



# Morgan Street Redevelopment

## Cultural Heritage Due Diligence Assessment

Wathaurong Aboriginal Cooperative

22 September 2023

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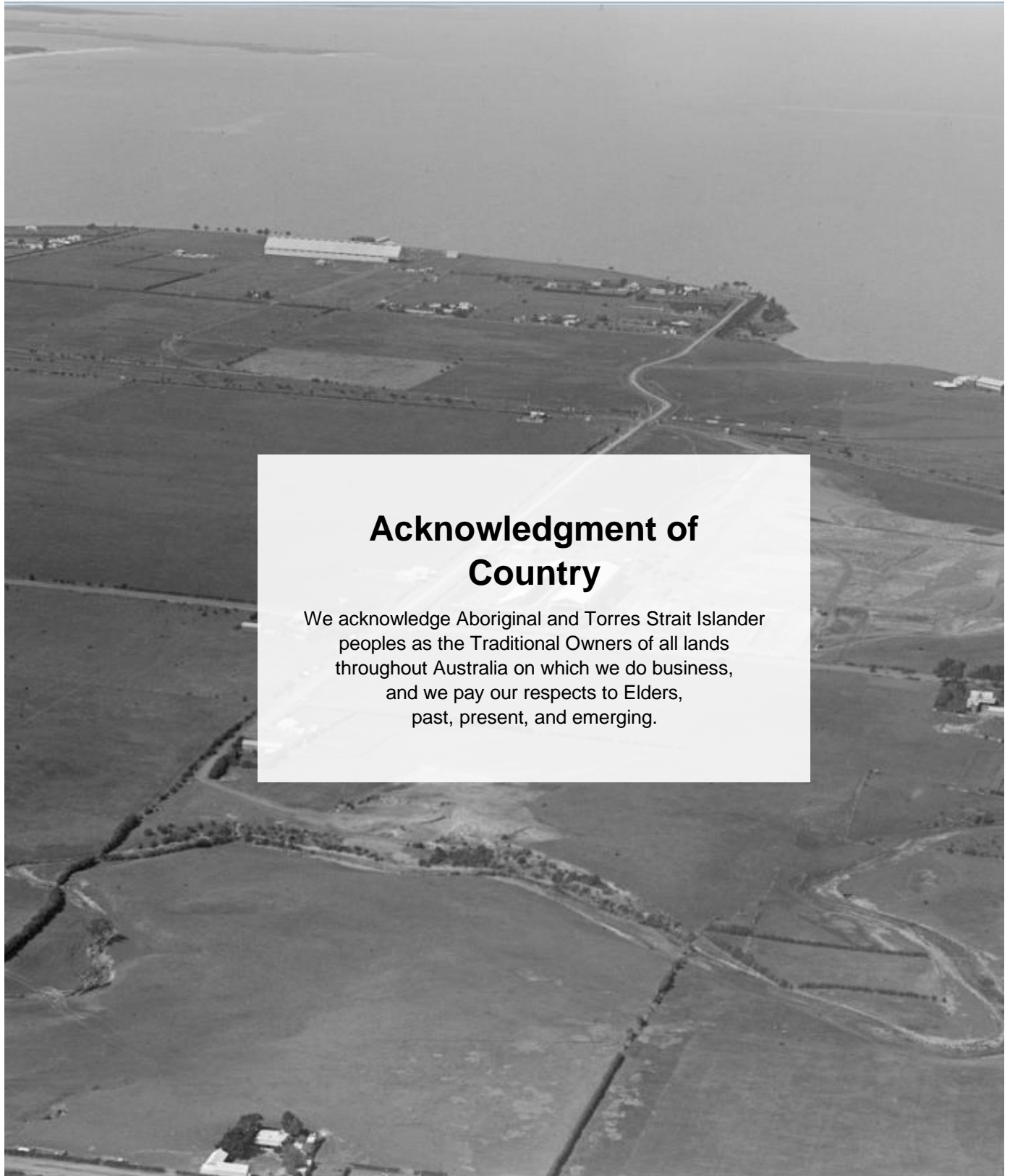
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## **Acknowledgment of Country**

We acknowledge Aboriginal and Torres Strait Islander peoples as the Traditional Owners of all lands throughout Australia on which we do business, and we pay our respects to Elders, past, present, and emerging.

# Executive summary

The Wathaurong Aboriginal Co-operative (WAC) has engaged GHD Pty Ltd (GHD) to undertake a Cultural Heritage Due Diligence Assessment (CHDDA) to inform heritage legislative requirements across two properties: Lot A 60-62 Morgan Street, Norlane and Lot B 43 The Boulevard, Norlane. The proposed works are to redevelop the WAC hub at 60-62 Morgan Street, Norlane, including demolition of existing buildings and construction of a new 3 level greenfield building, with basement car parking. Additionally, at Lot B 43 The Boulevard, Norlane, a carpark is planned, with the feasibility of constructing a child care centre being explored.

This CHDDA provides information and advice on heritage considerations for the proposed works. Legislative considerations for the project have been assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), *Planning and Environment Act 1987*, *Aboriginal Heritage Act 2006*, and *Heritage Act 2017*. This CHDDA is a desktop assessment and does not constitute an approval under the Acts identified above.

This CHDDA for WAC concludes that a mandatory Cultural Heritage Management Plan (CHMP) is triggered for the proposed works at Lot B 43 The Boulevard, Norlan but not at Lot A 60-62 Morgan Street, Norlane. It is understood that the proposed works will encroach on the undeveloped greenfield area of Lot A 60-62 Morgan Street, Norlane, and a voluntary CHMP is recommended for works on that property. It is also recommended that:

- A cultural heritage permit (CHP) is required to move and temporarily store the Davis Collection (VAHR 7721-0629). Additionally, the VAHR record will need to be updated to reflect the new storage location and updated again at the conclusion of works. As part of this, it is recommended that a broader object collection audit be undertaken to determine what other Aboriginal cultural heritage material is stored at the Wathaurong Hub.
- That the Wathaurong Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285) remain in its current position and be securely fenced off with signage denoting it as an exclusion zone, for the duration of the proposed works. Any impact to the tree will require a CHP.
- That onsite workers participate in a cultural heritage induction prior to commencing work to outline procedures around the Wathaurong Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285) and the designated area of high Aboriginal cultural heritage sensitivity.

The study area's history has been evaluated to assess its potential for historic archaeological sites. It is concluded that it is reasonably unlikely that sites of archaeological value occur within the study area.

This report is subject to and must be read in conjunction with the limitations set out in section 1.5 and the assumptions and qualifications contained throughout the CHDDA. A summary of the findings of this report are presented in Table 1 based on the results of the legislative risk assessments undertaken in sections 3 and 4.

Table 1 Legislative heritage requirements

Act	Requirements
<b>EPBC Act 1999</b>	No approvals for the proposed works are required under the <i>EPBC Act</i> for heritage matters. Please note that this does not include approval requirements under the <i>EPBC Act</i> for any other matters of National Environmental Significance.
<b>Aboriginal Heritage Act 2006</b>	<p>The proposed works at Lot A 60-62 Morgan Street, Norlane are exempt from a mandatory CHMP under Regulation 46(3) of the Aboriginal Heritage Regulation 2018, as the property was lawfully being used as a car park, an office, and a place of assembly immediately before 28 May 2007.</p> <p>A CHMP is required for works at Lot B 43 The Boulevard, Norlane under Section 7 of the Aboriginal Heritage Regulations 2018 as the property is partially an area of cultural heritage sensitivity (CHS) and the proposed works are a high impact activity.</p> <p>At Lot A 60-62 Morgan Street, Norlane, construction of the existing Wathaurong Hub is likely to have disturbed the area and it is considered unlikely for unknown Aboriginal cultural heritage to be within the footprint of the existing Wathaurong Hub and car park. However, the greenfield sections of the property remain undisturbed, and given their proximity to Cowies Creek, have potential for Aboriginal cultural heritage. It is understood that the footprint of the proposed works extends into this greenfield area and a voluntary CHMP for Lot A 60-62 Morgan Street, Norlane is recommended.</p> <p>A CHP is required to move and temporarily store the Davis Collection (VAHR 7721-0629). Additionally, the VAHR record will need to be updated to reflect the new storage location and updated again at the conclusion of works.</p>
<b>Heritage Act 2017 and Planning and Environment Act 1987</b>	Approvals are not currently required for heritage matters under the <i>Heritage Act 2017</i> or <i>Planning and Environment Act 1987</i> . No historical structures of State or local significance have been identified at the time of the assessment and the risk assessment found that it was reasonably unlikely that an archaeological site is located within the study area.

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# Abbreviations

ACHRIS	Aboriginal Cultural Heritage Register and Information Services
CHDDA	Cultural Heritage Due Diligence Assessment
CHL	Commonwealth Heritage List
CHMP	Cultural Heritage Management Plan
CHP	Cultural Heritage Permit
CHS	Cultural Heritage Sensitivity
EPBC	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
FP – SR	First Peoples – State Relations
GHD	GHD Pty Ltd
GMU	Geomorphological Unit
HO	Heritage Overlay
LDAD	Low Density Artefact Distribution
NHL	National Heritage List
RAP	Registered Aboriginal Party
SGD	Significant Ground Disturbance
VAHR	Victorian Aboriginal Heritage Register
VHI	Victorian Heritage Industry
VHR	Victorian Heritage Register
VPP	Victorian Planning Provisions
WAC	Wathaurong Aboriginal Co-Operative Ltd
WHL	World Heritage List
WTOAC	Wadawurrung Traditional Owners Aboriginal Corporation

# 1. Introduction

Wathaurong Aboriginal Cooperative (WAC) has engaged GHD Pty Ltd (GHD) to undertake a Cultural Heritage Due Diligence Assessment (CHDDA) to inform heritage legislative requirements across two properties: Lot A 60-62 Morgan Street, Norlane and Lot B 43 The Boulevard, Norlane. The proposed works are to redevelop the WAC hub at 60-62 Morgan Street, Norlane, including demolition of existing buildings and construction of a new 3 level building, with car parking. Additionally, at Lot B 43 The Boulevard, Norlane, the feasibility of constructing a child care centre is being explored.

## 1.1 Purpose of this report

This CHDDA provides information and advice on heritage considerations for the proposed works. Legislative considerations for the project have been assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), *Planning and Environment Act 1987*, *Aboriginal Heritage Act 2006*, and *Heritage Act 2018*.

This CHDDA is a desktop assessment and does not constitute an approval under the Acts identified above.

## 1.2 Study area

The study area comprises two properties: Lot A 60-62 Morgan Street, Norlane and Lot B 43 The Boulevard, Norlane (refer to Figure 1) within the City of Greater Geelong and approximately 63 km southwest of Melbourne. Collectively these properties are approximately 18,400 m<sup>2</sup> large.

Lot A 60-62 Morgan Street, Norlane currently holds two buildings, the southern building being the offices of WAC and the northern building being the Wathaurong Health Services medical clinic and child care centre. The WAC also provide a range of family services, cultural services, and community services. Lot B 43 The Boulevard is currently vacant land.

## 1.3 Aboriginal stakeholders

The Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC) are the Registered Aboriginal Party (RAP) for the study area. It is outside of scope of this CHDDA to consult with the RAP.

## 1.4 The proposed works

GHD understands that as part of the Morgan Street Redevelopment project (“the Project”), WAC intend to complete the following redevelopment works:

- Demolish the existing buildings and construct a new, 3-level building, and approximately 41 car parking spaces at 60-62 Morgan Street, Norlane. The building will be used for the WAC offices and Wathaurong Health Service medical clinic.
- Construct a car park for approximately 123 cars on Lot B 43 The Boulevard, Norlane
- Explore the feasibility of constructing a child care centre on the southeastern portion of 43 The Boulevard, Norlane

## 1.5 Scope and limitations

This report has been prepared by GHD for WAC and may only be used and relied on by WAC for the purpose agreed between GHD and WAC as set out in section 1.1 of this report. It is acknowledged that an options assessment is currently being undertaken and the full extent of the potential cultural heritage risks is yet to be documented. This report will be updated when further information is available.

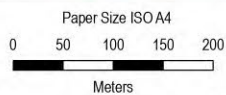
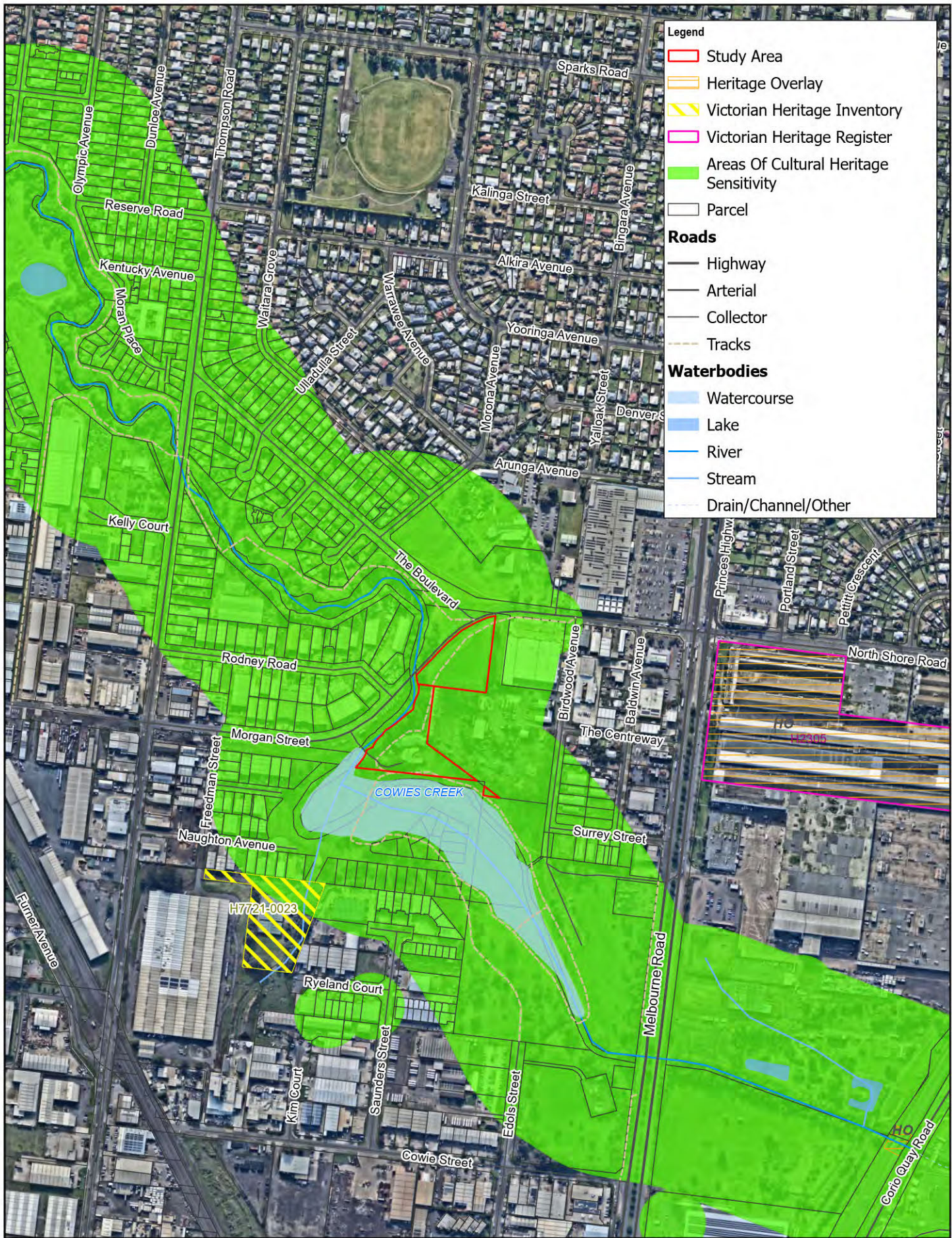
GHD otherwise disclaims responsibility to any person other than WAC arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions, and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by WAC and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.



Map Projection: Transverse Mercator  
Horizontal Datum: GDA 1994  
Grid: GDA 1994 MGA Zone 55



Wathaurong Hub Redevelopment

Project No. 12613952  
Revision No. 0  
Date 17/08/2023

Location of Study Area

FIGURE 1

## 2. Desktop assessment

This desktop assessment examines technical data to establish a high-level cultural, environmental, statutory, archaeological, and historic context for the study area. This context is provided to understand the potential for built, archaeological, and intangible heritage values to be present in the study area and associated heritage risks or legislative obligations for the project.

### 2.1 Statutory context

#### 2.1.1 Environment Protection and Biodiversity Conservation Act

Commonwealth requirements in relation to environmental (includes heritage) assessment and management are principally specified in the EPBC Act administered by the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW).

The EPBC Act provides for the listing of natural, historic or Indigenous heritage values on Commonwealth lands, lands under Australian Government control or that are of outstanding heritage value. Listings include the World Heritage List (WHL), National Heritage List (NHL), and Commonwealth Heritage List (CHL).

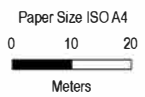
The EPBC Protected Matters Search Tool was accessed on 11 August 2023. There are no heritage values registered on the WHL, NHL or CHL within the study area.

#### 2.1.2 Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* and Aboriginal Heritage Regulations 2018 stipulate the requirements for the assessment, management, and protection of Aboriginal heritage in Victoria. Requirements for assessment and approvals linked with the Victorian planning system are regulated by First Peoples – State Relations (FP – SR). FP – SR maintains the Victorian Aboriginal Heritage Register (VAHR), which lists sites containing both tangible and intangible Aboriginal cultural heritage values.

FP – SR maintains a dataset that is a spatial representation of "Areas of Cultural Heritage Sensitivity" (CHS) as specified in Division 3, Part 2 of the Aboriginal Heritage Regulations 2018. Mapping of CHS is continually revised; however, a major update of CHS occurred in May 2018 when the current Regulations came into effect.

The Aboriginal Cultural Heritage Register and Information System (ACHRIS) was accessed on 11 August 2023. The FP – SR dataset indicates an area of CHS under Regulation 26(1) (waterways) of the Aboriginal Heritage Regulations 2018. There are two object collections within the study area, which are protected as Aboriginal places regardless of areas of CHS. These are the Davis Collection (VAHR 7721-0629) and the Wathaurung Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285). Refer to Figure 2 for location of the Wathaurung Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285). The site card for the Davis Collection (VAHR 7721-0629) indicates that the WAC are in possession of the collection.



Map Projection: Transverse Mercator  
 Horizontal Datum: GDA 1994  
 Grid: GDA 1994 MGA Zone 55

Wathaurong Hub Redevelopment

Project No. 12613952  
 Revision No. 0  
 Date 17/08/2023

Scarred Tree Location

**FIGURE 2**

### 2.1.3 Heritage Act 2017

The *Heritage Act 2017* is the principal legislation covering the assessment, management, and protection of non-Aboriginal heritage in Victoria included on the Victorian Heritage Register. Heritage Victoria (HV) regulates heritage assessment and approvals and administers the Act. HV maintains the Victorian Heritage Register (VHR), which lists items of State significance, and the Victorian Heritage Inventory (VHI), which lists items with significant historic archaeological heritage values.

The Victorian Heritage Database was searched on 11 August 2023 and no VHR or VHI places were recorded within the study area at the time of the assessment.

### 2.1.4 Planning and Environment Act 1987

The *Planning and Environment Act 1987* is the primary legislation for planning the use, development, and management of land in Victoria. The Act includes as an objective of planning in Victoria *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*. Planning Schemes provide for the management of items of local heritage significance through Heritage Overlays (HO).

The City of Greater Geelong Planning Scheme has been checked and there is no HO located within the study area.

### 2.1.5 Heritage Rivers Act 1992

Cowies Creek is not included within the Heritage River overlay. Therefore, no management plan is required under the *Heritage Rivers Act 1992*.

## 2.2 Environmental Context

### 2.2.1 Topography and landform

The study area is situated at approximately 10 m Australian Height Datum along the eastern bank of Cowies Creek, and is approximately 1.5 km west of the Port Phillip Bay coastline. The surrounding area is flat plains of lower elevation. South of the study area Cowies Creek collects into lagoon names Seagull Paddock Lake, but this effect is derived from recent engineering alterations. The creek's original course can be seen in historic aerial imagery (refer to Plate 1). Seagull Paddock Lake is managed as a family fishing lake and stocked with advanced yearling rainbow trout (Victorian Fishing Authority, 2022).



Plate 1 1975 aerial image showing the course of Cowies Creek prior to modification (Geoscience Australia, 1975).

### 2.2.2 Geology and geomorphology

The study area is situated within the first-tier geomorphological unit (GMU) the *Western Plains* (GMU 6) which constitutes low-lying undulating plains on volcanic and sedimentary lithologies. The *Western Plains* are some of the youngest geological formations in Victoria, which is reflected in the soil. The younger soils have skeletal uniform or gradational soils while the older areas have deeper soils ranging from friable gradational to strongly textured contrast soils. Much of the area is naturally grassland plains (Agriculture Victoria, 2020).

The study area is within the second-tier GMU of *Sedimentary plains (plains on unconsolidated (sedimentary) deposits)* (GMU 6.2), which is predominantly constituted of marine sands left by the retreating Pliocene ocean. Sometimes the underlying Gellibrand Marl Limestone is exposed from beneath the marine sands. In part this GMU is comprised of windows of marine sands within the area of volcanic plains which have not been covered by lava flows (Agriculture Victoria, 2020b).

The study area is within the third-tier GMU *Plains and plains with low rises (Duck Hole Plain, Irrewillipe, Hanson Plain)* (GMU 6.2.4), which is generally a flat landscape with very gentle low rises. This is generally associated with sodic and non-sodic soils with mottled texture contrast soils (sodosols, kurosols), and pale or grey sandy soils containing coffee rock or clay (Agriculture Victoria, 2020c).

The surface geology of the study area is Gellibrand Marl (Ntg) created in the Miocene age and is characterised by marl, mudstone, calcarenite limestone, and sandstone, with minor brown coal. The soils here contain shelly fossils and microfossils, along with spores and pollen (Welch, Higgins, & Callaway, 2011).

Two sets of geological investigations have been undertaken at the Lot A 60-62 Morgan Street, Norlane property, in 2004 and in 2021. The 2004 geotechnical investigations took six samples using 100 mm drilling, all clustered around the existing WAC hub (refer to Figure 3) and encountered fill across all six samples up to a maximum depth of 1900 mm. The fill was characterised by moderately compacted grey gravel mix above brown mottled moderately compacted clay silty clay rock fragment mix. The soil below the fill was characterised by clayey sand and weathered limestone fragments. The bore holes were generally ended at 2000 mm though two were prematurely ended at 1200 mm and 1400 mm due to impenetrable weathered limestone fragments (Provincial Geotechnical Pty Ltd, 2004). The 2021 geotechnical investigations comprised seven boreholes to a maximum depth of 2400 mm, all clustered around the existing WAC hub (refer to Figure 4). The geotechnical investigations showed variable imported/disturbed fill consisting of clay, silt, and gravel, generally over clay and weathered limestone. The fill was located to depths between 800 mm and 1800 mm, and it was noted that deeper fill may be located in other areas, particularly around Cowies Creek. Below the fill, the soil was generally naturally occurring silty clays and underlying limestone rock of variable strength (St. Quentin Geotechnical and Environmental Engineering, 2021). No naturally occurring surface soils or buried, potentially cultural holding soils were identified during the geotechnical testing.

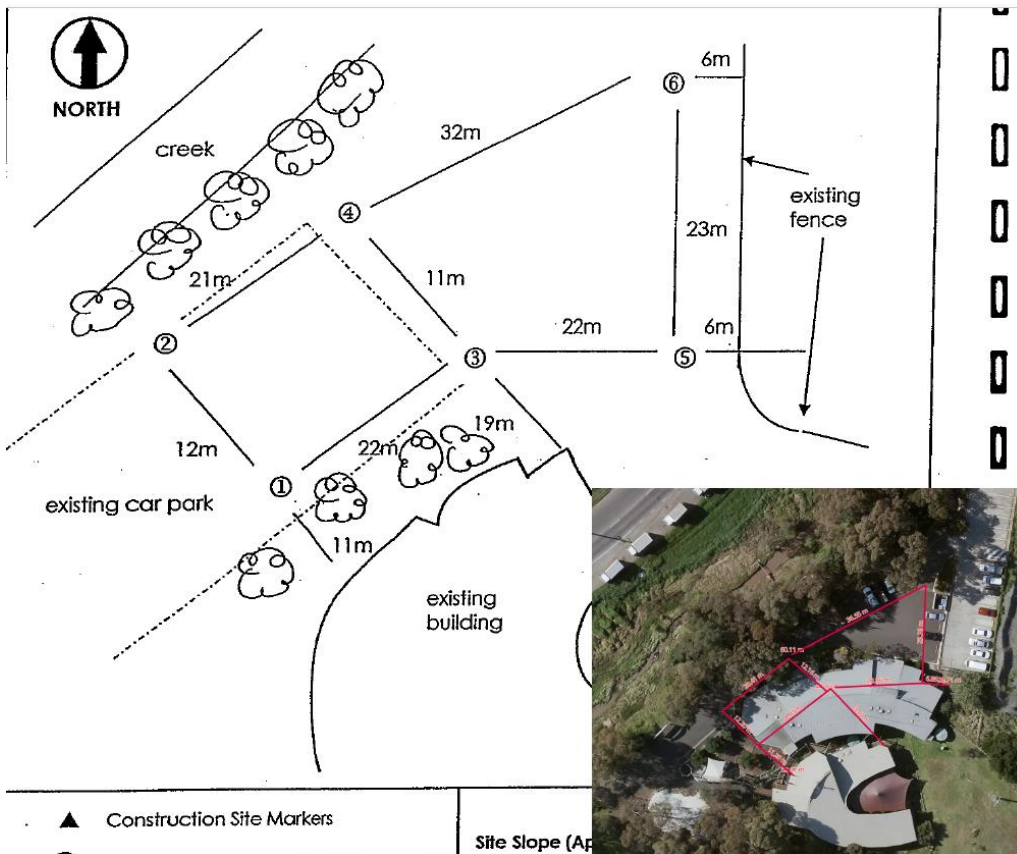


Figure 3 Bore hole locations for the 2004 geotechnical investigations (Provincial Geotechnical Pty Ltd, 2004).



Figure 4 Bore holes for the 2021 geotechnical investigations (St. Quentin Geotechnical and Environmental Engineering, 2021).

## 2.3 Historical context

### 2.3.1 Ethnohistory

Information on pre-Contact Aboriginal spatial organisation is based on 19<sup>th</sup> century European accounts from the time of initial contact. Many of the ethnohistories of Aboriginal people will reflect the European mindset of what the lifestyles of Aboriginal people were and are not necessarily an accurate portrayal of their way of life and social organisation.

Prior to European occupation of present-day Victoria, the central aspect of the state was occupied by Aboriginal people who shared a common language, as well as political, social, and economic affiliations. These Aboriginal people identified themselves as *Kulin*, the common word for human being. The *Kulin* occupied the Port Phillip region and as far north as Eurora and were divided into five groups: the *Wathaurong* (also depicted as *Wada Wurrung* or *Watha Wurrung*); the *Woi wurung*, the *Bunurong*, the *Taungurong*, and the *Jajawong* (Presland, 1985; Sullivan, 1984). The study area falls within the traditional lands of the *Wathaurong* who occupied the Geelong, Ballarat, and Beaufort districts (Clark, 1995, p. 169).

Prior to European occupation of present-day Victoria Clark locates the study area between the traditional language boundary of the *Neerer Balug* and *Wada Wurrung Balug*, both of sub-groups of the *Wathaurong* (Clark, 1990, p. 311). The *Neerer Balug* were located between Geelong and the You Yangs and the *Wada Wurrung Balug* in the Barrabool Hills (Clark, 1990, pp. 326, 333).

### 2.3.2 Post-contact settlement

The earliest European exploration of the Geelong area was by Matthew Flinders who sailed Port Phillip Bay and entered Corio Bay in 1802 (Authentic Heritage Services, 2000, p. 2). However, the area wasn't settled until the Port Phillip Association came to Port Phillip Bay, led by John Batman in 1835 (Authentic Heritage Services, 2000, p. 2). James Simpson, Michael Connoly, and J. and W. Robertson were all Members of the Port Phillip Association who settled in the Geelong area, though they did not remain long and were soon replaced by pastoralists from outside the Port Phillip Association (Authentic Heritage Services, 2000, p. 4).

The study area is within the parish of Moorpanyal, which was declared in January 1842 and opened up for land sales by 1845 (The Geelong Advertiser, 1842; The Melbourne Weekly Courier, 1845). By 1851, more than half the allotments within the Moorpanyal parish had sold, with blocks along the Moorabool River most desirable (Authentic Heritage Services, 2000, p. 6). By 1893, sixty people from nine families lived at the North Shore, which is adjacent to modern day Norlane (Authentic Heritage Services, 2000, p. 33).

The adjacent north shore became an industrial centre by the mid-1920s, thanks to industries such as the freezing factory established at the mouth of Cowies Creek in 1896, and the Ford Motor Company's factory established in the mid-1920s (Authentic Heritage Services, 2000, pp. 26, 28). The suburb of Norlane was created during the post World War II building boom as a new suburb (Authentic Heritage Services, 2000, p. 34).

### 2.3.3 Historical land use

The study area is allotment 1 of the Parish Moorpanyal, County of Grant (refer to Figure 5), which encompassed 7.891 hectares and was first purchased by P Dunn on 7 October 1847 (Victoria. Division of Survey Mapping, c.1976). Rate books record that during the 1860s the McCann family owned a quarry at Cowies Creek, that was later known as Dunn's Quarry (Authentic Heritage Services, 2000, pp. 24, 26). This may be the quarry indicated in a 1928 map (refer to Figure 6) as being within the study area (Great Britain. War Office. General Staff. Australian Section, 1928). However, the quarry is not denoted in an earlier 1914 map also produced by the Imperial General Staff, suggesting that the quarry was created after 1914, though discrepancies in mapping detail could also explain the absence (Great Britain. War Office. General Staff. Australian Section, 1914; 1928).

Given the original allotment was owned by Dunn and the quarry was later known as Dunn's Quarry, it is possible, though not certain, that the quarry indicated in the 1928 map dates back to the 1860s. The quarry is briefly mentioned in a 1917 article which states that the Corio Shire Council 'abandoned the metal quarry at Mrs. Dunn's property, Cowie's Creek, for the present' (The Geelong Advertiser, 1917). Metal in this case refers to road base not metal ore. The quarry can be seen in early aerial imagery and is further discussed below.

The Lot A 60-62 Morgan St property currently houses the WAC offices and Wathaurong Health Service medical clinic. The WAC office building opened in 1996. The Wathaurong Health Service's building was built in 2005 and complete by 2006 (Geovic, 2005; Geovic, 2006). However, the building was constructed to a 'lock up stage' without internal fit out, and not finished off until 2008, after which, the Wathaurong Health Service opened (Wathaurong Aboriginal Co-operative, 2023; Australian Business Register, 2023; Cirillo Architects Pty Ltd, 2008).

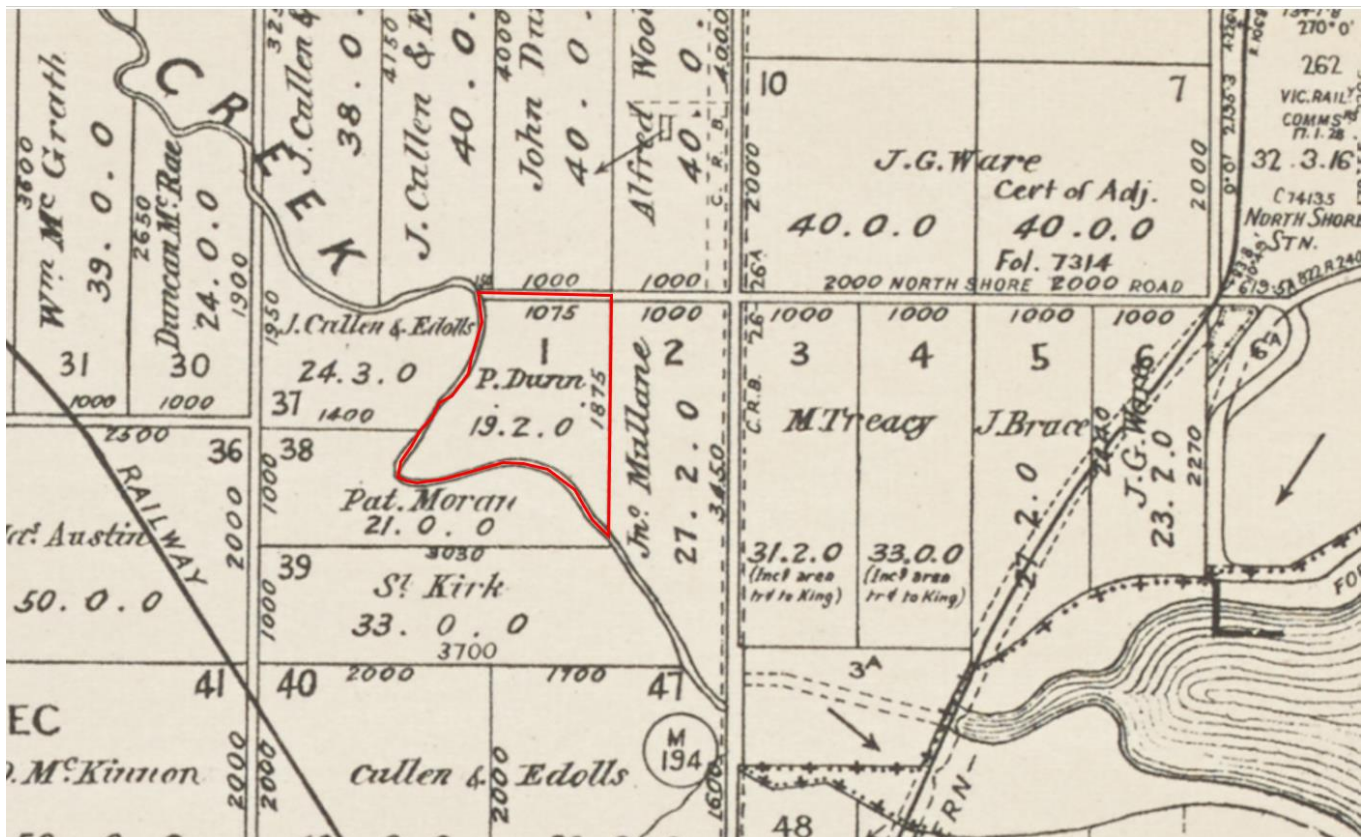


Figure 5 1953 map of the Moorpanyal parish, with the study area's allotment in red (Victoria. Department of Crown Lands and Survey, 1953).



Figure 6 1928 map with a quarry indicated within the study area, approximately circled in red (Great Britain. War Office. General Staff. Australian Section, 1928).

### Aerial imagery

Analysis of aerial imagery depicting the study area over time has the potential to identify significant changes in the landscape. These images can provide a deeper understanding of the developing populations and settlement patterns (Heather Burke, 2017, p. 116). By studying changes to the landscape over time, conclusions can be drawn in relation to any impacts or disturbances that may have affected the study area and aid in the identification of any possible heritage remnants present.

Aerial imagery has been collected from 1925, 1947, 1951, 1966, 1975, 1992, 2004, 2005, 2006, and 2021. The earliest aerial imagery from 1925 (refer to Plate 2 and Plate 3) shows the study area to be agricultural paddocks, with the notable exception of the quarry, primarily within the Lot B 43 The Boulevard, Norlane, property. The quarry is relatively small, with scrapping across the area with some quarrying into the hillside, and an access road cut through the hill. The 1947 and 1951 aerial images (refer to Plate 4 and Plate 5) indicates where the quarry was located within the study area, and comparison between the 1951 and 1966 aerial image (refer to Plate 5 and Plate 6) illustrates how the quarry became landfill as part of the Seagull Paddock waste disposal site (Meinhardt Infrastructure & Environment Pty Ltd, 2009, p. 9).

The 1975 aerial image (refer to Plate 7) illustrates further developments including two bridges, a road through Lot B 43 The Boulevard, and a pipeline running east to west at the south end of the study area. The Before You dig Australia search shows this pipeline to be a water transfer or feeder pipe managed by Barwon Water. At the southwestern corner of the study area a group of unknown features are situated which cannot be identified. The 1992 aerial image (refer to Plate 8) shows the development of Morgan Street, with its bridge over Cowrie Creek. As part of this it appears that the southern bridge seen in the 1975 aerial image has been demolished. Other additions in the 1992 aerial include a walking track through the study area and medication of Cowrie Creek's course, which causes it to flood south of the study area.

The 2004 aerial imagery (refer to Plate 9) shows the completed WAC office building, opened in 1996 (Wathaurong Aboriginal Co-operative, 2023). The 2005 aerial image (refer to Plate 10) shows in progress construction of the Wathaurong Health Service's building, which is completed in the 2006 aerial image (refer to Plate 11), with an additional car park. Although structurally complete by 2006, the contemporary land use history has shown that the Wathaurong Health Service was not opened until 2008 (Wathaurong Aboriginal Co-operative, 2023; Australian Business Register, 2023). The final 2021 aerial (refer to Plate 12) shows no further change within the study area, though there is a new concrete car park directly adjacent to the study area.

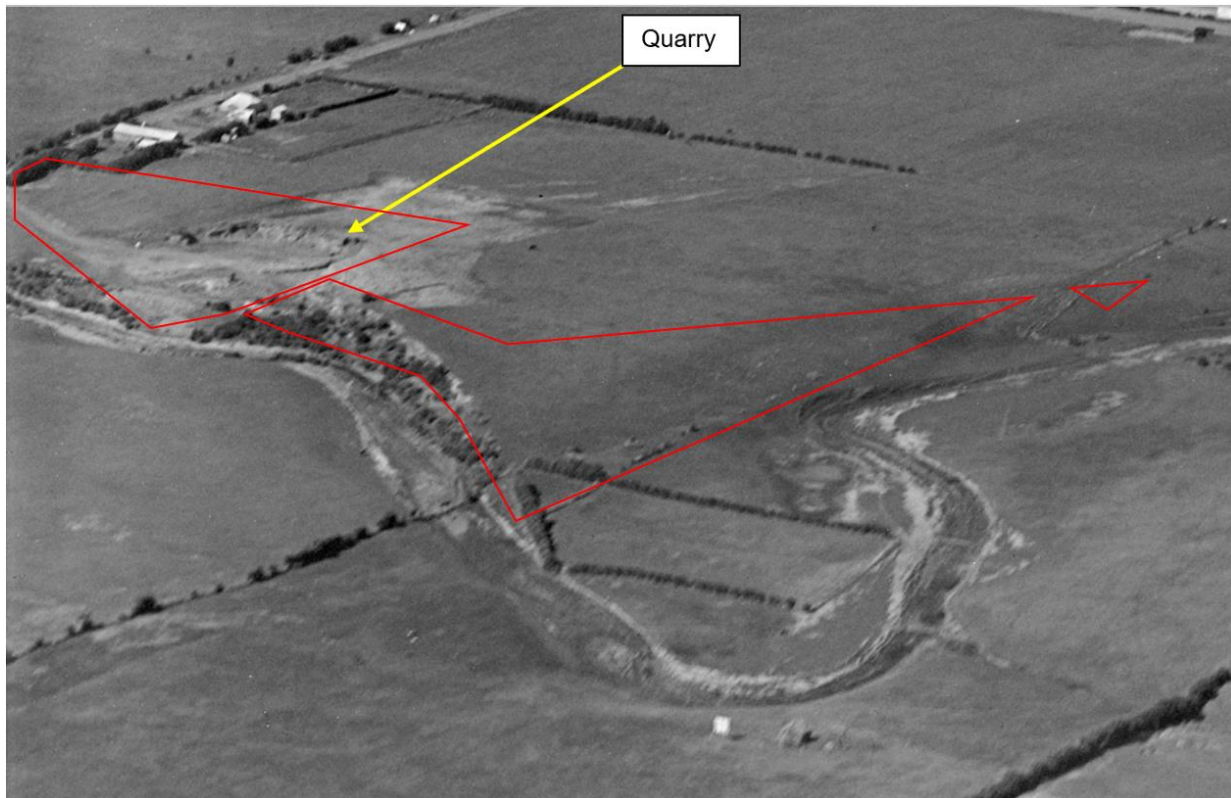


Plate 2 1925 photo of the study area (Pratt, (Construction of Ford factory, Geelong), 1925).

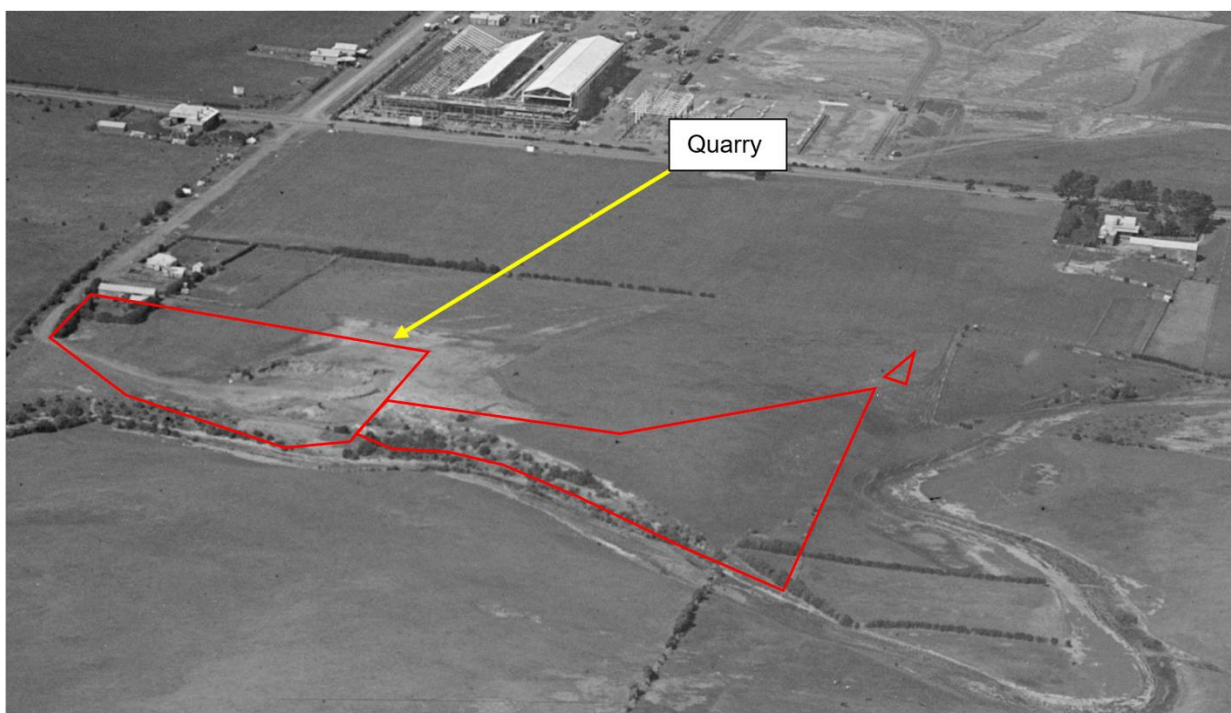


Plate 3 1925 photo of the study area (Pratt, (Construction of Ford factory, Geelong), 1925).

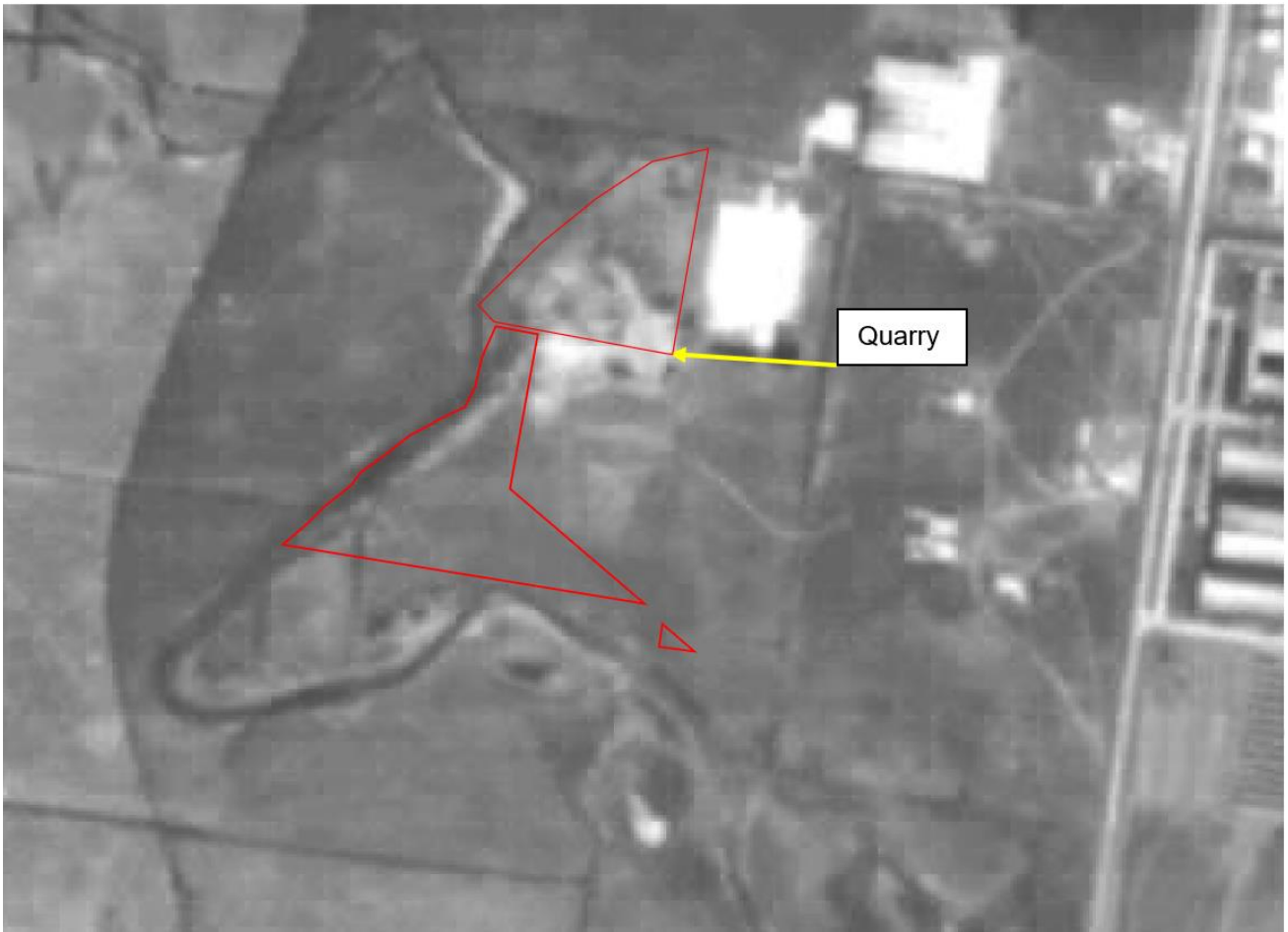


Plate 4 1947 aerial image of the study area (Adastra Airways, 1947).

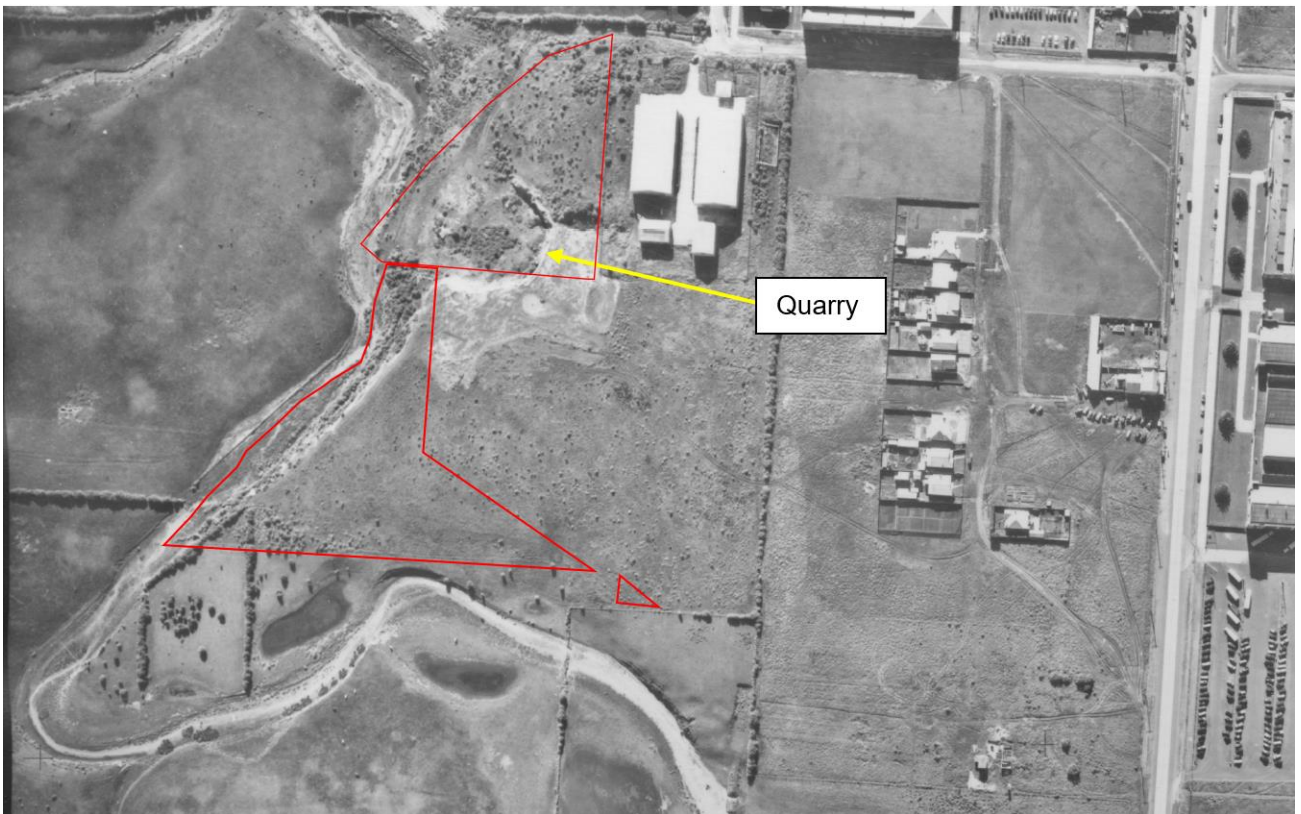


Plate 5 1951 aerial image of the study area (Landata, 1951).

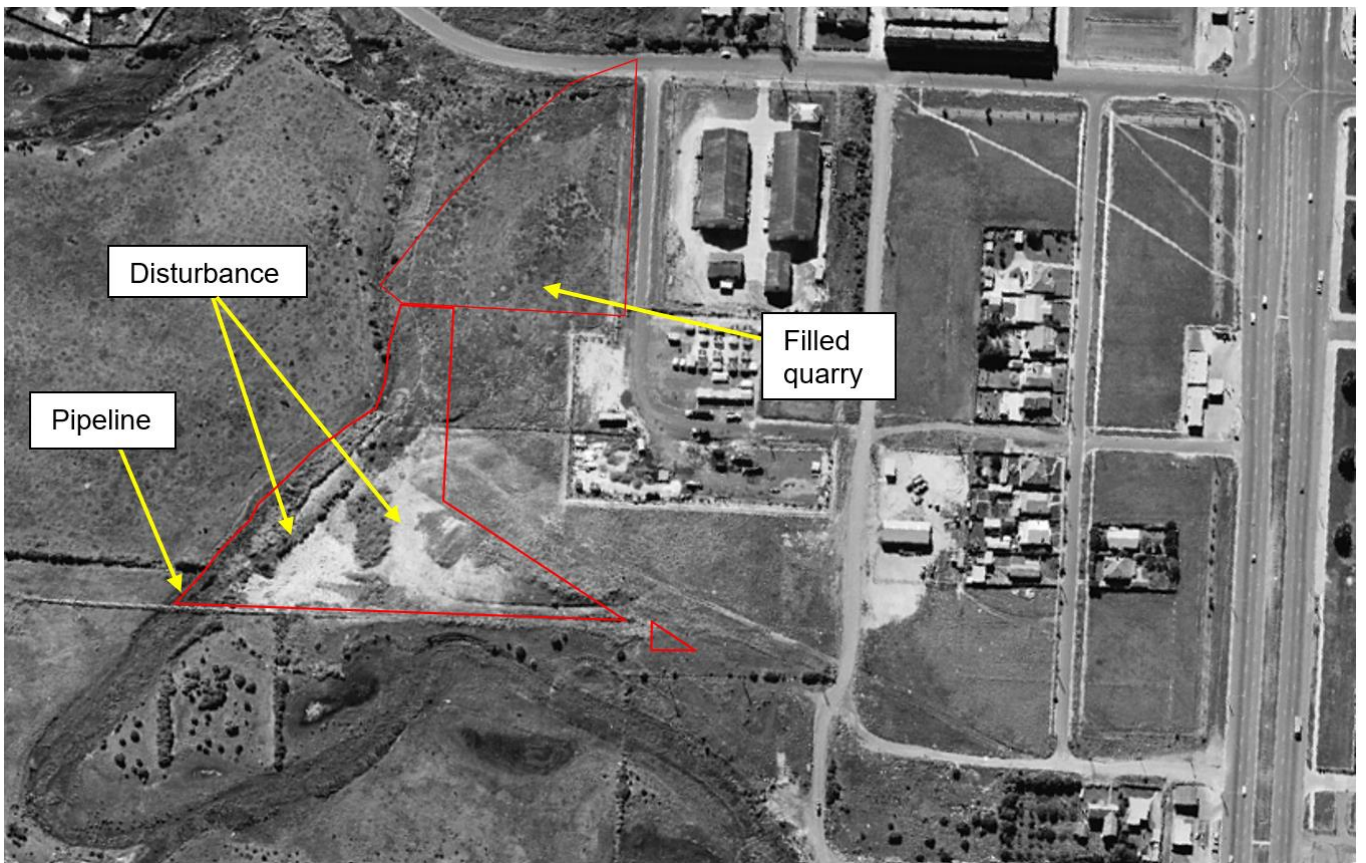


Plate 6 1966 aerial image of the study area (Landata, 1966).

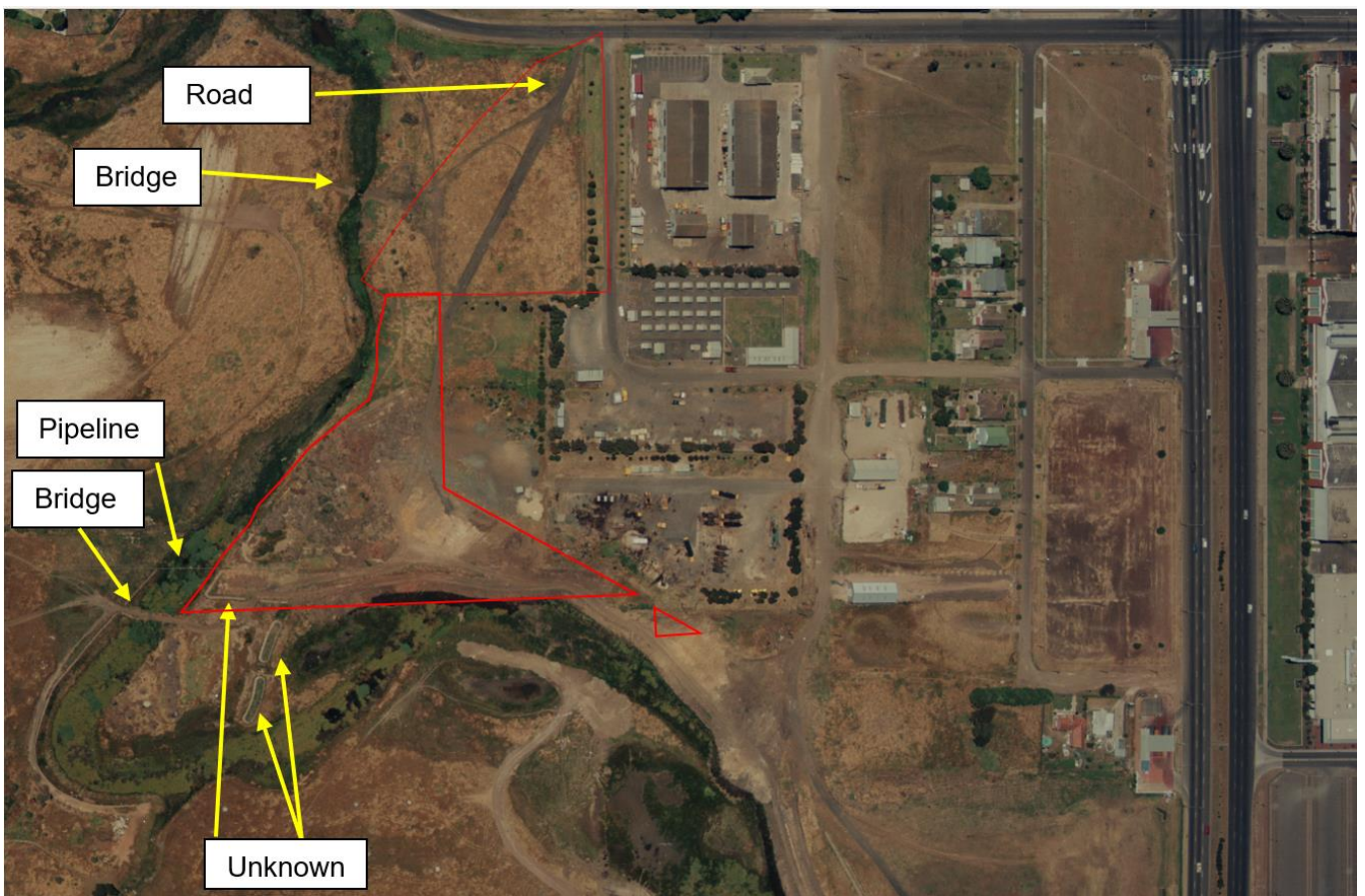


Plate 7 1975 aerial image of the study area (Geoscience Australia, 1975).

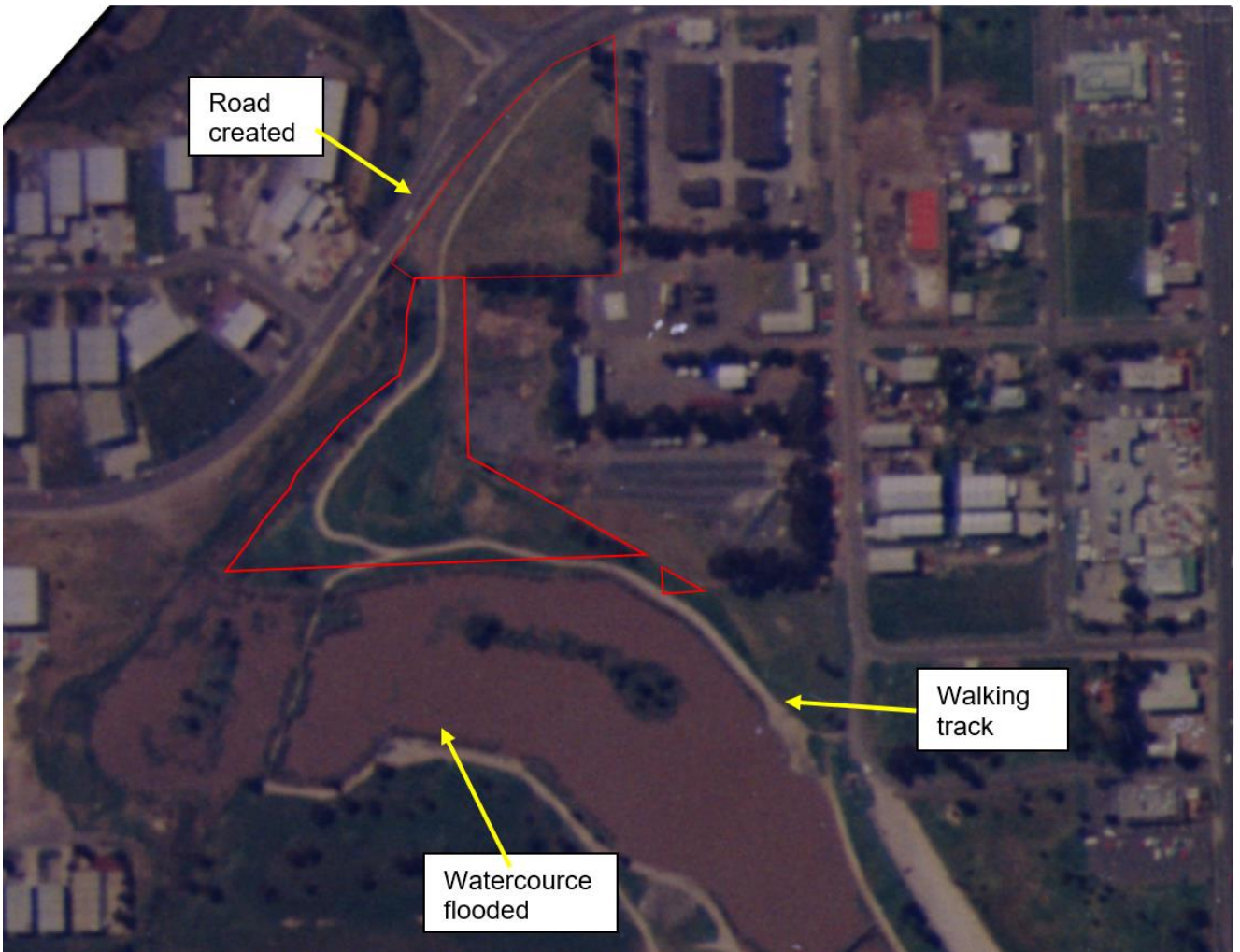


Plate 8 1992 aerial image of the study area (Geoscience Australia, 1992).



Plate 9 2004 aerial image of the study area (Geovic, 2004).



Plate 10 2005 aerial image of the study area (Geovic, 2005).



Plate 11 2006 aerial image of the study area (Geovic, 2006).



Plate 12 2021 aerial image of the study area (Geovic, 2021).

## Before You Dig Australia

A Before You Dig Australia search was undertaken on 17 August 2023 in order to document the presence of subsurface utilities and services that may have had an impact on the ground surfaces within the study area. The following services are located within the study area and documented in Appendix A:

- Barwon Water: there is a water transfer or feeder pipe running along the southern border of the study area.
- Telstra: There is an electrical cabinet with associated electrical cabling within the Morgan Street Property

## 2.4 Archaeological context

### 2.4.1 Historical heritage place patterning

There are no known historical sites registered on the VHR or VHI, and no HOs within the study area. There is one VHI registered site close the study area, Batesford 1 – Artefact Scatter (H7721-0023), though little information is available on the Victorian Heritage Database. The site was registered in 1995 and contained both Aboriginal and historic cultural heritage, the Aboriginal component being registered as VAHR 7221-0302. The site card for VAHR 7221-0302 records that the historic cultural heritage was ceramic and glass, and that the area was heavily disturbed. It was doubted that the historic heritage was in situ and suggested that it may have been brought in by artificial means.

### 2.4.2 Aboriginal cultural heritage place patterning

ACHRIS was searched on 22 August 2023 in order to obtain a better understanding of known Aboriginal places in the area, what types they were, and how this could inform assessment of the study area.

There are currently two registered Aboriginal places within the study area, both object collections managed by WAC within the study area. The two object collections are the Davis Collection (VAHR 7721-0629) and the Wathaurung Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285).

The Davis Collection (VAHR 7721-0629) refers to a collection of artefacts currently held by WAC. The primary grid co-ordinate for the object collection is outside the WAC hub building, but it is unclear why this is. The collection is comprised of three greenstone axes and one basalt axe head. These artefacts were collected over time by the Davis family from their property in Little River.

Wathaurung Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285) is a culturally modified tree, with one scar and was moved to the Wathaurung Co-op in the late 1990s from Native Hut Creek near Murgheboluc. Its exact original location is unknown.

There are three Aboriginal places within 400 m of the study area, being Birdwood Avenue 1 (VAHR 7721-1224), Northstate I.P 1 (VAHR 7721-0809), and Batesford 1 (VAHR 7721-0302). Analysis of these Aboriginal places will inform Aboriginal cultural heritage place patterning in the area.

Birdwood Avenue 1 (VAHR 7721-1224) comprises two Low Density Artefact Distributions (LDAD) components located approximately 80 m east of the study area. The Aboriginal place was recorded as part of CHMP 12314 and consists of 1 silcrete medial flake and one silcrete blade core. The artefacts were discovered during complex assessment at a depth of 380 mm within a disturbed context, likely having been introduced to the area.

Northstate I.P 1 (VAHR 7721-0809) is an artefact scatter located approximately 360 m south of the study area, consisting of a single flaked silcrete artefact. It was recommended that further investigation be undertaken to determine the site extent and look for further artefacts, but it is unclear if this happened and if it did, the results are not registered on the VAHR. The artefact was located on the surface of a gravel road and was recorded as being possibly introduced to the area with the imported gravel.

Batesford 1 (VAHR 7721-0302) is an artefact scatter located approximately 375 m south of the study area, though the site card suggests the Aboriginal place could be closer than this. The extent of the Aboriginal place is estimated as 80 m x 37 m, comprising of unspecified chipped artefacts and two cores, variously made up of chert and silcrete. A number of historic artefacts are also noted, described as historic ceramic and glass. It was noted that the area was heavily disturbed, and the record doubted that the Aboriginal place was in situ, suggesting that the artefacts may have been brought in by artificial means.

### 2.4.3 Previous archaeological reports

There are five previous archaeological reports within 400 m of the study area which are of relevance to this assessment (refer to Table 2). These are summarised below.

Table 2 Previous assessments undertaken within 400 m of the study area.

Report type	Number (n)
CHMP	3
Survey	1
Desktop or Paper or Due Diligence or Other	1
<b>Total</b>	<b>5</b>

#### **Terra Culture (2012)**

CHMP 12314 was conducted by Terra Culture (2012) approximately 20 m east of the study area in response to a proposed restricted retail development. The desktop noted that the activity area for CHMP 12314 had been heavily modified, that the landform was no longer distinguishable, and the only identified area of archaeological sensitivity was the remaining grassed area in the northeast corner of the property. The CHMP progressed to complex assessment, which noted very high levels of disturbance and resulted in the registration of Birdwood Avenue 1 (VAHR 7721-1224) which is explored above in section 2.4.2.

#### **Terra Culture (2006)**

Terra Culture (2006) conducted an archaeological survey of the Northstate Industrial Park, approximately 180 m south of the study area in response to construction of a proposed industrial park at the rear of 320-356 Thompson Road. The survey aimed to investigate both Aboriginal and historic cultural heritage. The archaeological survey identified two Aboriginal places, registered as Northstate I.P 1 (VAHR 7721-0809) which is explored above in section 2.4.2. No historic cultural heritage was identified and it was noted that the area was unlikely to be sensitive to historic cultural heritage, having previously been a paddock.

#### **Biosis (2004)**

Biosis (2004) conducted an archaeological investigation of an asphalt car park within the Ford Motor Company factory complex, just north of Cowies Creek and approximately 310 m east of the study area. A survey was not conducted because the area had been asphalted over. However, during an onsite meeting a quartzite retouched broken flake was located within a disturbed surface context, registered as VAHR 7721-0609 along with shell fragments, though it was unclear if the shell fragments were cultural in origin. No further investigation was made as part of the report, though it was judged that the soil beneath the car park was natural, with the possibility of disturbance associated with construction of the car park.

#### **Ochre Imprints (2019)**

CHMP 16654 was conducted by Ochre Imprints (2019) approximately 340 m east of the study area in response to a proposed industrial subdivision of the Ford Motor Company factory, covering 38.5 hectares of land. The desktop assessment identified one existing registered Aboriginal place within the activity area, an isolated artefact (VAHR 7721-0906). A further 13 stone artefacts were identified during standard assessment survey, registered as VAHR 7721-1412. All 13 artefacts were located within introduced fill, which formed the artificial bank of a stormwater lagoon. The standard assessment was unsuccessful in relocated VAHR 7721-0906 and also included nine auger holes, which indicated the activity area was heavily disturbed, with no discernible original soil surfaces or landforms. The CHMP did not progress to complex assessment.

#### **Dr Vincent Clark & Associate (2010)**

CHMP 11168 was conducted by Dr Vincent Clark & Associate (2010) on behalf of Barwon Water in response to a proposed utility installation, approximately 375 south of this report's study area. The activity area was located approximately 40 m south of Cowies Creek and geotechnical investigations found the surface area was entirely imported fill, including asbestos. This was unsurprising as the activity area was within the approximate location of the Seagull Paddock waste disposal site (the site's southern section, not that associated with this report's study area). It was found that a standard assessment of the activity area would be ineffective and sub-surface exaction would be a hazardous health issue, so the CHMP concluded at the desktop assessment, finding the likelihood of Aboriginal cultural heritage within the activity area to be very low.

## 2.5 Summary of desktop assessment

The study area comprises two properties at Norlane within the City of Greater Geelong, approximately 63 km southwest of Melbourne's Central Business District. There are no VHR or VHI sites, and no HO's within the study area. There are two Aboriginal places within the study area, the Davis Collection (VAHR 7721-0629) and the Wathaurong Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285), both object collections. There is also a mapped area of CHS triggered by Cowies Creek, which runs directly south of the study area.

The study area is within the boundaries for the Wadawurrung Traditional Owners Aboriginal Corporation RAP and more specifically, was associated with the *Neerer Balug* and *Wada Wurrung Balug* people (Clark, 1990, p. 311). The area began to be settled by Europeans from the mid-1830s onwards (Authentic Heritage Services, 2000, pp. 2, 4). First by pastoralists who grazed cattle and sheep, and then in the mid-1840s the land was opened up for sale, breaking up the pastoralist's hold on the land (The Geelong Advertiser, 1842; The Melbourne Weekly Courier, 1845). By 1893, sixty people from nine families lived at the North Shore, which is adjacent to modern day Norlane (Authentic Heritage Services, 2000, p. 33). The North Shore developed as an industrial centre during the early 20<sup>th</sup> century and the adjacent Norlane suburb was created during the post World War II building boom as a new suburb (Authentic Heritage Services, 2000, pp. 26, 28, 34)

The study area, specifically Lot B 43 The Boulevard, Norlane, is the location of a former quarry, which may date back to the 1860s and can be seen in aerial imagery from the 1925 (Great Britain. War Office. General Staff. Australian Section, 1914; 1928; Authentic Heritage Services, 2000, pp. 24, 26; Pratt, (Construction of Ford factory, Geelong), 1925). This was later filled in as part of the Seagull Paddock waste disposal site (Meinhardt Infrastructure & Environment Pty Ltd, 2009, p. 9). It is also notable that the course and size of Cowies Creek directly south of the 60-62 Morgan Street, Norlane property was modified to create Seagull Paddock Lake between 1975 and 1992 (Geoscience Australia, 1975; Geoscience Australia, 1992; Geovic, 2006). In 1996 the WAC offices were opened and in 2008 the Wathaurong Health Service opened, both at the 60-62 Morgan Street property (Wathaurong Aboriginal Co-operative, 2023).

There are several Aboriginal places and one VHI site within 400 m of the study area which have been analysed to inform Aboriginal and historic place patterning of the wider area. There are three Aboriginal places, two artefact scatters and one LDAD which demonstrate the presence of Aboriginal cultural heritage, but it is notable that all were found in highly disturbed contexts, having possibly been introduced to the area through imported fill or gravel. The VHI site was found in association with one of the Aboriginal places and contained ceramics and glass, though was also thought to be introduced as imported fill. Those previous archaeological investigations within 400 m of the study area regularly found their subject areas to be modified landforms that were no longer distinguishable and in highly disturbed contexts.

The Aboriginal places, VHI listing, and previous archaeological investigations within 400 m demonstrate the existence of Aboriginal and historic cultural heritage within the wider area but in each case are associated with disturbed contexts or imported fill, reflecting the area's industrial history. That Lot B 43 The Boulevard, Norlane was a former quarry would indicate potential for historic cultural heritage, however its subsequent use as a waste disposal site would have caused substantial disturbance to the site. Having been a former waste disposal site, it is likely that assorted refuse and waste has been imported to the property and dumped here as landfill. The Seagull Paddock waste disposal site is not associated with the 60-62 Morgan Street, Norlane property, though this property has been disturbed by construction of the Wathaurong hub.

## 3. Aboriginal cultural heritage

This section assesses legislative obligations and risk management options for Aboriginal heritage. Under each section the two properties, Lot A 60-62 Morgan Street and Lot B 43 The Boulevard, Norlane, are discussed separately.

### 3.1 Regulatory triggers

Under the Aboriginal Heritage Regulations 2018, Regulation 7, a mandatory CHMP is required if the activity is located in an area of CHS and is classified as a high impact activity.

#### 3.1.1 Area of cultural heritage sensitivity

Both properties are mapped within an area of CHS associated with Cowie Creek, under Regulation 26 (waterways):

##### **26 Waterways**

- (1) Subject to subregulation (2), a waterway or land within 200 metres of a waterway is an area of cultural heritage sensitivity.
- (2) If part of a waterway or part of the land within 200 metres of a waterway has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.

Lot B 43 The Boulevard, Norlane, is the site of a former quarry and subsequent waste disposal site. The quarry can be seen in aerial imagery from 1925 and 1951 (refer to Plate 1 - Plate 5), which shows stripping of the ground surface and quarrying into the hillside, constituting significant ground disturbance (SGD) which is defined in the Aboriginal Heritage Regulations:

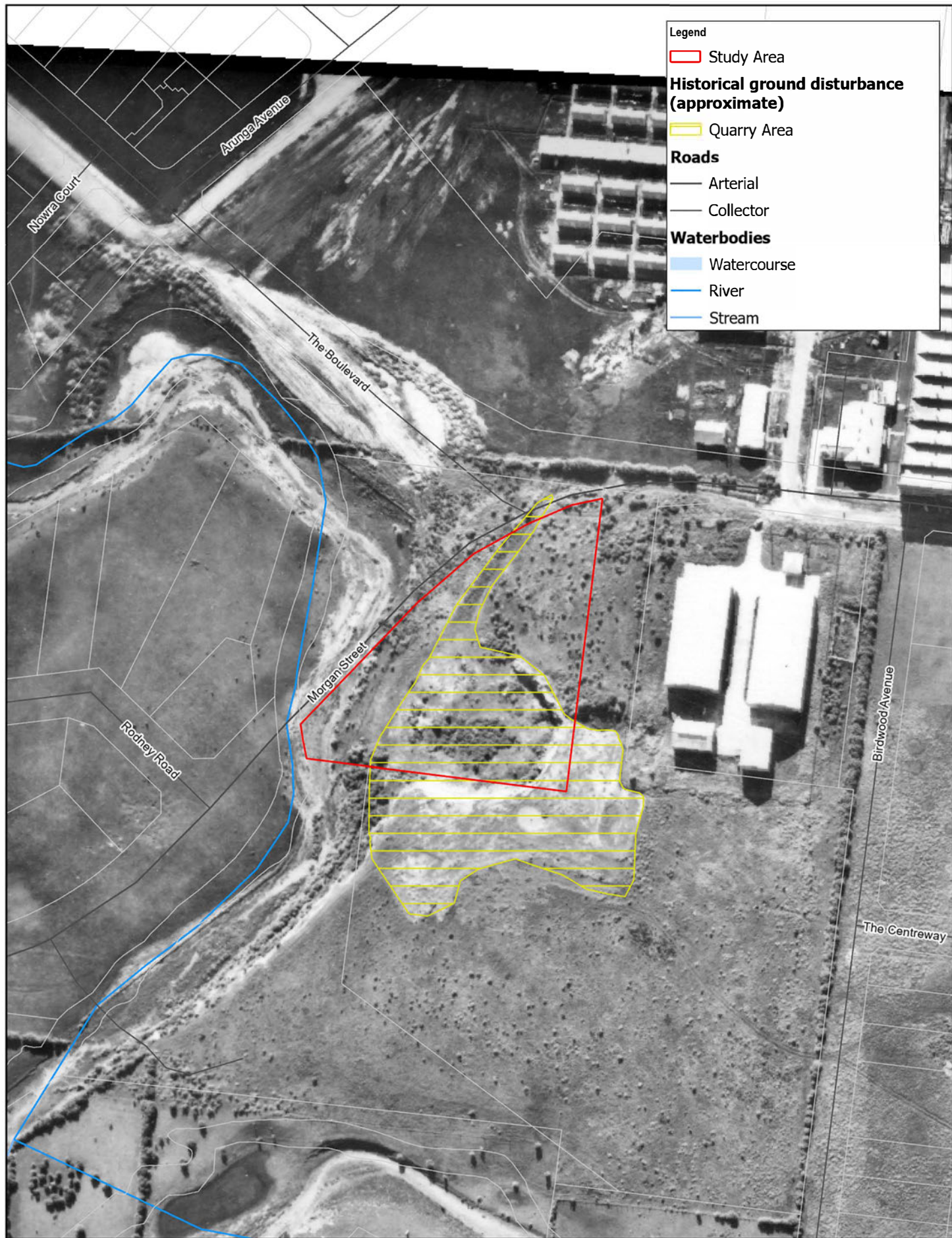
**Significant Ground Disturbance** means disturbance of –

- (a) The topsoil surface rock layer of the ground; or
- (b) a waterway –

by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping.

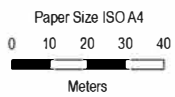
Comparison between the 1951 and 1966 aerial imagery (refer to Plate 5 and Plate 6) shows the quarry and surrounding land as being infilled as part of the waste disposal site. Although the aeriels demonstrate that the waste disposal resulted in imported fill being deposited in the quarry and surrounding area, there is no clear evidence that it caused SGD. Areas of ground disturbance have been illustrated against the relevant aeriels in Figure 7, Figure 8, and Figure 9. Therefore, under Regulation 26(2) the area of SGD caused by the quarry is no longer an area of CHS but the remainder of the property, including those areas subject to waste disposal, are areas of CHS.

Aerial imagery from 1966 shows disturbance to the ground surface at Lot A 60-62 Morgan Street, Norlane, though the cause of this disturbance is unclear and without further information it cannot be confirmed as having caused SGD. Construction of the current WAC buildings and carpark would have caused SGD within its footprint, however, all other areas of the property remain areas of CHS under Regulation 26(1). This disturbance shown in Figure 10.



**Legend**

- Study Area
- Historical ground disturbance (approximate)**
- Quarry Area
- Roads**
- Arterial
- Collector
- Waterbodies**
- Watercourse
- River
- Stream



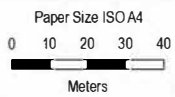
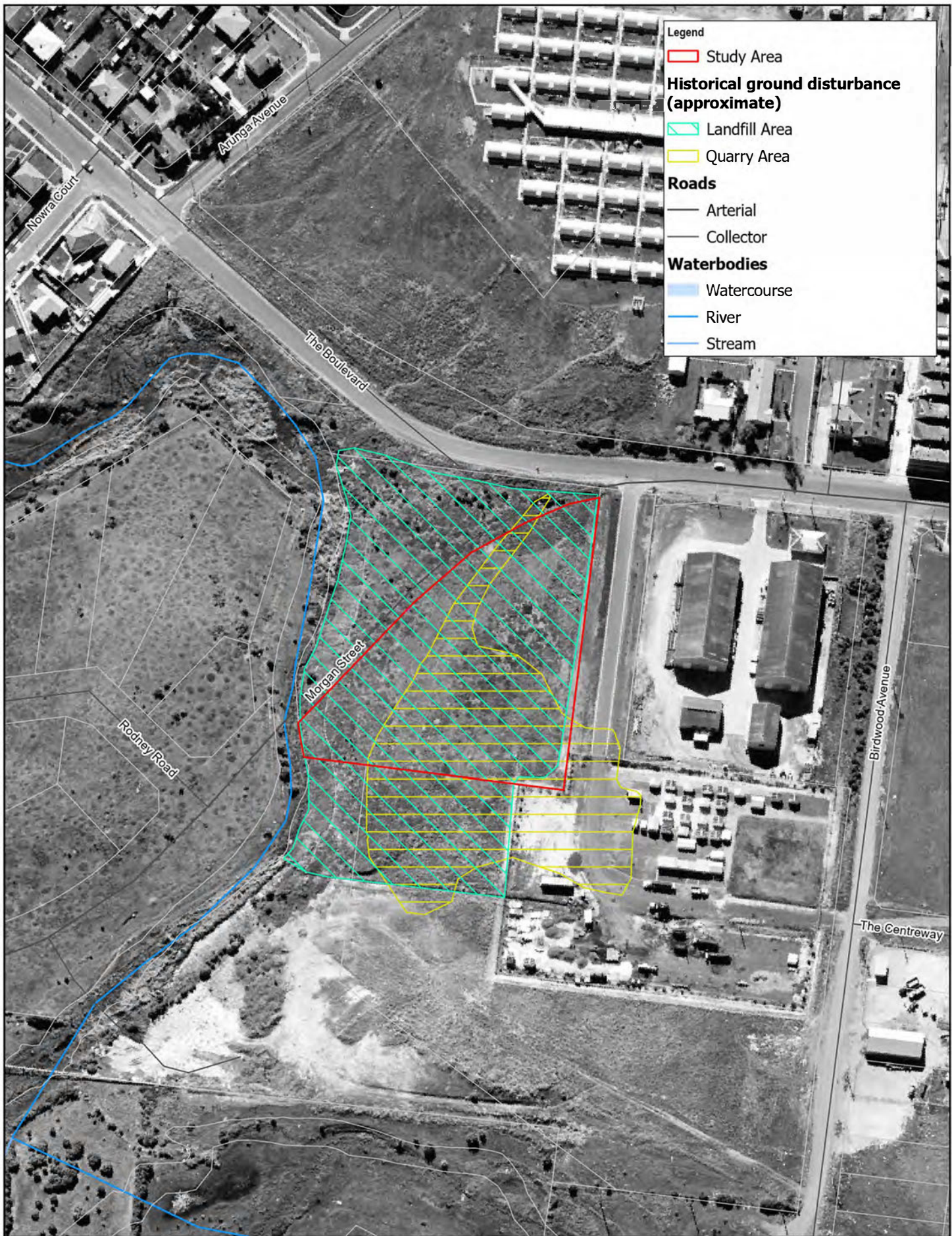
**Wathaurong Hub Redevelopment**

Project No. 12613952  
 Revision No. 0  
 Date 17/08/2023

Map Projection: Transverse Mercator  
 Horizontal Datum: GDA 1994  
 Grid: GDA 1994 MGA Zone 55

**Historical Ground Disturbance**

**FIGURE 7**



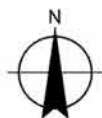
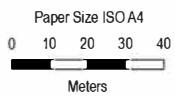
Map Projection: Transverse Mercator  
 Horizontal Datum: GDA 1994  
 Grid: GDA 1994 MGA Zone 55

Wathaurong Hub Redevelopment

Project No. 12613952  
 Revision No. 0  
 Date 17/08/2023

Historical Ground Disturbance

FIGURE 8



Map Projection: Transverse Mercator  
 Horizontal Datum: GDA 1994  
 Grid: GDA 1994 MGA Zone 55

**Wathaurong Hub Redevelopment**

Project No. 12613952  
 Revision No. 0  
 Date 17/08/2023

**Historical Ground Disturbance**

**FIGURE 9**



**Legend**

- Study Area
- Parcel

**Roads**

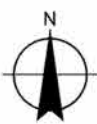
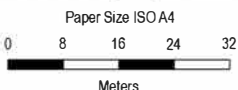
- Arterial
- Collector

**Borehole Locations (approximate)**

- 2004 borehole locations
- 2021 borehole locations

**Ground Disturbance (approximate)**

- 1966 Disturbance
- Ground Disturbance
- Greenfield



Map Projection: Transverse Mercator  
 Horizontal Datum: GDA 1994  
 Grid: GDA 1994 MGA Zone 55

**Wathaurong Hub Redevelopment**

**Lot A 60-62 Morgan Street, Norlane  
 Historical Ground Disturbance**

Project No. 12613952  
 Revision No. 0  
 Date 17/08/2023

**FIGURE 10**

### 3.1.2 High impact activity

The proposed works at Lot B 43 The Boulevard, Norlane, to construct a car park, with the possible addition of a child care centre, is a high impact activity under Regulation 46(1)(b)(iii) – a car park, and Regulation 46(1)(b)(v) – a child care centre.

#### 46 Buildings and works for specified uses

- (1) The construction of a building or the construction or carrying out of works on land is a high impact activity if the construction of the building or the construction or carrying out of works –
  - (a) Would result in significant ground disturbance; and
  - (b) Is for, or associated with the use of the land for any one or more of the following purposes –
    - (iii) a car park;
    - (v) a child care centre

The proposed works at Lot A 60-62 Morgan Street, Norlane, to demolish the existing buildings and construct a new, 3-level greenfield building, with car parking is not a high impact activity under Regulation 46(3). The Morgan Street redevelopment falls under the Regulation 46 specified uses of a car park, an office, and a place of assembly while the contemporary land use history has shown that the WAC Offices were lawfully being used immediately before 28 May 2007, having been opened in 1996.

Regulation 46(3)(1)(b) does not define a 'medical centre' and therefore pursuant to the Victorian Planning Provisions (VPP) land use terms is included in the 'office' land use definition.

The Wathaurong Health Service which opened in 2008 most closely correlates to the Victorian Planning Provisions (VPP) land use term 'medical centre', which is not defined in Regulation 46(3)(1)(b). Therefore, pursuant to the VPP land use terms 'medical centre' is included in the 'office' land use definition. Because of this, the Wathaurong Health Service being included in the proposed works does not trigger a high impact activity because the land was lawfully being used as an 'office' immediately before 28 May 2007, in accordance with Regulation 46(3).

#### 46 Buildings and works for specified uses

- (1) The construction of a building or the construction or carrying out for works on land is a high impact activity if the construction of the building or the construction or carrying out of works –
  - (c) Would result in significant ground disturbance; and
  - (d) Is for, or associated with the use of the land for any one or more of the following purposes –
    - (iii) a car park;
    - (vvii) an office;
    - (xviii) a place of assembly;
- (2) The terms used in subregulation (1)(b) have the same meanings as they have in the VPP [Victorian Planning Provisions within the meaning of the *Planning and Environment Act 1987*].
- (3) Despite subregulation (1), the construction of a building or the construction or carrying out of works on land is not a high impact activity if it is for, or associated with, a purpose listed under subregulation (1)(b) for which the land was being lawfully used immediately before 28 May 2007.

#### Mandatory CHMP requirements

The proposed works at Lot A 60-62 Morgan Street are exempt from a mandatory CHMP under Regulation 46(3) because it is not considered a high impact activity due to the property being lawfully used prior to 28 May 2007.

The proposed works at Lot B 43 The Boulevard, Norlane require a mandatory CHMP because the area the property contains areas of CHS and the proposed works are a high impact activity.

### 3.1.3 Other regulatory requirements

Under the *Aboriginal Heritage Act 2006* Section 36(1)(c) a cultural heritage permit (CHP) is required to carry out an activity that will, or is likely to, harm Aboriginal cultural heritage.

#### **36 Application for cultural heritage permit**

(1) A person may apply to an approval body for a cultural heritage permit authorizing the person to do one or more of the following –

(c) carry out an activity that will, or is likely to, harm Aboriginal cultural heritage.

The Davis Collection (VAHR 7721-0629) will need to be removed from the WAC offices to facilitate the proposed works. Transport and temporary storage of the Davis Collection presents a risk to the collection and a CHP is required to mitigate this risk. For the Davis Collection (VAHR 7721-0629) to be moved and stored a CHP will need to be obtained from the WTOAC. Additionally, the VAHR record will need to be updated to reflect the new storage location and updated again at the conclusion of works.

## 3.2 Assessment of risk to Aboriginal cultural heritage

### 3.2.1 Risk assessment

Under Sections 27 and 28 of the *Aboriginal Heritage Act 2006*, it is an offence to knowingly or negligently harm, or undertake an act that is likely to cause harm, to Aboriginal cultural heritage. The likelihood of causing harm to potentially unrecorded Aboriginal cultural heritage within the study area therefore needs to be assessed.

There are two object collections registered on the VAHR within the study area: the Davis Collection (VAHR 7721-0629) and the Wathaurong Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285). The proposed works represent minor risk to the Davis Collection (VAHR 7721-0629) as the collection will need to be moved and properly stored during construction. The proposed work also represent a risk for the Wathaurong Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285), which could be impacted during construction.

It is also understood that the tranquillity garden in the Wathaurong Hub is of high Aboriginal cultural heritage sensitivity. The safeguarding of this site will need to be considered in the development of the voluntary CHMP.

Due to the identified SGD at the Lot B 43 The Boulevard, Norlane property it is considered unlikely for unknown Aboriginal cultural heritage to be within this section of the study area.

Construction of the existing Wathaurong Hub at Lot A 60-62 Morgan Street, Norlane, is likely to have disturbed the area and it is considered unlikely for unknown Aboriginal cultural heritage to be within the footprint of the existing Wathaurong Hub and car park. However, the land use history suggests that greenfield sections of the property which have not been developed remain undisturbed, and given their proximity to Cowies Creek, have potential for Aboriginal cultural heritage.

### 3.2.2 Recommendations

#### **3.2.2.1 Recommendation 1 – Cultural Heritage Management Plan**

A mandatory CHMP is required for works at Lot B 43 The Boulevard, Norlane.

A mandatory CHMP is not required for the works at Lot A 60-62 Morgan Street, Norlane.

It is understood that the proposed work's footprint extends into the greenfield areas of Lot A 60-62 Morgan Street, Norlane (refer to Figure 10) and a voluntary CHMP is recommended to mitigate risk to Aboriginal cultural heritage.

### **3.2.2.2 Recommendation 2 – Cultural Heritage Permit**

A CHP is required to move and temporarily store the Davis Collection (VAHR 7721-0629). Additionally, the VAHR record will need to be updated to reflect the new storage location and updated again at the conclusion of works. It is also recommended that a collection audit be conducted to catalogue all other artefacts and Aboriginal cultural heritage material stored at the Wathaurong Hub, to ensure they are accounted for and protected during the proposed works.

### **3.2.2.3 Recommendation 3 – Works Exclusion Zone**

To mitigate impact to the Wathaurong Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285) it is recommended that the tree remain in its current position and be securely fenced off, with signage denoting it as an exclusion zone, for the duration of the proposed works. Any impact to the Wathaurong Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285) will require a CHP.

### **3.2.2.4 Recommendation 4 – Cultural Heritage Induction**

It is recommended that all onsite workers participate in a cultural heritage induction prior to commencing work to outline procedures around the Wathaurong Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285) and the designated area of high Aboriginal cultural heritage sensitivity.

## 4. Historic cultural heritage

This section assesses legislative obligations and risk management options for historic (non-Aboriginal) heritage.

### 4.1 Regulatory triggers

Regulatory triggers for heritage approvals under the EPBC Act, *Heritage Act 2017* and *Planning and Environment Act 1987* are documented below.

#### 4.1.1 Environment Protection and Biodiversity Conservation Act

Approvals are required under the EPBC Act if:

- A proposed action is likely to have a significant impact on a matter of national environmental significance; or
- If the proposed action likely to have a significant impact on the environment in general (for actions by Commonwealth agencies or actions on Commonwealth land) or the environment on Commonwealth land (for actions outside Commonwealth land)

A search of the EPBC Protected Matters Search Tool has indicated that there are no heritage places registered on the WHL, NHL or CHL within the study area. The proposed works are not located on Commonwealth Land. No approvals under the EPBC Act are required for heritage matters.

#### 4.1.2 Heritage Act 2017

Under the *Heritage Act 2017*, a permit or permit exemption is required to change any place or object listed on the VHR. The Act also requires a Consent for any actions that will uncover, excavate, or damage an archaeological site listed on the VHI. There are no historical archaeological sites registered on the VHR or VHI within the study area.

#### 4.1.3 Planning and Environment Act 1987

At the time of the assessment, there were no heritage places in the study area contained in a HO under the City of Greater Geelong. Further historical heritage investigations in regard to this are not recommended.

#### 4.1.4 Heritage Rivers Act 1992

Cowies Creek is not included within the Heritage River overlay. Therefore, no management plan is required under the *Heritage Rivers Act 1992*.

## 4.2 Assessment of risk to historic cultural heritage

Under the *Heritage Act 2017* (3)(1) an archaeological site includes a place that contains an artefact, deposit or feature which is 75 years or more years old. Archaeological sites are protected under the *Heritage Act 2017* and require consent to damage, uncover, or otherwise impact the site.

### 4.2.1 Risk Assessment

An examination of the previous land use indicates that the study area was most probably first settled in the late 1830s by squatters before eventually being purchased by P Dunn on 7 October 1847 (Victoria. Division of Survey Mapping, c.1976). For most of the study area's history, it has been agricultural land, and it is reasonably unlikely that an archaeological site is located within the study area related to this agricultural history.

The exception is the quarry at Lot B 43 The Boulevard, Norlane, however, subsequent use as a waste disposal site has likely buried any historic heritage and placed it in an extremely disturbed context. Given that the quarry has been infilled, it is reasonably unlikely that any existing archaeological site would be impacted by the proposed works.

The Seagull Paddock waste disposal site itself is less than 75 years old and does not meet requirements to be a historic archaeological site under the *Heritage Act 2017*.

## 5. Conclusion

This section of the report summarises findings and makes recommendations to ensure the proposed works legislative compliance and to manage heritage risk. The recommendations are based on the results of the legislative risk assessments undertaken in section 3 and 4 and are summarised in Table 3 below.

The key recommendations are:

- A mandatory CHMP is required for works at Lot B 43 The Boulevard, Norlane
- It is understood that the proposed works extend into the greenfield areas of Lot A 60-62 Morgan Street, Norlane and a voluntary CHMP is recommended to mitigate risk to Aboriginal cultural heritage.
- A CHP is required to move and temporarily store the Davis Collection (VAHR 7721-0629). Additionally, the VAHR record will need to be updated to reflect the new storage location and updated again at the conclusion of works. As part of this, it is recommended that a broader object collection audit be undertaken to determine what other Aboriginal cultural heritage material is stored at the Wathaurong Hub.
- That the Wathaurong Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285) remain in its current position and be securely fenced off with signage denoting it as an exclusion zone, for the duration of the proposed works. Any impact to the tree will require a CHP
- That onsite workers participate in a cultural heritage induction prior to commencing work to outline procedures around the Wathaurong Aboriginal Co-operative Scar Tree - Morgan St North Geelong (VAHR 7721-1285) and the designated area of high Aboriginal cultural heritage sensitivity.

**Table 3** Legislative heritage requirements

Act	Requirements
<b>EPBC Act 1999</b>	No approvals for the proposed works are required under the <i>EPBC Act</i> for heritage matters. Please note that this does not include approval requirements under the <i>EPBC Act</i> for any other matters of National Environmental Significance.
<b>Aboriginal Heritage Act 2006</b>	<p>The proposed works at Lot A 60-62 Morgan Street, Norlane are exempt from a mandatory CHMP under Regulation 46(3) of the Aboriginal Heritage Regulation 2018, as the property was lawfully being used as a car park, an office, and a place of assembly immediately before 28 May 2007.</p> <p>A CHMP is required for works at Lot B 43 The Boulevard, Norlane under Section 7 of the Aboriginal Heritage Regulations 2018 as the property is partially an area of cultural heritage sensitivity (CHS) and the proposed works are a high impact activity.</p> <p>At Lot A 60-62 Morgan Street, Norlane, construction of the existing Wathaurong Hub is likely to have disturbed the area and it is considered unlikely for unknown Aboriginal cultural heritage to be within the footprint of the existing Wathaurong Hub and car park. However, the greenfield sections of the property remain undisturbed, and given their proximity to Cowies Creek, have potential for Aboriginal cultural heritage. It is understood that the footprint of the proposed works extends into this greenfield area and a voluntary CHMP for Lot A 60-62 Morgan Street, Norlane is recommended.</p> <p>A CHP is required to move and temporarily store the Davis Collection (VAHR 7721-0629). Additionally, the VAHR record will need to be updated to reflect the new storage location and updated again at the conclusion of works.</p>
<b>Heritage Act 2017 and Planning and Environment Act 1987</b>	Approvals are not currently required for heritage matters under the <i>Heritage Act 2017</i> or <i>Planning and Environment Act 1987</i> . No historical structures of State or local significance have been identified at the time of the assessment and the risk assessment found that it was reasonably unlikely that an archaeological site is located within the study area.

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# Appendices

# **Appendix A**

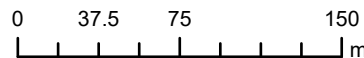
**Dial Before You Dig Australia**

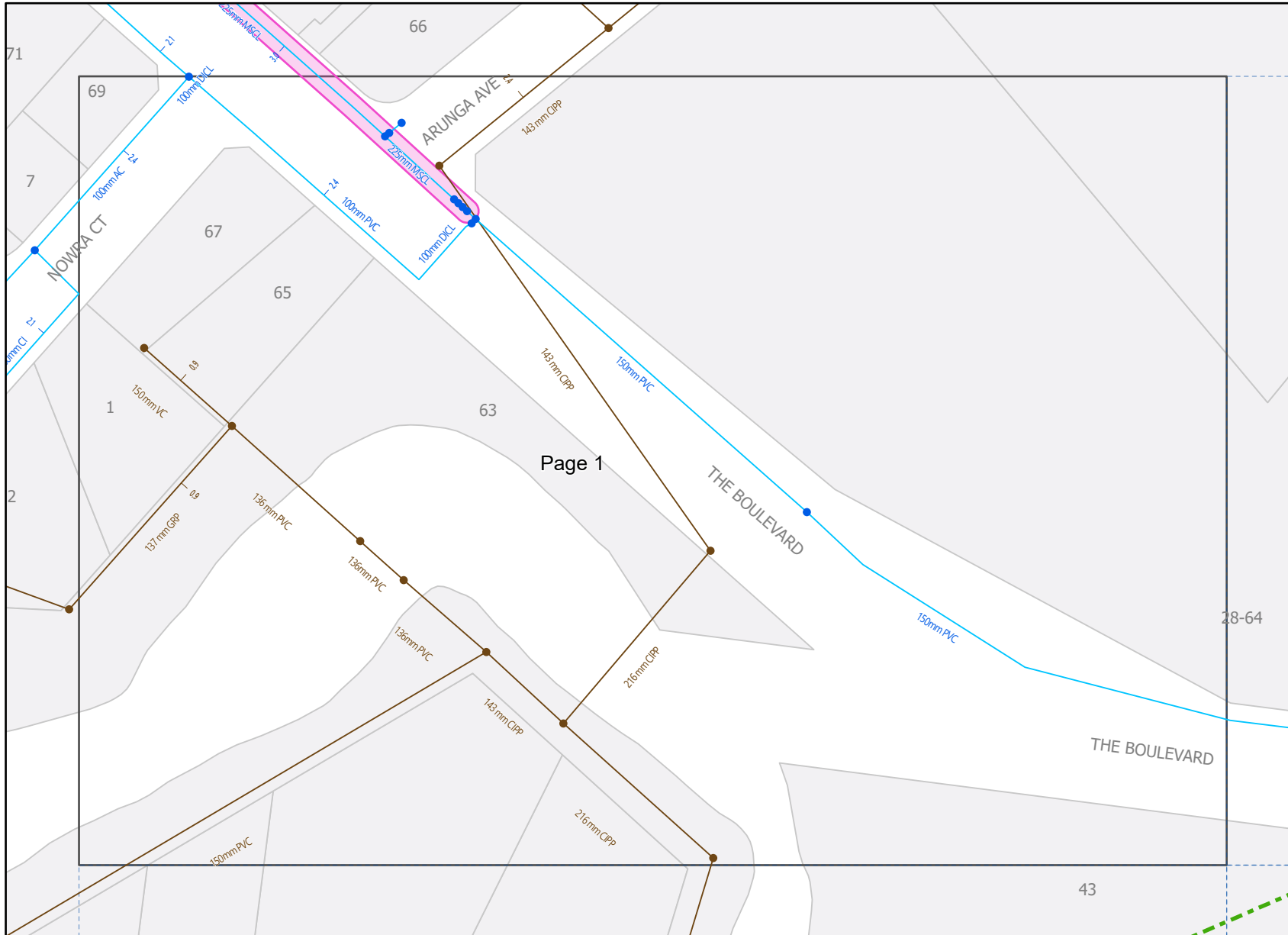


### Legend







- BYDA Enquiry
- Detailed map page
- No dig site assets

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### Legend

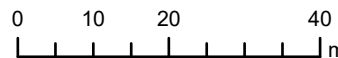
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-  Water Pipe
-  Gravity Sewer Pipe
-  Water Fitting
-  Sewer Fitting/Manhole
-  Asbestos - Wrapped Pipe

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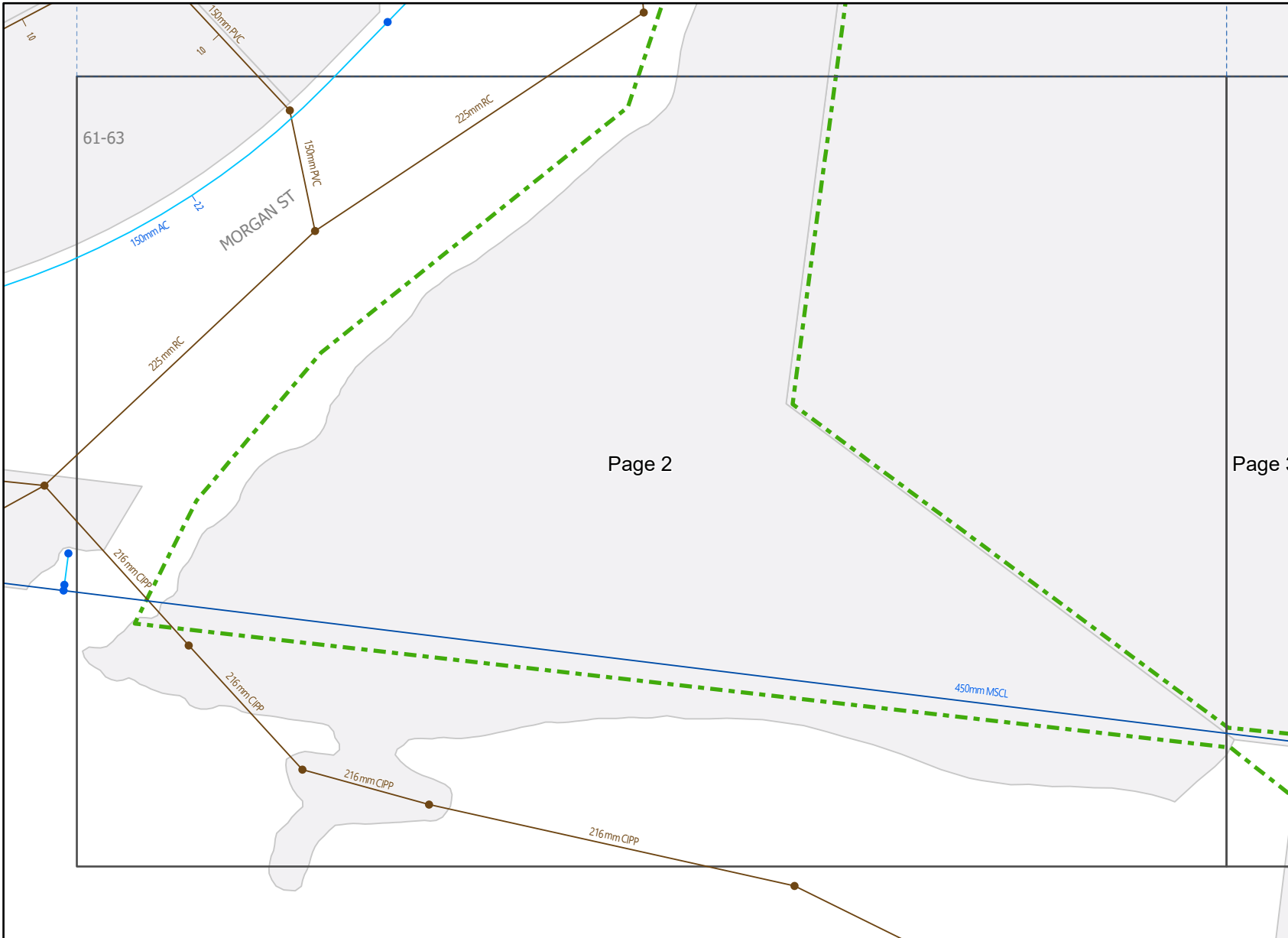
In an emergency contact Barwon Water on 1300 656 007

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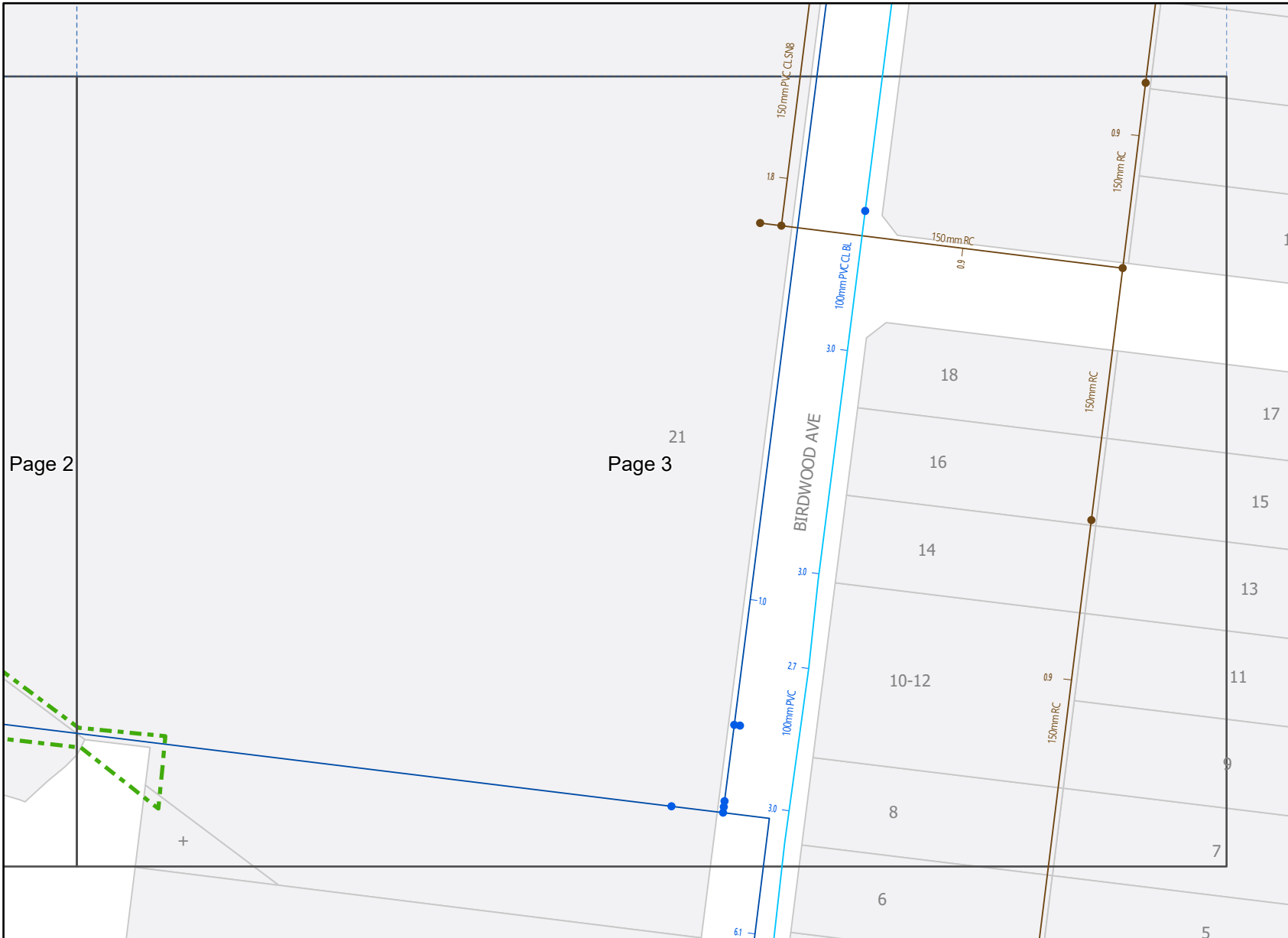
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### Legend

- BYDA Enquiry
- Water Transfer or Feeder main
- Water Pipe
- Gravity Sewer Pipe
- Water Fitting
- Sewer Fitting/Manhole

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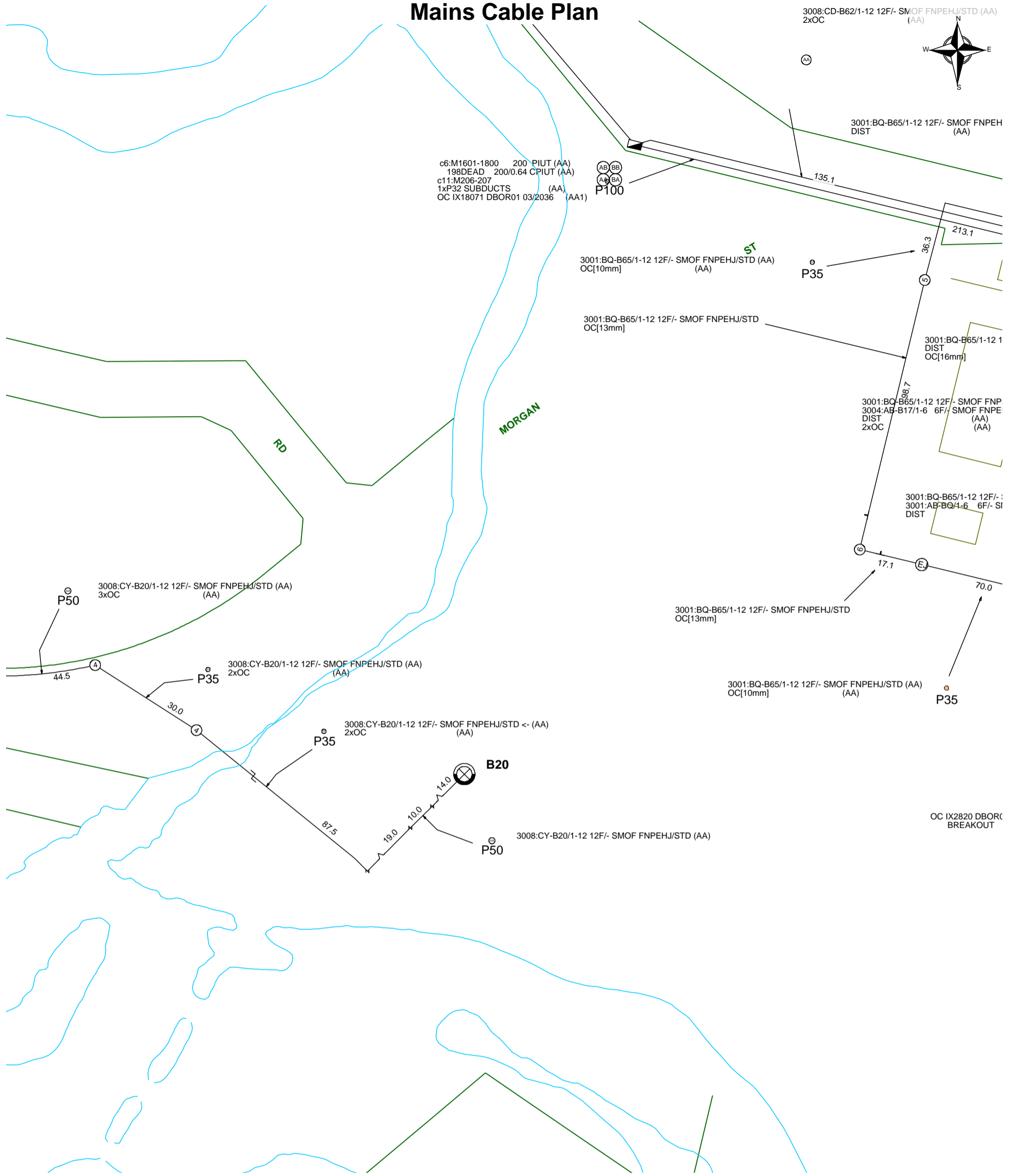
### Legend

-  BYDA Enquiry
-  Water Transfer or Feeder main
-  Water Pipe
-  Gravity Sewer Pipe
-  Water Fitting
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