

9 August 2024

To whom it may concern,

**Approval Notice for Cultural Heritage Management Plan 19840 – Proposed Childcare Centre at 25 Liege Avenue, Noble Park, VIC 3174. Cover date: 8 August 2024.**

We refer to your application to the Bunurong Land Council Aboriginal Corporation requesting approval of the above cultural heritage management plan (CHMP).

With reference to section 63(1)(a)(i) of the *Aboriginal Heritage Act 2006* (Act), the Bunurong Land Council Aboriginal Corporation as the Registered Aboriginal Party (RAP), have evaluated and approved this CHMP. The conditions set out in this CHMP are now compliance requirements.

Kind regards,

Steven Pepper  
Cultural Heritage Manager  
[steven.pepper@bunuronglc.org.au](mailto:steven.pepper@bunuronglc.org.au)

\*This notice of approval must be inserted after the title page and bound with the body of the CHMP

**STATEMENT OF ACKNOWLEDGEMENT**

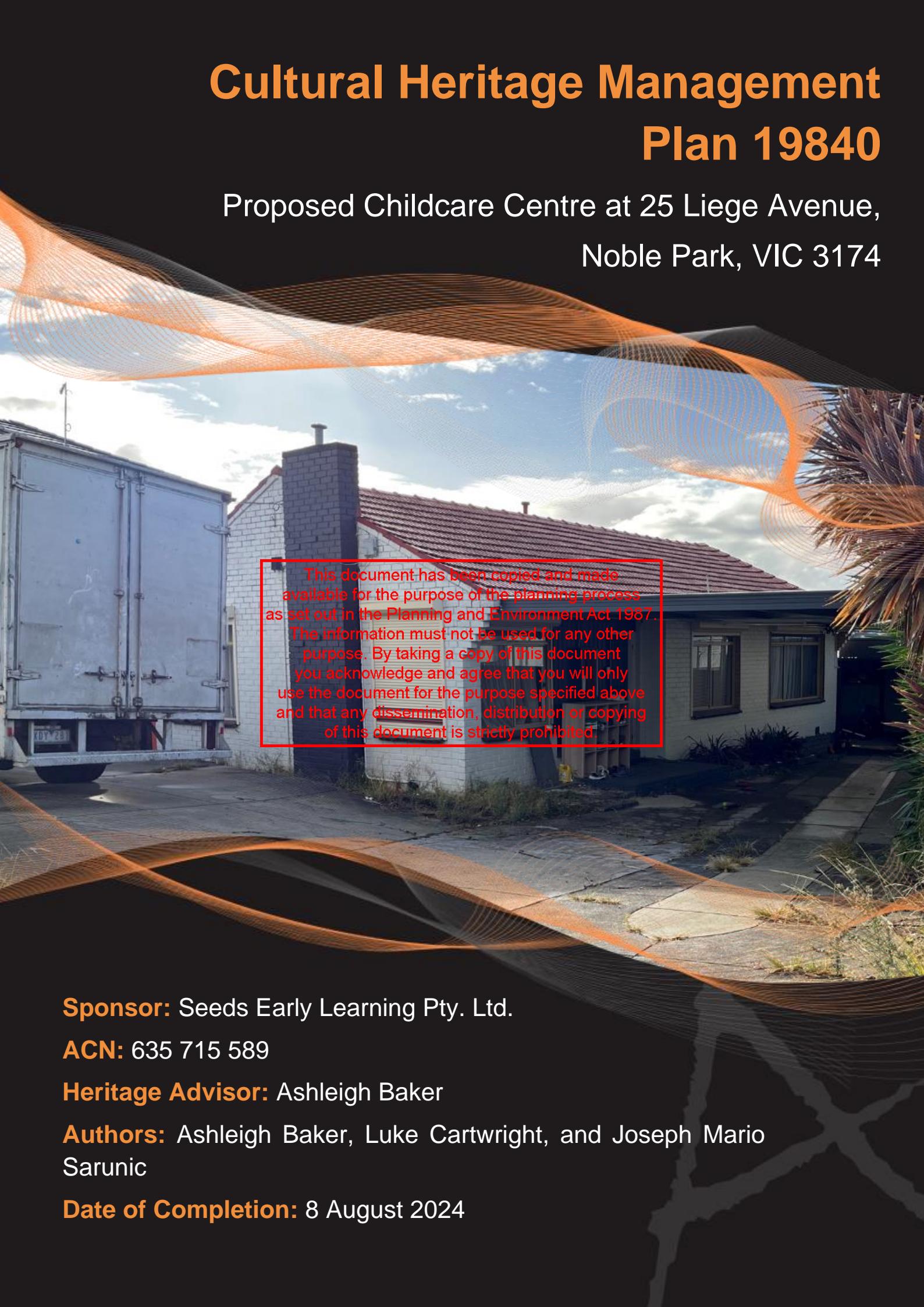
Our community culturally and spiritually acknowledge our ancestors who have provided our community today with the opportunity to continue to practice our culture and be a representative voice for our land, waters and community. We value and acknowledge the relationships we have with all practitioners on Bunurong country to facilitate and nurture the protection and preservation of our shared culture, Bunurong culture.

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# Cultural Heritage Management Plan 19840

Proposed Childcare Centre at 25 Liege Avenue,  
Noble Park, VIC 3174



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**Sponsor:** Seeds Early Learning Pty. Ltd.

**ACN:** 635 715 589

**Heritage Advisor:** Ashleigh Baker

**Authors:** Ashleigh Baker, Luke Cartwright, and Joseph Mario Sarunic

**Date of Completion:** 8 August 2024

# Proposed Childcare Centre at 25 Liege Avenue, Noble Park, VIC 3174

## Cultural Heritage Management Plan 19840

**Activity Size:** Small, 0.67ha

**Assessment:** Desktop/Standard/Complex

**Aboriginal cultural heritage IS NOT present within the activity area**

**Registered Aboriginal Party:** Bunurong Land Council Aboriginal Corporation (BLCAC)

**Sponsor:** Seeds Early Learning Pty Ltd; **ACN:** 635715589

**Heritage Advisor:** Ashleigh Baker

**Authors:** Ashleigh Baker, Luke Cartwright, and Joseph Mario Sarunic

**Date of Completion:** 8 August 2024



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Cover image: The front of the house and patio at 25 Liege Avenue, Noble Park, VIC 3174

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## Acknowledgments

Archaeological Excavations Pty. Ltd. would like to acknowledge and thank the following people for their assistance in the preparation of this CHMP:

Organisation	Contributor
Seeds Early Learning Pty. Ltd.	
Smart Town Planning	Praba Ponnuthurai (Sponsor's Representative)
Bunurong Land Council Aboriginal Corporation	Steven Pepper (Cultural Heritage Manager) Dr Fleur King (Heritage Advisor and Archaeologist) Michael Heyenga (Heritage Advisor and Archaeologist) Elizabeth Boag (Heritage Advisor and Senior Archaeologist) Dr David Tutchener (Heritage Advisor and Senior Archaeologist) Ryan Kelly (Cultural Heritage Officer) Daniel Black (Cultural Heritage Officer)

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## Disclaimer

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The information, opinions, ideas, and recommendations presented in this document are partly based on the authors' experience and recognised practices, which are believed to be accurate at the time of publication. The advice contained herein is given in good faith and follows acceptable professional standards but is not meant to encourage any activity or practice that may have been changed or superseded for any reason without the authors' knowledge. The authors assume no responsibility or liability for any loss or damage caused directly or indirectly by the information presented in this document.

*Please note that this document may contain descriptions or images of those deceased.*

## Coordinate Capture

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All coordinates outlined in this document were obtained with a Topcon HiPer V Rover DGPS unit using the GDA94 datum. All grid references are projected in MGA Zone 55 unless otherwise stated. These units depend on external conditions and afford an optimal spatial accuracy of  $\pm 0.10\text{m}$ .

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## Acronyms and Abbreviations

Acronym	Definition
AAG	Activity Advisory Group
ACHRIS	Aboriginal Cultural Heritage Register and Information System
The Act	<i>The Aboriginal Heritage Act (2006)</i>
ArchEx	Archaeological Excavations Pty. Ltd.
BLCAC	Bunurong Land Council Aboriginal Corporation
BP	Before Present
CHMP	Cultural Heritage Management Plan
CHO	Cultural Heritage Officer
DEECA	Department of Energy, Environment and Climate Action
DGPS	Differential Global Positioning System
ESC	Environmental Services Corporation
EVC	Ecological Vegetation Class
FP-SR	First Peoples – State Relations
GMU	Geomorphological Unit
GSV	Ground Surface Visibility
HA	Heritage Advisor
LDAD	Low-Density Artefact Distribution
LGA	Local Government Area
LGM	Last Glacial Maximum
NOI	Notice of Intent
OSL	Optically Stimulated Luminescence
PGC	Primary Grid Coordinate

Acronym	Definition
RAP	Registered Aboriginal Party
The <i>Regulations</i>	<i>The Aboriginal Heritage Regulations (2018)</i>
RTP	Radial Test Pit
The Secretary	The Secretary of the Department of Premier and Cabinet
STP	Shovel Test Pit
TP	Test Pit
VAHC	Victorian Aboriginal Heritage Council
VAHR	Victorian Aboriginal Heritage Register

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## Executive Summary

Seeds Early Learning commissioned Archaeological Excavations Pty. Ltd. to undertake a mandatory CHMP for the proposed construction of a childcare centre at 25 Liege Avenue, Noble Park, VIC 3174.

The location of the activity area is approximately 31km southeast of Melbourne CBD. It falls within the RAP boundary of the Bunurong Land Council Aboriginal Corporation (BLCAC), which has elected to evaluate this CHMP. The investigations for this CHMP included desktop, standard, and complex assessments, which were undertaken in consultation with the BLCAC.

The desktop assessment determined that the activity area was located entirely within GMU 7.1.1: Coastal Plains with Ridges and Dunefields, indicating that the likely landform within the activity area would be a sandy plain. The search of the VAHR identified no previously registered Aboriginal cultural heritage within the activity area and a low likelihood of Aboriginal cultural heritage being located within the area due to the lack of registered Aboriginal places within the geographic region. However, a standard assessment was deemed necessary to further investigate the potential for Aboriginal cultural heritage within the activity area.

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The standard assessment was undertaken on 9 April 2024 with two BLCAC Cultural Heritage Officers (CHO) and comprised an opportunistic pedestrian survey of the activity area with participants walking transect space. By taking a copy of this document the assessment found that almost none of the activity area was left undisturbed, meaning that the construction of the driveway, carport, house, and shed would likely have damaged any Aboriginal cultural heritage present. It was determined that a complex assessment would be undertaken to determine the level of disturbance within the activity area and the presence of Aboriginal cultural heritage in subsurface deposits.

A complex assessment was undertaken on 9 April 2024 with two BLCAC CHOs and consisted of the excavation of two 1x1m TPs. The complex assessment did not identify any Aboriginal cultural heritage.

Management conditions have been developed in consultation with the BLCAC. These management conditions provide measures that must be implemented prior to, during, and after the undertaking of the activity when this CHMP has been approved. Part 1 of this CHMP outlines these conditions, as well as contingency plans for and relating to disputes, delays and other obstacles that may affect the conduct of the activity, and custody arrangements for any Aboriginal cultural heritage recovered during the undertaking of and implementation of this CHMP.

**Aboriginal cultural heritage is not present within the activity area.**

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# Part 1: Cultural Heritage Management Conditions

**These conditions become compliance requirements once the Cultural Heritage Management Plan is approved.**

**Failure to comply with a condition is an offence under Section 67A of the *Aboriginal Heritage Act (2006)*.**

**This Cultural Heritage Management Plan must be readily accessible to the Sponsor, their employees, and contractors when carrying out the activity.**

1. Specific Cultural Heritage Management Conditions
2. Contingency Plans

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## 1 Specific Cultural Heritage Management Conditions

These management conditions have been developed to manage any Aboriginal cultural heritage within the activity area and must be followed. The sponsor is responsible for undertaking all management conditions and contingencies, including associated costs. The sponsor or delegated representative is responsible for ensuring that the activities undertaken within the activity area adhere to the activity description detailed in Section 4 of this CHMP.

Any changes to the extent of the activity area, activity description, or approved management conditions will require either an amendment to this CHMP or the preparation of a new CHMP. If unexpected Aboriginal cultural heritage is found or suspected during the activity, contingency plans are detailed in Section 2, which outline the course of action that must be adhered to.

### 1.1 Condition 1: Adherence to the Cultural Heritage Management Plan (CHMP) Before, During and After the Activity

- 1) A hard copy of the ~~This document has been copied and made available for the purpose of the planning process as set out in the Planning and Environment Act 1987.~~ and present onsite for the duration of the activity.
- 2) The sponsor, site supervisor, and all relevant personnel ~~The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use it for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.~~ must be aware of the compliance requirements of the CHMP.
- 3) The sponsor or site supervisor is responsible for ensuring that all personnel onsite are aware of the management conditions and contingency plans, and of the onsite location of the hard copy of the approved CHMP.
- 4) The sponsor, site supervisor and all relevant personnel are responsible for implementing the management conditions contained within the CHMP.
- 5) The sponsor or site supervisor is responsible for ensuring that the activity adheres to the activity description as detailed in Section 4 of the CHMP. Any change to the activity area, the activity description or the approved management conditions may require either an amendment to the CHMP or the preparation of a new CHMP.

### 1.2 Condition 2: Cultural Heritage Induction to be Undertaken Before the Activity

- 1) A cultural heritage induction must be undertaken prior to the commencement of any ground disturbance works within the activity area.
- 2) The sponsor or site contractor must submit a booking request to the BLCAC at least two weeks before the cultural heritage induction is required.
- 3) The cultural heritage induction must be conducted by the BLCAC Heritage Unit.

- 4) The cultural heritage induction must include the sponsor or their representative/project manager and, where possible, the site supervisor and all relevant personnel directly involved in ground disturbing works within the activity area.
- 5) The cost of the cultural heritage induction must be met by the sponsor or site contractor.
- 6) The sponsor or site contractor must indicate during the induction both the commencement date of the activity and the likely completion date of the activity.

### 1.3 Condition 3: Protocol for Handling Sensitive Information Before, During, and After the Activity

- 1) Apart from publicly available information, there shall be no communication or public release of information concerning Aboriginal cultural heritage without the written permission of the BLCAC.
- 2) No photographs of onsite cultural heritage, or information concerning Aboriginal cultural heritage is to be circulated to the media or via public media without the written permission of the BLCAC.

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## 2 Contingency Plans

In accordance with Section 61 of the *Aboriginal Heritage Act* (2006), all CHMPs must incorporate contingency plans to manage matters relating to Aboriginal cultural heritage that may affect the conduct of the activity. These contingency plans must be kept on-site during the construction works and are to be read in conjunction with the management conditions above.

### 2.1 Contingency 1: Proposed Changes to the Activity

The contingency plans presented in this section are specific to the activity area and the activity described within this CHMP. If, following the approval of this CHMP, changes to the activity or the activity area requiring statutory authorisation or which require any changes to the management conditions contained within the approved CHMP occur, the sponsor may either apply to amend the approved CHMP or prepare a new CHMP which incorporates any changes.

### 2.2 Contingency 2: ~~This document has been copied and made available for the purpose of the planning process as set out in the Planning and Environment Act 1987~~

If Aboriginal cultural heritage is unexpectedly discovered during the activity, the sponsor, where possible, must prioritise harm avoidance or harm minimisation to the Aboriginal cultural heritage.

Harm avoidance or harm minimisation strategies must be implemented by the sponsor or the relevant representative of the sponsor in consultation with the BLCAC.

### 2.3 Contingency 3: Dispute Resolution Process

Procedures for dispute resolution aim to ensure that all parties are fully aware of their rights and obligations, that full and open communication between parties occurs and that those parties conduct themselves in good faith.

If a dispute arises that may affect the conduct of the activity, resolution between the parties using the following dispute resolution procedure is required:

- 1) All disputes will be jointly investigated and documented by both the BLCAC and the sponsor.
- 2) Where a breach of the CHMP conditions has been identified, and there is no agreement between the parties as to how that breach is to be remedied, the BLCAC and the sponsor must meet within one week of the initial notification of the breach to seek agreement as to a suitably appropriate remedial measure.

- 3) The sponsor and the BLCAC must arrange for authorised representatives to be present at the meeting.
- 4) At the meeting, the authorised representatives of both the BLCAC and the sponsor must state their understanding of the issue(s) in dispute and ensure each party is aware of their position. If requested by either the BLCAC or the sponsor, third party mediation may be held during the meeting.
- 5) If the authorised representatives of the parties reach an agreement, the agreed corrective method for the breach must be recorded in writing and signed by both parties (Agreed Method Statement). If the authorised representatives of the parties do not reach an agreement, the parties will participate in third party mediation of the dispute by an agreed mediator within two weeks. Any costs of the mediation are to be met equally by the parties. Any agreed outcome of the mediation must be recorded in writing and signed by both parties (Agreed Method Statement).
- 6) The sponsor, site supervisor, contractor and any relevant personnel will not undertake any correction or remedial activities except in accordance with the Agreed Method Statement. Any correction or remedial activities required must:  

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  - a) Be recorded in writing and signed off by the authorised representatives of the BLCAC and sponsor.
  - b) Be supervised by a BLCAC representative.
  - c) Occur in accordance with the instructions of the BLCAC, providing they are consistent with the agreed correctional activities.
  - d) The BLCAC will strive to minimise delays to work schedules while not compromising Aboriginal cultural heritage, places or values.

Issues related exclusively to cultural heritage management, which do not have an impact on the conduct of the activity, will be handled through the following dispute resolution mechanism:

- 1) Within one week of notification to each party that a breach is deemed to exist, authorised representatives of the BLCAC and the sponsor must attempt to negotiate a resolution to any dispute related to the cultural heritage management of the activity area within two working days.
- 2) If the authorised representatives of the BLCAC and the sponsor do not reach agreement, the parties will participate in third party mediation of the dispute by an agreed mediator within two weeks. Any costs of the mediation are to be met equally by both parties. Any agreed outcome of the mediation must be recorded in writing and signed by both parties (Agreed Method Statement).

Regardless of the category of dispute, the dispute resolution process does not preclude:

- 1) The parties seeking advice from First Peoples – State Relations Group (FP-SR) to assist in resolution of the dispute; and
- 2) Any legal recourse open to the parties being taken; however, the parties must agree that the above resolution mechanism will be implemented before such recourse is made.

## 2.4 Contingency 4: Management of Aboriginal Cultural Heritage Found During the Activity

### Discovery of Human Remains

If any suspected human remains are found during any activity, works must cease. The Victoria Police and the State Coroner's Office must 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 309 519. 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:  

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  - a) If suspected human remains are discovered, all activity must stop.
  - b) The remains must be left in place and protected from harm or damage.
  - c) Do not contact the media, do not take any photographs of the remains other than those requested by the relevant authorities below.
  - d) requested by the relevant authorities below.
- 2) Notification:
  - a) If suspected human remains have been found, the State Coroner's Office and the Victoria Police must be notified immediately.
  - b) If there are reasonable grounds to believe the remains are Aboriginal Ancestral Remains, the Coronial Admissions and Enquiries hotline must be immediately notified on 1300 309 519.
  - c) All details of the location and nature of the human remains must be provided to the relevant authorities.
  - d) If it is confirmed by State Coroner's Office that 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:
  - a) 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.

- b) An appropriate impact mitigation or salvage strategy as determined by the Victorian Aboriginal Heritage Council must be implemented by the sponsor. All costs associated with this will be the responsibility of the sponsor.
- 4) Curation and further analysis:
  - a) The treatment of salvaged Aboriginal Ancestral Remains must be in accordance with the direction of the Victorian Aboriginal Heritage Council.
- 5) Reburial:
  - a) Any reburial site(s) must be fully documented by an experienced and qualified archaeologist, and all relevant details provided to the Registrar.
  - b) Appropriate management measures must be implemented to ensure the Aboriginal Ancestral Remains are not disturbed in the future.

### **Discovery of Low Density Artefact Distributions**

If a low density artefact distribution (ten or fewer stone artefacts within a 10 m x 10 m area) is discovered during the activity, the following measures must be undertaken:

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- 1) The person in charge of the activity must notify both the BLCAC and a heritage advisor of the suspected Aboriginal cultural heritage within one business day of the discovery. The person in charge of the works at the time of the discovery is deemed to be the person who discovered the Aboriginal cultural heritage place or object(s).
  - 2) All works must cease within 10 m of the discovery area, and all personnel contracted to undertake the activity must be notified of the suspected discovery.
  - 3) The suspected Aboriginal cultural heritage must be cordoned off by a suitable barrier (e.g. safety barrier mesh, temporary fencing, or flagging tape) and remain in place until it has been assessed by the BLCAC and a heritage advisor.
  - 4) A heritage advisor must facilitate the participation of the BLCAC in the assessment of the Aboriginal cultural heritage.
  - 5) A heritage advisor and a BLCAC representative must inspect the suspected Aboriginal cultural heritage as soon as practicable and within a maximum of five business days of the notification of the discovery.
  - 6) A heritage advisor, in consultation with the BLCAC, must identify the extent, nature and significance of the Aboriginal cultural heritage material in the activity area.
  - 7) The sponsor, a heritage advisor and the BLCAC must discuss opportunities of avoiding and minimising harm to the Aboriginal cultural heritage. The sponsor must

attempt to avoid or minimise harm to the Aboriginal cultural heritage as the first priority.

- 8) Where harm cannot be avoided or minimised, a qualified archaeologist, in consultation with the BLCAC, must salvage the Aboriginal cultural heritage material. The salvage must involve the recording, collection (labelled and packaged according to provenance), and analysis of the Aboriginal cultural heritage. The Aboriginal cultural heritage must be recorded with the use of a DGPS (with <1 m accuracy).
- 9) A heritage advisor within three weeks of the salvage and associated analysis must submit any required VAHR place record edits or new place registrations.
- 10) All costs associated with the procedures specified in this contingency must be organised and paid for by the sponsor.
- 11) The activity may recommence within the 10m exclusion area once:
  - a) All the procedures specified above have been followed; and
  - b) No dispute occurs as to the course of action(s) required.

#### **Discovery of Artefact Scatters, Stratified Deposits and/or Cultural Features**

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If artefact scatters, stratified deposits and/or cultural features are discovered during the activity, then the following measures must be undertaken:

~~assessed under the Planning and Environment Act 1987~~

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- 1) The person in charge of the activity must notify both the BLCAC and a heritage advisor of the suspected Aboriginal cultural heritage within one business day of its discovery. The person in charge of the works at the time of the discovery is deemed to be the person who discovered the Aboriginal cultural heritage place or object(s).
- 2) All works must cease within 10 m of the discovery area, and all personnel contracted to undertake the activity must be notified of the suspected discovery.
- 3) The suspected Aboriginal cultural heritage must be cordoned by a suitable barrier (e.g. safety barrier mesh, temporary fencing, or flagging tape) and remain in place until it has been assessed by the BLCAC and a heritage advisor.
- 4) A heritage advisor must facilitate the participation of the BLCAC in the assessment of the Aboriginal cultural heritage.
- 5) A heritage advisor and a BLCAC representative must inspect the suspected Aboriginal cultural heritage as soon as practicable and within a maximum of five business days of the notification of the discovery.
- 6) A heritage advisor, in consultation with the BLCAC, must identify the extent, nature and significance of the Aboriginal cultural heritage material in the activity area.

- 7) The sponsor, a heritage advisor and the BLCAC must discuss opportunities to avoid and minimise harm to the Aboriginal cultural heritage. The sponsor must avoid or minimise harm to the Aboriginal cultural heritage as the first priority.
- 8) Where harm cannot be avoided or minimised, and the identified Aboriginal cultural heritage is suitable for salvage excavation, then this must be undertaken by a qualified archaeologist in consultation with the BLCAC. The purpose of the salvage is to establish the extent, nature, and significance of the Aboriginal Place. A DGPS (with <1 m accuracy) must be used when mapping the cultural material and features. Any salvage methodology must be approved by the BLCAC. The objectives of the salvage must establish, but are not limited to:
  - a) The stratigraphy, with an emphasis of where the Aboriginal cultural heritage material was found (e.g. the context of the stratigraphic layer);
  - b) The chronological sequence (if possible) of the Aboriginal cultural heritage material, features, and/or remains;
  - c) The composition and characteristics of the Aboriginal cultural heritage; and
  - d) Whether there is any spatial variability or patterning of the Aboriginal cultural heritage investigated This document has been copied and made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. You acknowledge and agree that you will only use the document for the purpose specified above and that any downstream analysis (Carbon 14 dating) of this document is strictly prohibited.
- 9) If the Aboriginal archaeological remains are assessed as being in-situ, appropriate age determinations to establish the age of the Aboriginal heritage must include Optically Stimulated Luminescence (OSL) when sufficient organic samples cannot be obtained for radiocarbon analysis (Carbon 14 dating). All Aboriginal cultural heritage material recovered from the activity area must be stored by a heritage advisor until the salvage excavation has been concluded.
- 10) A heritage advisor, within three weeks of the salvage and associated analysis, must submit any required VAHR place record edits or new place registrations.
- 11) The salvage excavation must be supervised by a person appropriately qualified in archaeology and be undertaken in accordance with Regulation 65(3-7) of the Aboriginal Heritage Regulations 2018, and the FP-SR Practice Note on Salvage Excavations.
- 12) A heritage advisor must lodge the final salvage report to the BLCAC and the VAHR no later than six months after the completion of the salvage excavation and analysis.
- 13) All costs associated with the procedures specified in this contingency must be organised and paid for by the sponsor.
- 14) The activity may recommence within the 10m exclusion area once:

- a) All the procedures specified above have been followed; and
- b) No dispute occurs as to the course of action(s) required.

## 2.5 Contingency 5: Removal, Custody, Curation and Management of Aboriginal Cultural Heritage During the Activity

A heritage advisor must ensure that all Aboriginal cultural heritage (other than Aboriginal Ancestral Remains) recovered from the activity area either during the assessment phase of the CHMP or during subsequent salvage processes are managed in the following way:

- 1) A heritage advisor must fully document, package, and securely store all recovered cultural material until it is repatriated to the BLCAC.
- 2) A heritage advisor must submit all relevant documentation to the VAHR.
- 3) A heritage advisor may initially retain custody of the recovered cultural material for scientific analysis for a period of up to six months from the completion of the activity.
- 4) Within six months after the completion of the activity a heritage advisor must contact the BLCAC to arrange the repatriation of all cultural material recovered within the activity area This document has been copied and made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Upon completion of the purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited. repatriate all recovered cultural material to the BLCAC. The repatriation process must occur as follows:

- 1) All cultural material of this document is strictly prohibited. must be appropriately packaged in a durable container and sorted by archaeological context from which it was recovered.
- 2) The packaged cultural material must be accompanied by the relevant artefact catalogue as well as the nature, extent and significance statement for the associated place.
- 3) All relevant recording and documentation, including VAHR place record edits must be undertaken by a heritage advisor.
- 4) All costs associated with the repatriation must be met by the sponsor.

Following the repatriation of the recovered cultural material to the BLCAC, should the BLCAC wish to rebury the recovered cultural material the following must occur:

- 1) Available space within the activity area must be set aside which is protected from future development or disturbance.
- 2) The location of the reburial area must be negotiated and agreed upon between the sponsor and the BLCAC.

- 3) All cultural material must be appropriately packaged in a durable container and sorted by archaeological context from which it was recovered.
- 4) The packaged cultural material must be accompanied by the relevant artefact catalogue as well as the nature, extent and significance statement for the associated place.
- 5) The reburial of the cultural material must be conducted by the BLCAC Heritage Unit.
- 6) A smoking ceremony must be undertaken by a BLCAC representative during the reburial.
- 7) All relevant recording and documentation, including VAHR place record edits must be undertaken by a heritage advisor.
- 8) All costs associated with the reburial must be met by the sponsor.

## 2.6 Contingency 6: Reviewing Compliance and Mechanisms for Remedy Non-compliance with the CHMP

The sponsor or nominated representative is responsible for remedying non-compliance with this CHMP. In the event that the conditions or contingencies set out in this CHMP are not adhered to, all works must cease, and the BLCAC contacted immediately. A record of the breach must be documented, and immediate action taken to remedy the breach, under the direction of the BLCAC. The record of the breach must include the reasons for non-compliance. The sponsor or nominated representative must take immediate action to remedy non-compliance in accordance with the relevant condition or contingency. All acts of non-compliance must be reported to both the BLCAC and FP-SR, which may result in an investigation by an Authorised Officer or Aboriginal Heritage Officer. A record of CHMP compliance must also be maintained by the sponsor or nominated representative at all times and must be available for inspection by either an Authorised Officer or Aboriginal Heritage Officer under the Aboriginal Heritage Act 2006 or any other representative of the BLCAC or FP-SR.

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**Table 1 - Compliance Checklist**

Conditions	Yes/No	If No...
<b>Ensuring Compliance</b>		
Have all the conditions in Section 1 of the approved Cultural Heritage Management Plan been met?		All works must immediately cease and the BLCAC contacted immediately. Refer to Section 1.
<b>Contingency Plans for Discovery of Aboriginal Heritage During Works</b>		
If suspected human remains have been identified, have all works immediately ceased and the Victoria Police, Coroner, the VAHC and the BLCAC been contacted as per the 5-step contingency plan in Contingency 4?		All works must immediately cease and the BLCAC and authorities contacted immediately. Refer to Contingency 4.
If a low density artefact (distribution) has been discovered, has the correct procedure been followed as per Contingency 4?	<p style="text-align: center;"><b>This document has been copied and made available for the purpose of the planning process as set out in the Planning and Environment Act 1987.</b></p> <p style="text-align: center;"><b>The information must not be used for any other purpose. By taking a copy of this document, you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</b></p>	
If an artefact scatter, stratified deposit and/or cultural feature has been discovered, has the correct procedure been followed as per Contingency 4?		All works must immediately cease and the BLCAC contacted immediately. Refer to Contingency 4.
<b>Removal, Custody, Curation and Management of Aboriginal Cultural Heritage During the Activity</b>		
Has the procedure been followed for the removal, custody, curation and management of Aboriginal cultural heritage discovered during works?		The BLCAC must be contacted immediately. Refer to Contingency 5.

## Part 2: Assessment

3. Introduction
4. Activity Description
5. The Extent of the Activity Area
6. Documentation of Consultation
7. Aboriginal Cultural Heritage Assessment
8. Consideration of 61 Matters

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### 3 Introduction

Seeds Early Learning commissioned Archaeological Excavations Pty. Ltd. to prepare a mandatory CHMP for the proposed construction of a childcare centre at 25 Liege Avenue, Noble Park, VIC.

In accordance with Section 46 of the *Aboriginal Heritage Act* (2006) and Section 7 of the *Aboriginal Heritage Regulations* (2018), a mandatory CHMP is required when;

- a) all or part of the activity area for the activity is an area of cultural heritage sensitivity and
- b) all or part of the activity is a high-impact activity.

A mandatory CHMP is required for the proposed construction of a childcare centre at 25 Liege Avenue, Noble Park, VIC 3174, because:

- a) Under Regulation 26(1), the activity area is considered an area of cultural heritage sensitivity because it lies within 200m of a waterway (Yarraman Creek) and;
- b) Under Regulation 46(1)(b)(v), the proposed activity is a high-impact activity as it will entail the construction of a childcare facility.

#### 3.1 Notice of Intent to Prepare a Cultural Heritage Management Plan

In accordance with Section 54 of the *Aboriginal Heritage Act* (2006), a 'Notice of Intent to Prepare a Cultural Heritage Management Plan' (NOI) was lodged with FP-SR, Department of Premier and Cabinet, on 19 October 2023 (Appendix 1). Upon receiving the NOI, FP-SR assigned this project with CHMP number 19840.

A copy of the NOI was also provided to the BLCAC, the landowner, and the Greater Dandenong City Council.

#### 3.2 Sponsor and Landowner

**Sponsor's Name:** Seeds Early Learning Pty Ltd

**Address:** 3 Conley Street, Noble Park, VIC

**ACN:** 635 715 589

#### 3.3 Heritage Advisors

The following HAs undertook work for this CHMP and are qualified in accordance with Section 189 of the *Aboriginal Heritage Act* (2006):

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### Ashleigh Baker

Ashleigh Baker is an Archaeologist and Heritage Advisor. Ashleigh studied a Bachelor of Arts with majors in Ancient World Studies and History at the University of Melbourne (2021). Following this degree, Ashleigh undertook a Graduate Certificate of Cultural Heritage and Museum Studies at Deakin University (2022), followed by a Master of Cultural Heritage and Museum Studies: Deakin University (2022-2023). Her thesis adopts an ethno-archaeological lens through examining the changing value of Aboriginal stone tools, from their creation on Country to the significance they hold now in museum collections. Ashleigh has also completed her Graduate Certificate of Archaeology from Flinders University (2024) to complement her previous degrees and current work in the cultural heritage space within Victoria.

### Luke Cartwright

Luke Cartwright completed his Bachelor of Science with 1st Class Honours, majoring in Archaeological Science at the University of Queensland in 2017. His honours thesis focused on analysing stable carbon and nitrogen isotopes of charred cereal grains from Bronze Age Central Anatolia, with results showing changes in migration patterns between time periods. Luke then continued archaeological research, participating in field seasons at multiple sites in Turkey and contributing to the excavation of charred plant remains recovery. Luke has been working in Australian Aboriginal Cultural Heritage since 2020, working as a technical advisor for Aboriginal Groups in Central Highlands and Burdekin regions from 2021-2023. This work involved planning and conducting archaeological surveys, compilation of grant applications, managing GIS data, and presenting management recommendations to RAP groups.

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### Joseph Mario Sarunic

Joseph completed his Bachelor of Archaeology at Flinders University in 2021, followed by his Master of Maritime Archaeology in 2023 at the same university. His studies mainly focused on how coastal settlements during the Mediterranean Bronze Age interacted with maritime activity, particularly trade. These studies led him across the Mediterranean to Israel, where he undertook submerged surveys off the coast of Tel Dor and to Croatia, where he participated in excavations within the Stari Grad Plain and conducted his master's thesis. This thesis focused on the network of settlements dotting the Central Dalmatian Islands along the coastline of Croatia and how they relied on lines of sight to exert influence over the surrounding landscape, resources and sea trading lanes. This gave him familiarity

and skills with GIS software, including conducting viewshed analysis and analysing the sight lines of ancient lookout points.

Other projects he has participated in include a survey of the shipwreck *South Australian* and excavating at the old town of Hahndorf. Joseph is engaged in research, fieldwork, and GIS analysis on ongoing projects, as well as expanding Archaeological Excavations' maritime archaeology capability.

### 3.4 Location of the Activity Area

The activity area is at 25 Liege Avenue, Noble Park, VIC, approximately 31km southeast of Melbourne CBD (Map 1). It lies within the Parish of Dandenong and the LGA of the City of Greater Dandenong and is currently zoned as a General Residential Zone (GRZ1) (Appendix 5). Cadastral details are provided in Table 2.

**Table 2 - Cadastral Details of the Activity Area**

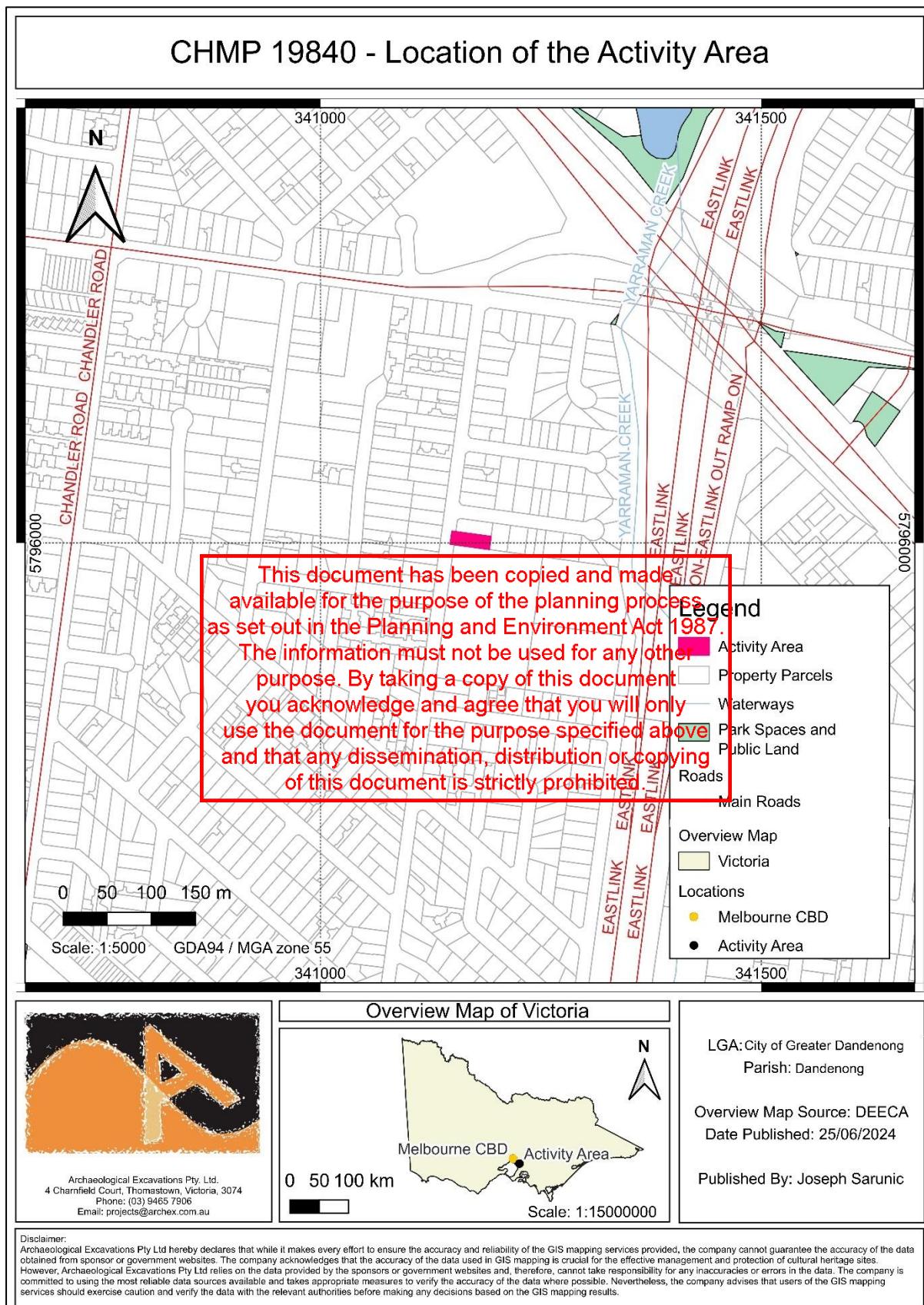
Cadastral Information	Description
Address	25 Leige Avenue, Noble Park, VIC
Lot Plan	Lot 17 LP28435
Local Government	City of Greater Dandenong
Parish	Dandenong
Zoning	General Residential Zone (GRZ1)

### 3.5 Registered Aboriginal Party

The activity area is located within the traditional lands of the Bunurong Land Council Aboriginal Corporation (BLCAC), which received a copy of the NOI on 19 October 2023 (Appendix 1). On 19 October 2023, the BLCAC responded, advising that they have elected to evaluate the CHMP on its completion per Section 54 of the *Aboriginal Heritage Act* (2006) (Appendix 2).

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**Map 1 - Location of the Activity Area**



## 4 Activity Description

The proposed activity is the construction of a childcare centre at 25 Liege Avenue, Noble Park, VIC. The proposed development of the child care centre will require the current residential development to be demolished.

The proposed development will include the construction of:

- A two-storey dwelling;
- Entry and exit from Liege Avenue;
- Car parking at the eastern end of the property (constructed in accordance with Australian Building Standards);
- Driveway along the southern boundary;
- Decking area;
- Installation of buried services such as gas, electricity, telecommunications, and water services.

Based on the Sponsor's proposed plans, the site area is 622m<sup>2</sup>, with building site coverage (total hard surface footprint) of 550.05m<sup>2</sup> or 88.58% (including the building, car parking spaces and driveway, and the decking area). Figure 1 provides detailed preliminary concept plans for the proposed activity. The development of the childcare centre will be in accordance with the Greater Dandenong City Council Planning Scheme (20 May 2024) – see Appendix 5. **This document has been copied and made available for the purpose of being photocopied. The information must not be used for any other purpose. By signing and agreeing to this document, you acknowledge and agree that you will only use the document for the purpose specified above. Appendix 5 at any dissemination, distribution or copying of this document is strictly prohibited.**

The activity will involve disturbance to the ground surface and sub-surface soils within the impact areas of the proposed development, including clearing all vegetation, excavation for building foundations and concreted areas, and trenching for all required surfaces.

As the proposed activity will impact the ground surface and buried former land surfaces, by way of mechanical excavation, followed by the installation of required utilities and construction of the main building, the carpark and driveway areas, therefore the activity is considered likely to impact Aboriginal cultural heritage if present in the Activity Area.

### 4.1 Ground Surface Impacts of Activity

The activity and associated works will disturb the land surfaces and formerly buried land surfaces within the activity area (Table 3). For details regarding the proposed activity, see Appendix 6.

Works associated for the development of the construction of the childcare centre will include;

#### Dwelling

- Demolition and removal of current dwelling and outbuildings
- Compacting base fillers using a large plate compactor
- Concrete pouring against the formwork and spreading the concrete evenly across the activity area with falls as required to surface drains

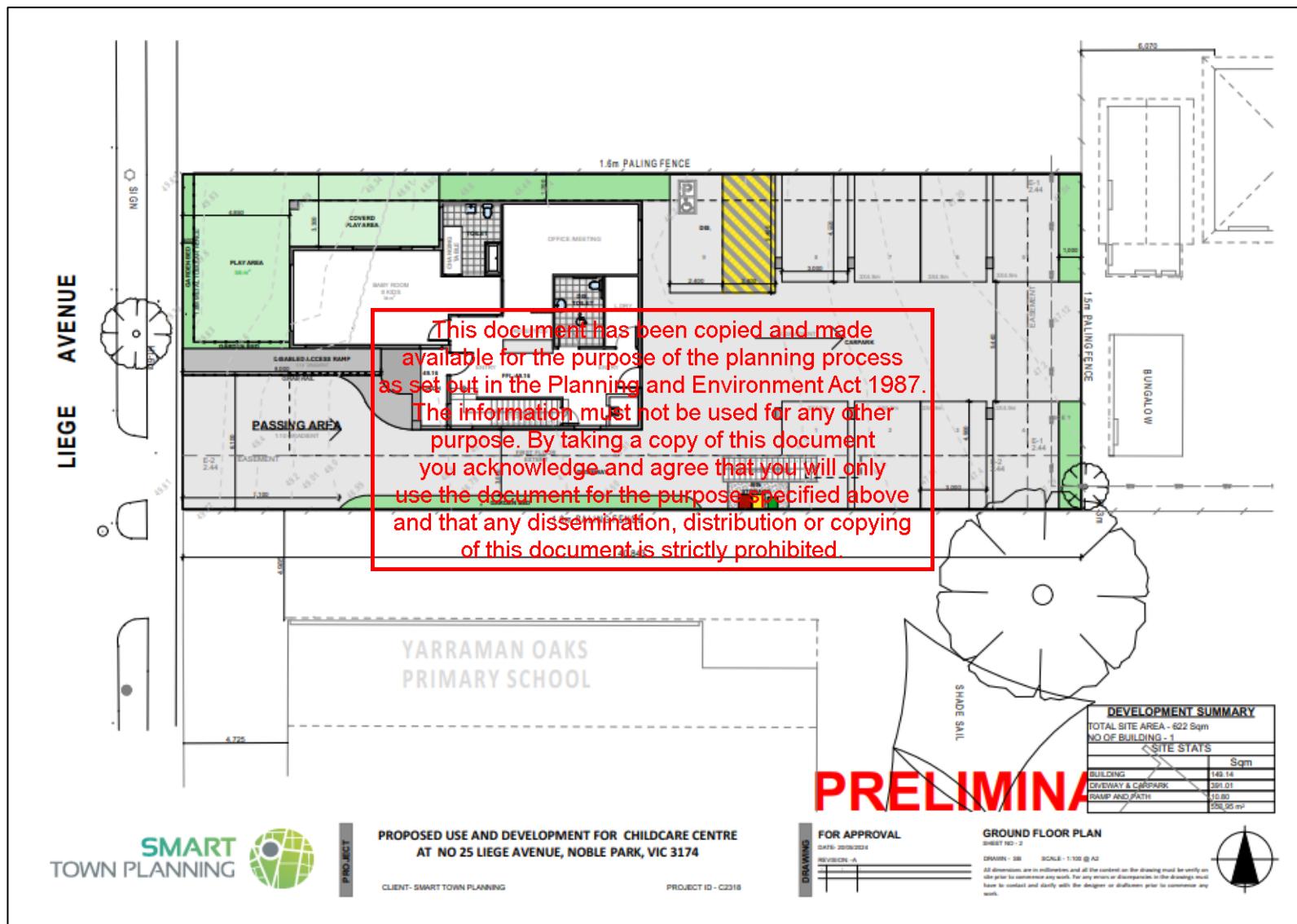
#### Driveway and carpark areas

- Topsoil removal approximately 100mm depth and activity area levelling
  - Excavation of depth of driveway area to local authorities' recommendations and standard details
  - Excavation of concrete pads for carport posts at 1500mm depths as indicated by engineering requirements
  - Excavation of trenches for stormwater pipes used for surface drainage with the use of excavator machinery as required. Approximately depth of 1000mm, to be determined by civil engineering drawings
  - Compacting base fillers using a large plate compactor
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Ground Surface Impact	Approximate Depths of Impact
Topsoil removal	~100mm
Excavation of concrete pads for carport posts	~150mm
Stormwater trenches	~1000mm
Installation of buried services such as gas, electricity, telecommunications, and water services	0-2000mm
Vegetation clearance/landscaping	0-400mm
Excavation for the building foundation	0-1000mm

The impacts from the above activities have the potential to harm Aboriginal cultural heritage that may be present within the activity area.

Figure 1 - Proposed design plans



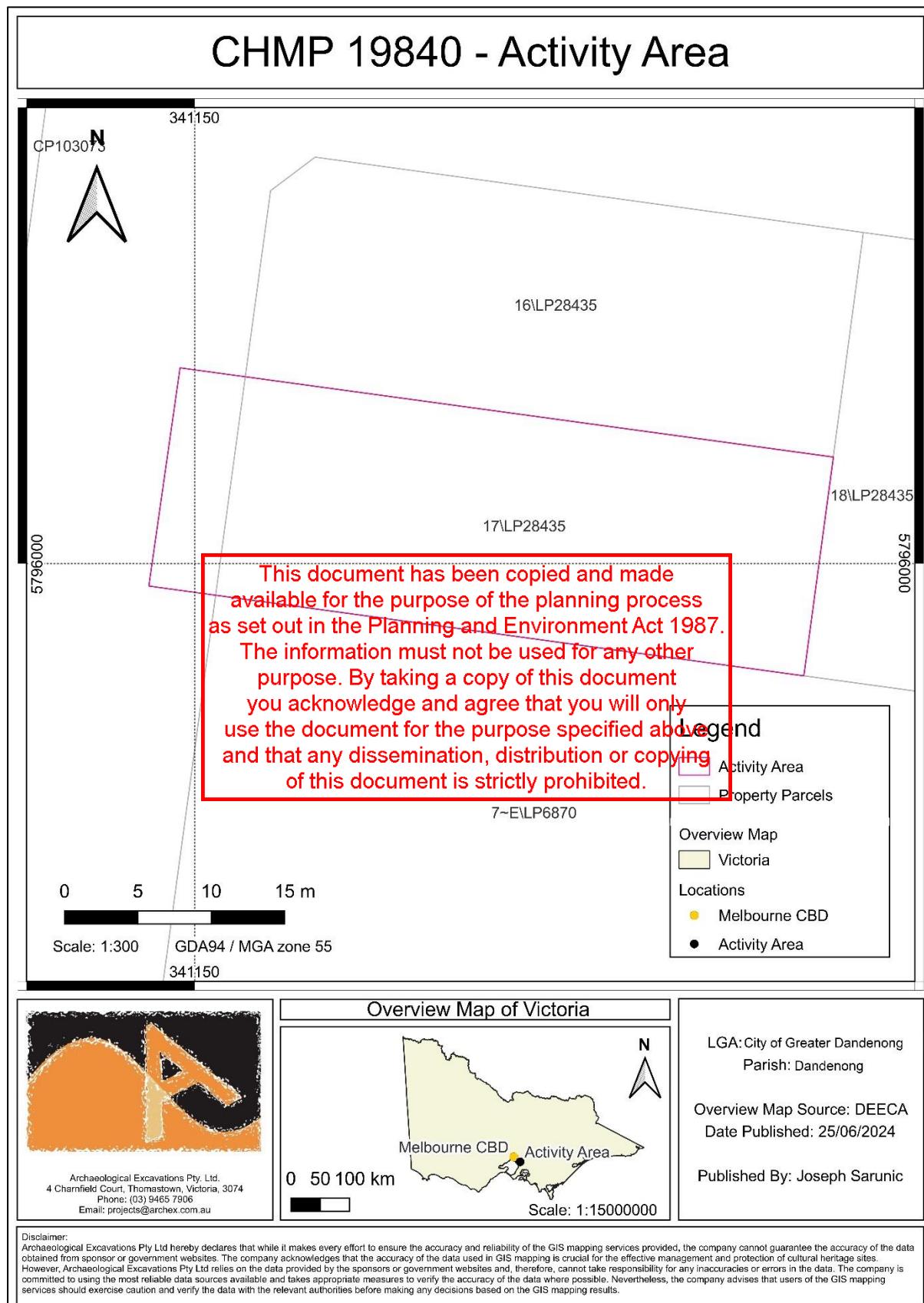
## 5 The Extent of the Activity Area

The extent of the activity area is defined by Liege Avenue to the west and to the north and east by residential allotments. The southern extent of the activity area is bounded by Yaraman Oaks Primary School (Map 2).

The salient prominent features within the activity area consist of a central dwelling with a connected carport to its south, a concrete driveway, a shed to the east of the house, and a landscaped garden in the eastern extent of the activity area.

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**Map 2 - Extent of the Activity Area**



## 6 Documentation of Consultation

### 6.1 Consultation During the Preparation of the CHMP

Consultation was undertaken with BLCAC throughout all stages of the CHMP assessment. A summary of the consultation undertaken during the preparation of this CHMP is provided in Table 4, Table 5, and Table 6.

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### 6.1.1 Consultation Concerning the Assessment

*Table 4 - Documentation of Consultation Concerning the Assessment*

Date	Organisation	Name and role	Nature of Consultation	Method	Consultation Results
19/10/2024	Archaeological Excavations	Ashleigh Baker (HA and Archaeologist)	Submission of NOI to FP-SR	Email	FP-SR notification received assigning NOI number 19840
19/12/2023	Archaeological Excavations	Ashleigh Baker (HA and Archaeologist)	NOI submitted to BLCAC	Email	BLCAC received a copy of the NOI
19/10/2024	BLCAC	Steven Pepper (Cultural Heritage Manager)	<p>This document has been copied and made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p>	Email	BLCAC provided elected to evaluate CHMP 19840
06/12/2023	Archaeological Excavations	Ashleigh Baker (HA and Archaeologist)	Inception meeting	Teams	<p>The desktop assessment was discussed, which concluded a low likelihood of identifying Aboriginal cultural heritage.</p> <p>The standard and complex assessment methodology was also discussed. It was decided that no standard assessment results meeting would occur, and the two assessments would occur consecutively.</p> <p>The agreed complex methodology was two 1x1m TPs in the eastern extent of the activity area.</p>
	BLCAC	Francisco Almeida (HA and Archaeologist)			
30/04/2024	Archaeological Excavations	Dr Fleur King (HA and Archaeologist)	Complex and Standard Assessment Results Meeting	Teams	The results of the standard and complex assessments were discussed.
		Michael Heyenga (HA and Archaeologist)			

Date	Organisation	Name and role	Nature of Consultation	Method	Consultation Results
	Seeds Early Learning				Both the standard and complex assessments did not locate Aboriginal cultural heritage due to the evidence of disturbances on the ground surface and within subsurface deposits.
	BLCAC	Elizabeth Boag (HA and Senior Archaeologist) Dr David Tutchener (HA and Senior Archaeologist)			BLCAC was satisfied with the results of the assessments.

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#### 6.1.2 Participation in the Conduct of the Assessment

*Table 5 - Document use the document for the purpose specified above of the Assessment*

Date	Name and role	Organisation	Assessment
9/04/2024	Luke Cartwright (HA and Archaeologist) Zachary Buckley (Archaeologist Assistant)	Archaeological Excavations	Standard Assessment
	Ryan Kelly (CHO) Daniel Black (CHO)	BLCAC	
9/04/2024	Luke Cartwright (HA and Archaeologist) Zachary Buckley (Archaeologist Assistant)	Archaeological Excavations	Complex Assessment

Date	Name and role	Organisation	Assessment
	Ryan Kelly (CHO) Daniel Black (CHO)	BLCAC	

### 6.1.3 Consultation in Relation to the Conditions

**Table 6 - Documentation of Consultation for the Development of Appropriate Aboriginal Cultural Heritage Management Conditions**

Date	Organisation	Name and role	Nature of Consultation	Method	Consultation Results
30/04/2024	Archaeological Excavations	Ashleigh Baker (HA and Archaeologist)	This document has been copied and made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.	Teams	After the results of the standard and complex assessments were discussed, the management conditions of the CHMP were raised.
	Seeds Early Learning	(Sponsor)			
	BLCAC	Elizabeth Boag (HA and Senior Archaeologist) Dr David Tutchener (HA and Senior Archaeologist)	Assessment Results Meeting	Standard BLCAC management conditions and contingencies were to apply.	

## 6.2 Summary of Outcomes of Consultation

The BLCAC participated and was consulted throughout all stages of the CHMP. The outcomes of the consultation process are as follows:

### **Inception Meeting:**

During the inception meeting, the desktop assessment and predictive model for the likelihood of Aboriginal cultural heritage material being present in the activity area were presented and discussed with the BLCAC. These included the results of the ACHRIS search, which identified six Aboriginal cultural heritage places within the geographic region, as well as 32 previous CHMPs and archaeological surveys.

The proposed standard and complex assessment methodology were also discussed and decided upon. The complex assessment was agreed to consist of the excavation of two 1x1m TPs, with radial testing to be discussed with BLCAC via email if any heritage is identified during the standard or complex assessment.

During this meeting, it was also decided that no standard assessment meeting would occur and that the standard and complex assessments would occur consecutively.

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### **Standard/Complex Assessment and Conditions Meeting:**

The results of the standard assessment were discussed first, namely the nature of the disturbance present within the activity area. The areas of disturbance included the concrete driveway, shed, house and patio, which also hindered GSV within the activity area. No Aboriginal cultural heritage was identified.

The complex assessment results were discussed, including the obstacles encountered, such as the waterlogging of both TPs from heavy rain the previous week. Disturbance in the TPs was raised, including modern disturbance in the form of bricks, glass, and plastic. No Aboriginal cultural heritage was encountered before the culturally sterile basal clay was reached.

The activity's impacts were discussed. Due to its small size, the entire activity area would likely be affected.

BLCAC's standard management conditions and contingencies were agreed upon.

No oral history was requested from BLCAC regarding this CHMP or the activity area.

## 7 Aboriginal Cultural Heritage Assessment

### 7.1 Desktop Assessment

The purpose of a desktop assessment is to review information to understand the potential for cultural heritage values to be present within the activity area. This goal is achieved by researching information about the activity and surrounding areas (the geographic region). The following methods have been undertaken to assist in assessing the potential for Aboriginal cultural heritage to be present within the activity area;

- A search of the VAHR for information on registered Aboriginal cultural heritage places relating to the activity area,
- The identification and determination of a geographic region of which the activity area forms part of,
- A review of registered Aboriginal cultural heritage places within the activity area and broader geographic region,
- A review of reports and publications relating to the Aboriginal cultural heritage within the broader geographic region,  
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- A review of historical and ethnological accounts of Aboriginal occupation in the wider area,
- A review of the landforms and geomorphology of the activity area, and
- A review of the land-use history of the activity area.

#### 7.1.1 Search of the Victorian Aboriginal Heritage Register (VAHR)

A search of the Victorian Aboriginal Heritage Register (VAHR) was undertaken on 28 November 2023 by Ashleigh Baker (HA) and again on 25 June 2024 by Francisco Almeida (HA).

#### 7.1.2 The Geographic Region

The *Aboriginal Heritage Act* (2006) requires a desktop assessment to include a determination of a geographic region of which the activity area forms a part that is relevant to the Aboriginal cultural heritage that may be present in the activity area.

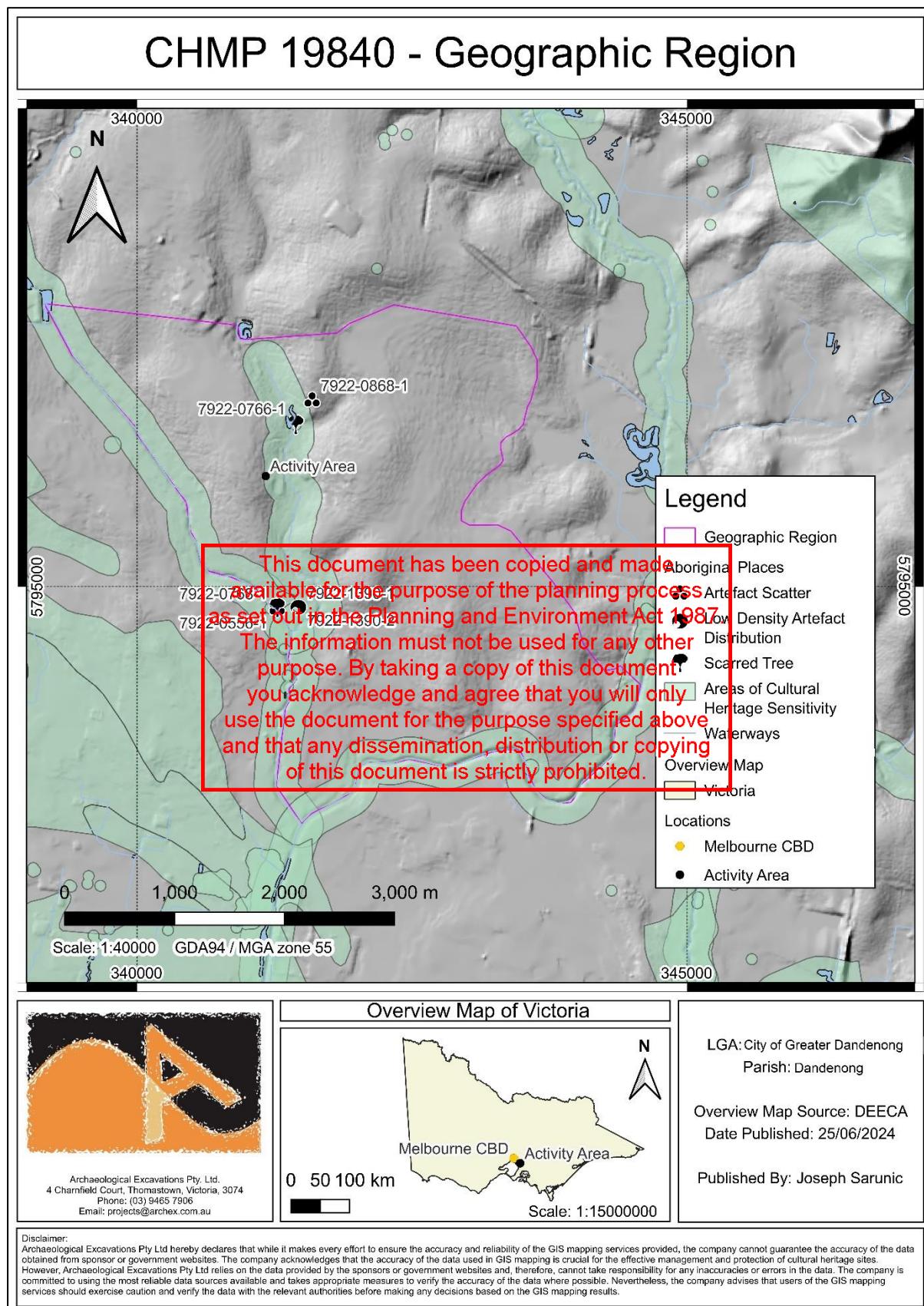
This process defines the broader area from which data will be drawn further to inform the heritage assessment of the activity area. Critical points of data gained from this search of the surrounding region include:

- The locations of previously recorded Aboriginal heritage places and their contents, from which assumptions about the potential heritage content of the activity area are drawn,
- Their proximity to various factors which could make places more or less preferable for habitation to Aboriginal people, such as creeks and various types of terrain, which can be compared to those surrounding the activity area,
- Previous reports and excavations that have taken place in similar locations to the activity area and whose results can be used to theorise the potential heritage content of the activity area,

The geographic region identified for this CHMP is defined by waterways in the north, south, and west (Mile Creek in the west, Yarraman Creek in the north and Dandenong Creek in the south) (Map 3). The activity area lies within the northwest section of the geographic region, located between Mile Creek, which makes up one of the borders and Yarraman Creek. This identified geographic region is considered sufficient to assist in developing an informed understanding of the potential for Aboriginal cultural heritage within the activity area.

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Map 3 - Geographic Region



### 7.1.3 Aboriginal Cultural Heritage Places in the Geographic Region

The VAHR search identified no registered Aboriginal cultural heritage places within the activity area and seven registered Aboriginal places within the selected geographic region (Table 7). These Aboriginal places consist of two LDADs, two artefact scatters, and three scarred trees (Map 4). Map 5 indicates the areas of cultural heritage sensitivity within the geographic region.

Artefact scatters and LDADs are expected within the geographic region and the broader landscape, especially along Yarraman Creek. Silcrete is the most prominent raw material represented in these artefact scatters, with quartz also present in small numbers. All registered Aboriginal cultural heritage places within the geographic region are clustered around the nearby Yarraman Creek, which flows approximately 200m west of the activity area.

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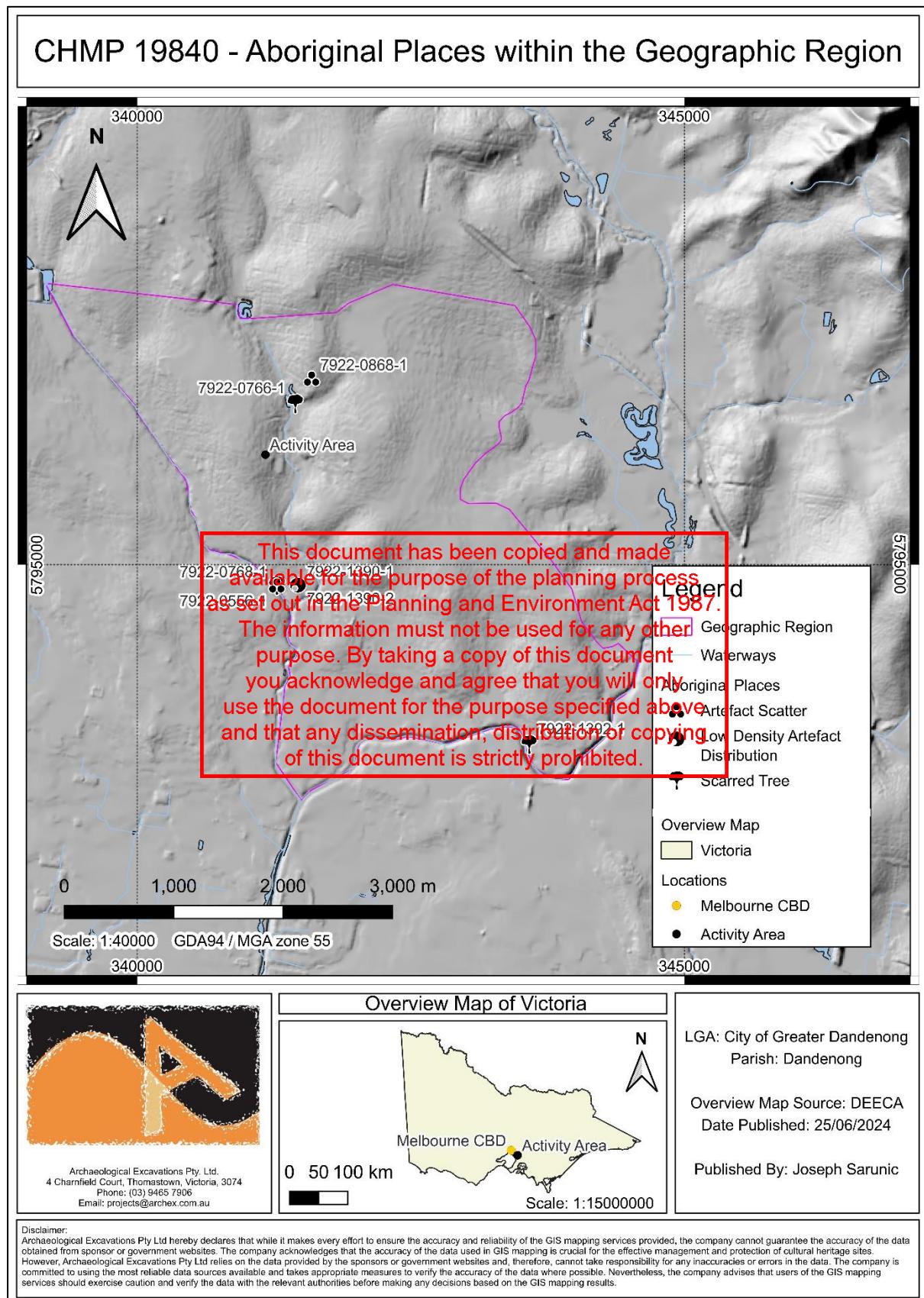
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**Table 7 - Summary of Aboriginal Cultural Heritage Places in the Geographic Region**

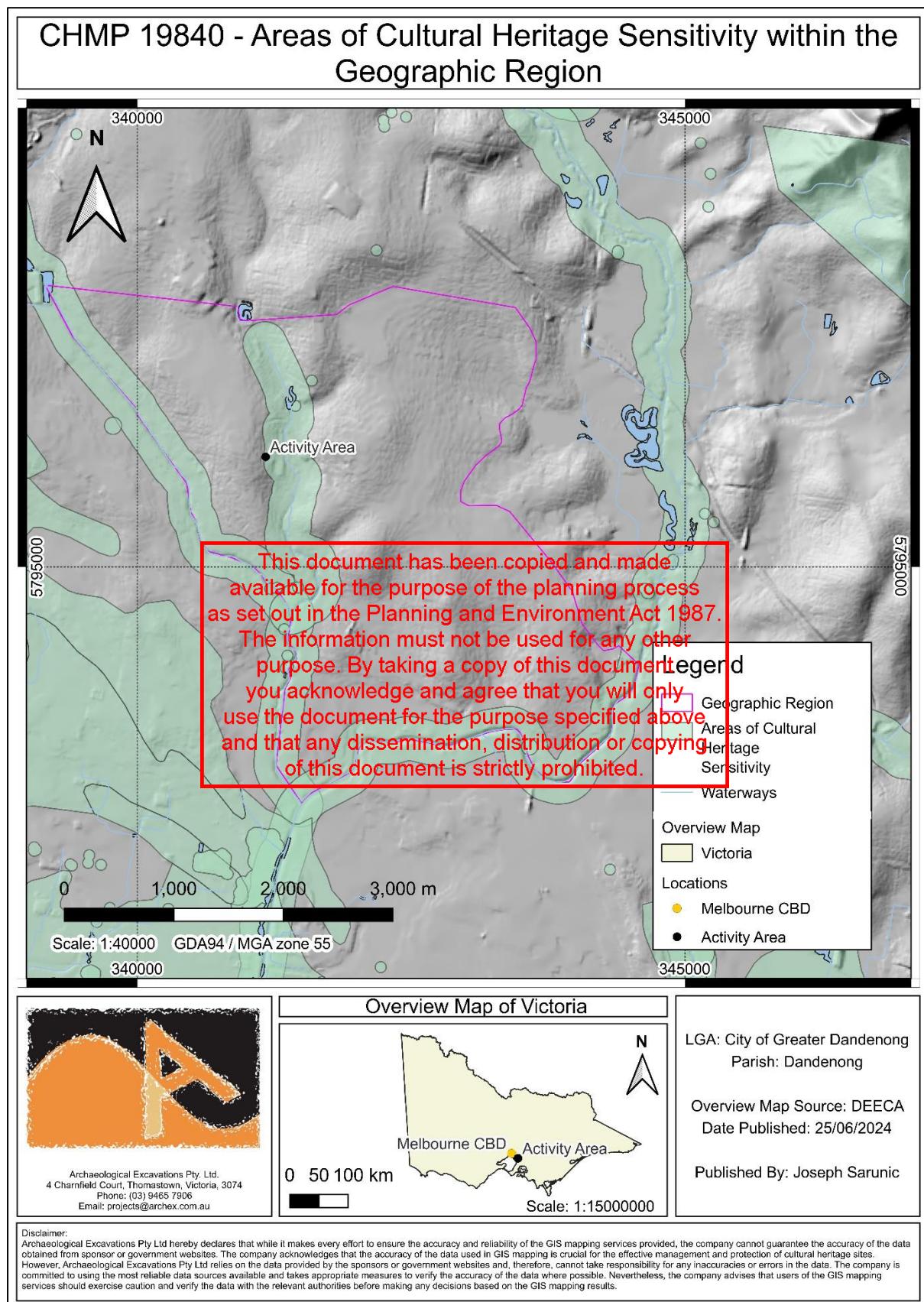
VAHR Number	Place Name	Component Type	Place Details	Landform	Distance to the Activity Area
7922-1392	Dandenong Park Scarred Tree	Scarred Tree	Red gum tree with two scars: 2m and 0.25 m in length	Unknown	3540m southeast
7922-0768	MILE CREEK 2	Artefact Scatter	Unknown numbers of quartz and silcrete flakes found on the surface	Ridge/terrace	1192m south
7922-1390-1	Railway Parade LDAD1	LDAD	One silcrete angular fragment at depths of 350mm	Plain	1220m southeast
7922-1390-2	Railway Parade LDAD1	LDAD	One silcrete angular fragment at depths of 350mm	Plain	1220m southeast
7922-0766	OAKWOOD 2	Scarred Tree	Red gum tree with one scar: 65cm in length	Gully	500m northeast
7922-0868	OAKWOOD PARK ESTATE 1	Artefact Scatter	One silcrete flake found during a historic dig at an unknown depth	Plain	780m northeast
7922-0556	MILE CREEK SCARRED TREE	Scarred Tree	Unknown tree species with one scar: 96cm in length	Floodplain	1178m south

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**Map 4 - Registered Aboriginal Places Within the Geographic Region**



**Map 5 - Areas of Cultural Heritage Sensitivity Within the Geographic Region**



#### 7.1.4 Previous Work in the Geographic Region

A review of previous Aboriginal cultural heritage investigations aims to provide information on the distribution and nature of Aboriginal cultural heritage in the surrounding region. This process will assist in informing the likelihood of Aboriginal cultural heritage being present in the activity area. The results of previous surveys and excavations can significantly aid in theorising the presence of Aboriginal cultural heritage, soil stratigraphy, landforms, and disturbances affecting the activity area and its in-depth history.

A total of 53 archaeological reports have been conducted within the geographic region. The most relevant reports related to the activity area, including those undertaken on the same landform as or close to the area, have been summarised below.

#### 7.1.5 Regional Studies

**Rhodes, D. 1990 *Dandenong Creek and Patterson River Melbourne: An Archaeological Survey*. Prepared for the Department of Conservation and Environment. Report ID 312.**

This report records the findings of the eight day archaeological survey undertaken along Dandenong Creek, except for areas already included in other surveys, such as the Liverpool Road Retaining Basin and Native Police Paddocks. The goals of this survey were as follows:

- To document Aboriginal archaeology within the area and assess archaeological site significance;
- Identify areas with high archaeological potential;
- Assess the effects that heritage within the area may have on future development and
- Obtain the views of the Aboriginal communities interested in the activity area.

Eight places were found throughout this survey:

- VAHR 7922-0244 (BRUCES CREEK 1) - scarred tree;
- VAHR 7922-0245 (DANDENONG CREEK 1) - scarred tree;
- VAHR 7922-0246 (DANDENONG CREEK 2) - scarred tree;
- VAHR 7922-0427 (WALLABY TRACK 6) - scarred tree;
- VAHR 7922-0428 (WALLABY TRACK 7) - scarred tree;
- VAHR 7922-0429 (WALLABY TRACK 9) - scarred tree;
- VAHR 7922-0450 (RUNNING CREEK TRACK\_20) - scarred tree and
- VAHR 7922-0082 (POLICE PADDocks 1) - artefact scatter.

The low number of places may be due to poor ground visibility or high amounts of previous development. Due to the fragmentary nature of the evidence collected, little analysis of the

land use patterns of Aboriginal occupation along the coast of Dandenong Creek could be performed.

**Smith, L. 1991 *Berwick-Pakenham Corridor, Aboriginal Archaeology*. Prepared for the Department of Conservation & Environment. Report ID 439.**

This study took place within the Berwick-Pakenham Corridor, which stretches between Dandenong and Bunyip and had three main objectives:

1. Identify areas of high Aboriginal/archaeological potential and significance;
2. Determine any threats that the corridor development might pose to archaeologically sensitive areas and make recommendations on the management of these areas and
3. Consult with the Aboriginal communities interested in the corridor zone and identify their views regarding the area's cultural heritage.

The survey strategy employed was to:

- Determine four separate landscape units within the corridor;
- Sample roughly equal portions of the corridor;
- Equal portions of each topographic unit occurring in each of the corridors and ~~as set out in the Planning and Environment Act 1987~~
- Sample different ~~as set out in the Planning and Environment Act 1987~~ places may still exist.

The survey identified 32 ~~artefact scatters~~, 3 isolated artefacts and 15 scarred trees. It was also noted that the distribution of artefacts was mainly determined by the presence or absence of water, which ~~and that the distribution of artefacts is mainly determined by the presence or absence of water, which is a source of drinking water~~ but for most other food sources (Smith 1991:38). 50% of all artefact scatters were found to occur within 10m of a water source, and 28% were found to occur between 11-60m. All isolated artefacts and artefact scatters were found in relation to eroding or disturbed areas where artefacts were visible on the surface, though only two sites were considered surface scatters. Also, it was found that the closer places were found to the suburb of Dandenong, the higher percentages of quartz were encountered compared to other materials, but as the distance increased, the chert percentage increased and overtook quartz. This led Smith to note that silcrete and chert were imported materials (Smith 1991:49).

**Bird, C.F.M. 1993 *Archaeology of the Central Highlands Background Study*. Prepared for Aboriginal Affairs Victoria. Report ID 971.**

This survey was prepared for the purpose of reviewing background information on archaeology within the Central Highlands Region east of Melbourne, which can be divided between a heavily surveyed and inhabited coastal region in the western zone, which the activity area lies upon, and a more heavily forested and less well-surveyed eastern zone. Though the eastern zone is of more importance to the authors of this study, the western

zone is also covered, and several observations are made about the archaeology present. Despite historical sources pointing to the ignorance of the inland areas in preference for the coastline by Bunurong and Woiwurrung people inhabiting the study area, this is likely due to the long history of urbanisation which has taken place closer to Port Phillip, meaning that more sites have been encountered within its boundaries. Three models for the Aboriginal occupation of the Central Highlands Region are presented. Though more emphasis is placed upon the eastern zones, the author notes in two of the three models that sites will likely be focused on gently undulating terrain and alluvial plains within the western zone.

### 7.1.6 Previous CHMPs in the Geographic Region

**Albrecht, M. 2015 *Cranbourne Pakenham Line Upgrade, Cultural Heritage Management Plan*. Prepared for the Department of Economic Development. CHMP ID 13274.**

This mandatory CHMP was prepared to allow for the construction of widespread rail infrastructure under Sections 23, 37, 22, 38 and 31 of the *Aboriginal Heritage Act* (2006).

The assessment included a desktop assessment designed to review the archaeological, geological, hydrological and botanical aspects of the geographic region, a combined vehicle and pedestrian survey of the length of the affected railway line, and a complex assessment. The complex assessment purpose was to take excavation for seven 1x1m TPs and 126 0.5x0.5m STPs. From the assessment, one 1x1m TP and four 0.5x0.5m STPs contained Aboriginal cultural heritage.

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Eighteen artefacts were found in total, registered as one artefact scatter (VAHR 7921-1554 (Lynbrook Station2)) and two LDADs (VAHR 7922-1390 (Railway Parade LDAD1) and VAHR 7921-1553 (Lynbrook Station LDAD1)). The contents of these places include:

- VAHR 7922-1390 (Railway Parade LDAD1): two silcrete angular fragments found at 300-400mm,
- VAHR 7921-1554 (Lynbrook Station2): one silcrete longitudinal split flake, one silcrete complete flake, one silcrete complete blade, one silcrete proximal flake, two silcrete distal flakes, one quartzite angular fragment, two silcrete angular fragments and one quartz angular fragment found between 100-800 mm and
- VAHR 7921-1553 (Lynbrook Station LDAD1): two complete basalt flakes, one crystal quartz blade, one complete quartz flake and one basalt medial flake were found between 300-500mm.

**Burch, J., Cooper-Wallis, M., Colby, R., and Crabtree, K. 2023 *Multi-Dwelling Development and Residential Subdivision, 5 Briggs Crescent, Noble Park, Victoria*. Prepared for Bajwa Group. CHMP ID 19123.**

This mandatory CHMP was prepared under Sections 26, 48, and 49 of the *Aboriginal Heritage Regulations* (2018) as the proposed activity was a multi-dwelling development and subdivision.

The desktop assessment reviewed the geographic region's archaeological, geological, hydrological, and botanical aspects. It was followed by a pedestrian survey and the excavation of five auger probes.

No complex assessment was undertaken, as it was determined that the activity area lay upon the floodplain landform, and it was highly unlikely that any Aboriginal heritage would be encountered.

**White, T. 2013 *74 Kelvinside Road, Noble Park VIC 3174 Proposed Residential Development*. Prepared for Chandra Prum. CHMP ID 12609.**

A mandatory CHMP was prepared due to the residential subdivision of 74 Kelvinside Road and the construction of three two-storey units as set out in the Planning and Environment Act 1987.

The desktop assessment concluded that the activity area had a low potential for Aboriginal cultural heritage to be present due to the lack of previously registered Aboriginal places within the geographic region. Additionally, many previous reports and CHMPs concluded that many other activity areas had encountered significant ground disturbance.

As a result, no standard or complex assessments occurred due to these findings.

**Stevens, J. 2014 *5 Lorraine Street, Dandenong CHMP*. Prepared for Barry Plant. CHMP 13248.**

A mandatory CHMP was prepared for a high-impact activity of a residential subdivision at 5 Lorraine Street, Dandenong. This address is 200m from Mile Creek, within the Aboriginal cultural heritage sensitivity overlay.

The results of the desktop assessment determined that no Aboriginal cultural heritage would be present within the property, as previous CHMPs within 3km had not encountered any Aboriginal cultural heritage within their assessments. These reports found a consistent fill layer at a depth of 700mm, indicating that significant ground disturbance had already occurred within these areas.

As a result, no standard or complex assessments occurred due to these findings.

**Myers, S., Mallet, T., and Dr Mirams, S. 2016 *Construction of Four Townhouses, 4 Goldlang Street, Dandenong: Cultural Heritage Management Plan*. Prepared for Liang Fang. CHMP ID 14000.**

A mandatory CHMP was prepared due to the residential subdivision at 4 Goldlang Street, Dandenong, and the construction of four townhouses on the property.

The standard and complex assessments included the excavation of one 1x1m TP and five 0.4x0.4m STPs. The first stratigraphic layer encountered during the excavations was a dark greyish topsoil layer, followed by a light greyish brown silty sand, over a very light grey silty sand, and finally, a strong brown compact clay.

All pits terminated at 750-800mm, and no Aboriginal cultural heritage was encountered during the excavations.

**Clark, C. 2018 *94–96 Langhorne Street, Dandenong, Residential Subdivision: Cultural Heritage Management Plan*. Prepared for SJ Design. CHMP ID 15967.**

SJ Design commissioned a mandatory CHMP for a residential subdivision at 94-96 Langhorne Street, Dandenong.

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The standard assessment found low GSV across the property, which hindered the ability to locate Aboriginal cultural heritage.

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The complex assessment consisted of three 1x1m TPs. The excavations encountered uniform stratigraphy, with a grey silty sand profile over a significant fill layer with concrete blocks, indicating substantial ground disturbance.

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As a result, no heritage was discovered during the complex assessment.

**Dr Verduci, J. 2021 *Cranbourne Rail Line Project, Dandenong to Cranbourne. Prepared for Major Transport Infrastructure Authority. CHMP ID 16527.***

A mandatory CHMP was conducted due to the proposed upgrade to the Cranbourne railway line, including splitting the previously dual-direction track into two new ones and implementing associated amenities, landscaping, and connecting existing and new utilities and services.

The standard and complex assessment included the excavation of two 1x1m TPs and 13 0.5x0.5m STPs along modified sections of the railway line. The stratigraphy consisted of a reddish-yellow sandy clay fill layer, followed by a light brown sandy clay layer, and finally, a greyish-brown clay base layer. All pits terminated between 700-820mm.

No Aboriginal heritage was encountered during the standard or complex assessments.

**Bensted, R. 2022 *Yarraman Station Car Parks for Commuters Project Cultural Heritage Management Plan*. Dahua Epping Developments Pty Ltd. CHMP ID 17586.**

A mandatory CHMP was prepared for the proposed construction of a car park connected to the Yarraman Station, located 650m southwest of the activity area.

The standard and complex assessment included the excavation of one 1x1m TP and three 2x1m MTPs. The stratigraphy consisted of dark brown sand with basalt fill, followed by a light grey silty sand, before reaching the grey and orange basal clay layer. All pits terminated at 660-730mm.

No Aboriginal cultural heritage was encountered during the standard or complex assessments.

### 7.1.7 Landforms and Geomorphology of the Activity Area

The activity area lies entirely within GMU 7.1.1: Coastal Plains with Ridges and Dunefields. This GMU is formed over Neogene sediments, commonly covered by a context of thick sand (VRO 2020).

The typical geological features for this GMU are ridges that lie parallel to the coastline (VRO 2020). The soils generally consist of sand overlying dark brown coffee rock at approximately 0.8m below the ground surface (VRO 2020).

- Other GMUs located within the geographic region include:
- GMU 1.3.1: Low Relief Landscapes at Low Elevation; and
  - GMU 1.3.3: Terraces, Fans and Floodplains.

#### 7.1.7.1 Hydrology

The main watercourses within proximity to the activity area include Dandenong Creek, which lies 3km east of the activity area; Mile Creek, 700m to the west; and Yarraman Creek, 200m to the east.

The creeks are considered culturally sensitive locations, and all the Aboriginal places within the geographic region have been identified in relation to these watercourses. These results concur with Smith's findings (1991:38), where 50% of all artefact scatters found during a survey of the Barwick-Pakenham corridor lie within 10m of named watercourses.

#### 7.1.7.2 Climate

The climate of Australia is accepted as being different between the Pleistocene period (~2.5 million years ago – 11,700 years ago) and the Holocene period (11,700 years ago until today). During the Pleistocene period, it is believed that Aboriginal people living in Victoria

experienced fluctuating climatic conditions, with a colder and drier continent than today as much of the world was glaciated, especially during the late Pleistocene (Lourandos 1997). The climate during the early Holocene period is understood to be much like today. Each of these climatic phases is composed of several sub-phases, with varying temperature and humidity levels leading to changes in vegetation and sea levels (Lourandos, 1997). The LGM reached approximately 20,000 years ago, although only a small part of mainland Australia had ever experienced glaciation (Barrows et al. 2005). This resulted in the cooling and drying of the world, with average temperatures of 5°C lower than today (Broome 2005). Life for Aboriginal people in Victoria at this time would have been difficult due to the drastically changing ecology and food resources available, including the extinction of species such as the Australian megafauna (Broome 2005).

Since then, conditions have generally become warmer and more humid. A rise in sea levels by 100-150m over 15,000 years flooded coastlines and formed the Bass Strait and Port Philip Bay around 9,000 years ago (Broome 2005). Between 10,000 and 7,000 years BP, Port Phillip Bay was a dry glacial fluvial-dominated region, whereby the bay entrances were blocked, preventing marine transgression by approximately 1,000 years (Holdgate et al. 2011:174). Until approximately 1,000 years BP, Port Phillip Bay underwent a series of fluctuating water levels that caused the blockages of the bay, which caused implications for the long-term stability of the bay regarding marine life and water sources (Holdgate et al. 2011:174). The impacts these climatic fluctuations had on Aboriginal occupation impacted everyday life, as the otherwise frequent food and water sources decreased, impacting the subsistence strategies used to sustain the communities in the region.

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In more modern times, Victoria's climate varies, ranging from semi-arid temperate with hot summers in the northwest to temperate and cool along the coastlines. At the same time, The Great Dividing Range in the state's east produces a cooler mountain climate (BOM 2024).

Noble Park's top temperature is 26 degrees Celsius during the summer and can reach as low as 7 degrees Celsius in the winter. The average annual rainfall is 58.9cm (BOM 2024).

### 7.1.8 Flora and Fauna in the Geographic Region

Descriptions of the likely EVCs that would have been dominant in the area before 1750 have been derived from modelling developed by the DEECA. EVCs are the standard unit for classifying vegetation types in Victoria. They are described through a combination of floristics, lifeforms, and ecological characteristics, as well as through implied conformity to particular environmental attributes (DEECA n.d.).

The activity area is located entirely within EVC 175: Grassy Woodland. This EVC comprises a variable open eucalypt woodland to 10-15m tall over a diverse ground layer of grasses and

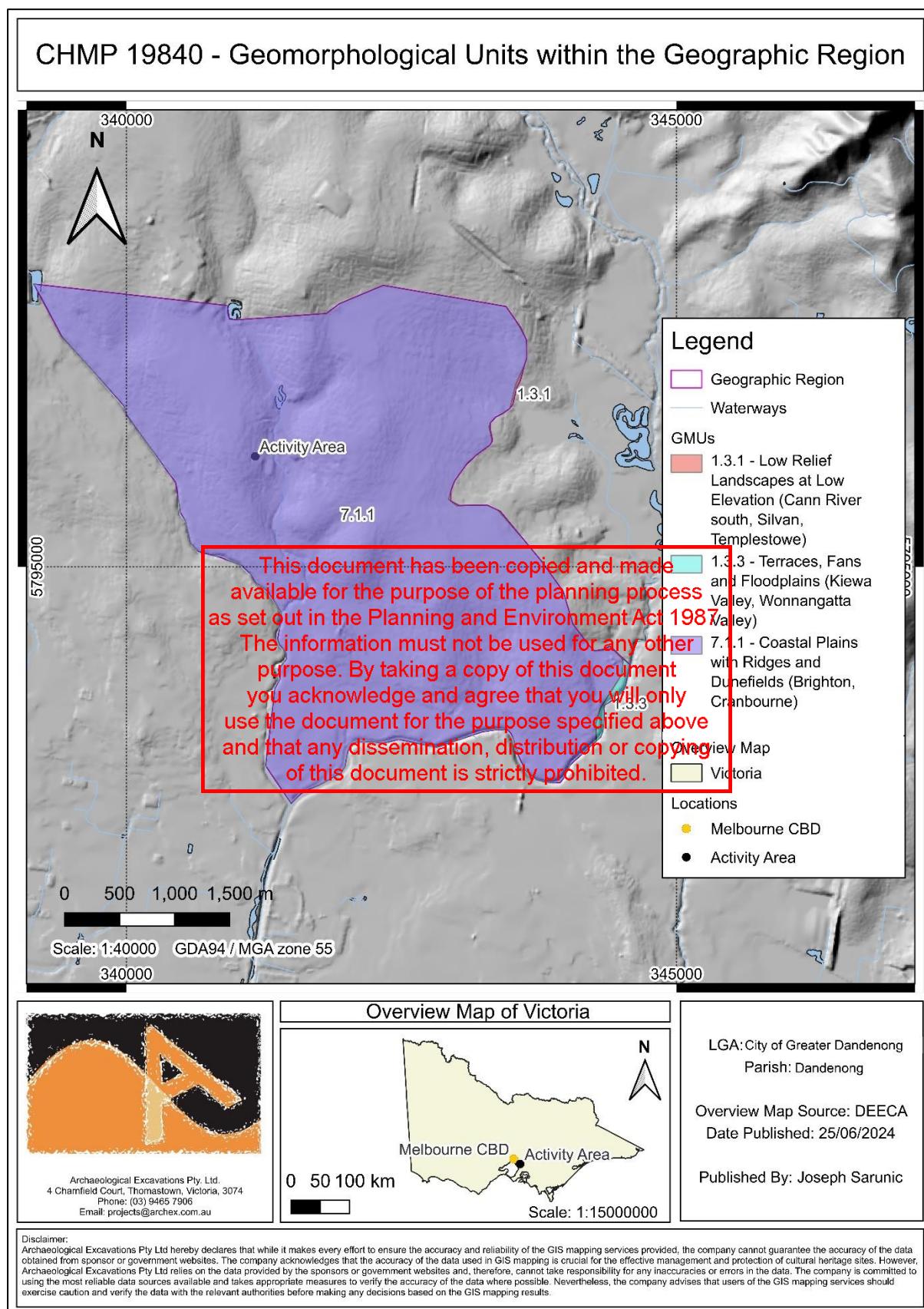
herbs (DEECA n.d.). The shrub component is usually sparse and it occurs on sites with moderate fertility on plains or undulating hills on various geological backgrounds (DEECA n.d.). The ground layer is a diverse mix of grasses and herbs, and shrubs is sometimes sparse or non-existent in soils with moderate to high fertility levels (DEECA n.d.). The typical land surfaces within EVC 175 include both slopes and undulating plains (DEECA n.d.). Tree canopy will comprise Swamp Gum (*Eucalyptus ovata*), with smaller trees contributing approximately 15% of the total canopy cover (DEECA n.d.). Grassy Woodlands receive approximately 550-700mm of annual rainfall (DEECA n.d.).

Other EVCs located within the geographic region include:

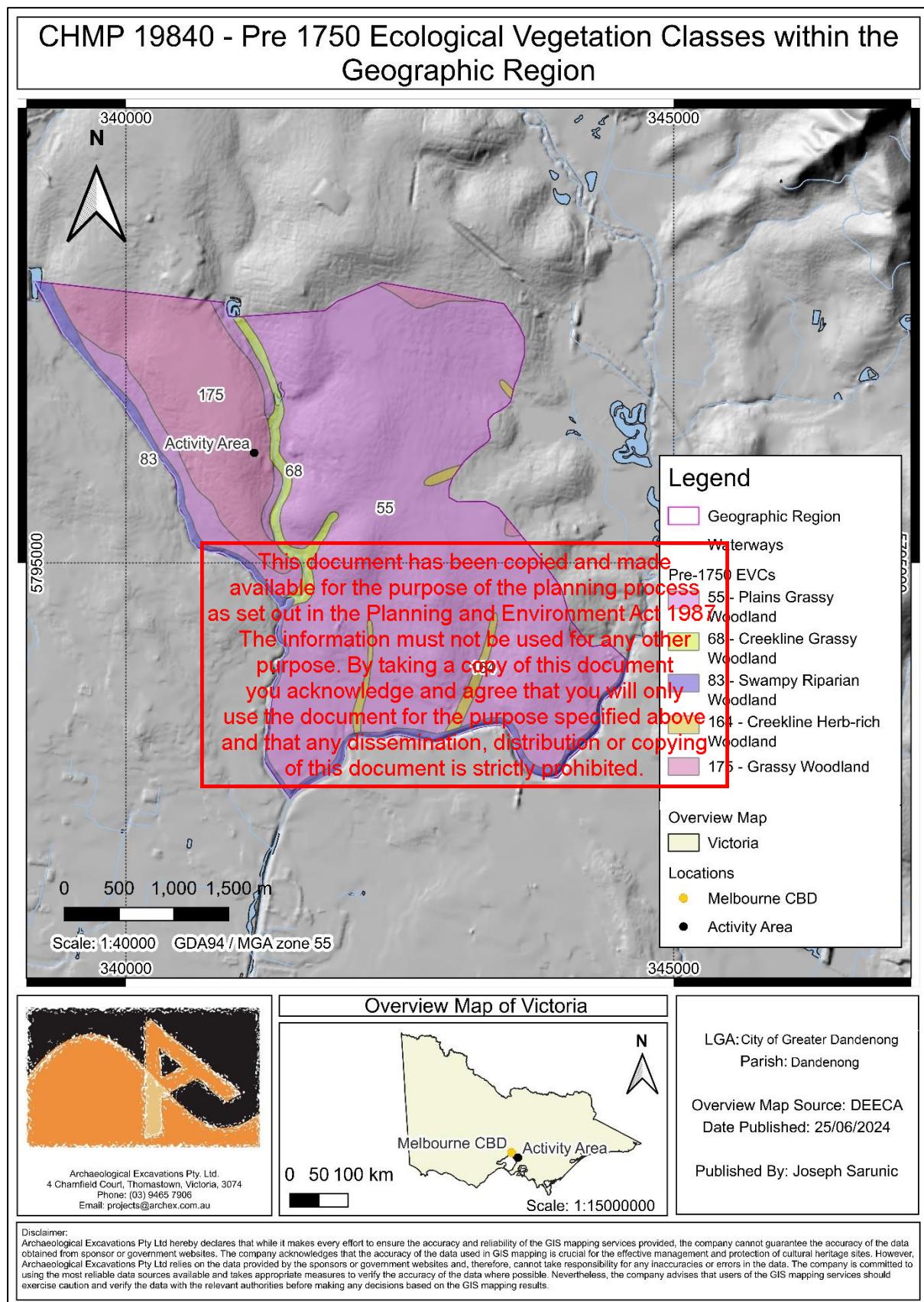
- EVC 55: Plains Grassy Woodland;
- EVC 68: Creekline Grassy Woodland;
- EVC 83: Swampy Riparian Woodland, and
- EVC 164: Creekline Herb-rich Woodland.

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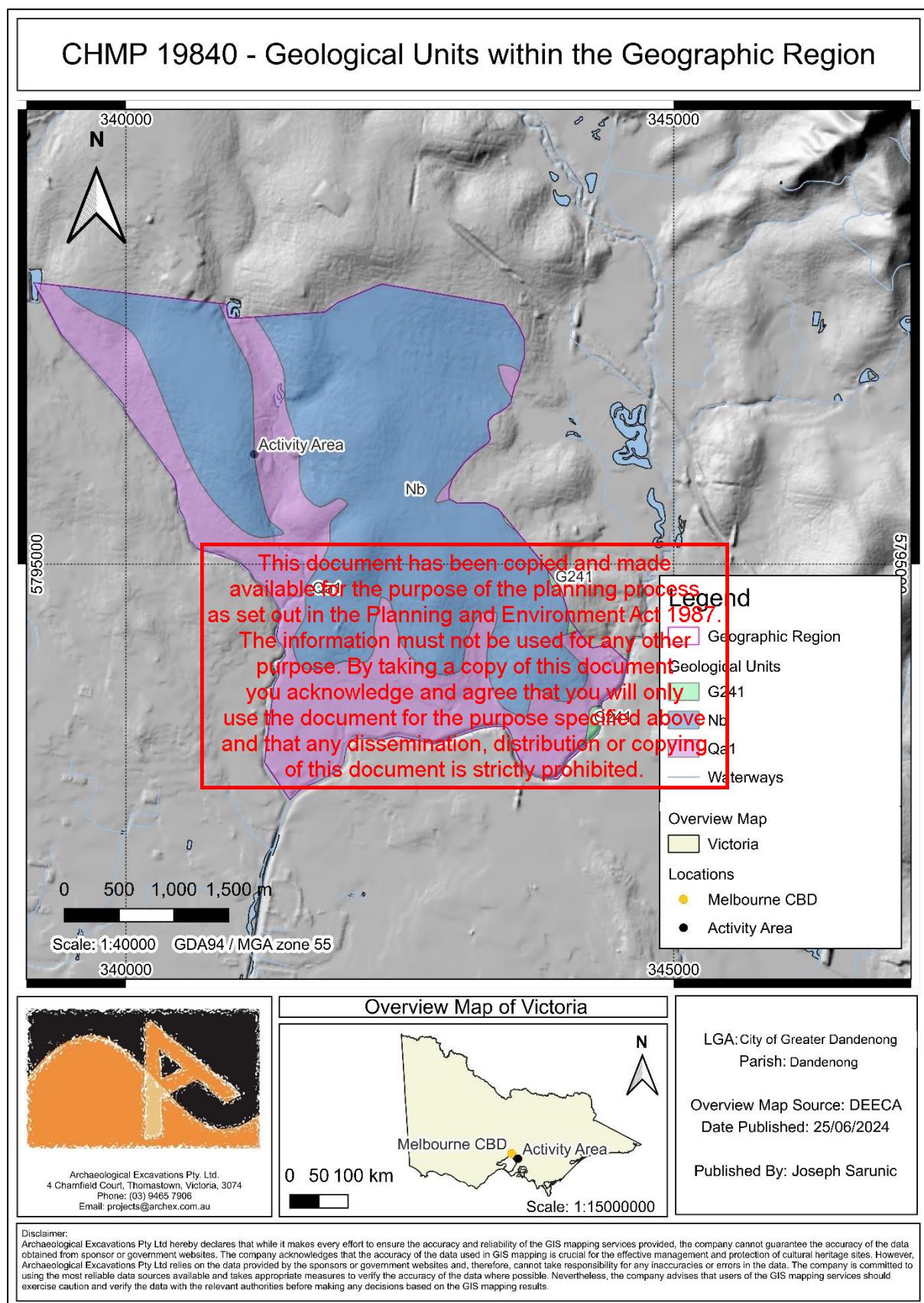
**Map 6 - Geomorphological Units Within the Geographic Region**



**Map 7 - Pre-1750 Ecological Vegetation Classes Within the Geographic Region**



**Map 8 - Geological Units Within the Geographic Region**



### 7.1.9 Historical and Ethno-Historical Accounts of Aboriginal Occupation

*Please note: This section has replaced historical titles containing offensive language with corrected terms to match modern values.*

Archaeological evidence suggests that Aboriginal people had occupied all of Australia's environmental zones by 40,000 years BP. One of the oldest dates for Aboriginal occupation in Victoria comes from the 'Bend Road' excavations in southeast Melbourne, which returned 35,000 years BP (Hewitt and Allen 2010). Excavations from other sites across Victoria have been dated close to 31,000 years BP (Flood 1995; Presland 1997). Colonial accounts reveal that Europeans failed to recognise the long-established, initially yet dynamic, land management systems reflected in the landscapes (Gammage 2014). From the British point of view, the mislabelled 'uncultivated' land was considered ownerless (Flood 2006).

The cultural shock and ethnocentrism prevented the explorers from seeing the Aboriginal culture's complexity, knowledge, and sophistication. Instead of seeing the Aboriginal social organisations as different, "they were considered as inferior" (Kuklick 2006:538). The classification of cultures based on social Darwinism was a practice that remained common until the twentieth century and, unfortunately, was widely adopted by scientists and anthropologists (Kuklick 2006).

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It should be recognised that most historical accounts describing Aboriginal culture were written by European colonists. Like any historical source it must be recognised as biased as it is a product of its time (Bloch 1949). Also, it must be acknowledged that ethnographic accounts were often recorded after Aboriginal populations had been severely impacted by colonisation.

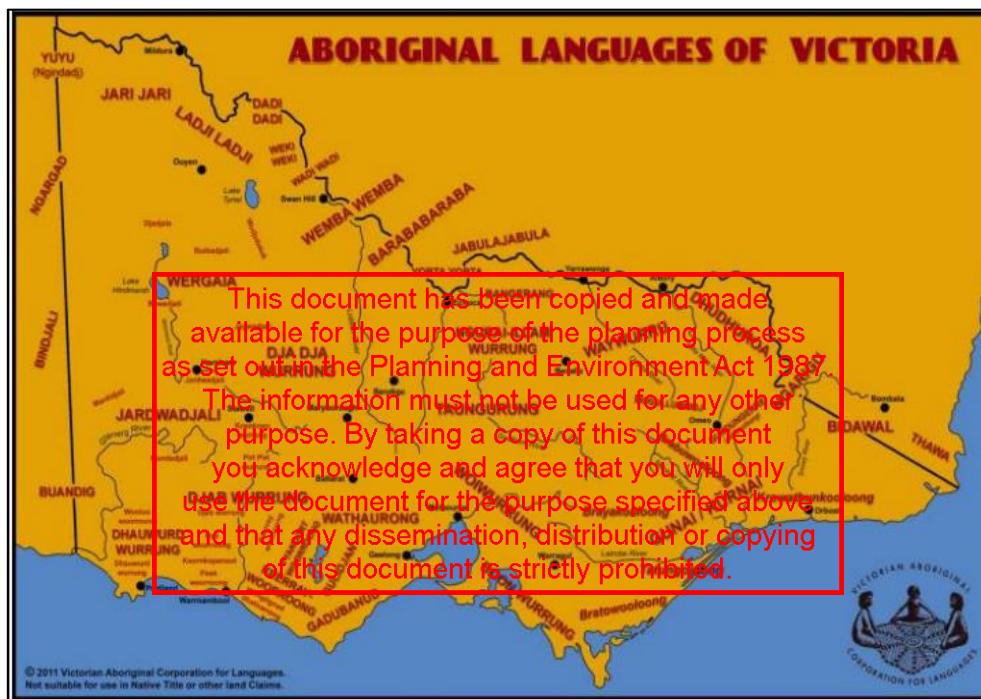
The earliest literature regarding Aboriginal culture includes the work of Edward John Eyre (1815-1910), Alfred W. Howitt (1830-1908), John Mathew (1849-1929), Robert Hamilton Mathews (1841-1918) and William Edwards Standridge (1816-1894) (Cahir et al. 2018; Howitt and Siebert 1904; Clark 1990; Presland 1997). These accounts are vital historical records as they involve interviews with Aboriginal Elders and include descriptions of the pre-colonial period (Cahir et al. 2018). Other essential written accounts come from Missionaries and Aboriginal Protectors, such as George Augustus Robinson (1791-1866), William Thomas (1793-1867), Christina Smith (1809-1893), Henrich Meyer (1813-1862), and George Taplin (1831-1879).

While the Europeans produced literature about the Aboriginal groups, Aboriginal knowledge exists primarily in oral forms. This knowledge was devastated by colonisation as groups were forced to abandon everyday lifestyles (Cahir et al. 2018). Part of this pre-colonial

knowledge is accessible in dispersed records, artworks, historical journals, photographs, and continuing through oral history.

### Kulin Nation

In southcentral Victoria, five groups share cultural and linguistic similarities: Woiwurrung, Boonwurrung, Wathawurrung (Wadawurrung), DjaDjawurrung, and Daungwurrung (Taungurung), identifying as the Kulin Nation (Clark 1990). Each group has several mobs that interact and intermarry (Figure 2). Considering that the mob territories varied in resources, area, and population density, trades and gatherings were also not uncommon (Flood 2006).



**Figure 2 - Division of Aboriginal Victoria Based on Language Groups (Victorian Aboriginal Corporation for Languages 2011)**

Aboriginal groups were characterised by small sizes and nomadism; however, nomadism was restricted geographically (Flood 2006). The standard definition of nomadism is defined as the “way of life of peoples who do not live continually in the same place but move cyclically or periodically” (Encyclopaedia Britannica 2021). Each group has its own language, country, and a deep sense of belonging to the land (Flood 2006).

While pre-colonial Aboriginal groups were highly mobile, others, like those in territories with rich coastal resources, were semi-sedentary (Flood 2006). Food sources were widely dispersed and seasonal, meaning the number of species used was immense (Clarke, 2018a). Gender roles are essential in food gathering and preparation. Men were responsible for hunting big game, while women collected smaller animals and static foods, such as

plants, shellfish, insects, and lizards (Clarke 2018a; O'Dea 1991). Clarke (2018b:71) acknowledges that a "deep understanding of the distribution and seasonality of plant foods were important for Aboriginal foragers, particularly during hard seasons and severe climate events."

### The Spiritual Life

Concerning cosmology, European colonists and Aboriginal peoples of the Kulin nation have fundamentally different accounts of the world's creation. Consequently, there are differences regarding how the groups think about the environment (Clarke 2018c). Western society made considerable efforts to be part of a world where nature and culture are two separate concepts and mutually excluding ones (Latour 1991). Aboriginal peoples of the Kulin nation consider culture and nature inseparable (Clarke 2018c). These differences meant that Europeans could not appreciate the complexities of Aboriginal traditions and culture. The Aboriginal spiritual and social structure is intangible and unseen by colonisers; anthropologists have recently reconstructed it and continues in Traditional practice (Broome 2005).

In the early twentieth century European attitudes towards Aboriginal spiritual culture changed, and a more descriptive approach occurred. In that scenario, the Spiritual Ancestors start to be described in European records as a group of heroic deeds during the creation period (Clarke 2018c). These accounts describe the Spirit Ancestors as human and non-human in appearance and attributes (Howitt and Siebert 1904). The Ancestor spirits were seen simultaneously as landscape features on Earth and celestial bodies (Clarke 2018c).

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In Southeastern Australia, accounts describe the mythology of the eagle-hawk and the crow, respectively, Bunjil and Waa. According to the local traditions, the world was created by Bunjil and Waa. Clarke (2018c:76) explained, "Many of the actions of Bunjil and his fellow ancestral beings during the Creation period were those of humans, rather than of animals, although the consequences of those actions were felt by human and animal descendants alike". Bunjil and Waa were antagonist beings, and the primary division system within Aboriginal descendants reflects that. The Kulin nation clans were organised into patrilineal moieties belonging to Waa or Bunjil. The marriage partners were required to belong to opposite moieties, with specific laws to prevent marriage between two people from the same moiety. Broome (2005:21) details that "each Aboriginal person had multiple identities, that of moiety, clan, language group and confederation, which most European observers found impossible to fathom".

### Bunurong

The activity area lies within the traditional lands of the BLCAC. The Bunurong were among the first recorded of the Kulin groups to encounter Europeans at Sorrento in 1803. Prior to this, early contact occurred with sealers, who abducted and “kept native women” at camps (Massola 1969:153). Most early explorers did not come into direct contact with the Aboriginal population of the Westernport region, although they did make observations of campsites, fires and artefacts (Bass 1895; Weatherall 1827). There is ethnographic evidence to show that Bunurong campsites existed on Chinamans Creek – some 45km to the southwest of the activity area - which drained into Tootgarook Swamp. This is known from an early settler by the name of Robert Rowley, who claimed that each year, Aboriginal people travelled along this waterway to a large camp on the way to a camp in Sorrento in time for summer (Rhodes and Bell 2004). A census conducted in 1839 by Thomas indicates that the Bun wurrung may have comprised about 500 people or “six square miles per person” (Thomas n.d.:47).

Before colonisation, the geographic region was located within the Bunurong people's territory, stretching along the coast from Werribee and Melbourne to Wilsons Promontory, including the Mornington Peninsula and north into west Gippsland (Figure 2). Bunurong peoples had six clan groups (Hawthorn 1883).

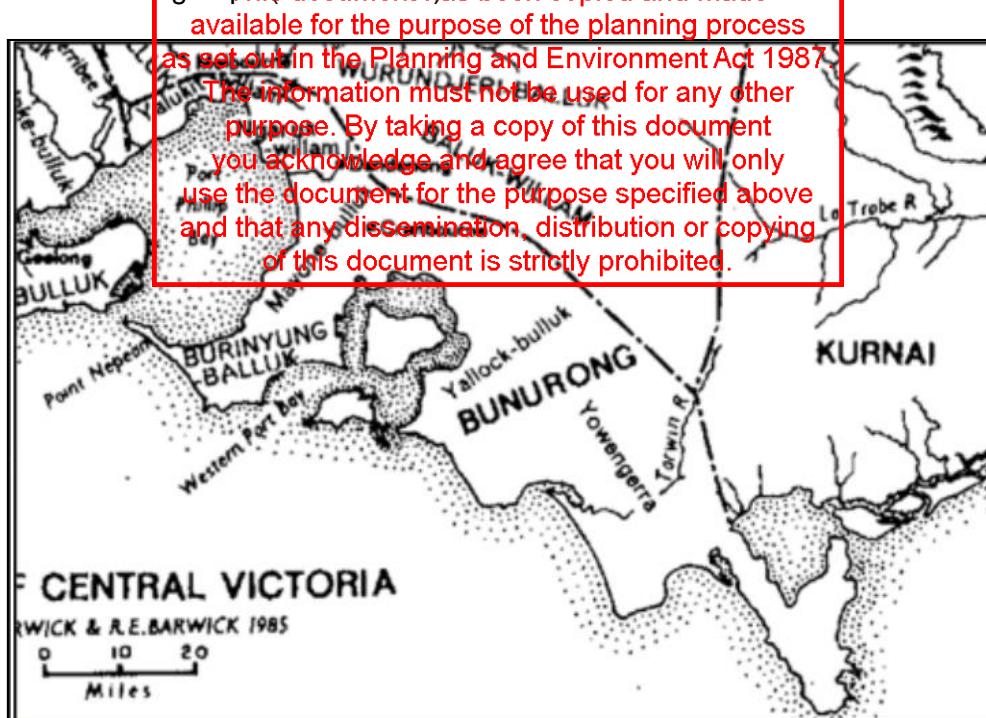


Figure 3 - Bunurong Map (Barwick 1985)

As previously mentioned, clans were organised into patrilineal moieties. Individuals belonged to the Waa or Bunjil, crow or eagle-hawk, believing that Bunjil and Waa created the world shared across the Kulin clans. An individual inherited the creation stories and rituals associated with the sacred places but also based on birth in that Country from the father.

Individuals also claimed links, ownership, and rights to resources in the mother country. Wives were chosen from other local groups and generally moved to live in the husband's Country.

According to the collation of the historical sources by Diane Barwick (1984), there were six Bunurong clans at the time of the European arrival (Table 8).

*Table 8 - List of Bunurong Clans*

Clan	Location	Moiety
Yalukit-Willam	East of Werribee River to St Kilda	Bunjil
Yallock-bullock	Bass River to Tooradin	Bunjil
Boonwurrung-bulluk	Point Nepean to Cape Schank	Waa
Yowenjerre	Tarwin River	Bunjil
Ngaruk-Willam	Brighton, Mordialloc, Dandenong and the area from Mount Martha to Mount Eliza	Bunjil
Mayone-bulluk	Carrum Carrum Swamp	Bunjil
Ngaruk-Willam	<p><b>This document has been copied and made available for the purpose of the planning process as set out in the Planning and Environment Act 1987.</b></p> <p><b>The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</b></p>	

Nguark-Willam is a clan associated with Brighton, Dandenong, the area from Mount Martha to Mount Eliza, and Mordialloc, where the activity area is located. The name Ngaruk-Willam translates to "stone dwellers" (from "ngaruk" = stones, rocky, and "willam" = dwelling place) (Clark 1990:14). William Thomas noted that the clan was not based upon movement across the landscape with the seasons, as the resources gathered from proximity to the coastline and the clan's unique and elaborate hunting strategies, namely controlled fire tactics, were sufficient to provide ample resources. These resources could be acquired in 4-5 hours due to the tactics mentioned above and the effective division of labour based on gender. Presland (2014:57) states that groups of Nguark-Willam hunters could cover on average 10km a day, potentially more if resources were scarce, and typically came back with "60-70 pounds of meat". The small amount of time needed for hunting left the rest of the day free for the construction or repair of tools, the performance of spiritual ceremonies, and, in the case of children, play (Presland 2010). Illustrations from European settlers give a glimpse of what Nguark-Willam campsites would have looked like and show the processing of animal resources such as kangaroo, emu and a variety of water-based life into foodstuffs, tools,

including bone fishing hooks, spear points and ropes from fur as well as clothing such as cloaks (Gibbins 2010).

The high amounts of shell middens found along the coastline of Ngaruk-Willam Country attest to the easy access to sea life facilitated by proximity to the coastline. Popular shellfish species include *Anadara trapezia*, *Mytilus* and *Ostrea*, which would have been collected from rocky outcrops and pools found along the coastline, typically by hunting groups of women (Sullivan 1981). The connection with the coastline led Edmund Finn in 1888 to note the affinity Aboriginal children had with the water by stating that; “*The children (male and female) were inured to the creeks and rivers almost as soon as they could toddle*” (Finn 1888:33). Settlement, however, was preferred near freshwater sources such as the Mordialloc Creek running through the geographic region, to which resources gathered from the surrounding territories would be carried at the day’s end (Spillane 1971).

An area of significance for the Ngurak-Willam located within the geographic region is the Mordialloc Aboriginal Reserve, established in 1852 on 852 acres of land around the mouth of Mordialloc Creek. The Mordialloc Aboriginal Reserve was located 4.5km southeast of the activity area, including a homestead run by Alexander Vause MacDonald. MacDonald was entrusted with distributing provisions allocated by the ~~Assisted Protection and Environment Act 1981~~ Aboriginal People living in the Reserve (Spillane 1971).

#### 7.1.10

#### Land Use History of the Activity Area

The post-contact and settler history of the activity area is relevant to understanding if Aboriginal cultural heritage may be present, as it can inform if previous disturbances have occurred. This determination is based on evidence of previous constructions within the activity area and any developments and activities that may have occurred within its immediate surroundings.

The activity area lies within the suburb of Noble Park, formerly part of the Shire of Dandenong, which originated in 1837. By the 1850s, Dandenong had roads connecting the suburb to Melbourne and a railway through the village by 1877 (Victorian Places 2015). By 1861, 40 houses had been built and by 1873 Dandenong was declared a shire. An 1875 description within the *Australian Handbook* describes the shire as having well-adapted land for farms and market gardens (Victorian Places 2015). An 1881 parish map shows the activity area and surrounding land being part of a 306-ha property, listed as plot 21, owned by E. Sayce (Figure 4).



Figure 4 - 1881 Map of Dandenong, Approximate Location of the Activity Area in Red (PROV 2019)

The *South Bourke and Mornington Journal* from 23 October 1878 records several cases from the Dandenong County Court, including a disagreement over the payment of commission for the sale of land by Mr Sayces, meaning that the property was likely sold to him at approximately this time (Trove 2024).

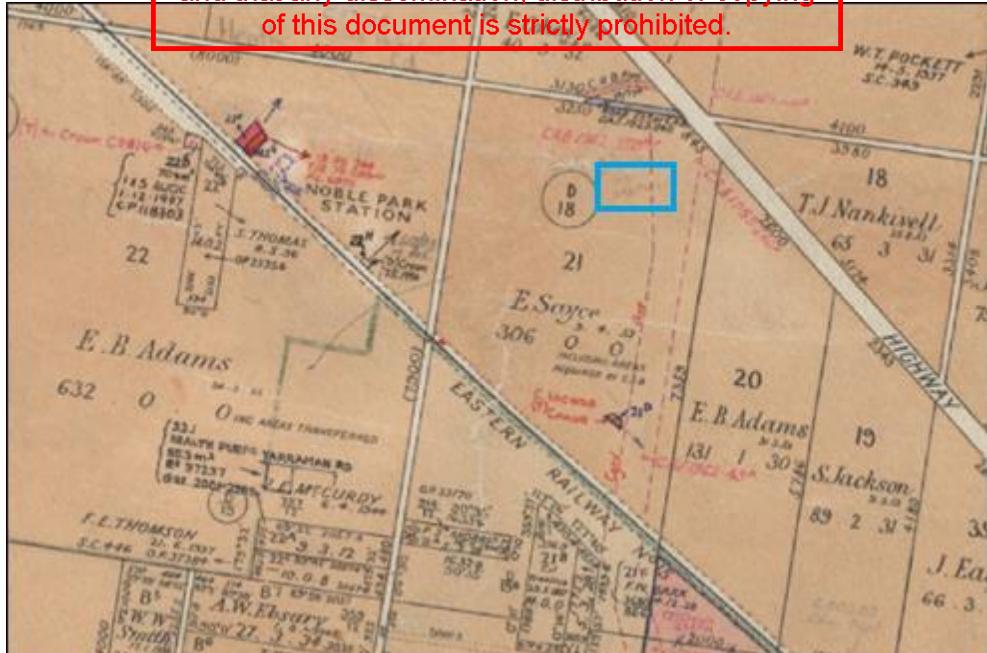
The land surrounding the railway underwent subdivision after its construction, which was turned into market gardens. In 1909, this group of gardens became known as Noble Park (Victorian Places 2015). The founder of the suburb is considered to be Allan Buckley, who named Noble Park after one of his children, Noble Buckley (Victorian Places 2015). Aerial photography from 1945 shows the property surrounding the railway as being relatively undeveloped (Figure 5). A court case recorded in The Dandenong Journal on 21 April 1932 shows that a dairy farm was present along Liege Avenue (Trove 2024). Other editions of this journal, such as on 24 February 1927, record that the residents of Liege Avenue had troubles with water supply and that the pipes for these houses had to be replaced again in 1944, according to the edition from 22 March 1944 (Trove 2024).

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**Figure 5 - Aerial Photography from 1945 Showing Lot 21 Marked in Red and the Approximate Location of the Activity Area in Blue (Mapshare 2024)**

The edition from 30 January 1952 provides specifications for Liege Avenue at the time, stating that it was a private street, paved with ironstone rubble, measuring 12 feet wide and approximately 40 chains long. (Trove, 2024). By 1955, Noble Park was severed from Dandenong, and in 1961, it became the City of Springvale (Victorian Places 2015). A map from 1961 shows that during this time, E. Soysce still owned the activity area (Figure 6).   
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**Figure 6 - Parish Map of Dandenong from 1961, Approximate Location of the Activity Area in Blue (PROV 2019)**

The increase in the number of schools exemplifies the rapid growth of Noble Park, which the town witnessed within a short period. Among these, Yarraman Park Primary, which was built in 1958, borders the activity area under the new name of Yarraman Oaks Primary School and was the second school built within Noble Park (Victorian Places 2015).

The existing dwelling within the activity area was first sold in 1983, then again in 1988, 1996, 2008, 2020 and finally in 2023 (Realestate.com.au 2024). The earliest aerial imagery that shows the existing dwelling is from 2005 (Figure 7).



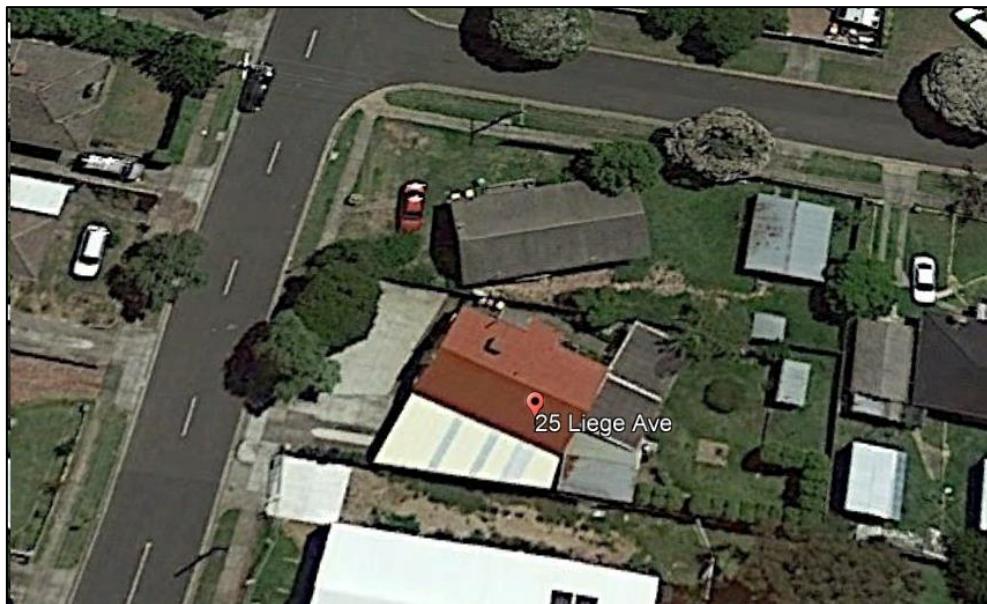
*Figure 7 - Aerial Image of the Activity Area from 2005 (Google Earth 2005)*

Figure 8, Figure 9, and Figure 10 illustrate minimal change in the activity area between 2006 and 2021.

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*Figure 8 - Aerial Image of the Activity Area from 2006 (Google Earth 2006)*



*Figure 9 - Aerial Image of the Activity Area from 2018 (Google Earth 2018)*

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Figure 10 - Aerial Images of the Horsley Area from 2021 (Google Earth 2021)

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## 7.1.11 Conclusions from the Desktop Assessment as set out in the Planning and Environment Act

The Aboriginal places found within the geographic region are almost exclusively scarred trees or artefact scatter found on the ground surface, specified LDAD with two components (VAHR 7922-1390 Railway Parade LDAD1) containing two silcrete flakes identified during subsurface excavation. A search of previous reports within the geographic region shows that very little cultural heritage material is encountered, even in proximity to Miles and Yarraman Creek, both significant waterways in the area. As imported fill is consistently encountered at a depth of approximately 700mm in surrounding CHMPs, this disturbance has likely occurred within the entire Noble Park area, and any cultural heritage located above 700mm may not be in situ. However, as the activity area is located in GMU 7.1.1: Coastal Plains with Ridges and Dunefields and within 200m of Yarraman Creek, these geomorphological factors indicate the possibility of Aboriginal cultural heritage being present within the activity area.

Previous land use history of the activity area has indicated that the west and central areas of the activity area have been significantly disturbed due to the construction of the dwelling, driveway, and shed. The eastern extent of the activity area, however, has the potential for intact subsurface deposits despite other CHMPs in the geographic region reporting the presence of imported fill. The subsurface integrity of the activity area cannot be accurately determined without a complex assessment occurring to investigate this.

Under Regulation 62 of the *Regulations*, a standard assessment is required if the desktop assessment indicates that it is reasonably possible for Aboriginal cultural heritage to be located within the activity area.

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## 7.2 Standard Assessment

The standard assessment took place on 9 April 2024 and was conducted by Luke Cartwright (HA and Archaeologist) and Zachary Buckley (Archaeologist Assistant) of Archaeological Excavations Pty. Ltd. BLCAC CHOs, Daniel Black and Ryan Kelly.

### 7.2.1 Standard Assessment Aims and Methodology

**Aims:** The standard assessment field survey investigated whether any Aboriginal cultural heritage was visible and the level of disturbance within the activity area.

**Methodology:** The standard assessment followed best-practice methods (Burke and Smith, 2004), namely a pedestrian survey of all accessible areas of the activity area. Photographs of the activity area were taken with a range pole (in 200mm increments). The survey was undertaken opportunistically across the activity area, and notes regarding features, visibility, and landforms were recorded.

The standard assessment was undertaken opportunistically due to the high levels of disturbance and existing structures within the activity area, which hindered the ability to walk the property in systematic transects. The extremely poor GSV was also a contributing factor, where the personnel onsite agreed to investigate the areas of higher GSV and archaeological potential as the ground surface could not be seen in the majority of the activity area.

**Obstacles and Limitations:** No obstacles or limitations were encountered during the standard assessment.

### 7.2.2 Standard Assessment Results

The pedestrian survey was completed within all accessible parts of the activity area, outside the buildings, garden beds, and the backyard. Most of the front of the property is concreted, as are the southern side of the house and the back patio (Figure 11 - Figure 16). The western extent bordering Liege Avenue is concreted and built up to level with the northern side road (Figure 14). A gas main is located in the front yard, and a gap in the concrete is left for a tree stump (Figure 11). Along the southern boundary, stopping near the garage is a thin (~300mm wide) raised garden bed (Figure 13).

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**Figure 11 - Western Boundary of Activity Area Showing Tree Stump and Gas Main (Facing South, Taken by Luke Cartwright, 09/04/24)**  
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**Figure 12 - Western Boundary of Activity Area Showing the House and Concrete Driveway (Facing East, Taken by Luke Cartwright, 09/04/24)**



**Figure 13 - Southern Boundary Showing Thin Raised Garden Bed and Garage (Facing East, Taken by Luke Cartwright, 09/04/24)**  
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**Figure 14 - Northern Boundary Showing Built-up Front Yard (Facing West, Taken by Luke Cartwright, 09/04/24)**

Along the house's northern extent, more extensive garden beds and a paved area lead to the concrete patio at the back (Figure 15). Off this patio, there is an in-ground hot tub with disused pipes, and basalt rocks are introduced around it, suggesting there used to be a

pond in this location (Figure 16). The construction of these features would have caused ground disturbance to a significant depth.



Figure 15 - Northern Boundary of the proposed childcare centre, facing East, Taken by Luke Cartwright, 09/04/24

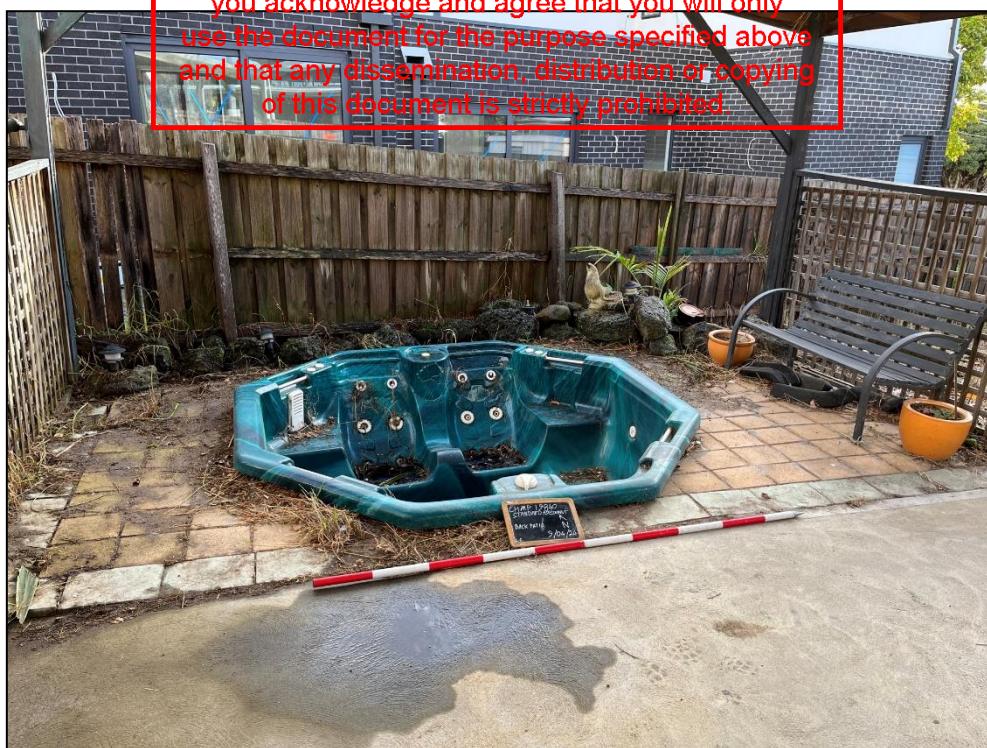


Figure 16 - Patio at Back of the House Showing In-ground Hot Tub and old Pond Fittings (Facing North, Taken by Luke Cartwright, 09/04/24)

The backyard is the only area that might have avoided ground disturbance (Map 10). There is a small shed in the northeast corner, a washing line pole, landscaping features (Figure 20), rocks around the edge, and irrigation pipes (Figure 19). The ground is uneven and undulates due to past landscaping and vegetation removal. Rows of trees along each edge visible on satellite imagery (see Section 7.1) have been removed.



*Figure 17 - Northern Edge of Backyard Showing Garden Bed (Facing West, Taken by Luke Cartwright, 09/04/24)*

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Figure 18 - View Across the Backyard from the Southeast Corner (Facing Northwest, Taken by Luke Cartwright, 09/04/24)

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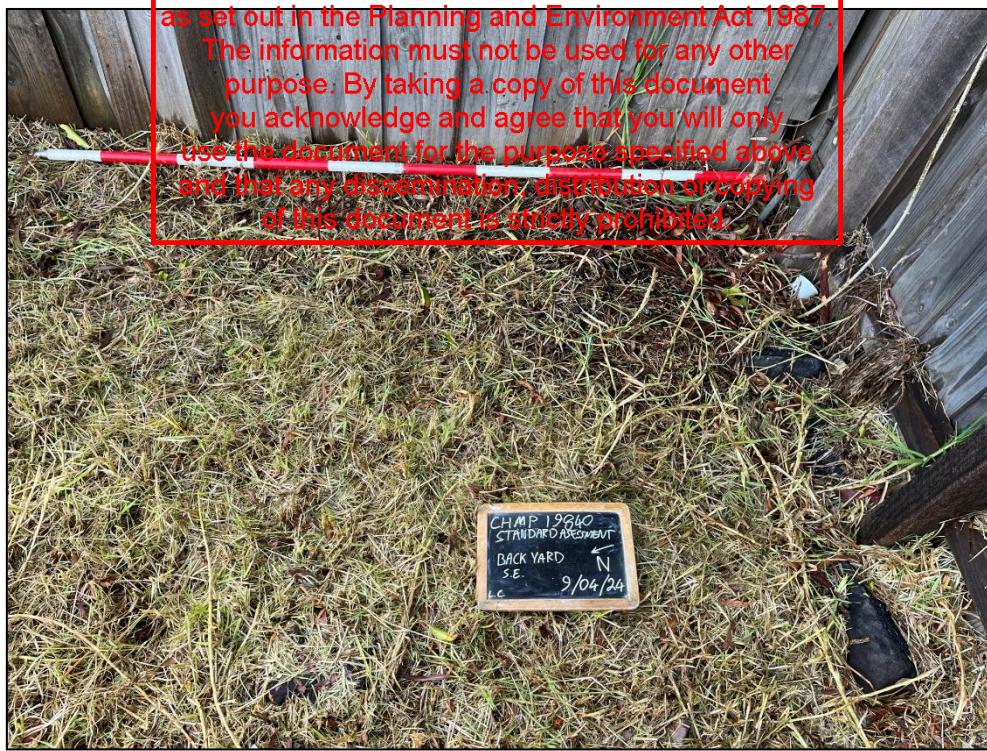


Figure 19 - Southeast Corner Showing Introduced Basalt Edging Rocks and Disused Water Pipe (Facing Northwest, Taken by Luke Cartwright, 09/04/24)



Figure 20 - Backyard Showing Brick-lined Landscaping and Shed (Facing Northwest, Taken by Luke Cartwright, 09/04/24)

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Figure 21 - View of the Backyard from the Northeast Corner Showing Lack of Ground Surface Visibility (Facing Northwest, Taken by Luke Cartwright, 09/04/24)

There was dense ground surface vegetation across the backyard during the standard assessment; thus, it was impossible to identify whether any Aboriginal cultural heritage was present in the area. Using GSV ratings (Table 9), the standard assessment calculated the

overall GSV for the activity area (Table 10) as very poor, with an average GSV of 1.3% (5% in the backyard and 0% elsewhere) (Map 9).

**Table 9 - GSV Reference Table**

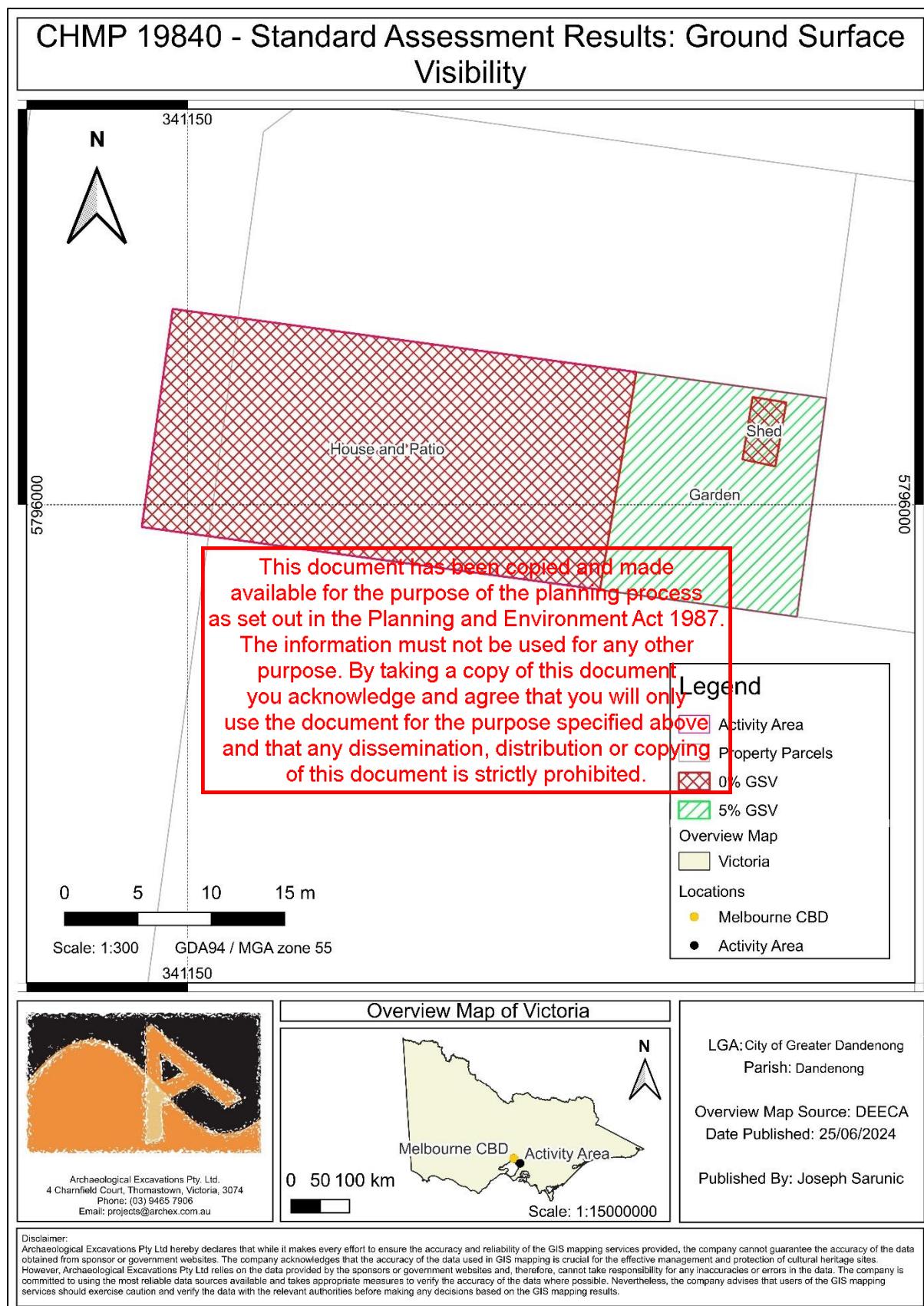
%	Visibility	Assessment
0 - 5	The ground surface is almost entirely obscured	Extremely poor
5 - 10	Infrequently visible patches of ground surface	Poor
10 - 20	Intermittently visible patches of ground surface	Average
20 - 50	Approximately half of the ground surface is visible	Adequate
50 - 75	Infrequently occurring ground coverage.	Good
75 - 100	Majority-to-all ground surface exposed. No obscuring ground coverage	Excellent

**Table 10 - Effective Survey Coverage Calculation**

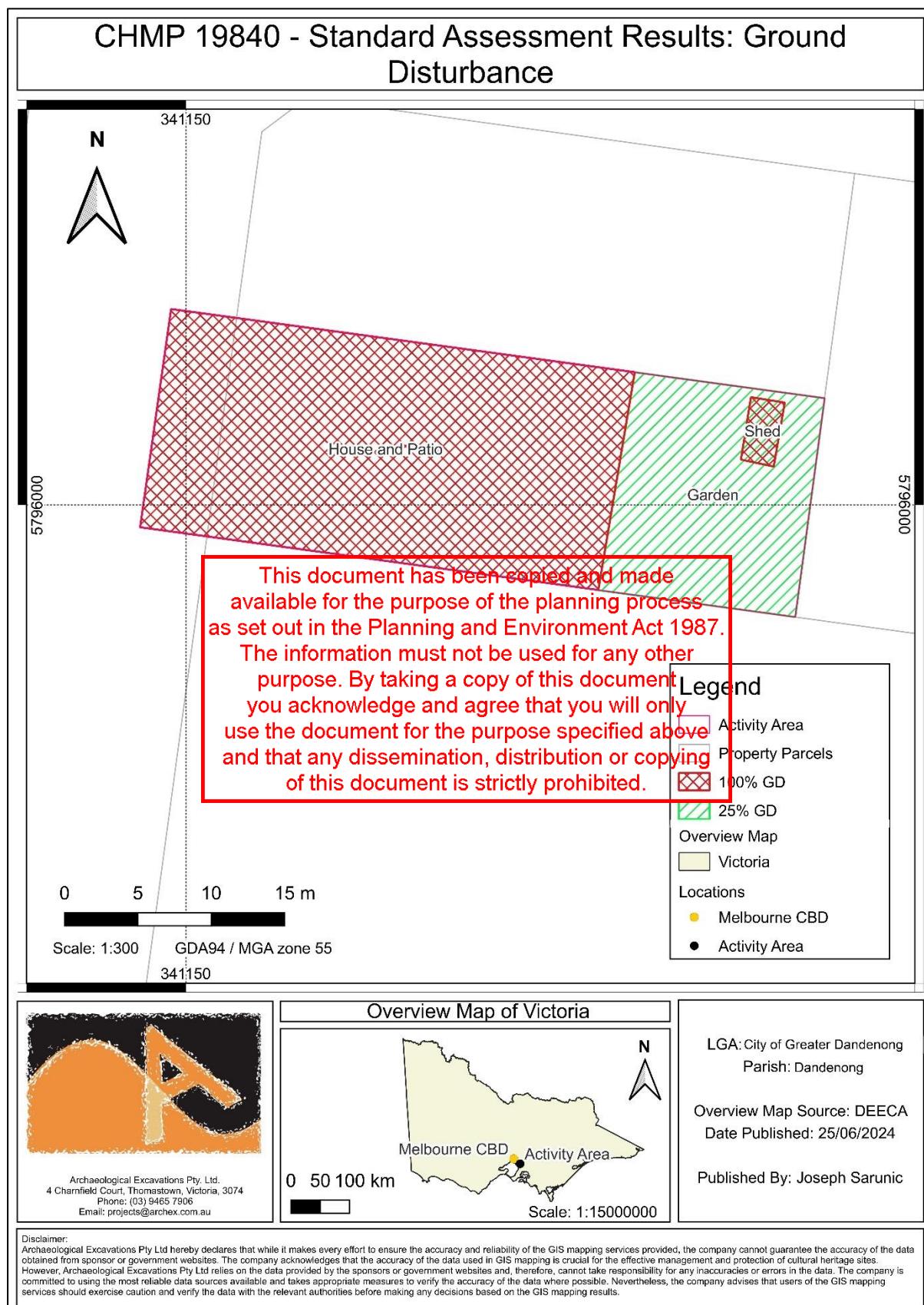
Total survey Activity Area (m <sup>2</sup> )	Non-Surveyable Area (m <sup>2</sup> )	Non-Surveyable Area (%)	Surveyable area (m <sup>2</sup> )	Surveyable area (%)	Mean GSV (%)	Effective Survey Coverage (m <sup>2</sup> )
684	504	74	180	26	1.3	9

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**Map 9 - Standard Assessment Results: Ground Surface Visibility**



**Map 10 - Standard Assessment Results: Ground Disturbance**



### 7.2.3 Standard Assessment Conclusions

The standard assessment pedestrian survey identified significant ground disturbance across much of the activity area, as was expected in the desktop assessment. The grassed backyard is the only area identified as having potential for Aboriginal cultural heritage; however, insufficient GSV leaves this inconclusive, so the field team moved immediately to a complex assessment to assess the disturbance and presence of Aboriginal cultural heritage in the subsurface. There are no trees that could be culturally modified, nor caves or rock shelters that could hold cultural heritage; the cultural heritage Places that could still be present are artefact scatters or LDADs.

Under Regulation 64 of the *Regulations*, a complex assessment is required if the desktop assessment or standard assessment shows that Aboriginal cultural heritage is, or is likely to be, present in the activity area; and it is not possible to identify the extent, nature and significance of the Aboriginal cultural heritage in the activity area unless a complex assessment is carried out.

In this case, it was not possible to identify the extent, nature and significance of the Aboriginal cultural heritage, due to the low GSV and levels of disturbance within the activity area.

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## 7.3 Complex Assessment

The complex assessment was undertaken on 9 April 2024 by Luke Cartwright (HA and Archaeologist) and Zachary Buckley (Archaeologist Assistant) of Archaeological Excavations Pty. Ltd. And BLCAC CHO Daniel Black and Ryan Kelly.

The following aims and methodology were agreed upon with BLCAC before the commencement of the complex assessment.

### 7.3.1 Complex Assessment Aims and Methodology

**Aims:** The complex assessment aimed to investigate the stratigraphy and subsurface nature of the activity area and determine whether subsurface artefacts are present within the activity area.

**Methodology:** It was determined that two 1x1m TPs would be excavated manually in 100mm spits in the activity area's eastern extent. The TPs were placed in the northwest and southeast corners of the backyard of 25 Liege Avenue, approximately 11m apart. As per BLCAC's standard excavation procedures and policies, if the TPs found Aboriginal cultural heritage, they would be subject to the exposure of the TPs in accordance with directions from the positive pit until a double negative is reached.

The recording methods for the complex assessment included collecting soil descriptions (methodology according to the Australian Soil Classification and Munsell Soil Chart), soil pH, and natural and cultural features. All photographs included a range pole with increments of 200mm. All soil was sieved with a 5mm mesh.

**Obstacles and Limitations:** The ground was severely waterlogged from approximately 200-500mm in both TPs, with water flowing through and rapidly inundating the pits. This made sieving difficult; however, clean water was used to wash and better examine any objects of interest. Once the clay was reached, sondages were used to confirm clay depth, as sieving the clay was difficult as it clogged the sieves.

### 7.3.2 Complex Assessment Results

The complex assessment comprised the hand excavation of two 1x1m TPs within the backyard of the activity area at 25 Liege Avenue (for TP coordinates, see Table 11). Stratigraphy across the two pits was consistent. Each TP had three contexts:

Context 1 was a friable organic silt topsoil down to 200 mm in TP01 and 270 mm in TP02. Both pits had plastic, glass, and brick inclusions in this context. This context also contained rocks, grassroots, and some more extensive roots from nearby removed vegetation.

Context 2 was a firm, silty clay that was very waterlogged, with water running through it rapidly. This layer in both pits had whole bricks down to the base of the layer, more in TP01. The bricks were sand and gravel and probably held together with lime. Some of the bricks in TP01 were coloured green (one of these can be seen in the pit wall in TP01 Figure 22).

Context 3 is a compact mottled basal clay. This sterile clay lacked the same disturbance as those above, although it has probably been cut into and mixed into context 2. The waterlogging prevented photographing this layer *in situ*, but a sample of this from each pit can be seen in Figure 23 and Figure 25.

Beyond these descriptions, a terracotta water pipe was encountered in the NE corner of TP02 at 350 – 450 mm depth (visible above the rapidly refilling water level in the top right of Figure 26). There was no packing gravel or fill around this pipe, and the soil around it was the same in texture and colour as the rest of Context 2.

No Aboriginal cultural heritage was identified throughout the assessment. The stratigraphic description of each TP is provided below in Table 11.

**Table 11 - General Information for Test Pits (GDA94 MGA Zone 55)**

Pit ID	Easting	Northing	Max Depth (mm)	Artefacts
TP01	341182.56	5796005.62	500	0
TP02	341188.89	5795996.72	700	0

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### 7.3.2.1 Test Pit 01



Figure 22 - 1.0 x 1.0 m Test Pit 01 (TP01) in the NW of the Backyard Within the Activity Area, Max Depth 500 mm, Arrow Facing North, 9/04/24



Figure 23 - Clay Sample from Context 3 of TP01 Showing Mottled Basal Clay Colouring

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**Project:** CHMP 19840**Date:** 09-04-2024**PIT ID:** TP01**Landform:** Flat**Coordinates:** 341182.56/5796005.62**Disturbance:** Plastic, grass, brick, terracotta pipe

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*Table 12 – Test Pit 01 Stratigraphic Details*

Context No.	Soil Horizon	Depth (mm)	Munsell	pH	Texture	Moisture	Structure	Consistency	Inclusions	Boundary	Artefacts Present
1	A1	0 – 200mm	7.5YR 2.5/2 very dark brown	7	Fine silt	Moist	Single grain	Friable	Small rocks, some quartz, insects, worms, and roots. plastic, glass, concrete fragments, and full bricks	Wavy boundary	0
2	B1	200 – 500 mm	7.5YR 4/2 brown	6	Fine silty clay	Wet	Angular blocky	Firm	Rock and buckshot, Inclusions of brick and glass fragments, water from an unknown source flowing rapidly through his layer	Smooth boundary	0
3	B2	500+ mm	7.5YR 5/3 brown & 7.5YR 4/6 strong brown	6	Fine mottled basal clay	Moist	Massive	Compact	-	Smooth boundary	0

### 7.3.2.2 Test Pit 02



Figure 24 - 1.0 x 1.0 m Test Pit 02 (TP02) in the SE of the Backyard Within the Activity Area, Max Depth 700 mm, Arrow Facing North, 9/04/24



Figure 25 - Clay Sample from Context 3 of TP02 Showing Mottled Basal Clay Colouring

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*Figure 26 - TP02 Spit 4 Showing Terracotta Pipe in NE/top Right Corner*

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**Project:** CHMP 19840**Date:** 09-04-2024**PIT ID:** TP02**Landform:** Flat**Coordinates:** 341188.89/5795996.72**Disturbance:** Plastic, grass, brick, terracotta pipe

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**Table 13 – Test Pit 02 Stratigraphic Details**

Context No.	Soil Horizon	Depth (mm)	Munsell	pH	Texture	Moisture	Structure	Consistency	Inclusions	Boundary	Artefacts Present
1	A1	0 – 270mm	7.5YR 2.5/2 very dark brown	7	Fine silt	Moist	Single grain	Friable	Small rocks, some quartz, insects, worms, and roots, numerous inclusions: plastic, glass, concrete fragments, and full bricks	Smooth boundary	0
2	B1	270 – 500 mm	7.5YR 4/2 brown	6	Fine silty clay	Wet	Angular blocky	Firm	Rock and buckshot, Inclusions of brick and glass fragments, water from an unknown source flowing rapidly through this layer	Smooth boundary	0
3	B2	500 – 700 mm	7.5YR 5/3 brown & 7.5YR 4/6 strong brown	6	Fine mottled basal clay	Moist	Massive	Compact	-	Smooth boundary	0

### 7.3.3 Complex Assessment Conclusions

The complex assessment included the excavation of two 1.0 x 1.0 m TPs. No Aboriginal cultural heritage material was found in either TP. Stratigraphy was consistent across the two pits that spanned the backyard and showed significant ground disturbance down to the sterile basal clay.

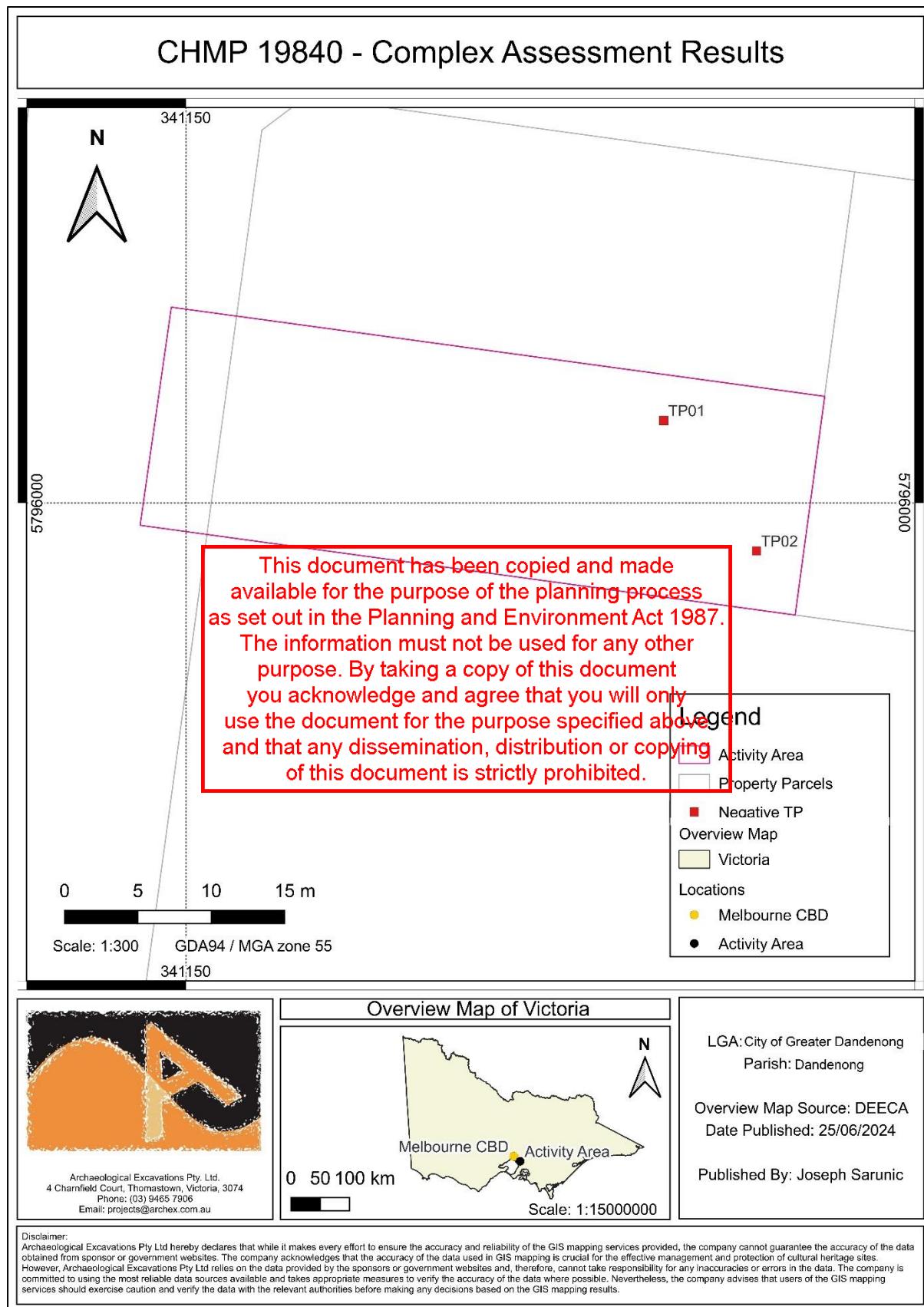
The results of the complex assessment agree with the statements made in Section 7.1.11, which discuss that the land use history and previous CHMPs indicate the activity area is likely to contain high levels of disturbance and imported fill within subsurface contexts. The desktop assessment also identified that the activity area is located in GMU 7.1.1: Coastal Plains with Ridges and Dunefields and within 200m of Yaraman Creek, which indicates the possibility of Aboriginal cultural heritage being present within the activity area. However, the results of the complex assessment do not conform with this information as the subsurface stratigraphy found disturbed silty clay contexts and no Aboriginal cultural heritage.

The results of the standard assessment also agree with the results of the subsurface excavations as the pedestrian survey located disturbance on the ground surface and no Aboriginal cultural heritage. These results were identified as indicative of the following complex assessment.

Based on the results of this complex assessment, it is unlikely that any Aboriginal cultural heritage exists within the activity area. However, being in the cultural heritage sensitivity area around Yaraman Creek, there remains the possibility that LDADs are present. Due to the level of disturbance at the site, any such artefacts would not be in situ and would lack context.

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**Map 11 - Test Pit Results**



## 8 Considerations of Section 61 Matters

In accordance with Section 61 of the *Aboriginal Heritage Act 2006*, a CHMP must consider the following:

- a) Whether the Activity will be conducted in a way that avoids harm to Aboriginal cultural heritage.
  - i. Harm avoidance measures are not required as a part of this CHMP in accordance with section 61(a) of the *Aboriginal Heritage Act 2006* as no Aboriginal Heritage was encountered within the activity area.
- b) If it does not appear possible to conduct the Activity to avoid harm to Aboriginal cultural heritage, whether the activity will be conducted in a way that minimises harm to Aboriginal cultural heritage.
  - i. No harm minimisation measures are required in accordance with section 61(b) of the *Aboriginal Heritage Act 2006* as no Aboriginal Heritage was encountered within the activity area.
- c) Any specific measures required for managing Aboriginal cultural heritage are likely to be affected by the activity, both during and after:  
*This document has been copied and made available for the purpose of the planning process as set out in the Planning and Environment Act 1987.*
  - i. It is not required to include conditions for the management of Aboriginal cultural heritage in accordance with section 61(c) of the *Aboriginal Heritage Act 2006* as no Aboriginal Heritage was encountered within the activity area.  
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- d) Any contingency plans required concerning disputes, delays and other obstacles that may affect the conduct of the activity, and
- e) Requirements relating to the custody and management of Aboriginal cultural heritage during the activity.
  - i. Contingency plans for dispute resolutions, and custody and management of Aboriginal cultural heritage during the activity are contained within Section 2 of this CHMP in accordance with section 61(d) and (e) of the *Aboriginal Heritage Act 2006*.

### 8.1 Cumulative Impacts on Aboriginal Cultural Heritage in the Region

The assessment for this CHMP did not locate any Aboriginal cultural heritage.

Noble Park itself lies 26 km southeast of Melbourne CBD and has undergone extensive urban and agricultural development since the nineteenth century. Although previous reports and CHMPs in the geographic region have led to the identification of seven Aboriginal Places, the majority have been harmed through the process of urbanisation. The desktop assessment of this CHMP found that due to the highly disturbed nature of residential

housing developments and agricultural activities, if Aboriginal cultural heritage is present, it will be within disturbed deposits.

As this CHMP did not identify any Aboriginal cultural heritage, the cumulative impacts of the proposed activity are low. However, if undiscovered cultural heritage is present within the activity area, it is likely to be harmed during the proposed activity.

Harm avoidance recommendations for future CHMPs include implementing green spaces into developments or redesigning developments altogether to avoid Aboriginal cultural heritage. The use of fill over the top of the existing ground surface is another method of harm avoidance that can prevent damage to known Aboriginal cultural heritage.

## 8.2 Contingency Plans

Contingency plans relating to Section 61 matters are presented in Part 1, Section 2 of this CHMP, including those concerning disputes, delays and other obstacles.

## 8.3 Custody and management of Aboriginal cultural heritage

Requirements relating to the custody and management of Aboriginal cultural heritage found during the activity are presented in Part 1, Sections 2.4 and 2.5 of this CHMP.

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## Appendix 1 – Notice of Intention to Prepare a Cultural Heritage Management Plan



### 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: Seede Early Learning Pty Ltd  
ABN/ACN: 635715589  
Contact Name: Bindu Murali  
Postal Address: 3 Conley Street, Noble Park, 3174 Victoria  
Business Number: 0451397174  
Mobile:  
Email Address: Murali100@seede.com.au

#### Sponsor's agent (if relevant)

Company: Smart Town Planning Pty Ltd  
Contact Name: Praba Murali  
Postal Address: 75 Oldham Road, Noble Park, VIC 3170  
Business Number: 0410 348 448  
Mobile:  
Email Address: info@smarttownplanning.com.au

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#### SECTION 2 - Description of proposed activity and location

Project Name: Proposed Childcare Centre at 25 Liege Avenue, Noble Park  
Municipal district: Greater Dandenong City Council

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

Child care centre

#### SECTION 3 - Cultural Heritage Advisor

Ashleigh Baker	Archaeological Excavations Pty Ltd	ashleigh@archex.com.au
Name	Company	Email address

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

Start Date: 20-Oct-2023 Finish Date: 31-Oct-2024

Submitted on: 19 Oct 2023



### 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?*

Is any part of the activity an area of cultural heritage sensitivity, as listed in the regulations? 1

- 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.*

BUNURONG LAND COUNCIL ABORIGINAL CORPORATION

### 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.*

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

**This document has been copied and made**

*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.*

**available for the purpose of the planning process**

**as set out in the Planning and Environment Act 1987.**

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**purpose. By taking a copy of this document**

**you acknowledge and agree that you will only**

**use the document for the purpose specified above**

**and that any dissemination, distribution or copying**

**of this document is strictly prohibited.**

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

*The plan is to be evaluated by:*

- Joint - Registered Aboriginal Party AND The Secretary
- A Registered Aboriginal Party

*If checked, list the relevant Registered Aboriginal Party Evaluating.*

- The Secretary

- Victorian Aboriginal Heritage 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

Submitted on: 19 Oct 2023



Premier  
and Cabinet

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.)

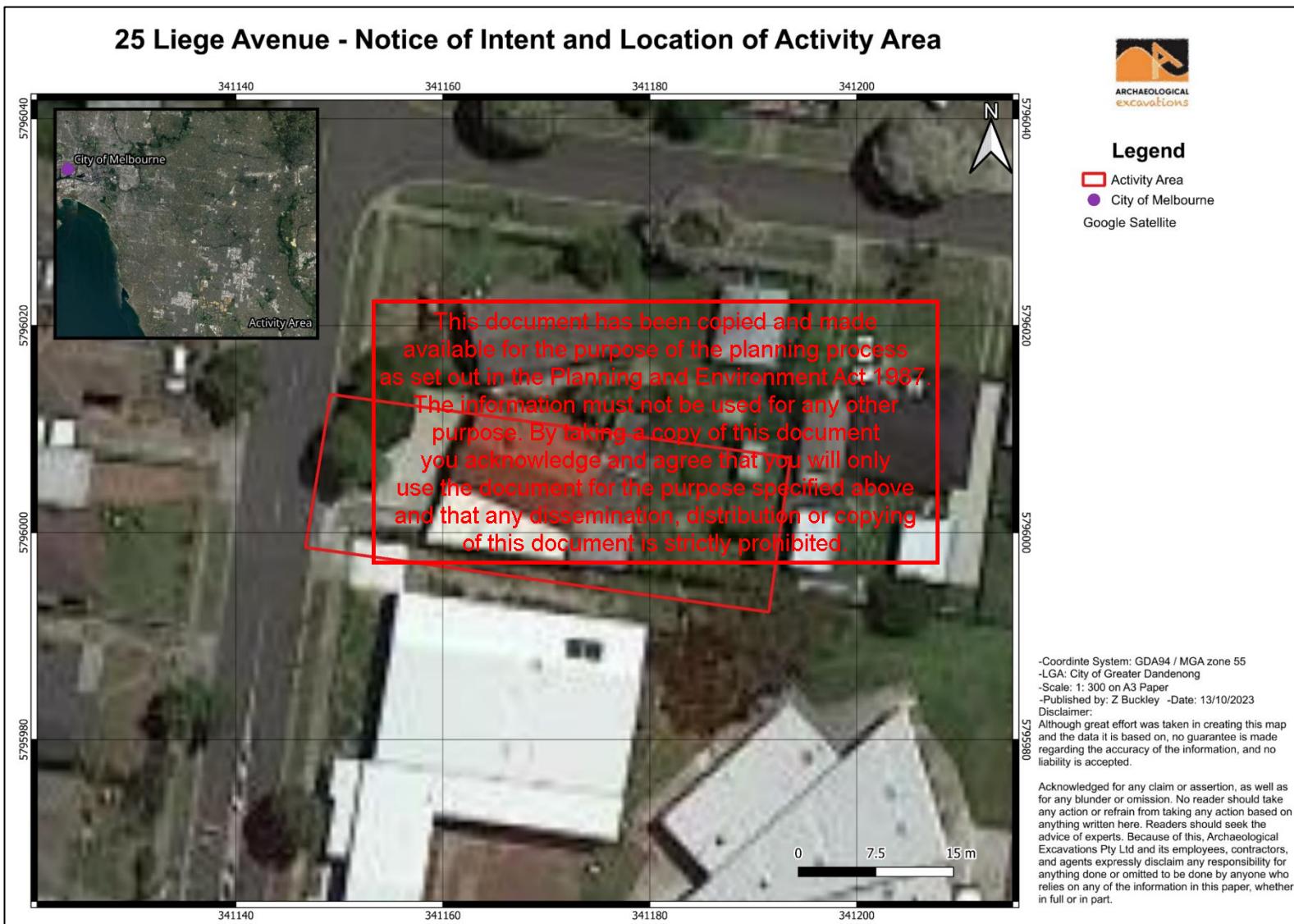
In addition to notifying the Deputy Director and any relevant registered Aboriginal party/ies, a Sponsor must also notify any owner and/or occupier of any land within the area to which the management plan relates. A copy of this notice with a map attached may be used for this purpose.

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.

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Submitted on: 19 Oct 2023

*Map 12 - Notice of Intent Map Showing the Location of the Activity Area*



## Appendix 2 – NOI Reply Letter



ABN: 66 129 413 297 ICN:3630  
336-340 Nepean Hwy, Frankston VIC 3199  
PO Box 11219, Frankston VIC 3199  
Ph: (03) 9770 1273  
[www.bunuronglc.org](http://www.bunuronglc.org)

19<sup>th</sup> October 2023

To whom it may concern,

**Notice to Evaluate Cultural Heritage Management Plan 19840 – Proposed Childcare Centre at 25 Liege Avenue, Noble Park.**

Your notification has been accepted and the Bunurong Land Council Aboriginal Corporation (BLCAC) advises that it intends to evaluate this plan when complete, in accordance with Division 4, Section 55 of the *Aboriginal Heritage Act 2006*. We also advise that during the preparation of this plan, the BLCAC wishes to:

- Consult with you in relation to the assessment of the area for the purposes of the plan.
- Participate in the conduct of the assessment.
- Consult with the sponsor in relation to the conditions to be included in the plan.

Please note that before any fieldwork program commences it will be necessary for your heritage advisor to participate in a Project Inception Meeting to discuss the project. It is preferable for the project sponsor to attend the Project Inception Meeting. As the Project Inception Meeting provides an opportunity for all parties to clarify the aims of the CHMP and methodology for any fieldwork program, it is helpful if you and/or your heritage advisor can bring along the following information to expedite these discussions:

- A clear map of the Activity Area.
- Aboriginal site location data within the geographic region.
- Site cards of any sites already recorded in the Activity Area.
- Any geotechnical reports undertaken for the Activity Area.

To organise an Inception Meeting please contact our bookings team at [bookings@bunuronglc.org.au](mailto:bookings@bunuronglc.org.au) or call (03) 9770 1273.

**Please note that when submitting this CHMP to BLCAC for evaluation it must be accompanied with proof of payment of the evaluation fee. Failure to do so will mean the evaluation period will not commence.**

If you require any additional information about the BLCAC CHMP submissions and evaluation process, please contact the Heritage Team at [submissions@bunuronglc.org.au](mailto:submissions@bunuronglc.org.au). Enquiries about payment of invoices can be directed to Angela Thompson on 0425 308 256.

We look forward to meeting with you soon to discuss the project.

Kind regards,

A handwritten signature in black ink, appearing to read 'Steven Pepper'.

Steven Pepper  
Cultural Heritage Manager  
[steven.pepper@bunuronglc.org.au](mailto:steven.pepper@bunuronglc.org.au)

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## Appendix 3 – Terms

Acronym / Term	Definition
ACHRIS	The Aboriginal Cultural Heritage Register and Information System (ACHRIS) is the online portal of the Victorian Aboriginal Heritage Register, which is used to provide resources and services to various stakeholders throughout Victoria.
Activity Area	The area in which the proposed works of this CHMP occur.
Archaeological Excavations	The heritage management consultancy engaged in undertaking this CHMP.
Area of archaeological potential	An area identified as potentially containing intact subsurface deposits that may contain Aboriginal cultural heritage material or provide an understanding of stratified subsoils within the activity area.
C <sup>14</sup>	Radiocarbon dating is a dating technique that determines the age of organic materials such as wood and charcoal.
CHMP	<p><b>This document has been copied and made available for the purpose of the planning process as set out in the Planning and Environment Act 1987.</b></p> <p>A Cultural Heritage Management Plan (CHMP) is a written report prepared by a Heritage Adviser. It includes the results of an assessment of the potential impact of a proposed activity on Aboriginal cultural heritage.</p> <p><b>The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above, and that any dissemination, distribution or copying of this document is strictly prohibited.</b></p>
Complex Assessment	<p>A complex assessment is the subsurface investigation of a landform, aiming to identify Aboriginal Cultural Heritage.</p>
DEECA	<p>The Department of Energy, Environment and Climate Action is a government department in Victoria, Australia.</p>
Desktop Assessment	A desktop assessment aims to understand the cultural heritage values in the broader surroundings of the proposed activity area (the geographic region). Previous archaeological and heritage works within and surrounding the activity area are reviewed to understand the types of Aboriginal cultural heritage Places present within the region and the likelihood of Places being identified within the activity area.
DGPS	DGPS (Differential GPS) is a system that provides positional corrections to standard GPS signals. DGPS uses a fixed, known position to adjust real-time GPS signals to eliminate range errors. DGPS corrections only improve the accuracy of position data.
LDAD	Low-Density Artefact Distribution; VAHR component type comprising of ten (10) or less artefacts in a 10 m <sup>2</sup> area.
NOI	Notice of Intention

Acronym / Term	Definition
OSL	Optically Stimulated Luminescence dating is a dating technique used to determine the age of sediment or rock by measuring the last time quartz particles were exposed to light.
STP	Shovel Test Pit: a manually excavated 50 cm by 50 cm shovel Test Pit.
Standard Assessment	It is used to visually inspect the activity area and identify Aboriginal cultural heritage Places and/or areas of cultural heritage sensitivity.
The Burra Charter	<i>The Australian ICOMOS Charter for Places of Cultural Significance 2013</i>
The Secretary	The Secretary of the Department of Premier and Cabinet
The Sponsor	Seeds Early Learning Pty Ltd
TL	Thermoluminescence dating is a dating technique used to determine the age of sediment or material such as ceramic by measuring the radiation dose when it was heated.
TP	Test Pit: a controlled, manually excavated 1 m by 1 m Test Pit.

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## Appendix 4 – Glossary

Term	Definition
Artefact	An object made by people. In an Australian context, this can also refer to a stone tool.
Artefact Collection	A collection of excavated artefacts.
Archaeological Site	A Place/location of either Aboriginal or historical significance.
Artefact Scatter	The artefact scatter Place type records the abundance and clustering patterns of moderate to high densities of artefacts across a landscape. As defined under the FP-SR Standards for Recording artefact scatters and LDADs, an artefact scatter is based on an artefact density threshold of >10 artefacts within any area of 10 by 10 m square (100 m <sup>2</sup> ). Includes surface and subsurface artefacts applied to any 10 m by 10 m square area across Victoria.
Blade	A long parallel-sided flake from a specially prepared core. Blades are twice as long as they are wide.
B.P.	<p>This document has been copied and made available for the purpose of the planning process as set out in the Planning and Environment Act 1987.</p> <p>Before Present, the 'present' is defined as 1950.</p>
Burial	<p>The information must not be used for any other purpose. By taking a copy of this document, you acknowledge and agree that you will only use the document for the purpose specified above, and that any dissemination, distribution or copying of this document is strictly prohibited.</p> <p>Human or potential human skeletal remains identified may be associated with a cemetery, burial ground or a grave. Coffins ground is chosen for burials and can contain more than one individual.</p>
Contact Site	Contact refers to the time when Aboriginal and European people first interact. These sites may be missions or reserves associated with conflict or the adaptation of European materials such as glass to make glass tools.
Core	An artefact from which flakes have been detached using a hammer stone. Core types include blade, fragment, single platform and multiple platforms.
Cultural Heritage	Something that is inherited or passed down because it is appreciated and cherished.
Ethnography	The scientific description of living cultures.
Flake Fragment	A piece of stone with a definite flake surface that cannot be classified as a flake or a core. These are generally refuse materials discarded during the working of stone material.
Formal Tool	An artefact shaped by flaking, including retouching or grinding to a predetermined form for use as a tool. Formal tools include scrapers, backed blades and axes.
Grindstones	Upper (muller) and lower (basal) stones were used to grind plants for food, medicine, or ochres for painting. A hand stone sometimes doubles as a

Term	Definition
	hammerstone or anvil.
Hammerstone	A piece of stone, often a creek/river cobble/pebble, has been used to detach flakes from a core by percussion. During flaking, the edges of the hammerstone become crushed by the impact on the core.
Heritage Place	Any Place that contains heritage values.
Lithic	Anything made of stone.
Post Contact	These sites indicate that contact had been made with European culture during the initial European colonisation or where activities culturally significant to Aboriginal people occurred.
Quarry	A source for either stone or ochre, which is exposed and has been extracted by Aboriginal people.
Significance	A heritage Site or Place is important for aesthetic, historical, scientific, or social values for past, present, or future generations (Burra Charter).
Tool	Artefacts that have been designed for a specific purpose.

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## Appendix 5 – General Residential Zone (GRZ1) Planning Scheme

GREATER DANDELONG PLANNING SCHEME																										
<b>SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE</b>																										
<p>Shown on the planning scheme map as <b>GRZ1</b>.</p> <p><b>GENERAL RESIDENTIAL AREAS</b></p>																										
<p><b>1.0</b> 06/06/2022 C220gdan</p> <p><b>Neighbourhood character objectives</b></p> <p>To ensure the scale, built form and setbacks of residential developments respond to the existing site circumstances by respecting the predominant built form, façade and street patterns.</p> <p>To provide appropriate front, side and rear setbacks, garden areas and significant private open space to allow for substantial high quality landscaping and canopy trees to protect the amenity of adjoining properties and to create a landscape character.</p> <p>To maximise the opportunities to create high quality landscaping, through minimal paving and the use of permeable ground surfaces.</p> <p>To ensure vehicle accessways and storage facilities do not visually dominate the streetscape.</p> <p>To ensure that residential development achieves high quality useable private open space outcomes for future residents, including the provision of secluded private open space at the side or rear of each dwelling.</p>																										
<p><b>2.0</b> 26/04/2024 VC252</p> <p><b>Construction or extension of a dwelling, small second dwelling or residential building - minimum garden area requirements</b></p> <p><b>This document has been copied and made available for the purpose of the planning process</b></p> <p><b>Is the construction or extension of a dwelling, small second dwelling or residential building exempt from the minimum garden area requirement?</b></p> <p><b>The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</b></p>																										
<p><b>3.0</b> 26/04/2024 VC252</p> <p><b>Requirements of Clause 54 and Clause 55</b></p> <p><b>Minimum Requirements</b></p> <table border="1"> <tbody> <tr> <td><b>Minimum street setback</b></td><td>A3 and B6</td><td>As per A3 (where appropriate).</td></tr> <tr> <td></td><td></td><td>As per B6 or 7.5 metres, whichever is lesser.</td></tr> <tr> <td><b>Site coverage</b></td><td>A5 and B8</td><td>None specified.</td></tr> <tr> <td><b>Permeability</b></td><td>A6 and B9</td><td>Minimum of 30%.</td></tr> <tr> <td><b>Landscaping</b></td><td>B13</td><td>70% of ground level front setback, and side and rear setbacks, planted with substantial landscaping and canopy trees.</td></tr> <tr> <td><b>Side and rear setbacks</b></td><td>A10 and B17</td><td>None specified.</td></tr> <tr> <td><b>Walls on boundaries</b></td><td>A11 and B18</td><td>None specified.</td></tr> <tr> <td><b>Private open space</b></td><td>A17</td><td>Private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space at ground level with a minimum area of 25 square metres and a minimum dimension of 5 metres at the side or rear of the dwelling with convenient access from a living room.</td></tr> </tbody> </table>			<b>Minimum street setback</b>	A3 and B6	As per A3 (where appropriate).			As per B6 or 7.5 metres, whichever is lesser.	<b>Site coverage</b>	A5 and B8	None specified.	<b>Permeability</b>	A6 and B9	Minimum of 30%.	<b>Landscaping</b>	B13	70% of ground level front setback, and side and rear setbacks, planted with substantial landscaping and canopy trees.	<b>Side and rear setbacks</b>	A10 and B17	None specified.	<b>Walls on boundaries</b>	A11 and B18	None specified.	<b>Private open space</b>	A17	Private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space at ground level with a minimum area of 25 square metres and a minimum dimension of 5 metres at the side or rear of the dwelling with convenient access from a living room.
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**GREATER DANDEMONG PLANNING SCHEME**

	Standard	Requirement
	B28	<p>An area of 50 square metres of ground level, private open space, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 30 square metres, a minimum dimension of 5 metres and convenient access from a living room; or</p> <p>A balcony with a minimum area of 10 square metres with a minimum width of 2 metres and convenient access from a living room; or</p> <p>A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</p>
	<b>Front fence height</b>	<p>A20 and B32</p> <p>Maximum 1.5 metre height in streets in Transport Zone 2.</p> <p>Maximum 1.2 metre height for other streets.</p>

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**Maximum building height requirement for a dwelling, small second dwelling or residential building**

None specified.

**5.0**  
26/04/2024  
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**Application requirements**

The following application requirements apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A Traffic and Transport Report detailing, but not limited to:
 

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- A Waste and Recycling Site Assessment and Plan showing, but not limited to:
 

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- A Landscape Plan showing, but not limited to:
  - vegetation to be retained, both on-site and adjacent to the site;
  - location of new planting and proposed species, and
  - details of landscape maintenance and management, including water sensitive design principles.
- A schedule of all building materials and finishes, including colours, to the satisfaction of the responsible authority.

**6.0**  
26/04/2024  
VC252

**Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development might adversely impact on an item of heritage significance; and
- Whether the development respects the neighbourhood character of the area.

## Appendix 6 – Proposed Development Plans

**PROPERTY DETAILS**

Lot and Plan Number: **Lot 17 LP28435**  
Address: **25 LIEGE AVENUE NOBLE PARK 3174**  
Standard Parcel Identifier (SPI): **17/LP28435**  
Local Government Area (Council): **GREATER DANDENONG**  
Council Property Number: **352960**  
Directory Reference: **Melway B9 J3**

**THE SITE**

Lot 25, 25 Liege Avenue, Noble Park, is a total of 622 m<sup>2</sup> land. The site is at present a single-story dwelling in a well-established mix use area.

The design proposal allows for parking on site. There are no significant topographical features that affect the site.

Adjacent to the proposed site there are maintenance and street furniture such as sewer inspection pits, light posts, etc. that will have little to no effect from the proposed development.

**THE STREET**

The site is situated on Liege Avenue in the suburb of Noble Park. Liege Avenue is approximately 8 metres wide connecting to Heatherton Rd and Joffre St, also within proximity to Princes Highway.

Liege Avenue allows for kerbside parking along its length however this won't be necessary for the future development as adequate parking spaces have been provided for the proposal.

At present, there are a few existing trees and/ or vegetation planted along the sections of the streets align with the subject site



3D VIEW / ILLUSTRATION ONLY



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PROPOSED USE AND DEVELOPMENT FOR CHILDCARE CENTRE AT  
NO 25 LIEGE AVENUE, NOBLE PARK, VIC 3174

CLIENT - SMART TOWN PLANNING

FOR APPROVAL

PROJECT ID - C2018

SITE COEXT PLAN

12500 - 1

1:500 - 1:500 (0.4)

All dimensions are in metres and all the sections on this drawing are for guidance only. All dimensions are in metres and all the sections on this drawing are for guidance only. All dimensions are in metres and all the sections on this drawing are for guidance only. All dimensions are in metres and all the sections on this drawing are for guidance only.

THE POSITION OF OCCUPATION(S) SHOWN, SITE PLATINGS, OUTBUILDINGS ETC SHOWN NEAR BOUNDARIES ARE NOT NECESSARILY PLACED TO SCALE AND IN MOST Instances THEIR POSITIONS HAVE BEEN ENLARGED FOR CLARITY.

