DRAFT REPORT:

Proposed Residential Subdivision, Daleston, Black Forest Road, Mambourin, Victoria: Historical Heritage Assessment
HV Report No: 3870

SPONSOR

Daleston Pty Ltd
29 March 2011

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REPORT AUTHORS:

Rick Bullers, Sylvana Szydzik and Terence MacManus
Ecology and Heritage Partners Pty Ltd
EXECUTIVE SUMMARY

Introduction

This Historical Heritage Assessment (HHA) has been prepared for the proposed residential subdivision in Mambourin (near Wyndham Vale), Victoria (Wyndham City Council) (Map 1). Daleston Pty Ltd is proposing to subdivide the study area for residential housing. The study area is approximately 330 ha in size and is bounded by Black Forest Road to the south, Argoona Road/Greens Road to the north and private lands to the east and west (Map 2).

The background research indicated that there have been six historical archaeological sites previously recorded within a 2 km radius of the study area (Map 4). No historical archaeological sites are located within the study area (Map 5). The background research concluded that rural site types, including dry stone walls, domestic, farming and pastoral sites, were the types of historical sites most likely to occur within the study area.

Methods

The assessment consisted of desktop research to identify any previously registered historical sites and a field survey, which took the form of a pedestrian survey in which 2-3 participants walked across the majority of the study area in transects (Map 5), or vehicular survey in the southern half of the study area and the north eastern part of the study area.

Results

The field survey was undertaken on 23 November 2010 and 8-10 February 2011 by Archaeologists/Cultural Heritage Advisors Rick Bullers and Sylvana Szydzik.

The survey produced the following results:

- 100% of the study area was assessed;
- The majority of the study area has been intensively ploughed in the past, which will have affected the formation of historical sites in the area; and
- No new historical sites or areas of historical sensitivity were identified within the study area during the assessment.
Summary of Management Recommendations

Recommendation 1

As there are no known historical sites or areas considered to have historical potential there is no requirement for any further historical investigations.

Recommendation 2

There are no other known historical heritage issues in regard to the proposed development. If any historical issues are encountered during the course of construction then works should cease within 10 m of the area of concern and a qualified Cultural Heritage Advisor (or Heritage Victoria) should be contacted to investigate.
# Table of Contents

1. **Executive Summary**

2. **Introduction**
   - 1.1 Background and Scope of Works
   - 1.2 Location of Study area
   - 1.3 Name of Cultural Heritage Advisors
   - 1.4 Notice of Intention to Survey to Heritage Victoria
   - 1.5 Aboriginal Heritage
   - 1.6 Report Review and Distribution
   - 1.7 Heritage Legislation

3. **Background Review**
   - 2.1 Environmental Context
     - 2.1.1 Geology and geomorphology
     - 2.1.2 Vegetation
     - 2.1.3 Climate
   - 2.2 Historical Context
     - 2.2.1 Land use history
     - 2.2.2 Relevant historical studies
     - 2.2.3 Database searches
     - 2.2.4 Previous archaeological investigations
     - 2.2.5 Aboriginal archaeological site prediction statement
     - 2.2.6 Desktop Assessment - Conclusions

4. **Field Survey Results**
   - 3.1 Survey
     - 3.1.1 Methodology
     - 3.1.2 Limitations of the Survey
     - 3.1.3 Survey Coverage
     - 3.1.4 Results of the Survey

5. **Management Recommendations**

6. **Maps**

7. **Appendices**

8. **References**
Tables

Table 1: Summary of Previously Identified Historical Sites within Two Kilometres of the Study area ........................................................................................................................................15
Table 2: Archaeological Reports Relevant to the Study area .................................................................................................................................16

Plates

Plate 1: General view of variable ground surface visibility within the study area. ..................21
Plate 2: View of natural drainage channel showing standing water, facing south west........21
Plate 3: View of study area facing southeast towards uncut crop (beyond white vehicle). ....21
Plate 4: View of study area facing west from the northern boundary of the study area, showing stockyards (back of photo). .................................................................21
Plate 5: View of study area facing south west from the south east of the study area, showing windmill. .................................................................21
Plate 6: Piled basalt rocks along the northern boundary of the property, facing north........21
Plate 7: Piled basalt rocks (Rock Pile 2) facing south west from the western boundary of the study area.................................................................22
Plate 8: Piled basalt rocks (Rock Pile 4) along south east boundary adjacent to extant tree line, facing south east. .................................................................22

Maps

Map 1: Location of Study area .................................................................................................................................25
Map 2: Extent of Study area .................................................................................................................................26
Map 3: Proposed Development Plan .................................................................................................................................27
Map 4: Historical Archaeological Sites Located in the Study area and in the Vicinity of the Study area .................................................................................................................................28
Map 5: Surveyed Areas ............................................................................................................................................29
Map 6: Results of Survey ............................................................................................................................................30
Acknowledgements

We thank the following people for their contribution in the project:

- Randah Jordan (The Planning Group [Australia] Pty Ltd) for project and site information.
- Heritage Victoria.

Cover Photo: Windmill and tank in the north western corner of Part 1 of the study area (photo by Rick Bullers, Ecology and Heritage Partners Pty Ltd)

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1 INTRODUCTION

1.1 Background and Scope of Works

Ecology and Heritage Partners Pty Ltd was commissioned by The Planning Group Australia (TPG), on behalf of Daleston Pty Ltd, to prepare a Historical Heritage Assessment (HHA) for the proposed residential subdivision in Mambourin (near Wyndham Vale), Victoria (Wyndham City Council) (Map 1).

An Aboriginal Cultural Heritage Management Plan (CHMP) (No 11513) has been prepared under the *Aboriginal Heritage Act 2006* and, as an archaeological survey was undertaken for the CHMP, it was also necessary to consider and report on the historical archaeological values of the land under the *Heritage Act 1995*.

The study area is approximately 330 ha in size and is bounded by Black Forest Road to the south, Argoona and Greens Roads to the north and private lands to the east and west (Map 2).

The project brief agreed upon by Ecology and Heritage Partners Pty Ltd and the Client is as follows:

- Review the relevant heritage databases (e.g. Local Government Heritage Overlays, Heritage Victoria Inventory and Register, National Trust) and other relevant available literature;
- A brief review of the land use of the study area;
- Conduct a site assessment by a qualified Cultural Heritage Advisor to identify any historical cultural heritage within the study area;
- Identify and provide a series of maps as required showing any historical archaeological heritage or areas likely to contain historical cultural heritage;
- Provide information in relation to any implications of Commonwealth and State environmental legislation and Government policy associated with the proposed development;
- Discuss any opportunities and constraints associated with the study area;
- Liaise with any key stakeholders (e.g. local government and Heritage Victoria (HV)); and
- Production of a HHA report.
1.2 Location of Study area

The study area is located in Manbourin (near Wyndham Vale), Victoria (Wyndham City Council). The study area is approximately 330 ha in size and is bounded by Black Forest Road to the south, Argoona Road and Greens Road to the north and private lands to the east and west (Map 2).

The study area is broken into two sections; Part 1 being the north eastern block of the study area and Part 2 being the remainder of the study area to the south west.

The cadastral details of the study area are as follows:

Part 1:
- Lot 2, TP 846432, Parish of Mambourin, County of Grant;

Part 2:
- Lot 1, TP846432, Parish of Mambourin, County of Grant;
- Lot 3, TP846432, Parish of Mambourin, County of Grant;
- Lot 4, TP846432, Parish of Mambourin, County of Grant; and
- Lot 5, TP846432, Parish of Mambourin, County of Grant.

A more detailed description of the study area is contained within Section 2.

1.3 Name of Cultural Heritage Advisors

This report was prepared by Ecology and Heritage Partners Pty Ltd Archaeologists/Cultural Heritage Advisors Rick Bullers, Sylvana Szydzik and Terence MacManus. The quality assurance review was undertaken by Principal Heritage Advisor Oona Nicolson. The field work was undertaken by Archaeologists/Cultural Heritage Advisors Rick Bullers and Sylvan Szydzik. Mapping was provided by Ecology and Heritage Partners Pty Ltd GIS Officer, Amanda Feetham.

Oona Nicolson

Oona Nicolson is a Director and the Principal Heritage Advisor at Ecology and Heritage Partners Pty Ltd She is a heritage specialist with over 14 years experience in the archaeological consulting sector, working in Victoria, South Australia, New South Wales, and Tasmania. Oona regularly appears before VCAT and independent panels as an Expert Witness.
in the areas of Aboriginal and historical heritage. Oona has extensive experience in over 500 projects with a wide variety of clients.

Oona’s skills include project management, peer reviews, background research and due diligence assessments, archaeological survey, sub-surface testing and salvage excavation, Aboriginal and non-Aboriginal site identification, recording and photography, site significance assessment, development of recommendations to mitigate the impact of development upon Aboriginal and non-Aboriginal historical heritage, flaked stone artefact and historical artefact recording and interpretation, communication and consultation with regulatory bodies (Aboriginal Affairs Victoria and Heritage Victoria), clients, landowners, Registered Aboriginal Parties (RAPs) and community representatives, preparation of conservation management plans, expert witness statements, Permits and Consents to Disturb for Heritage Victoria, Historical Heritage Assessments and desktop, standard and complex Aboriginal CHMPs. Her formal qualifications and memberships include:

- Bachelor of Arts (Honours in Archaeology) – High Distinction (First Class), Flinders University of South Australia (1996)
- Bachelor of Arts (Australian Archaeology and Australian Studies), Flinders University of South Australia (1995)
- Australian Association of Consulting Archaeologists Inc. (Full Member and 2010 Chairperson of Victorian Chapter)
- Victorian Planning and Environmental Law Association

Rick Bullers

Rick Bullers is a Senior Heritage Advisor at Ecology and Heritage Partners Pty Ltd He has managed numerous Aboriginal and historical heritage projects for a variety of clients and developments within Victoria, NSW and SA. Projects include heritage assessments and/or excavations for linear construction projects such as pipelines, sewerage lines and transmission lines, large area heritage assessments for Greenfield developments (e.g. residential subdivision and mining operations), as well as cultural heritage assessments and cultural heritage management plans for large Department of Defence sites.

Rick has experience in a variety of tasks, including project management, peer reviews, background research and due diligence assessments, archaeological survey, sub-surface testing and salvage excavation, Aboriginal and non-Aboriginal site identification, recording and photography, site significance assessment, development of recommendations to mitigate the impact of development upon Aboriginal and non-Aboriginal historical heritage, flaked stone artefact and historical artefact recording and interpretation, communication and consultation with regulatory bodies (Aboriginal Affairs Victoria and Heritage Victoria),
clients, landowners, RAPs and community representatives, preparation of conservation management plans, Historical Heritage Assessments and desktop, standard and complex Aboriginal CHMPs.

His formal qualifications and memberships include:

- Bachelor of Applied Science Conservation and Park Management), University of South Australia (1994)
- Graduate Diploma of Maritime Archaeology, Flinders University (2005)
- Master of Maritime Archaeology, Flinders University (2006)
- Australian Association of Consulting Archaeologist Inc. (Associate Member, application pending)

**Sylvana Szydzik**

Sylvana Szydzik is an archaeologist and cultural heritage advisor at Ecology and Heritage Partners Pty Ltd. She has worked in a variety of roles over several different projects, including developments such as housing estates, site surveys and large infrastructure projects.

Sylvana has working experience in all aspects of archaeological fieldwork, including the identification of Aboriginal and Historic Cultural Heritage through survey and subsurface testing, conducting background research, artefact cataloguing, analysis and interpretation and assisting in the preparation of standard and complex heritage assessments. Her formal qualifications are:

- Bachelor of Arts (Honours), La Trobe University, Victoria (2009)
- Bachelor of Arts (Archaeology), La Trobe University, Victoria (2008)

**Terence MacManus**

Terence MacManus is an archaeologist and cultural heritage advisor at Ecology and Heritage Partners Pty. Ltd. He has worked in a variety of roles for over 50 projects, including developments such as housing estates, pipeline alignments, site surveys and large infrastructure projects.

Terence is experienced in a range of tasks related to archaeological research and practice such as background research, archaeological survey, sub surface testing, salvage excavation, Aboriginal and non-Aboriginal site identification, report preparation, and stone artefact analysis and interpretation. His formal qualifications and memberships include:

- Bachelor of Archaeology (Honours), La Trobe University, Melbourne, Australia (2008)
- Bachelor of Archaeology, La Trobe University, Melbourne, Australia (2007)
1.4 Notice of Intention to Survey to Heritage Victoria

A Notice of Intention to Conduct an Archaeological Survey was submitted to HV on insert 16 November 2010. A written response to this notice was sent by HV to Ecology and Heritage Partners Pty Ltd on 25 November 2010. The HV reference number for this project is 3870 (Appendix 1).

1.5 Aboriginal Heritage

A separate report detailing the Aboriginal heritage has been prepared by Ecology and Heritage Partners Pty Ltd for this project; the AAV reference number for that CHMP is 11513.

1.6 Report Review and Distribution

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

- TPG Australia Pty Ltd;
- Daleston Pty Ltd; and
- Heritage Victoria.

1.7 Heritage Legislation

An overview of the Victorian Heritage Act 1995, the Aboriginal Heritage Act 2006, the Commonwealth Native Title Act 1993, the Victorian Planning and Environment Act 1987, the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 is included in Appendix 2. This legislation is subordinate to the Victorian Coroner’s Act 2008 in relation to the discovery of human remains.
2 BACKGROUND REVIEW

The background review includes research into information relating to historical cultural heritage in or associated with the study area.

2.1 Environmental Context

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

2.1.1 Geology and geomorphology

The geology of the majority of the study area comprises unnamed sheetflow basalt of the Newer Volcanic Group (Geological Society of Victoria 1997). This geology was laid down between the Miocene and Pleistocene periods and comprises tholeiitic to alkaline basalt, minor scoria and ash (Geological Society of Victoria 1997).

The geology of the northern portion of the study area is characterised by unnamed swamp and lake deposits laid down during the Holocene (Geological Society of Victoria 1997). This geology includes paludal swamp and lake deposits including silt and clay (Geological Society of Victoria 1997).

The study area and surrounding region forms part of the Western Volcanic Plains geomorphological area, and consists of low lying undulating plains formed on volcanic lithologies. Much of the plains were formed from lobes of lava which flowed from the eruption points, overlapping to form a veneer of basalt lava flows. The flow varies in thickness according to both the underlying topography and the present-day surface. The flows are interleaved in places with pyroclastic deposits (scoria and tuff) and discontinuous buried palaeosoils of variable thickness. Consequently, the study area comprises volcanic landforms characterised by poorly developed drainage and shallow regolith (DPI 2010).

2.1.2 Vegetation

Prior to European settlement, vegetation in the majority of the study area, including the western and southern parts of the study area, would have consisted of Heavier Soils Plains Grassland (Ecological Vegetation Class [EVC] 132_61) (DSE 2010). Heavier Soils Plains Grassland (EVC 132_61) consists of treeless vegetation generally under one metre in height, and includes herbs and graminoids. Species present would have included *Pimelea humilis* (Common Rice-flower), *Calocephalus citreus* (Lemon Beauty-heads), *Lobelia pratioides* (Poison Lobelia), *Themeda triandra* (Kangaroo Grass), *Austrodanthonia caespitosa* (Common Wallaby-grass), *Thelymitra pauciflora* s.l. (Slender Sun-orchid) and *Convolvulus erubescens* (Pink Bindweed) (DSE 2004).
2.1.3 Climate

The Werribee region is characterised by a temperate climate, with hot dry summers and cool wet winters. The highest mean maximum temperature of 25.6 ºC occurs in January, and the highest mean minimum temperature of 13.5ºC occurs in February. The lowest mean maximum and minimum temperatures occur in July, at 13.4ºC and 4.5ºC respectively. Rainfall varies between a minimum of 37.5 mm in January and a maximum of 57.8 mm in October (BOM 2010).

2.2 Historical Context

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

2.2.1 Land use history

The Werribee area was probably first sighted by European people in 1802, when Matthew Flinders and his party made their way to the nearby You Yangs and looked down across the plains to Werribee. Explorers Hamilton Hume and William Hovell explored the area surrounding the Werribee River in 1824 during their exploration of the Port Phillip region. The favourable conditions provided by the grassy volcanic plains encouraged squatters and graziers to begin settling the Werribee area in the mid 1930s and early 1940s. The 8,000 acre area including and surrounding the study area was at that time known as the Werribee Plains or Black Forest.

This area was first settled in 1838 by James Austin, in 1847 by Dr Alexander Thomson and William Armstrong and was gazetted on 14 March 1848 before being settled in 1850 by John Armstrong (Spreadborough & Anderson 1983: 86, 268). The Werribee area was used for the running of dairy cattle and particularly for butter production, as well as the production of hay and the keeping of pigs. The study area itself has been used for pastoral and residential purposes, and has been modified by the clearing of native vegetation, construction of dams and fences.
2.2.2 Relevant historical studies

In 1995, the City of Wyndham commissioned a heritage study to consider places of historical heritage significance within the Wyndham area. This study identified a total of 230 places within the council as being of historical significance, including places of national or state significance (n = 19), places of regional significance (n = 16), places of local significance (n = 107) and places of local interest (n = 88) (Johnston et al. 1997). Since this report was produced, continuing study in the Wyndham area has added to, and reinspected, this body of heritage places. Therefore, a new search was undertaken regarding previously recorded sites within the Wyndham area (Section 2.2.3). To ensure relevance of site types this search was refined to a 2 km radius, centred on the study area.

2.2.3 Database searches

As a result of a review of the various relevant databases six sites were located within 2 km of the study area, none, however, are located within it. The database review is discussed below in relation to the study area and surrounding region.

2.2.3.1 Victorian Heritage Register

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

A search of the VHR was conducted for a 2 x 2 km search area, centred on the study area. No sites are located within the study area, or within the 2 km radius (Map 4).

2.2.3.2 Victorian Heritage Inventory

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

A search of the VHI was conducted for a 2 x 2 km search area, centred on the study area. No sites are located within the study area; however six are located within a 2 km radius (Map 4). These are discussed below (Table 1).

2.2.3.3 Local Council Heritage Overlay

The study area is located within the Wyndham City Council and is governed by the Wyndham City Council Planning Scheme. Planning schemes set out policies and provisions for the use, development and protection of land.
The Heritage Overlay of the Wyndham City Council Planning Scheme was examined. No sites are located within the study area; however one is located within a 2 km radius (Map 4). This is discussed below (Table 1).

### 2.2.3.4 National Trust of Australia (Victoria) Register

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

A search of the National Trust Register was conducted for a 2 x 2 km search area, centred on the study area. No sites are located within the study area, or within the 2 km radius.

### 2.2.3.5 National, Commonwealth and International Heritage Lists

The Australian Government Department of the Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) maintains the National Heritage List (NHL), a register of exceptional natural, Aboriginal and historical heritage places which contribute to Australia’s national identity. The DSEWPC also maintains the Commonwealth Heritage List (CHL), a register of natural, Aboriginal or historical heritage places located on Commonwealth land which have Commonwealth heritage values.

A place can be listed on one or both lists, and placement on either list gives the place statutory protection under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999).

The World Heritage List (WHL) lists cultural and natural heritage places which are considered by the World Heritage Council to have outstanding universal value.

In addition, the DSEWPC also maintains the Register of the National Estate (RNE) which is a list of natural, Indigenous and historic heritage places throughout Australia. Following amendments to the *Australian Heritage Council Act 2003*, the RNE was frozen on 19 February 2007, which means that no new places can be added, or removed. However, the Register will continue as a statutory register until February 2012. During this transition period items listed on the RNE must continue to be considered during approvals processes.

Listings on the NHL, CHL, WHL and RNE are accessed via the Australian Heritage Database (AHD), managed by DSEWPC.

A search of the AHD was conducted for a 2 x 2 km search area, centred on the study area. No sites are located within the study area, or within the 2 km radius.

A summary table of the relevant historical archaeological sites appears below (Table 1).
Table 1: Summary of Previously Identified Historical Sites within 2 km of the Study area

<table>
<thead>
<tr>
<th>Historical Site Listing &amp; Number</th>
<th>Site Name</th>
<th>Site Type</th>
<th>Within Study area?</th>
</tr>
</thead>
<tbody>
<tr>
<td>VHI (H7822-0163) Heritage Overlay (HO60)</td>
<td>Former Andersons Homestead Structural Remains</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>VHI (D7822-0585)</td>
<td>Greens Road Dry Stone Wall 1</td>
<td>Rural</td>
<td>No</td>
</tr>
<tr>
<td>VHI (D7822-0586)</td>
<td>Greens Road Stockyard</td>
<td>Rural</td>
<td>No</td>
</tr>
<tr>
<td>VHI (D7822-0587)</td>
<td>Black Forest Road Windmill Complex</td>
<td>Rural</td>
<td>No</td>
</tr>
<tr>
<td>VHI (D7822-0588)</td>
<td>Black Forest Road Paved Dam</td>
<td>Rural</td>
<td>No</td>
</tr>
<tr>
<td>VHI (H7822-0589)</td>
<td>Greens Road Sheepwash</td>
<td>Rural</td>
<td>No</td>
</tr>
</tbody>
</table>

2.2.4 Previous archaeological investigations

Regional and localised archaeological investigations have established the general character of Aboriginal sites located within the same geographic region as the study area. This information, together with the information gathered in Section 2.2.2 and 2.2.3, can be used to form the basis for a site prediction statement (Section 2.2.5). The most relevant of the previous archaeological studies in the area are the report by Murphy and Dugay Grist in 2005 and the report by Tulloch in 2003.

In 2005, Murphy and Dugay-Grist undertook an archaeological investigation across two areas of land immediately north of the current study area. This investigation included a foot survey of their entire study area. Although one previously recorded site was identified within their study area during their background research (Former Andersons Homestead [H7822-0163]), it could not be relocated during their survey. Two bluestone quarries were also reportedly present on the property (although not listed as historical sites on the VHR or VHI), but they were also unable to be relocated. This was regarded to be a result of poor ground visibility at the time of survey. The area of the Former Andersons Homestead (H7822-0163) listing and the potential locations of the bluestone quarries were marked as historically sensitive, whilst it was recommended that these areas be studied in further detail in order to locate and assess the nature and significance of these sites.

In 2003, Tulloch undertook an archaeological survey on a parcel of land between Greens Road and Black Forest Road, approximately 2 km east of the current study area. Tulloch’s assessment identified thirteen new historical archaeological sites comprising nine dry stone walls (Greens Rd Dry Stone Wall 1 – 8 [D7822-0373] and Black Forest Rd Dry Stone Wall 9 [D7822-0585]), a sheep wash (Greens Rd Sheep Wash [H7822-0589]), a paved dam (Black Forest Rd Paved Dam [D7822-0588]), windmills (Black Forest Rd Windmill Complex [D7822-0587]) and a stockyard (Greens Rd Stockyard [D7822-0586]). These sites were
mostly recorded of low or moderate significance, but the Greens Rd Sheep Wash (H7822-0589) and Black Forest Rd Paved Dam (D7822-0587) were recorded as being of high significance due to the uncommon nature of the sites, and their potential to generate meaningful archaeological data under in further investigations.

A summary of all archaeological reports relevant to the study area appears below (Table 2).

Table 2: Archaeological Reports Relevant to the Study Area

<table>
<thead>
<tr>
<th>Author</th>
<th>Date</th>
<th>Location and Description</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>H. Cekalovic</td>
<td>2002</td>
<td>An archaeological survey of a parcel of land between McGrath Road and Ballan Road, approximately 2 km east of the current study area.</td>
<td>A dry stone wall was identified in the north-eastern corner of the study area. The wall was in poor condition and approximately 6 m in length. It was not recommended the wall be retained due to its condition, unless it could be incorporated into the proposed development.</td>
</tr>
<tr>
<td>A. Murphy and L. Amorosi</td>
<td>2003</td>
<td>A Cultural Heritage Investigation of land at McGraths Road, approximately 2.5 km north east of the current study area.</td>
<td>One dry stone wall was identified along the northern and southern boundary of McGrath Road. It was determined to be of low/moderate scientific significance and local historic significance. It was recommended the wall be retained if possible.</td>
</tr>
<tr>
<td>J. Tulloch</td>
<td>2003</td>
<td>An archaeological survey of a property in Wyndham Vale, bounded by Greens and Blackforest Road, approximately 2 km east of the current study area.</td>
<td>Thirteen historical sites were identified and recorded, these include nine dry stone walls, a sheep wash, a paved dam, a windmill complex and a stockyard. Six of the stone walls were in very good condition, however, all were recorded as D-listed, and did not require a Consent to Disturb.</td>
</tr>
<tr>
<td>V. Clark</td>
<td>2004</td>
<td>Cultural Heritage Assessment of a proposed sub-division at Honour Avenue, approximately 2 km east of the current study area.</td>
<td>No historical archaeological sites were identified during this investigation.</td>
</tr>
<tr>
<td>A. Murphy and L. Dugay-Grist</td>
<td>2005</td>
<td>A Cultural Heritage Investigation of land north of Greens Road, immediately north of the current study area.</td>
<td>No historical archaeological sites were identified during this investigation. The possible remains of Anderson’s Homestead were not able to be relocated, however, it was recommended these remains be relocated and investigated by an archaeologist to determine the nature, extent and significance of the ruins.</td>
</tr>
</tbody>
</table>
2.2.5 Historical archaeological site prediction statement

The review of the previously recorded historical archaeological sites and previous archaeological investigations indicates that the majority of the sites previously recorded close to the study area are representative of the general areas rural history. Sites in the area are associated with farming, such as dry stone walls, windmills and pastoral sites (stockyards and sheep dips) or with rural living, such as homestead sites. The following site prediction statement has been formulated on the review of the findings of these previous assessments. The statement presented is based on a site type approach. The most likely types of historical sites to be present within the study area include the following:

2.2.5.1 Domestic Sites

Evidence of domestic occupation may include structural remains or ruins of homesteads and/or outbuildings, domestic rubbish dumps or bottle dumps, wells or underground storage tanks.

It is considered that there is potential for domestic sites to occur within, or adjacent to, the study area.

2.2.5.2 Dry Stone Walls

Dry stone walls may line internal property divisions or external property boundaries.

It is considered that there is potential for dry stone walls to occur within, or adjacent to, the study area.

2.2.5.3 Farming Sites

Evidence of farming may include fence lines, dams, water channels, plantings or terracing.

It is considered that there is potential for farming sites to occur within, or adjacent to, the study area.

2.2.5.4 Pastoral Sites

Breeding of livestock and dairying may be evidenced by the remains of stockyards, stables, barns and holding pens.

It is considered that there is potential for pastoral sites to occur within, or adjacent to, the study area.
2.2.6 Desktop Assessment - Conclusions

The desktop assessment has indicated that there is potential for historical archaeological sites to be present within the study area, particularly farming or pastoral sites. Field survey should be conducted to determine whether historical sites are present.
3 FIELD SURVEY RESULTS

3.1 Survey

The assessment included the ground survey of the study area to detect the presence of historical cultural heritage in or associated with the study area.

The study area was surveyed on 23 November 2010 and 8-10 February 2011 by Ecology and Heritage Partners Pty Ltd Archaeologists/Cultural Heritage Advisors Rick Bullers and Sylvan Szydzik.

3.1.1 Methodology

The survey took the form of both a pedestrian survey in which the two participants walked across the entire study area (Map 5), and vehicular survey across areas in the south and the north east of the study area.

3.1.2 Limitations of the Survey

Part of the study area was recently cropped, allowing for some ground surface visibility, approximately 50% - 80% (Plate 1). Isolated areas with higher ground surface visibility (90-100%) were located intermittently throughout the study area, along plough lines.

A natural drainage channel, running east west through the property, was flooded during the survey following heavy rains in the preceding days (Plate 2).

The southern portion of the study area still retained wheat crops when the assessment was conducted (Plate 3). Visibility in this area was generally under 50%. This area was visually inspected from fire trails around the boundaries.

3.1.3 Survey Coverage

The survey coverage consisted of the following:

- 100% of the study area was assessed;
- The majority of the study area has been intensively ploughed in the past, which will have affected the formation of historical sites in the area; and
3.1.4 Results of the Survey

The survey did not identify any new historical archaeological sites or areas of historical archaeological sensitivity. Four post-contact features were noted within the study area (Map 6), but none were considered to have historical heritage significance:

- A working stockyard is located in the north western corner of Part 2 (MGA 286520E 5804638N) (Plate 4);

- A windmill and water tank complex identified in the north western corner of Part 1 (MGA 288651E 5804449N) (Plate 5); and

- The survey also identified three locations where a large amount of volcanic boulders had been piled along the boundaries of Part 2:
  
  - Rock Pile 1 (Plate 6) – northern boundary (MGA 287325E 5804609N);
  
  - Rock Pile 2 (Plate 7) – western boundary of Part 2 (MGA 286336E 5803964N);
  
  - Rock Pile 3 – north west corner (MGA 286438 5804655); and
  
  - Rock Pile 4 (Plate 8) – south east corner along extant tree line (MGA 287875 5803668).

It is unclear whether these rock piles represent remains of former dry stone walls, or have been placed there following the clearing of the paddocks within the study area for agricultural use (e.g. ploughing for crops). There are no existing dry stone walls within the study area, and these piles are regarded to have no heritage values.
Plate 1: General view of variable ground surface visibility within the study area.

Plate 2: View of natural drainage channel showing standing water, facing south west.

Plate 3: View of study area facing southeast towards uncut crop (beyond white vehicle).

Plate 4: View of study area facing west from the northern boundary of the study area, showing stockyards (back of photo).

Plate 5: View of study area facing south west from the south east of the study area, showing windmill.

Plate 6: Piled basalt rocks along the northern boundary of the property, facing north.
Plate 7: Piled basalt rocks (Rock Pile 2) facing south west from the western boundary of the study area.

Plate 8: Piled basalt rocks (Rock Pile 4) along south east boundary adjacent to extant tree line, facing south east.
4 MANAGEMENT RECOMMENDATIONS

Recommendation 1

As there are no known historical sites or areas considered to have historical potential there is no requirement for any further historical investigations.

Recommendation 2

There are no other known historical heritage issues in regard to the proposed development. If any historical issues are encountered during the course of construction then works should cease within 10 metres of the area of concern and a qualified Cultural Heritage Advisor (or Heritage Victoria) should be contacted to investigate.
Map 1
Location of Activity Area
Black Forest Road, Wyndham Vale
Map 3
Proposed Development Plan
Black Forest Road, Wyndham Vale
Previously Recorded Historical Archaeological Sites in and around the Activity Area
Black Forest Road, Wyndham Vale
Map 6
Results of Survey
Black Forest Road, Wyndham Vale
Appendix 1 - Notice of Intent to Conduct an Archaeological Survey

Notice of intention to carry out an
Historical Archaeological Survey

All sections must be completed

1. Details of notifier

Name: Rick Bakers
E-mail address: rfbullers@ecologypartners.com.au
Company: Ecology Partners Pty Ltd
Postal address: PO Box 298, Brunswick Vic
Postcode: 3056
Telephone (business hours): 03 9640 1411
Fax: 03 9681 0709
Commissioning agent:...

2. Survey location

Notice is given that the above-named person intends to undertake a survey of historical archaeological sites in the area delineated on the attached map: (Area bordered in red)

Name of location: Daleston
Address of location: Lots 1, 3, 4 & 5, Black Forest Road, Mambourin
The survey area is located on the following 1:100,000 map sheet/s:

Map number: 7822
Map name: Melbourne

3. Dates of survey

It is intended that the survey will be conducted between the following dates:

From: 23 November 2010 
To: 1 December 2010

Signature: 
Date: 10 November 2010

This form must be lodged to:
Heritage Victoria
GPO Box 2392
Melbourne VIC 3001
Fax: (03) 8644 8811

If you require assistance to complete this form, please telephone (03) 8644 8800.

Any personal information about you or a third party in your correspondence will be collected, held, managed, used, disclosed or transferred in accordance with the provisions of the Information Privacy Act 2000 (Vic) and applicable laws. Enquiries about access to information about you held by the Department should be directed to the Privacy Officers, Department of Planning and Community Development, PO Box 2392, Melbourne, VIC 3001.

Notwithstanding the above, please note that information provided to enable the administration of the Heritage Act 1995 may be disclosed to persons with an interest in the heritage place or object particularly, and information provided as part of a permit application may be made available on-line where the application has been publicly advertised under section 6 of the Heritage Act 1995.
Re: PROPOSED SURVEY

Thank you for forwarding the completed Notice of Intent to Carry Out an Archaeological Survey form advising of your intent to conduct historical archaeological survey at the below site. All future correspondence, including the final reports, must quote the project number listed below.

3870  LOTS 1, 3, 4 & 5 BLACK FOREST ROAD, MAMBOURIN

Section 131 of the Heritage Act 1995 requires that copies of all documentation resulting from a survey or investigation must be lodged with Heritage Victoria for management, reference and archival purposes (in the form of site cards and archaeology reports). Comprehensive documentation provides the basis for appropriate management of Victoria’s historical archaeological resource. Please note that site cards can now be submitted electronically in most cases.

The technical guide Guidelines for Conducting Historical Archaeological Surveys provides details on the statutory processes and required documentation in conducting a survey, completing a Heritage Inventory Site Card and producing the archaeology report. Any incomplete, inaccurate or illegible documentation will be returned for appropriate completion. As detailed in the technical guide, a report must be submitted even if no new historical archaeological sites have been located during the course of the survey or desktop study. Site cards are due within one month of the completion of an archaeological survey. Archaeology reports are due from the archaeology consultant within one year of the date of completion of the archaeological survey.

In accordance with Section 132 of the Heritage Act, this office must be notified if a historical archaeological site or relic is identified during a survey. This a requirement for all surveys, including those commissioned for Aboriginal cultural heritage investigations.

Should you have any queries or require any further assistance please call Anne-Louise Muir, Acting Heritage Victoria Archaeologist, on (03) 8644 8901.

Yours sincerely

Jim Gard’ner
Executive Director
HERITAGE VICTORIA
Appendix 2 - Heritage Legislation

A2.1 Victorian Heritage Act 1995

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

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

- historic archaeological sites and artefacts;
- historic buildings, structures and precincts;
- gardens, trees and cemeteries;
- cultural landscapes;
- shipwrecks and relics; and
- significant objects.

Victorian Heritage Register

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

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

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

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

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

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

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

a) uncover or expose an archaeological relic;

b) excavate any land for the purpose of discovering, uncovering or moving an archaeological relic; or

c) deface or damage or otherwise interfere with an archaeological relic or carry out an act likely to endanger an archaeological relic; or

d) posses an archaeological relic for the purposes of sale; or

e) to buy or sell an archaeological relic.

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

a) are for the purposes of conservation or protection of the archaeological relic; or

b) are to assist in relevant anthropological, archaeological, ethnographic; historical or scientific research; or

c) are to educate the public as to the cultural heritage significance of the archaeological relic in its context; or

d) are for the safety of the public; or

e) are the same, or primarily the same, as those for which a consent has previously been issued to an applicant in relation to that registered place or registered object.

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

**A2.2 Victorian Aboriginal Heritage Act 2006**

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

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

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

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

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

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

It is strongly advised that for further information relating to heritage management (e.g. audits, stop orders, inspectors, forms, evaluation fees, status of RAPs and penalties for breaching the Act). Clients should access the Aboriginal Affairs Victoria website (http://www.aboriginalaffairs.vic.gov.au/).
A2.3 Victorian Planning and Environment Act 1987

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

A2.4 Commonwealth Environmental Protection and Biodiversity Conservation Act 1999

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

The objectives of the EPBC Act are:

- to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- to promote the conservation of biodiversity;
- to provide for the protection and conservation of heritage;
- to promote a cooperative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples;
- to assist in the cooperative implementation of Australia's international environmental responsibilities;
- to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.
A2.5  **Victorian Coroner’s Act 2008**

The Victorian *Coroner’s Act 2008* requires the reporting of certain deaths and the investigation of certain deaths and fires in Victoria by coroners to contribute to the reduction of preventable deaths. Of most relevance to heritage is the requirement for any “reportable death” to be reported to the police (s. 12[1]). The *Coroner’s Act 2008* requires that the discovery of human remains in Victoria (s. 4[1]) of a person whose identity is unknown (s.4[g]) must be reported to the police.
Appendix 3 – Glossary

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

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AAV</strong></td>
<td><strong>Aboriginal Affairs Victoria.</strong> A division of <strong>DPCD</strong> responsible for management of Aboriginal cultural heritage in Victoria.</td>
</tr>
<tr>
<td><strong>Archaeology</strong></td>
<td>A study of the human past through its material remains (e.g. <strong>artefacts</strong>).</td>
</tr>
<tr>
<td><strong>Archaeological site</strong></td>
<td>A site containing material remains of post-contact (non-Aboriginal) occupation. An archaeological site does not include built heritage but will include the remains of <strong>built heritage</strong>, e.g. ruins. Archaeological sites may contain both surface <strong>artefacts</strong> and/or subsurface artefacts.</td>
</tr>
<tr>
<td><strong>Artefacts</strong></td>
<td>Any portable object used, modified or made by humans.</td>
</tr>
<tr>
<td><strong>Historical cultural heritage likelihood</strong></td>
<td>An area assessed by a Cultural Heritage Advisor as having potential for containing either surface or subsurface historical archaeological deposits. This term is used in this report to differentiate between <strong>legislated areas of cultural heritage sensitivity</strong> (Aboriginal) and areas considered by an archaeologist to be sensitive.</td>
</tr>
<tr>
<td><strong>Area of cultural heritage sensitivity</strong></td>
<td>An area specified as an area of cultural heritage sensitivity in Division 3 or Division 4 of Part 2 of the <strong>Aboriginal Heritage Regulations 2007</strong>.</td>
</tr>
<tr>
<td><strong>Assemblage</strong></td>
<td>The name given to encompass the entire collection of artefacts recovered by archaeologists, invariably classified into diagnostic items used to describe the material culture.</td>
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<tr>
<td><strong>Built Heritage</strong></td>
<td>Historical heritage in the form of buildings, sheds, etc.</td>
</tr>
<tr>
<td><strong>CHMP</strong></td>
<td><strong>Cultural Heritage Management Plan.</strong> A plan prepared under the <strong>Aboriginal Heritage Act 2006</strong>.</td>
</tr>
<tr>
<td><strong>DPCD</strong></td>
<td><strong>Department of Planning and Community Development.</strong> The Victorian State Government department, of which <strong>AAV</strong> and <strong>HV</strong> are a part, responsible for management of Aboriginal cultural heritage in Victoria.</td>
</tr>
<tr>
<td><strong>HV</strong></td>
<td><strong>Heritage Victoria.</strong> A division of <strong>DPCD</strong> responsible for management of historical heritage in Victoria.</td>
</tr>
<tr>
<td><strong>Heritage Overlay</strong></td>
<td>A list of heritage places scheduled within the planning scheme for a local government area. Planning schemes set out policies and provisions for the use, development and protection of land. All items listed on the <strong>VHR</strong> will also be listed on the Heritage Overlay, but not necessarily vice versa.</td>
</tr>
</tbody>
</table>
Historical pertaining to heritage in Australia of non-Aboriginal origin.

Historical site a location containing historical cultural heritage, e.g. *artefact scatter, isolated artefact, scarred tree, shell midden*, whether or not the site is registered in the VHR, VHI or Council Heritage Overlays.

ICOMOS International Council on Monuments and Sites. A non-government professional organisation, linked to UNESCO, acting as a link between public authorities, institutions and individuals involved in the study and conservation of all places of cultural significance.

RAP Registered Aboriginal Party. An Aboriginal organisation with responsibilities relating to the management of Aboriginal cultural heritage for a specified area of Victoria under the *Aboriginal Heritage Act 2006*.

Registered cultural heritage place An Aboriginal site recorded in the VAHR, cf. *Aboriginal site*.

Taphonomy the study of the processes (both natural and cultural) which affect the deposition and preservation of both the artefacts and the site itself.

Technology a form of artefact analysis which is based upon the knapping/manufacturing process, commonly used to subsequently infer behaviour patterns, cultural-selection and responses to raw material or the environment.

VAHR Victorian Aboriginal Heritage Register. A register of Aboriginal cultural heritage places maintained by AAV.

VHI Victorian Heritage Inventory. A register of places and objects in Victoria identified as historical archaeological sites, areas or relics, and all private collections of artefacts, maintained by HV. Sites listed on the VHI are not of State significance but are usually of regional or local significance. Listing on the VHR provides statutory protection for that a site, except in the case where a site has been “D-listed”.

VHR Victorian Heritage Register. A register of the State’s most significant heritage places and objects, maintained by HV. Listing on the VHR provides statutory protection for that a site.
REFERENCES
References


