*.

### Recommendation 2: Permit under *Heritage Act 1995*

There is one Heritage Place listed under the Victorian Heritage Register within the study area (Elcho Homestead). The curtilage of the VHR place should be incorporated into the FP. A permit under the *Heritage Act 1995* is not required for the preparation of the Framework Plan. However, if the FP proposes changes to the existing fabric of the place, further assessments are required to determine whether the proposed development is likely to have an impact on the place. This should be determined once the FP has been completed and the detailed design of any development is determined (a Heritage Impact Assessment). If proposed impacts are minor, a permit exception may be granted by Heritage Victoria.

### Recommendation 3: Heritage Overlay

There are three Heritage Places listed on the Heritage Overlay within the study area:

- HO16 (Elcho Homestead). The curtilage of this place should be incorporated into the FP. Any future development proposals that have potential to impact the fabric or heritage values of the place should be subject to further heritage assessment in the form of a Heritage Impact Assessment. However, note that this place is registered on the VHR and, as a State-significant place, the approvals process through Heritage Victoria takes precedence and an approval from Council is not required.
- HO1721 (Lovely Banks Basins). The curtilage of the place should be incorporated into the FP, particularly if Barwon Water intends to continue operating the site as a water reservoir. If Barwon Water proposes to decommission the basins from their current role in the future, and if the FP proposes changes to the existing fabric of the place, further assessments are required to determine whether the proposed development is likely to have an impact on the place. This should be determined once the FP has been completed and the detailed design of any development is determined (a Heritage Impact Assessment).
- HO1988 (Kia Ora). The curtilage of the place should be incorporated into the FP. Any future development proposals that have potential to impact the fabric or heritage values of the place should be subject to further heritage assessment in the form of a Heritage Impact Assessment.

#### **Recommendation 4: Further Investigation of Potential Archaeological Sites**

Three locations were identified as having potential historical archaeological values, but did not warrant listing on the Victorian Heritage Inventory at this stage (Map 6). These sites are:

- The site of the former house at 350 Emersons Road;
- The potential site of a former house in the vicinity of 75 Tower Hill Drive; and
- Unidentified structure on 800 Anakie Road.

The FP should note these locations. Further detailed investigation and consultation with Heritage Victoria regarding their potential for listing on the VHI should be carried out as part of a future planning stage (e.g. as part of a Precinct Structure Plan or pre-development). Note that under the *Heritage Act 1995* a consent from Heritage Victoria is required to damage any historical archaeological site older than 50 years, whether or not they are listed on the VHI.

#### **Recommendation 5: Dry Stone Walls**

A number of dry stone walls (DSWs) are present in the northern and western sections of the study area. DSWs are landscape features that often provide aesthetic character to the landscape and contribute to an understanding of the historical pastoral/farming practices of a region. It is recommended that the walls be identified in the FP. Further detailed assessment of their significance values should be carried out as part of a future planning stage (e.g. as part of a Precinct Structure Plan or pre-development) and, if considered to be historically significant (e.g. contributory to existing heritage places in the study area or significant in their own right), then it is recommended that CoGG make a determination on whether to amend the Schedule to cl.52.37 to apply to these walls.

It is recommended that the project to further investigate the walls be included in the impending Municipal Heritage Strategy.

If CoGG ultimately amends Cl. 52.37 to apply to these walls, then any future proposals to impact the walls that do not comply with listed exemptions, may require a permit from CoGG. In the case where a permit to damage or demolish a wall is granted, it is recommended that a program of archival recording of representative sections of the walls is implemented.

#### **Recommendation 6: No Requirement for Further Archaeological Investigation**

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

However it must be noted that under s.131 of the *Heritage Act 1995* if an archaeological investigation is carried in Victoria, e.g. for the preparation of an Aboriginal Cultural Heritage Management Plan (refer Bullers 2016), then an historical archaeological survey report must also be provided to Heritage Victoria.

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# 1 INTRODUCTION

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Ecology and Heritage Partners Pty Ltd was commissioned by Wilcon Projects Pty Ltd, on behalf of the Lovely Banks Landowner Consortium (hereafter referred to as 'the Consortium') for a Phase 1 cultural heritage assessment of parcels of land at Lovely Banks and Lara, Victoria, for the proposed Northern Geelong Growth Area (City of Greater Geelong) (Map 1).

## 1.1 Background and Scope of Works

### 1.1.1 Background

The G21 Regional Growth Plan (G21 RGP) identified two Further Investigation Areas (FIAs) to set the context for future urban growth in the City of Greater Geelong (CoGG). These FIAs comprise the Northern and Western Geelong Growth Areas (NWGGA). The combined NWGGA includes the Northern Geelong Growth Area (NGGA) at Lovely Banks and the Western Geelong Growth Area (WGGA) at Batesford, Fyandsford and Hamlyn Heights. Previous high level assessment has been undertaken and presented in the G21 RGP, Implementation Plan and the associated Background Report, as well as various technical studies.

In April 2016, CoGG released the Context Report for the NWGGA, which scopes the planning process for the NWGGA project in the preparation of an Integrated Infrastructure Delivery Plan (IIDP) and a Framework Plan for each of the two Growth Areas. The Framework Plan will set the overall strategic land use and development vision for the NGGA. The Context Report also defined a project plan on how the IIDP and FP will be delivered including timeframes for technical report inputs. The project plan separated the project into three distinct phases, with the initial technical reports forming part of Phase 1. In relation to the scope of works for this project, the project plan identified the need for Indigenous cultural Heritage assessments and Post-Contact (non-Aboriginal) cultural heritage assessment reports to be completed as part of Phase 1 by November 2016.

### 1.1.2 Scope of Works

#### Aims of the Assessment

The CoGG scope of works identifies the following aims for both the Indigenous Heritage and the Post-Contact Heritage Assessments:

- Completion of both Cultural Heritage Reports by November 2016, at the latest. The technical report should:
  - Verify the results of any prior assessment and review their implications for the development of the Study Area;
  - Identify any significant archaeological issues, which will constrain development of the Study Area; and
  - Provide an outline of further investigations and associated processes for the future resolutions of these issues.

- Completion of the Non-Technical Summary (Template provided in Appendix 1) to input to the Framework Plan Background Report.

### Consultation

In accordance with the CoGG SoW all stakeholder consultation was coordinated through CoGG. An amended consultation methodology was submitted to CoGG for endorsement based on the following:

- CoGG in relation to endorsement of overall consultation methodology, information regarding overall planning policy, information regarding previous Council Heritage Studies and consultation with the Council Heritage Advisor (if deemed necessary);
- Aboriginal Victoria (formerly OAAV) for access to the Victorian Aboriginal Heritage Register for provision of registered site information and previous archaeological reports;
- Wathaurung Aboriginal Corporation for any cultural heritage information relevant to the study area that they may wish to provide.

### Desktop Assessment

An up to date review of the relevant cultural heritage databases and literature will be undertaken. The following tasks include investigations for both the Indigenous and Post-Contact assessments, including:

- Victorian statutory heritage databases including:
  - Victorian Aboriginal Heritage Register (VAHR) administered by the Aboriginal Victoria [AV];
  - Victorian Heritage Register and Inventory (VHR and VHI), administered by Heritage Victoria; and
  - Local Government (CoGG) Heritage Overlay;
- The Australian Government's Protected Matters Search Tool for places listed on the National Heritage List (NHL), Commonwealth Heritage List (CHL);
- Various non-statutory heritage registers, for contributory information, including:
  - Register of the National Estate (RNE);
  - National Trust Register (NTR); and
  - Victorian War Heritage Inventory (VWHI).
- Recent aerial photography will be accessed to determine the locations of any built structures (including houses, homesteads, dry stone walls, outbuildings, etc.), areas of previous ground disturbance and areas of remnant native trees (potential cultural scarring) within the project area and the surrounding landscape;
- Any relevant available literature (e.g. previous archaeological reports or Council Heritage Studies), legislation and policies; and
- A brief review of the land use of the study area.

## Reporting

The results of the Phase 1 cultural heritage assessment will be presented in a technical report containing the following:

- The environmental context of the study area, including the geology, geomorphology, hydrology, soils, vegetation and recorded fauna;
- A review of the ethnohistorical context of the study area, including any information provided by Aboriginal stakeholders regarding the oral history of the study area;
- The history of the region and the study area;
- The results of the database searches/desktop assessment as discussed above;
- Provision of maps showing:
  - locations and extent of any recorded Aboriginal and historical heritage places;
  - Location and extent of any identified areas of cultural heritage sensitivity as defined under the *Aboriginal Heritage Regulations 2007* (i.e. triggers for a CHMP);
  - any identified areas of Aboriginal and/or historical archaeological sensitivity (as identified through desktop assessment of previous reports and/or aerial photo interpretation); and,
  - any identified areas of significant ground disturbance.
- Identify legislative implications and determine potential impacts on heritage values under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the *Aboriginal Heritage Act 2006* and *Planning and Environment Act 1987* (the local Planning Scheme and Heritage Overlay), which may be impacted by the proposed works;
- Describe any potential impacts to cultural heritage values as a result of the proposed action;
- Recommend any additional assessments likely to be required (e.g. Aboriginal Cultural Heritage Management Plan [CHMP]);and
- Identify and describe measures and options for the future Framework Plan to avoid and/or mitigate potential adverse impacts on cultural heritage values.

The results of the Phase 1 cultural heritage assessment will also be presented in a:

- Non-Technical Summary - Aboriginal Cultural Heritage Assessment.

## 1.2 Report Framework

The report has been prepared in accordance with the guidelines set out in the ICOMOS Burra Charter and referencing relevant Heritage Victoria and CoGG guidelines including:

- *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS 1999);
- *Victoria's Framework of Historical Themes* (Heritage Council of Victoria 2009);

- *Guidelines for Conducting Historical Archaeological Surveys* (Heritage Council of Victoria and Heritage Victoria 2008);
- *Ruined Places: A Guide to their Conservation and Management* (Heritage Victoria 2012); and
- *Landscape Assessment Guidelines* (Heritage Victoria 2009); and

### **1.3 Location of Study Area**

The study area comprises the whole of the NGGA, is approximately 2,127 ha in size and is bounded by Staceys Road to the north, Geelong-Bacchus Marsh Road to the east, the Geelong Ring Road to the southeast, Anakie Road to the south west, and private rural land to the west. The land parcels of the study area are shown in Map 2.

The study area is characterised primarily by the Lovely Banks escarpment, which cuts from north east to south west through the eastern section of the study area. The land is largely open, treeless pasture, primarily used for pastoral and cropping activities.

The study area comprises multiple land titles and ownership, and several road reserves.

There are currently multiple land use zones across the study area. The largest percentage is Urban Growth Zone (UGZ), occupying the north eastern and central western sections of the study area. The second largest area is Rural Land Zone (RLZ) in the southern and eastern sections. Other zones include Public Use Zone (PUZ) at the Lovely Banks Basins along Anakie Road and Farming Zone (FZ) occupying the land along the western and north western boundaries.

### **1.4 Proposed Activity**

The City of Greater Geelong is preparing a Framework Plan for the WGGA to guide the future development of the area. The Framework Plan forms part of the planned growth for Geelong. The plan will set out Council's long term, high level vision for the future residential expansion of Geelong.

As a high level plan, there are no specific development proposals at this early stage.

### **1.5 Name of Client**

This report was commissioned by Wilcon Projects Pty Ltd (ABN: 18 078 461 409), on behalf of the Lovely Banks Landowner Consortium (ABN: 18 078 461 409).

### **1.6 Name of Heritage Advisor**

The Heritage Advisor for this project is Rick Bullers (Senior Archaeologist/Heritage Advisor). The report was prepared by Rick Bullers, Meredith Filihia and Caiti Holtzheimer (Archaeologists/Heritage Advisors). The quality assurance review was undertaken by Oona Nicolson (Director/Principal Heritage Advisor). Mapping was provided by Monique Elsley (GIS Coordinator).

## 1.7 Aboriginal Heritage

A separate desktop report detailing the Aboriginal heritage has been prepared for this project (Bullers 2016).

## 1.8 Report Review and Distribution

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

- Wilcon Projects Pty Ltd (and the Lovely Banks Landowner Consortium);
- The City of Greater Geelong; and
- Heritage Victoria.

## 1.9 Heritage Legislation

An overview of the Victorian *Heritage Act 1995*, the Victorian *Planning and Environment Act 1987*, the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, the Victorian *Aboriginal Heritage Act 2006*, and the Commonwealth *Native Title Act 1993* is included in Appendix 1. This legislation is subordinate to the Victorian *Coroners Act 2008* in relation to the discovery of human remains.

## 2 ENVIRONMENTAL CONTEXT

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

### 2.1 Geology, Geomorphology and Soils

#### Geology

Geologically, the majority of the study area occurs on the Pliocene to Holocene-aged deposits of the Newer Volcanic Group (designated 'Qn' in Map 3)( DELWP 2016a). The formation comprises extrusive deposits of theolitic to alkaline basalts, minor scoria and ash. A narrow band along the escarpment slopes in the north eastern and southern sections of the study area occur on Pliocene to Miocene-aged deposits of the Moorabool Viaduct Sands (designated 'Nbm')( DELWP 2016a). The deposits consist of gravels, sands and silt. A major fault, known as the Lovely Banks Monocline, occurs along the base of the escarpment. One smaller area of older (Miocene-aged) deposit known as Newport Silt (designated 'Nhn') occurs in the valleys of two drainage lines on the escarpment slope. These deposits are marine-deposits of glauconitic silt, marl and minor limestone.

#### Geomorphology and Soils

The study area lies upon the Victorian Volcanic Plains, built up by sporadic eruptions over a period of about 5 million years (Map 4; DELWP 2016a). There is one geomorphological subunit in the study area, GMU 6.1.3 (Plains with Poorly Developed Drainage and Shallow Regolith), which is derived from volcanic deposition from the older Newer Volcanics that formed in the Late Pliocene about two million year ago and during the Pleistocene, up to one million years ago. This unit is generally characterised by thin regolith development and poorly developed drainage. In these landscapes, flow boundaries are obvious, and corestones ('floaters') are often seen at the surface. Shallow drainage lines have developed, often along the boundaries of lava flows. Discontinuous drainage lines may end in ephemeral wetlands and swamps (DEDJTR 2016).

Associated soil types are sodic and non-sodic texture contrast (moderately deep to deep) soils (Sodosols) and some gradational (shallow to moderately deep) soils (Dermosols), and gilgai (mound and rise ground surfaces) due to swelling and shrinking clay soils can lead to road and building foundation problems (DEDJTR 2016).

### 2.2 Landforms and Hydrology

Topographically, the study area is defined by the edge of the Lovely Banks Monocline, which forms an escarpment through the eastern section of the study area from north east to south west (Map 3). The study area has a topographic relief of over 70 m from its highest points (>90 m amsl) on the elevated undulating plains west of the escarpment to the lowland plains in the south eastern corner of the study area (<20 m

amsl). The most rugged part of the study area is steep escarpment sides and the incised gullies for the several minor drainage lines that are present.

The nearest reliable water is Cowies Creek, approximately 2 km south of the study area, or Hovells Creek, approximately 2.8 km north east of the study area at its closest point.

Consequently there are four primary landforms present in the study area:

- *Lowland Plains*, occupying the eastern and southern sections of the study area;
- *Steep Escarpment Slopes*, located along the Lovely Banks Monocline;
- *Drainage Lines*, a series of short, ephemeral first- and second-order streams flowing off the escarpment eastwards to Hovells Creek and Corio Bay; and
- *Undulating Elevated Plains*, comprising the majority of the study area west of the escarpment.

## 2.3 Vegetation

Prior to European settlement, the soils types of the study area would have historically supported a mosaic of vegetation communities combining open woodland and grassland characteristics. According to the Department of Environment, Land, Water and Planning's (DELWP) mapping of vegetation (EVCs), the entire study area comprises Plains Grassland (EVC132). This vegetation class comprises largely treeless vegetation mostly less than 1 m tall dominated by largely graminoid and herb life forms. The EVC occupies fertile cracking basalt soils prone to seasonal waterlogging in areas receiving at least 500 mm annual rainfall. Medium to small tufted graminoid species dominate the vegetation cover, including species such as Knead Spear-grass (*Austrostipa bigeniculata*), Long-hair Plume-grass (*Dichelachne crinita*), Kangaroo Grass (*Themeda triandra*), Common Wallaby-grass (*Austrodanthonia caespitosa*) and Common Wheat-grass (*Elymus scaber* var. *scaber*) (DSE 2004).

## 2.4 Climate

The climate of Lovely Banks/Lara is characterised by cool summers and cold winters, with climatic factors influenced by the Otway Ranges to the west. Temperatures range between an average maximum of 26.3°C in summer and minimum of 5.1°C in winter. Rainfall varies between a maximum average of 49.2 mm in November and a minimum of 26.8 mm in March, with annual average rainfalls of 457.8 mm (BOM 2016).

## 3 THEMATIC HISTORY AND FRAMEWORK

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

### 3.1 Thematic History

#### 3.1.1 Introduction

The NGGA falls within the CoGG municipal area, an area of some 1,247 sq km that was formed in 1993 following the amalgamation of six former Shires/Councils including Bellarine, Corio Geelong, Geelong West, Newtown, South Barwon and part of a seventh (Barrabool). The region is characterised by the Bellarine Peninsula, undulating uplands (e.g. the Barrabool Hills) and flat volcanic plains to the north.

Early exploration gave favourable reviews of the landscape and was followed by settlement of large pastoral estates. Increased population expansion, resulting in subdivision of the pastoral estates, together with the introduction of the Selection Acts in the 1860s and the Closer Settlement Scheme during the early 20th century, saw a marked change in use of the landscape from the vast sheep runs to smaller, mixed-use, small-scale freehold farming enterprises.

#### 3.1.2 Aboriginal Occupation

Prior to European settlement, the lands in the Geelong region were occupied by the *Wadawurrung* people. Further information in relation to the study area is provided in a separate Aboriginal heritage assessment report (Bullers 2016).

#### 3.1.3 Exploration

The history of European exploration and occupation of the region dates from the beginning of the 19th century, although prior 1835, when Victoria was formally settled, European exploration or occupation in the area was sparse. The first European person in the region was probably Matthew Flinders when he walked from the north east coast of Corio Bay to the You Yangs in 1802 (Brownhill 1955). A year later, in 1803, a convict named William Buckley escaped from the established settlement at Sorrento and lived with local Aboriginal people (the *Wadawurrung/Wathaurung*) for 32 years before returning to the European colony.

In 1824, Hamilton Hume and William Hovell traversed the region, naming Kennedy's Creek (later Hovell Creek) after camping near where the memorial now stands (LHF 2004: 18-19). According to Brownhill (1955: 4) Hume and Hovell were told by the local Aboriginal people that the bay was called 'Jilong' (Geelong) and the land was called 'Corayo' (Corio).

John Batman arrived in 1835 and, with John Helder Wedge, established the Port Phillip Association. This body of men aimed to settle the Port Phillip district, and carried out many surveys around the Port Phillip

area with the assistance of William Buckley. After exploring parts of the Bellarine Peninsula they sailed across Corio Bay and landed at the mouth of Hovells Creek.

Batman's party was followed soon after by John Helder Wedge, a PPA surveyor, who declared it suitable for sheep and cattle grazing (LHF 2004: 18-19). Batman's and Wedge's glowing accounts of the area encouraged formal settlement of Victoria in 1835, and the PPA to take up land within the region.

### Parishes

The study area is located within two historical parishes bounded by Evans Road. The majority of the study area lies within the Parish of Moranghurk to the east of Evans Road and the Parish of Yowang to the west. Historical Parish maps are useful to trace the pattern of occupation across the landscape (see below).

## 3.1.4 Pastoralism and Squatting

### Squatting

The settlement of Victoria began in 1835 when large numbers of sheep were shipped from Van Diemen's Land to the extensive grazing lands of Port Phillip and Western Port by members of the Port Phillip Association. Pastoral squatters soon arrived in the region forming large sheep and cattle pastoral runs, these runs dominated the region through the 1850s. The activity area is located in this rural environment. One of the first pastoral runs in the region was 'Duck Ponds', which was taken up by Dr Alexander Thomson in 1836 and acquired by the Bates family between 1838 to 1852, which included the modern township of Lara (Spreadborough and Anderson, 1983: 271). The run spread from the northern shores of Corio Bay through the modern town of Lara, and included the northern section of the current study area (Spreadborough and Anderson 1983: Maps).

The 'Sutherlands Creek' run was operated by Richard Gilbertson Hope from 1842 (Spreadborough and Anderson 1983: 269). This run straddled the boundary of the Darriwil Parish to the west and Yowang Parish to the east, which may have included part of the southern section of the current study area.

### Pre-Emptive Rights

From 1844, new squatting regulations were developed and five years of occupation of a run entitled squatters to Pre-emptive Rights (PR). Land was usually purchased in 640 acre blocks for £1 per acre. The home station was frequently built on this block, as freehold rights resulted in greater security over land tenure (Peel 1974). Hope's Sutherland Creek PR was located just west of the study area, on the western side of Anakie Road, as shown in Figure 4, whilst Bates' PR was located north of Lara on Hovells Creek.

It is unlikely that any of the land in the study area formed part of a Pre-emptive Selection, and therefore there is unlikely to be any domestic or home station infrastructure associated with the pastoral era within the study area.

## 3.1.5 Regional Centres

Geelong was established in 1836 (officially gazetted in 1838). By the following year, sheep stations had been established within a 40 km radius of the town (Clark 1990: 291). From 1838 to 1852 the Bates family took up

the Duck Ponds Run, which included the modern township of Lara (Spreadborough and Anderson, 1983: 271).

Lara was established in the 1850s. Several subdivisions were created at this time and land was officially sold off in parcels and mostly utilised as grazing land. During this period, well known families began to settle the area; some of these families were the Bates, Spalding, Chirnside, Austin, Blair, Branch and Armytage families (LHF 2004: 48). The Armytage family brought land in the 1850s and built the Woolloomanata and Elcho homesteads. James Austin owned a large run in Lara, and became the Mayor of Geelong in 1851. Thomas Blair and James English both settled in Lara in the 1850s and commended dairying. John Spalding settled in Lara in 1854 and opened the first store and butchers shop in Lara. Twelve years later he began the lime industry in Lara (LHF 2004: 22-23).

The town quickly became a local service centre for the surrounding agricultural enterprises. The railway was opened in 1857, including a local railway station (Wynd 1981: 146-162). When the local Post Office opened on 1 March 1858, the town was named Duck Ponds. In 1864, the Shire of Corio was established and Duck Ponds was its primary town (in 1937 the shire capital was moved to North Geelong). In 1872, the name was changed to Hovells Creek, and finally named Lara in 1884. The population grew to a few hundred by 1890, and several facilities like schools and churches were built. The Spalding family are noted (Daley 2009: 87) as early pioneers of the lime industry in Lara.

Development of the town was slow until about the late 1950s (LHF 2004: 48-49). The main industries of Lara were farming or market gardens. Other major industries within Lara included a salt works, timber, dairying, chaff milling and gravel quarrying (LHF 2004: 158-160). More recently, a large number of farming properties have been sold or broken up into farmlets and hobby farms as the population of Lara continues to grow rapidly.

The railway between Geelong and Melbourne (which was begun in 1853) served as a vital commerce link for the farmers in Lara. The train service was completed in 1859, when the railway line extended to Spencer Street Station (LHF 2004: 52-53). After World War II expansion in Geelong saw Lara develop as an outer suburb. In 1948 the subdivision of land in Lara began, and the Shire of Corio proceeded to subdivide further properties in and around Lara to ensure further development. Early and smaller subdivisions included land in close proximity to the newly established shopping complex in The Centreway (LHF 2004: 62-63). By 1970, the growing population of Lara forced the Shire of Corio to open up extra land for subdivision and install extra pipelines for water and sewerage (LHF 2004: 66).

The main industries of Lara were farming, either sheep, grain, chicken and egg farming, or market gardens. Other major industries within Lara included a salt works, timber, dairying, chaff milling and gravel quarrying. Throughout Lara it is still possible to see small industries like quarries or pits from a time when lime was quarried to build early homes or burned in kilns for use in early building industry. The first settlers in Lara soon discovered the substantial deposits of lime and lime burning kilns were soon appearing everywhere. Eventually the only two major lime works remaining were Spalding's Lara Lime and Walkers Lime Works (LHF 2004: 158-160).

### 3.1.6 Freehold: Farming and Pastoralism in the Mid to Late Nineteenth Century

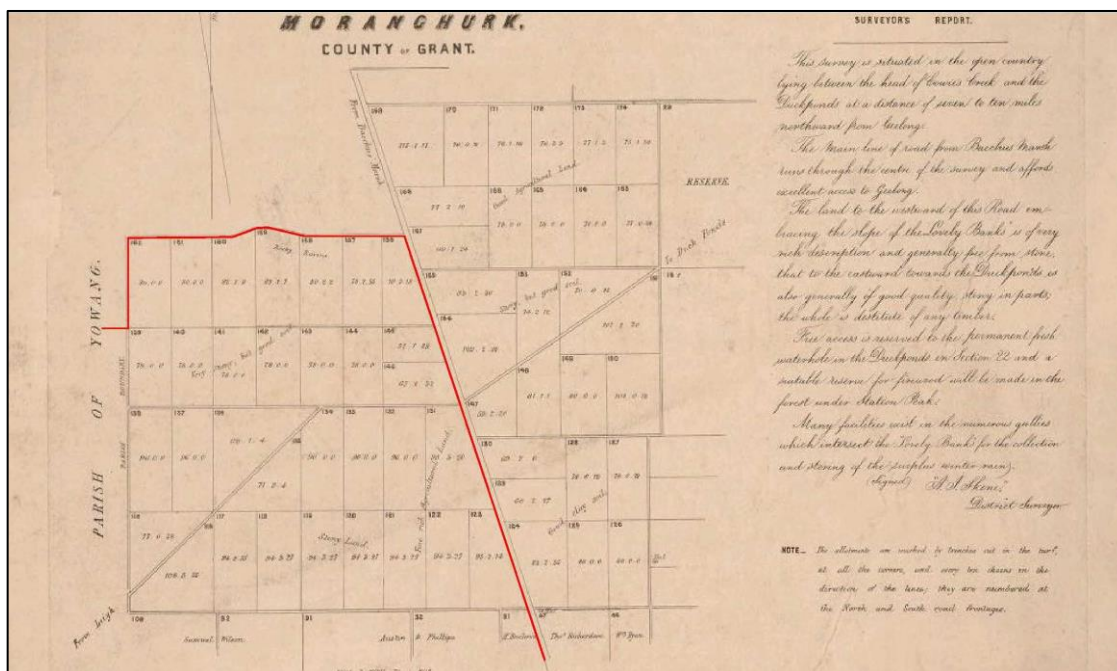
#### 3.1.6.1 Closer Settlement

During the 1850s and 1860s the Land Acts sought to open up the squatter's lands for Closer Settlement, and the big pastoral runs were subdivided for more intensive farming.

Parish Plans from the 1850s show that the study area had already been subdivided into 70-100 acre allotments, with the northern section of the study area still retaining much of the same cadastre from this early period (). The 1880 Moranghurk Parish map (Figure 2) shows that George Armitage held almost all the land north of Houston Road. The southern section of the study area was granted to four people: W. Timms, who held about 660 acres in a band across the centre of the study area, James Austin and Henry Phillips, who held five parcels totalling some 460 acres, Thomas Edols, who held seven parcels totalling some 500 acres, J. Williamson, who held five parcels in the study area totalling some 370 acres (plus additional parcels west of Anakie Road), plus several smaller landholders such as S. Wilson, J. Costello, S. Kain and H. Broderick amongst others (Figure 2).

Whether these lands were actually occupied at the time is unknown, but a geological map from 1861 (Figure 3) shows a single hut and yard on Lot 91 (Austin and Phillips). Austin was one of the largest landowners in the Geelong region and resided at the substantial Homestead at Winchelsea, so it is likely that this was a shepherds hut used locally to tend stock on his lands in this area.

In the Yowang Parish, west of Evans Road, parcels were often slightly larger, ranging from 100 to 180 acres. In the study area, land was granted to James Cahir (two parcels totalling 110 acres), Jeremiah Grohe (105 acres), George Hall (105 acres), George Armitage (sic)(101 acres) and James Amos (101 acres)(Figure 4).



**Figure 1:** Parish of Moranghurk Map from 1855 showing the north eastern section of the study area and the early land divisions (SLV dq003053)



Figure 2: Parish of Moranghurk Map from 1880 showing approximate location of the study area and land grantees (SLV ha000895)

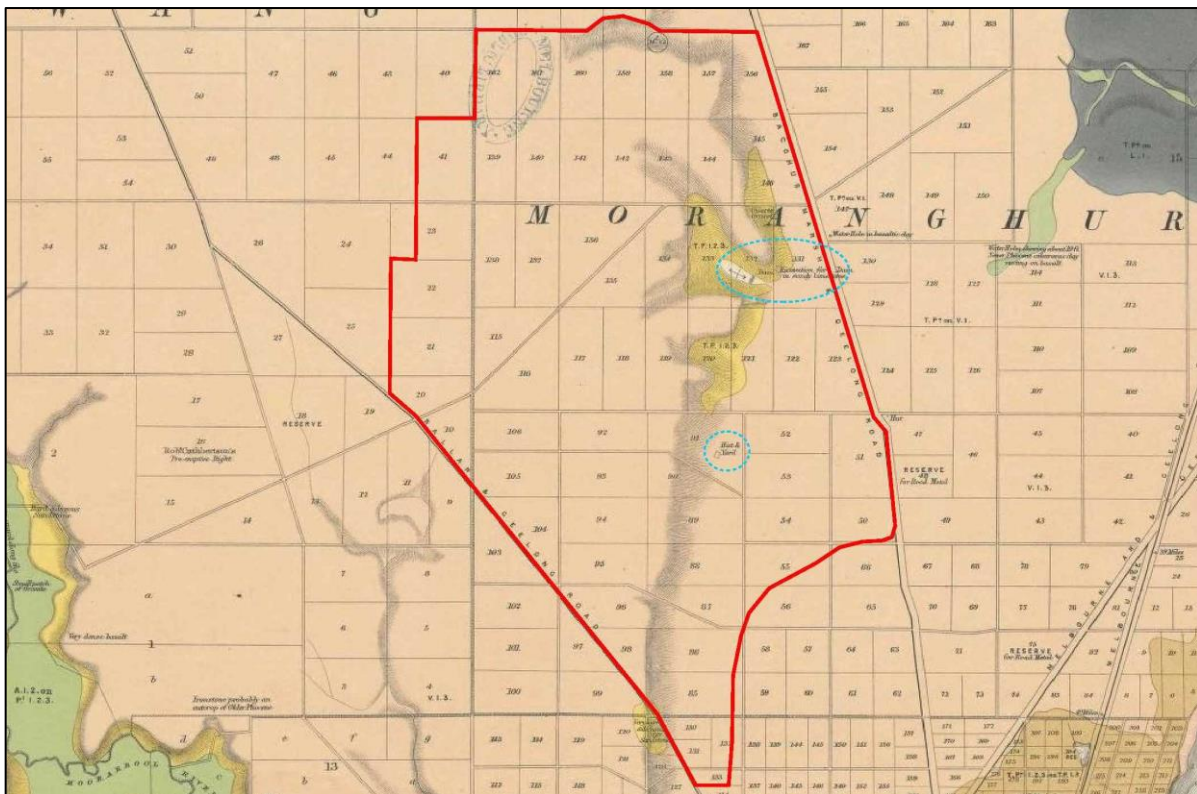
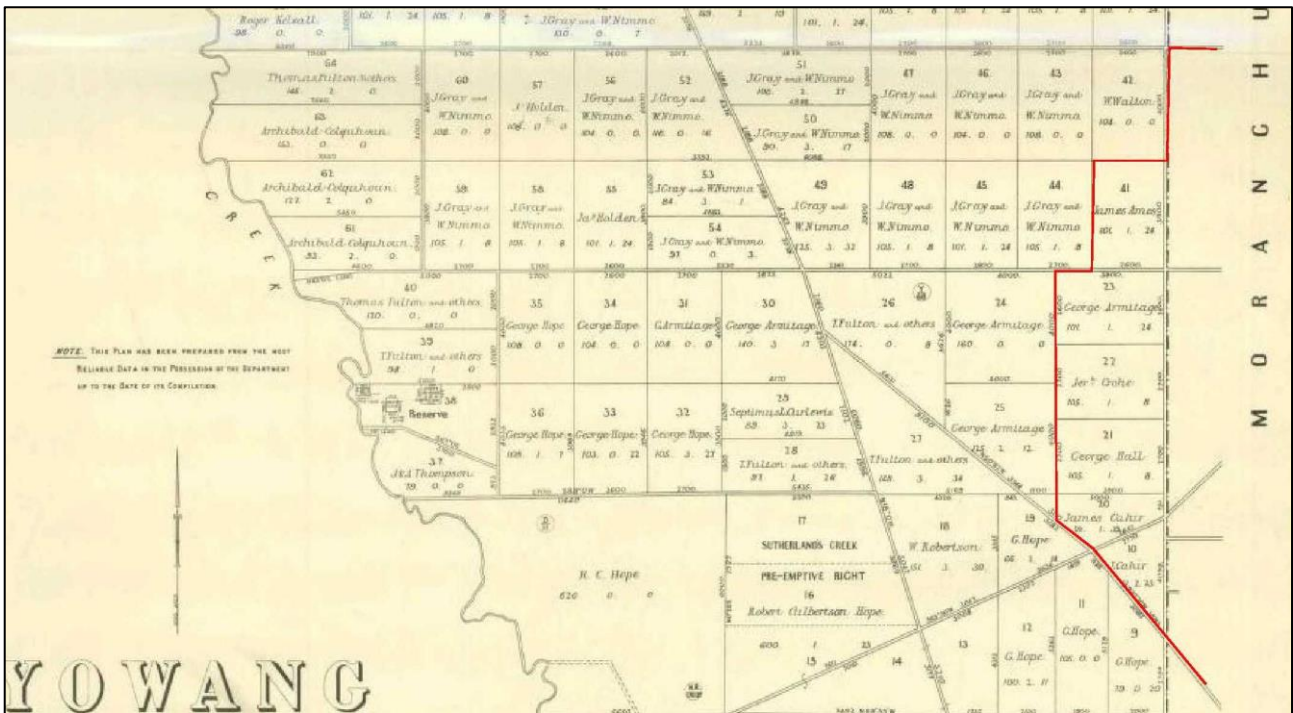


Figure 3: Geological Map from 1861 showing approximate location of the study area with historical features marked in blue (SLV vc300016)



**Figure 4:** Parish of Yowang Map from 1878 showing approximate location of the study area with historical cadastre and land ownership (SLV dq006337)

### 3.1.6.2 Amending Land Acts

In 1865 Section 42 of the *Amending Land Act 1865* allowed for the use of lands on or adjacent to goldfields. Although the Lara/Lovely Banks area was not in the goldfields, it lies adjacent to the Steiglitz division of the Ballarat Mining District. This provision allowed for licences to reside on or cultivate small allotments on or adjacent to goldfields “to the advantage of the local population without interfering with the operations of miners” (Rowe and Jacobs 2013a: 11). Four years later, Section 31 of the *Amending Land Act 1869* allowed licensees under Section 42 of the *Amending Land Act 1865* to purchase their land or obtain a lease leading to a purchase.

Although there are references to ‘forty seconders’ taking up licences around Duck Ponds (Lara), the affects of these provisions on the study area are currently unknown.

### 3.1.7 Stock Management

According to Peel (1974) one of the first ‘permanent improvements’ that pastoralists instigated after achieving security of tenure was to erect fences and sink waterholes.

#### Property Fencing and Stock Management

During the squatting era, fencing of properties was largely unknown because of the huge capital investment involved. However from the 1850s and 60s, once freehold was obtained, property fencing became far more prevalent particularly when the gold-rush resulted in a shortage of labour for shepherding (which was the primary form of stock management during the squatting era). In some areas of south western Victoria, dry

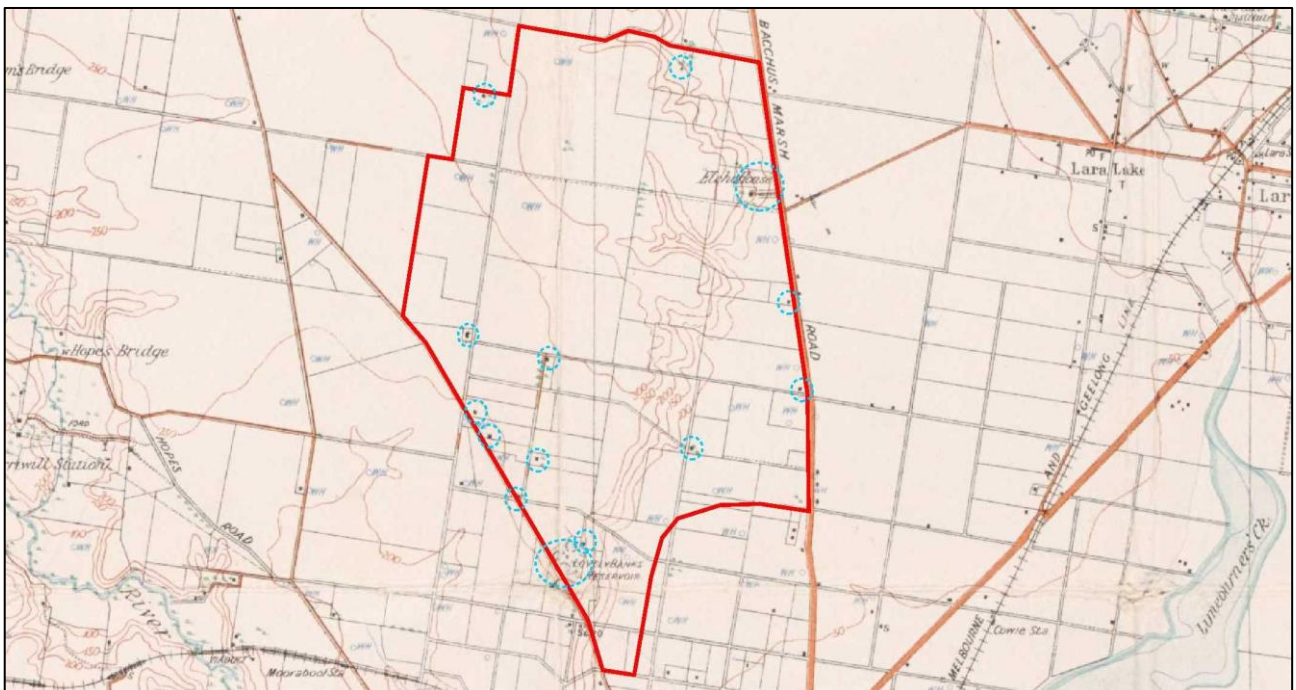
stone walls were constructed; however, these forms of boundary definitions were largely confined to areas where basaltic fieldstone were readily available and usually where such fieldstone was available at or near to the ground surface. These areas are located on lava flows from the many volcanic eruption points scattered across the western volcanic plain. It is unlikely that any form of dry stone walling is present in the study area, although they do occur in the north of the LGA, north of the study area.

A topographic ordnance map from 1928 shows the road alignments at that time. Querying the map legend indicates that all roadsides were fenced, with the exception of the east-west road south of Elcho Homestead (Elcho Road); that road is unfenced on the southern side as shown by the dashed line (Figure 6). Unlike the 1928 map, the 1914 map shows property boundary fences

The map also shows numerous ‘water holes’ across the study area associated with each of the subdivided land parcels.

### Watering Stock

Water holes are often depicted on early topographic (ordnance maps). The 1914, 1928 and 1955 maps (Figures 5 to 7) show a variety of features. The earlier maps only show ‘water holes’ (marked ‘WH’), with only several shown in 1915 and a similar number in 1928. By 1956, dams were introduced as a different feature and the symbol for ‘water holes’ also includes tanks (so it is not clear whether a marked feature is a water hole or a tank; however, no dams are shown. This is curious because the 1861 geological map (Figure 3) show a large dam built in the gully of the drainage line just south of Elcho Homestead; however, this feature is merely shown as a water hole or tank in the 1955 map (Figure 7). The ‘waterholes’ have all been largely modified into dams of the last half century and new dams have been constructed. Although the earlier maps indicate waterholes, wind mills are not depicted in the earlier maps but a few appear in the 1955 map.



**Figure 5:** Topographic Map from 1914, showing historical structures (SLV ma000779)

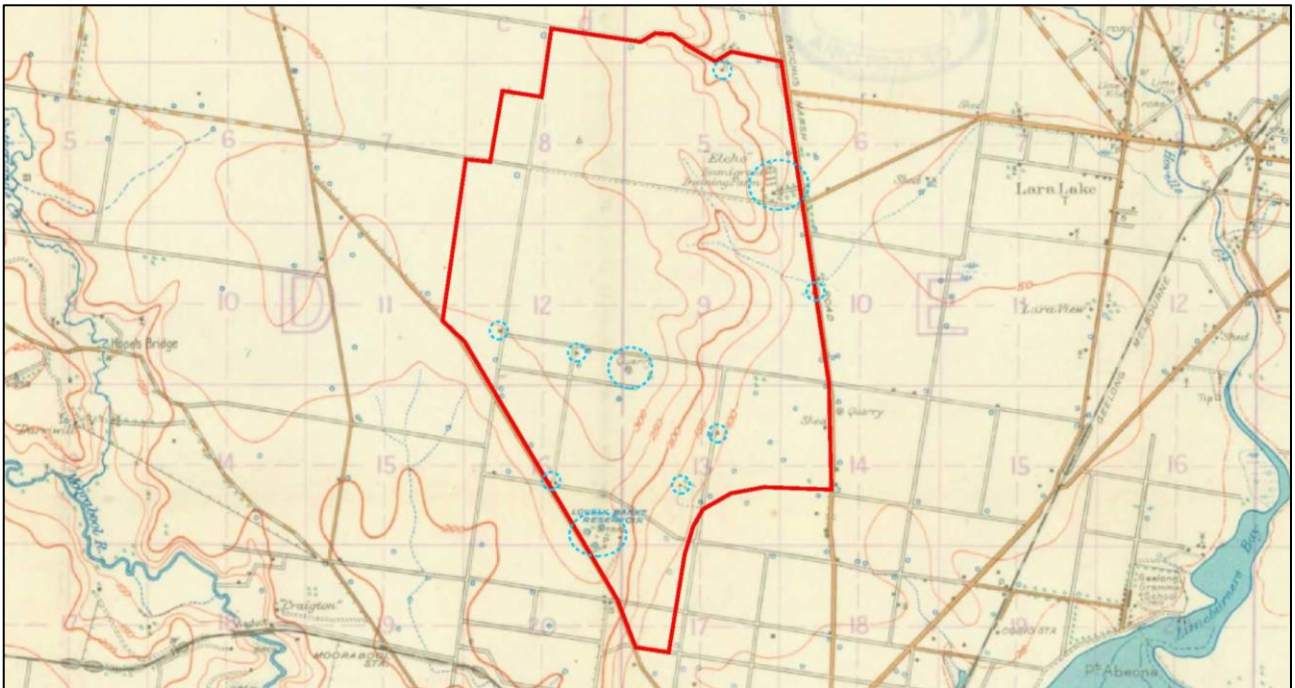


Figure 6: Topographic Map from 1928, showing historical structures (SLV ey000096)

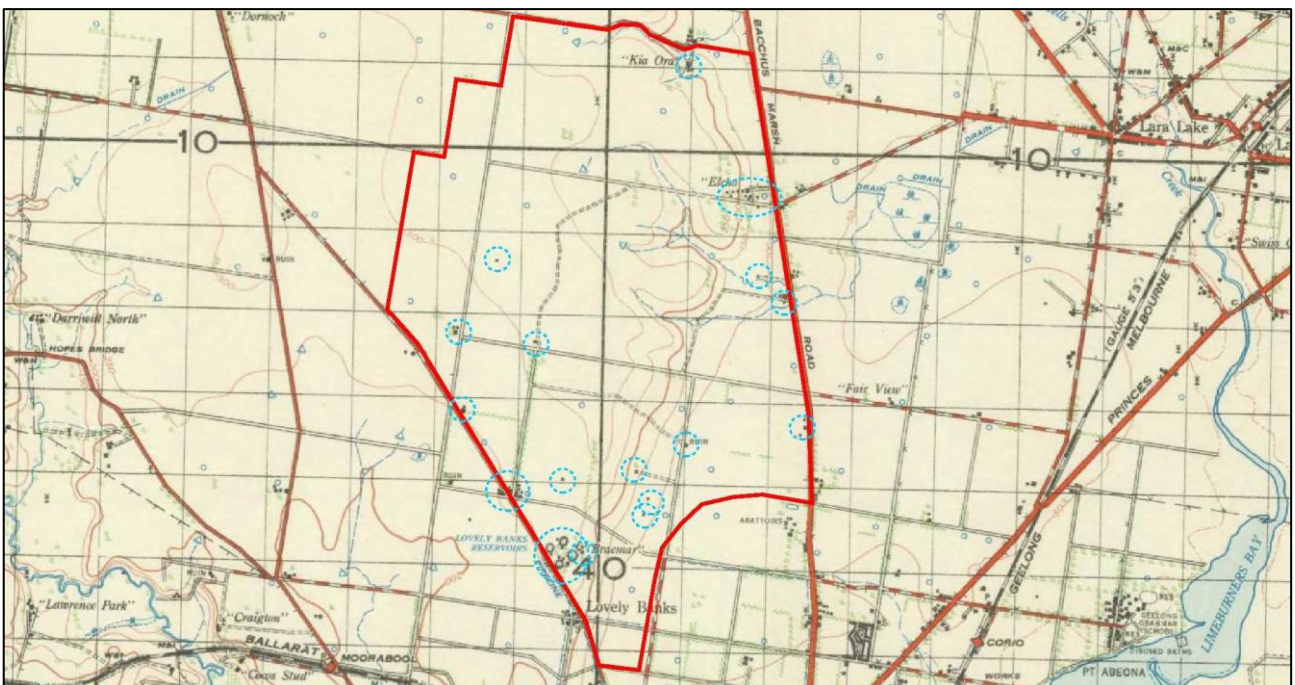


Figure 7: Topographic Map from 1955, showing historical structures (SLV ey000095)

### 3.1.8 Rural Community

A review of topographic maps of the study area between 1914 and 1955 shows a slightly changing landscape during that period. These are discussed in terms of different development and infrastructure below.

Historical mapping and aerial photography shows that domestic/farm structures were present on only several properties in the study area between 1914 and 1955, and the remaining properties were largely unmodified. The cadastre in much of the study area is similar to its original layout in the 1850s, although the eastern and southern margins have undergone additional subdivision to create large rural living allotments.

The most prominent domestic feature in the study area is Elcho Homestead, located on Geelong-Bacchus Marsh Road. By 1914 (in addition to Elcho Homestead) a further 12 houses are depicted on the historical maps. Only seven houses are shown on the 1928 map, but 14 were shown in 1955. However, the 1955 depicted a number of outbuildings on several properties and depicted two 'named' properties: 'Braemar', adjacent to the Lovely Banks Basins, and 'Kia Ora' on Stacey Road; these two properties are still depicted on the earlier maps but were not named.

### **3.1.9 Transport**

#### **Roads and Tracks**

The first road reserves in and around the study area were laid out in the 1850s during the first land subdivisions. With minor alterations, the general layout is still largely the same today. Staceys Road reserve slightly modified from its original 1855 configuration some time between 1914 and 1928. Heales Road is still shown as a through-road in 1955, but the central section is now undeveloped. Other road reserves are shown in the historical mapping but appear to have been undeveloped. New streets have been established in the eastern and southern sections to service the smaller subdivisions that have occurred in recent decades. Original roads that are still extant include Heales Road (part), Tower Hill Drive, Anakie Road, Evans Road, Bacchus Marsh Road, Elcho Road and Staceys Road (part). In addition Blueview Place and Viewbank Rise use an original 1855 alignment.

### **3.1.10 Industry**

The principal industry associated with the study area is primary production and farming. Land clearance allowed the land to be opened for grazing, although most of the study area was naturally occurring grassland to begin with. The land was used primarily for grazing and some properties in the study area are still used for that purpose.

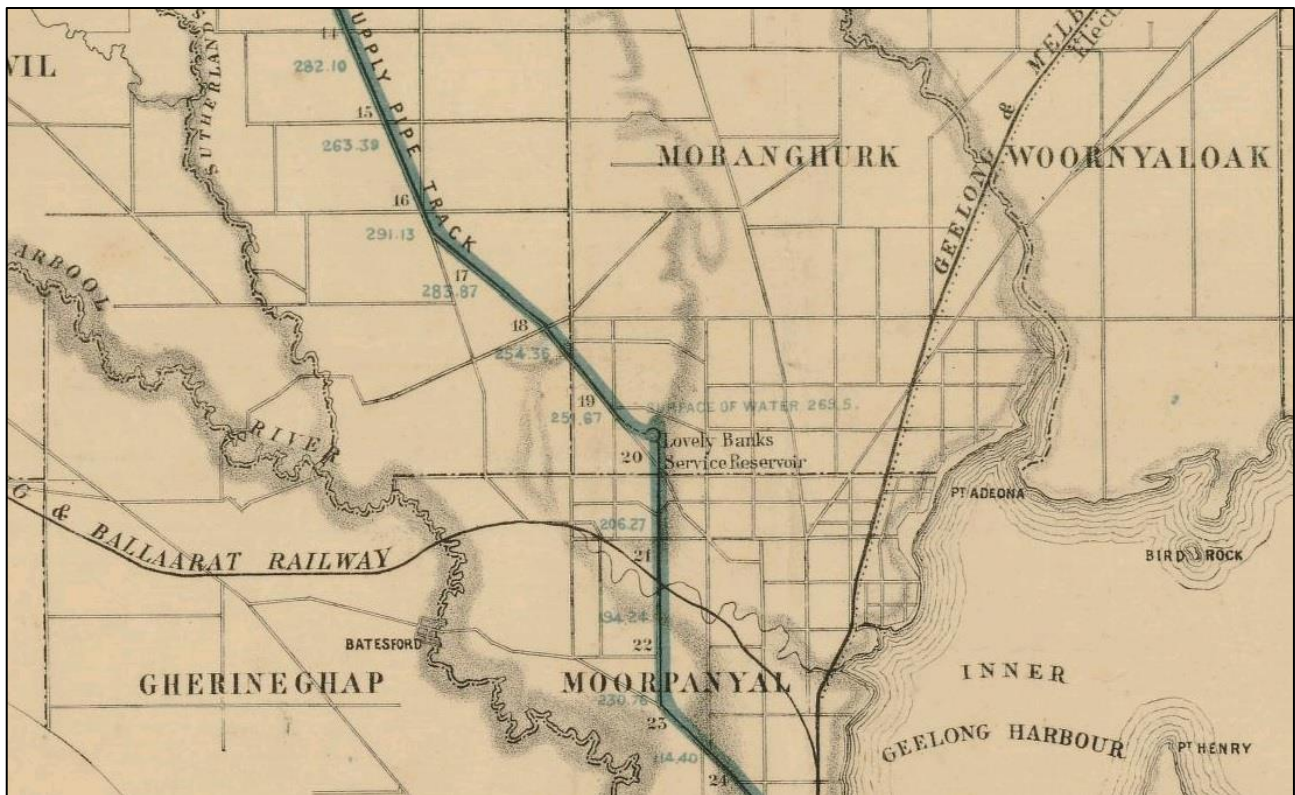
A small quarry is depicted in the study area just south of Heales Road in the 1928 topographic map (Figure 6). This is located on Lot 92 (now 350 Emersons Road Lovely Banks)(). It is not clear at this stage, whether the quarry was for local use or for commercial purposes.

### **3.1.11 Water Supply**

Water supply for Geelong became an issue early in the town's history. The opening of the Stoney Creek Reservoir in the Brisbane Ranges in the early 1860s provided much needed freshwater to the growing population in the region. A storage facility was constructed at Lovely Banks as a service reservoir (water storage) before piping onwards to Geelong. A map of the water supply network in 1867 (Figure 9) shows the Lovely Banks reservoir, which is still in use today. It is listed on the Heritage Overlay as HO1721.



**Figure 8:** Modern aerial image showing extant quarry site shown in 1928 map at 350 Emmersons Road (south of Heales Road)



**Figure 9:** An 1867 map of the Geelong water supply network showing the Lovely Banks Reservoir (SLV vc001526-001)

## 3.2 Thematic Framework

Within *Victoria's Framework of Historical Themes* (Heritage Council of Victoria 2010) there are nine main themes with a variety of sub-themes addressing natural, historical and Aboriginal cultural heritage. The aim of the thematic framework is to provide a holistic and strategic approach to heritage understanding and management.

Although a broad range of themes and sub-themes are relevant to the City of Greater Geelong as a whole, not all are relevant for the study area itself. Those that are considered directly relevant to the study area are discussed in the following sections and summarised in Table 1. For a detailed thematic framework for the broader Lara region, refer to the Lara Heritage Review Volume 2 (Rowe and Jacobs 2013a).

### 3.2.1 Shaping Victoria's Environment

At a broader level, the natural environment helped to shape the character of the local area and the way it developed. The highly fertile lands were favourable for pastoral activities, providing ample fodder for grazing stock (sheep and cattle), particularly along permanent waterways such as Cowies Creek. The scenic qualities of the Geelong coastline has attracted holiday makers for decades, and local communities have benefitted from the increasing tourism potential of the area. The construction of the Great Ocean Road during the 1920s and 30s opened up the rugged coastline for both small-scale settlement and tourism.

Relevant historical themes include:

- 1.5 Living with natural processes (e.g. responding to and experiencing drought; utilizing natural and seasonal resources).

### 3.2.2 Peopling Victoria's Places and Landscapes

Following favourable reports from early explorers regarding the Western District's suitability for pastoral activities, large tracts of land were taken up in squatting runs. The increased settlement during the 1850s as a result of the gold rush, together with the opening up of the land to smallholders as a result of the Selection Acts of the 1860s, allowed the establishment of small farming operations.

Relevant historical themes include:

- 2.2 Exploring, surveying and mapping;
- 2.5 Migrating and making a home;
- 2.7 Promoting settlement (e.g. Crown survey and sales of country and town lands; Selecting and clearing land for small-scale farming).

### 3.2.3 Connecting People by Transport and Communication

Prior to the 1850s inland travel was rudimentary but, with the breakup of the vast pastoral estates for small-scale farming in the early 20th century, new roads were constructed to service the farms and small communities in the region such as nearby Anakie, Lovely Banks and Lara. However, there has been little in the way of road development within the study area; the road layout existing today is little changed from the layout from the middle of the 19th century. However, minor re-alignments have occurred and new

roads/streets developed in recent years to service the smaller subdivisions in the east and south of the study area.

Relevant historical themes include:

- 3.1 Establishing pathways;
- 3.4 Linking Victorians by road in the 20th century.

### **3.2.4 Transforming and Managing the Land**

Following the sell-off of Crown land during the 1850s and the introduction of the Selection Acts in the 1850-60s, the large pastoral estates gave way to small-scale, mixed farming enterprises in the form of freehold farming on subdivided land or with tenant farming on larger pastoral properties.

Relevant historical themes include:

- 4.3 Grazing and raising livestock;
- 4.4 Farming;
- 4.6 Exploiting mineral, forest and water resources;
- 4.7 Transforming the land and waterways (e.g. clearing the land and 'civilising' the landscape).

### **3.2.5 Building Victoria's Industries and Workforce**

Early industries in the study area included primary production (sheep, cattle and horses), farming and agriculture and dairying. Of these, primary production (farming) is the most relevant to the study area. However, the study area is situated in the hinterland of the seaside city of Geelong. In addition to primary industries, there is the ability to provide infrastructure to tourists to Geelong and its surrounding attractions.

Relevant historical themes include:

- 5.1 Processing raw materials;
- 5.7 Catering for tourists.

### **3.2.6 Building Towns, Cities and the Garden State**

The City of Greater Geelong is the second largest city in the state of Victoria and the largest of the regional centres. Lara is a substantial country town on the outskirts of Geelong. The following themes are relevant to the investigation of the post-contact history of the study area:

- 6.4 Making regional centres;
- 6.5 Living in country towns;
- 6.8 Living on the fringes.

Relevant themes and examples of evidence are summarised below (Table 1).

**Table 1:** Summary of the Thematic Framework for the NGGA and Examples of Potential Evidence

Theme	Sub-Theme	Prompts	Examples of Places and Objects
1.0 Shaping Victoria's environment	1.5 Living with natural processes	Responding to and experiencing drought, bushfire and floods	Irrigation channels, tanks, dams, water holes, reservoirs, windmills
2.0 Peopling Victoria's places and landscapes	2.3 Adapting to diverse environments	Responding to drier climates	Irrigation channels, tanks, dams, water holes, reservoirs, windmills
	2.7 Promoting settlement	Selecting and clearing land for small-scale farming	Former property boundaries (tree lines, fencing)
3.0 Connecting Victorians by transport and communications	3.1 Establishing pathways	Providing stream crossings	Fords, bridges, culverts, avenue plantings
	3.4 Linking Victorians by road in the 20 <sup>th</sup> century	Formalising early routes	milestones
4.0 Transforming and managing land and natural resources 4.0 cont.	4.3 Grazing and raising livestock	Squatting and the beef/dairy industry	Pastoral landscapes: Homesteads and outbuildings (shearing sheds, shepherd's huts, wool stores, sheep washes, stock yards, dairies, windmills);
		Dealing with failure and hardship	Abandoned pastoral stations;
	4.3 cont.	Marking property boundaries	Boundary markers; Fencing (exc. dry stone walls)
	4.4 Farming	Protecting and containing crops and stock	Fences (exc. dry stone walls); Windrows and hedges;
		Dealing with hardship and failure	Abandoned farm houses
		Stock management	Stock yards; Stock watering (troughs, pipes, dams, windmills)
	4.6 Exploiting other mineral, forest and water resources	Exploiting natural resources for building materials	Quarries and clay pits; Timber industry places (e.g. saw pits); Stone building ruins.
		Using and managing water for irrigation and industry	Irrigation channels; Water holes and dams
	4.7 Transforming the land and 'civilising' the landscape	Farming cultural landscapes	Tree clearance
	5.0 Building Victoria's industry and workforce	5.1 Processing raw materials	Processing primary produce for local and export markets
Quarrying			Landscape scars

Theme	Sub-Theme	Prompts	Examples of Places and Objects
		Farming	Crops and vineyards
6.0 Building towns, cities and the garden state	6.1 Making regional centres	Places of first settlement	Squatting sites (e.g. Elcho)
8.0 Building community life	8.6 Marking the phases of life	Birth, life, death	Isolated graves; cemeteries

### 3.3 Database Searches

A review of the various relevant databases was conducted on 29 July 2016 for historical heritage places within a 1km radius of the study area. As a result, a total of six registered historical places were identified within the study area (Table 2). The database review is discussed below in relation to the study area and surrounding region.

#### 3.3.1 Victorian Heritage Register

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

The VHR also lists historic shipwrecks in Victorian State waters. Under the Victorian *Heritage Act 1995*, all shipwrecks in Victorian State waters that wrecked 75 years<sup>1</sup> or more ago (including any parts that were originally from that shipwreck) are protected. Certain shipwrecks that are less than 75 years old may also be declared historic shipwrecks.

A search of the VHR was conducted for the search area. The search identified one registered historical heritage place in the search area (Map 5):

- H0283 (Elcho Homestead), 605 Bacchus Marsh Road, Lovely Banks.

This place is located within the study area.

#### 3.3.2 Victorian Heritage Inventory

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

A search of the VHI was conducted for the search area. The search identified six registered historical heritage places in the search area (Map 5):

- D7721-0047 (Stone Feature – Elcho Road), 400 Elcho Road, Lovely Banks;
- D7721-0048 (Dry Stone Fence – Elcho Road), 400 Elcho Road, Lovely Banks;

<sup>1</sup> Note that that this is a blanket, 75-year, rolling provision. This means that more shipwrecks become protected each year as the 75th anniversary of their loss is reached

- D7721-0049 (Stone Feature), 5 Staceys Road, Lovely Banks;
- D7721-0114 (Bacchus Marsh Road Hawthorn Hedge), 295 Bacchus Marsh Road, Corio;
- H7721-0115 (Bacchus Marsh Road House Site), Bacchus Marsh Road, Corio; and
- H7721-0249 (Goldsworthy Road Stables/Dairy), Goldsworthy Road, Corio.

**Four** of these heritage places were located within the study area (Table 2); however, it should be noted that all four of these places have been delisted and no longer have statutory protection; the remaining two places are located within 50 m of the study area.

### 3.3.3 Local Council

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

The Heritage Overlay (HO) of the Greater Geelong Planning Scheme was examined within the search area. The search identified a total of **five** registered historical heritage places in the search area (Map 5). These sites include:

- HO16 (Elcho Homestead), 605 Bacchus Marsh Road, Lovely Banks (also registered on the VHR);
- HO1721 (Lovely Banks Service Reservoir), 600 Anakie Road, Lovely Banks;
- HO1979 (Lochnaben), 295 Patullos Road, Lara;
- HO1988 (Kia Ora), 75 Staceys Road, Lovely Banks; and
- HO1991 (Residence), 785 Bacchus Marsh Road, Anakie.

**Three** of these places are located within the study area.

*Note: At the time of the database search HO1979, HO1988 and H1991 were not listed on the HO. The places were subject to Amendment C316, which was not adopted by Council until 26 July 2016 and subsequently gazetted on 17 November 2016.*

### 3.3.4 National Trust Register

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

A search of the NTR was conducted for the search area. The search identified one registered historical heritage place in the search area (Map 5):

- B1277 (Elcho Homestead), 605 Bacchus Marsh Road, Lovely Banks; and

This site **is** located within the study area.

### 3.3.5 Victorian War Heritage Inventory

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

No heritage places were listed in the VWHI within the search area, including in the study area.

### 3.3.6 Commonwealth and International Heritage Lists

The Commonwealth Department of the Environment and Energy (DoEE) maintains the following heritage lists under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act):

- National Heritage List (NHL), which is a register of exceptional natural, Aboriginal and historical heritage places which contribute to Australia's national identity.
- Commonwealth Heritage List (CHL), which is a register of natural, Aboriginal or historical heritage places located on Commonwealth land which have Commonwealth heritage values.
- World Heritage List (WHL), which lists cultural and natural heritage places which are considered by the World Heritage Council to have outstanding universal value.

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

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

Listings on the NHL, CHL, WHL and RNE are accessed via the Australian Heritage Database (AHD) and mapping can be accessed via the Protected Matters Search Tool (PMST), both managed by DoEE.

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

No heritage places were listed in the NHL, CHL, WHL or RNE within the search area, including in the study area.

### 3.3.7 Summary

A total of 11 historical heritage places and sites were identified within 1 km of the study area. A summary of the relevant historical heritage sites appears in Table 2. A total of six registered historical heritage places are located within the study area; one, Elcho Homestead, is listed on multiple registers.

**Table 2:** Summary of Previously Identified Historical Heritage Places within the Search Area

Register & Place Number	Place Name	Site Type	Within Study Area?
VHR H0283 HO16 B1277	Elcho Homestead 605 Bacchus Marsh Road, Lovely Banks	Domestic/Residential	Yes
VHI H7721-0249	Goldsworthy Road Stables/Dairy Goldsworthy Road, Corio	Farming and Grazing	No, adjacent
VHI D7721-0047	Stone Feature Elcho Road 400 Elcho Road, Lovely Banks	Farming and Grazing	Yes
VHI D7721-0048	Dry Stone Fence – Elcho Road 400 Elcho Road, Lovely Banks	Farming and Grazing	Yes
VHI D7721-0049	Stone Feature 5 Staceys Road, Lovely Banks	Farming and Grazing	Yes
VHI D7721-0114	Bacchus Marsh Road Hawthorn Hedge 295 Bacchus Marsh Road, Corio	Farming and Grazing	No, adjacent
VHI H7721-0115	Bacchus Marsh Road House Site Bacchus Marsh Road, Corio	Domestic/Residential	No, adjacent
HO1721	Lovely Banks Service Reservoir 600 Anakie Road, Lovely Banks	Infrastructure - Water	Yes
HO1979	Lochnaben 295 Patullos Road, Lara	Domestic/Residential	No
HO1988	Kia Ora 75 Staceys Road, Lovely Banks	Domestic/Residential	Yes
HO1991	Residence 785 Bacchus Marsh Road, Anakie	Domestic/Residential	No

### 3.4 Previous Heritage Investigations

Regional and localised archaeological investigations have established the general character of historical archaeological sites located within the same geographic region as the study area and, heritage studies have been conducted for the Greater Geelong Local Government Area (LGA). These studies often define the historical character of the LGA or for a specific township, predominantly for built heritage but also for archaeological heritage. This information, together with the information gathered in Section 3.3 can be used to form the basis for a site prediction statement (Section 0).

#### 3.4.1 Heritage Studies

The City of Greater Geelong has prepared several heritage studies relevant to the study area, which are discussed below.

**Rowe and Huddle (1998-2000)** prepared the *Geelong Outer Areas Heritage Review*, a 16-volume report of heritage values in the outlying regions in the Greater Geelong area, including 22 rural townships/centres and

11 Geelong suburbs. The study was commissioned in two stages: Stage 1 aimed to identify and record all post-contact places and precincts of potential cultural significance and prepare a thematic environmental history of post-contact settlement and development. Stage 2 aimed to fully assess and document each of the heritage places identified in Stage 1 (together with additional places identified in Stage 2) and to provide recommendations for a heritage conservation program for the outer areas.

The study identified a total of 1,285 potential heritage places in Stage 1 through fieldwork and research, including 110 places already listed on the Greater Geelong Heritage Overlay (at that time). A total of 1,313 places were assessed in Stage 2. Of these 1,159 were recommended for inclusion in the Greater Geelong Planning Scheme.

**RBA Architects (2012)** conducted Phase 1 of the *Lara Heritage Review*, designed to review the potential heritage places identified in Volume 12 of the *Geelong Outer Areas Heritage Review* (Lara), and recommend places for listing on the Heritage Overlay. The study area for the review included the eastern section of the current study area, from Geelong Ring Road in the south to Elcho Road in the north with Tower Hill Drive forming the western boundary. Volume 12 had identified 73 sites of significance in the Lara area and surround including the section of the current study area. In the twelve years between the original study and the review, at least 10 of the 73 sites had been demolished and eight had been protected (six on the HO Schedule and two dry stone walls were covered by cl.52.37 of the Planning Scheme). Therefore 55 places were reviewed in Phase 1. Of those only one is included in the current study area: 'Kia Ora', a house at 75 Staceys Road, Lovely Banks.

**Rowe and Jacobs (2013)** prepared Phase 2 of the *Lara Heritage Review*, a three-volume set that builds on the review in Stage 1. A total of 24 places were identified as having local significance, only one of which is in the current study area: as a result 'Kia Ora' was listed on the Heritage Overlay (HO1988) in November 2016.

### 3.4.2 Historical Archaeological Investigations

A number of historical archaeological investigations have been carried out in the region, but very few have been carried out in the study area itself. The majority of investigations are for large linear infrastructure such as the Geelong Ring Road or for water pipelines and other utilities. A review of archaeological reports for the region surrounding the study area is provided in Table 3 (below).

**Table 3:** Archaeological Reports Relevant to the Study Area

Author Date Report #	Description and Location	Results
Brown, S. and Lane, S. 1996 #397	A historic assessment of the Lara to Colac section of the South Western Natural Gas Pipeline.	Thirteen historical sites were recorded, including dry stone walls, foundations and rubbish dumps. All of these sites were considered associated with the pastoral industry, dating back to the 1850s.

Author Date Report #	Description and Location	Results
McNiven, I. and Russell, L. 1997 #587	An archaeological investigation for a 36 km long Telstra optical fibre cable route system from Geelong to Lara.	A desktop assessment determined that there were no previously recorded historical sites within the immediate vicinity of the proposed cable route. Based on the history of the region, the following historical site prediction model was developed: homesteads and associated structures and facilities; and religious, educational, residential and commercial structures within the various settlements. As homesteads and structures appear to have been constructed away from the road reserve, and the proposed activity will use the existing road reserve and installations, it was determined highly unlikely that any existing historical heritage would be harmed. Therefore a ground survey was not undertaken.
Weaver, F. 1998 #625	An archaeological survey for a proposed extension to an existing residential subdivision at Investigator Avenue, Lara.	Several historic sites have been previously recorded within the wider region, including sites at Point Wilson, Point Lillias, Pousties Road, and several sites around Geelong. These sites include homesteads, basalt quarries, jetties, and dry stone walls. Immediately west of the study area, a lime kiln was in operation from 1853. The survey did not identify any historic sites or features.
Debney, T. 1998 #730	An archaeological survey of a proposed fertiliser plant on industrial land within the Heales Rd Industrial Estate, Lara.	Two previously recorded historic sites were identified within the broader Lara area: Elcho Homestead (HO283), and Pirra Homestead (HO205). Both these sites are listed on the Heritage Overlay. No previously recorded historic sites were found within the study area, and no sites were recorded during the ground survey.
Newby, J. and Muir, S. 1999 #865	An archaeological survey of the Princes Highway West from Mangan Court in Altona North to Broderick Road in Corio.	Two previously registered historical heritage places were located in the ROW: H7722-0235 (a waste water irrigation ditch at the Maltby Bypass) and H7722-0011 (a former WW2 RAAF/USAAF construction workers camp on the western side of the Werribee River. No other historical heritage as identified in the ROW.
Terra Culture Pty Ltd 2001 #1200	An archaeological investigation of site H7721-0065 Farm Complex, Lara.	This report discusses the excavation of a farm complex site at Lara. The features of the complex include foundations, a possible grave, a basalt lined well, and a domed brick well. The construction of an off-ramp from the Princes Freeway West in Lara resulted in the site being removed, subject to excavation. The complex also had basalt footings and cobbles, and associated iron tools, and agricultural and building implements. In addition, basalt footings, timber posts and handmade bricks were identified as the remains of a 1850s to 1860s domestic residence.
Marshal, B. et al. 2004 #1863	An archaeological survey of the Geelong Ring Road Section 1 from Corio Interchange to the Midland Highway.	The survey identified a total of six historical heritage places within the GRR corridor: H7721-0111 (Midland Highway House Site), -0112 (Montview Road House Site), and -0115 (Bacchus Marsh Road House Site), and D7721-0110 (Midland Highway Cattle Yards), -0113 (Creamery Road Hawthorn Hedge) and -0014 (Bacchus Marsh Road Hawthorn Hedge).
DIG International 2005 #2647	Archaeological Investigations at the Bacchus Marsh Road House Site, Corio, Victoria.	An excavation was carried out at the house site in preparation for construction of Section 1 of the Geelong Ring Road and the Bacchus Marsh Road Interchange. The house was three-roomed bluestone cottage dating from prior to the 1860s, and had possibly three phases of subsequent expansion. Only the foundations were present and no other architectural features/artefacts were recovered to provide detailed analysis of the building. A bluestone well and cistern were also present. The artefact assemblage indicated typical late-19 <sup>th</sup> to early-20 <sup>th</sup> century domestic use.

Author Date Report #	Description and Location	Results
Marshall, B. 2006 #2766	An archaeological survey for a proposed residential subdivision at 200 Plantation Road, Corio.	No historical archaeological material was identified during the survey but large patches of boxthorn were present. The assessment concluded that planted vegetation is often an indicator that historical buildings were present and it is possible that the in situ motocross track is covering the remnants of a former historical structure. However a review of historical maps did not indicate the presence of a house or structure. They concluded that the likelihood of remnant structures being present is low and no further reinvestigation is warranted.
Terra Culture Pty Ltd 2007 #3192	The Avalon Road subject land is a approximately 120 hectare large open paddock located along Avalon Road between Dandos Road and Cozens Road	There are a number of previously recorded historical sites in Lara, particularly former or extant farmhouses or homesteads. The subject land retains some potential for retaining significant historical archaeological deposits.  A search of the HV register showed that there are no known local historical archaeological sites of European origin on the Avalon Road subject land. There are several sites listed on the site inventory in the Avalon area. Two of these are located on Dandos Road; Point Wilson 2 – Western Homestead and Point Wilson 5 – Quarry. These sites are located east of the subject land close to Point Wilson. The Avalon Homestead on Avalon Road is listed on the Victorian Heritage Register.
Terra Culture Pty Ltd 2007 #3193	An archaeological survey at 60 Watt Street, Lara, for a proposed residential subdivision.	No historical archaeological sites were discovered during the survey. Other than the fenced land associated with the timber cottage, which could retain former wells or other historical features, the subject land does not appear to be sensitive for historical sites.  It was recommended that if proposed development could not include retention of this cottage, the cottage building should be assessed for its architectural and historical significance by a suitably qualified professional. Also, under these circumstances, the fenced yard associated with this cottage should be further searched for any historical archaeological sites or features.
Terra Culture Pty Ltd 2007 #3203	A survey of a 20 ha parcel of land along Canterbury Road East in Lara. The land is approximately 300 m north of Hovells Creek.	The northern boundary of the study area lies adjacent to the banks and flood plain of Hovells Creek. A number of previously recorded historical sites exist in Lara, particularly former or extant homesteads and farmhouses. It was considered possible that historical archaeological deposits may be found in the study area. The survey identified a large shed in the eastern paddock and a stand of Peppercorn trees and a disused corrugated iron tank marking the location of a former house site, now in ruins. These features were registered with Heritage Victoria as H7721-0244.
Bullers, R. and Harbour, M. 2012 #4027	An archaeological survey for the Elcho Retarding Basin and drainage channel at Lara, Victoria.	No in situ historical heritage features or deposits were identified in the survey. However, two discrete and widely disturbed scatters of domestic materials dating from the late 19 <sup>th</sup> to early 20 <sup>th</sup> century were identified. These deposits were considered to be in a secondary context, having been brought to the site in fill material.

### 3.5 Historical Archaeological Site Prediction Statement

The following site prediction statement has been formulated from the review of previous assessments. The statement presented is based on a site type approach. The review of the previously recorded historical

archaeological sites and previous archaeological investigations indicates that the most likely<sup>2</sup> site types in the study area are tree plantings and farming sites.

- **Domestic Sites** are likely to occur because there are historical records of occupational use of the study area. Evidence of domestic occupation may include structural remains or ruins of homesteads and/or outbuildings, domestic rubbish dumps or bottle dumps, wells or underground storage tanks.
- **Dry stone walls** are known to occur in the study and there is potential that additional walls are present, particularly in the northern part of the study area closer to known basalt lava flows. Dry stone walls may line internal property divisions or external property boundaries.
- **Tree Plantings** are likely to occur in the study area. Historical tree plantings may be evidenced by large introduced trees planted along original driveways, paddock boundaries or close to homestead sites.
- **Farming Sites** may occur in the study area because of the historical land use as farming properties. Evidence of farming may include fence lines, dams, water channels, plantings or terracing.
- **Pastoral Sites** are unlikely to occur in the study area because the cadastral layout of the NGGA is similar to its original survey in the 1850s, with only minor subsequent subdivision. Breeding of livestock and dairying may be evidenced by the remains of stockyards, stables, barns and holding pens.
- **Road Infrastructure Sites** are likely to occur in the study area because many of the roads in the NGGA follow a historical alignment. In addition the former alignment of Grossmans Road traverses across the northern end of the study area. Old road routes may be evidenced by bridges, culverts or road embankments.
- **War Heritage Sites** are unlikely to occur in the study area because of the study area's use as private farming property. War heritage sites may include standing monuments and marked locations, but may also include avenues of honour, grave sites, ex-military sites and local memorial sites.

### 3.6 Historical Heritage Desktop Assessment – Summary of the Results and Conclusions

There are six registered heritage places located within the study area. One built heritage place is listed on both the VHR and HO and two built heritage places are listed on the HO only. These places have statutory protection at either State or local level. The remaining three sites are stone features and a dry stone wall. These were listed on the VHI but are now 'delisted' meaning that they have no statutory protection under the *Heritage Act 1995*. However, the dry stone wall may be protected under cl.52.37 of the Greater Geelong Planning Scheme.

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<sup>2</sup> **Likely** is an assessment of site types with a 50% or more likelihood of occurring; **Unlikely** is an assessment of site types with 50% or less chance of occurring).

The eastern section of the study area was assessed under the *Lara Heritage Review*. Only one additional place, 'Kia Ora' at 75 Staceys Road, Lovely Banks, was recommended for inclusion on the Heritage Overlay, and was listed in November 2016 (HO1988).

A review of historical mapping indicates that a number of houses were present in the study area prior to 1914. Given the number of dwellings that were present, there is potential that other places of heritage significance may be present. This may also include historical archaeological sites that may not have been picked up during the various heritage studies. The 1955 topographic map shows at least one 'ruin' (Figure 7), which does not appear to have been assessed in the heritage studies and subsequent reviews. This site is located on the eastern side of Tower Hill Drive in the area covered by the *Lara Heritage Review*. No historical archaeological reports have been located that apply to this site.

## 4 DETAILS OF CULTURAL HERITAGE IN THE STUDY AREA

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### 4.1 Historical Heritage in the Study Area

#### 4.1.1 Previously Registered Heritage Places

The following section provides further information on the previously identified heritage places identified in Section 3.3. Much of the information is drawn from the Victorian Heritage Database (VHD).

##### 4.1.1.1 *Elcho Homestead*

**Location:** 605 Bacchus Marsh Road, Lovely Banks (Maps 5 and 6)

Elcho Homestead was built in about 1867 for John Galletly, on a four thousand acre property adjoining the Bacchus Marsh Road. The architect of the house is unknown. A wing was added on the north side of the house c.1872. Galletly was the Geelong branch manager of the London Chartered Bank, who was married to Elizabeth, daughter of the prominent and successful Western District pioneer George Armytage. In the 1890s it was owned by H M Sutherland, originally a bookkeeper for Thomas Chirnside, who ultimately became Shire President. Following World War I it was owned by the Repatriation Department, who used the property to train returned servicemen in agricultural management. In 1923 it was bought by the Closer Settlement Board for use as a training farm for British immigrants. The cost of the scheme was shared by the British, Australian and Victorian Governments. Senator J F Guthrie owned it from 1930 to 1971.

**Registers:** VHR H0283, HO16, NTR B1277



**Figure 10:** Elcho Homestead  
(Source: VHD)

#### What is Significant?

Elcho Homestead is one of the most picturesque Gothic style homesteads in Victoria. It has unusual asymmetrical massing, which results in changes of levels internally. It is of coursed squared basalt, with pointed windows, dormers, decorative bargeboards and finials on the gables, and a tower which was once

surmounted by a decorative timber canopy. It is built into the side of a hill and the basement is at ground level on the east or garden side and contains extra living spaces. The main entrance and principal rooms are on the floor above this, and the bedrooms upstairs. A single storey timber verandah encircles the eastern side of the original house at the entrance floor level. There is a single storey bluestone service wing to the west, and on the north side is a two storey wing, without verandahs, which contains a large room used as a billiard room on the ground floor and bedrooms above. The internal planning of the house is unusual, due to the basement living spaces, the changes of level inside the house, and the fact that most rooms face the view to the east.

### **How is it significant?**

Elcho Homestead at Lara is of architectural and historical significance to the State of Victoria.

### **Why is it significant?**

Elcho Homestead is of architectural significance as one of the most picturesque Gothic homesteads in Victoria, with unusual massing and room arrangements.

### **Permit Exemptions**

The following permit exemptions under the *Heritage Act 1995* apply to this site:

#### *General Conditions:*

*All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object.*

*Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such works shall cease and Heritage Victoria shall be notified as soon as possible. Note: All archaeological places have the potential to contain significant subsurface artefacts and other remains. In most cases it will be necessary to obtain approval from the Executive Director, Heritage Victoria before undertaking any works that have a significant subsurface component.*

*If there is a conservation policy and plan all works shall be in accordance with it. Note: A Conservation Management Plan or a Heritage Action Plan provides guidance for the management of the heritage values associated with the site. It may not be necessary to obtain a heritage permit for certain works specified in the management plan.*

*Nothing in this determination prevents the Executive Director from amending or rescinding all or any of the permit exemptions. Minor Works: Note: Any minor works that in the opinion of the Executive Director will not adversely affect the heritage significance of the place may be exempt from the permit requirements of the Heritage Act. A person proposing to undertake minor works must submit a proposal to the Executive Director. If the Executive Director is satisfied that the proposed works will not adversely affect the heritage values of the site, the applicant may be exempted from the requirement to obtain a permit. If the applicant is uncertain whether a heritage permit is required, it is recommended that the permits co-ordinator be contacted. (Source: Victorian Heritage Register)*

#### 4.1.1.2 Barwon Water Lovely Banks Basin

**Location:** 600-602 Anakie Road, Lovely Banks (Maps 5 and 6)

The site comprises three circular water basins, a settling pond, open brick channel, brick lime house, brick outbuilding with a chimney, former timber and brick caretaker cottage, two avenues of cypress trees and other recent brick outbuildings including a caretakers residence.

**Register:** HO1721



**Plate 1:** Historical buildings at the Lovely Banks Basins

#### Statement of Significance

The following Statement of Significance is taken from the Victorian Heritage Database:

*The Lovely Banks Reservoirs and other structures at 600-602 Anakie Road, including the three circular water basins, open brick channel, settling pond, lime house/inlet tower, brick outbuilding, timber amp brick caretakers cottage and two avenues of cypress trees, are **aesthetically** significant at a **REGIONAL** level. They demonstrate original design qualities of the nineteenth and early twentieth centuries. The intact qualities of the design of the reservoir include the form of the basins and settling pond, Victorian eclectic style of the tower and outbuilding including the polychrome brick, galvanised corrugated iron roof cladding, narrow eaves with bands of dentils and stringcoursing, early chimney, drip moulds, base walls and stringcoursing, double courses of yellow brick voissours and iron finial.*

*The Lovely Banks Reservoirs and other structures at 600-602 Anakie Road, including the three circular water basins, open brick channel, settling pond, lime house/inlet tower, brick outbuilding, timber amp brick caretaker's cottage and two avenues of cypress trees, are **historically** significant at a **REGIONAL** level. They are associated with the early water supply of the Geelong region from the latter nineteenth century.*

*The Lovely Banks Reservoirs and other structures at 600-602 Anakie Road, including the three circular water basins, open brick channel, settling pond, lime house/inlet tower, brick outbuilding, timber amp brick caretakers cottage and two avenues of cypress trees, are **scientifically** significant at a **REGIONAL***

level. They illustrate nineteenth century technology employed in a major water supply process which is still extant.

The Lovely Banks Reservoirs and other structures at 600-602 Anakie Road, including the three circular water basins, open brick channel, settling pond, lime house/inlet tower, brick outbuilding, timber and brick caretakers cottage and two avenues of cypress trees, are **socially** significant at a **REGIONAL** level. They are recognised and valued by the community of the Geelong region for their important association in the history and culture of Geelong, and for demonstrating a distinctive custom that is in danger of being lost and is of exceptional interest.

Overall, the Lovely Banks Reservoirs and other structures at 600-602 Anakie Road, including the three circular water basins, open brick channel, settling pond, lime house/inlet tower, brick outbuilding, timber and brick caretaker's cottage and two avenues of cypress trees, are of **REGIONAL** significance.

**Recommendation** That a Conservation Management Plan be carried out on the site, which should further investigate the retention of the brick structures, open brick channel, timber and brick caretaker's cottage, and two avenues of cypress trees. The Management Plan could also investigate the retention of the form if not all the original construction of the water basins and settling pond, if new development and technology was required for the long term operation of the reservoirs.

#### 4.1.1.3 Kia Ora

**Location:** 75 Staceys Road, Lovely Banks (Map 6).

Built c.1907-08, Kia Ora is a largely intact Federation period single story dwelling, with asymmetrical composition, horizontal timber weatherboard wall cladding, dominant hipped roof form at the front and the two minor rear hipped wings, rendered chimney with a terra cotta pot, elevated basalt base wall construction, timber framed double hung windows, and timber verandah lattice fretwork (Rowe and Jacobs 2013b). It is set back from the road. The house is shown on historical topographic maps from 1914, 1928 and 1955 (named on the latter). The original timber shingle roof (Figure 11) has been replaced with galvanised steel.

**Register:** HO1988



**Figure 11:** Kia Ora (Source: RBA Architects 2012)

## Statement of Significance

The following Statement of Significance is taken from the Victorian Heritage Database:

What is Significant?

*“Kia Ora” at 75 Staceys Road, Lovely Banks, has significance as an historical legacy of the successful sheep grazing enterprise established by John Sutherland on the property in 1906. “Kia Ora” had been acquired by Hugh Mann Sutherland of the adjoining substantial homestead, Elcho, on behalf of his son, John Sutherland and his wife, Helen. H.M. Sutherland also engaged the Geelong architects, Laird and Barlow to design the existing dwelling in March 1906. While “Kia Ora” has experienced some alterations, the original Federation era design qualities are clearly discernible. These qualities include the single storey height and asymmetrical composition, horizontal timber weatherboard wall cladding, dominant hipped roof form at the front and the two minor rear hipped wings, rendered chimney with a terra cotta pot, elevated basalt base wall construction, and timber framed double hung windows. In addition, the timber lattice verandah fretwork and curved timber verandah brackets represents one of the few decorative features of the dwelling, being characteristic of other contemporary examples of the work of the architects. Overall, the dwelling appears to be in fair condition when viewed from the road. The historical significance is embodied in the surviving Federation era fabric.*

How is it Significant?

*“Kia Ora” at 75 Staceys Road, Lovely Banks, is historically significant at a LOCAL level.*

Why is it Significant?

*“Kia Ora” at 75 Staceys Road is historically significant for its associations with Hugh Mann Sutherland of Elcho Homestead, and particularly his son, John Sutherland, prize-winning breeder of Border Leicester sheep (Criteria A & H). H.M. Sutherland acquired the property and commissioned the Geelong architects, Laird and Barlow to design “Kia Ora” as a home for the newly weds, John and Helen Sutherland, in March 1906. During their tenure at “Kia Ora”, John Sutherland was widely known for his successful sheep grazing and breeding, as reported in a number of Melbourne and interstate newspapers. “Kia Ora” is also associated with a notable number of farms established in the Lara area during the Federation era, although it is one of few that survive today. The significance of “Kia Ora” is embodied in the surviving Federation era fabric.*

### **4.1.1.4 Stone Feature – Elcho Road**

**Location:** 400 Elcho Road, Lovely Banks (Maps 5 and 6)

No specific details on this feature are provided in the Victorian Heritage Database. The site has been delisted from the VHI and therefore has no statutory protection.

**Register:** VHI D7721-0047 (delisted)

#### **4.1.1.5 Dry Stone Fence – Elcho Road**

**Location:** 400 Elcho Road, Lovely Banks

No specific details on this feature are provided in the Victorian Heritage Database. This feature is a north/south-oriented wall located on the western boundary of private land and was not inspected during this investigation (Maps 5 and 6).

In line with Heritage Victoria policy since approximately 2010, dry stone walls are not considered to be ‘archaeological sites’, rather they are considered to be landscape features (to be managed under the local planning scheme). The site has been delisted from the VHI and therefore has no statutory protection.

**Register:** VHI D7721-0048 (delisted)

#### **4.1.1.6 Stone Feature**

**Location:** 5 Staceys Road, Lovely Banks

No specific details on this feature are provided in the Victorian Heritage Database. The site has been delisted from the VHI and therefore has no statutory protection.

This feature is a north/south-oriented wall located on the south western boundary of private land and was not inspected during this investigation (Maps 5 and 6).

**Register:** VHI D7721-0049 (delisted)

### **4.1.2 Potential Heritage Places**

The following sites have been identified in this desktop study as have previously assessed heritage significance, or warrant further investigation.

#### **4.1.2.1 Dry Stone Walls**

**Location:** Various locations, primarily, Elcho Road, Evans Road, Staceys Road and Anakie Road (Map 6).

Several dry stone walls are located in the northern and north western sections of the study area, primarily along roadsides; there may be other, internal, walls that were not visible from the roads and therefore are not listed here. The general characteristics of walls in the study area are as follows:

- Elcho Road – walls on the northern side of Elcho Road are arguably the most intact and representative of the walls in the area. At least one section comprises an all-stone construction style (Plate 2), which is in good to excellent condition. The remaining walls are more typical composite-style walls comprising a low stone wall topped with a post and wire fence (Plate 3).
- Anakie Road – one very short remnant section of a composite-style wall is located on the eastern side of Anakie Road, north west of Evans Road (Plate 4).
- Evans Road – A composite wall runs along the western side of 675 Evans Road (21/TP9074) and includes short sections on the northern and southern boundaries also (Plate 5). Another wall is located on the eastern side of Evans Road, on the western boundary of 550 Elcho Road (1/TP133855)(Plate 6); due to adverse weather conditions during the inspection making this section

of Evans Road impassable, it is not known how far this wall extends – it may run the entire length up towards Staceys Road.

- Staceys Road – A section of wall runs southwards from Staceys Road on the western boundary of 35 Staceys Road (1/TP709293). The wall was only visible on the southern side of a deep drainage valley (Plate 7) and may continue southwards to intersect with an unused road reserve to the south. Another wall runs along the southern side of Staceys Road, commencing at the centre of 165 Staceys Road (1/TP95400) and continuing westwards to the intersection of Evans Road (Plate 8).



**Plate 2:** A section of all-stone dry stone wall on the northern side of Elcho Road



**Plate 3:** A more typical section of composite dry stone wall on the northern side of Elcho Road



**Plate 4:** A remnant section of dry stone wall on the eastern side of Anakie Road



**Plate 5:** A section of dry stone wall on the western side of Evans Road



**Plate 6:** A section of dry stone wall on the eastern side of Evans Road, north of Elcho Road



**Plate 7:** A section of dry stone wall on running south from Staceys Road



**Plate 8:** A section of dry stone wall on the southern side of Staceys Road

**Register:** One north/south-oriented wall was previously listed on the VHI (Section 3.3.2) but has been delisted. None of the other walls in the study area are listed on the VHR or VHI. However, walls may be subject to the provisions of cl.52.37 of the Greater Geelong Planning Scheme, which may require a permit from the City of Greater Geelong for impacts to any dry stone wall listed on the Schedule. The Schedule lists all walls in Lara, Lara Lake, Point Wilson and Sutherlands Creek areas. It is not clear whether any of these provisions relate to land in the Lovely Banks area.

#### **4.1.2.2 Former House Site – 350 Emersons Road Lovely Banks**

**Location:** 350 Emersons Road Lovely Banks (Map 6).

Historical mapping from 1914 (Figure 5) and 1928 (Figure 6) show that a house was once located in the north western corner of this property. A visual inspection of the site shows that the structure is no longer present (Plate 9), but the house location is surrounded on four sides by exotic trees (including peppercorns). The antiquity or history of the house has not been established at this stage but there is potential that subsurface archaeological deposits are still present.



**Plate 9:** Location of a former house at 350 Emersons Road, Lovely Banks

#### **4.1.2.3 Former House Site – 75 Tower Hill Drive Lovely Banks**

**Location:** In the vicinity of 75 Tower Hill Drive, Lovely Banks (Map 6).

Historical mapping from 1914 ( ) and 1955 (Figure 7) show that a house was once located in the vicinity of this property. The 1955 map shows the house to be a “ruin”. A visual inspection of the site shows that there is a late 20<sup>th</sup> century dwelling at the corner of Research Road. The original building is no longer present, but a vacant lot to the south has stacks of what appear to be old bricks which may originate from the former house (Plate 9). Old timber stables are located to the rear of the modern house on Research Road (Plate). Again, the antiquity or history of the house has not been established at this stage but if the original house was located in vacant lot, there is potential that subsurface archaeological deposits are still present.



**Plate 10:** Vacant lot south of Research Road with stacks of old bricks along the fence



**Plate 11:** Old timber stables on Research Road behind the modern brick house

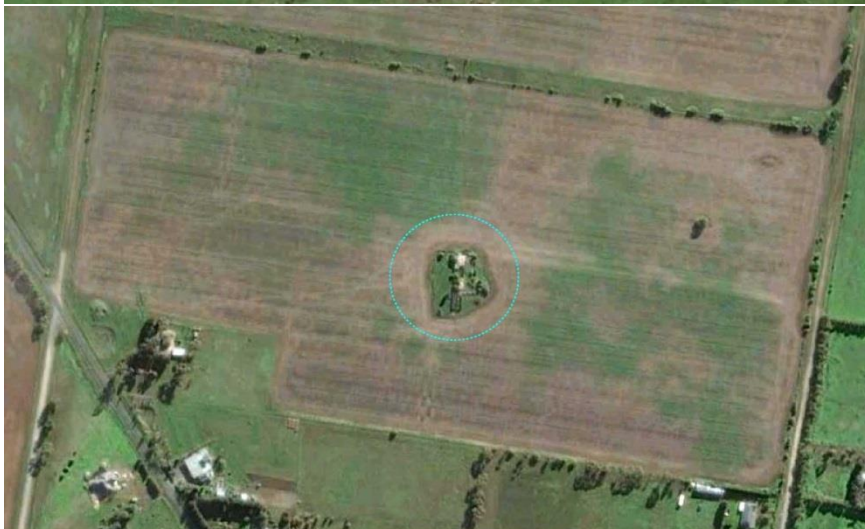
#### 4.1.2.4 *Unknown Structure – 800 Anakie Road Lovely Banks*

**Location:** 800 Anakie Road Lovely Banks (1/TP64930) (Map 6).

A review of aerial images shows a long structure located in the middle of this property (Figure 12). There is no evidence of a structure in this location in the historical mapping (Figures 5 to 7). A visual inspection did not provide any clear identification (Plate 12). The antiquity or history of the site has not been established at this stage but if the site is associated with the historical use of the area or property, then there is potential that subsurface archaeological deposits are present.



**Plate 12:** Location of unknown structure at 800 Anakie Road, Lovely Banks



**Figure 12:** Aerial image of unidentified structure

#### 4.1.2.5 *Marker – 800 Anakie Road Lovely Banks*

A small concrete marker post, with the inscription “Sc 2”, is present on the road reserve outside this property (Plate 13); its function is unknown at this stage. If it is a milestone, the abbreviation “Sc” has not been identified.

**Location:** Road reserve fronting 800 Anakie Road Lovely Banks (1/TP64930) (Map 6).



**Plate 13:** Unidentified marker on Anakie Road

## 5 MANAGEMENT RECOMMENDATIONS

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

### **Recommendation 1: NHL Site; EPBC Referral**

There are no Matters of National Environmental Significance (MNES) within the study area. Therefore there is no requirement for a referral to the Minister of the Environment (Commonwealth) under the *Environment Protection and Biodiversity Conservation Act 1995*.

### **Recommendation 2: Permit under *Heritage Act 1995***

There is one Heritage Place listed under the Victorian Heritage Register within the study area (Elcho Homestead). The curtilage of the VHR place should be incorporated into the FP. A permit under the *Heritage Act 1995* is not required for the preparation of the Framework Plan. However, if the FP proposes changes to the existing fabric of the place, further assessments are required to determine whether the proposed development is likely to have an impact on the place. This should be determined once the FP has been completed and the detailed design of any development is determined (a Heritage Impact Assessment). If proposed impacts are minor, a permit exception may be granted by Heritage Victoria.

### **Recommendation 3: Heritage Overlay**

There are three Heritage Places listed on the Heritage Overlay within the study area:

- HO16 (Elcho Homestead). The curtilage of this place should be incorporated into the FP. Any future development proposals that have potential to impact the fabric or heritage values of the place should be subject to further heritage assessment in the form of a Heritage Impact Assessment. However, note that this place is registered on the VHR and, as a State-significant place, the approvals process through Heritage Victoria takes precedence and an approval from Council is not required.
- HO1721 (Lovely Banks Basins). The curtilage of the place should be incorporated into the FP, particularly if Barwon Water intends to continue operating the site as a water reservoir. If Barwon Water proposes to decommission the basins from their current role in the future, and if the FP proposes changes to the existing fabric of the place, further assessments are required to determine whether the proposed development is likely to have an impact on the place. This should be determined once the FP has been completed and the detailed design of any development is determined (a Heritage Impact Assessment).
- HO1988 (Kia Ora). The curtilage of the place should be incorporated into the FP. Any future development proposals that have potential to impact the fabric or heritage values of the place should be subject to further heritage assessment in the form of a Heritage Impact Assessment.

### **Recommendation 4: Further Investigation of Potential Archaeological Sites**

Three locations were identified as having potential historical archaeological values, but did not warrant listing on the Victorian Heritage Inventory at this stage (Map 6). These sites are:

- The site of the former house at 350 Emersons Road;
- The potential site of a former house in the vicinity of 75 Tower Hill Drive; and
- Unidentified structure on 800 Anakie Road.

The FP should note these locations. Further detailed investigation and consultation with Heritage Victoria regarding their potential for listing on the VHI should be carried out as part of a future planning stage (e.g. as part of a Precinct Structure Plan of pre-development). Note that under the *Heritage Act 1995* a consent from Heritage Victoria is required to damage any historical archaeological site older than 50 years, whether or not they are listed on the VHI.

#### **Recommendation 5: Dry Stone Walls**

A number of dry stone walls (DSWs) are present in the northern and western sections of the study area. DSWs are landscape features that often provide aesthetic character to the landscape and contribute to an understanding of the historical pastoral/farming practices of a region. It is recommended that the walls be identified in the FP. Further detailed assessment of their significance values should be carried out as part of a future planning stage (e.g. as part of a Precinct Structure Plan of pre-development) and, if considered to be historically significant (e.g. contributory to existing heritage places in the study area or significant in their own right), then it is recommended that CoGG make a determination on whether to amend the Schedule to cl.52.37 to apply to these walls.

It is recommended that the project to further investigate the walls be included in the impending Municipal Heritage Strategy.

If CoGG ultimately amends Cl. 52.37 to apply to these walls, then any future proposals to impact the walls that do not comply with listed exemptions, may require a permit from CoGG. In the case where a permit to damage or demolish a wall is granted, it is recommended that a program of archival recording of representative sections of the walls is implemented.

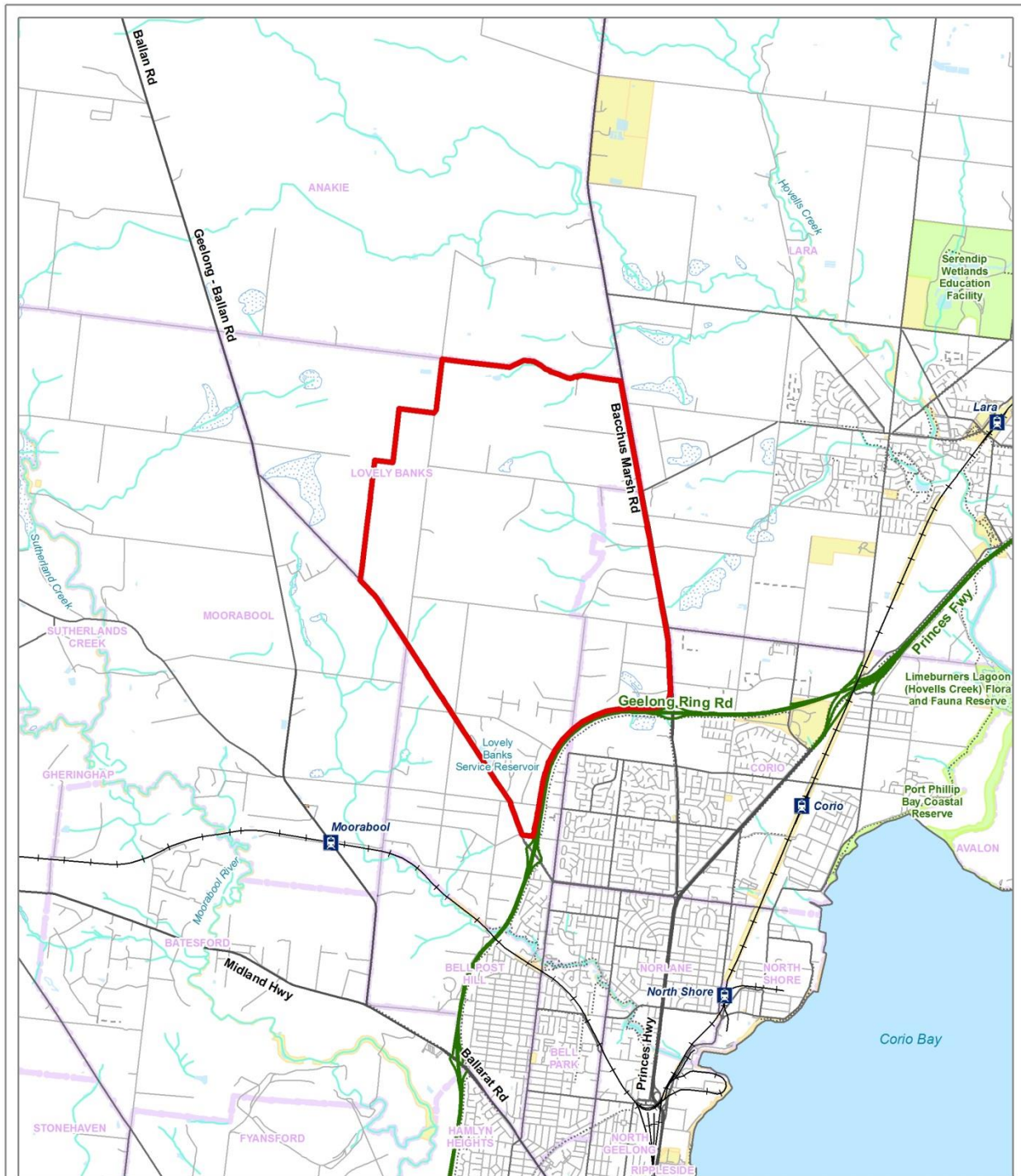
#### **Recommendation 6: No Requirement for Further Archaeological Investigation**

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

However it must be noted that under s.131 of the *Heritage Act 1995* if an archaeological investigation is carried in Victoria, e.g. for the preparation of an Aboriginal Cultural Heritage Management Plan (refer Bullers 2016), then an historical archaeological survey report must also be provided to Heritage Victoria.

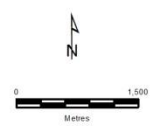
## MAPS

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**Map 1**  
**Location of the Study Area**  
*Phase 1 Post-Contact Heritage Assessment: Northern Geelong Growth Area, Lovely Banks and Lara*

- Legend**
- Study Area
  - Railway
  - Freeway
  - Major Road
  - Collector Road
  - Minor Road
  - Proposed Road
  - Walking Track
  - Minor Watercourse
  - Permanent Waterbody
  - Land Subject to Inundation
  - Parks and Reserves
  - Commonwealth Land
  - Crown Land
  - Localities



Local Government: City of Greater Geelong  
25k Mapsheet: Batesford 7721-1-4  
Coordinate System: MGA Zone 55 (GDA94)  
Map Scale: 1:75,000

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



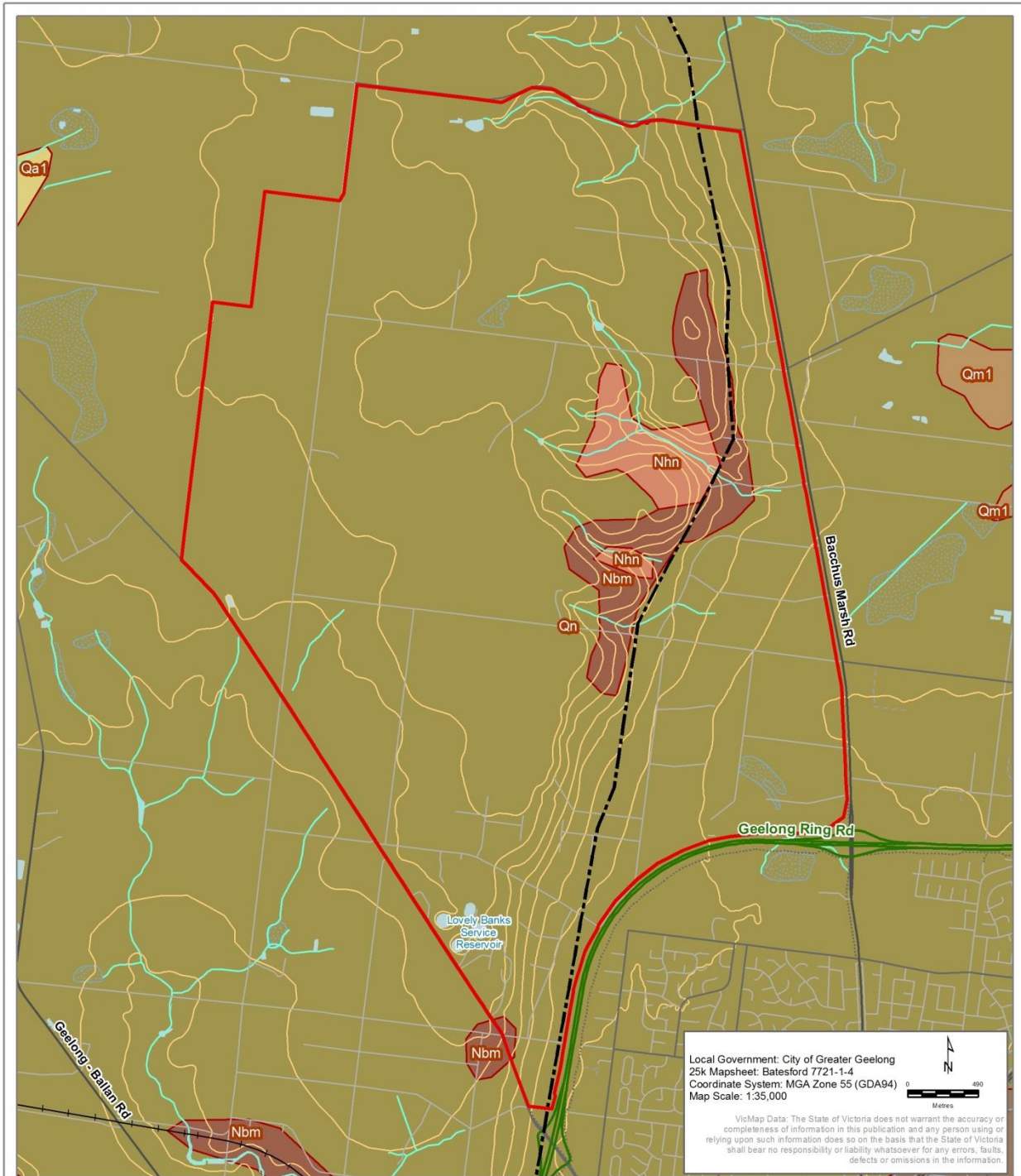
**Map 2**  
**Extent of the Study Area**  
Phase 1 Post-Contact  
Heritage Assessment:  
Northern Geelong Growth  
Area, Lovely Banks and  
Lara

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



Local Government: City of Greater Geelong  
25k Mapsheet: Batesford 7721-1-4  
Coordinate System: MGA Zone 55 (GDA94)  
Map Scale: 1:33,000

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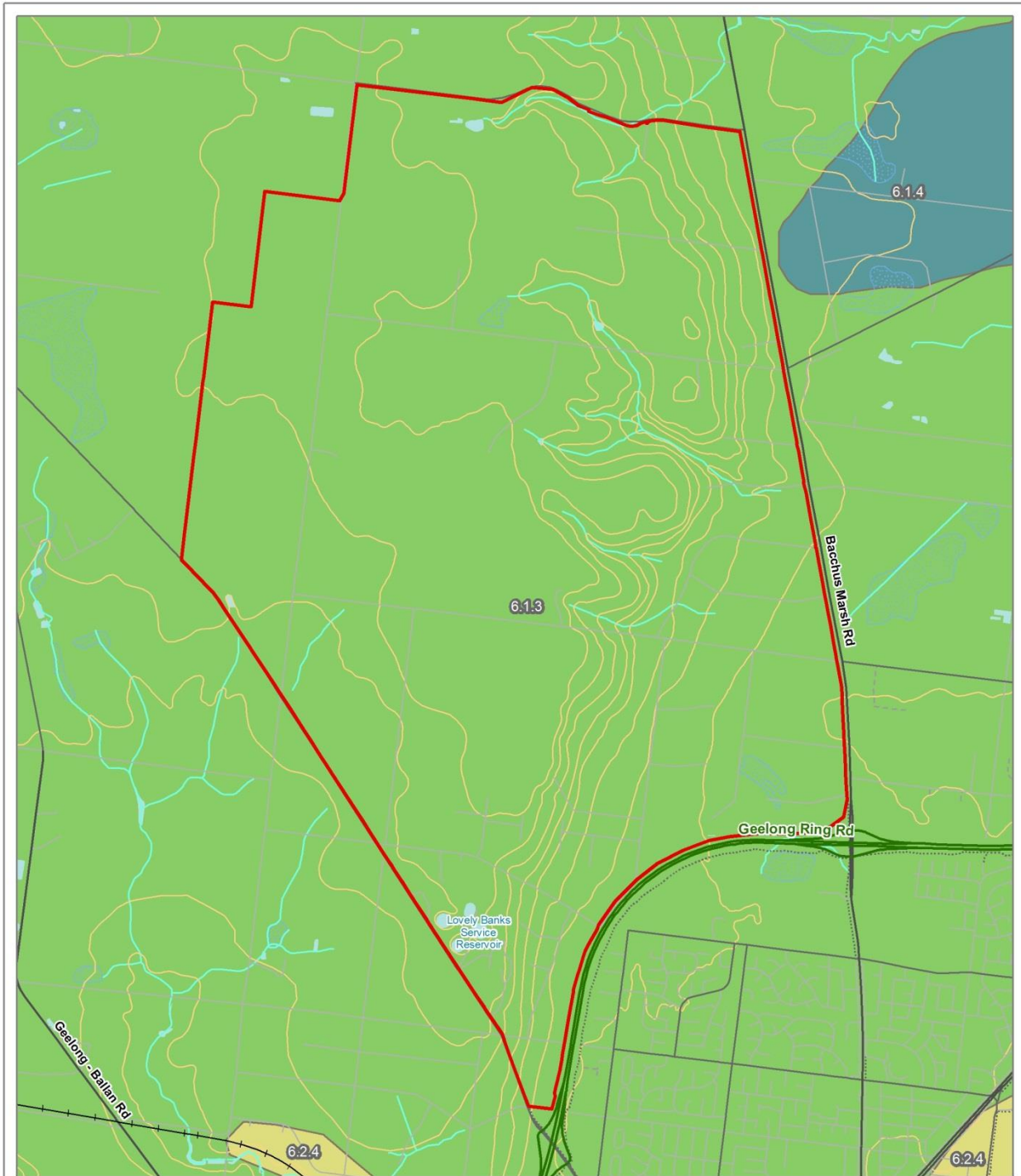
**Map 3**  
**Relevant Geology**  
Phase 1 Post-Contact  
Heritage Assessment:  
Northern Geelong  
Growth Area, Lovely  
Banks and Lara

**Legend**

- Study Area
- Lovely Banks Monocline

**Geology**

- Nbm - Moorabool Viaduct Sand, Gravel, sand, silt (Neogene (Miocene) to Neogene (Pliocene) in age)
- Nhn - Newport Silt, Marine: glauconitic silt, marl, minor limestone (Neogene (Miocene) to Neogene (Miocene) in age)
- Qa1 - Unnamed alluvium, Fluvial: alluvium, gravel, sand, silt (Quaternary (Holocene) to Quaternary (Holocene) in age)
- Qd2 - Unnamed dune deposits, Aeolian: dune deposits: sand, clay, calcareous sand (Quaternary (Pleistocene) to Quaternary (Pleistocene) in age)
- Qm1 - Unnamed swamp and lake deposits, Paludal: lagoon and swamp deposits: silt, clay (Quaternary (Holocene) to Quaternary (Holocene) in age)
- Qn - Newer Volcanic Group, Extrusive: tholeiitic to alkaline basalts, minor scoria and ash (Neogene (Pliocene) to Quaternary (Holocene) in age)



**Map 4**  
**Relevant Geomorphology**  
Phase 1 Post-Contact Heritage Assessment: Northern Geelong Growth Area, Lovely Banks and Lara



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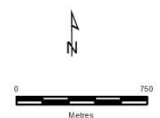
**Legend**

- Study Area
- Contour (10m)

**Geomorphological Units**

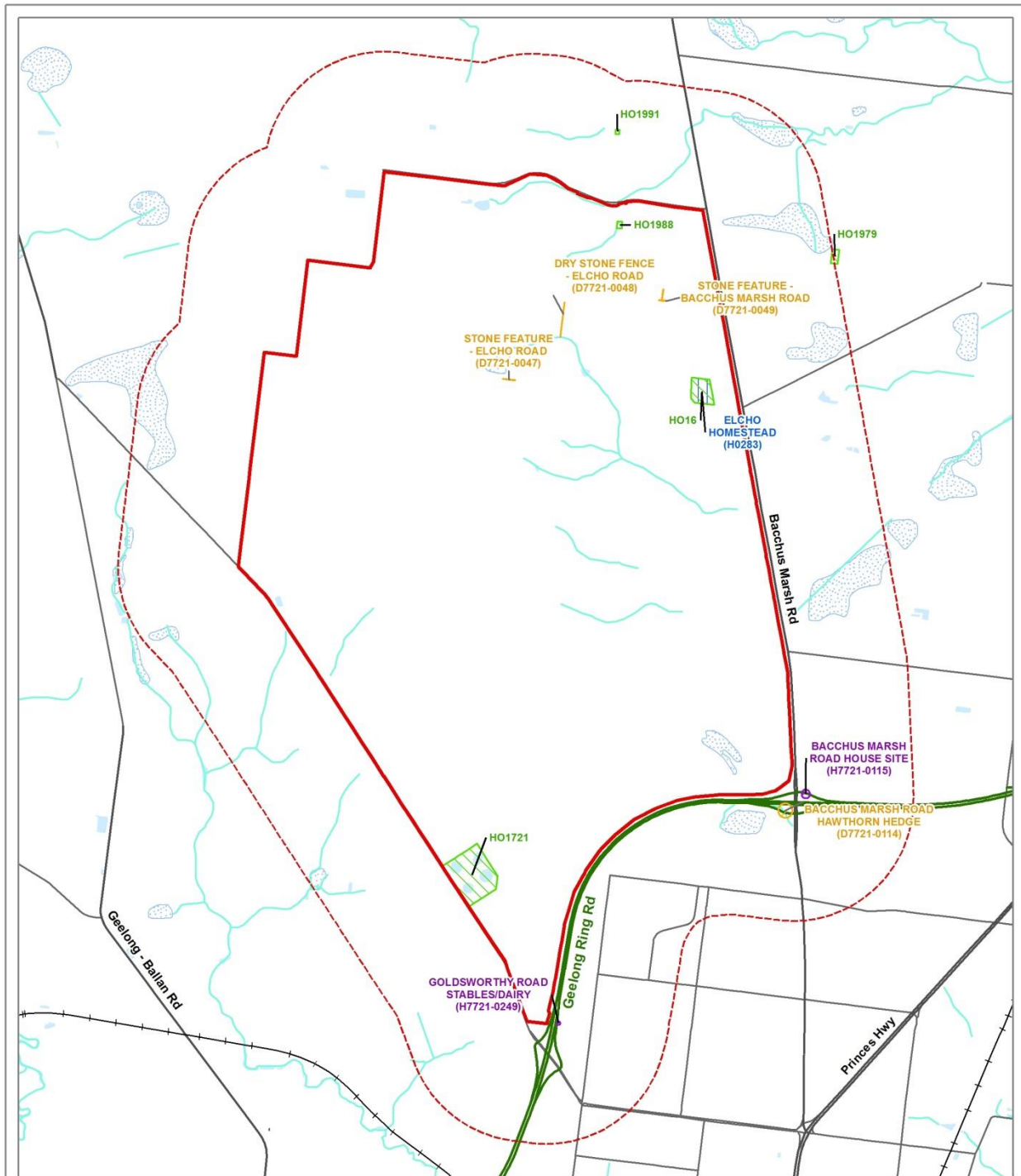
Western Plains

- 6.1.3 Plains with poorly developed drainage and shallow regolith
- 6.1.4 Plains with well developed drainage and deep regolith
- 6.2.4 Plains and plains with low rises



Local Government: City of Greater Geelong  
25k Mapsheet: Batesford 7721-1-4  
Coordinate System: MGA Zone 55 (GDA94)  
Map Scale: 1:35,000

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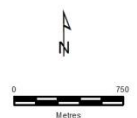


**Map 5**  
**Previously Registered Historical Heritage Places and Locations of Potential Heritage**

*Phase 1 Post-Contact Heritage Assessment: Northern Geelong Growth Area, Lovely Banks and Lara*

**Legend**

- Study Area
- Search buffer (1km)
- Heritage Sites**
- Heritage Overlay
- Heritage Register
- Heritage Inventory
- Heritage Inventory (delisted)



Local Government: City of Greater Geelong  
25k Mapsheet: Batesford 7721-1-4  
Coordinate System: MGA Zone 55 (GDA94)  
Map Scale: 1:42,000

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**Map 6**  
**Registered Historical Heritage Places and Potential Heritage Places**  
*Phase 1 Post-Contact Heritage Assessment: Northern Geelong Growth Area, Lovely Banks and Lara*

- Legend**
- Study Area
  - Potential Historical Archaeological Sites
  - Dry Stone Wall
  - + Milestone
  - Registered Historical Heritage Sites**
  - Heritage Overlay
  - Heritage Register
  - Heritage Inventory (delisted)



Local Government: City of Greater Geelong  
25k Mapsheet: Batesford 7721-1-4  
Coordinate System: MGA Zone 55 (GDA94)  
Map Scale: 1:32,000

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## **APPENDICES**

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## Appendix 1: Heritage Legislation

### A1.1 *Heritage Act 1995 (State)*

The Victorian *Heritage Act 1995* (the Act) is administered by Heritage Victoria (HV) and is the Victorian Government's key piece of historical heritage legislation.

The Act identifies and protects heritage places and objects that are of significance to the State of Victoria including:

- Historic archaeological sites and artefacts;
- Historic buildings, structures and precincts;
- Gardens, trees and cemeteries;
- Cultural landscapes;
- Shipwrecks and relics; and
- Significant objects.

#### *The Victorian Heritage Register*

The Victorian Heritage Register (VHR) lists the State's most significant heritage places and objects. These can be searched on the Victorian Heritage Database.

The Heritage Council determines what places and objects are included and only those places and objects of outstanding significance are added. The process for adding a place or object is a considered one.

A place or object cannot be added to the Register before the Heritage Council seeks the views of the owner. If a heritage place or object is recommended to the Register, then owners are given a report that includes a statement of cultural heritage significance, a proposed extent of registration, and any proposed activities that may not require a permit.

A heritage object can include furniture, shipwreck relics, archaeological artefacts, equipment, transport vehicles, and articles of everyday use that contribute to an understanding of Victoria's history. Objects can be registered in association with heritage places, or in their own right.

#### *The Victorian Heritage Inventory*

Under Section 121 of the *Heritage Act 1995*, the Victorian Heritage Inventory (VHI) records all places or objects identified as historic archaeological sites, areas or relics, all known areas where archaeological relics are located, all known occurrences of archaeological relics and all persons known to be holding private collections of artefacts.

Under Section 127 of the *Heritage Act 1995* it is an offence to damage or disturb an archaeological site or relic, irrespective of whether it is listed on the Heritage Inventory or Heritage Register.

Under Section 129 of the *Heritage Act 1995* a Consent from Heritage Victoria is required if a person wishes to:

- a) Uncover or expose an archaeological relic;

- b) Excavate any land for the purpose of discovering, uncovering or moving an archaeological relic; or
- c) Deface or damage or otherwise interfere with an archaeological relic or carry out an act likely to endanger an archaeological relic; or
- d) Possess an archaeological relic for the purposes of sale; or
- e) To buy or sell an archaeological relic.

Any application for a consent to the Executive Director must be accompanied by the prescribed fee. Various classes of works apply to the application fees. The Heritage Council may waive the fees if it is satisfied that the activities to which the application relates:

- a) Are for the purposes of conservation or protection of the archaeological relic; or
- b) Are to assist in relevant anthropological, archaeological, ethnographic; historical or scientific research; or
- c) Are to educate the public as to the cultural heritage significance of the archaeological relic in its context; or
- d) Are for the safety of the public; or
- e) Are the same, or primarily the same, as those for which a consent has previously been issued to an applicant in relation to that registered place or registered object.

Up until late 2009, Heritage Victoria had a 'D' classification for places that are considered to have low historical or scientific significance. These sites are listed on the Victorian Heritage Inventory but are not subject to statutory protection, therefore there is no requirement to obtain a Consent to Disturb or destroy these sites. Heritage Victoria has requested that a letter be sent to them informing them if 'D' listed sites or places are destroyed to maintain records of these destroyed sites.

### **A1.2 Planning and Environment Act 1987 (State)**

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

### **A1.3 Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)**

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

The objectives of the EPBC Act are:

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

#### **A1.4 Aboriginal Heritage Act 2006 (State)**

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

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

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

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

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

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

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

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

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

- Desktop;
- Standard; and
- Complex.

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

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

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

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

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

### **A1.5 Native Title Act 1993 (Commonwealth)**

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

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

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

- Vacant (or unallocated) Crown land;
- Forests and beaches;
- National parks and public reserves;
- Some types of pastoral leases;
- Land held by government agencies;
- Land held for Aboriginal communities;
- Any other public or Crown lands; and/or
- Oceans, seas, reefs, lakes, rivers, creeks, swamps and other waters that are not privately owned.

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

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

As a common law right, native title may exist over areas of Crown land or waters, irrespective of whether there are any native title claims or determinations in the area. Native Title will therefore be a necessary consideration when Government is proposing or permitting any activity on or relating to Crown land that may affect native title<sup>3</sup>.

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<sup>3</sup> The information in this section was taken from the Department of Sustainability and Environment, Fact Sheet on Native Title, 2008

#### A1.5 *Coroners Act 2008 (State)*

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

## Appendix 2: Significance Assessment

### A2.1. The ICOMOS Burra Charter

The standard for determining significance of places is derived from an international formula developed by ICOMOS (International Council on Monuments and Sites). In Australia, the Burra Charter has been developed by ICOMOS which is a Charter for the Conservation of Cultural Significance (Australia ICOMOS 1999).

The Burra Charter defines cultural significance as “aesthetic, historic, scientific, social or spiritual value for past, present or future generations” (Australia ICOMOS 1999: Section 1.2). Cultural significance is a concept which helps in estimating the value of places. The Burra Charter Cultural Significance Guidelines definitions of the values implicit in assessing cultural significance are as follows (Australia ICOMOS 1999):

*Aesthetic value:* Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and material of the fabric; the smells and sounds associated with its place and use.

*Historic value:* historic value encompasses the history of aesthetics, science and society, and therefore to a large extent underlies all the terms set out in this section.

A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment.

*Scientific value:* The scientific or research value of a place will depend upon the importance of the data involved, on its rarity, quality or representativeness, and on the degree to which the place may contribute further substantial information.

*Social value:* Social value embraces the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiment to a majority or minority group.

#### *National Historic Themes*

It is noted that when assessing historic values that the use of historic themes is of benefit. Historic themes are used by heritage professionals to assist in understanding the meanings and connections that historic places may have in addition to the physical fabric of a place. Themes can help explain how particular elements of a place are significant because of their ability to illustrate important aspects of its history (Australian Heritage Commission 2001). The nine theme groups that are most commonly used nationally are:

Theme 1	Tracing the evolution of the Australian environment
Theme 2	Peopling Australia
Theme 3	Developing Local, Regional and National economies
Theme 4	Building settlements, towns and cities
Theme 5	Working

Theme 6	Educating
Theme 7	Governing
Theme 8	Developing Australia's cultural life
Theme 9	Marking the phases of life

These theme groups are further expanded into more focussed sub-themes which will not be expanded on here. The themes are intended to be non-hierarchical and a historic place may have a number of themes, which reflects how we look at the past, allowing for an integrated, diverse and complex human experience (Australian Heritage Commission 2001).

### A2.2. The *Heritage Act 1995* Criteria

The *Heritage Act 1995* defines eight criteria against which cultural heritage significance can be assessed. These criteria are used to assist in determining whether places of potential State significance should be included in the Heritage Register. They are as follows:

Criterion A	The historical importance, association with or relationship to Victoria's history;
Criterion B	Good design or aesthetic characteristics;
Criterion C	Scientific or technical innovations or achievements;
Criterion D	Social or cultural associations
Criterion E	Potential to educate, illustrate or provide further scientific investigation in relation to Victoria's cultural heritage;
Criterion F	Importance in exhibiting a richness, diversity or unusual integration of features;
Criterion G	Rarity or uniqueness of a place or object; and
Criterion H	The representative nature of a place or object as part of a class or type of places or objects.

In addition it is appropriate when assessing the significance of a site in Victoria to consider whether it is of Local, Regional or State (or potentially National) significance.

### A2.3. Scientific Significance

Scientific significance of a heritage place (particularly archaeological sites) is also assessed in Victoria using a commonly accepted formula developed by Bowdler (1981) and Sullivan and Bowdler (1984). These are relative estimates of significance based on the current knowledge available about sites or places in a region. The assessment uses three criteria; site contents, site condition and representativeness.

#### *Site Contents Rating*

- 1 No cultural materials remaining.
- 2 Site contains a small number (e.g. 0-10 artefacts) or limited range of cultural materials with no evident stratification.

- 3 Site contains:
  - a. A larger number, but limited range of cultural materials; and/or
  - b. Some intact stratified deposit.
- 4 Site contains:
  - a. A large number and diverse range of cultural materials: and/or
  - b. Largely intact stratified deposit; and/or
  - c. Surface spatial patterning of cultural materials that still reflect the way in which the cultural materials were laid down.

#### *Site Condition Rating*

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

#### *Representativeness*

Representativeness refers to the regional distribution of a site type. It is assessed on whether the site type is common, occasional or rare within a given region. Current knowledge on the number of and distribution of archaeological sites in a region can change according depending on the extent of previous archaeological investigation.

The assessment of representativeness also takes into account the contents and condition of a particular site. An example is that in any region, there may be a limited number of sites of a particular type, which have been subject to minimal disturbance. These sorts of undisturbed sites (containing in situ deposits) would therefore be given a high significance rating for representativeness.

The *representativeness ratings* used for archaeological sites are:

- 1 Common occurrence
- 2 Occasional occurrence
- 3 Rare occurrence

#### *Overall Scientific Significance Rating*

An overall scientific significance rating is assigned to the site based on a cumulative score from the assessment. This results in one of the following ratings being assigned for scientific significance:

- 1-3 Low
- 4-6 Moderate
- 7-9 High

#### A.2.4. Applying the Heritage Overlay

DELWP (2015) has prepared a *Practice Note: Applying the Heritage Overlay* to provide guidance on assessing the suitability of places for listing on a Heritage Overlay.

##### *Places for listing on a Heritage Overlay*

The following places should be considered for inclusion:

- Any place that has been listed on the Australian Heritage Council's now closed Register of the National Estate.
- Any place that has been referred by the Heritage Council for consideration for an amendment to the planning scheme.
- Places listed on the National Trust Register of the National Trust of Australia (Victoria), provided the significance of the place can be shown to justify the application of the overlay.
- Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

The heritage criteria used for assessment are the same as those listed under the *Heritage Act 1995* (see A.2.2 above).

##### *Statements of Significance*

For every heritage place (that is, a precinct or individual place) a statement of significance should be prepared using the three-part format:

1. What is significant?
2. How is it significant?
3. Why is it significant?

##### *Establishing Place Curtilages*

The suggested steps in establishing a curtilage and polygon include:

1. Review the heritage study documentation and ask the question 'What is significant?'. The polygon should capture those elements of the place that are significant. If there are multiple elements that are widely dispersed on the property, one option may be to have multiple polygons which share the same Heritage Overlay number.
2. In addition to capturing the elements that are significant, it is almost always necessary to include some surrounding land (a "curtilage") in order to:
  - retain the setting or context of the significant building, structure, tree or feature
  - regulate development (including subdivision) in close proximity to the significant building, tree or feature.
3. Where possible, uncomplicated and easily recognised boundaries (such as a fence line) leave little room for potential dispute in terms of the land affected by any future Overlay.

4. Use aerial photos where they exist to assist in identifying a reduced curtilage.
5. Where access is possible, 'ground truthing' may be of assistance.
6. Explain the basis for the reduced curtilage polygon in the heritage study documentation.
7. Where questions might arise in the future as to the extent of the polygon shown on the planning scheme map, use the entry in the Schedule to the Heritage Overlay (i.e. column two) to specify the area covered by the polygon.

## Appendix 3: Glossary

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

Acronym	Description
CHL	<b>Commonwealth Heritage List.</b> A register of heritage places, under the EPBC Act, on Commonwealth land or managed by the Commonwealth.
DELWP	<b>Department of Environment, Land, Water and Planning.</b> The Victorian State Government department, of which <b>HV</b> is a part, responsible for management of natural and historical (non-Aboriginal) heritage in Victoria.
DoEE	<b>Department of the Environment and Energy.</b> The Commonwealth Government department responsible for management of heritage places on Commonwealth land or listed on the <b>WHL</b> , <b>NHL</b> or <b>CHL</b> .
DPC	<b>Department of the Premier and Cabinet.</b> The Victorian State Government department, of which <b>OAAV</b> is a part, responsible for management of Aboriginal cultural heritage in Victoria.
EPBC Act	<b>Environment Protection and Biodiversity Conservation Act 1999</b> (Commonwealth)
Fabric (Heritage)	Any physical element, feature, material or finish that is associated with the heritage values in all or part of a structure, place, object, feature or site. The original heritage fabric is any such physical element that was an integral part of the original heritage site.
Feature (Archaeological)	A collection of one or more contexts representing some human non-portable activity that generally has a vertical characteristic to it in relation to site stratigraphy.
Heritage Place	A <i>registered</i> historical site listed on a heritage planning instrument that affords statutory protection to the site.
Heritage Values	The values of a heritage site that relate to its historical, social, cultural, spiritual, architectural, archaeological or technological significance.
Historical Heritage Potential	An area assessed by a Heritage Advisor as having potential for containing either surface or subsurface historical archaeological deposits or fabric.
Historical Site	An historical site, whether or not recorded in the <b>VHR</b> , <b>VHI</b> or other historical site database (cf. <b>Heritage Place</b> ).
PCHA	<b>Post-Contact Heritage Assessment.</b> An assessment of the historical heritage values of a defined study area by a qualified heritage consultant.
HO	<b>Heritage Overlay.</b> A list of Heritage Places of local significance with statutory protection under a local government planning scheme.
HV	<b>Heritage Victoria.</b> A division of <b>DELWP</b> responsible for management of historical heritage in Victoria.
NHL	<b>National Heritage List.</b> A register of heritage places, under the EPBC Act, of heritage places of national significance.
RNE	<b>Register of the National Estate.</b> A commonwealth-managed register of heritage assets; as of 2012 the RNE no longer provides statutory protection to heritage places.
VHI	<b>Victorian Heritage Inventory.</b> A register of places and objects in Victoria identified as historical archaeological sites, areas or relics, and all private collections of artefacts, maintained by <b>HV</b> . Sites listed on the VHI are not of State significance but are usually of regional or local significance. Listing on the <b>VHR</b> provides statutory protection for that a site, except in the case where a site has been “D-listed”.
VHR	<b>Victorian Heritage Register.</b> A register of the State’s most significant heritage places and objects, maintained by <b>HV</b> . Listing on the VHR provides statutory protection for that a site.

Acronym	Description
WHL	<b>World Heritage List.</b> A register of heritage places, under the EPBC Act, of heritage places of international significance.

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