



Seafarers Rest North Wharf Park, 731-739 Flinders Street,
Docklands

Cultural Heritage Management Plan 16265

Sponsor: City of Melbourne

Heritage advisor: Erica Walther

Authors: Gary Vines, Erica Walther, and Elise Nuridin

17 May 2019

Cultural Heritage Management Plan – Notice of Approval

CHMP Name: 16265

CHMP Number: Seafarers Rest North Wharf Park, 731-739 Flinders Street, Docklands

Sponsor: City of Melbourne


ABN/ACN: 55 370 219 287

Heritage Advisor(s): Erica Walther

Author(s): Gary Vines, Erica Walther and Elise Nuridin (Biosis)

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Pages: i-vii, 1-78

TO BE COMPLETED BY THE SECRETARY (OR DELEGATE)	Yes	No
I have considered the Evaluation Report for this CHMP and:		
<i>I am satisfied that the CHMP has been prepared in accordance with the standards prescribed for the purposes of section 53 of the Aboriginal Heritage Act 2006.</i>	✓	
<i>I am satisfied that the CHMP adequately addresses the matters set out in section 61.</i>	✓	
<i>In considering this application, I consulted with and considered the views of Aboriginal persons or bodies I considered relevant to the application.</i>	✓	
<i>I have given proper consideration to any relevant human rights</i>	✓	
<p>I, Harry Webber, Director Heritage Services Aboriginal Victoria, acting under authority delegated to me by the Secretary, Department of Premier and Cabinet, and pursuant to section 65(2) of the <i>Aboriginal Heritage Act 2006</i> hereby <u>approve / refuse to approve</u> this cultural heritage management plan:</p> <div style="margin-top: 20px;"><p>Signed: </p><p style="text-align: center;">HARRY WEBBER</p><p>Dated: <u>20 May 2019</u></p></div>		
<ul style="list-style-type: none">• This notice of approval should be inserted after the title page and bound with the body of the management plan.• The recommendations in this management plan are now compliance requirements. Officers from the Department of Premier and Cabinet may attend the subject land to monitor compliance with the recommendations.		

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Mapping

In accordance with the approved form, the following projected spatial data has been forwarded to VAHR for this CHMP: Activity Area boundary; ground survey areas

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Executive summary

Compliance requirements are set out in Part 1 of the Cultural Heritage Management Plan (CHMP).

Activity

The proposed activity is the design and construction of a new public open space.

Location

The Activity Area is located at Seafarers Rest North Wharf Park, 731-739 Flinders Street, Docklands, Victoria. The extent of the Activity Area covered by this CHMP is part of cadastral parcel allotment 2286\PP5514C.

Assessment

A Desktop Assessment was undertaken to provide background information on the activity and its impacts, other archaeological studies, previously recorded Aboriginal places, the environment and to develop a prediction model for the Activity Area.

A Standard Assessment was undertaken to provide information on the ground surface visibility, previous disturbance to the Activity Area and identify areas of archaeological potential. Oral history was recorded and is included in Appendix 4 .

A Complex Assessment was not undertaken due to the presence of substantial fill on the site, massive concrete slabs which precluded excavation, and the nature of the Activity, which would not result in deep excavation.

Consultation with Traditional Owner representatives occurred throughout the CHMP.

Results

The background research (Desktop Assessment) and site inspection (Standard Assessment) identified that the Activity Area is located close to the original northern bank of the Yarra River, and that the river has not changed substantially in this location. The Activity Area was originally an area of low river bank near the foot of Batman's Hill, and adjacent to the West Melbourne swamps. As the site did not have fresh water (which was available about a kilometre upstream at the former rock falls on the Yarra or near Elizabeth Street (Williams Creek), it is unlikely to have been a regular camping place for Aboriginal people, but may have been used sporadically as a fishing or foraging place.

Historical land uses have resulted in up to two metres of fill having been placed over the original ground level. This was undertaken from the 1850s as the Melbourne Wharves were expanded and the ground level raised to provide berthage for ships.

Aboriginal places

No Aboriginal places were identified during the assessment and it is considered unlikely that Aboriginal Cultural Heritage will be impacted by the Activity. The proposed works are almost entirely in the upper fill levels across the site, and are unlikely to impact any buried natural soil levels. However, as the Activity Area is in a location of cultural importance to Aboriginal People, and there is still a small possibility of unexpected cultural heritage being found, it is recommended that a cultural heritage induction be undertaken for contractors on the project.

Abbreviations

BLCAC	Bunurong Land Council Aboriginal Corporation (Bunurong)
BWFL	Boon Wurrung Foundation Limited (Boon Wurrung)
CHMP	Cultural Heritage Management Plan
DGPS	Differential Global Positioning System
DPC	Department of Premier and Cabinet
GDA94	Geodetic Datum Australia 1994
MGA	Map Grid of Australia
RAP	Registered Aboriginal Party
TO	Traditional Owner group
VAHR	Victorian Aboriginal Heritage Register
WWCHAC	Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation

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PART 1 – CULTURAL HERITAGE MANAGEMENT CONDITIONS

These conditions become compliance requirements once the Cultural Heritage Management Plan (CHMP) is approved. Failure to comply with a condition is an offence under Section 67A of the *Aboriginal Heritage Act 2006*.

The CHMP must be readily accessible to the Sponsor, and their employees and contractors when carrying out the activity.

1 Specific cultural heritage management requirements

In accordance with Section 61 of the *Aboriginal Heritage Act 2006*, a CHMP must consider whether the activity will be conducted in a way that avoids harm to Aboriginal cultural heritage.

No Aboriginal cultural heritage was identified within the current Activity Area therefore there will be no impacts to Aboriginal places or any cumulative impacts on Aboriginal cultural heritage in the Activity Area.

The following general cultural heritage management requirements are included to ensure that the contingencies described in section 2 are followed.

1.1 Condition 1 – Copy of the CHMP to be kept on site

During the Activity

The Sponsor must ensure that a copy of the approved CHMP must be kept on site at all times and that all employees and contractor staff are aware of the requirements of the Plan. In addition, heritage information (included key CHMP findings and the contingency requirements) must be included in the standard site induction provided to on-site personnel who are required on site following the commencement of works.

2 Contingency plans

2.1 Responsibility

It is the responsibility of the Sponsor of the activity to ensure that the contingencies in this section of the CHMP are implemented as required. Failure to comply with the contingencies is an offence under Section 67A of the *Aboriginal Heritage Act 2006*.

2.2 Dispute resolution

Where the Secretary, Department of Premier and Cabinet is evaluating the CHMP, this requirement has no application.

2.3 Reviewing compliance

The Sponsor must comply with this CHMP. Failure to comply with the conditions and contingencies in this CHMP is an offence pursuant to Section 67A of the *Aboriginal Heritage Act 2006*.

A compliance checklist is included in Appendix 5.

In order to ensure compliance with this CHMP, the Sponsor must:

1. Provide all persons with access to a copy of the CHMP, explain the purpose of the CHMP and implications of non-compliance.
2. Induct any persons attending the Activity Area or involved in works in the Activity Area in relation to the conditions and contingencies in this CHMP.
3. Have an up to date contact list for any appointed Registered Aboriginal Party, Aboriginal Victoria, a heritage advisor, Victoria Police and the State Coroner's Office available on site at all times.
4. Respond to any questions or complaints in relation to the implementation and compliance with the CHMP within one working day.
5. Record any complaints received on a central register and keep a copy of any response/action taken in response to the complaint.

If it appears that there is non-compliance with the CHMP, then notification must be made to Aboriginal Victoria.

2.4 Remediating non-compliance

The Sponsor is responsible for remediating any non-compliance with the CHMP and is liable for any non-compliance.

In circumstances where there is non-compliance with the CHMP, the Sponsor must:

1. Contact a heritage advisor within one working day to review the non-compliance.
2. Engage a Heritage Advisor who in consultation with any appointed Registered Aboriginal Party, or in the absence of a Registered Aboriginal Party, the Secretary, Department of Premier and Cabinet, must prepare a programme of remedial action. The programme must be prepared as soon as practicable.

3. Implement the remedial action in accordance with the programme to the satisfaction of the heritage advisor and any appointed Registered Aboriginal Party, or in the absence of a Registered Aboriginal Party, the Secretary, Department of Premier and Cabinet.

If the Sponsor, heritage advisor and any appointed Registered Aboriginal Party, or in the absence of a Registered Aboriginal Party, the Secretary, Department of Premier and Cabinet, cannot agree on an appropriate programme of remedial action, the dispute resolution process of this CHMP must be implemented.

2.5 Notification and management of Aboriginal cultural heritage found during the activity

If Aboriginal cultural heritage material is found, works must stop in the relevant area and the following process be followed:

1 Discovery

- If suspected Aboriginal cultural heritage is identified, all activity within a 10 metre buffer must stop. The activity can proceed outside the buffer.
- The suspected Aboriginal cultural heritage must be left in place, and protected from harm.

2 Notification

- The person who identified the suspected Aboriginal cultural heritage must notify the person in charge of the activity.
- The person in charge of the activity must notify the Secretary, Department of Premier and Cabinet of the identification of suspected Aboriginal cultural heritage within one working day of its discovery.
- The person in charge of the activity must notify a heritage advisor and any appointed Registered Aboriginal Party of the identification of suspected Aboriginal cultural heritage within one working day of its discovery.

3 Assessment

- The person in charge of works must ensure that the 10 metre buffer is barricaded around the location of the suspected Aboriginal cultural heritage within one working day of its discovery.
- The heritage advisor must attend the Activity Area within two working days of notification of the suspected Aboriginal cultural heritage and, in consultation with any appointed Registered Aboriginal Party:
 - Fully assess and if required, record the Aboriginal cultural heritage.
 - Advise and make recommendations in relation to appropriate management measures for the Aboriginal cultural heritage, to the person in charge of the activity.
- The person in charge of the activity, upon receipt of the assessment and recommendations from the heritage advisor and any appointed Registered Aboriginal Party, must provide the Secretary, Department of Premier and Cabinet with an indicative impact mitigation or salvage strategy.

4 Impact mitigation or salvage

- If the Aboriginal cultural heritage is assessed as being of low scientific significance and/or does not meet the threshold for registration as an artefact scatter or multi-component Aboriginal place:
 - The Aboriginal cultural heritage can be recorded and collected by a heritage advisor; and
 - The activity may continue within the buffered area after the salvage has been completed to the satisfaction of the heritage advisor and any appointed Registered Aboriginal Party.
- If the Aboriginal cultural heritage is assessed to be of high scientific significance and/or meets the threshold for registration as an artefact scatter or multi-component Aboriginal place:
 - An appropriate impact mitigation or salvage strategy must be prepared by the heritage advisor, in consultation with appointed Registered Aboriginal Party. In the absence of any appointed Registered Aboriginal Party, the impact mitigation or salvage strategy must be approved by the Secretary, Department of Premier and Cabinet.
 - Once the impact mitigation or salvage strategy has been approved it must be implemented by the person in charge of works, in accordance with any conditions required by any appointed Registered Aboriginal Party or the Secretary, Department of Premier and Cabinet.
 - The activity may continue within the buffered area after the salvage has been completed to the satisfaction of the heritage advisor and any appointed Registered Aboriginal Party.

5 Curation, further analysis and registration

- The treatment of salvaged Aboriginal cultural heritage must be in accordance with the direction of any appointed Registered Aboriginal Party or in the absence of a Registered Aboriginal Party, the Secretary, Department of Premier and Cabinet, and relevant Aboriginal Victoria guidelines and practice notes.
- All details of the location and nature of the Aboriginal cultural heritage must be provided to the VAHR.

2.6 Custody of Aboriginal cultural heritage discovered during works

The custody of all Aboriginal cultural heritage material found during the activity must be assigned to the Registered Aboriginal Party (in accordance with Section 12 of the *Aboriginal Heritage Act 2006*). Where there is no Registered Aboriginal Party it should be assigned to the following in order of priority:

- 1 Any relevant Registered Aboriginal Party for the land from which the Aboriginal heritage is salvaged
- 2 Any relevant registered native title holder for the land from which the Aboriginal heritage is salvaged
- 3 Any relevant native title party (as defined in the Act) for the land from which the Aboriginal heritage is salvaged
- 4 Any relevant Traditional Owner or Owners of the land from which the Aboriginal heritage is salvaged
- 5 Any relevant Aboriginal body or organisation which has historical or contemporary interests in Aboriginal heritage relating to the land from which the Aboriginal heritage is salvaged

- 6 The owner of the land from which the Aboriginal heritage is salvaged
- 7 Museum Victoria.

2.7 Discovery of suspected human remains

If any suspected human remains are found during any activity, works must cease. The Victoria Police and the State Coroner's Office should be notified immediately. If there are reasonable grounds to believe the remains are Aboriginal, the Coronial Admissions and Enquiries hotline must be contacted immediately on 1300 888 544. This advice has been developed further and is described in the following 5-step contingency plan.

Any such discovery at the activity area must follow these steps.

1) **Discovery:**

- If suspected human remains are discovered, all activity in the vicinity must stop; and,
- The remains must be left in place, and protected from harm or damage.

2) **Notification:**

- If suspected human remains have been found, the State Coroner's Office and the Victoria Police must be notified immediately;
- If there is reasonable grounds to believe the remains are Aboriginal Ancestral Remains, the Coronial Admissions and Enquiries hotline must be immediately notified on 1300 888 544;
- All details of the location and nature of the human remains must be provided to the relevant authorities;
- If it is confirmed by these authorities the discovered remains are Aboriginal Ancestral Remains, the person responsible for the activity must report the existence of them to the Victorian Aboriginal Heritage Council in accordance with section 17 of the *Aboriginal Heritage Act 2006*.

3) **Impact Mitigation or Salvage:**

- The Victorian Aboriginal Heritage Council, after taking reasonable steps to consult with any Aboriginal person or body with an interest in the Aboriginal Ancestral Remains, will determine the appropriate course of action as required by section 18(2)(b) of the *Aboriginal Heritage Act 2006*;
- An appropriate impact mitigation or salvage strategy as determined by the Victorian Aboriginal Heritage Council must be implemented by the Sponsor.

4) **Curation and further analysis:**

- The treatment of salvaged Aboriginal Ancestral Remains must be in accordance with the direction of the Victorian Aboriginal Heritage Council.

5) **Reburial:**

- Any reburial site(s) must be fully documented by an experienced and qualified archaeologist, clearly marked and all details provided to Aboriginal Victoria;

- Appropriate management measures must be implemented to ensure the Aboriginal Ancestral Remains are not disturbed in the future.

PART 2 – CULTURAL HERITAGE ASSESSMENT

3 Introduction

3.1 Reasons for preparing the CHMP

This is a mandatory Cultural Heritage Management Plan (CHMP) under Section 46(1)(a) of the *Aboriginal Heritage Act 2006*. The Sponsor intends to construct park landscaping including minor excavations for garden beds and tree planting, paths and park furniture within the Activity Area.

The proposed activity is for an informal outdoor recreation as defined in the Victorian Planning Provisions, which is a high impact activity under Regulation 46 (b) (xv) (a minor sports and recreation facility) of the *Aboriginal Heritage Regulations 2018*. The Activity Area is in an area of cultural heritage sensitivity under Regulation 26 (waterways) of the *Aboriginal Heritage Regulations 2018*.

The area cannot be proven to have been subject to *significant ground disturbance* as defined in the Aboriginal Heritage Regulations as: “disturbance of— (a) the topsoil or 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”. This is because disturbance was initially caused in the mid nineteenth century by hand methods (shovels and wheelbarrows) and subsequently the area has had fill placed on the natural ground level. More recent disturbance such as excavation of service trenches has only impacted a small part of the Activity Area.

3.2 Notifications

A Notice of Intent to Prepare a CHMP was submitted to the Secretary, Department of Premier and Cabinet (DPC) and City of Melbourne Local Government Agency on 12 December 2018 (Appendix 1).

The Victorian Aboriginal Heritage Register (VAHR) has allocated CHMP number 16265 to this assessment.

3.3 Location of the Activity Area

The Activity Area is located at 731-739 Flinders Street Docklands 3008. The extent of the Activity Area covered by this CHMP is the eastern part of cadastral parcel allotment 2286\PP5514C.

3.4 Sponsor

City of Melbourne

Tim Lolicato
ABN: 55 370 219 287
Address: GPO Box 1603, Melbourne 3001
Email: tim.lolicato@melbourne.vic.gov.au
Phone: (03) 9658 7803

3.5 Heritage advisor

Erica Walther BArch (Hons)

Erica (B Arch Hons (2007)) is a Senior Archaeologist (Major Projects) and Heritage Advisor, with over 10 years' experience as a heritage consultant. Erica specialises in project management, community liaison and the resolution of complex cultural heritage issues in varying situations. Erica provides specialist cultural heritage legislative advice and completes technical reports to meet the requirements of heritage legislation. Erica has broad experience completing various heritage assessments, including over 60 Cultural Heritage Management Plans (CHMPs). Erica carries out cultural heritage inductions, salvages, and other compliance requirements for completed CHMPs. Erica has also completed Due Diligence Assessments, Heritage Impact Assessments, "Consents to Disturb" and other permit applications, conservation management plans, and heritage reports. Erica has also assisted on a wide variety of other heritage projects, including as an expert witness and with planning and overlay applications.

Erica is a fully qualified 'Heritage Advisor' as specified in the requirements of the Victorian Aboriginal Heritage Act 2006 and is a full member of AACAI.

3.6 Owner/Occupier

Riverlee

Contact TREVOR SANDS Project Manager
Address Level 9, 379 Collins Street, Melbourne VIC 3000
Email: trevor.sands@riverlee.com.au
Phone: 9278 5015

3.7 Registered Aboriginal Party

There is no RAP for the region that includes the Activity Area.

3.8 Activity Advisory Group

The Secretary DPC did not appoint an Activity Advisory Group (AAG) for the project.

4 Activity description

The proposed activity comprises development of an open space recreation facility comprising park landscaping, tree planting, garden beds, lawn, park furniture such as benches, seats and tables, paving and other landscape features.



Photograph 1 Activity Area (facing north west)

Works for the activity will entail demolition of existing park furniture, lifting bluestone and concrete paving in part, excavation for new hard landscaping footings and tree planting, and construction of services including drainage, water and lighting.

The concrete slab will not be removed and will be incorporated within the landscape design.

Landscape architect for the project, Claire Martin (RLA AILA #001897) has provided details of proposed works as follows:

Potential tree planting depths (assuming this would be the largest excavation)

Maximum anticipated excavation depths for trees 1500mm – tree would be co-located in contiguous soil volume where possible. Trees may require between 9m³ to 30m³ for large trees. The number of trees and size and location of trees would determine the amount of excavation required.

Possible footings for structures

Footing sizes would be determined by the structural element they are supporting at this stage it is not anticipated that there will be architectural structures or significant vertical structures or walls at this stage given the budgetary constraints of the project therefore it is not anticipated that excavations for footings would be lower than 600mm – however this is subject to detailed design.

Confirmation that services would be at a minimal depth

Service ordinarily require a minimum of 600mm depth – this would only change where invert levels are required for drainage which may require excavation below 600mm.

5 Extent of the Activity Area

The extent of the Activity Areas is shown in Map 1. It is located on the edge of the Melbourne CBD on the north bank of the Yarra River. A geographic region has been considered which takes in the high ground of the Melbourne CBD, the river bank, and the flats of Docklands and West Melbourne.

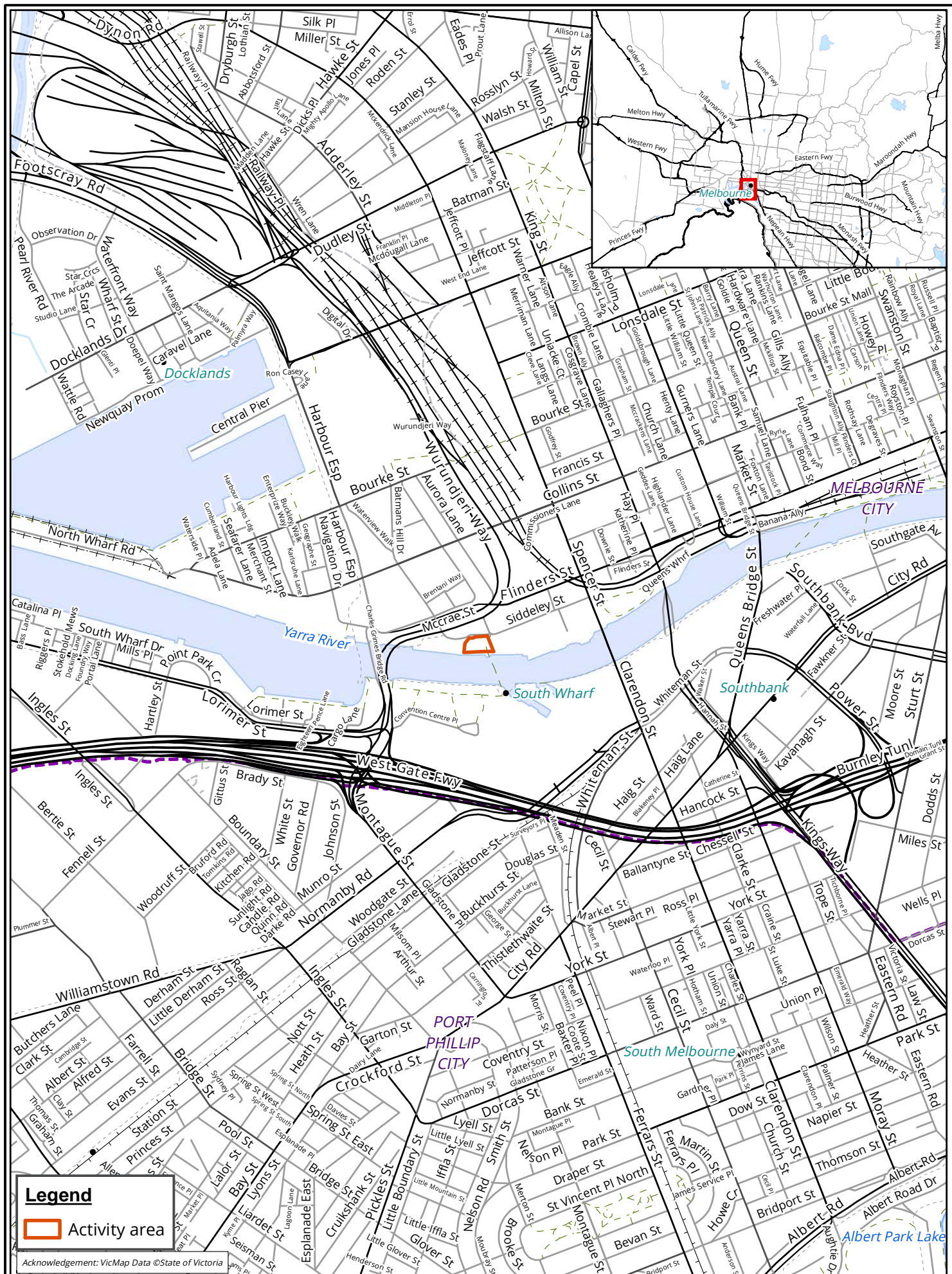
The activity area currently comprises paved ground formerly the concrete base of No 5 North Wharf and Goods Shen No 4, along with the bluestone cobbled area north of the shed site. Reconstructed stone and bitumen paving covers most of the site, with two small tree plantations in the north east corner and eastern edge of the Activity Area.

Cadastral information for the Activity Area is detailed in Table 1.

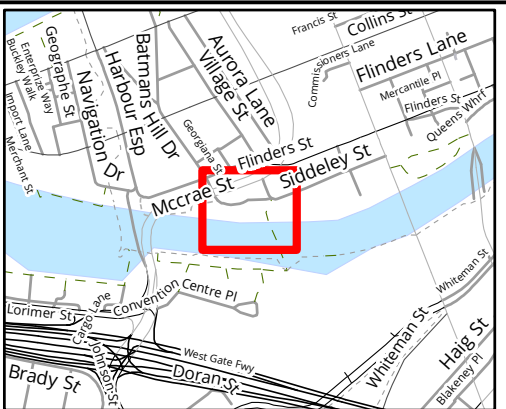
Table 1 Cadastral information for the Activity Area

Address	731-739 Flinders Street Docklands 3008
Local Government Authority	City of Melbourne
Lot/Plan	2287\PP5514C
Parish	Melbourne North
Planning Zone	Capital City Zone Public Park and Recreation Zone (PPRZ)
Coordinates*	31969, 581185
Melway	Map 1C D-1
Extent	0.37 Hectares


* All geographic coordinates in this CHMP are referenced to the Victorian Government Standard GDA94 MGA (Zone 55).



Map 1 Location of the Activity Area



Legend

 Activity Area

Map 2 Extent of activity area

0 7.5 15 22.5 30 37.5

Metres
Scale: 1:750 @ A3
Coordinate System: GDA 1994 MGA Zone 55

 **biosis**
Biosis Pty Ltd
Albury, Ballarat, Melbourne,
Newcastle, Sydney, Wangaratta & Wollongong

Matter: 28959, CHMP No. 16265
Date: 03 December 2018,
Checked by: ESW, Drawn by: DK, Last edited by: amurray
Location: \\bio-data-01\matters\28900s\28959\Mapping\
28959_M2_Extent.mxd

6 Documentation of consultation

6.1 Consultation in relation to the assessment

Table 2 Consultation in relation to the assessment

Date	Name	Organisation	Nature of Consultation
12/12/2018	Elise Nuridin	Biosis	On behalf of the sponsor submits Notice of Intent (NOI) to prepare a CHMP
	Secretary	DPC	
12/12/2018	Registrar	VAHR	Assigns CHMP number 16265
	Elise Nuridin	Biosis	
	Tim Lolicato	City of Melbourne	
12/12/2018	Elise Nuridin	Biosis	Submits NOI to LGA
		City of Melbourne	

6.2 Participation in the conduct of the assessment

Table 3 Participation in the conduct of the assessment

Date	Name	Organisation	Nature of Consultation
23 Jan 2019	Ron Jones	Wurundjeri	Participation in field work, discussions with client, asked about aboriginal cultural issues
	James Hughes	BLCAC	
	Lakeisha Clayton	BLCAC	

6.3 Consultation in relation to the conditions

Table 4 Consultation in relation to the conditions

Date	Name	Organisation	Nature of Consultation
25 March 2019	Catherine La Puma	Wurundjeri	Provision of draft report and request for comments
	Bradley Ward	BLCAC	
	Rob Anthony	BWFL	
28 March 2019	Catherine La Puma	Wurundjeri	Comments provided on draft report in relation to consultation, Elder Ron Jones supported oral history information.
06 May 2019	Evaluator	Aboriginal Victoria	Condition requiring a Cultural Heritage Induction removed

6.4 Summary of outcomes of consultation

The main inputs from Traditional Owners was provided during field inspection, James Hughes and Lakeisha Clayton of the Bunurong, and Ron Jones of the Wurundjeri both requested information regarding the proposed development works. Trevor Sands of Riverlee, who are developing the adjacent property for a residential tower, and will be undertaking works on behalf of the City of Melbourne to landscape Seafarer's Park, was on hand to answer questions. Tim Lolicato of the City of Melbourne attended to provide background to the Council's role and how the park will eventually be managed by the Council.

Gary Vines provided an explanation of the land use history of the site and the results of the background research, describing the key characteristics of the Activity Area, including its former natural state as a low riverbank near the foot of Batman's Hill, and the changes caused by progressive constructions of several stages of wharf development and reshaping of the river.

Both Ron and James commented that it was desirable for the landscape of the future park to include references to Aboriginal traditional landscape values, for example through the selection of plants that reflect the original vegetation of the area.

Ron Jones also provided information on the history of Aboriginal involvement in the area, both in terms of pre-contact activity as well as in the historic period, when many Aboriginal people were employed on the docks. A transcript of Ron's Oral History information is provided in Appendix 4.

A copy of the draft report was sent to each of the Traditional Owner groups prior to submission to Aboriginal Victoria, in order to allow them the opportunity to comment on the scope, results and management conditions included within the CHMP.

At the request of Aboriginal Victoria, the proposed requirement for a Cultural Heritage Induction was removed from this CHMP.

7 Desktop Assessment

The following section contains the results of the Desktop Assessment. The Desktop Assessment was prepared in accordance with Regulation 61 and Clause 8(1), Schedule 2 of the *Aboriginal Heritage Regulations 2018*.

7.1 Search of the Victorian Aboriginal Heritage Register

The VAHR contains information on all recorded Aboriginal cultural heritage within Victoria. It is accessed via the Aboriginal Cultural Heritage Register and Information System (ACHRIS), a web based tool with restricted access.

A search of the VAHR was undertaken by Elise Nuridin, Biosis Pty Ltd on 14 December 2018.

7.2 Geographic region

The geographic region for the Activity Area has been selected to represent a range of landforms and resources that would be accessible from the Activity Area.

This geographic region has been chosen based on the geomorphic units on which the Activity Area is located and on waterways which have long been established as being associated with high potential for significant Aboriginal cultural heritage material. The geographic region is defined by the following:

- The northern boundary follows Arden Street, from Moonee Ponds Creek to Abbotsford Street, then follows along the geomorphic unit boundary *Stony rises (Mt. Eccles, Pomborneit, Mt. Rouse)* (6.1.2).
- The eastern boundary is defined by the geomorphic unit *Stony rises*, crossing Yarra River in the south-eastern corner.
- The southern boundary follows the southern bank of the Yarra River.
- The western boundary crosses the Yarra River and follows the course of Moonee Ponds Creek, to its junction with Arden Street.

The geographic region includes two waterways; Moonee Ponds Creek and the Yarra River.

The geographic region is shown in Map 3.

7.3 Aboriginal places in the geographic region

A search of the VAHR register identified a total of 10 registered Aboriginal places within the geographic region, comprising 22 components (Figure 1). Low Density Artefact Distributions (LDADs) are the predominant place type within the region, making up 72.73% of all places (n=16). This is followed by artefact scatters (13.64%; n=3), Aboriginal historical places (9.09%; n=2) and Aboriginal ancestral remains (burial) (4.55%; n=1).

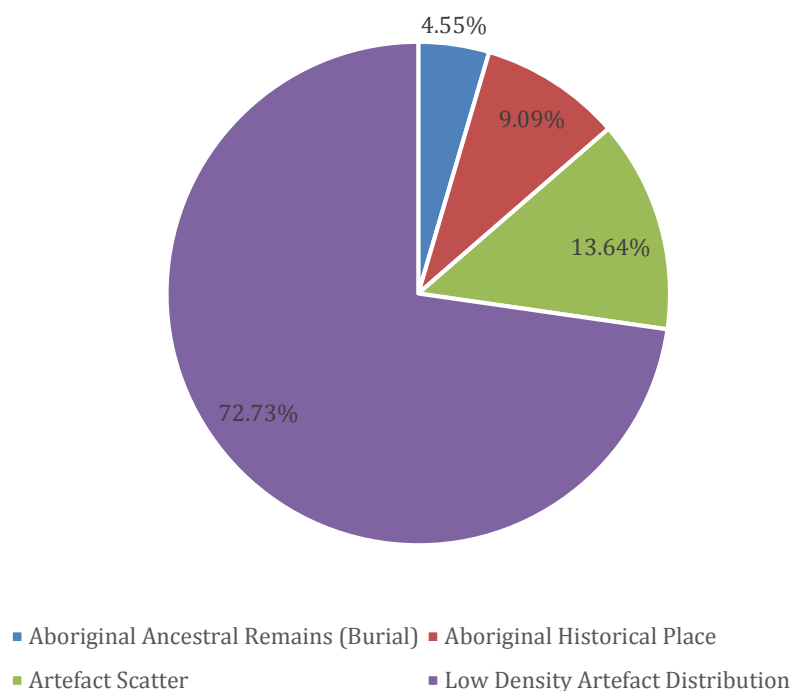


Figure 1 Aboriginal places within the geographic region

The Aboriginal places within the geographic region are located inland within a stony rise landform, and all lie north of the Yarra River and the Activity Area. The places have been recorded within built-up, urban areas.

There are no previously registered Aboriginal places within the Activity Area, and there are a limited number of places within the wider geographic region. There are four registered places located within 1 kilometre of the extent of the Activity Area, consisting of two artefact scatters and two LDADs. These places are summarised in detail below.

Alston Lane 1 (VAHR 7822-3739) is a subsurface LDAD, located approximately 1 kilometre north of the Activity Area. The place comprises three artefacts made from silcrete and quartzite. The silcrete artefacts consist of one backed blade and one proximal flake, both showing use wear. The quartzite artefact is a complete flake. The artefacts were recovered from disturbed contexts in the course of an excavation of historical features, and therefore it was unclear what their origin or significance may be.

Alston Lane 2 (VAHR 7822-3740) is an artefact scatter, located approximately 1 kilometre north of the Activity Area. The place comprises a single artefact retrieved in the context of the excavation of a historical yard deposit, and 105 artefacts recovered from an adjacent 1x1 metre pit that was dug in the same yard deposit. The 105 artefacts found within the test pit were all found at depths to 50 millimetres, within an *in situ* silt deposit below the historical yard deposit. The artefacts consist of silcrete and quartz material.

Alston Lane 3 (VAHR 7822-3826) is a subsurface LDAD, located approximately 1 kilometre north of the Activity Area. The place comprises four artefacts made from silcrete and other material. The silcrete artefacts

are two flakes and one angular fragment. The artefact recorded as other material is a complete blade. During excavation, approximately 1 metre of modern demolition fill was removed by machine and an additional 500 millimetres of 19th century occupation material was removed by hand. The artefacts were identified beneath the 19th century archaeological material, lying within a thin lens of silt (20-50 millimetres in depth) above the natural clay layer.

472-478 Bourke Street Artefact Scatter (VAHR 7822-4200) is an artefact scatter, located approximately 1 kilometre north- east of the Activity Area. The place comprises eight subsurface artefacts, with an additional artefact identified on a historical soil stockpile. Of the artefacts, three were found in historical deposits or the interface between historical and natural deposits at depths of between 750-900 millimetres, whilst three artefacts were found in natural deposits between 1,025-1,280 millimetres. All artefacts were made from silcrete and consist of cores, flakes, angular fragments and tools.

7.3.1 Aboriginal Historical Reference places within the geographic region

There are a further five Aboriginal Historical Reference places within the geographic region. Their details are as follows:

Narm-Jaap (Queen's Wharf), 12.9-8 describes the Aboriginal name for the area where the Queen's Wharf is located. Narm-Jaap refers to the Tea Tree Scrub.

Benbow's Hut, Melbourne, 2.1-93 is recorded as an Aboriginal camp in the corner of John Batman's garden, where Benbow and his wife, Kitty, dwelt. Benbow was employed by Batman, and was often consulted by the settlers concerning various matters. An extract from "Bunce's Wanderings in the Australias" describes Benbow as follows:

"...he was always willing to impart what information he possessed. He was not only an intelligent native, but a worthy fellow: an evidence that the aborigines of Australia are not, as has been so frequently stated by various writers, incapable of being civilised".

Cattle Sheds, Melbourne, 2.2-10 is recorded as the former location of the Cattle Markets, which was occupied from 1861 onwards and relates to places where Aboriginal people congregated. The 2nd Report of the Board for the Protection of Aborigines of 1862 indicates an order of food, tobacco and pipes for Aboriginal people at the cattle sheds.

Lambs Inn, 2.3-18 relates to the attempted employment of two Aboriginal men by the superintendent of the Native Police, De Villiers, in 1838. De Villiers attempted to recruit Boudeour and Mingyurer (or Mr Mann) from George Smith, proprietor of the Lambs Inn, which was located on Henry Batman's former cottage. Bondeon had attached himself to Smith, and had previously refused De Villiers invitation in 1837. According to Smith in a letter to William Lonsdale, the Police Magistrate, on 29 September 1838:

"...In my opinion it would not only be an injustice to me but also an injury to the individual themselves to leave me after they have acquired habits of industry which is so very difficult for them to acquire, to lead a wandering life of comparative idleness as a native policeman".

Queen Victoria Market Burials, 9.3-15 is a section of the former Melbourne Cemetery set aside for burials of Aboriginal people. Bob and Jack, two Aboriginal men from Van Dieman's Land, were buried in this section. Both men were publically hung just outside the Old Melbourne Jail on 20 January 1842 for the murder of two whalers.

Due to uncertainty regarding the precise location for post-Contact historical references, these places have not been included on the map.

Summary

There are a limited number of Aboriginal cultural heritage places within the geographic region, and only four places which are located within 1 kilometre of the Activity Area. These places consist of two artefact scatters and two LDADs. All the places within the geographic region have been recorded in built-up, urban areas and are located within a stony rise landform, all lying north of the Yarra River and the Activity Area.

Majority of the lithic artefacts have been identified in natural deposits underlying various historical and fill contexts. These *in situ* deposits have most often been identified overlying basal clay or in thin silty lenses above basal clay. The predominant material type of the artefacts is silcrete. Artefacts have also been identified within introduced fill.

There are also five Aboriginal Historical Reference places within the geographic region, which are all located in, and around the Melbourne CBD and relate to places where Aboriginal people camped, lived, worked, met and gathered.

7.4 Previous work in the geographic region

A search of the VAHR register identified a total of 41 previous assessments within the geographic region (Figure 2). CHMP Complex Assessments are the predominant type of assessment within the region, making up 31.71% of all reports (n=13). This is followed by Desktops or Papers or Due Diligence or Other (26.83%; n=11), CHMP Desktop Assessments (14.63%; n=6), CHMP Standard Assessments (9.76%; n=4), Surveys, (9.76%; n=4) and Site Specific Investigations (7.32%; n=3).

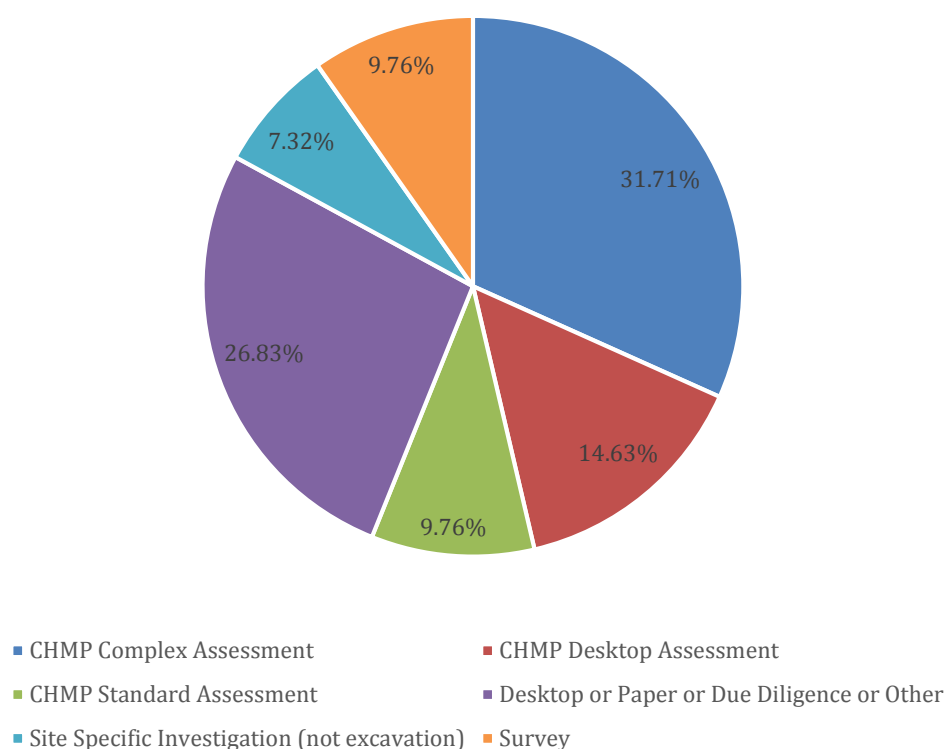


Figure 2 Previous assessments within the geographic region

7.4.1 Regional Studies

Presland undertook a regional archaeological study of the Melbourne Metropolitan area that provides an overview on the regional distribution of Aboriginal cultural heritage material (Presland, 1983). Presland divided the study area into five landscape units:

- Landscape Unit 1: flat plain that includes alluvial fans, terraces and valleys of the Yarra and Maribyrnong Rivers
- Landscape Unit 2: undulating plains consisting of almost all of the area to the north of the Yarra and west of Plenty River and the large open plain from the south of the Dandenong Ranges to Westernport Bay.
- Landscape Unit 3: low hills with an elevation less than 100 metres
- Landscape Unit 4: hills with elevations between 100 and 300 metres, mainly consisting of the Dandenong Ranges
- Landscape Unit 5: the eastern foreshore of Port Phillip Bay.

The present Activity Area falls within Landscape Unit 1. The pre-contact landscape would have consisted of widespread swamps and marshy areas. Within the delta area there were swamps and salt marshes that extended on the southern side of the Yarra as far east as St Kilda and would have included modern day Prahran. Lagoons were present within the present day area of the Botanic gardens and the West Melbourne Swamp was located between the Yarra and Maribyrnong Rivers. A total of 0.16% of the study area was surveyed, representing an area of almost six square kilometres. The majority of Landscape Unit 1 was covered by dense urban development impeding ground survey. Therefore, the non-urban aspects of the landscape unit were surveyed, including market gardens, creek margins, and exposed areas of pastoral land. Within Landscape Unit 1 a total of 10 Aboriginal places were recorded: six scarred trees that would have originally been located within the Carrum Swamp area, and four artefact scatters (VAHR 7822-0119 to 7822-0122) along the Maribyrnong River were recorded. In total 40 Aboriginal places were recorded that consisted of 27 stone artefact scatters and isolated finds, 12 scarred trees and one shell midden. The majority of places were recorded in the flat and undulating plains, with two of the scarred trees identified within the low hills landscape unit. Presland concluded that the results of the study area reflected the general use of all of the landscape units by Aboriginal people. The limited survey coverage and lack of information on specific aspects of Aboriginal life did not allow for the definition of any clear subsistence patterns for Aboriginal occupation.

7.4.2 Localised Studies

Howell-Muers et al. (2014) completed a CHMP (12723) complex assessment for the East west link eastern section road construction, located approximately 2.8 kilometres to the north and northwest of the present Activity Area, which involved a desktop, standard and complex assessment. A targeted field survey was conducted to inspect areas of the activity area that had not been subject to significant ground disturbance and included the inspection of IA1- Merri Creek Crossing, IA2- Royal Park and IA3- Moonee Ponds Creek. An area of archaeological potential was identified and resulted in a complex assessment. Subsurface testing involved two 1x1 metre hand excavated test pits and a series of shovel test pits within Royal Park. No Aboriginal cultural heritage material or places were identified as a result of the complex assessment which gave clear stratigraphic evidence for disturbance in the area.

O'Connor (2014) completed a CHMP (12991) complex assessment for the residential tower development on Alston Lane & Little Lonsdale Street in Melbourne CBD, approximately 1 kilometre north from the Activity Area due to Aboriginal artefacts identified on a historical archaeological excavation. A silcrete angular fragment (VAHR 7822-3739) was recovered from the subfloor deposit of a mid 19th century brick cottage, located under a layer of 19th century demolition rubble and over a natural layer of silty clay. A single

pedestrian transect survey was conducted as part of the standard assessment and no Aboriginal places were identified as a result. Although it was determined unlikely that Aboriginal cultural heritage material would be found *in situ*, the northern section of the activity area was considered to be of high archaeological sensitivity and further investigation was required. The complex assessment included the excavation of four 1x1 metre test pits, all located within the footprint of 1840-60s residential remains. A total of 105 subsurface artefacts were found at depths to 50 millimetres of one test pit, within an *in situ* clayey silt deposit below a historical yard deposit. This test pit coincided with the location of VAHR 7822-3740. No Aboriginal material was identified within the remaining three test pits. The assessment resulted in the registration of one Aboriginal cultural heritage place (VAHR 7822-3740).

Albrecht (2014) undertook a CHMP (13154) standard assessment prior to the upgrade of the rail corridor from Southern Cross to Westall Road, Clayton South as part of the Cranbourne-Pakenham Rail Corridor Project. The activity area was assessed as only containing one landform with two landform units: the area within the rail corridor and the land adjacent to the rail corridor that generally had a slightly lower level of modification. Sections of the rail corridor are approximately 240 metres north of the current Activity Area. No Aboriginal cultural heritage material was identified during the standard assessment. The entire activity area was determined to be of low archaeological potential due to the high degree of previous ground disturbance and modification of landforms. The high level of disturbance within the activity area was deemed to be unlikely to contain Aboriginal cultural heritage material and as such no subsurface archaeological investigations were undertaken.

Robb and Houghton (2014) completed a CHMP (13102) desktop assessment for the E-Gate Development, West Melbourne, Victoria, approximately 1.5 kilometres west from the current Activity Area. Based on previous archaeological investigations within the geographic region and the land use history of the activity area, it was concluded that whilst the land would have provided valuable resources to Aboriginal people before land modifications in the 19th century, the only area that may be of archaeological potential would be between 500 millimetres to six metres in depth and of a low density, therefore any excavation would cause more harm to Aboriginal cultural heritage than the proposed activity itself. No further investigation as part of this CHMP was undertaken.

Green (2016) undertook a CHMP (14164) complex assessment prior to the removal of level crossings that were not covered within previous CHMPs 13154 and 13724 for the Cranbourne Pakenham Corridor Project and Line Upgrade, approximately 230 metres north of the current Activity Area. The standard assessment included 17 investigation areas. No cultural heritage material was identified during the standard assessment, largely due to poor ground surface visibility. Almost all of the investigation areas consisted of urban landscapes with ground surfaces that have been modified by the construction and operation of rail and road reserves, railway stations, car parks, residential and commercial development. Disturbance across all 17 of the investigation areas was rated as high or moderate to high. All investigation areas were assessed as having a low to moderate archaeological sensitivity, with the exception of C29b in Greater Dandenong. This area was subject to subsurface investigation. The complex assessment included one 1x1 metre test pit and five STPs, all of which indicated significant ground disturbance and the introduction of imported fill to depths ranging from 90 to at least 520 millimetres. No Aboriginal cultural heritage material was identified.

Hardiman et al. (2016) completed a CHMP (14581) desktop assessment, located approximately 1.4 kilometres north-east from the current Activity Area, at Union Tower, 296-300 Little Lonsdale Street, Melbourne. The activity area was located within the Aboriginal place VAHR 7822-3968 that was identified during historical archaeological excavations undertaken at 280-286 Little Lonsdale Street in 2011, but was not registered as such until 2016. The extent of the aforementioned Aboriginal place was entirely within the associated activity area at 280-286 Little Lonsdale Street and could therefore not possibly extend into the area of 296-300 Little Lonsdale Street. Two silcrete artefacts (VAHR 7822-3997) were discovered in an introduced late 19th century levelling fill, including one flake and one angular fragment. Due to the nature in which the

cultural heritage material was identified, a levelling fill, it is not possible to determine the extent or provenance of the artefacts. The introduced fill was located across the activity area, therefore the potential archaeological extent of the place is the entirety of the activity area. The desktop assessment concluded that as the activity area has been subject to extensive historical use and modification it is unlikely that any in situ Aboriginal cultural heritage material remains; however, further cultural heritage material may be located within the introduced fill across the site.

Barker (2017) completed a CHMP (14907) desktop assessment for a proposed student accommodation development on A'Beckett Street, Melbourne, approximately 1.7 kilometres north-west from the current Activity Area. The desktop assessment determined that isolated artefacts or LDADs may occur within the activity area; however, due to the extensive historical use and modification of ground surfaces within the activity area it is unlikely that Aboriginal cultural heritage material will be in situ but may be present in introduced fill deposits within the activity area. It was considered unlikely that other site types would be present within the activity area and therefore no standard or complex assessment was required.

Mathews & Feldman (2017) completed a CHMP (14562) complex assessment as part of the West Gate Tunnel project, part of which lies less than 20 metres north of the current Activity Area. The desktop acknowledged the prior land disturbance of the area due to roadway construction, industrial, commercial and residential development and identified areas of lower disturbance that may produce intact Aboriginal cultural heritage. The standard assessment encountered generally very poor ground surface visibility and did not identify any new Aboriginal cultural heritage material. The majority of the activity area was assigned a low archaeological potential rating. A total of four locations were assigned a moderate rating: land to the west of Kororoit Creek (approximately 10.5 kilometres to the west of the present Activity Area), a proposed share path near Little Boundary Road and Kororoit Creek (approximately 10.5 kilometres to the west of the present Activity Area), land near West Gate Freeway and Woods Street Reserve (approximately 6.5 kilometres to the west of the present Activity Area), and the margins of Hanmer Reserve/Yarraville Gardens, (approximately 5 kilometres to the west of the present Activity Area). The area to the west of Kororoit Creek was assigned a moderate archaeological potential and initiated a complex assessment of the area. The assessment included excavation of five 1x1 metre test pits, 19 0.5x0.5 metre test pits and nine mechanical test pits (reaching a maximum depth of 2600 millimetres). A total of 25 stone artefacts were identified and included silcrete (n=20), quartz (n=3), chert (n=1) and quartzite (n=1). As a result of the assessment, two Aboriginal places (VAHR 7822-4067 and -4068) were recorded on the creek line of Kororoit Creek, approximately 11 kilometres to the west of the present Activity Area. No subsurface testing was undertaken within close proximity to the Activity Area.

Pepdjonovic (2017a) undertook a CHMP (14824) standard assessment of the Queen Victoria Market Precinct, approximately 1.5 kilometres north from the current Activity Area. A field survey of the area was conducted in order to inspect all areas with ground surface visibility and to generally assess the archaeological potential of the area as a whole. Average ground surface visibility was <1% due to the presence of built structures, sealed surfaces and artificial nature reserves. No Aboriginal places were discovered during the standard assessment and the CHMP concluded that there was a high level of ground disturbance and therefore a low to low-moderate potential for Aboriginal cultural heritage material or places to be found in the area.

Howell-Meurs & Pepdjonovic (2017b) completed a CHMP (14052) complex assessment for the renewal of the Queen Victoria Market Precinct, approximately 1.5 kilometres north from the current Activity Area. The desktop assessment recognised the high degree of disturbance and modification to the land and geotechnical results indicated a highly disturbed soil profile. It was concluded that it is reasonably possible that Aboriginal cultural heritage material will be present within the activity area and a standard assessment followed. A field survey was conducted to inspect ground surface visibility and determine the archaeological potential of the area. Of the survey areas, two had no ground surface visibility (90%) due to infrastructure, sealed surfaces and artificial nature reserves. A single survey area, a courtyard with a removable brick-paved

surface, had potential for sub-surface Aboriginal cultural heritage material and a complex assessment was deemed necessary. A total of one 2x2 metre test pit was excavated under a brick paved courtyard which identified a disturbed stratigraphic profile, consisting of historical occupation layers and imported fill, and an artefact scatter. A single Aboriginal cultural heritage place was registered as a result of the assessment (VAHR 7822-3952) which included 18 subsurface stone artefacts. Of these artefacts, six are of silcrete, five of quartzite, three of quartz, three of greenstone and one of an unidentified raw material. The artefacts were identified within disturbed deposits associated with a dark brownish grey compact clay and sandy silt that was classified as demolition fill and at a depth of 240 millimetres. Due to disturbance, no further complex testing was required but management conditions were considered for the salvage or protection of the place if works were to impact the courtyard area.

Myers, Mirams and Roddis (2018) undertook a Desktop CHMP for a property in Downie St in the CBD, which is about 450 metres north east of the present Activity Area. No Aboriginal cultural heritage was identified, but on the basis that background research indicated a number of early buildings on the site, and a lack of evidence that later structures could be shown to have removed any natural soil layers, the report concluded that there was potential for Aboriginal Cultural Heritage to be present below layers of historic structures and occupations.

Summary

A search of the VAHR identified a total of 41 previous assessments within the geographic region. CHMP complex assessments were the most numerous type of assessment within the region but only amounted to 31%, indicating that archaeological excavation is not the most usual or perhaps most appropriate means for evaluating Aboriginal cultural heritage values in the inner urban area.

A review of previous archaeological investigations within the geographic region demonstrates a common pattern of observation of very poor ground surface visibility and highly disturbed areas of land and soil profiles associated with commercial, industrial or residential development, sealed surfaces and artificial nature reserves. Areas of archaeological potential were still occasionally found on edges of waterways or in parklands. Aboriginal cultural heritage was found in both disturbed and undisturbed contexts, often in subsurface deposits underlying historical occupation and imported fill deposits. All previous archaeological work in the region observed extensive modification of the land and identified the highly disturbed nature of the landform and subsurface soil profiles of the activity areas.

7.5 Historical and ethno-historical accounts in the geographic region

For the purposes of this assessment, information about Aboriginal Victorian pre and post contact history has been sourced from nineteenth and twentieth century primary and secondary ethnographic/historical records.

7.5.1 Linguistic boundaries and social organisation

Prior to European colonisation, the Victorian landscape was delineated by socio-dialectical groups who shared a common language and who as a group identified as owning particular areas of land, with individually owned tracts of country. This was a system of spatial organisation based on land tenure (Clark, 1990).

Aboriginal groups mapped natural features as boundaries for their ranges, estates and economic territories. The Activity Area lies on the boundaries of the *Bun wurrung* and *Woi wurrung* language groups of the east Kulin Nation. The *Bun wurrung* occupied the southern suburbs of present day Melbourne, including Port Philip Bay from the Werribee River, south east to Tarwin River (Clark, 1990). Biosis note that Wurundjeri dispute the notion that the area is part of Bunurong traditional lands. Biosis also take into account that research undertaken by Wurundjeri demonstrates clearly that the location of Melbourne CBD is definitely within the traditional lands of the Woi wurrung people.

Land ownership and access rights or responsibilities centred on the smaller named groups that formed the broader language grouping. These groups are often called 'clans' or 'local descent groups', however as Wesson (2000, p. 8) reasons, they are better described as 'named groups', as the membership structure of these groups, and their degree of division from other groups, could vary. In most instances, primary allegiance was owed to this named group, although this could vary according to context and location. Commonly, named groups were led by senior elders who exercised internal political and religious authority, as well as being recognised as their spokesperson when dealing with other groups (Atkinson & Berryman, 1983). Particularly influential group leaders could also assume authority over the leaders of other culturally affiliated groups (Wesson, 2000).

The named group who occupied the Activity Area were the *Wurundjeri willam* Clan of the *Woi wurrung* who occupied the area along the Yarra and Plenty Rivers. In the 1830s and 40s, the *Wurundjeri willam* comprised two groups, each lead by a Ngurungaeta or head man. 'Bebejan's mob' were located for a time around Heidelberg and up the Yarra to Mt Baw Baw, while 'Billibillary's mob' were along the North bank of the Yarra at Melbourne and near Kew, west of the Darebin Creek to the east bank of the Maribyrnong River and along Jackson's Creek to the Mount William stone axe Quarry (Clark, 1990, p. 385).

The *Yalukit willam* named group (meaning 'river dwellers') would have occupied the land south of the Yarra near the Activity Area and much of the land along the coast to the south east, lead at the time of European settlement by Derremart and Benbow (Vines, 2017).

Social activity involving neighbouring named or socio-dialectical groups was usually held in warmer periods, held at the intersection of group boundaries and arranged by a person assigned of the responsibility of travelling between groups to organise the time, place, and events of the meeting. This person could speak a number of different dialects and acted as intermediaries in negotiations between the groups. Activities would include sports and dancing, with up to 500 men, women and children attending (Atkinson & Berryman, 1983).

The succession or inheritance of lands and named-group estates could occur in a number of ways. Individuals and groups could inherit lands from their father, their mother, through their birthplace, conception place, the burial place of their ancestors, and through totemic connections (Wesson, 2000). Access rights also crossed generations and marriage partners. Howitt (1904, p. 311) wrote that:

The right to hunt and to procure food in any particular tract of country belonged to the group of people born there, and could not be infringed by others without permission. But there were places which such a group of people claimed for some special reason, and in which the whole of the tribe had interest. Such a place was the stone quarry at Mt. William near Lancefield, from which the material for making tomahawks was procured. The family proprietorship in the quarry had wide ramifications... when neighbouring groups wished for some stone they sent a messenger to Bill-billeri saying that they would send goods in exchange for it, for instance, skin-rugs.

People would often travel or reside in the territory of another named-group so that they could fulfil religious or family obligations, or exercise the privilege, granted to them by family or moiety associations, of exploiting the resources of another estate (Barwick D. , 1984). For daily activities and the exploitation of local estates, people are thought to have travelled in small residential units or extended family groups - often termed bands (Wesson, 2000).

7.5.2 Moiety affiliation

A further level of social organisation was moiety affiliation. The *Wurundjeri willam* were of the *bunjil* moiety and the *Yalukit willam* were of the *waa* moiety according to Howitt and Fison, but the *bunjil* moiety according to Barwick (Clark, 1990, p. 369).

Membership to a named group is variably defined by a localised matrilineal or patrilineal descent group, with female member of the group partnering with men outside of their group (exogamous) and across moiety lines; however they maintained an identity of belonging to their father's group. Men then had to adhere to certain duties such as providing food to their father-in-law. Social engagement could be influenced by appropriate conduct between family members, for example men had avoidance behaviours they had to adhere to in the presence of their mother-in-law, and there were other speech or special duties which were expected in family relationships (Atkinson & Berryman, 1983).

7.5.3 Religion

Knowledge of Aboriginal religion was recorded and maintained through visual and oral tradition which ensured the maintenance of social structures through generations. Such knowledge was not always readily shared with non-Indigenous social observers and as such limited written versions from early settlers, explorers or government employees exist for Victoria. Ceremonies were occasionally performed to entertain Europeans however the meaning behind these performances was never fully explained (Robinson, 1840). Private ceremonies and locations, such as age initiations were actively kept secret (Presland, 1994).

7.5.4 Historical accounts of Aboriginal people

The rapid spread of European colonisation altered Victorian Aboriginal society. The increased presence of settlers resulted in dispossession of Aboriginal people from their traditional land and diminished access to resources. These factors combined with population decline from introduced diseases and conflict, transformed Aboriginal society.

The Melbourne region and country belonging to the *Woi wurrung* were among the first tracts of land to be taken up for grazing. A group of pastoralists headed by John Batman established the Port Phillip Association in 1835 after moving from Van Diemens Land, where military rule by force had been enacted upon the Aboriginal Tasmanians. In a change of approach, the Association drew up a treaty to negotiate with Aboriginal people of Port Phillip. Batman met with senior and *ngurungaeta* *Woi wurrung* men to negotiate the acquisition of their land. In payment, Batman offered an immediate transaction of blankets, knives, tomahawks, scissors, mirrors, necklaces and coloured handkerchiefs for several woven baskets, weaponry and two uniquely decorated possum skin cloaks. Batman then filled out the title deeds for 243,000 hectares and secured the signatures of the *Woi wurrung men*. Present at the signing of the treaty was eleven year old William Barak. Despite this seemingly formal agreement, the British Crown claimed all land of New Holland without recognising Aboriginal forms of land tenure. Hence, Sir Richard Bourke, the Governor of the colony of New South Wales, refused to recognise the treaty and issued a formal proclamation declaring it invalid (Zola & Gott, 1992, pp. 16-20).

While the treaty was not officially recognised by the British Crown or colonial government, its purpose was to open up Port Phillip for grazing and to bypass Governor Richard Bourke's decision not to extend settlement into areas remote from the Sydney government (Wiencke, 1984). By 1837 there were over 50,000 sheep grazing in the Port Phillip district and the advent of pastoralism resulted in the drastic reduction of food and water sources for Aboriginal people. Governor Bourke sent William Lonsdale to act as a Police Magistrate in the Port Phillip district to ensure that Aboriginal people were protected by encroaching settlement and he established an Anglican mission in South Yarra for displaced Aboriginal people to be 'civilised' (Wiencke, 1984).

Sheep and cattle grazing from the 1830s destroyed large areas of grassland and food staples such as the *Murnong*. The presence of intruders onto Aboriginal land and their subsequent loss of resources was the catalyst for much serious conflict between colonial settlers and the Aboriginal population. Aboriginal farming practises of clearing large tracts of land meant when colonial settlers went searching for suitable pastoral areas, these places were ideal and became quickly occupied.

In 1839 an Aboriginal Protectorate Scheme was established in Victoria; the Protectorates provided religious instruction, rations, homes and medical care to Aboriginal people whilst recording population information (Broome, 2005). The Assistant Protector of the Melbourne region was William Thomas. Thomas attempted to remove Aboriginal people away from the Melbourne settlement to stations established at Narre Warren, Mordialloc and Warrandyte or at Dandenong Creek whereby residents could receive rations in return for growing wheat and vegetables (Presland, *Aboriginal Melbourne: the Lost Land of the Kulin People*, 1994, p. 103).

The Protectorate Scheme was abolished in 1849, after which time official inquiries into the welfare of Aboriginal people were held in 1849 and again in 1858. In 1859 two members of the *Woi wurrung* and five of the *Taungurung* requested from Thomas a tract of land at the junction of the Acheron and Little Rivers (Land Conservation Council, 1991, p. 23). They were granted 4,500 acres for a reserve and 90 people settled there, but in the following year the station was closed (Land Conservation Council, 1991, p. 21).

Although informants at the inquiries remarked on the rapid fall in the Aboriginal population, it was a number of years before any action was taken. The latter inquiry led to the formation of the Aboriginal Protection Board in 1860 which encouraged Aboriginal people to move onto reserves.

Barak and his cousin Simon Wonga and other elders of the *Woi wurrung* led over 40 Aboriginal people from Acheron down to a spot between Watts River and Badger Creek, near present-day Healesville. Under the Superintendent John Green, the government granted them 2,300 acres for a temporary reserve, which they named Coranderrk. Nine slab and bark two-roomed huts were built for married families, while the rest of the population was housed in *mia-mias*. Many Kulin people moved to Coranderrk to live and for employment as labourers and farmers.

After an outbreak of measles, calls were made to move the station to an isolated area on the Murray River (Land Conservation Council, 1991, p. 24). The Aboriginal Protection Board argued that:

There has sprung up in certain quarters a large amount of so-called interest of the Coranderrk natives. It has been suggested that for the benefit of their health, they ought to be shifted up to the Murray (The Age, 19 February 1876)

Deputations were sent to the Victorian government during the 1870s and 1880s, stating the lack of rights Aboriginal people experienced in regard to their country and the closure of the station. William Barak sent a petition on behalf of the Aboriginal residents of Coranderrk requesting the non-conditional freedoms experienced by white people to be extended to Aboriginal people and he questioned the increasing authority of the Board. A Royal Commission into the situation was held in 1877 and a Parliamentary Board of Inquiry in 1881, which both supported the retention of Coranderrk and funding for the station.

After the successful campaign to retain the reserve, the passing of Simon Wonga left William Barak as the sole remaining *Wurundjeri-willam Ngurungaet*. Barak named three men as his successors as *ngurungaeta*: his nephew Wandoon, a *Daung wurrung* man named Birdarak and Thomas Dunnolly a spokesperson for *Wada wurrung* and *Djadja wurrung* who inherited his mother's rights to speak for *Wurundjeri Balluk* land (Clark, 1990, p. 385). Despite Barak having named these men as his successors, they were not initiated; hence Barak was the last *ngurungaeta* (Ron Jones, pers. comm. 29 August 2012).

Coranderrk Reserve was closed in 1924 and most were forced to Lake Tyers by police escort or by train despite their reluctance and distress (Twigg, 1996, p. 20). All but 50 acres of the original reserve was leased for grazing in 1924 (Foxcroft, 1995). The remaining 50 acres were left for the use of six Aboriginal people. All of the buildings at Coranderrk Reserve, except for the double storey Superintendent's residence, were demolished during the 1940s (Foxcroft, 1995). In 1950, 1,310 acres between Healesville-Kooweerup Road and the Yarra River were set aside for soldier settlement and the remaining portion of the reserve was

encompassed in the Healesville Sanctuary on the eastern side of Healesville-Koo Wee Rup Road in 1955 (Fels, 1998).

Many Wurundjeri descendants remain living in the broader Melbourne region. The Activity Area is presently represented by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation. While little information about Aboriginal activity and relationships can be specifically ascribed to the present Activity Area, there are some small pieces of historical data that can assist in understanding how the Activity May have been utilised by Aboriginal people.

7.6 Landforms and/or geomorphology of the Activity Area


The Activity Area is located on the boundary of a number of geomorphological units including *Volcanic plains* (6.1) and *Terraces, floodplains and lakes, swamps and lunettes and their deposits* (6.1.5). Alluvial terraces and floodplains are associated with the lake and swamp systems within the volcanic terrain as well as river drainage systems. Climate changes during the Pleistocene and Holocene period resulted in complex landscapes as lunettes and alluvium deposits trace the changes in water levels (State of Victoria Department of Economic Development, Jobs, Transport and Resources, 2018). Associated soil types include black and grey self-mulching and cracking clays (Vertosols), black (and some red) sodic texture contrast (Sodosols) and dark loam soils (Dermosols) (State of Victoria Department of Economic Development, Jobs, Transport and Resources, 2018).

The underlying geology of the Activity Area consists of Coode Island Silt (Qyc). Coode Island silt is named for the engineer John Coode who constructed a shipping canal and changed the course of the Yarra River in the late 19th century (The Argus, 1882). It is part of the Yarra Delta and was initially described by Selwyn (1854 in Birch, 2003). Coode Island silt consists of dark grey-brown silty clay with gravel, marine fossils and plant material inclusions (Birch, 2003). It is fluvial in nature which indicates a pattern of constant erosion and deposition of material (Vandenberg, 1997).

The critical geographic influence on potential Aboriginal cultural activities relates to the gradual sedimentation of the Yarra delta in the Holocene period, when sea levels rose, flooding the Port Phillip Basin and reaching to the base of lava flows and Silurian hills and older volcanic around the present Melbourne CBD, Emerald Hill and North Melbourne. As sediments increased, swamps, and hills and river meanders formed, which would have become the source of various resources for Aboriginal People. Given that these sediments were dynamic and gradually accumulated over about 5-7000 years, the condition of the landscape at the time of White settlement must be taken into account in determining the geographic region

7.6.1 Geotechnical Investigations

The adjacent Riverlee development proposes a multi-storey residential tower constructed partly within the footprint of the No 5 Wharf shed. In conjunction with the City of Melbourne this development includes landscaping of the adjacent Seafarer's Park. Geotechnical investigations were undertaken to characterise the existing conditions of the ground, including layers and depths of fill and the underlying geology (Senverson, 2019). These show fill comprising gravels and clay with rubble inclusions to a depth of about 2 metres. Below this, without any indication of an intermediate buried topsoil, is the Coode Island Silt layer. An example of a typical bore log from the vicinity of the Activity Area is shown in Figure 3. Locations of the bores are shown in Figure 4 and a cross section showing the position of piles and land surfaces is shown in Figure 5. Generally, the geotech results indicate between 1.3 and 1.9 metres of fill over Coode Island Silt with no indication of potential buried natural ground surface or topsoil.

 <div style="float: right;"> BOREHOLE NUMBER BH09 PAGE 1 OF 1 </div>											
PROJECT NAME <u>Seafarers Rest, North Wharf Park</u>											
PROJECT NUMBER <u>M16874</u> PROJECT LOCATION <u>731-739 Flinders Street, Docklands</u>											
DATE STARTED <u>30/10/18</u> COMPLETED <u>30/10/18</u> R.L. SURFACE _____ DATUM _____											
DRILLING CONTRACTOR _____ R.L. CASING _____											
EQUIPMENT <u>AMS, Power probe drilling rig</u> HOLE LOCATION (Easting, Northing) <u>319667.69, 5811865.85</u>											
HOLE SIZE <u>125 mm</u> LOGGED BY <u>SI</u> CHECKED BY <u>HT</u>											
NOTES _____											
DRILLING				FIELD MATERIAL DESCRIPTION				SAMPLING			
Method	Cone Recovery (%)	Water	Well Details	Depth (m)	Graphic Log	Classification Symbol	Material Description	Moisture	Additional Observations	PID (ppm)	Sample ID & Interval (QA/QC)
CC						FILL	FILL: Bluestone cobbles	D			
HA						FILL	FILL: SAND: Brown, medium dense, moist, fine to coarse grained sand with minor fine to coarse grained bluestone gravel. Well graded angular gravel and sub-rounded sand.				
SA						FILL	FILL: GRAVEL: Grey, medium dense, fine to coarse grained gravel with fine to coarse grained sand. Well graded, sub-rounded sand and angular gravel.				
				0.5		FILL	FILL: Gravelly CLAY: Low plasticity. Grey black, soft, moist, near plastic limit, fine to coarse grained gravelly clay with minor silt and trace fine to medium grained sand. Well graded, angular gravel and gap graded, sub-rounded sand. Anthropogenic material including: trace brick, and wood. Slight odour	M	Slight Odour (anaerobic)	1.5	BH09_0.50 -
				1.0							
				1.5		FILL	Minor silt, trace gravel.			2.2	BH09_1.40 -
				2.0		CI	Silty CLAY: Medium plasticity. Grey black, very soft, moist, near plastic limit, silty clay, with trace fine grained gravel. Uniform, Sub-angular gravel.			2.1	BH09_1.70 -
				2.0		CH	Silty CLAY: High plasticity. Light grey black, very soft, moist, near plastic limit.	M-PL			
				2.5			Target depth achieved. BH09 terminated at 2.00 m bgl				

These logs have been prepared for environmental purposes and should not be used for geotechnical design and interpretive purposes

Figure 3 Geotech bore log nearest to Seafarer's Park (Senversa, 2019)



Figure 4 Location of geotech bores (Senversa, 2019)

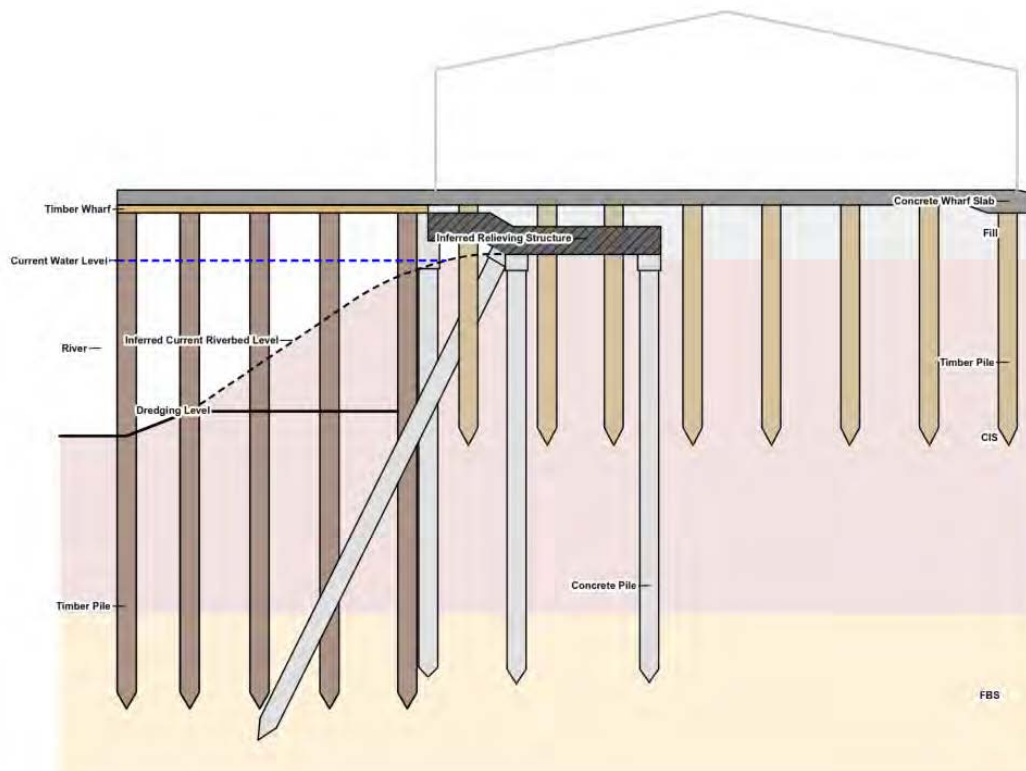


Figure 5 Inferred cross section of shed wharf and piling (Senversa, 2019)

7.7 Land use history of the Activity Area

The Port Phillip Association, which was formed in Tasmania with John Batman as their agent, undertook a reconnaissance expedition across Bass Strait to the Port Phillip District in May-June 1835, followed by a permanent camp from late June on the Yarra. Batman laid claim to Aboriginal lands north and west of the Yarra on behalf of the Association, and erected his own house on Batman's Hill (near the later site of Spencer Street Rail Yards). The area south of the Yarra was not part of the Port Phillip Associations Claim.

The Activity Area sits at the foot of Batman's Hill, in an area that was laid out as a 'garden' probably referring to cultivated ground for growing cereal crops (Figure 6).



Figure 6 Batman's house W. F. E Liardet 1799-1878 (State Library Victoria)

John Pascoe Faulkner arrived a little after Batman's men in August 1835, but made a more substantial landfall on the north bank of the Yarra River. Batman arrived and set up his own premises to this same site in November 1835. However, in November Fawkner was persuaded to move to the opposite bank in deference to Batman's prior claim, and so become the first permanent non-aboriginal settler of South Melbourne. This pattern of settlement, focussing on the higher ground north of the river and upstream along the river was to continue for many years.

Cargo sheds started to be constructed along the Yarra River as early as 1855 (Figure 7). Improvements to wharves and jetties have been continuous, with the initial major early development at the 'pool' where a wide and deep section of the river was situated opposite Flinders Street near the customs house, which became known as "Queens Wharf", then new wharves being built across the river at 'South Wharf' spreading downstream from the natural pool at the bottom of Market Street. By the 1860s there was continuous wharfage along both sides of the Yarra from Queens Bridge (then called the falls bridge) to near Spencer Street, and continuing further to the gasworks on the North Bank where the "Australia Wharf" was constructed in the 1880s and 90s (Buckrich, 2002), (Hoare, 1927).

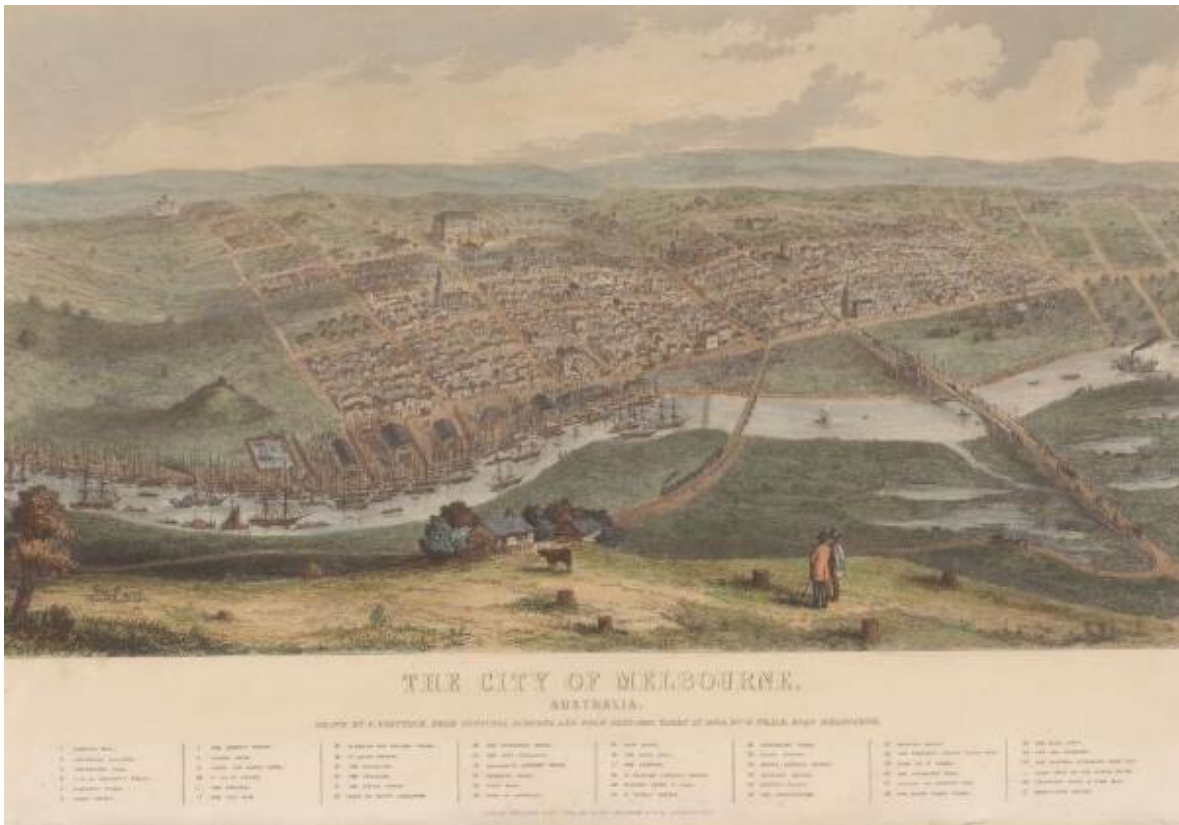


Figure 7 View from Emerald Hill, 1855, (Gill, 1855)

During the 1860s there was no coordinated management of the development of the Port of Melbourne, despite the urgent need along the Yarra River for extensive dock accommodation. Following on from this, the Melbourne Harbour Trust Act of 1876 provided for the establishment of the Melbourne Harbour Trust Commissioners. The Trust commissioned John Coode, an eminent British Harbour engineer, to prepare a plan for improvements to Melbourne's Port in 1878. His plan included widening and straightening the river entrance, excavating the Victoria Dock, and cutting a new canal from to take out the long and difficult passage around Fishermen's Bend. This commenced just to the west of where the Bolte Bridge now crosses the River, east of the current Activity Area. The work was undertaken in the 1880s and 1890s (Figure 8).

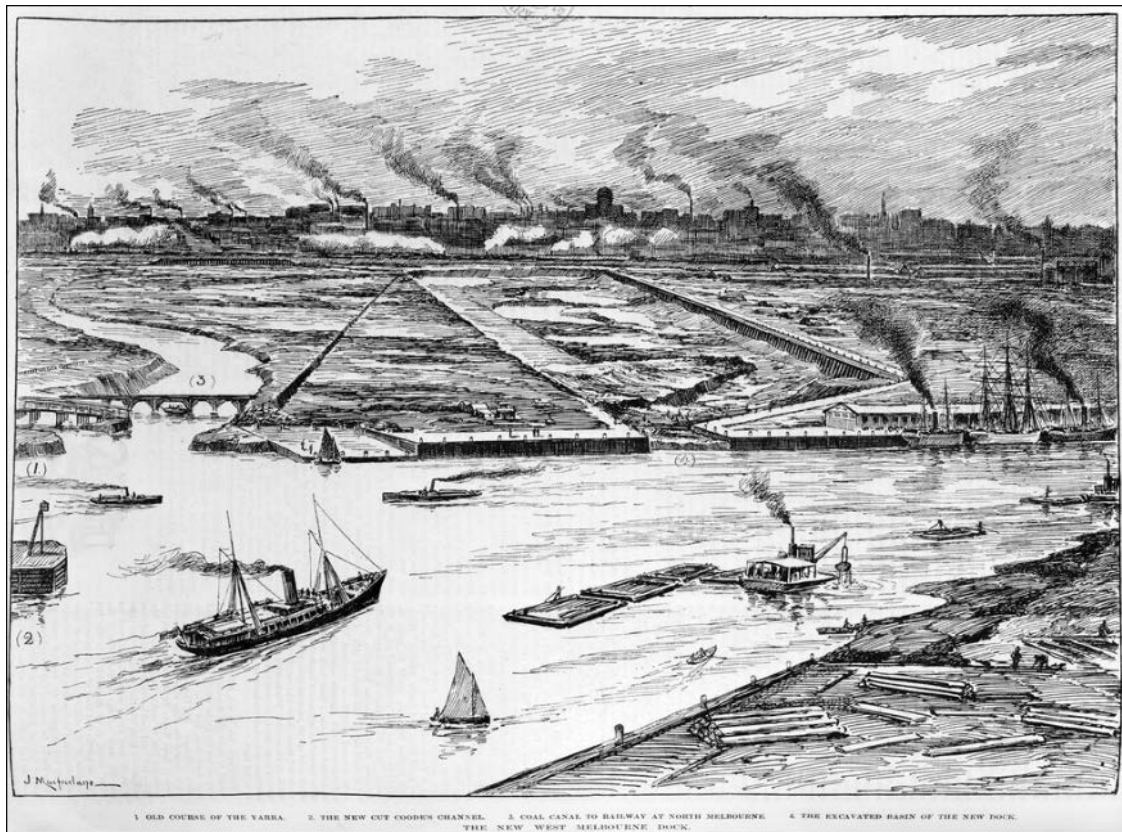


Figure 8 Widening of the Coode Canal 1892, (Macfarlane, 1892)

As part of the Coode Scheme, a turning basin was proposed on the south bank of the river just above the gasworks. This was to enable river shipping to be swung around as well as providing additional wharf space. An upper swinging basin had previously been created at the pool, by dredging and widening the river, and another swinging basin was formed at the mouth of Victoria Dock again by widening the river.

In the early 1900s, further improvements were carried out to the upper parts of the wharves, including excavation of the new Turning Basin just downstream of Spencer Street Bridge. This was constructed to replace the former Turning Basin below Queens Bridge, as the proposed Spencer Street Bridge would cut off this part of the river from shipping.

The Swinging Basin was constructed in the 1880s – 1900s by excavation of the low swampland on the south side of the river and creation of a large timber piled wharf as an extension to the existing south wharf. In the 1920s and 30s, further widening was carried out downstream of the swinging basin, and new wharves constructed along this stretch of the river. The landward side of the wharves was set aside for storage, wharf sheds and access roads. As the demands for river traffic increased, so the alteration of both the wharf edge and the adjacent allotments and road arrangements was necessary.



Figure 9 Yarra River and Port of Melbourne, c. 1930, (Charles Daniel, n.d.)

7.7.1 History of the Activity Area

Cargo sheds were constructed along North Wharf, formerly known as Australian Wharf, from 1855. An allotment plan from the Melbourne Harbour Trust in 1899 (Figure 12) shows that the Activity Area appears to lie over what was originally Berth 11. In 1894-95 W M Dalton and J C Johnson & Son constructed cargo sheds on this site (Lovell Chen, 2018). These sheds were of the standard early Melbourne Harbour Trust design with timber frame and cladding and open ends (Figure 10). With the construction of Spencer Street Bridge in 1927, the Queens Wharf berths could not be used, and the remaining wharfs were renumbered from Spencer Street down, making the ones opposite the Seaman's Mission Berth No 4 and 5 (Figure 13).

They remained in use until 1939, when they were demolished to accommodate mechanised goods handling, with new concrete floors able to support fork lifts and cranes, and large semi-portal level luffing electric cranes erected on the wharf edge. The Melbourne Harbour Trust commissioned G A Winwood to construct Shed No 5 including the installation of an electric travelling crane, which began in October 1940, and was completed in 1941-42 (Lovell Chen, 2018). Aerial imagery from 1945 (Figure 14) shows that none of the reconstruction has occurred within the Activity Area, with the site of Shed No 4 remaining as vacant land.

The area remained in use as a wharf up until the construction of the Charles Grimes Bridge in 1975. Aerial imagery from 2004 (Figure 15) shows the Activity Area is a vacant lot, which has been sealed. The Activity Area was officially opened as 'Seafarers Rest Park' in 2005, and imagery shows that several trees have been planted in the northern extent (Figure 16).

The Seafarers Bridge, constructed in 2009, is a footbridge over the Yarra River connecting the Docklands and South Wharf. The northern termination of the bridge is connected with Seafarers Rest Park, just outside the south-eastern corner of the Activity Area (Figure 17). More recent imagery from 2016 (Figure 18) and 2018 (Figure 19) shows construction of a building in the western extent of the Activity Area.



Figure 10 Australia Wharf in 1907 (Mission to Seamen)



Figure 11 Australia Wharf c 1920 showing Seamen's Mission (green dot) and Siddeley Street (red dot), (unknown source)

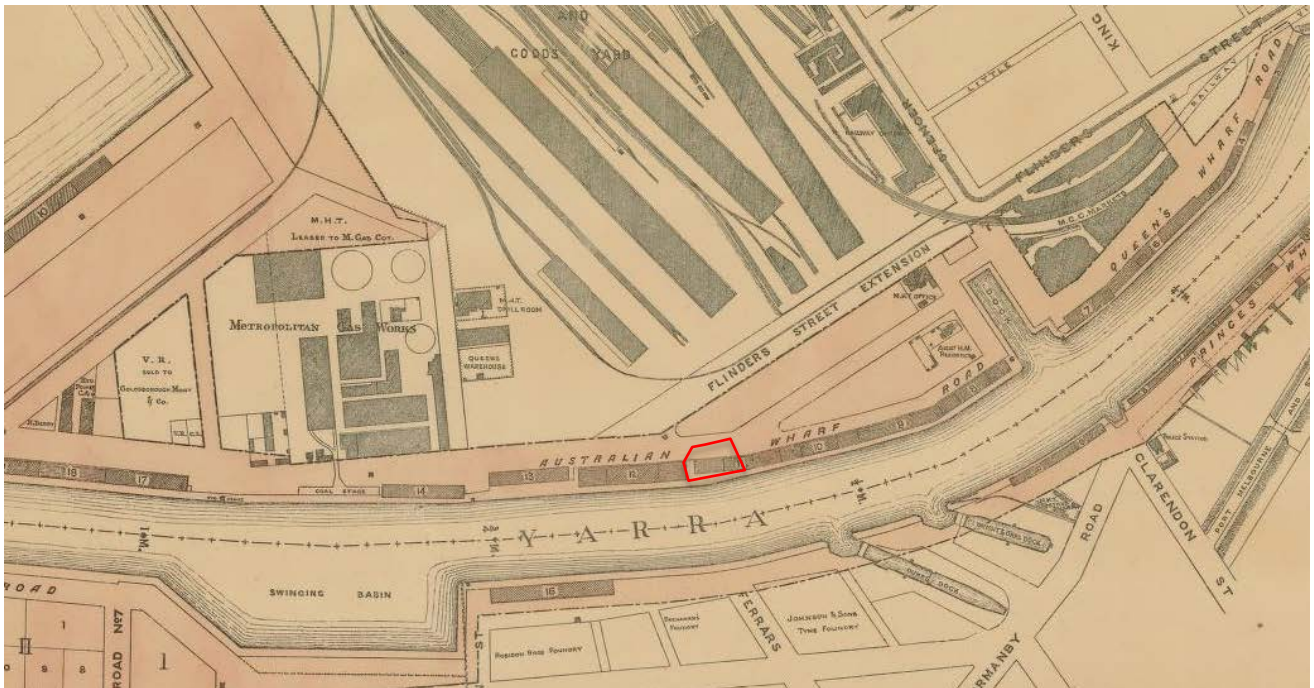


Figure 12 River Yarra and Victoria Dock 1899 with allotments and street pattern, approximate Activity Area outlined in red, (Melbourne Harbor Trust, 1899)

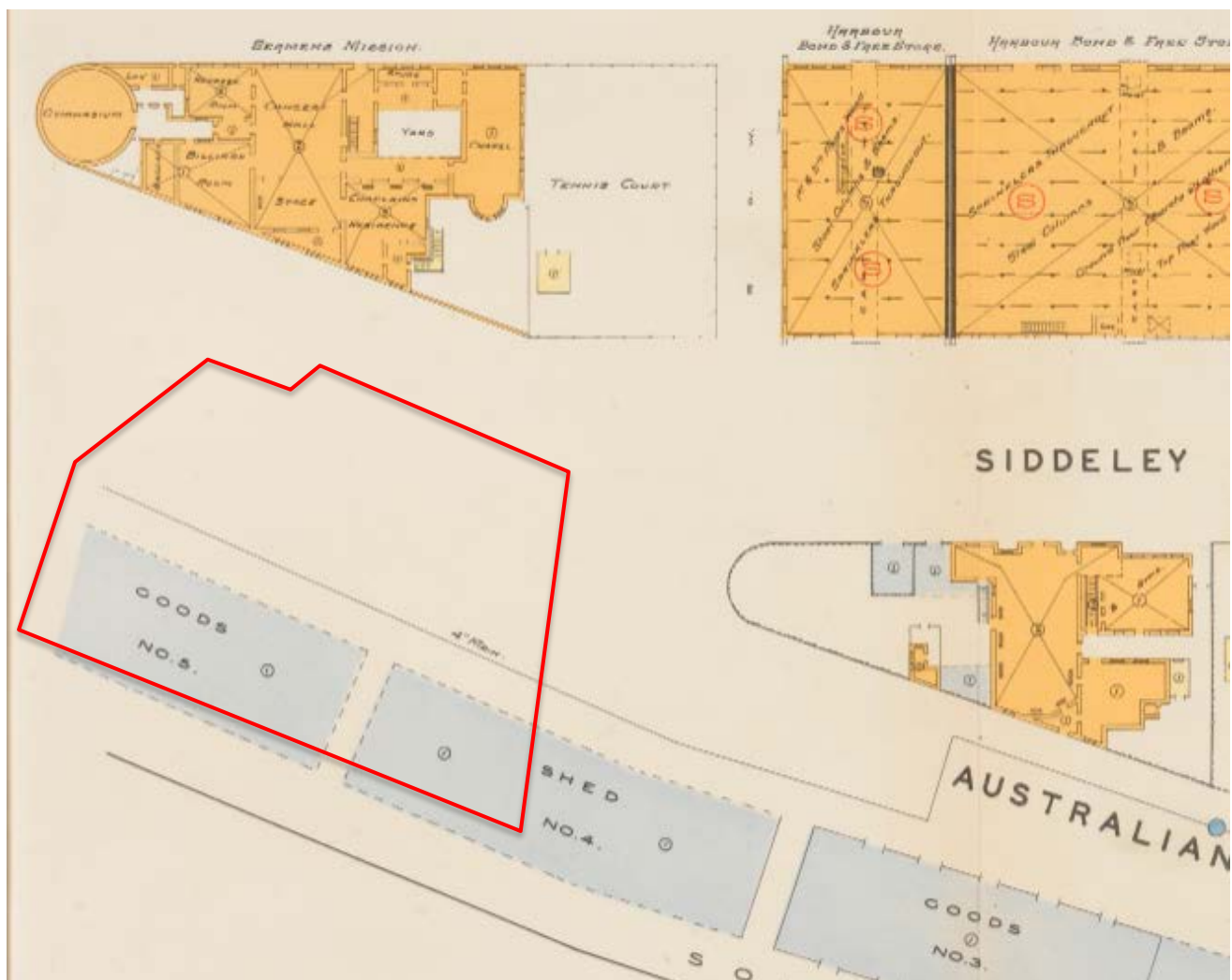


Figure 13 Australia Wharf in early 20th century, (Mahlstedt's Pty Ltd, 1948)



Figure 14 Aerial photography of Melbourne, 1945, approximate Activity Area outlined in red, (Department of Lands and Survey , 2018)



Figure 15 Aerial photography of Port Melbourne, 2004, approximate Activity Area outlined in red, (State Government of Victoria, 2018)



Figure 16 Aerial photograph of Port Melbourne, 2005, approximate Activity Area outlined in red, (State Government of Victoria, 2018)



Figure 17 Aerial photograph of Port Melbourne, 2009, approximate Activity Area outlined in red, (State Government of Victoria, 2018)



Figure 18 Aerial photograph of Port Melbourne, 2016, approximate Activity Area outlined in red, (State Government of Victoria, 2018)



Figure 19 Aerial photograph of Port Melbourne, 2018, approximate Activity Area outlined in red, (State Government of Victoria, 2018)

7.7.2 Dial Before You Dig

A Dial Before You Dig request was submitted on 12 December 2018. The results are as follows (also see Appendix 3):

- *Optus* – A single underground Optus fibre cable is present within the north- eastern boundary of the Activity Area, running along the southern extent of Siddeley Street.
- *NBN* – An in-service telco cable is present within a small section of the south- western corner of the Activity Area.
- *City West Water* – An abandoned water main crosses through the entire central extent of the Activity Area. Located just above this pipeline there is an active sewer main, which also crosses through the Activity Area, heading westwards.
- *Telstra* – There are several PVC conduits which are present within the Activity Area, mainly within the northern extent and south- western corner. A single joining cable pit is also present closer to the central extent.
- *Vocus* – There are no underground assets present within the Activity Area.
- *NextGen* – There are no underground assets present within the Activity Area.
- *PIPE Networks* – There is network infrastructure present within the Activity Area, which is contained within the Telstra duct network (see above).
- *City of Melbourne* – An underground litter trap is present within the north- eastern corner of the Activity Area. A drainage pipe is present within the northern boundary of the Activity Area. Several electrical conduits also cross the Activity Area, mainly within the eastern half and across the entire southern boundary of the Activity Area.
- *APA* – A high pressure gas transmission pipeline is present along the northern boundary of the Activity Area.
- *CitiPower/Powercor* – A high voltage cable crosses the entire northern extent of the Activity Area. There are also low voltage cables present within the north- eastern corner of the Activity Area.

Summary

Documentary evidence in the form of historical maps, illustrations and photographs show that the Activity Area has a long history related to use for shipping and storage, from as early as 1855. This has resulted in excavation for foundations of buildings, construction of the river bank and wharves, roads and paving, land fill, demolition and landscaping, all of which are likely to have caused disturbance to the ground surface., however this is not proven to be by mechanical methods, as these works pre-date the use of mechanical methods for development and construction, and in addition utilises a number of periods of dredging and filling.

The Activity Area is currently a landscaped area known as 'Seafarer's Rest'. The land consists of grassed and paved areas, planted trees and structures. There is also evidence of underground infrastructure, including communications, electrical and gas assets.

7.8 Conclusions from the Desktop Assessment

The Activity Area is located along the northern bank of the Yarra River, within the Western Plains and the terraces and floodplains geomorphological unit and the underlying geology consists of Coode Island Silt (Qyc), and described as sand ridges overlying shelly beds of sand. This area of the Yarra River originally consisted of swamps and wetlands that can be noted in the fluvial nature of the underlying geology, although the immediate landscape of the Activity Area prior to European settlement was probably a higher and drier river bank near the southern foot of Batman's Hill. The Yarra River at this point is tidal estuarine and not a source of potable water.

Previous archaeological assessments undertaken within the vicinity of the Activity Area shows that this area of Melbourne has become highly urbanised with residential and commercial development. Aboriginal cultural heritage material in the form of artefact scatters and LDADs have been (but rarely) recorded within introduced levelling fill, while other cultural heritage material has been found in small lenses of silt or potential former topsoils, overlying natural clays which have been capped by fill or demolition layers. Areas of archaeological potential were still occasionally found on edges of fresh water waterways or in parklands where comparatively less disturbance has occurred.

Aboriginal cultural heritage was found in both disturbed and undisturbed contexts, often in subsurface deposits underlying historical occupation and imported fill deposits. All previous archaeological work in the region observed extensive modification of the land and identified the highly disturbed nature of the landform and subsurface soil profiles of the activity areas.

There are a limited number of Aboriginal cultural heritage places within the geographic region, all of which have been recorded in built-up, urban areas and located within stony rise landforms. The majority of the lithic artefacts have been identified within natural deposits underlying various historical elements or within introduced fill contexts. The *in situ* deposits have most often been identified overlying basal clay or in thin silty lenses above basal clay. In comparison, the Activity Area is not located within the stony rise landform, as it is located on the riverbank of an estuarine section of the Yarra River and is subject to natural and anthropocentric erosion and deposition.

The Activity Area was historically developed as river wharves from an early date. By the 1850s, what had probably been simple timber jetties, were reconstructed. Further development continued due to the location of the Activity Area between the rapidly developing Melbourne and the Yarra River, a major transport and travel route.

7.8.1 Prediction statement

Based on the above review of the geographic region, including its environment, recorded Aboriginal places, previous archaeological assessments and information on the activities of Aboriginal people, a place prediction statement has been developed. This utilises the existing regional information in order to target landforms which might have archaeological potential during the Standard Assessment. The place prediction statement acts as a guideline for designing the ground survey strategy and identifies key points for consideration.

Therefore the Aboriginal place types likely to be found within the Activity Area are:

- **Artefact distributions** consisting of one or more stone artefacts associated with casual discard. Low Density Artefact Distributions may occur anywhere in the landscape. Tool production, camping, and domestic duties resulting in higher density artefact scatters or living floors were unlikely to have occurred within such proximity to the river bank, which being estuarine is not a source of potable water during the Holocene period.

LDADs and artefact scatters are the most prominent Aboriginal place type within the geographic

region and have often been recorded within introduced levelling fill or within small lenses of silt overlying natural clays within the Stony Rises landform unit (GMU 6.1.2), generally to the northeast of the Activity Area. The Activity Area is located within marine and riverine sediments, no sites have been recorded, and Aboriginal places are unlikely to occur, within these sediments.

The results of the Desktop Assessment have indicated there is a potential for unidentified Aboriginal cultural heritage material within the Activity Area, at depths below disturbance which began occurring in the 1850s. The Activity Area is located on partially reclaimed land along the north side of the Yarra River, which has been less affected than the south bank during past river-widening works.

The condition of the Activity Area in terms of the level of hard surface landscaping, construction and demolition of former wharves and buildings and the proposed Activity being intended to only involve relatively shallow excavation, suggests that further archaeological investigations are not required as it is unlikely Aboriginal Cultural Heritage will be located within the Activity Area or impacted by the Activity. However, as part of the City of Melbourne's Aboriginal cultural engagement, a Standard Assessment was undertaken to facilitate Traditional Owner participation.

8 Standard Assessment

The following section contains the results of the Standard Assessment. The Standard Assessment was prepared in accordance with Regulation 63 and Clause 8(1), Schedule 2 of the *Aboriginal Heritage Regulations 2018*.

8.1 Aims

The aims of the Standard Assessment are to:

- Assess the character of the ground surfaces and visual evidence of prior disturbance of the ground
- identify landforms with the potential for subsurface Aboriginal cultural heritage material
- engage with Aboriginal Traditional Owner Groups to gain knowledge of potential cultural heritage values of the site.

8.2 Methodology

The Standard Assessment was completed on 23 January 2019. The ground survey was supervised by Gary Vines, Biosis Pty Ltd.

For the purpose of the Standard Assessment, the Activity Area was considered as a single survey units (Table 5). This was because of the small area covered, the minimal visibility and the level of disturbance evident.

Table 5 Description of survey units in the Activity Area

Survey Unit	Land Use	Features	Size (m ²)
1	Wharf shed and roadway	Landscaped concrete and stone paving	3,800

The Standard Assessment was completed by opportunistic inspection of surface features with the intention of assessing relative levels of constructed ground surfaces, with adjacent roadways and river bank, that might be used to determine the potential depth of fill on the site. The entire Activity Area was surveyed.

Photographic views of the Activity Area were recorded using Nikon AW 120 camera. Field notes were also taken recording ground conditions, the vegetation type, landform and details of areas of archaeological potential for Aboriginal cultural heritage.

There were no mature indigenous trees or other features likely to contain Aboriginal cultural heritage.

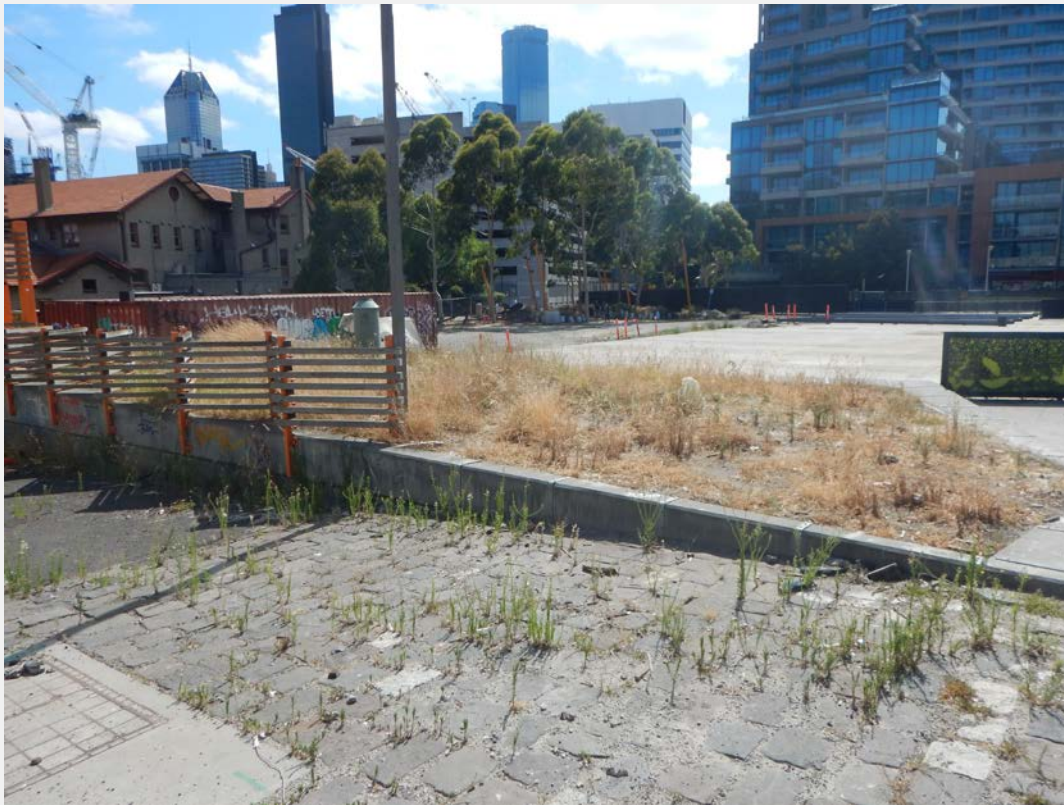
Following the completion of the ground survey, discussions were held with the Aboriginal representatives to establish cultural heritage management requirements for the Activity Area including whether a Complex Assessment was required. Oral history was also recorded from Ron Jones which has been included within Appendix 4 .

8.3 Results

During the Survey all parts of the Activity Area were accessible and visible. Conditions were fine and sunny. No natural ground surfaces were visible and no Aboriginal cultural heritage or areas of archaeological potential were noted. The following tables document the method and results of the survey.

Table 6 Survey unit 1

Survey team	
Heritage advisor	Gary Vines
Aboriginal representatives	Ron Jones Wurundjeri James Hughes Bunurong Lakeisha Clayton Bunurong
Methodology	
Survey method	Opportunistic
Conditions/ constraints	The entire Activity Area was covered in concrete, bluestone paving or hard landscaping. Therefore the survey was confined to confirmation that natural intact ground surfaces were not visible.
Attributes	
Description	The concrete slab of the former Wharf Shed No 4 comprises the main part of the Activity Area, with re-laid bluestone paving to the north, and then concrete and bitumen paving to the northern boundary of the Activity Area. A stand of planted native trees is in the north east corner of the Activity Area and a raised planter box with other small planted trees is located on the eastern edge. A temporary structure that is part of former landscaping is located on the western edge of the Activity Area.
Landform	The natural landform would have been alluvial sediments forming an elevated river bank, probably with mud flats at low tide and gradually rising towards the north. The current landform is a relatively flat area of artificial ground surfaces about 2.5 metres above sea level.



Photograph 2 Typical landforms within the Activity Area (facing north east)

Slope	level
Soil	Not visible, but presumably if present, comprises Coode Island Silt (as demonstrated by geotechnical investigations, see Section 7.6.1)
Proximity to fresh water	Prior to removal of the Falls – 875 metres to above the falls, or 1.3 km to Elizabeth St creek
Vegetation	Planted trees and weeds
Mature trees	none
Caves or rock shelters	none
Previous and current land use	Wharf, sheds and paved roadways since 1850s, last reconstructed in 1950s. Modern development and landscaping. Use as construction compound for adjacent Riverlee development
Ground disturbance	Excavations for underground services, drains, piling, base for concrete slabs and bluestone and bitumen paving

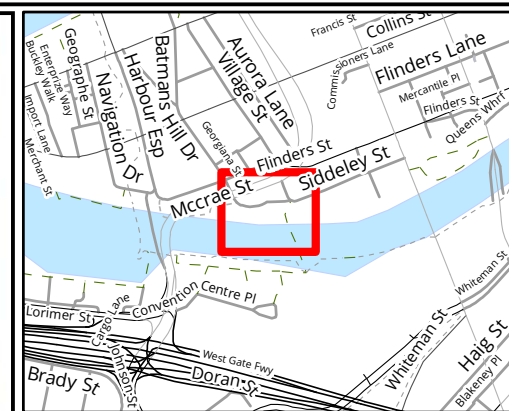
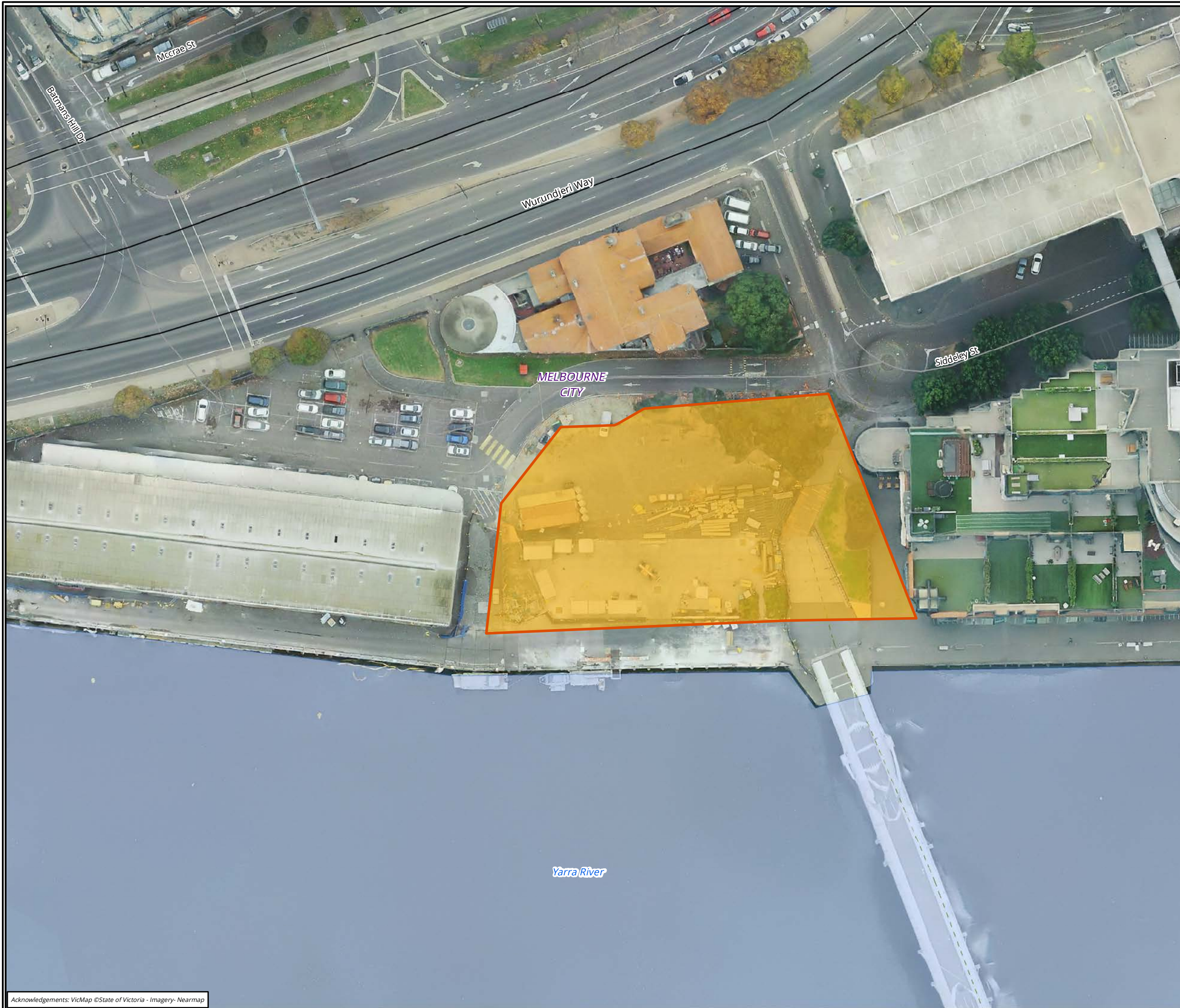


Photograph 3 Typical ground surface visibility. Concrete and bluestone paving with recent gravel overaly in foreground.

Assessment of archaeological potential

Archaeological potential depends on the likelihood that natural ground surfaces survive beneath the later layers of fill. For this to be present, the original topsoil would have had to be left intact, which is unlikely given the early date and extent of modification of the land form in this area. This has been demonstrated within the Land Use History completed as part of Section 7.7. The presence of natural topsoils was not noted within the geotechnical results of Section 7.6.1.

This section of the Yarra River may have been a location used for resource gathering – such as reeds on the bank, fishing or trapping bird life, but is unlikely to have been a regular camp site due to the absence of fresh water and better locations above the falls and near the Elizabeth St Creek.

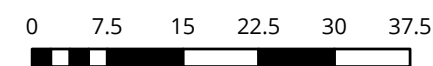


Legend

- Activity Area
- Area surveyed

Map 4 Standard Assessment - area surveyed

100% actual survey coverage
0% effective survey coverage
due to non-natural land
surfaces



Metres
Scale: 1:750 @ A3
Coordinate System: GDA 1994 MGA Zone 55

biosis
Biosis Pty Ltd
Albury, Ballarat, Melbourne,
Newcastle, Sydney, Wangaratta & Wollongong

Matter: 28959, CHMP No. 16265
Date: 14 March 2019,
Checked by: ESW, Drawn by: AEDM, Last edited by: amurray
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28959_M4_StandardAssessment.mxd

8.4 Conclusions from the Standard Assessment

The Activity Area currently comprises a landscaped park with small areas of open grass, paved surfaces and other hard landscaping, as well as remnants of the former No 4 Berth North Wharf. This includes the reconstructed timber wharf apron, with concrete slab from the base of the No 4 Wharf Shed, and re-laid bluestone cobble roadway on the north of the former shed site. The northern edge of the Activity Area comprises paved roadway, concrete kerb and channel and footpaths that form the western end of Siddeley Street.

As no natural ground surface was present, there was no potential for Aboriginal cultural heritage to be identified. It is unlikely Aboriginal Cultural Heritage will be impacted by the Activity. Following Regulation 64, no Complex Assessment is therefore required.

Oral History was recorded and a full transcription is presented in Appendix 4. Ron Jones provided the following information during the site inspection at on 23 January 2019 to Gary Vines. Gary Vines asked if there was any oral history or other historic information relevant to the Activity Area that the Traditional Owners wished to share. Ron Jones of the Wurundjeri offered the following information:

- Wurundjeri has engaged an anthropologist, Toney Jeffries, to undertake research for family and community history.
- Travel routes of Aboriginal people before Europeans arrived were determined by the rivers. The rock falls on the Yarra were where they could cross. They could not cross the river further down because of the swamps and the deep and wide channel near the mouth of the river into the Bay. The Maribyrnong could only be crossed by a ford further up near Braybrook [Solomon's Ford?]. This meant that there was not a track along the coast and travel routes did not go down into Fishermans Bend, but came across the river and through the present CBD area.
- William Cooper worked on the Wharves and was just one of many Aboriginal People who gained a living in this environment. The wharf work was among the few regular paid work opportunities available to Aboriginal People in the Melbourne area. Men would wait around the stevedore's and transport companies offices to be allocated work each day. They were called by their registration numbers and would be transported by bus to the relevant wharf in the docks.
- Ron Jones is a descendent from the Wandin family of Wurundjeri people and accounted his family connections and relationships to the Wandin descent line.
- A number of Aboriginal people worked in the ports and harbour areas over a long period. These included the Bucks family, including Eddy Bucks and his brother from Shepparton who worked on the Harbour Trust dredge.
- Ted Bull was the secretary of the wharfies union (the Waterside Workers Federation) in the 1960s, which actively recruited Aboriginal people for work on the wharves (he led the waterside workers in support of many non-industrial causes, including Aboriginal land rights).
- Teddy Smith was a member of the Wandin Family and second cousin to Ron Jones (his mother was Ron's grandmothers sister), He worked on the Melbourne Harbour Trust Transport Section.
- Ron worked for 12 months for the Harbour Trust driving trucks for 'loose cargoes', and then spent much of his life driving trucks and so carried goods to and from the docks on many occasions.

9 Details of Aboriginal cultural heritage in the Activity Area

The following section contains the information on the Aboriginal places found, discovered or subject to assessment. The information was prepared in accordance with Clause 8 and 11, Schedule 2 of the *Aboriginal Heritage Regulations 2018*.

9.1 Assessment of the Aboriginal cultural heritage

No Aboriginal cultural heritage has been identified in the Activity Area either prior to or during the assessment. As the Activity Area did not have access to fresh water (which was available about a kilometre upstream at the former rock falls on the Yarra or near Elizabeth Street (Williams Creek)), it is unlikely to have been a regular camping place for Aboriginal people, but may have been used sporadically as a fishing or foraging place.

Therefore it is considered to unlikely Aboriginal cultural heritage is present and/or is likely to be impacted by the Activity.

A Standard Assessment was carried out in order to engage Aboriginal Traditional Owners and examine the present character of the Activity Area. However, the Activity Area is highly modified with concrete and stone paving and constructed wharf and other structures which precludes identification of any Aboriginal cultural heritage. Undertaking a Complex Assessment is not required, because of the nature of the constructed surfaces and the intention that the Activity will be undertaken within the disturbed and constructed layers, and so would not impact on any potential buried Aboriginal cultural heritage.

9.2 Traditional Owner information about Aboriginal cultural heritage

A copy of the draft CHMP, was forwarded to the Traditional Owner Groups on 25 March 2019, requesting any Traditional Owner information that may be relevant to the preparation or outcome of the CHMP.

Ron Jones provided oral history testimony during the Standard Assessment. A summary of this is included in Appendix 5.

10 Consideration of Section 61 matters – Impact Assessment

10.1 Section 61 matters in relation to Aboriginal places

In accordance with Section 61 of the *Aboriginal Heritage Act 2006*, a CHMP must consider whether the activity will be conducted in a way that avoids harm to Aboriginal cultural heritage.

No Aboriginal cultural heritage was identified within the current Activity Area therefore there will be no impacts to Aboriginal places or any cumulative impacts on Aboriginal cultural heritage in the Activity Area.

10.2 What are the cumulative impacts on Aboriginal cultural heritage in the Activity Area?

The geographic region comprising the Docklands, Fishermans Bend, the Melbourne CBD and Southbank areas, has been extensively altered through historical development. more than 99% of the natural landscape has either been excavated, buried under metres of fill or built upon.

No Aboriginal Cultural Heritage has been identified in the Activity Area and it is considered unlikely that Aboriginal occupation has resulted in the deposition of cultural material, and even more unlikely that such material may have survived the process of historical development or survive the depths proposed to be impacted by the proposed Activity.

Aboriginal cultural values in this area were therefore restricted to intangible heritage. While further development of this area will result in additional changes to the landscape, these are not considered to contribute to a significant cumulative impact due to the pre-existing artificial conditions. Cumulative impacts on Aboriginal cultural heritage in the Activity Area are therefore considered to be minimal.

10.3 Are there particular contingency plans that might be necessary?

In accordance with Section 61 of the *Aboriginal Heritage Act 2006*, a CHMP must consider contingency plans in relation to disputes, delays and obstacles that may affect the conduct of the activity and relating to the custody and management of Aboriginal cultural heritage during the course of the activity.

The contingencies are presented in full in Section 2.

10.4 What custody and management arrangements might be needed?

In accordance with Section 61 of the *Aboriginal Heritage Act 2006*, a CHMP must consider requirements relating to the custody and management of Aboriginal cultural heritage during the course of the activity. Custody and management of any discovered or identified Aboriginal cultural heritage during the course of the Activity is subject to contingency plans detailed in Section 2.

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Appendix 1 Notice of intention to prepare a CHMP

Notice of Intent to prepare a Cultural Heritage Management Plan for the purposes of the *Aboriginal Heritage Act 2006*

This form can be used by the Sponsor of a Cultural Heritage Management Plan to complete the notification provisions pursuant to s.54 of the *Aboriginal Heritage Act 2006* (the "Act").

For clarification on any of the following please contact Victorian Aboriginal Heritage Register (VAHR) enquiries on 1800-726-003.

SECTION 1 - Sponsor information

Sponsor:	City of Melbourne		
ABN/ACN:	55 370 219 287		
Contact Name:	Tim Lolicato		
Postal Address	GPO Box 1603, Melbourne 3001		
Business Number:	(03) 9658 7803	Mobile:	
Email Address:	tim.lolicato@melbourne.vic.gov.au		

Sponsor's agent (if relevant)

Company:			
Contact Name:			
Postal Address			
Business Number:		Mobile:	
Email Address:			

SECTION 2 - Description of proposed activity and location

Project Name:	Seafarers Rest North Wharf Park, 731-739 Flinders Street, Docklands
Municipal district:	Melbourne City Council

Clearly identify the proposed activity for which the cultural heritage management plan is to be prepared (ie. Mining, road construction, housing subdivision)

Minor sports and recreation facility

SECTION 3 - Cultural Heritage Advisor

Elise Nuridin	Biosis	enuridin@biosis.com.au
<i>Name</i>	<i>Company</i>	<i>Email address</i>

SECTION 4 - Expected start and finish date for the cultural heritage management plan

Start Date:	12-Dec-2018	Finish Date:	13-Dec-2019
-------------	-------------	--------------	-------------

SECTION 5 - Why are you preparing this cultural heritage management plan?



A cultural heritage management plan is required by the Aboriginal Heritage Regulations 2007

What is the high Impact Activity as it is listed in the regulations?

Minor sports and recreation facility

Is any part of the activity an area of cultural heritage sensitivity, as listed in the regulations? Yes



Other Reasons (Voluntary)



An Environment Effects Statement is required



A Cultural Heritage Management Plan is required by the Minister for Aboriginal Affairs.



An Impact Management Plan or Comprehensive Impact Statement is required for the activity

SECTION 6 - List the relevant registered Aboriginal parties (if any)

This section is to be completed where there are registered Aboriginal parties in relation to the management plan.

SECTION 7A - List the relevant Aboriginal groups or Aboriginal people with whom the Sponsor intends to consult (if any)

*This section is to be completed only if the proposed activity in the management plan is to be carried out in an area where there is **no Registered Aboriginal Party**.*

Boon Wurrung Foundation Limited

Bunurong Land Council Aboriginal Corporation

Wurundjeri Land and Compensation Cultural Heritage Council Aboriginal Corporation

SECTION 7B - Describe the intended consultation process (if any)

*This section is to be completed only if the proposed activity in the management plan is to be carried out in an area where there is **no Registered Aboriginal Party**.*

Boon Wurrung Foundation Limited, Bunurong Land Council Aboriginal Corporation and Wurundjeri Land and Compensation Cultural Heritage Council Aboriginal Corporation will be consulted throughout the life of the project, in the form of meetings and participation in fieldwork.

SECTION 8 – State who will be evaluating this plan (mandatory)

The plan is to be evaluated by:



A Registered Aboriginal Party **AND / OR**



The Secretary **AND / OR**



The Council

SECTION 9 – Preliminary Aboriginal Heritage Tests (PAHTs)

List the Reference Number(s) of any PAHTs conducted in relation to the proposed activity:

SECTION 10 - Notification checklist

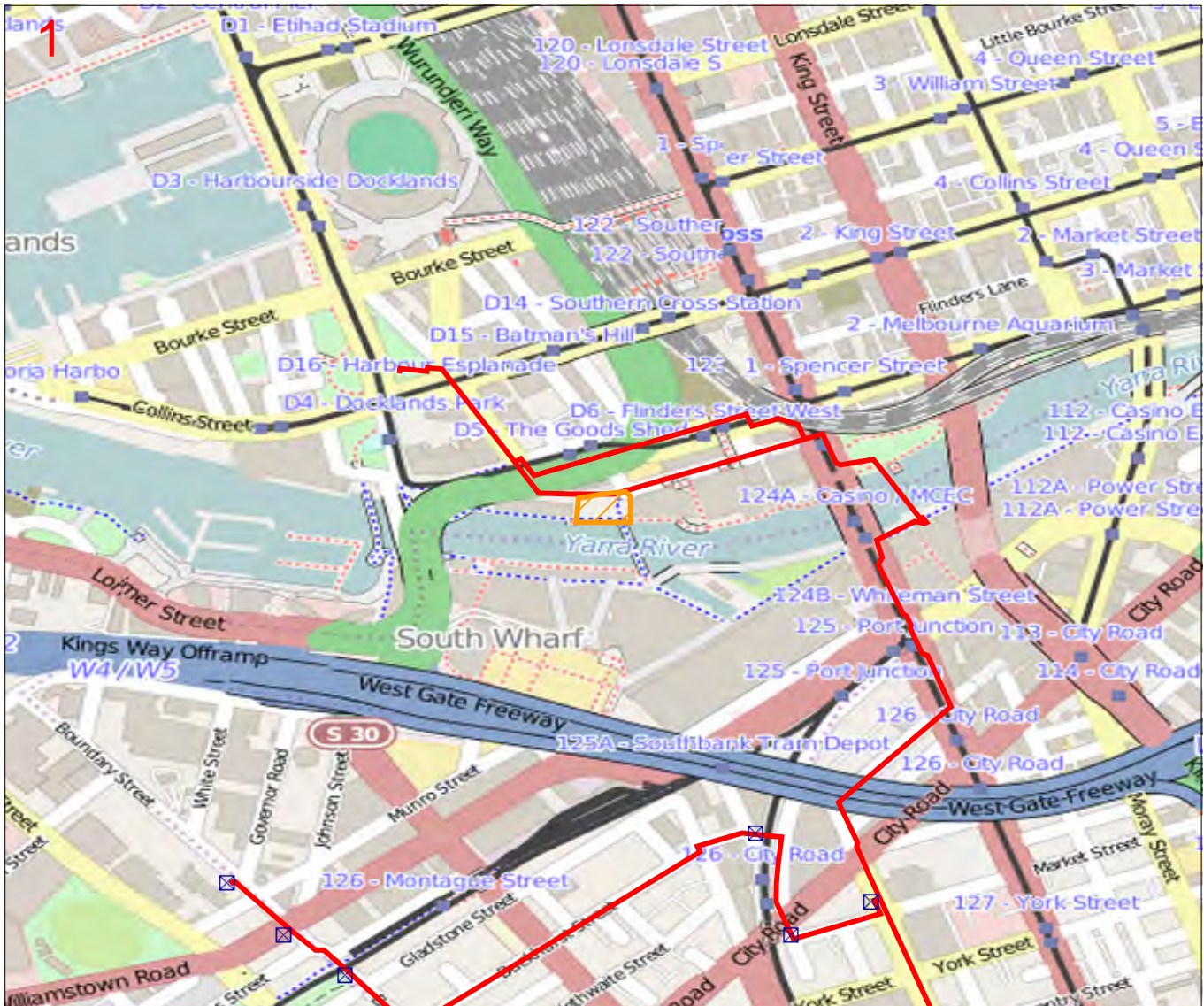
Ensure that any relevant registered Aboriginal party/ies is also notified. A copy of this notice with a map attached may be used for this purpose.

(A registered Aboriginal party is allowed up to 14 days to provide a written response to a notification specifying whether or not it intends to evaluate the management plan.)

In addition to notifying the Deputy Director and any relevant registered Aboriginal party/ies, a Sponsor must also notify any owner and/or occupier of any land within the area to which the management plan relates. A copy of this notice with a map attached may be used for this purpose.

Ensure any municipal council, whose municipal district includes an area to which the cultural heritage management plan relates, is also notified. A copy of this notice, with a map attached, may also be used for this purpose.

Appendix 2 Dial Before You Dig Results



Legend

- DBYD Requests
- APA Group Pipelines
- APA Group Associated Infrastructure

Scale: 1: 10000

0 0.1km



APA DBYD Transmissions

Dial Before You Dig Enquiry

DATE: 12/12/2018

SEQUENCE NO: 78494957

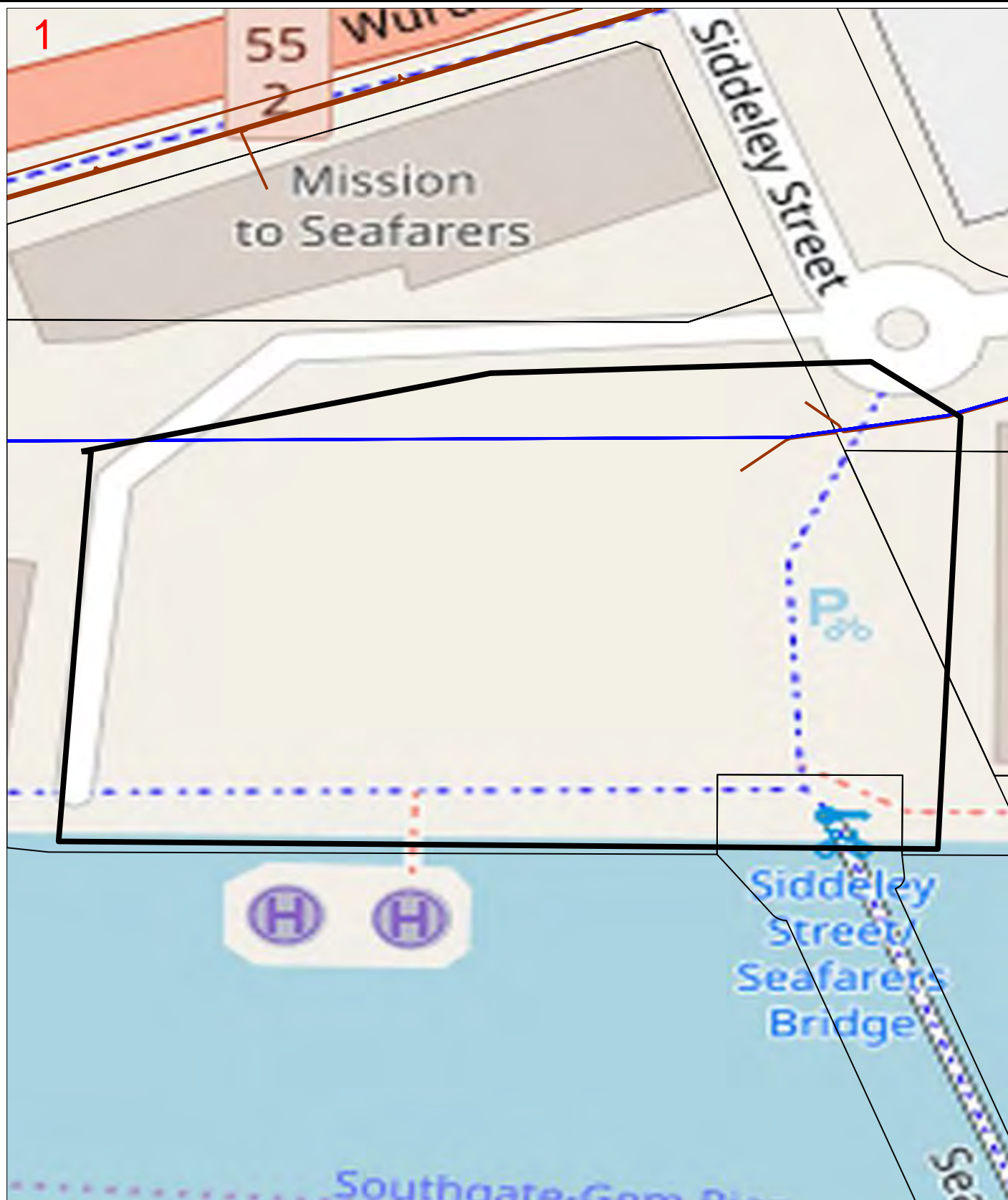
DATA SOURCE:

Pipeline Data Copyright APA Group,
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Governments, mapping data Copyright
[OpenStreetMap](https://www.openstreetmap.org/) contributors, DBYD Dig
Location provided by DBYD.



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MAP IS A GUIDE ONLY- REFER TO CABLE PLANS FOR ACCURATE ASSET LOCATIONS**LEGEND:**

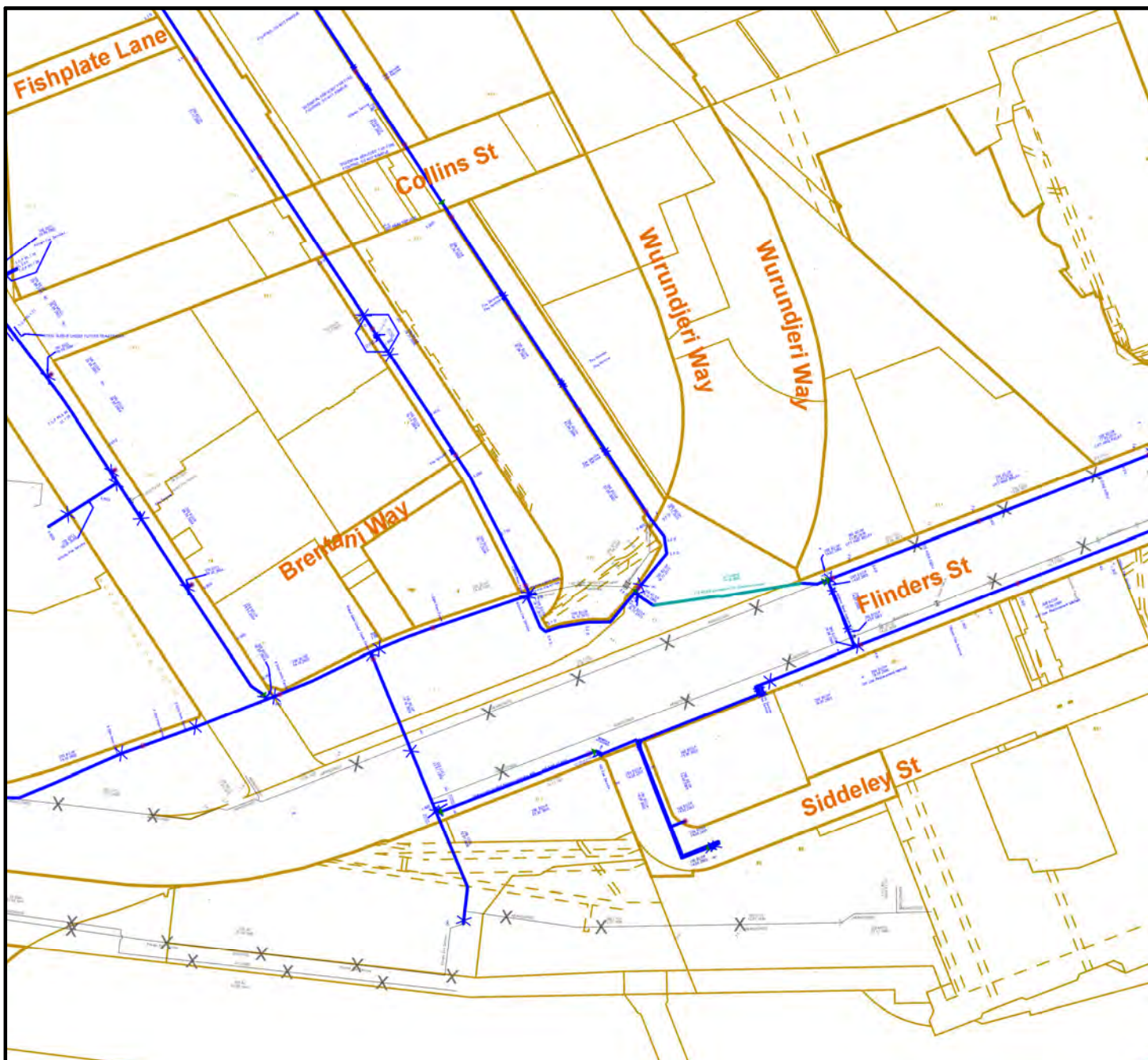
DBYD Work Area	SWER Substation	High Voltage Cable	Communication Cable	Pole (Subtransmission)	Pole (LV)
Zone Substation	Distribution Substation	Low Voltage Cable	Earth Cable	Pole (HV)	Property Boundary

This map represents the location of the submitted DBYD Work Area and all CitiPower/Powercor responses are based on this location. It is the responsibility of the enquirer to ensure the accuracy of the DBYD Work Area.

0 0.006km



Imagery sourced from Open StreetMaps



MOCS SEQUENCE No. 15456104:78494959

731 Flinders Street, Docklands VIC 3008

Melway Reference: 43E10

WATER PLAN

Scale 1: 2577

Date: 12/12/2018



City West Water



LEGEND

Water Main		Valve (or Stop Cock)		Hydrant – City West Water		Hydrant – Valve Controlled	
Transfer Water Main		Air Valve, Shut Valve		Hydrant – Council		Fireplug – Valve Controlled	
Recycled Water Main		Pressure Reducing Valve		Hydrant – Council/ Water Authority		Chlorination Installation	
Abandoned Water Main		Needle Valve, Altitude Valve		Fireplug – City West Water		Electrolysis Installation	
Offset of Water Main		Pressure Sustaining Valve		Fireplug – Council		Recorder – Depth, Pressure, Flow	
Pipe Diameter, Type	100 CICL	Scour, Pumping Point		Fireplug – Council/ Water Authority		Dialysis	
Pipe Construction Date	01.01.1900	Manhole		Washout		Insulating Joint	
		Reducer or Taper		Washout – Valve Controlled			

Assets labelled AC may contain asbestos material and therefore works on these assets must be undertaken in accordance with OHS Regulations 2007 (Part 4.3).

Disclaimer : The location of assets must be proved in the field by the applicant prior to the commencement of work. These plans do not indicate private services. City West Water Corporation does not guarantee and makes no representation or warranty as to the accuracy or scale of this plan. This company accepts no liability for any loss, damage or injury by any person as a result of any inaccuracy in this plan.



MOCS SEQUENCE No. 15456104:78494959

731 Flinders Street, Docklands VIC 3008

Melway Reference: 43E10

SEWER PLAN

Scale 1: 2577

Date: 12/12/2018

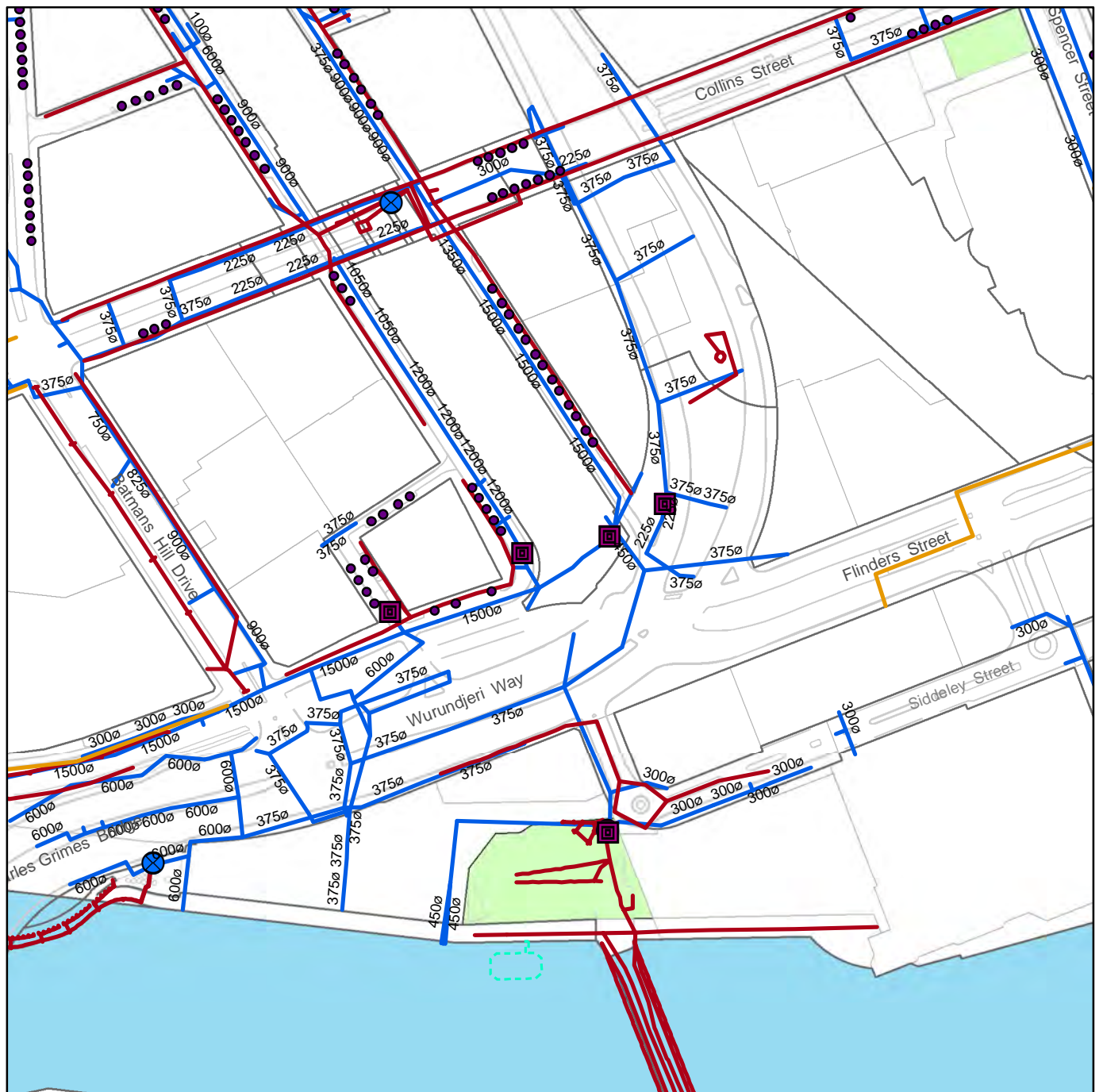


LEGEND

Access Shaft		Inspection Shaft		Sewer Main	
Circular Manhole		Circular Pump Well		Abandoned Sewer Main	
Gas Check Manhole		Vent In-Ground		Direction of Flow	
Square Manhole		End of Pipe		Ventilation Structure	
Rectangular Manhole		Pipe Junction		Change of Grade	
Chambered Manhole		Long Branch Reducer			

Assets labelled AC may contain asbestos material and therefore works on these assets must be undertaken in accordance with OHS Regulations 2007 (Part 4.3).

Disclaimer : The location of assets must be proved in the field by the applicant prior to the commencement of work. These plans do not indicate private services. City West Water Corporation does not guarantee and makes no representation or warranty as to the accuracy or scale of this plan. This company accepts no liability for any loss, damage or injury by any person as a result of any inaccuracy in this plan.



Title
CITY OF MELBOURNE
ENGINEERING SERVICES BRANCH
UNDERGROUND ASSETS AND
SERVICES INFORMATION

Melway Reference **43E10**

Date 9/12/2018

Map Scale 0 20 40 80 m

DISCLAIMER:

The location of underground assets and services is approximate and their position and existence should be proven on site by hand excavation. No guarantee is given that all existing assets and services are shown.

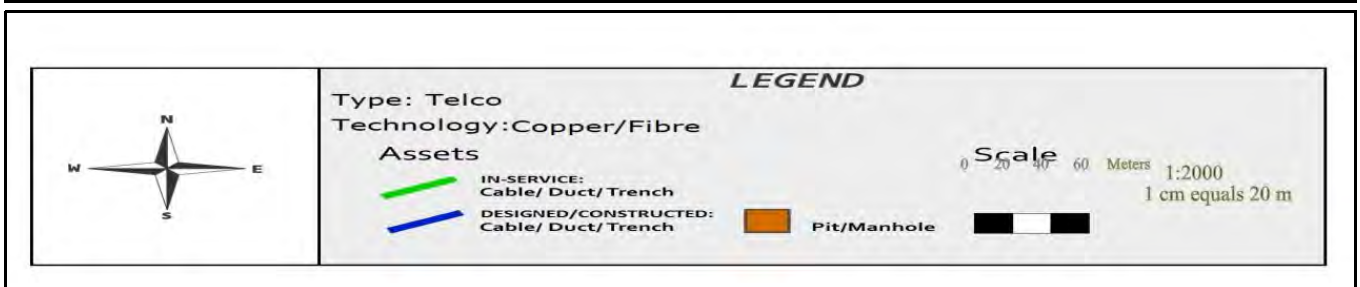
LEGEND

- Pipe Diam. ø
- U/G Litter Trap
- Optic Fibre Conduit
- Irrigation Controller
- In-Ground Sensor
- Underground Structure
- Electrical Conduit
- Drainage Pipe

WARNING:

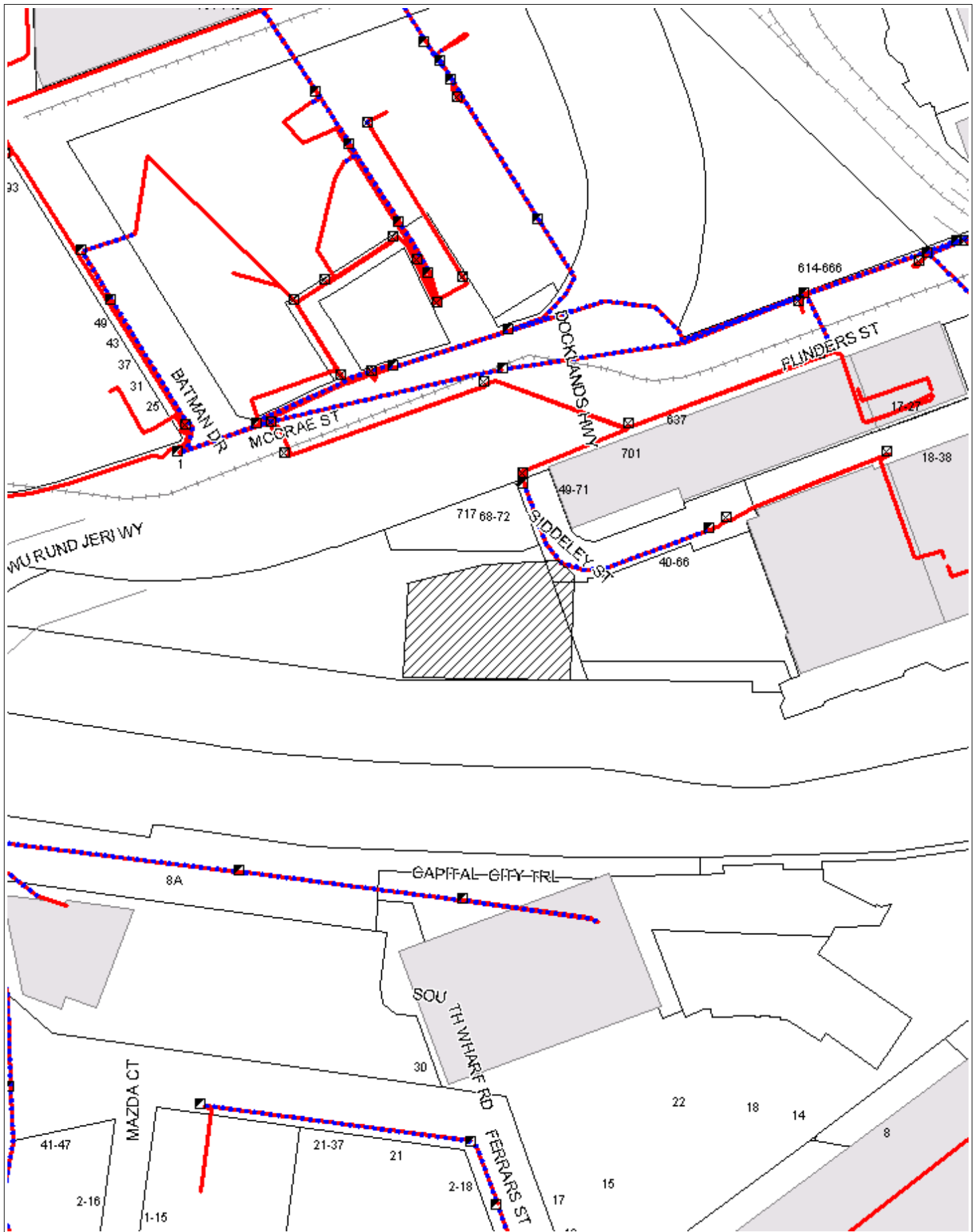
Council owned electrical cables may be present in the Docklands and Southbank areas.
 Dig with care.
 Contact: Engineering Services on (03) 9658 8711





Emergency Contacts

You must immediately report any damage to **nbn™** network that you are/become aware of. Notification may be by telephone - 1800 626 329.



WARNING: This document is confidential and may also be privileged. Confidentiality nor privilege is not waived or destroyed by virtue of it being transmitted to an incorrect addressee. Unauthorised use of the contents is therefore strictly prohibited. Any information contained in this document that has been extracted from our records is believed to be accurate, but no responsibility is assumed for any error or omission. Optus Plans and information supplied are valid for 30 days from the date of issue. If this timeline has elapsed please raise a new enquiry.

Sequence Number: 78494956

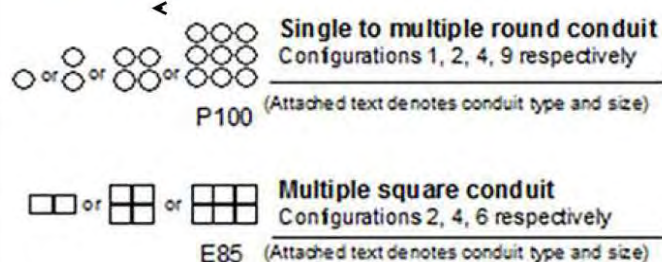
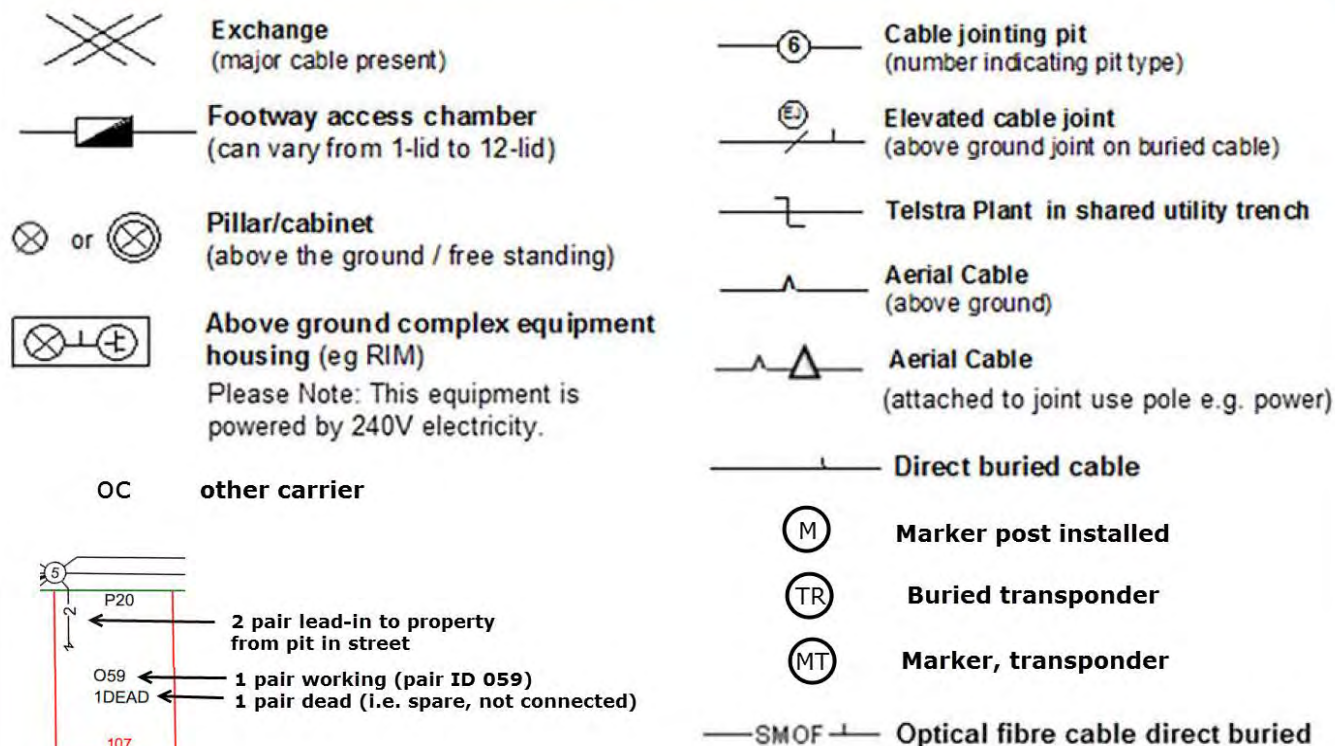
Date Generated: 12/12/2018



For all Optus DBYD plan enquiries –
Email: Fibre.Locations@optus.net.au
For urgent onsite assistance contact 1800 505 777
Optus Limited ACN 052 833 208



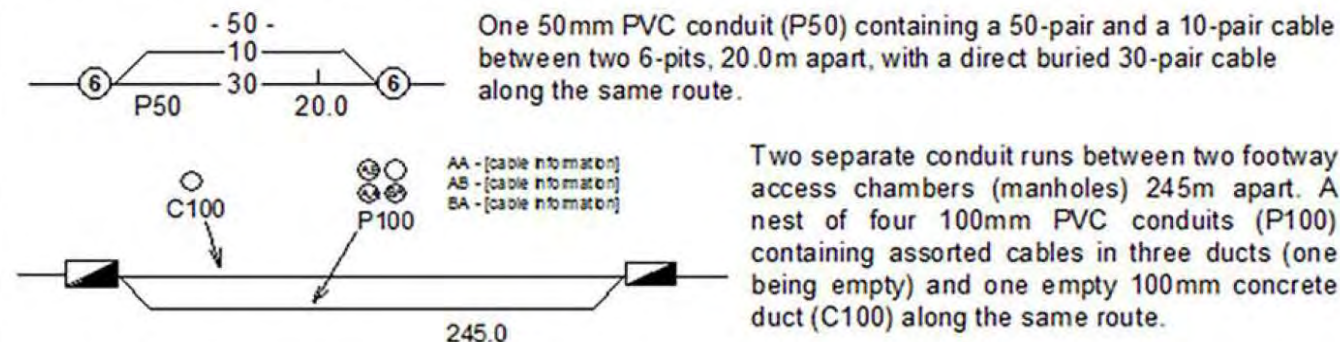
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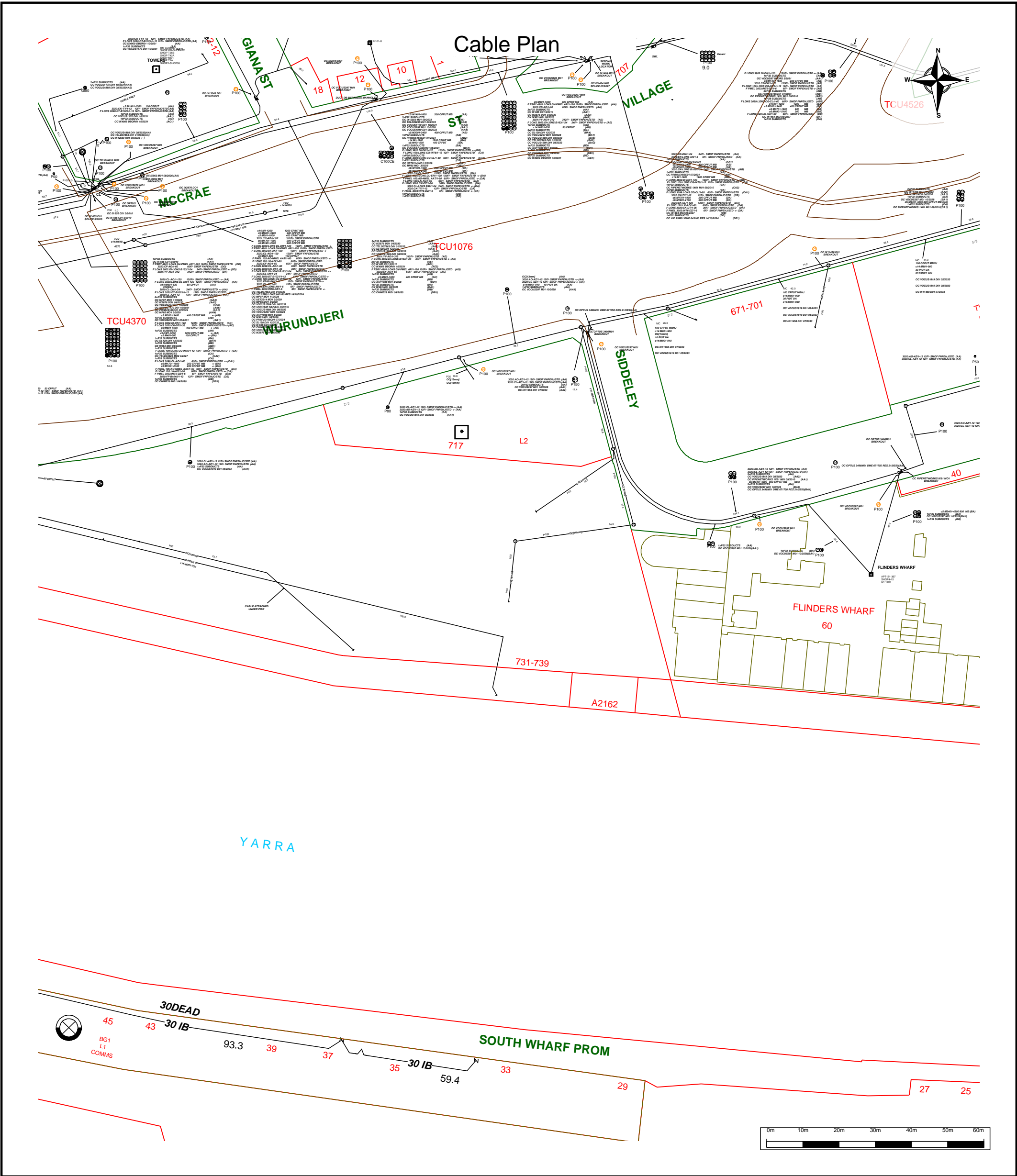
Some examples of conduit type and size:
A - Asbestos cement, P - PVC / plastic, C - Concrete, GI - Galvanised iron, E - Earthenware.
Conduit sizes *nominally* range from 20mm to 100mm.


P50	50mm PVC conduit
P100	100mm PVC conduit
A100	100mm asbestos cement conduit
E 85	85mm square earthenware conduit

Some examples of how to read Telstra plans:



WARNING: Telstra plans and location information conform to Quality Level 'D' of the Australian Standard AS 5488 - Classification of Subsurface Utility Information. As such, Telstra supplied location information is indicative only. Spatial accuracy is not applicable to Quality Level D. Refer to AS 5488 for further details. Telstra does not warrant or hold out that its plans are accurate and accepts no responsibility for any inaccuracy shown on the plans. FURTHER ON SITE INVESTIGATION IS REQUIRED TO VALIDATE THE EXACT LOCATION OF TELSTRA PLANT PRIOR TO COMMENCING CONSTRUCTION WORK. A plant location service is an essential part of the process to validate the exact location of Telstra assets and to ensure the asset is protected during construction works. The exact position of Telstra assets can only be validated by physically exposing it. Telstra will seek compensation for damages caused to its property and losses caused to Telstra and its customers.



	<p>For all Telstra DBYD plan enquiries - email - Telstra.Plans@team.telstra.com For urgent onsite contact only - ph 1800 653 935 (bus hrs)</p>	<p>Sequence Number: 78494955</p>
<p>TELSTRA CORPORATION LIMITED A.C.N. 051 775 556</p>		<p>CAUTION: Fibre optic and/ or major network present in plot area. Please read the Duty of Care and contact Telstra Plan Services should you require any assistance.</p>
<p>Generated On 12/12/2018 14:28:32</p>		

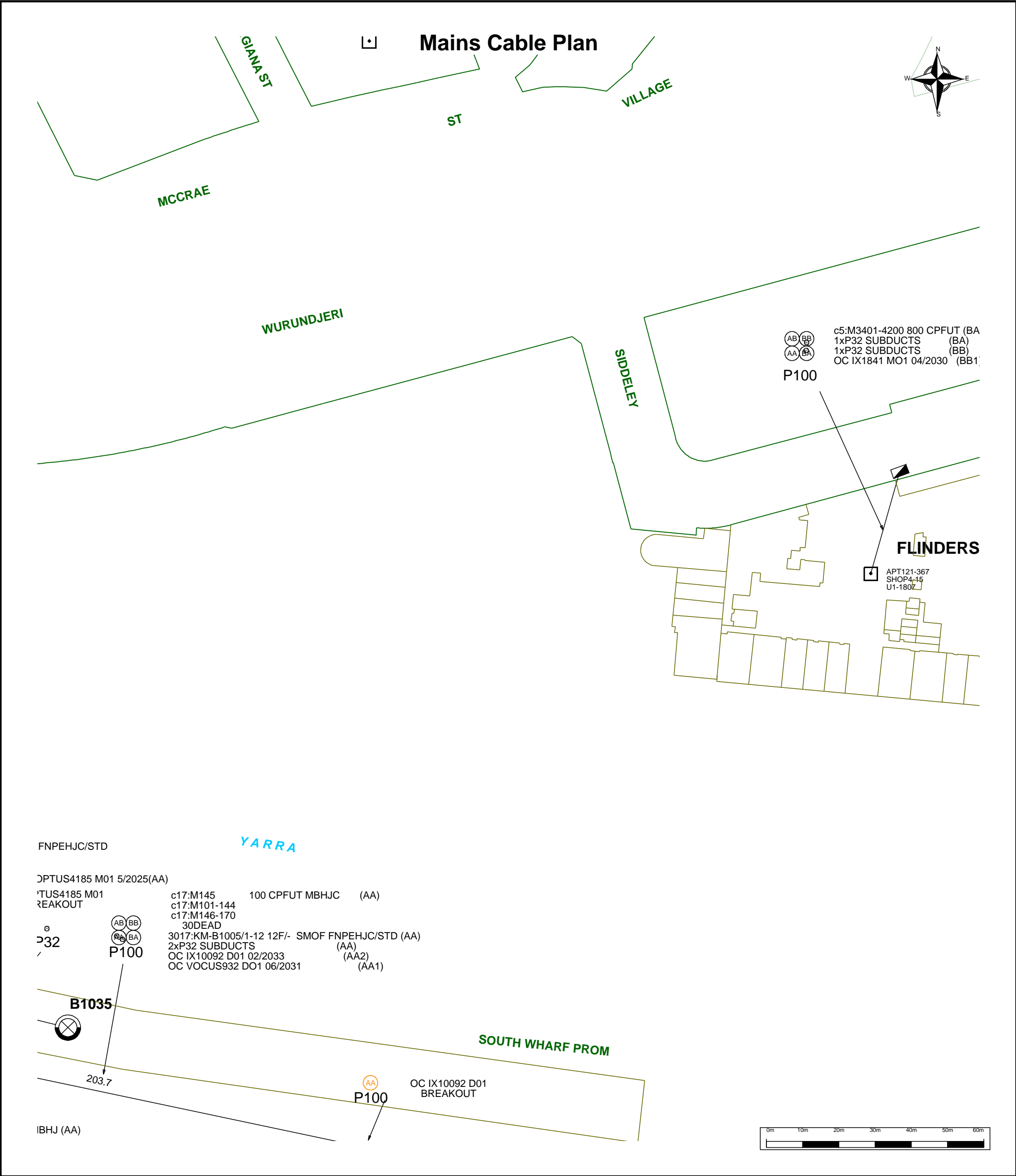
The above plan must be viewed in conjunction with the Mains Cable Plan on the following page


WARNING - Due to the nature of Telstra underground plant and the age of some cables and records, it is impossible to ascertain the precise location of all Telstra plant from Telstra's plans. The accuracy and/or completeness of the information supplied can not be guaranteed as property boundaries, depths and other natural landscape features may change over time, and accordingly the plans are indicative only. Telstra does not warrant or hold out that its plans are accurate and accepts no responsibility for any inaccuracy shown on the plans.

It is your responsibility to locate Telstra's underground plant by careful hand pot-holing prior to any excavation in the vicinity and to exercise due care during that excavation.

Please read and understand the information supplied in the duty of care statement attached with the Telstra plans. TELSTRA WILL SEEK COMPENSATION FOR LOSS CAUSED BY DAMAGE TO ITS PLANT.

Telstra plans and information supplied are valid for 60 days from the date of issue. If this timeframe has elapsed, please reapply for plans.



	For all Telstra DBYD plan enquiries - email - Telstra.Plans@team.telstra.com For urgent onsite contact only - ph 1800 653 935 (bus hrs)	Sequence Number: 78494955
	TELSTRA CORPORATION LIMITED A.C.N. 051 775 556	CAUTION: Fibre optic and/ or major network present in plot area. Please read the Duty of Care and contact Telstra Plan Services should you require any assistance.
	Generated On 12/12/2018 14:28:33	

Appendix 3 Glossary

The glossary provides definitions of various terms used in this CHMP. There is often a degree of confusion about the use of terms such as *heritage place*, *historical place*, *archaeological place*. The definitions of these terms, as used in this report, have been included in the glossary. The term used most consistently is *heritage place*. For the purpose of discussion in this plan 'heritage place' can be subdivided into Aboriginal place and Historic place.

Heritage place: A place that has aesthetic, historic, scientific or social values for past, present or future generations – '...this definition encompasses all cultural places with any potential present or future value as defined above' (Pearson & Sullivan, 1995, p. 7).

Aboriginal place: Aboriginal place is defined under Section 5 of the *Aboriginal Heritage Act 2006* as follows:

5 What is an Aboriginal place?

- (1) For the purposes of this Act, an Aboriginal place is an area in Victoria or the coastal waters of Victoria that is of cultural heritage significance to the Aboriginal people of Victoria.
- (2) For the purposes of subsection (1), *area* includes any one or more of the following—
 - (a) an area of land;
 - (b) an expanse of water;
 - (c) a natural feature, formation or landscape;
 - (d) an archaeological place, feature or deposit;
 - (e) the area immediately surrounding anything referred to in paragraphs (c) and (d), to the extent that it cannot be separated from the thing without diminishing or destroying the cultural heritage significance attached to the thing by Aboriginal people;
 - (f) land set aside for the purpose of enabling Aboriginal human remains to be re-interred or otherwise deposited on a permanent basis;
 - (g) a building or structure.

Alluvial terrace: a platform created from deposits of alluvial material along river banks.

Angular fragment: a piece of stone that is blocky or angular, not flake-like.

Archaeology: the study of the remains of past human activity.

Artefact scatter: a surface scatter of cultural material. Aboriginal artefact scatters are defined as being the occurrence of five or more items of cultural material within an area of about 100 square metres. Artefact scatters are often the only physical remains of places where people have lived camped, prepared and eaten meals and worked.

Backed piece: a flake or blade that has been abruptly retouched along one or more margins opposite an acute (sharp) edge. Backed pieces include backed blades and geometric microliths. They are thought to have been hafted onto wooden handles to produce composite cutting tools. Backed pieces are a feature of the 'Australian small tool tradition', dating from between 5,000 and 1,000 BP in southern Australia (Holdaway & Stern, 2004).

Blade: a flake at least twice as long as it is wide.

Burial place: usually a sub-surface pit containing human remains and sometimes associated artefacts.

Contact place: see 'Aboriginal historical archaeological place'.

Core: an artefact from which flakes have been detached using a hammerstone. Core types include single platform, multi-platform and bipolar forms.

Cortex: original or natural (unflaked) surface of a stone.

Cortical: refers to the cortex.

Flake: a stone piece removed from a core by percussion (striking it) or pressure. It is identified by the presence of a striking platform and bulb of percussion, not usually found on a naturally shattered stone.

Flaked piece: a piece of stone with definite flake surfaces, which cannot be classified as a flake or core.

Formal tool: an artefact that has been shaped by flaking, including retouch, or grinding to a predetermined form for use as a tool. Formal tools include scrapers, backed pieces and axes.

Geocentric Datum of Australia 1994 (GDA94): a system of latitudes and longitudes, or east and north coordinates, centred at the centre of the earth's mass. GDA94 is compatible with modern positioning techniques such as the Global Positioning System (GPS). It supersedes older coordinate systems (AGD66, AGD84). GDA94 is based on a global framework, the IERS Terrestrial Reference Frame (ITRF), but is fixed to a number of reference points in Australia. GDA94 is the Victorian Government Standard and spatial coordinates for excavations, transects and places in CHMP documents.

Geometric microlith: a small tool that has been fashioned from breaking apart a microblade. The piece is then retouched or backed and a small tool formed.

Grindstones: upper (handstone) and lower (basal) stones used to grind plants for food and medicine and/or ochre for painting. A handstone sometimes doubles as a hammerstone and/or anvil.

Hearth: usually a sub-surface feature found eroding from a river or creek bank or a sand dune - it indicates a place where Aboriginal people cooked food. The remains of a hearth are usually identifiable by the presence of charcoal and sometimes clay balls (like brick fragments) and hearth stones. Remains of burnt bone or shell are sometimes preserved within a hearth.

Isolated artefact: the occurrence of less than five items of cultural material within an area of about 100 square metres. It/they can be evidence of a short-lived (or one-off) activity location, the result of an artefact being lost or discarded during travel, or evidence of an artefact scatter that is otherwise obscured by poor ground visibility.

Manuport: foreign fragment, chunk or lump of stone that shows no clear signs of flaking but is out of geological context and must have been transported to the place by people.

Map Grid of Australia (MGA): The official coordinate projection for use with the Geocentric Datum of Australia 1994 (GDA94).

Mound: these places, often appearing as raised areas of darker soil, are found most commonly in the volcanic plains of western Victoria or on higher ground near bodies of water. The majority were probably formed by a slow build-up of debris resulting from earth-oven cooking; although some may have been formed by the collapse of sod or turf structures.

Percussion: the act of hitting a core with a hammerstone to strike off flakes.

Platform preparation: removal of small flake scars on the dorsal edge of a flake, opposite the bulb of percussion. These overhang removal scars are produced to prevent a platform from shattering.

Pre-contact: before contact with non-Aboriginal people.

Post-contact: after contact with non-Aboriginal people.

Quarry (stone/ochre source): a place where stone or ochre is exposed and has been extracted by Aboriginal people. The rock types most commonly quarried for artefact manufacture in Victoria include silcrete, quartz, quartzite, chert and fine-grained volcanics such as greenstone.

Rejuvenation flake: a flake that has been knapped from a core solely for the purpose of preparing a new platform and making it easier to get flakes off a core, as it reduces the angle between platform and core surface.

Retouch: a flake, flaked piece or core with intentional secondary flaking along one or more edges.

Rock art: 'paintings, engravings and shallow relief work on natural rock surfaces' (Rosenfeld, 1988, p. 1). Paintings were often produced by mineral pigments, such as ochre, combined with clay and usually mixed with water to form a paste or liquid that was applied to an unprepared rock surface. Rock engravings were made by incising, pounding, pecking or chiselling a design into a rock surface. Rare examples of carved trees occasionally survive.

Rock shelter: may contain the physical remains of camping places where people prepared meals, flaked stone, etc. They are often classed as a different type of place due to their fixed boundaries and greater likelihood of containing sub-surface deposits. Rock shelters may also contain rock art.

Scarred tree: scars on trees may be the result of removal of strips of bark by Aboriginal people e.g. for the manufacture of utensils, canoes or for shelter; or resulting from small notches chopped into the bark to provide hand and toe holds for hunting possums and koalas. Some scars may be the result of non-Aboriginal activity, such as surveyors' marks.

Scraper: a flake, flaked piece or core with systematic retouch on one or more margins.

Shell midden: a surface scatter and/or deposit comprised mainly of shell, sometimes containing stone artefacts, charcoal, bone and manuports. These place types are normally found in association with coastlines, rivers, creeks and swamps – wherever coastal, riverine or estuarine shellfish resources were accessed and exploited.

Significance: the importance of a heritage place or place for aesthetic, historic, scientific or social values for past, present or future generations.

Striking platform: the surface of a core, which is struck by a hammerstone to remove flakes.

Structures (Aboriginal): can refer to a number of different place types, grouped here only because of their relative rarity and their status as built structures. Most structures tend to be made of locally available rock, such as rock arrangements (ceremonial and domestic), fishtraps, dams and cairns, or of earth, such as mounds or some fishtraps.

Stratified deposit: material that has been laid down, over time, in distinguishable layers.

Transect: A fixed path along which one records archaeological remains.

Utilised artefact: a flake, flaked piece or core that has irregular small flake scarring along one or more margins that does not represent platform preparation.

Appendix 4 Transcript of oral history information

Ron Jones provided the following information during the site inspection at on 23 January 2019 to Gary Vines.

Gary Vines asked if there was any oral history or other historic information relevant to the Activity Area that the Traditional Owners wished to share. Ron Jones of the Wurundjeri offered the following information:

- Wurundjeri has engaged an anthropologist, Toney Jeffries, to undertake research for family and community history.
- Travel routes of Aboriginal people before Europeans arrived were determined by the rivers. The rock falls on the Yarra were where they could cross. They could not cross the river further down because of the swamps and the deep and wide channel near the mouth of the river into the Bay. The Maribyrnong could only be crossed by a ford further up near Braybrook [Solomon's Ford?]. This meant that there was not a track along the coast and travel routes did not go down into Fishermans Bend, but came across the river and through the present CBD area.
- William Cooper worked on the Wharves and was just one of many Aboriginal People who gained a living in this environment. The wharf work was among the few regular paid work opportunities available to Aboriginal People in the Melbourne area. Men would wait around the stevedore's and transport companies offices to be allocated work each day. They were called by their registration numbers and would be transported by bus to the relevant wharf in the docks.
- Ron Jones is a descendent from the Wandin family of Wurundjeri people and accounted his family connections and relationships to the Wandin descent line.
- A number of Aboriginal people worked in the ports and harbour areas over a long period. These included the Bucks family, including Eddy Bucks and his brother from Shepparton who worked on the Harbour Trust dredge.
- Ted Bull was the secretary of the wharfies union (the Waterside Workers Federation) in the 1960s, which actively recruited Aboriginal people for work on the wharves (he led the waterside workers in support of many non-industrial causes, including Aboriginal land rights).
- Teddy Smith was a member of the Wandin Family and second cousin to Ron Jones (his mother was Ron's grandmothers sister), He worked on the Melbourne Harbour Trust Transport Section.
- Ron worked for 12 months for the Harbour Trust driving trucks for 'loose cargoes', and then spent much of his life driving trucks and so carried goods to and from the docks on many occasions.

Appendix 5 Compliance checklist

Table 7 Compliance checklist

Compliance Review Checklist		Yes	No
<i>Prior to the commencement of the activity</i>			
Has the CHMP been approved?			
Are all personnel aware of the requirements contained within the CHMP, particularly the conditions and contingencies?			
<i>During the activity</i>			
Is a copy of the CHMP held on site at all times during the activity? And accessible for all personnel?			
Is an up to date contact list for any appointed Registered Aboriginal Party, Aboriginal Victoria, a heritage advisor, Victoria Police and the State Coroner's Office available on site?			
Is there a register for all questions and complaints? Has the register been updated with any response/action?			
<i>Discovery of Aboriginal cultural heritage during the activity</i>			
Has any Aboriginal cultural heritage been discovered during the activity? If yes, have the following been undertaken:			
	Have all works ceased within 10 metres of the discovery location(s)?		
	Has the exposed Aboriginal cultural heritage been protected by a suitable barrier (e.g. fencing)?		
	Has the Secretary, DPC of the discovery?		
	Has a heritage advisor and any appointed RAP been notified within one working day of the discovery?		
	Has a heritage advisor and any appointed RAP assessed the Aboriginal cultural heritage within two working days of their notification?		
	Has an appropriate mitigation or salvage strategy been developed and implemented?		
	Has the heritage advisor completed new or updated Aboriginal place record(s) for the VAHR?		
<i>Discovery of human remains during the activity</i>			
Have any actual or suspected human remains been discovered during the activity? If yes, have the following been taken:			
	Has Victoria Police and the State Coroner's Office been contacted?		
	If there are reasonable grounds to believe that the remains are Aboriginal Ancestral Remains, has the Coronial Admissions and Enquiries hotline must be contacted on		

Compliance Review Checklist		Yes	No
	1300 888 544?		
If it appears that there is non-compliance with the CHMP, then notification must be made to Aboriginal Victoria.			