



# Shepparton South East Precinct Structure Plan

## Due Diligence Assessment - Redacted



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## EXECUTIVE SUMMARY

Greater Shepparton City Council is working with the Victorian Planning Authority to prepare a Precinct Structure Plan (PSP) for the South East Precinct Area of Shepparton. The PSP is a long-term plan for urban development. It describes how the land is expected to be developed, and how and where services are planned to support development.

This Aboriginal cultural heritage due diligence assessment has been prepared as a background report to assist in the development of the Shepparton South East Precinct Structure Plan.

The PSP area includes the land bounded by Doyles Road in the east, Benalla Road (Midland Highway) in the north, the Broken River in the south and existing residential development in the west. It comprises approximately 396ha (~3.9km<sup>2</sup>).

The Heritage Advisor commissioned to undertake this Due Diligence Assessment is Joanne Bell, Director, Jo Bell Heritage Services Pty. Ltd. (JBHS).

The Registered Aboriginal Party (RAP) for the Activity Area is Yorta Yorta Nation Aboriginal Corporation (Yorta Yorta or YYNAC).

### Recommendations

Under r.7 of the Aboriginal Heritage Regulations 2018, a cultural heritage management plan (CHMP) is required for an activity if any part of the proposed activity is specified in the Regulations as a high impact activity, **and** the activity area (or part thereof) is specified as an area of cultural heritage sensitivity.

The PSP includes such activities as residential and commercial subdivision, construction of buildings or carrying out of works associated with education centres, emergency services facilities, industry, childcare centres, sports and recreation facilities, offices, places of assembly, retail premises, service stations and utility installations. It will also include new roads and walking tracks. All of these works or activities are specified as high impact activities under Division 5 of the Regulations.

There are two areas within the precinct boundary that are specified in the Regulations as areas of cultural heritage sensitivity.

On face value, any works or activities, specified in Division 5 of the Regulations that encroach on an area of cultural heritage sensitivity as specified in the Regulations and indicated in Figure 17, will require a CHMP to be prepared. That is, unless it can be shown that the area has been subject to significant ground disturbance.

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Melissa McCallum	Victorian Planning Authority
Michael MacDonagh	Greater Shepparton City Council
Wade Morgan	Yorta Yorta Nation Aboriginal Corporation
Tyrone Miller	Yorta Yorta Nation Aboriginal Corporation
Janarli Bux	Yorta Yorta Nation Aboriginal Corporation
Michael Clarke	Yorta Yorta Nation Aboriginal Corporation
Jo Bell	Director & Archaeologist, JBHS: background research, fieldwork, reporting, GIS & editing
Tina Brown	Administration Assistant, JBHS: Editing

## 1.0 INTRODUCTION

Greater Shepparton City Council is working with the Victorian Planning Authority to prepare a Precinct Structure Plan (PSP) for the South East Precinct Area of Shepparton. The PSP is a long-term plan for urban development. It describes how the land is expected to be developed, and how and where services are planned to support development.

The PSP applies to approximately 396ha (~3.9km<sup>2</sup>) of land, bounded by Doyles Road in the east, Benalla Road (Midland Highway) in the north, the Broken River in the south and existing residential development in the west (Figures 1-2).

The aim of the overall project is to guide the future residential development of the land over the next 30 plus years. It has been identified as one of five main residential growth areas for Shepparton and Mooroopna in the *Greater Shepparton Housing Strategy 2011*.

The PSP will be used to identify the locations for key infrastructure. Cultural heritage is a component of the larger project.

The original cultural heritage report was prepared in 2009 by Tardis Enterprises Pty. Ltd and now requires updating.

This Aboriginal cultural heritage due diligence assessment has been prepared to meet this requirement.

### 1.1 Sponsor

The sponsor (proponent) for the project is the Victorian Planning Authority (VPA), working closely with Greater Shepparton City Council (GSCC). The Project Manager is Melissa McCallum from the VPA. Michael MacDonagh is the contact person from GSCC.

### 1.2 Heritage Advisor

The Heritage Advisor commissioned to undertake this Due Diligence Assessment is Joanne Bell, Director, Jo Bell Heritage Services Pty. Ltd. (JBHS). The author of this report is Joanne Bell. Jo has a BA (Hons) in Archaeology and twenty years of professional experience in the cultural heritage industry (Appendix 1).

### 1.3 Registered Aboriginal Party

The Registered Aboriginal Party (RAP) for the Activity Area is Yorta Yorta Nation Aboriginal Corporation (Yorta Yorta or YYNAC).



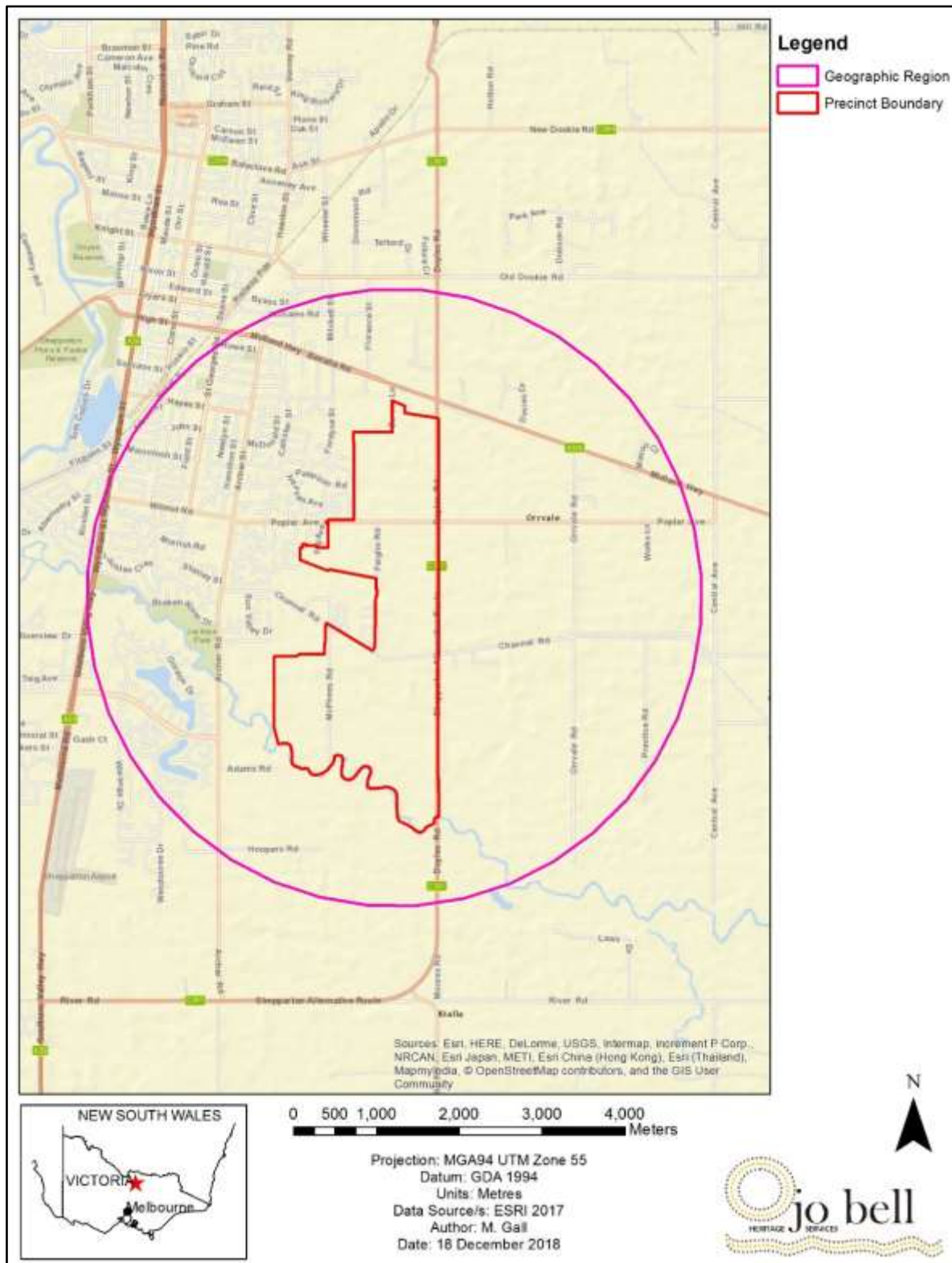


Figure 1: Location of Activity Area within the geographic region

Figure 2 has been removed from the public display report

**Figure 2: Parcel Plan of the Activity Area showing salient features**

\*Figure 2 must be removed from the public display report



## 2.0 ACTIVITY AND ACTIVITY AREA

### 2.1 Proposed Activity and Extent of Activity Area

The PSP area includes the land bounded by Doyles Road in the east, Benalla Road (Midland Highway) in the north, the Broken River in the south and existing residential development in the west (see Figures 1-2). It comprises approximately 396ha (~3.9km<sup>2</sup>).

The area is predominantly zoned Farming Zone (FZ) although there is a small parcel of Industrial 1 Zone (INZ) in the north and Urban Floodway Zone (UFZ) and Public Conservation and Resource Zone (PCRZ) along the Broken River. Public Use Zone – Service and Utility (PUZ1) corresponding to irrigation channels and Road Zone Category 1 (RDZ1) complete the ensemble (Figure 3). The activity area is predominantly under private land ownership with crown land ownership along the Broken River.

The following vision is taken from the Shepparton South East Precinct Structure Plan document, prepared in September 2018.

*Shepparton South East precinct will offer the Greater Shepparton community a new residential neighbourhood in proximity to Shepparton's existing services, with well-connected tree-lined streets and landscaped open spaces.*

*The Shepparton South East Precinct Structure Plan outlines the development of a new neighbourhood that seamlessly integrates with the surrounding urban framework of Shepparton. The precinct will ultimately support 2,500 new homes for a population of approximately 6,500 residents providing a diversity of dwelling types.*

*The precinct will feature abundant open space, including six distinct drainage systems that integrate with a variety of adjoining local parks. Reserves associated with the existing Goulburn-Murray Water drains will be enhanced to form landscaped shared path links and utilised to connect the open space network and community facilities. The precinct will deliver significant new community facilities including a sports reserve and community centre.*

*The future residents will have excellent access to a range of community and retail services due to the close proximity to the Shepparton Marketplace and the Benalla Road commercial corridor. The direct interface between the precinct and Shepparton Marketplace will be carefully managed to facilitate the expansion of the Marketplace and its integration into the new residential area. A local convenience centre within the precinct will allow the future residents to shop locally for basic conveniences whilst capitalising on its Channel Road frontage for exposure to surrounding neighbourhoods.*

*The precinct will enhance the structure of the existing road network and include safe and convenient access to Archer Road, Benalla Road, Channel Road, Doyles Road and Poplar Avenue, connecting the precinct with the wider Shepparton area. Tree-lined connector roads will cater to local bus routes within the precinct and feature shared bicycle and pedestrian paths that directly link residents to schools, community facilities and the open space network.*

Figure 4 shows the Future Urban Structure for the proposal.

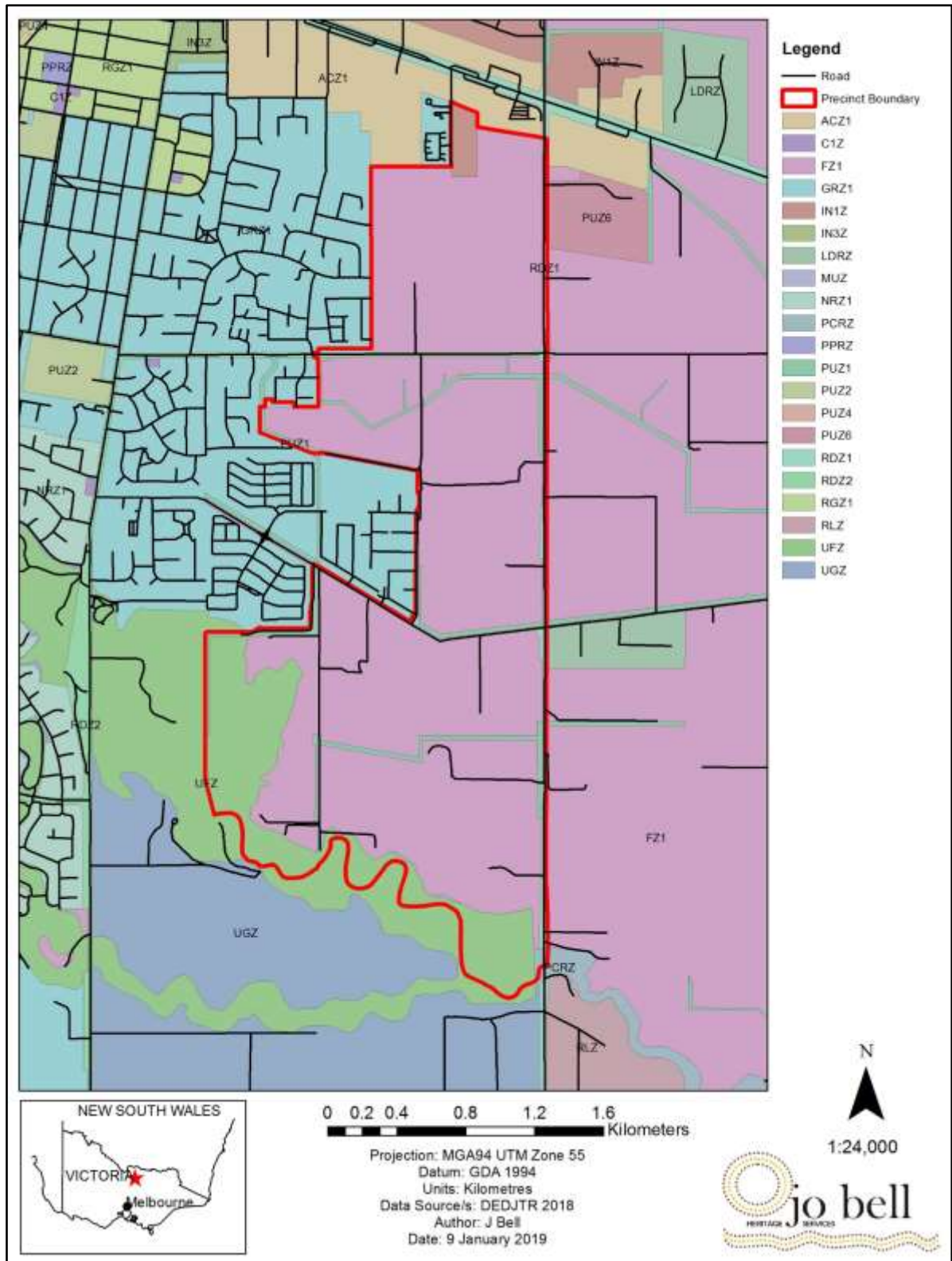
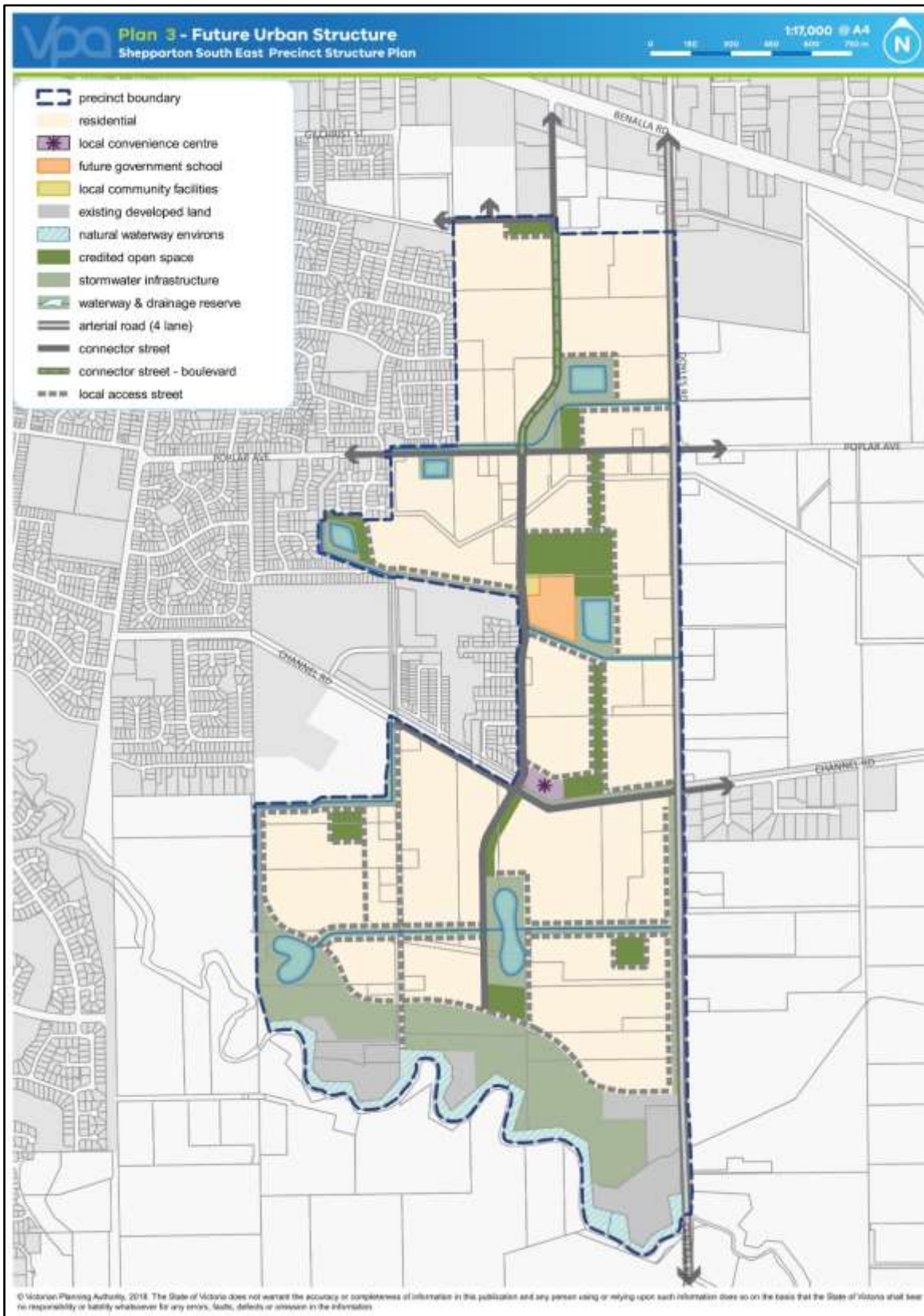


Figure 3: Planning Zones of the Activity Area



**Figure 4: Future Urban Structure of the PSP Area (Source: VPA 2018)**



## 2.2 Existing Conditions

Google Earth imagery from 2019 provides an indication of the existing conditions of the activity area, including land use (Figures 5a-d). The northern portion of the activity area, north of Poplar Avenue provides evidence of orchards, either existing or removed, water irrigation infrastructure, dwellings and gardens, and some non-farm based commercial enterprises (see Figure 5a). South of Poplar Avenue and north of Channel Road (Figure 5b) and the area immediately south of Channel Road (Figure 5c) comprises a similar situation. The southern portion of the activity area, while providing evidence of a similar land-use and impact nature to the northern aspect, also contains the Broken River immediate floodplain.



Figure 5a: Existing Conditions of the Activity Area – north



Figure 5b: Existing Conditions of the Activity Area – north central



Figure 5c: Existing Conditions of the Activity Area – south central



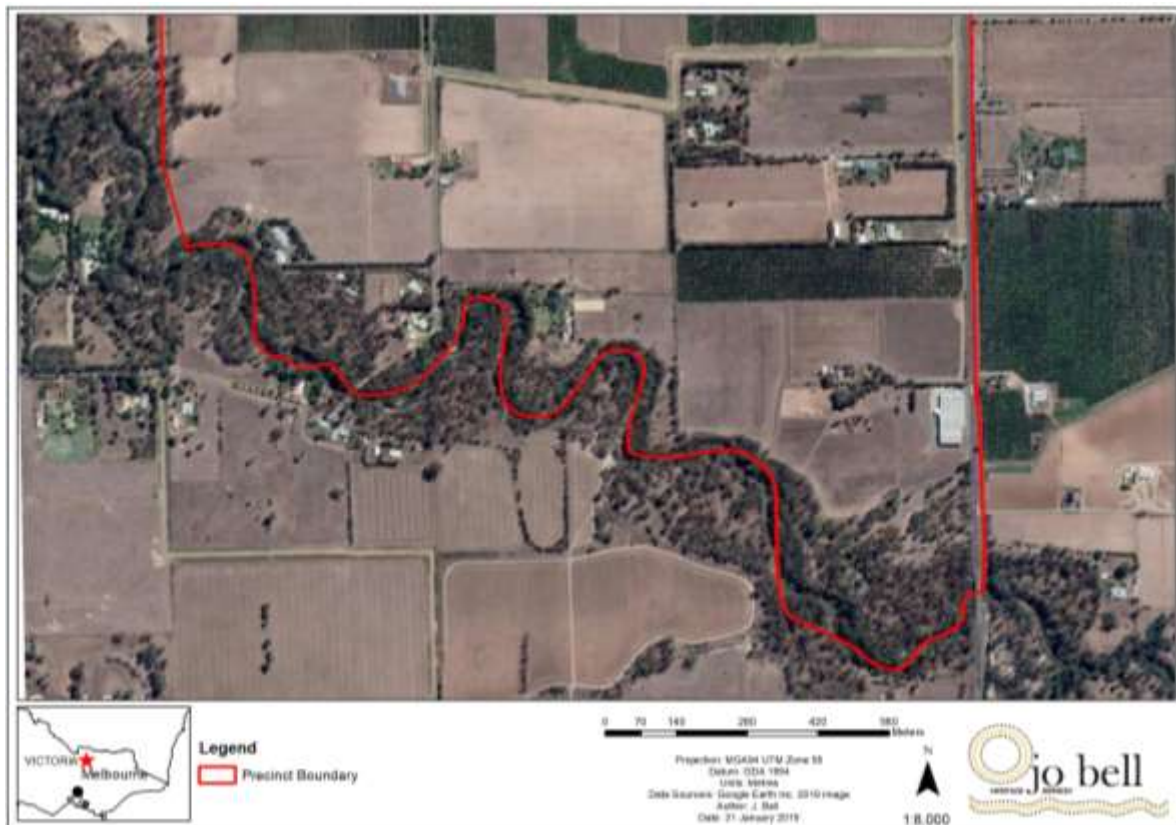


Figure 5d: Existing Conditions of the Activity Area – south

### 3.0 DOCUMENTATION OF CONSULTATION

On 6 December 2018, Jo Bell contacted Wade Morgan, RAP Manager, Yorta Yorta Nation Aboriginal Corporation to organise an inception meeting for the project. This was arranged for 10 January 2019.

The inception meeting was held at Yorta Yorta offices in Shepparton and the project discussed at length. Attendees at the meeting are listed in Table 1. The results of the meeting determined that a site inspection of some of the identified cultural heritage sensitivity areas would be useful to inform the report.

Name	Organisation represented
Wade Morgan	YYNAC
Melissa McCallum	VPA
Ella Adams	VPA
Stephanie Harder	VPA
Jo Bell	Jo Bell Heritage Services

Table 1: Attendees at the inception meeting, held 10 January 2019.

A Notice of Intent to carry out a survey for Aboriginal cultural heritage for the purposes of the *Aboriginal Heritage Act* 2006 (NOI) was submitted to the Victorian Aboriginal Heritage Register (VAHR) on 23 March 2019. A copy of this is provided in Appendix 2.

Fieldwork was booked to be carried out on 28-29 March 2019 but unfortunately, landowners were not notified in time. This was rescheduled for 17-18 April 2019. Council Strategic Planner, Michael MacDonagh sent out letters notifying landowners that we were conducting site inspections in the area. A copy of the letter sent to landholders is provided in Appendix 3. A number of submissions, verbal and written, were received by Council in response to the notification. Where landholders did not permit access, these properties were not assessed through physical inspection.

The fieldwork was carried out on 17-18 April 2019. Participants in the site inspections are listed in Table 2.

Name	Organisation represented	17 April 2019	18 April 2019
Janarli Bux	YYNAC Cultural Officer	√	√
Michael Clarke	YYNAC Cultural Officer	√	
Jo Bell	Jo Bell Heritage Services	√	√

**Table 2: Participants in the site inspections, held 17-18 April 2019.**

Following the site inspection, the results of the assessment were discussed on-site by the survey team. No cultural heritage was identified. Management recommendations were discussed. These are outlined in Section 7 of this report.



## 4.0 DESKTOP ASSESSMENT

The desktop assessment provides context for the region in which the activity area is situated. It includes background environmental data, ethnographic information and land-use history.

### 4.1 Geographic Region

The geographic region has been identified as a radius of 3km from the Activity Area (see Figure 1).

### 4.2 Geology, Landforms & Geomorphology

The activity area predominantly lies within the Shepparton Formation geological unit (Figure 6). The Shepparton Formation is a non-marine sedimentary formation dating to the Pleistocene Epoch of the Quaternary Period (c.1.6Mya). This comprises fluvial silts, sands and minor gravels. Where the Broken River meets the activity area's western boundary, are unnamed alluvial deposits, associated with the Broken River floodplain. These date to the Holocene Epoch of the Quaternary Period (c. last 10,000 years).

In terms of geomorphic divisions of Victoria, the activity area lies within the Northern Riverine Plain unit (Cochrane *et al* 1995: 65; DEDJTR 2018).

Geomorphology in Victoria is described in a tiered system. At the general level (Tier 2), the activity area is covered by two geomorphological units (GMUs). Predominantly, the activity area is described as 'Older Alluvial Plains' (associated with the Shepparton Formation), although along the Broken River it is described as 'Modern Floodplains,' which is associated with the unnamed alluvium of the Broken River floodplain (see geology above). At the more specific level (Tier 3), the activity area generally comprises 'Plains with leveed channels, sometimes source-bordering dunes (Tatura, Nanneella)' while the southern portion along the river is described as 'Meander belt below plain level, sometimes with source-bordering dunes (Mooroopna, Wangaratta)' (DEDJTR 2017; GeoVic Online 2018) (Figure 7).

### 4.3 Vegetation

The activity area lies within the Victorian Riverina Bioregion.

Pre-1750, the mapping indicates predominantly Plains Woodland (EVC 803) across the activity area with patches of Shallow Sands Woodland (EVC 882) only in the northern portion.

The current EVC mapping indicates no remnant vegetation remaining (NatureKit 2018).

Plains Woodland is described as an open woodland to 15m tall occupying fertile clays and clay loam soils on flat or gently undulating plains at low elevations. Large tree species are dominated by Eucalyptus species (Grey Box, Yellow Box, River Red Gum, Black Box and Yellow Gum) and Allocasuarina (Buloke). The understorey is dominated by medium to small tufted graminoids such as Common Wallaby-grass, Black-anther Flax-lily, Rough Spear-grass and Spider Grass (DSE EVC/ Bioregion Benchmark Fact Sheet).

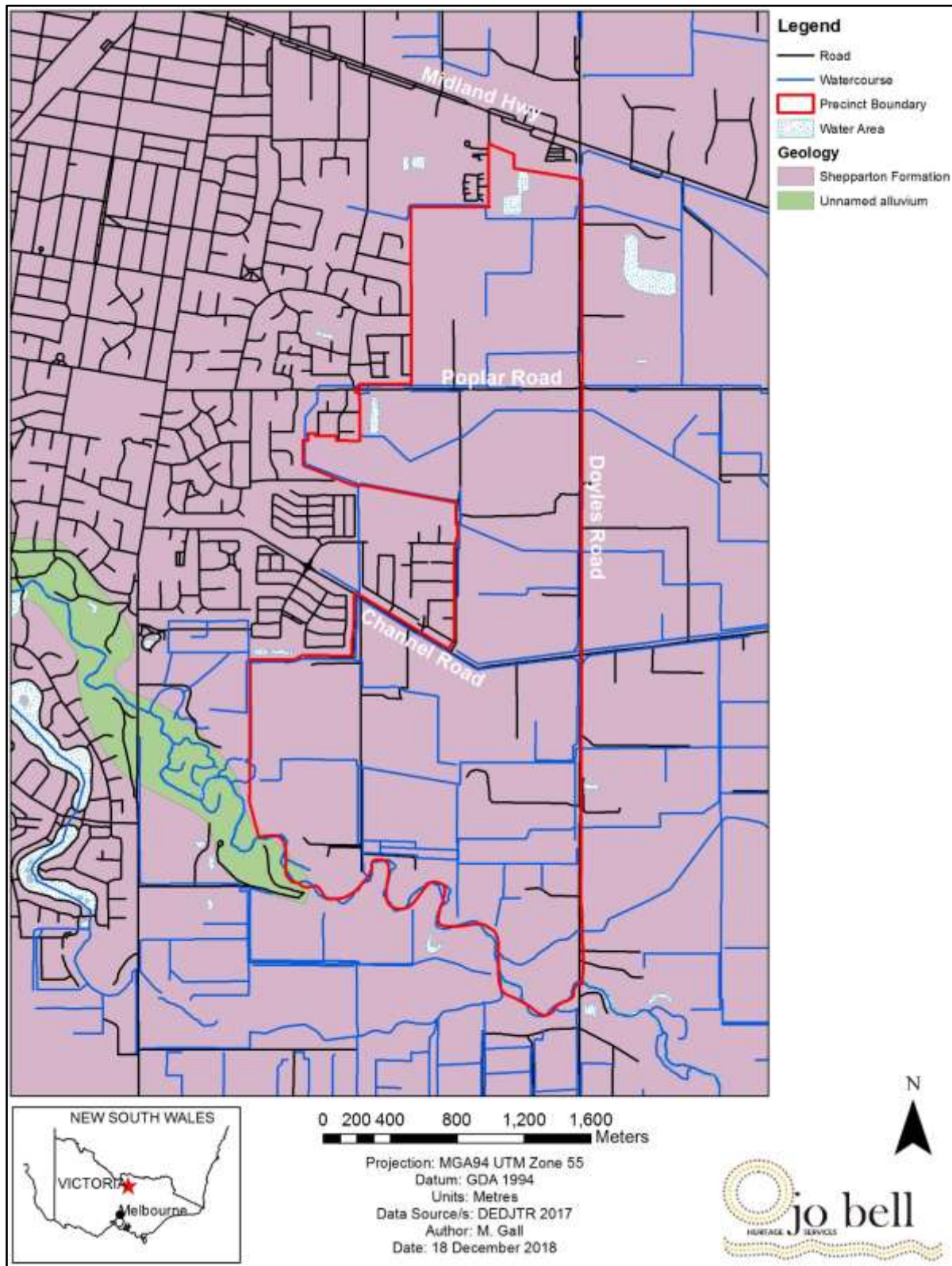


Figure 6: Geology within the activity area

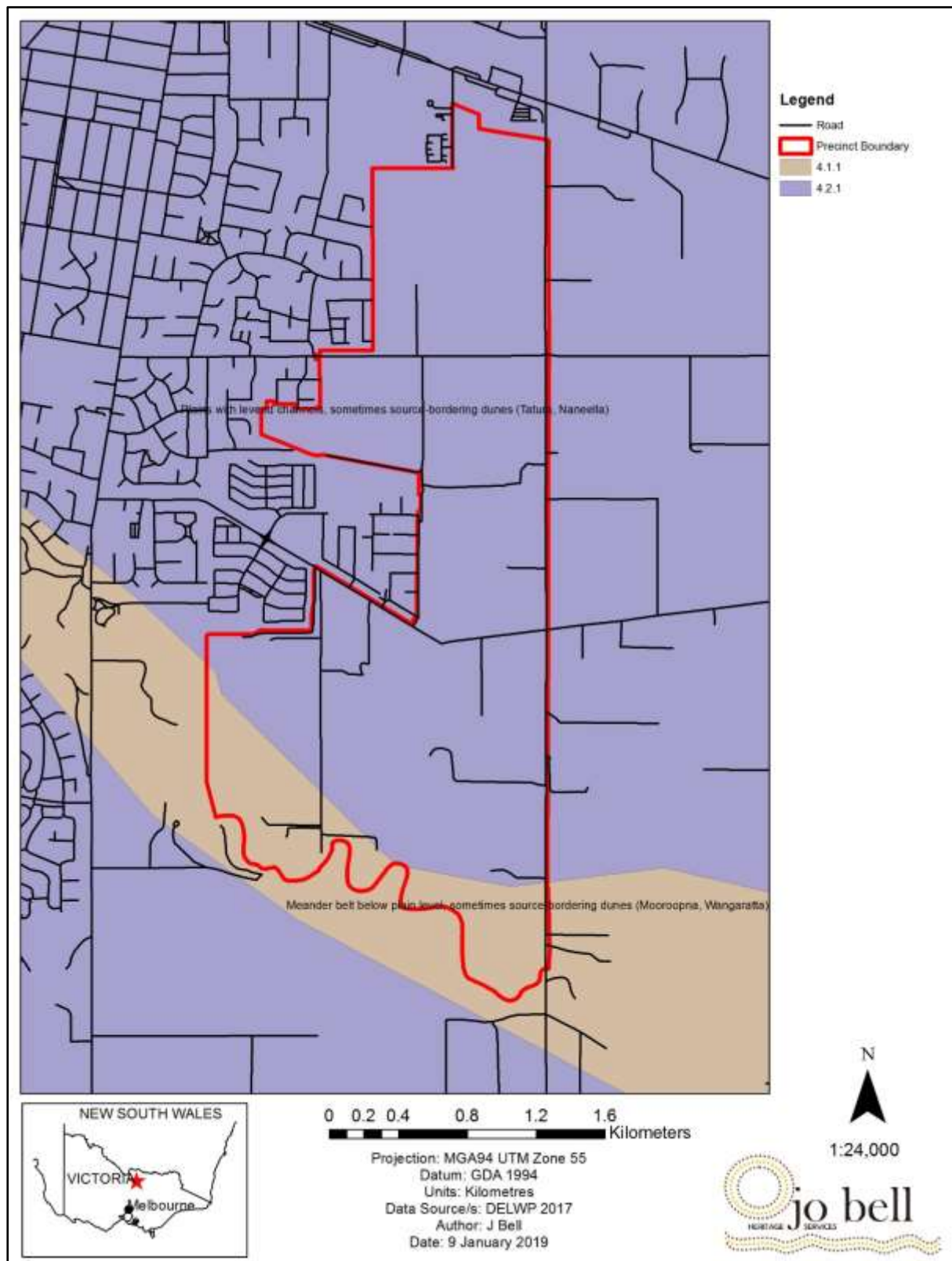


Figure 7: Geomorphology (Tier 3 description) of the activity area

Shallow Sands Woodland is described as a woodland or open-forest to 15m tall, with a sparse shrub layer of heathy shrubs and a species-rich ground covered dominated by grasses and annual herbs. The canopy layer is dominated by Yellow Box, Buloke and White Cypress-pine over Wallaby-grass species, Common Bog-sedge and Many-flowered Mat-rush (DSE EVC/Bioregion Benchmark Fact Sheet).

There are no RAMSAR wetlands within the activity area.

## 4.4 Climate

The region is described as temperate with dry, warm to hot summers and cold, wet winters. It experiences an average of 442mm of rain annually (mean data taken from 1996 to 2019) (BOM Online, accessed 21 January 2019).

## 4.5 Ethnographic Information

### *Recording of Ethnography and Historical Documents*

The documented Aboriginal ethnographic record for the Shepparton region is somewhat fragmentary, due to the rapidity with which introduced diseases such as smallpox, measles and influenza, spread through the indigenous populations at the time of European colonisation. Disease and pastoral expansion (and associated violence) decimated or displaced entire populations of people throughout South-eastern Australia, severely disrupting and in many cases, destroying many facets of traditional Aboriginal culture (after Bell 2004:5).

Many of the first Europeans to come to the area had little interest in, or training for, recording much about the society they encountered. The majority of the historical information for the region of the activity area has come from journals and memoirs of early pioneers and settlers such as Curr, from early ethnographers such as Tindale and Howitt, and from government appointed employees such as Smyth and Robinson, the Protector of Aborigines and his Assistant Protectors (under the Board for the Protection of Aborigines).

It should be noted that the heritage advisor has attempted to provide relevant ethnographic information from many sources. This may not represent the perspective of the relevant Aboriginal groups with an interest in the Aboriginal cultural heritage of the region today.

### *The People*

According to Howitt (1904) and later Tindale (1974), the Shepparton area was occupied by members of the *Pangerang*, who held the country in the broad valley of the lower Goulburn west to the Murray River east and west of Shepparton; at Wangaratta, Benalla, and Kyabram; south to Toolamba and Violet Town (Figure 8). Barwick (1984:118) and more recently Clark (1990:364; 2005) have mapped the region as on the boundary between the *Yorta Yorta* (*Bangarang* or *Pangerang*) and *Ngurai-illam Wurrung* language areas while Mathews (1902) suggests that Yorta Yorta country extended as far south as Shepparton.

Smyth (1878) maps the region as *Pangurang* country. Curr (1883:103-6) similarly attributes the area to the *Bangerang* (Figure 9). According to Dixon's (Working Papers in Clark 1990:398) there was a contiguous clans called '*Bangarang*' and their language was called *Jodajoda*. Clark (1990:398) therefore considers *Bangarang* and *Jodajoda* or *Yorta Yorta* as the same people.



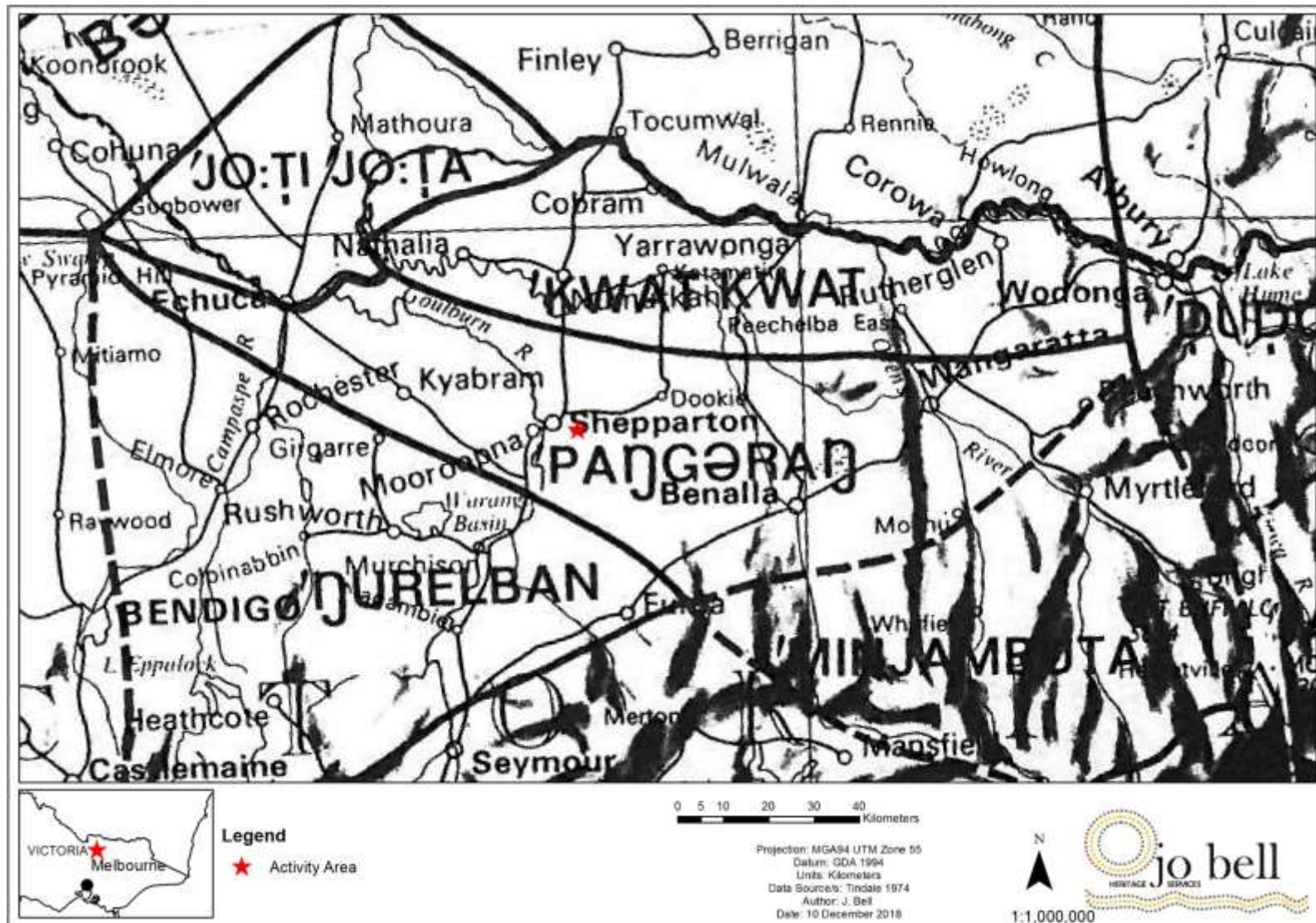


Figure 8: Tindale's 1940 (1974) map showing language groups of the activity area

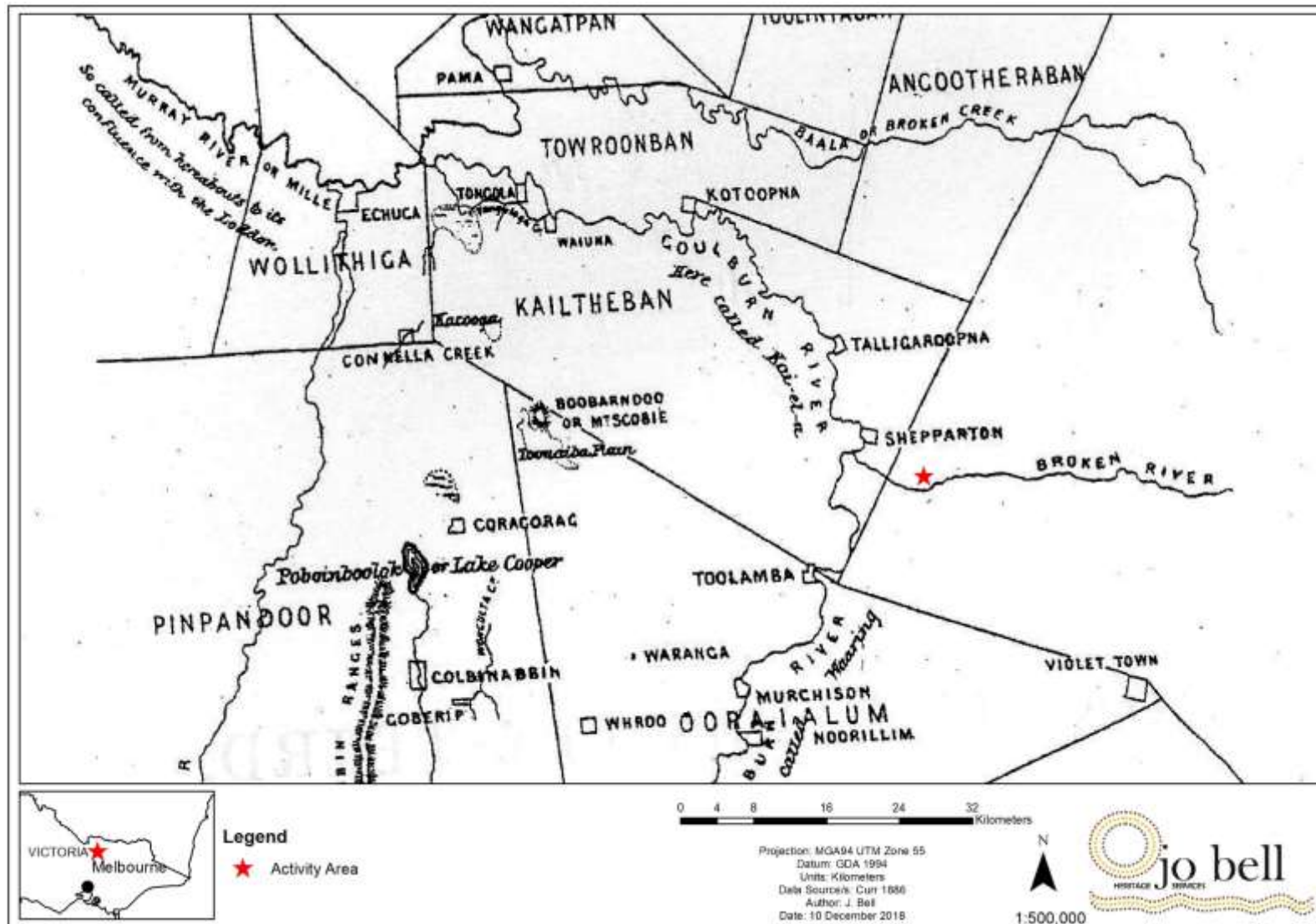


Figure 9: Curr's 1886 map showing language groups near his holdings

Shepparton is located on the area known as 'Kanny-goopna,' meaning deep waterholes [by which people camped] in the Jodajoda language (Clark & Heydon 2002:195 in Bell 2006:9).

Yorta Yorta Nation Aboriginal Corporation today represents the family groups from along the Murray River, including *Bangerang*, *Kailtheban*, *Wollithiga*, *Moira*, *Ulupna*, *Kwat Kwat*, *Yalaba-Yalaba* and *Ngurai-illam-wurrung* clans. The language is referred to generally as the Yorta Yorta language (YYNAC website, accessed 17 November 2010).

### *Social Organisation*

Prior to European settlement, Aboriginal people occupied all aspects of the Victorian landscape, governed by a distinct system of land ownership. Aboriginal social organisation was extremely complex with marriage, social, and inter-group relationships based on tribe (or language group), descent, clan and moiety. The tribe was the largest unit of division, and consisted of people who shared a common language. Members of the same language group also shared the same rules of descent (either matrilineal or patrilineal), and claimed ownership of a particular region. Clans claimed common descent from ancestors (individual branches of a family tree) and these smaller groups also held particular tracts of land. Moieties divided the entire language group into complimentary social groups, governing not only the social and ceremonial status of individuals but also their marriageability. Inter-marriage of persons from the same moiety was not allowed (Coutts 1981: viii, after Howitt 1904; Bell 2000:7).

### *Economy*

Aboriginal people living along the Goulburn, Broken and Murray Rivers practiced a hunter/gatherer economy, although evidence suggests that the richness and abundance of resources of the Goulburn and Murray Valleys may have allowed groups in this area to be more sedentary (see Curr 1886; also Pardoe 1988a and 1988b). Nevertheless, the seasonal availability of resources is likely to have determined population densities with larger gatherings probably occurring during the summer months and dispersal into smaller groups occurring during the colder months (see Atkinson & Berryman 1983:19; Beveridge 1889:27). Curr amassed a considerable amount of information on the indigenous groups along the Murray and in the areas where he occupied his various holdings (Tongala, Coragorag, Lower Moira, Corop and Colbinabbin).

In terms of subsistence, irrespective of the inference of a higher population along the Goulburn and Broken Rivers, people remained hunter-gatherers, exploiting the natural resources available in the area and using trade networks to obtain those items such as greenstone axes that were not available locally (see McBryde 1984).

Curr (1883:118) recounts camp life as follows:

When several families were camped together at a spot at which they proposed to remain for a few days, the custom was for the women to leave camp an hour or two after sunrise for the purpose of getting roots and vegetables, catching shrimps or prawns, digging out rats, and carrying on other avocations of the sort... Generally, their absence from the camp was about six hours, half of the time being loitered away in the shade or by the fire, according to the season, when they returned with a heavy load of food. It was when camped in this way for several days at a place that weapons and ornaments were manufactured, and games played. The men used to start out to hunt in threes and fours shortly after the women had left the camp and returned at about the same time. The ordinary business of the married men was to see to the safety of the family, procure meat or fish, and opossum skins enough to keep them clad.



In 1838 Hawdon (1838:18) observed a different routine at the confluence of the Goulburn and Murray Rivers where he found a group of old men, women and children collecting bulbous roots.

Curr (1883:120) describes the diet of the Bangerang as:

...varied – somewhat poor, but not insufficient. The standing dishes were roots of several sorts, opossums and fish. Emu and kangaroo were scarce and but rarely obtained, whilst among the minor plants may be mentioned manna, eggs, kangaroo-rats, field-rats, birds of every sort, tadpoles, grubs, snakes, the larvae of ants, and one or two wild fruits of inferior description.

Alternatively, Hawdon (1838:16-19) found kangaroo and emu in abundance in the lagoons and plains. Hawdon (1838:17) also provides information on subsistence when noting that his party,

passed the fires of a native encampment, but met with none of the natives; it was evident, however, from the heap of muscle (sic) shell we saw piled on the banks of the river, and from the number of trees that had been “barked”...

Similarly, in an 1843 tour of the colony George Augustus Robinson found that:

All along the banks of the Mury [sic] there [were] muscle (sic) shells in heaps and the boughs of trees was scattered about there for a camping place (in Clark 1988:65).

### Contact

There is ethnographic evidence to suggest a large Aboriginal population along the Murray River prior to and immediately after European settlement. Curr (1883:234-9) noted that in 1841 there were at least 1200 Bangerang. According to Curr, the Bangerang population had greatly decreased by 1851. This is supported by Curr's (1886) observation of a large number of Bangerang people with small-pox scars at his property at Tongala.

In 1858 the Victorian Government recommended the formation of a Central Board to replace the Protectorate system and take over responsibility for the protection of Aboriginal people within the colony. In 1860 the *Central Board appointed to watch over the interests of Aborigines in the Colony of Victoria* (CBA) was established. The CBA appointed Honorary Correspondents in districts where Aboriginal people lived. The role of these Honorary Correspondents was to report to the CBA and later the Board for the Protection of Aborigines (BPA) on the health and population of the Aboriginal people. The Honorary Correspondent was also responsible for distributing supplies such as flour, sugar, tea, tobacco, soap, tomahawks, blankets and clothing to Aboriginal people in the area (CBA Reports 1866 & 1869).

After the 1860s Aboriginal people in the Murray and Goulburn Valleys were forced to move into Government or Mission controlled stations, such as Coranderrk, near Healesville and Maloga (Cummeragunga), in NSW near Barmah (Long 1996:14).

There are a number of places in the Shepparton area that are associated with Aboriginal people who lived in the region during the twentieth century, such as the Mooroopna Flat settlement and the Bangerang Keeping Place (Rhodes & Paynter 2005:4).

### *Registered Aboriginal Parties*

Yorta Yorta Nation Aboriginal Corporation has been appointed the Registered Aboriginal Party (RAP) for the region surrounding the activity area in accordance with the Victorian *Aboriginal Heritage Act 2006*.

## **4.6 Land Use History**

### *Squatters, Pastoralists and Runs*

According to Spreadborough & Anderson (1983), the activity area lies in the Murray District, across the boundaries of two pastoral runs: Arcadia and Tallygaroopna. Arcadia was later subdivided into Pine Lodge (north) and Arcadia (south). The activity area takes in portions of all three runs (Figure 10).

Arcadia (No. 37) was gazetted in 1848 with an estimated 80,000 acres although it was licenced to W.S. and H. Clifton 50 months prior to the NSW Orders-in-Council of 1847. In January 1858, the run was subdivided into Arcadia (south) and Pine Lodge (north). Both run leases passed on to William Snow Clifton in February 1858 and later, were sold separately, passing into a number of different hands until 1878 when Arcadia was abandoned, and Pine Lodge was forfeited.

The Tallygaroopna run was also gazetted in 1848 with an original estimated area of 160,000 acres, although it was licenced 24 months prior to the NSW Orders-in-Council of 1847 to S. Sheppard. In April 1854, Hugh Glass took over the lease, followed by Sheppard, Le Souef & Atkins in July 1854, Charles Ryan and Robert Hammond in 1857, Alexander Brock and William Brookman in 1859, William Fraser in 1866 and The National Bank of Australasia in 1870. The licence was forfeited in 1873. William Fraser renewed the licence in 1885.

### *Closer Settlement*

According to the memories of Isabel Pearce, a daughter of one of the early settler families on the Orrvale/East Shepparton irrigation blocks, settlers were beginning to take up blocks east and north east of Shepparton in 1912 under the auspices of the State Rivers and Water Supply Commission.

Pearce (Houston 2005) tells that 'the Government had taken up about 10,000 acres of wheat and grazing land and subdivided it into blocks of an average of 25-30 acres'. These blocks were all served by newly dug irrigation channels. According to Pearce, the Closer Settlement Scheme had been intended for dairying but the low price of butter and the small size of the blocks meant that the settlers planted fruit trees instead.

### *Historical plans*

State Library Victoria, Landata and Victorian Archive Centre have been visited on-line to review historic plans of the area. A 1946 Parish Plan shows earlier lots prior to further subdivision (Figure 11).

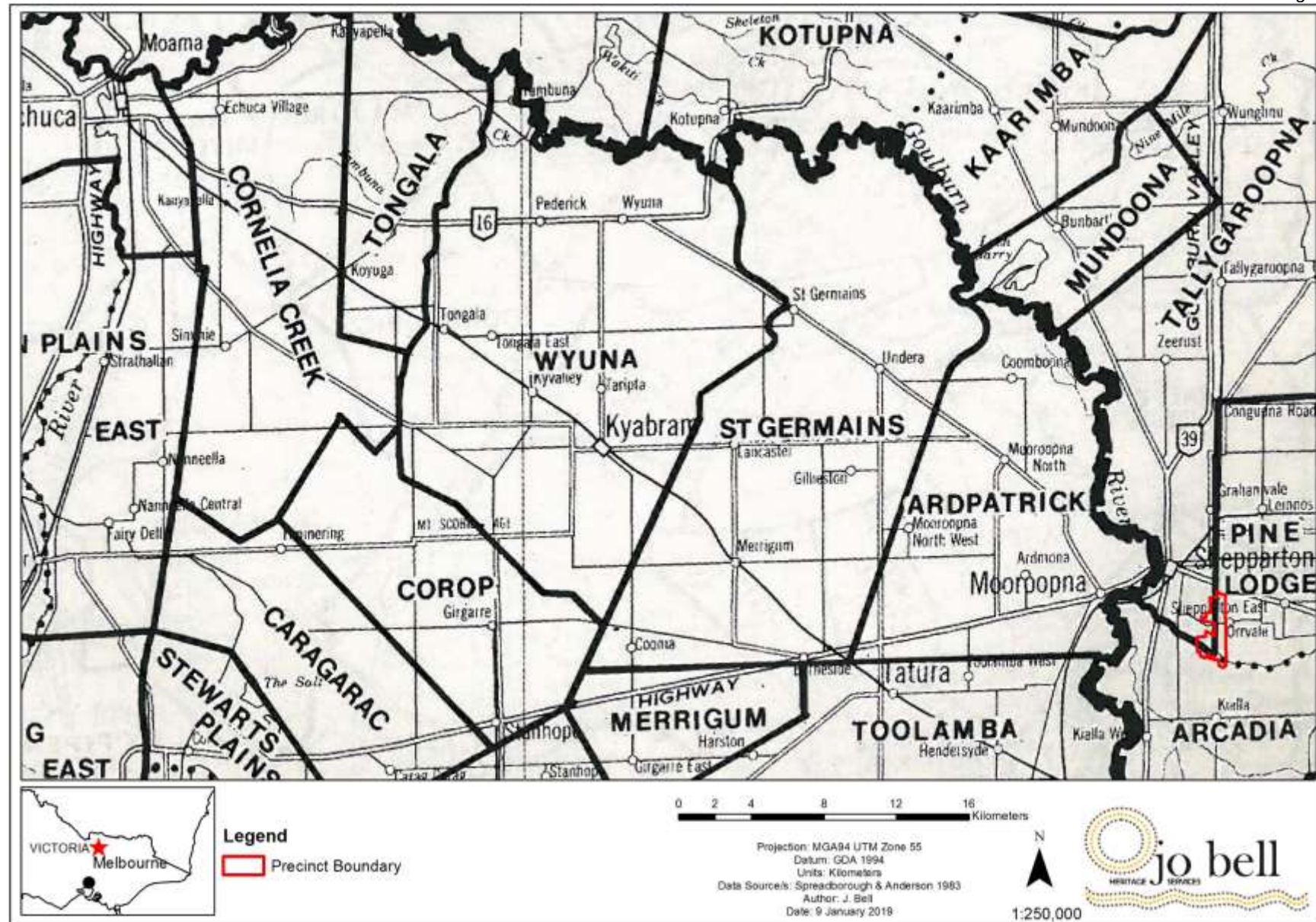


Figure 10: Pastoral Runs



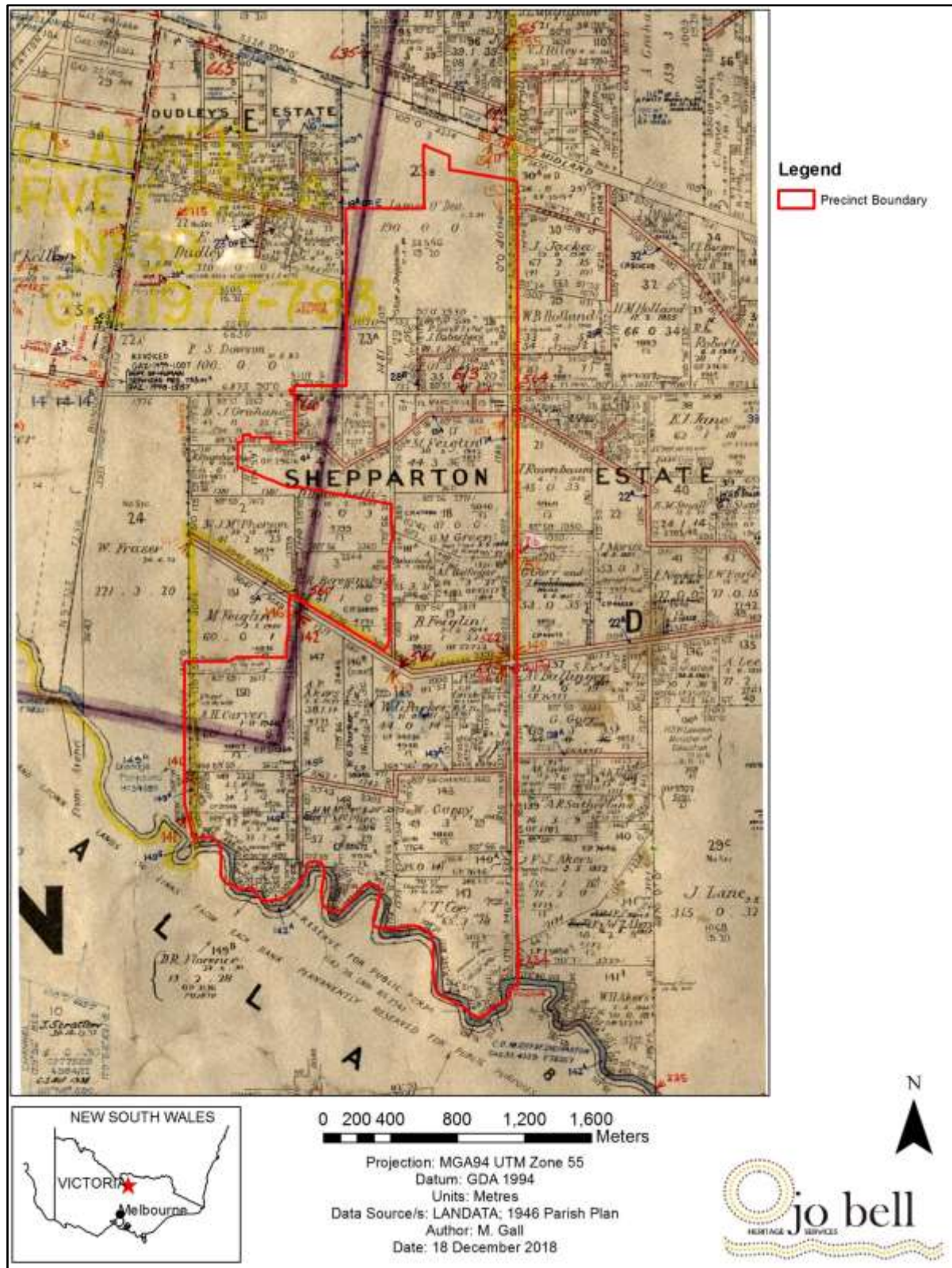


Figure 11: 1946 Parish Plan

### Historic Aerial photographs

Landata and the State Library Victoria were visited on-line to review available historic aerial photography.

The 1945 aerials predominantly show orchards and irrigation channels (Figures 12a-b). The 1971 aerial shows very little change although vegetation along the Broken River is sparser (Figure 13). Aerials from 1974 differ little to the 1971 images, although a number of ephemeral waterways, floodways or prior streams appear evident (Figure 14a-b). The 1990 aerial shows a little less orcharding in some areas (Figure 15).

### DBYD

Whilst a Dial Before You Dig (DBYD) search was undertaken for the project, the area was too large to consider in any detail. However, preliminary research indicates APA (gas) networks, Goulburn Valley Water infrastructure, City of Greater Shepparton assets, NBN cables, Optus and Telstra assets, and Powercor infrastructure within the precinct boundary.

## **4.7 Previous Archaeological Investigations**

The Victorian Aboriginal Heritage Register (VAHR) was accessed via ACHRIS (Aboriginal Cultural Heritage Register and Information System) on 6 December 2018 by Joanne Bell.

The activity area has partially been subject to cultural heritage investigation previously.

There are 23 archaeological and/ or cultural heritage reports listed for the geographic region. These include:

- \* 11 desktop/papers/due diligence assessment reports;
- \* 6 survey report; and
- \* 6 CHMPs (5 standard and 1 complex)

Investigations include mostly regional studies, including general desktop investigations, although a number of more localised assessments have been carried out. These have predominantly been undertaken for residential developments, commercial developments, transport infrastructure, water infrastructure, and the new Arts Museum.

Relevant previous archaeological investigations are summarised in Table 3.

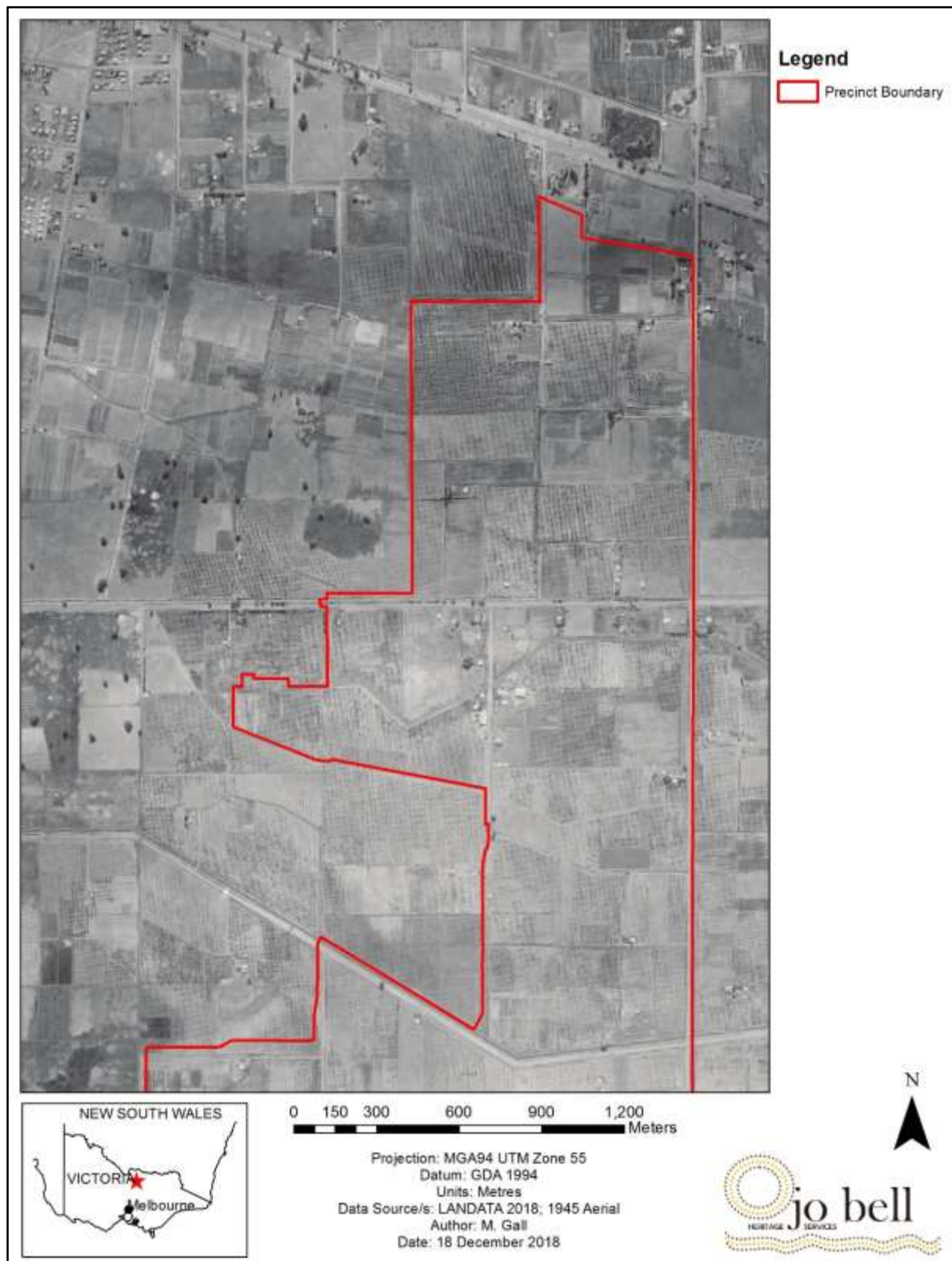


Figure 12a: 1945 Aerial Photograph of the Activity Area - north



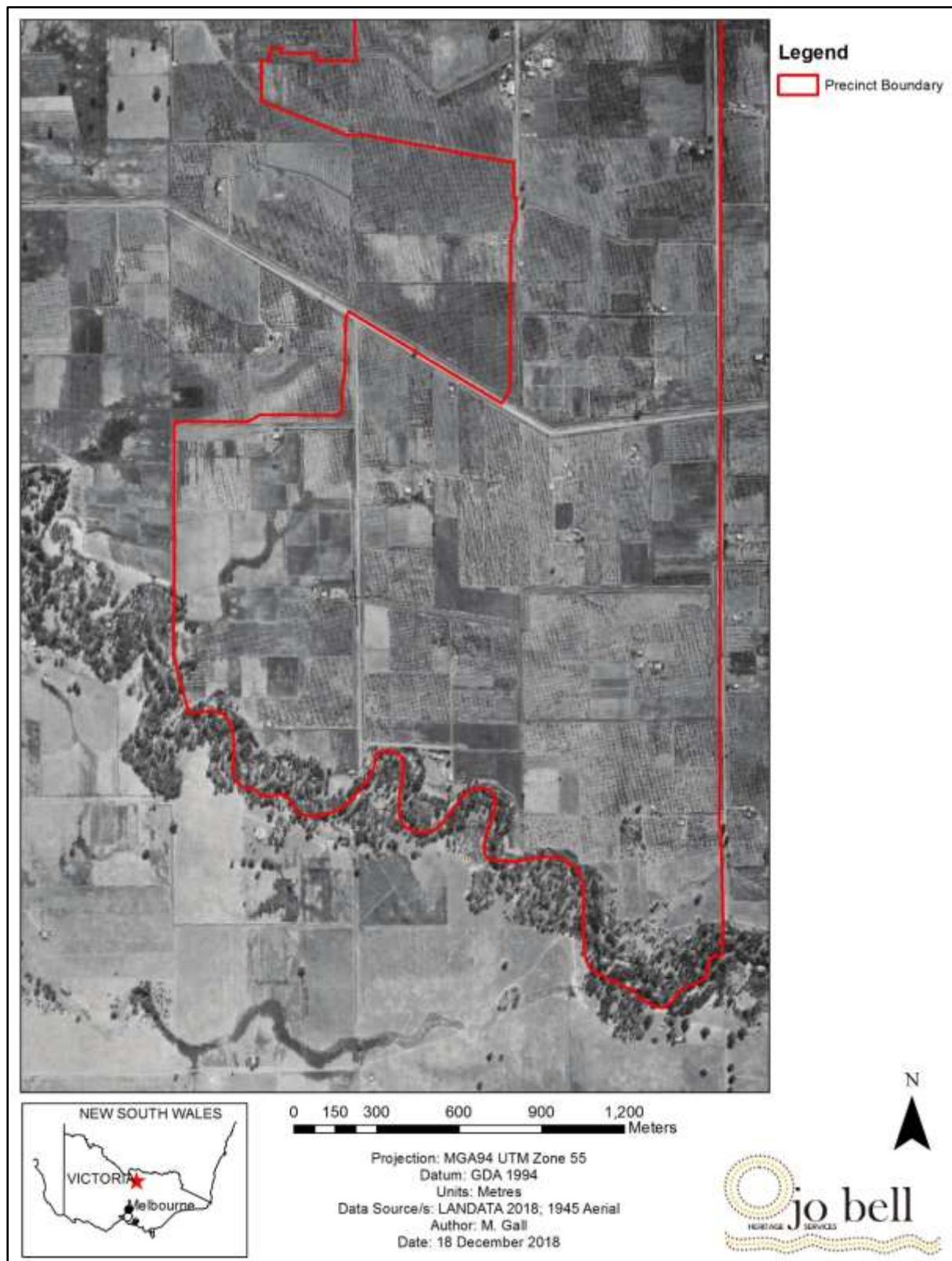


Figure 12b: 1945 Aerial Photograph of the Activity Area- south



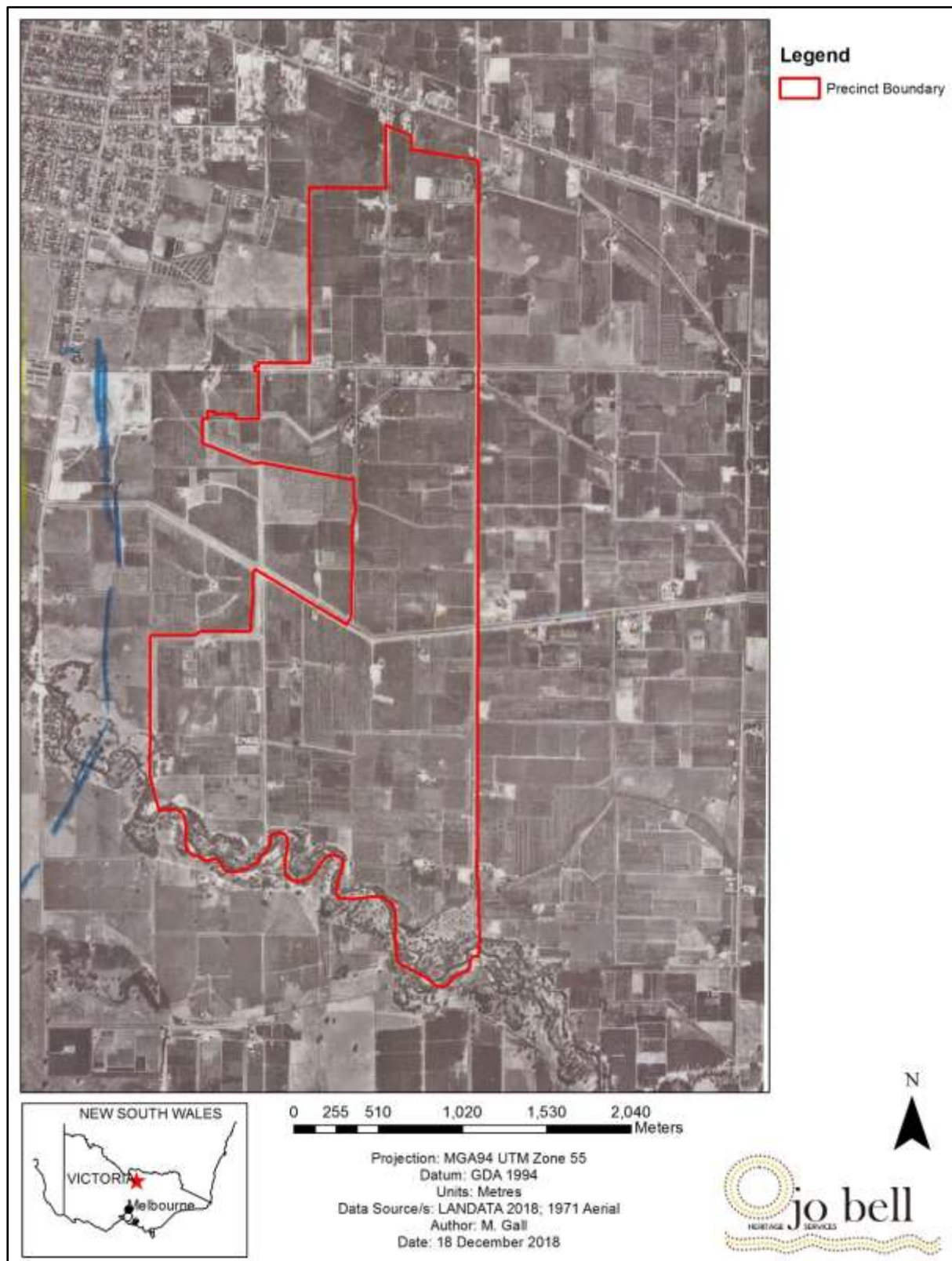


Figure 13: 1971 Aerial Photograph of the Activity Area



Figure 14a: 1974 Aerial Photograph of the Activity Area - north





Figure 14b: 1974 Aerial Photograph of the Activity Area - south



Figure 15: 1990 Aerial Photograph of the Activity Area

**Table 3: Previous Archaeological Investigations undertaken in the Geographic Region**

Study / Investigation Author / Title	Location / Survey Type	Landform	Results
Atkinson, W. & A. Berryman 1983 Aboriginal Associations with the Murray Valley Study Area	Murray Valley Desktop	Various landforms within the Riverine Plain	General overview of Aboriginal association with the subject area.
Zobel, D. 1984 A report to the Land Conservation Council of Victoria on Aboriginal Occupation of the North East Study Area, Districts 1, 2 and 4	North East region Desktop	Varied	83 sites (26 scarred trees, 25 surface scatters, 13 isolated artefacts, 10 art sites, 2 mounds, 2 rock shelters, 1 mound with a burial, 1 burial, 1 quarry, 1 rock arrangement and 1 exposure).
Bird, C. 1992a Archaeology of the Broken River Basin: a background study	Broken River Basin Desktop	Uplands, plains and hills, riverine plain	21 artefact scatters, 87 mounds, 8 shell middens, 4 earth features, 5 rock wells, 174 scarred trees, 3 quarries and 10 human remain sites were located in the Broken River Basin. The majority (N=254) of sites were located in the riverine plain.
Bird, C. 1992b Archaeology of the Goulburn River Basin: a background study	Goulburn River Basin Desktop	Uplands, plains and hills, riverine plain	The desktop identified 265 registered sites in the study area. No new Aboriginal cultural heritage was identified.
Muhlen-Shulte, R. 1995 Archaeological background report for the Shepparton bypass EES study, Stage 1	Shepparton and surrounding area Desktop	Riverine plain-various	26 artefact scatters, 17 scarred trees, one human remains, one shell midden and one earth mound. Most of the sites are located on the floodplain, though levees, sand dunes, river banks, terraces and sand ridges also feature.

Study / Investigation Author / Title	Location / Survey Type	Landform	Results
Long, A. 1996 Shepparton Bypass Planning Study phase 2: Cultural Heritage. Volume 1: An archaeological survey of the western and eastern corridor	To the east and west of Shepparton  Survey	Floodplains of the Goulburn and Broken Rivers	63 sites: 12 artefact scatters, 24 isolated artefacts and 25 scarred trees. Artefacts were found on floodplain margins, sand drifts, floodplain floor within 1km of rivers or creeks and sand dunes. Scarred trees were found on the floodplain.
Brown, S. 1996 Shepparton bypass planning study phase 2: Cultural heritage. Volume 2.	To the east and west of Shepparton  Survey	Various	Survey found 14 artefact scatters, 2 artefact scatter/shell middens, 8 scarred trees and 1 Historic Aboriginal Place.
Vines, G. 1996 Broken River Bridge – Goulburn Valley Highway Archaeological Survey	Broken River on the Goulburn Valley Highway, Kialla  Survey	River banks, floodplain, plain above flood level	Three Grey Box scarred trees were identified (7921-0381-0383). Areas of potential sensitivity were identified on the river bank and the higher ground adjacent the river. Monitoring of initial ground disturbance recommended.
Clark, I. 1997 Land Conservation Council Box- Ironbark Forests & Woodlands Special Investigation. Chapter 2: Aboriginal Associations	Central and North East Victoria  Desktop	Box ironbark forests and woodlands.	4,201 sites were reported but it is not indicated which, if any, lie within the current project's geographic region.
Newby, J. & S. Muir 1997 Goulburn Valley Highway, Broken River Bridge – Monitoring Ground distance	Broken River on the Goulburn Valley Highway, Kialla  Monitoring	River banks, floodplain, plain above flood level	No Aboriginal cultural heritage was identified.
Edmonds, V. 2004 Indigenous Heritage Assessment Two Proposed Water Storages at Shepparton, North East Victoria	Two areas in Shepparton  Survey	Plain	No Aboriginal cultural heritage was identified.



Study / Investigation Author / Title	Location / Survey Type	Landform	Results
Rhodes, D. & Paynter, N. 2005 Report on an Archaeological Survey of a Proposed Residential Development Site, Channel Road, Shepparton	Shepparton  Survey	Plain	No Aboriginal cultural heritage found.
Kaskadanis, C, Jenkins, R & M. Jacobs 2008 East Shepparton Pressurised Pipeline Scheme, City of Greater Shepparton	East Shepparton  Survey	Riverine floodplain	No Aboriginal cultural heritage was identified.
Barker, M. 2011 Proposed Residential Development, 2 and 8 Marlboro Driver, Kialla. CHMP 11449	Kialla  Desktop and Standard Assessments	Plain above flood level	No Aboriginal cultural heritage identified
Grinter, B. 2013 Proposed Riverside Plaza Extension, 72A Riverview Drive, Kialla. Due Diligence Assessment.	Shepparton South  Survey	Plain above flood level	No Aboriginal cultural heritage identified
Edwards, A. & J. Bell 2014 Proposed Masters Home Improvement Centre, Florence Street and Midland Highway Shepparton. CHMP 12895.	East Shepparton  Desktop and Standard Assessments	Plain above flood level	No Aboriginal cultural heritage identified
Ashton, R. 2016 11 Enterprise Drive, Shepparton, Victoria. CHMP 14470	Shepparton  Desktop, Standard and Complex Assessments	Plain above flood level	1x 1m <sup>2</sup> test pit and 1 x 50cm <sup>2</sup> shovel probe were investigated to a depth of 610mm and 450mm respectively. No Aboriginal cultural heritage was identified.
Grinter, B. & J. Bell 2016 Proposed Shepparton Arts Museum for the Victoria Park lake Master Plan, Wyndham Street Shepparton. CHMP 14361	Shepparton  Desktop and Standard Assessments	Plain above flood level	No Aboriginal cultural heritage identified



Study / Investigation Author / Title	Location / Survey Type	Landform	Results
Bell, J. 2018 Proposed Shepparton Arts Museum Redevelopment Area, Victoria Park Lake Master Plan, Wyndham Street, Shepparton CHMP 15714	Shepparton  Desktop and Standard Assessments	Plain above flood level	No Aboriginal cultural heritage identified

## 4.8 Victorian Aboriginal Heritage Register

The activity area is in an area of mapped cultural heritage sensitivity as specified in the Aboriginal Heritage Regulations (the Regulations). These are associated with a named waterway - Broken River (r.26) and a prior stream (r.27).

Within the geographic region, there are four registered Aboriginal places. These are summarised in Table 4:

Table 4 has been removed from the public display report

**Table 4: Previously recorded Aboriginal places within the geographic region**

There are two Aboriginal places within 200m of the activity area. Sentence removed (see Figure 2)\*.

There are no preliminary recordings within the geographic region.

There are no historical references listed for the geographic region.

\*Figure 2 must be removed from the public display report

## 5.0 SITE INSPECTION

The site inspection was to be carried out only on areas within the cultural heritage sensitivity (CHS) overlay and other areas of potential sensitivity, identified on aerial imagery, to complement the information compiled during the desktop investigation. Private land was only accessed where landholders had given permission to do so.

### 5.1 Results

The site inspection was undertaken on 17-18 April 2019 by Jo Bell, and Janarli Bux and Michael Clarke (Yorta Yorta Cultural Officers). The results are shown in Figures 16a-c.

#### Northern Precinct Area

The northern precinct area within the cultural heritage sensitivity zone comprised vacant land, orchards, dwellings and associated outbuildings, and water infrastructure (see Figure 16a; Plates 1-6). The area north of Poplar Avenue was considered from the road. Access was available for some of the properties south of Poplar Avenue.

#### Central Precinct Area

The central precinct area contained areas that were identified on aerial imagery as potentially containing former natural drainage lines or prior stream landforms (outlined in pink on Figure 16b). Visual inspection indicated orchards, removed orchards that are now fallow, vacant land and land sown to crop but still providing excellent ground surface visibility (Plates 7-10). No evidence of prior stream landforms was identified. These areas are not specified as areas of cultural heritage sensitivity under the Regulations.

#### Southern Precinct Area

The southern precinct within the cultural heritage sensitivity zone comprised vacant land, land where orchards have been removed, areas which have been previously cropped and river reserve (see Figure 16c; Plates 11-13). The areas in the eastern portion of this area were accessed as was the river frontage in the western portion. All other areas were considered from the road. The area identified as potentially containing a former natural drainage line on aerial was also accessed (outlined in pink on Figure 16c). On visual inspection, this is a former channel and is not considered an area of cultural heritage sensitivity under the Regulations.

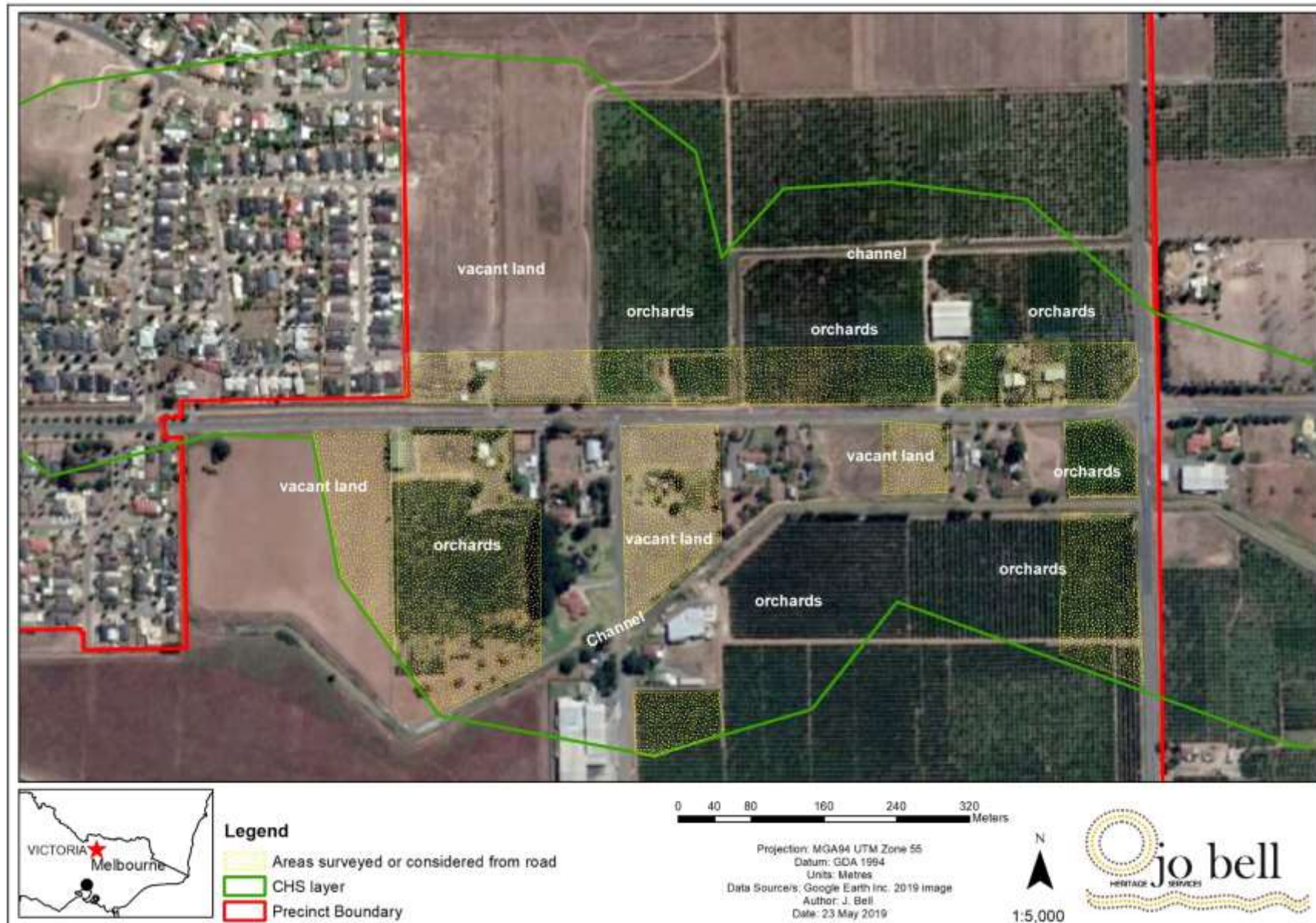


Figure 16a: Results of Site Inspection - north Precinct area



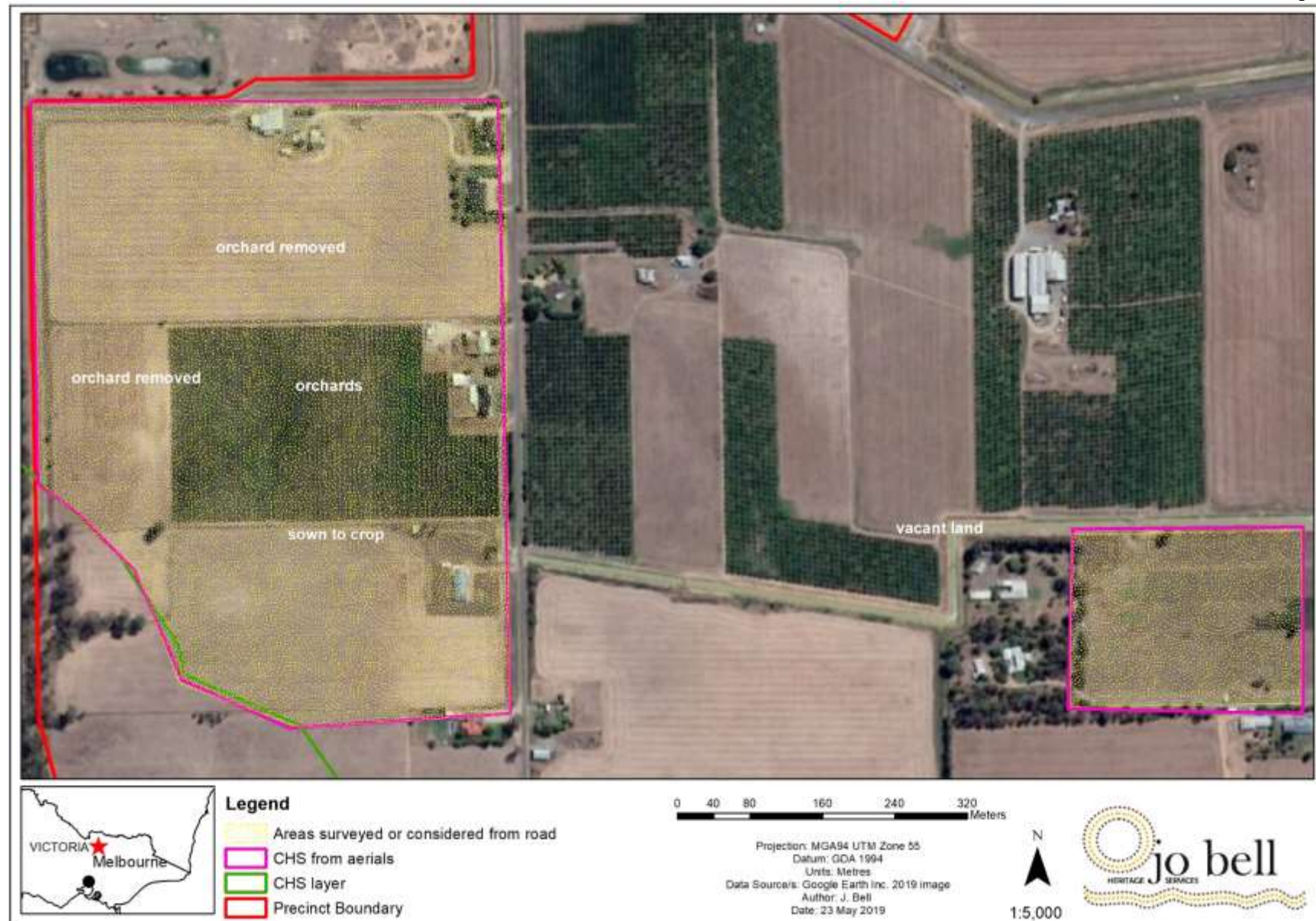


Figure 16b: Results of Site Inspection - Central Precinct area



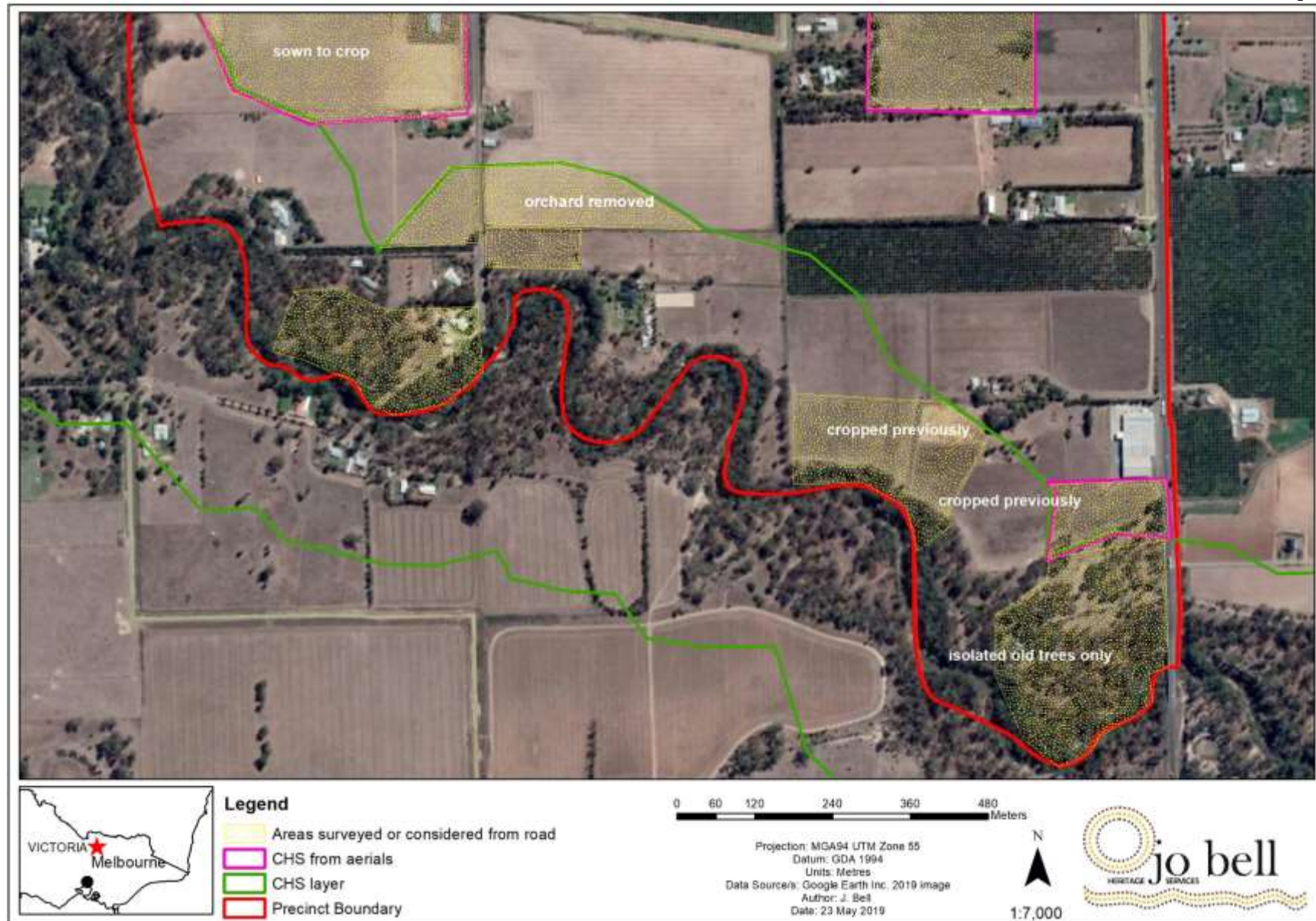


Figure 16c: Results of Site Inspection - South Precinct area



**Plate 1: Vacant land south of Poplar Avenue, facing 180°  
(Photo: J. Bell 17April19)**



**Plate 4: Channel on Feiglin Road, facing northeast  
(Photo: J. Bell 17April19)**



**Plate 2: Orchard south of Poplar Avenue, facing 180°  
(Photo: J. Bell 17April19)**



**Plate 5: Vacant land south of Poplar Avenue, facing 180°  
(Photo: J. Bell 17April19)**



**Plate 3: Channel running the length of the norther road reserve of Poplar Avenue, facing 90° (Photo: J. Bell 17April19)**



**Plate 6: Orchard on Doyles Road, facing 270°  
(Photo: J. Bell 17April19)**





**Plate 7: JefThomson Shed and  
drain/channel, facing 45°  
(Photo: J. Bell 17April19)**



**Plate 10: Removed orchard on McPhees  
Road, facing 45°  
(Photo: J. Bell 18April19)**



**Plate 8: Excavated channel west of Doyles  
Road, facing 310°  
(Photo: J. Bell 18April19)**



**Plate 11: Inaccessible Broken River,  
facing 230°  
(Photo: J. Bell 17April19)**



**Plate 9: Vacant land off McPhees Road,  
facing 270°  
(Photo: J. Bell 17April19)**



**Plate 12: Broken River Reserve near  
McPhees Road, facing 90°  
(Photo: J. Bell 17April19)**





**Plate 13: Previous orchard on McPhees Road, facing 130°  
(Photo: J. Bell 17April19)**

## **5.2 Summary**

The activity area predominantly lies on Shepparton Formation geology, corresponding with plain above flood level landscapes. Adjacent the Broken River are unnamed alluvial deposits associated with the Broken River floodplain.

Aboriginal cultural heritage in the wider region tends to be focused on the major watercourses, such as the Goulburn and Broken Rivers and the Seven Creeks. No Aboriginal cultural heritage has previously been identified within the precinct boundary. Areas of cultural heritage sensitivity specified in the Regulations are located within the precinct boundary. These correspond to a prior stream landform, indicated in Figure 16a and a named waterway (Broken River), indicated in Figure 16c.

From the early twentieth century, land within the precinct was subdivided for closer settlement with water and irrigation infrastructure constructed and installed, and intensive agriculture and orcharding occurring.

Planting and subsequent removal of orchards and irrigated paddocks with check banks are known to cause significant ground disturbance with the use of laser grading and other heavy machinery.

## 6.0 LEGISLATION

In Victoria, Aboriginal cultural heritage is protected and managed in accordance with the *Aboriginal Heritage Act 2006* (the Act) and the *Aboriginal Heritage Regulations 2018* (the Regulations). Under the Act, Aboriginal cultural heritage is defined as Aboriginal places, Aboriginal objects and Aboriginal ancestral remains.

It is an indictable offence to harm Aboriginal cultural heritage in Victoria, which attracts severe penalties.

The Act makes provision for a number of cultural heritage processes, which may be required in different circumstances. These include the preparation of Cultural Heritage Management Plans (CHMPs), Cultural Heritage Permits (CHPs) and Preliminary Aboriginal Heritage Tests (PAHTs). These processes may include cultural heritage assessment or the preparation of a due diligence assessment.

### 6.1 Cultural Heritage Management Plans

A Cultural Heritage Management Plan (Management Plan) is a written report containing the results of an assessment and conditions to be complied with before, during and after an activity to manage and protect Aboriginal cultural heritage in an identified area.

A Management Plan assesses whether a project will have any impact on Aboriginal cultural heritage values and provides appropriate agreed management conditions.

Preparation of a Management Plan is commissioned and paid for by the project proponent (the Sponsor).

Preparing a Management Plan involves a heritage advisor (an appropriately qualified person e.g. archaeologist, anthropologist or other heritage specialist with knowledge and experience in relation to the management of Aboriginal cultural heritage) working with Registered Aboriginal Party (RAP) representatives (to identify and assess cultural heritage values in relation to a proposed development or activity).

### 6.2 Cultural Heritage Permits

A person must apply to an approval body under the *Aboriginal Heritage Act 2006* if they propose to:

- Disturb or excavate land to uncover or discover Aboriginal cultural heritage;
- Carry out research on an Aboriginal place or Aboriginal object, including removing an Aboriginal object from Victoria for the purposes of that research;
- Carry out an activity that will, or is likely to, harm Aboriginal cultural heritage;
- Sell an Aboriginal object (where it was not made for the purpose of sale);
- Remove an Aboriginal cultural heritage object from Victoria;
- Rehabilitate land at an Aboriginal place, including land containing burial grounds for Aboriginal Ancestral Remains;
- Inter Aboriginal Ancestral Remains at an Aboriginal place.

#### Restrictions Apply

- A cultural heritage permit must not be granted for an activity that requires a cultural heritage management plan.

- A cultural heritage permit must not be granted in relation to Aboriginal ancestral remains or an Aboriginal object that is a secret or sacred object if the permit relates to:
  - an activity that will, or is likely to, harm Aboriginal cultural heritage;
  - selling an Aboriginal object, or;
  - removing an Aboriginal object from Victoria.
- A cultural heritage permit must not be granted in respect of Aboriginal intangible heritage.

### 6.3 Preliminary Aboriginal Heritage Tests

The Preliminary Aboriginal Heritage Test (PAHT) provides sponsors with certainty about whether a cultural heritage management plan is required for a proposed activity. The PAHT is evaluated by a delegate of the Secretary to the Department of Premier and Cabinet (Secretary) and certifies whether a CHMP is required for a proposed activity.

For instance, a sponsor may be unclear as to whether their proposed activity area has been subject to significant ground disturbance. In such cases, a person is able to prepare a PAHT to establish whether a CHMP is required for the activity. The PAHT can then be submitted to the Secretary, who must decide whether to certify the PAHT as correct within a 21 day evaluation period.

The preparation of a PAHT is voluntary. A responsible authority (such as a Local Government Authority) cannot require a PAHT to be prepared before a statutory authorisation is issued for a proposed activity.

Proponents of works are expected to exercise due diligence in determining their requirements under the Act and the Regulations with regard to proposed activities. If it is clear that a CHMP is not required, there is no need to prepare a PAHT. The responsible authority should then be sufficiently satisfied that a statutory authorisation can be issued.

### 6.4 Areas of Cultural Heritage Sensitivity

Areas of cultural heritage sensitivity are landforms and land categories that are generally regarded as more likely to contain Aboriginal cultural heritage. A registered Aboriginal cultural heritage place is also an area of cultural heritage sensitivity. If part of an area of cultural heritage sensitivity (other than a cave) has been subject to significant ground disturbance that part is not an area of cultural heritage sensitivity (Aboriginal Victoria n.d.).

‘Significant ground disturbance’ is defined in r.4 of the Regulations as meaning disturbance of

–

a) the topsoil or surface rock layer of the ground; or

b) a waterway –

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

The burden of proving that an area has been subject to significant ground disturbance lies with the sponsor (proponent of an activity).

## 7.0 RECOMMENDATIONS

Under r.7 of the Aboriginal Heritage Regulations 2018, a cultural heritage management plan (CHMP) is required for an activity if any part of the proposed activity is specified in the Regulations as a high impact activity, **and** the activity area (or part thereof) is specified as an area of cultural heritage sensitivity.

The PSP includes such activities as residential and commercial subdivision, construction of buildings or carrying out of works associated with education centres, emergency services facilities, industry, childcare centres, sports and recreation facilities, offices, places of assembly, retail premises, service stations and utility installations. It will also include new roads and walking tracks. All of these works or activities are specified as high impact activities under Division 5 of the Regulations.

There are two areas within the precinct boundary that are specified in the Regulations as areas of cultural heritage sensitivity.

On face value, any works or activities, specified in Division 5 of the Regulations that encroach on an area of cultural heritage sensitivity as specified in the Regulations and indicated in Figure 17, will require a CHMP to be prepared. That is, unless it can be shown that the area has been subject to significant ground disturbance.



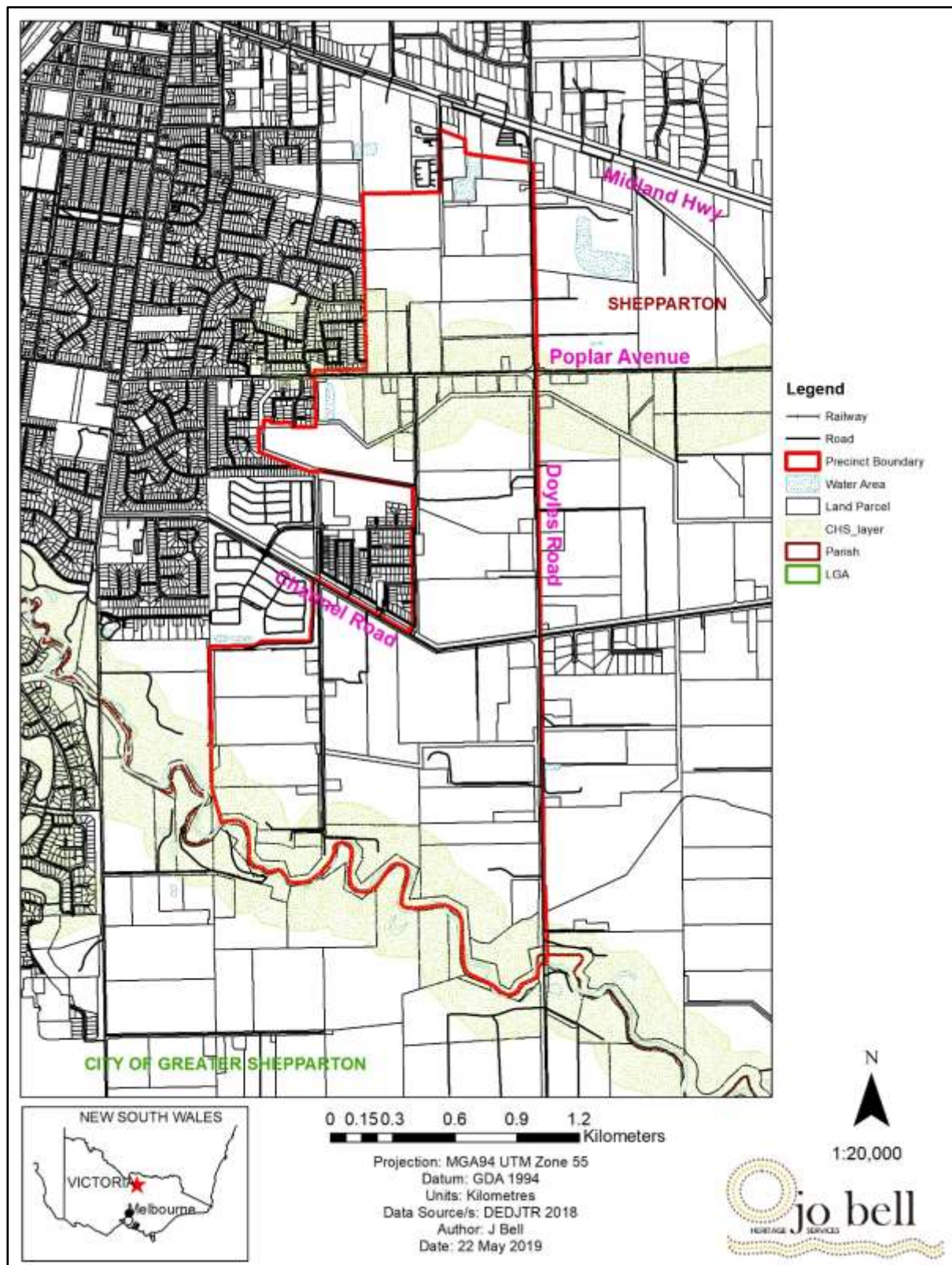


Figure 17: Cultural Heritage Sensitivity Areas within the Precinct Boundary which would require a CHMP if significant ground disturbance cannot be ascertained

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[http://www.dse.vic.gov.au/dat/assets/pdf\\_file/0009/241947/VRiv\\_EVC\\_combined.pdf](http://www.dse.vic.gov.au/dat/assets/pdf_file/0009/241947/VRiv_EVC_combined.pdf)

### Dial Before You Dig

[www.1100.com.au](http://www.1100.com.au), accessed 14 November 2018

## **9.0 APPENDICES**

### **Appendix 1: Qualifications of Cultural Heritage Advisor**

**Joanne Bell**  
**Director**  
**Jo Bell Heritage Services Pty. Ltd.**

**Qualifications:**

BA (Hons) Archaeology, La Trobe University, Bundoora, 2000  
Cert. IV Training and Assessment, ECEC 2006

Joanne is qualified in Indigenous Australian prehistory and non-Indigenous historic archaeology. She has over twenty years professional experience in heritage management, including development and research projects. Fields of research include Australian Indigenous archaeology, Australian historic archaeology, stone artefact analysis, cultural heritage management and heritage training.

## Appendix 2: Notice of Intent to carry out a survey for Aboriginal cultural heritage for the purposes of the Aboriginal Heritage Act 2006

### Notice of Intent to carry out a survey for Aboriginal cultural heritage for the purposes of the Aboriginal Heritage Act 2006

This form has been prepared for use by a person intending to carry out a survey for Aboriginal cultural heritage ('Survey') to complete the notification provisions pursuant to s.34A of the Aboriginal Heritage Act 2006 (the 'Act').

For clarification on any of the following please contact Victorian Aboriginal Heritage Register (VAHR) enquiries on 1800-762-003.

#### SECTION 1 – Person intending to carry out survey (applicant)

Applicant (natural person or body corporate seeking to carry out survey): Jo Bell Heritage Services Pty. Ltd.

ABN/ACN: 18 135 659 915

Contact name: Jo Bell

Postal Address: PO Box 248 Euroa VIC 3666

Telephone Number: 5798 1341

Fax number:

Mobile: 0427 505 335

Email Address: Jo.bell@jobellheritageservices.com

#### SECTION 2 – Survey supervisor

Name: Jo Bell

Provide a description of the supervisor's qualifications and experience relevant to surveys for Aboriginal cultural heritage:

BA (Hons) Archaeology 2000 La Trobe University, Melbourne

#### SECTION 3 – Description of proposed activity and Survey location

Project Name: Shepparton South East Precinct Structure Plan

List the relevant municipal district/s (ie, Local Council or Shire): Greater Shepparton City Council

Clearly identify the proposed **activity** for which the survey relates (ie, cultural heritage or due diligence assessment, preliminary Aboriginal heritage test, research):

Due Diligence Assessment

Clearly identify the **location** (such as listing cadastral information, attaching a copy of a title search, or indicating the street address):

See attached – green cultural heritage sensitivity layer as per ACHRIS and blue outlined areas

**Attach a map** (to scale, with a north arrow and indicating the municipal district - if any) that clearly identifies the survey area.

- Please ensure the map refers to existing roads and features, rather than proposed roads and features, and includes their names.
- Please ensure the map has the survey area outlined on it.
- The map should have a legend; at least three readily identifiable geographical locations (such as road intersections, parcel boundaries, or road/river crossings) and should state the map's projection.



**SECTION 4 – Expected start and finish date for the survey**

Start date 28/3/19 Finish date 30/6/19

**SECTION 5 – List any relevant registered Aboriginal party (if any)**

*This section is to be completed only where there is a registered Aboriginal party in relation to the survey area*

Yorta Yorta Nation Aboriginal Corporation

**SECTION 6 – Signature of applicant**

I certify that to the best of my knowledge and belief that the information supplied is correct and complete.



Signed: \_\_\_\_\_  
[applicant]

Date: 27/03/2019

**SECTION 7 – Notification checklist**

☐ Ensure appropriate attachment/s are completed and attached to this notification (see section 3 of this form).

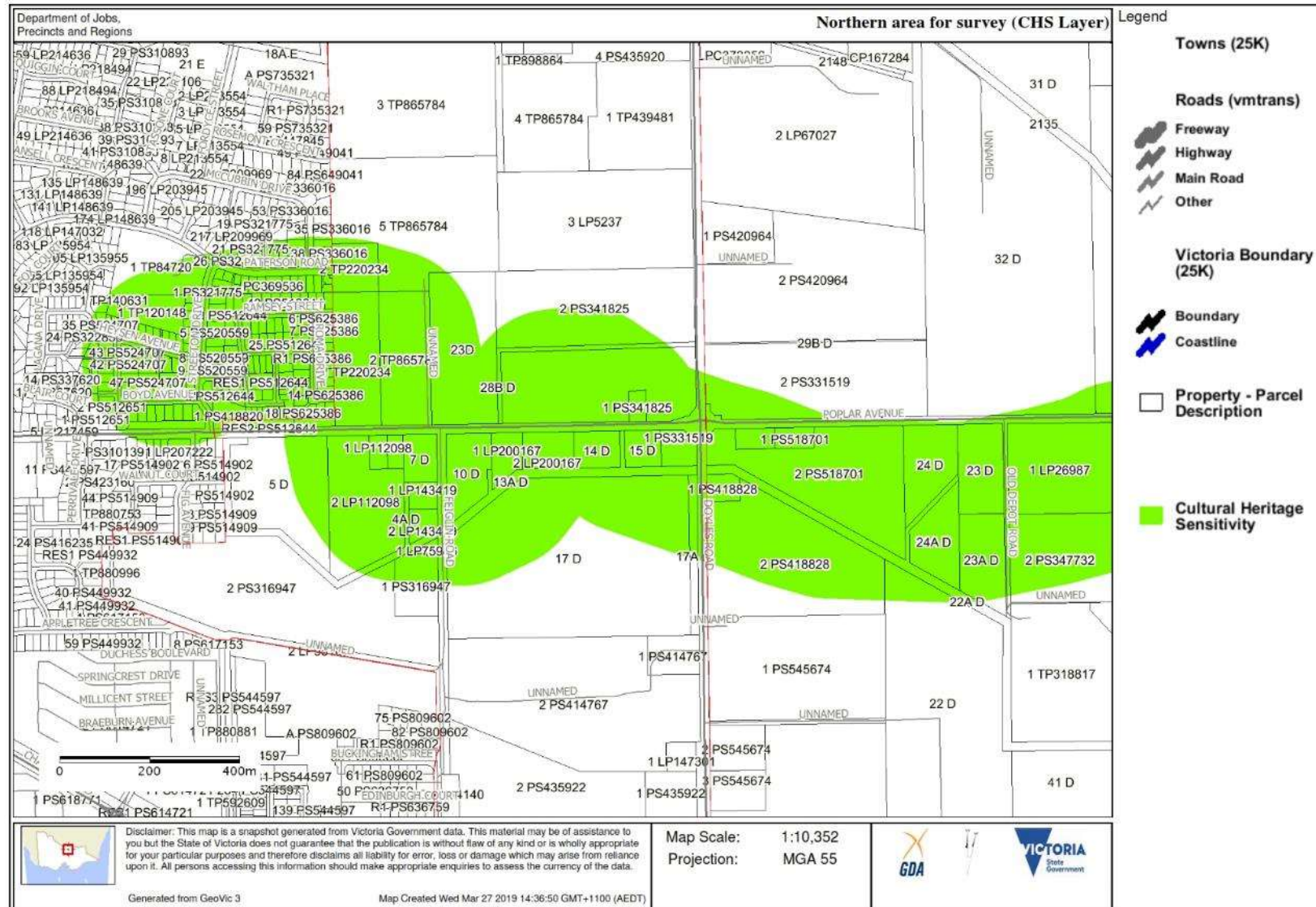
Please ensure this notice and all attached items are sent to the:

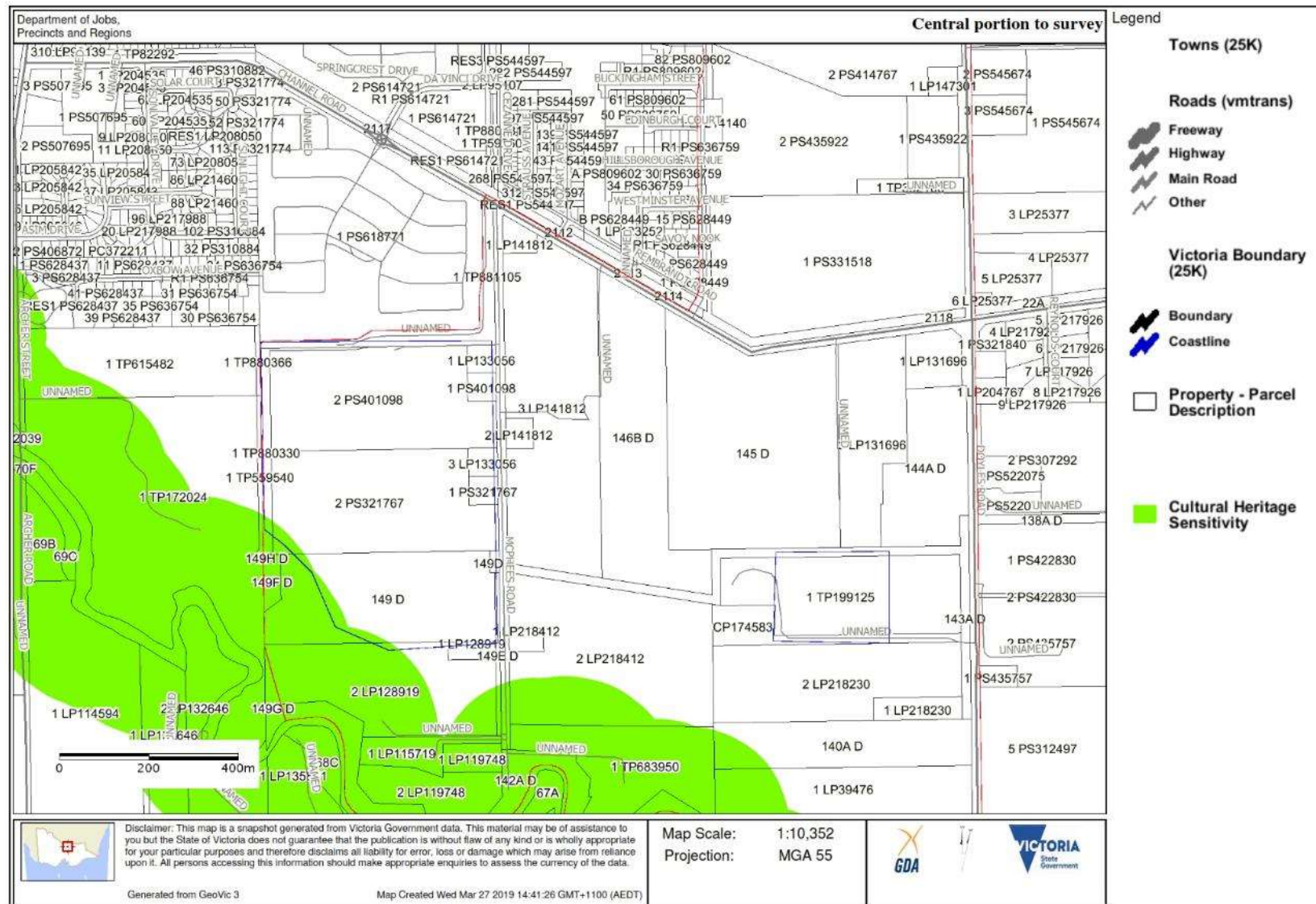
Director Heritage Services  
Aboriginal Victoria  
Department of Premier and Cabinet  
GPO Box 2392  
MELBOURNE VIC 3001

OR Email: [vahr@dpc.vic.gov.au](mailto:vahr@dpc.vic.gov.au)

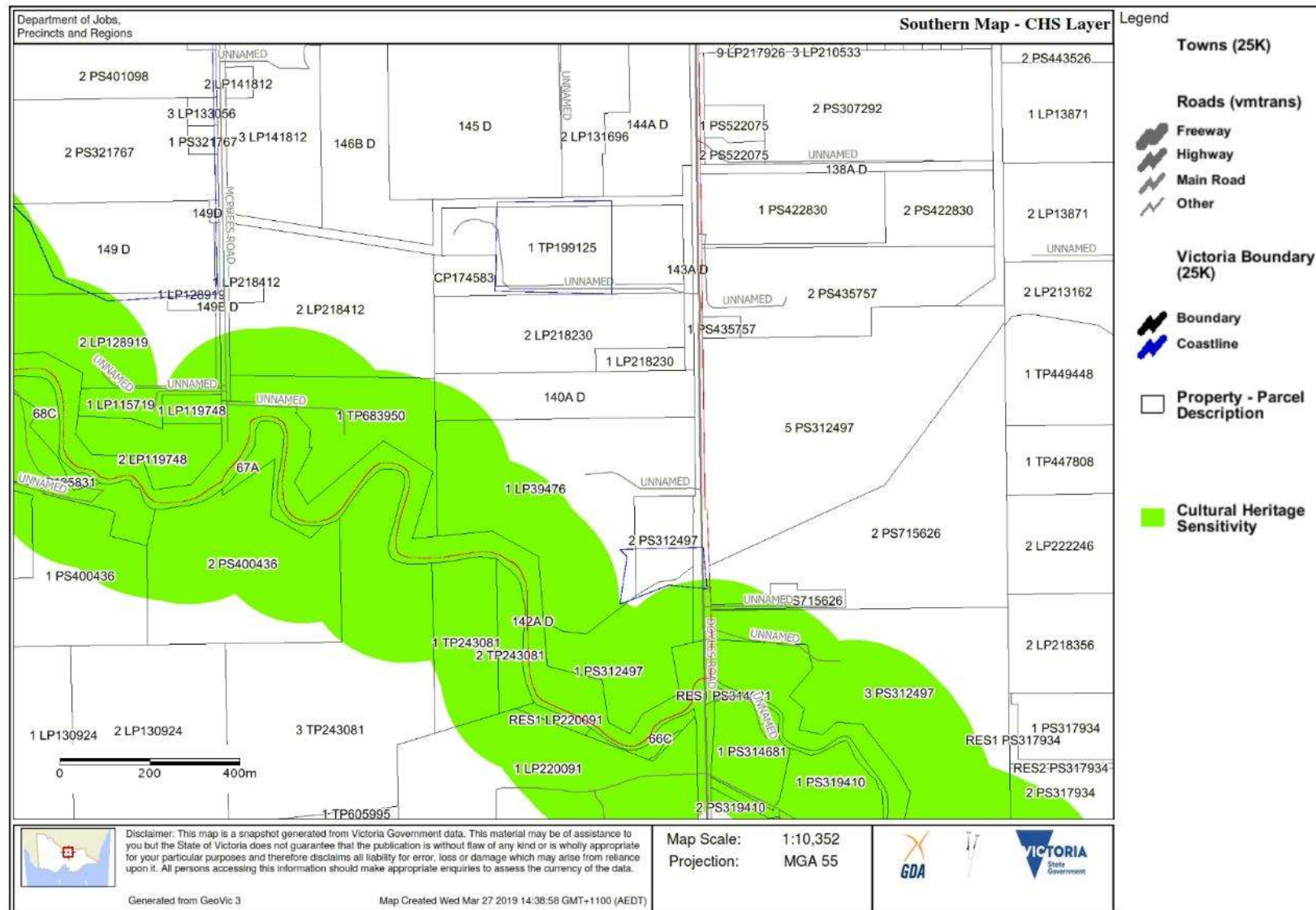
**Notes:**

- Ensure that any relevant registered Aboriginal party is also notified. A copy of this notice 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 participate in the survey).
- In addition to notifying the Director Heritage Services and any relevant registered Aboriginal party, a Sponsor must also notify any owner and/or occupier of any land within the survey area. A copy of this notice may be used for this purpose.
- A copy of any documentation relevant to the survey must be given to the Secretary for recording on the Victorian Aboriginal Heritage Register within 30 days of producing the final report relating to the survey, or within 12 months of submitting this application, whichever is earlier.
- Relevant documentation means any site records, photographs, maps and plans relating to the survey and a copy of any final report.
- The applicant must notify the Secretary if the survey did not occur within 12 months of submitting this application.











## Appendix 3: Letter sent to Landholders in the areas of cultural heritage sensitivity notifying them of pending site inspections

