

- It is unlikely that any highly significant historic archaeological site will exist within the activity area.

5 FIELD RECONNAISSANCE

The consultant conducted a brief site visit of the activity area on March 13, 2008. This consisted of a 'windscreen' survey where all roads/tracks within and adjacent to the activity area were accessed, and a brief pedestrian survey in areas considered potentially sensitive (i.e. drainage lines, investigation of mature native trees). No access to private property was available during the field inspection. Therefore, all observations were made from the nearest road. During the visit, detailed notes were made and photographs (Plates 1 to 12) were taken. Additionally, initial assessments were made of any areas that may contain archaeological potential.

Archaeological visibility refers to the amount of ground surface that is clearly visible for site inspection. The greater the ground surface visibility, the more effective are surface site surveys. Examples of high surface visibility are recently ploughed paddocks (100% per square metre); and examples of poor visibility are areas of heavy vegetation cover (0-10% per square metre). Unfortunately, it is often the case that highly visible archaeological sites are also often highly disturbed. High ground surface visibility is therefore often related to the amount of disturbance that has occurred. This disturbance may be man made (such as ploughing, road construction, residential development), by stock (overgrazing, tracks), or due to natural processes (erosion by wind or water).

Due to current land use of grazing pasture, crops etc., the overall ground surface visibility likely to be encountered during a comprehensive survey would be varied. The majority of the activity area will be of poor to very poor visibility conditions (0-30% per square metre) (Appendix 1 – Glossary). However, there were a number of areas in which high ground surface visibility could be encountered such as beneath trees, around sheds, tracks, along fence lines, within plough lines, within areas of dry, very dry or cleared grass cover and within drainage lines. Areas of highest potential visibility will be areas of grass removal and recently ploughed paddocks.



Plate 1

General view of the eastern section of the activity area. Facing south-east from Millars Road. Mount Emu is in the background.



Plate 2

General view of the south-western section of the activity area. Standing south of Lake Goldsmith on a farmers track facing west. In the midground is a lake bed highlighted on the AAV sensitivity map.



Plate 3

Millars Road facing south. Pine tree plantation.



Plate 4

H7522-0001
Stockyard Hill Hotel
Ruins.
Corner of Stockyard
Hill Road and Lake
Goldsmith Road.



Plate 5

Corner of Geelong Road and Wangatta Road facing north. Dry stone wall.



Plate 6

On Geelong Road between Wangatta Road and edge of activity area. Remnant dry stone wall.



Plate 7

Intersection of Thompsons Road and Stockyard Hill Road facing south-west. Mature Gums throughout paddock.



Plate 8

West side of Stockyard Hill Road, south of Wangaratta Road. St. Andrews Presbyterian Church (1902) and associated buildings.



Plate 9

Millars Road between Skipton Road and Stockyard Hill Road, facing south. Old shearing shed and quarters.



Plate 10

Remains of Lake Goldsmith School (dismantled timber), Old Skipton Road (HO37)



Plate 11

Oddies Road facing south.
Remains of dry stone structure.



Plate 12

Geelong Road, facing south.
Stone lined dam in the foreground and dry stone wall in the background.

6 DESKTOP ASSESSMENT RESULTS

No previously recorded Aboriginal sites were relocated and no new Aboriginal sites identified within the activity area during this desktop assessment. Two previously recorded historic sites were relocated, and several sites of possible historic significance were identified. Discussion on both Aboriginal and historic cultural heritage is presented below.

6.1 Discussion – Aboriginal Cultural Heritage

In summary, one regional and one small-scale heritage assessment included part of the activity area within their broader boundaries. These included Clarks (1997) study of forest use in Northern Victoria, and Richards and Sutherland (1995) ground surface survey of a pipeline route from Mena Park to Stockyard Hill Road. Multiple Aboriginal cultural heritage assessments have been undertaken in surrounding regions. These studies give a reasonable indication of the types of Aboriginal sites that may exist within the activity area.

The background Aboriginal archaeological information presented in Section 3 indicates that the present activity area has landforms of moderate to high archaeological potential. The activity area contains natural waterholes and ephemeral drainage lines that have been previously demonstrated to be of archaeological potential (Section 7).

One previously recorded pre-Contact site (AAV7523-0027) and one previously recorded post-Contact Aboriginal site (Historic Place 5.4-67) exists within the activity area. The lack of recorded sites in the region does not reflect the absence of Aboriginal occupation of the area, rather it attests to the absence of cultural heritage survey. Systematic cultural heritage survey along with good ground surface visibility conditions are major factors allowing for the identification of Aboriginal cultural heritage sites.

Parts of the activity area's ground surface have been significantly disturbed (eg. pine plantations) in the past (see Section 2.5), resulting in reduced Aboriginal cultural heritage values. Additionally, past modification of surface soils within the activity area have disturbed the majority of its ground surface. However, with the presence of local reliable water sources, it is likely that low to moderate density stone artefact scatters will exist in close proximity to water sources within the activity area, reflecting transient use of the landscape by Aboriginal people prior to European settlement. Isolated stone artefacts are ubiquitous over the entire Victorian landscape, and there is no effective sampling strategy that could be used to locate individual stone artefacts within the activity area. There is limited potential for any other site type (e.g. scarred trees, rock arrangements) to be present within the activity area.

6.2 Discussion – Historic Cultural Heritage

In summary, one previous regional study included the activity area within its broader boundaries (Bannear 1996). This was however, targeted specifically at identifying traces of the regions mining history. One small scale cultural heritage assessment which utilised ground surface survey included part of the activity area within its broader boundaries (Richards & Sutherland 1995). This survey identified one historic site (H7522-0001). There are three additional historic sites listed on the Pyrenees Shire's historic overlay (HO32, HO33 & HO37).

During the site visit, several extant historic structures were identified which may possess cultural heritage value and possibly contain archaeological deposits. These include intact dry stone walls (Plate 5) and remnant dry stone walls (Plate 6), a Presbyterian Church constructed in 1902 (Plate 8), a disused shearing shed (Plate 9), a dry stone structure in a ploughed paddock (Plate 11), and a stone lined dam (Plate 12).

Comprehensive ground surface survey of the activity area was not carried out. It is possible that further historic structures relating to post-Contact settlement of the region may be present. Only comprehensive survey will determine if any historic features exist within the activity area.

7 ARCHAEOLOGICAL SENSITIVITY/POTENTIAL WITHIN THE ACTIVITY AREA

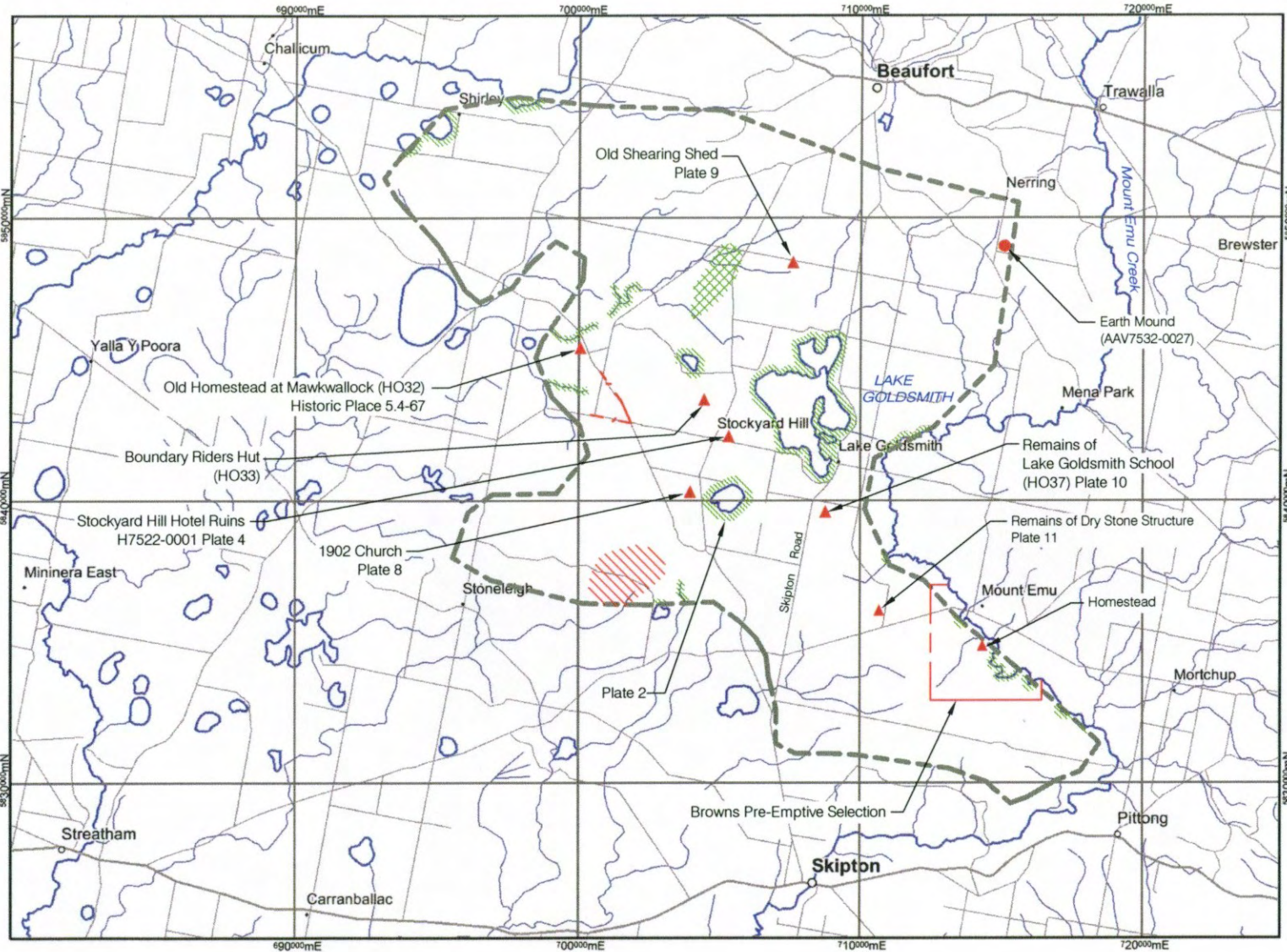
Areas of archaeological sensitivity are those designated as containing potential for archaeological sites. These are usually areas that have poor ground surface visibility which obscures possible surface and/or sub-surface deposits. Archaeologically sensitive areas are also those that may not have been previously surveyed, but within which sites might occur. Decisions regarding archaeological sensitivity/potential are based on historic information, geomorphology and geology, vegetation, post-Contact disturbance and data from previous relevant research. The final aspect in assessing potential is based on the results of a ground surface or sub-surface inspection. Areas deemed archaeologically sensitive may be considered low, medium or highly sensitive.

Table 3 and Figure 13 present areas identified as having archaeological potential within the activity area based on the results of this desktop assessment and brief site visit.

Table 3 Summary of Archaeological Potential within the Activity Area

Heritage Type	Potential Deposits	Level of Potential
Aboriginal	Small numbers of previously disturbed low-density ($n < 10/m$) stone artefact scatters throughout the activity area	Moderate
	Low to moderate density (10-100/m) stone artefact scatters within 200m of current & previous water courses/drainage lines, hill crests and flood plain perimeters. Elevated locations that offered a dry campsite, adjacent to former wetlands/water sources are the most likely landform for Aboriginal cultural material.	Moderate - High
Historic	Small numbers of previously disturbed artefacts throughout the activity area and/or remains of stockyards, fences & other minor features	Very Low
	Artefacts in close proximity to previously identified historic structures (i.e. Stockyard Hill Hotel site)	Moderate - High

Base Map Courtesy of Victorian Department of Primary Industries



Legend:

Denotes Activity Area

Historic Archaeological Potential

- Historic Feature
- Stone Lined Dam & Dry Stone Wall Plate 12
- Intact & Remnant Dry Stone Walls Plates 5 & 6

Aboriginal Archaeological Potential

- Aboriginal Site
- Within 200m of Past or Present Waterways
- Sensitive Area for Scarred Trees Plate 7 Mature Gums

Figure 13 Areas of Heritage Potential

Tardis Enterprises Pty Ltd, cultural heritage advisors

8 SCIENTIFIC AND CULTURAL SIGNIFICANCE

As no sites were re-inspected or recorded as part of this desktop assessment, scientific and cultural significance assessment is not required.

9 STATUTORY REQUIREMENTS

This section, relating to the statutory requirements associated with archaeological sites, has been included to inform users of this report of the legal obligations regarding heritage sites. Any breach of this legislation is cause for prosecution.

9.1 Aboriginal Heritage Legislation

The following is a summary of the *Aboriginal Heritage Act 2006* as described in the *Aboriginal Heritage Regulations 2007 Regulatory Impact Statement*. The Act commenced operation on 28 May, 2007.

In 2006 the Victorian Government passed the *Cultural Heritage Act 2006*, to provide more effective protection of Aboriginal cultural heritage and broaden Aboriginal community involvement in decision-making arrangements.

The *Aboriginal Heritage Act 2006*:

- Replaces outdated State and Federal legislation governing the protection and management of Aboriginal cultural heritage in Victoria;
- Ensures that the protection of Aboriginal cultural heritage is an integral part of planning and land development processes;
- Provides increased certainty for developers and land managers in relation to the types of developments that require cultural heritage management plans;
- Establishes an Aboriginal Heritage Council, comprised of traditional owners, to provide a state wide voice for Aboriginal people in the management of cultural heritage. The council will register Aboriginal parties as cultural heritage decision makers for areas in Victoria, and advise the Minister for Aboriginal Affairs in relation to the protection of Aboriginal cultural heritage;
- Gives Registered Aboriginal Parties responsibility for protecting and maintaining Aboriginal places and objects of cultural heritage significance within their areas, through providing cultural heritage management plans, advising on heritage permits, entering into heritage agreements and negotiating the repatriation of Aboriginal human remains;
- Provides dispute resolution and review mechanisms through mediation and the Victorian Civil and Administrative Tribunal;
- Provides a range of measures to improve compliance with, and enforcement of, the legislation, including cultural heritage audits, stop orders, modernised offences and penalties, and increased responsibility and accountability for inspectors;

- Retains the power of the Minister for Aboriginal Affairs to make interim and ongoing protection declarations over significant Aboriginal places or objects;
- Broadens Aboriginal community involvement in heritage protection to include traditional owners (The Allen Consulting Group 2007: 2-3).

Further information regarding the Act can be obtained from the AAV website at:

<http://www1.dvc.vic.gov.au/aav/>

9.2 Aboriginal Heritage Regulations

Regulations have been developed to support the operation of the *Aboriginal Heritage Act 2006*. They provide further information on aspects of the Act, clarifying roles and expected standards that are required under the Act to:

- Maximise certainty about when and how to prepare a cultural heritage management plan, thereby better protecting Aboriginal cultural heritage and reducing delays to development;
- Ensure that fair payment is made for the evaluation of a cultural heritage management plan and that Government receives appropriate payment for assessing applications for permits and advice on the Register (The Allen Consulting Group 2007: 4).

The regulations also specify:

- The circumstances in which a cultural heritage management plan is required;
- The standards for the preparation of a cultural heritage management plan and for a map in a cultural heritage agreement;
- Fees for evaluating a cultural heritage management plan;
- Fees for an application for a cultural heritage permit;
- Fees for an application to the Secretary for advice as to whether a record exists on the Register in relation to a nominated area of land (The Allen Consulting Group 2007: 3).

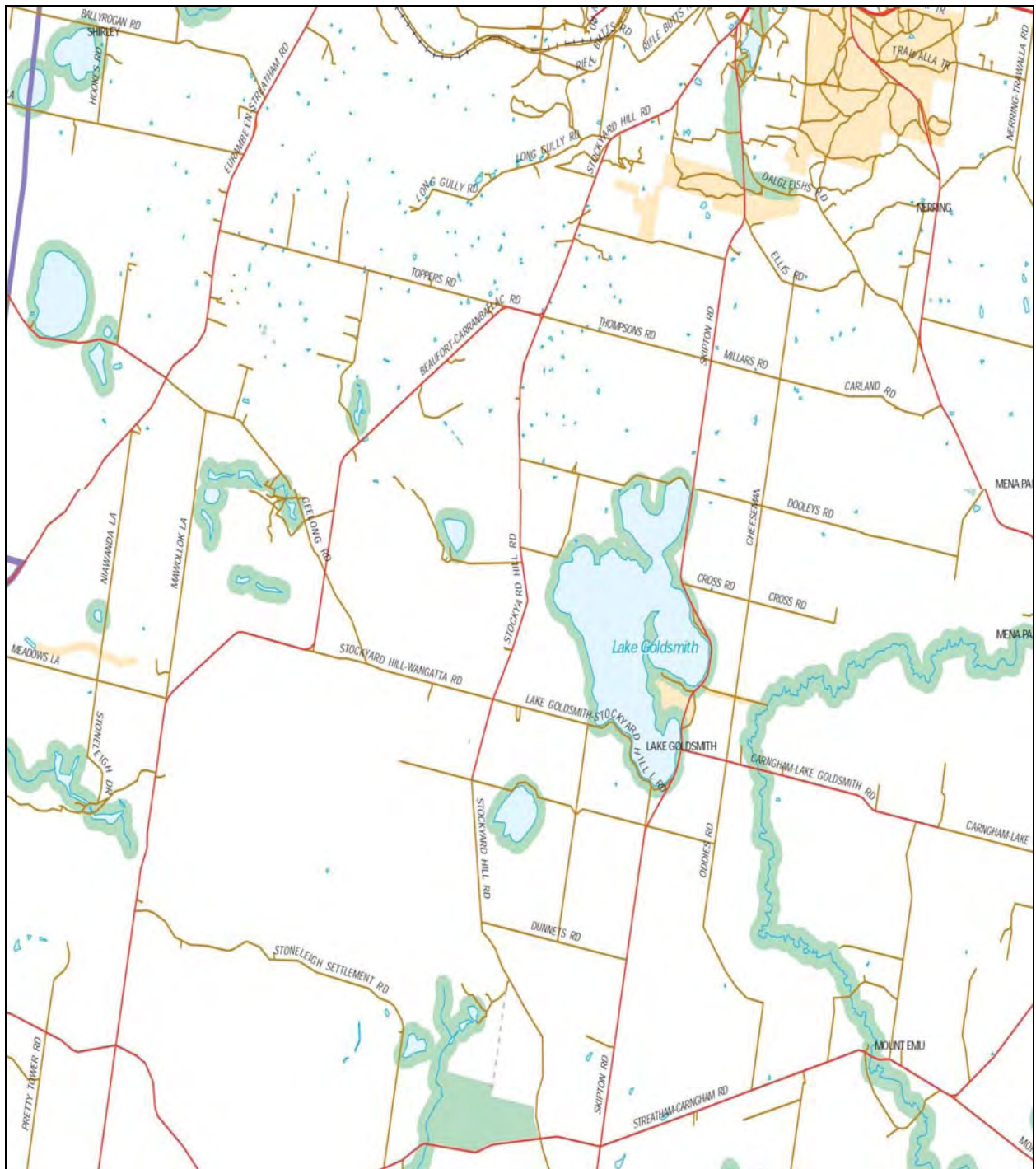
Further information regarding the Regulations can be obtained from the AAV website at:

<http://www1.dvc.vic.gov.au/aav/>

In summary, all Aboriginal cultural heritage is protected under the *Aboriginal Heritage Act 2006*.

9.3 Cultural Heritage Management Plans

Part 4, Division 2 of the *Aboriginal Heritage Act 2006* states that certain activities will require a Cultural Heritage Management Plan (CHMP) to be prepared. A CHMP is required for an activity if all or part of the activity area is deemed as culturally sensitive and that the activity is of high impact to the area. High impact activities are described in the *Aboriginal Heritage Regulations 2007* Part 2, Division 5 and include land used to generate electricity, including a wind energy facility (regulation 43(xxvi)). Aboriginal cultural heritage sensitive area maps are available from the Department for Victorian Communities website (www1.dvc.vic.gov.au/aav/heritage/Maps/). Those relevant to the activity area are presented in Figure 13. Figure 13 shows that there are several culturally sensitive areas that trigger a CHMP requirement. These occur within 50m of previously recorded Aboriginal sites AAV7523-0027 and Historic Place Report 5.4-67, where the activity area boundary lies close to the green areas highlighted around Lake Goldsmith and Emu Creek, and within 200m of several small permanent, ephemeral, or past billabongs or lakes within the activity area, and bordering the activity area close to the town of Shirley.



Note: Green shaded areas indicate potential Aboriginal cultural heritage sensitivity

Figure 14 AAV Potential Aboriginal Cultural Heritage Sensitive Areas Map (DVC website)

Under the *Aboriginal Heritage Act 2006* (section 42), “the preparation of a CHMP for an area involves an assessment of the area to determine the nature of any Aboriginal cultural heritage present in the area, and a written report setting out the results of the assessment and recommendations for measures to be taken before, during and after an activity to manage and protect the Aboriginal cultural heritage identified in the assessment. The written report is the CHMP”.

For the purposes of a CHMP there are three types of assessments described under the *Aboriginal Heritage Regulations 2007*. These are a desktop assessment, a standard assessment and a complex assessment. However, both standard and complex assessments are required to include a desktop assessment.

A desktop assessment “must include research into information relating to Aboriginal cultural heritage in or associated with the activity area, including a search of the Victorian Aboriginal Heritage Register for information relating to the activity area; an identification and determination of the geographic region of which the activity area forms a part that is relevant to the Aboriginal cultural heritage that may be present in the activity area; a review of reports and published works about Aboriginal cultural heritage in the geographic region; a review of historical and ethno-historical accounts of Aboriginal occupation of the geographic region; a review of the landforms or geomorphology of the activity area; and a review of the history of the use of the activity area” (regulation 57).

“A standard assessment is required if the results of a desktop assessment show that it is reasonably possible that Aboriginal cultural heritage is present in the activity area” (regulation 58) and “must include ground surface survey (as described in regulation 59(3) & (4)) of all or part of the activity area to detect the presence of Aboriginal cultural heritage in or associated with the activity area” (regulation 58).

“A complex assessment is required if the desktop or standard assessment shows that Aboriginal cultural heritage is, or is likely to be, present in the activity area, and it is not possible to identify the extent, nature and significance of the Aboriginal cultural heritage in the activity area unless a complex assessment is carried out” (regulation 60). A complex assessment involves “the disturbance or excavation (as described in regulation 61) of all or part of all or part of the activity area to uncover or discover Aboriginal cultural heritage” (regulation 61) and must include the establishment of the stratigraphy and general sub-surface nature of the area being investigated by controlled excavation as described in regulation 61(7) before any other disturbance or excavation is carried out (regulation 61(4)). Additionally, “if the use of machinery in a disturbance or an excavation results in the finding of occupation deposits or features, the deposits or features must be uncovered and assessed by controlled excavation (regulation 61(6)).

9.4 Historic Archaeological Sites

Non-Aboriginal archaeological sites in Victoria are protected by the *Heritage Act 1995*. The following is a summary of the latest statutory obligations regarding non-Aboriginal historic archaeological sites:

- All historical archaeological sites in Victoria (not included on the Heritage Register) are protected under Section 127 of the *Heritage Act 1995*. Under this section it is an offence to excavate, damage or disturb relics and sites whether they are included on the Heritage Inventory or not, unless a consent has been issued under Section 129;
- Under Section 64 of the *Heritage Act 1995* it is an offence to damage, disturb, excavate or alter a place or object on the Heritage Register, unless a permit is granted under Section 67;

- Under Section 132 of the *Heritage Act 1995* any person discovering or uncovering an archaeological relic is required to report the discovery to the Executive Director of the Heritage Council;
- Schedule 5 of the Heritage (General) Regulations 2005 prescribes fees to undertake specified activities with respect to archaeological relics. These are currently \$225.00 for Consent to uncover or excavate a relic; \$420.00 for Consent to damage or disturb less than 50% of a relic or site \$635.00 for Consent to damage or disturb more than 50% of a relic or site. Fees for permits to carry out works etc. to a registered place or object are detailed in Schedule 3 of the Regulations. These fees range in scale from \$100.00 to \$7,160.00, depending on the nature of the works involved and the cost of the proposed works.

In addition, Heritage Victoria requires that funds be made available by developers to ensure the responsible management of all significant artefacts that are recovered during an excavation. As a condition on any consent or permit, there will be a requirement that a specified sum of money is submitted to Heritage Victoria prior to the commencement of works. The funds will be used to ensure the cataloguing and conservation of any significant artefacts that are recovered. Any unexpended funds will be returned to the client, minus a 15% levy that is used for the management of all excavation projects in Victoria.

Written application to disturb such sites should be lodged as early as possible in the planning stages of any works program, and must be directed to:

Mr Ray Tonkin
The Director
Heritage Victoria
Department of Sustainability and Environment
Level 7/8 Nicholson Street
EAST MELBOURNE
Victoria 3002

Ph: (03) 9637 9476

Enquires relating to the *Heritage Act 1995*, works, site management etc should be directed to:

Jeremy Smith
Senior Archaeologist
Heritage Victoria
Department of Sustainability and Environment
Level 7/8 Nicholson Street
EAST MELBOURNE
Victoria 3002

Ph: (03) 9637 9773

General enquires relating to sites, the Heritage Inventory/Register, reports, permits or consents, including application procedures and fees should be directed to:

Brandi Bugh
Heritage Victoria
Department of Sustainability and Environment
Level 7/8 Nicholson Street
EAST MELBOURNE
Victoria 3002

Ph: (03) 9637 9470

Heritage Victoria has also recently requested that the following statements relating to sites listed on the Heritage Inventory be included within consultant's reports.

All archaeological sites in Victoria are protected by the *Heritage Act 1995*. All known archaeological sites are listed in the Heritage Inventory. Regardless of whether they are listed in the Inventory no one can knowingly excavate or disturb an archaeological site without the consent of the Executive Director.

Prior to the *Heritage Act 1995* sites were protected under the *Archaeological and Aboriginal relics Preservation Act 1972*. Thus since 1972 there has been protection in Victoria for archaeological sites. The protection was not about the preservation and conservation of all sites. Under the AARP there was provision for archaeological areas to be declared an archaeological area that was intended to protect and conserve an archaeological site (S15). Activities for the remainder of archaeological sites were controlled through the requirement to gain a permit (S22).

With the advent of the *Heritage Act 1995* archaeological sites continued to be protected in two ways. Sites, which were considered to be of significance to the State, were recommended to be placed on the Victorian Heritage Register (VHR). The VHR exists to protect and conserve places and objects. All other archaeological sites are protected through the requirement to gain consent from the Executive Director to disturb, destroy, or excavate an archaeological site.

Thus, the Victorian Heritage Register enables Heritage Victoria to preserve and conserve archaeological sites which are of significance to the State of Victoria while the Heritage Inventory enables Heritage Victoria to record and monitor sites which are not considered to be of State significance or where the significance is unknown. Heritage Victoria also registers sites under a 'D' listing, which accommodates sites of very low archaeological value though they may have local historic value. 'D' listed sites are typically those that have little structural or artefactual features such as earthen formations (i.e. dams, railway formations). Sites registered under this system do not require Consent prior to any proposed development, but apart from this are managed in the same way as Heritage Inventory sites. 'D' Listed sites therefore, may be subject to a variety of conditions prior to impact, such as detailed recorded, additional historic research and archaeological monitoring.

The two levels of protection enable two different principles in issuing consents and permits to be followed. The guiding principal for places on the Register is to protect and conserve as much of the fabric of the place and the relics/artefacts as is possible. While for places listed in the Heritage Inventory recording, excavating and monitoring are the usual methods of assessing and managing the heritage values of a site.

Consultation with Heritage Victoria, Department of SE, should occur at least 4 months prior to lodgement of a permit application to disturb or destroy a historic archaeological site. In the event of a site or relic being uncovered or discovered during works, any works that would damage the relic object or place should cease and either the consulting archaeologist or Heritage Victoria be notified.

10 MANAGEMENT OF CULTURAL HERITAGE AND RECOMMENDATIONS

Cultural heritage management is a legal, ethical and scientific process that aims to reconcile the interests of various stakeholders including the land owner/developer, traditional owners (for Aboriginal cultural heritage), government agencies and relevant community groups. Appropriate cultural heritage management seeks to avoid any harm to cultural heritage places by a high impact activity. The most common type of harm is associated with developments that disturb or modify the ground surface, which are typically residential, industrial and infrastructure developments. Any activity that exposes or disturbs in any way the fabric or content of a place reduces its cultural and scientific significance. Places can be impacted if their context is reduced to a point where there are no other related reference features in the local landscape to provide context and therefore broader interpretation of a site. This is referred to as the level of cultural landscape integrity.

Determining an appropriate management strategy for a cultural heritage place requires the establishment of its cultural and scientific significance. When a place can be demonstrated to be of sufficient cultural and/or scientific significance then the management aim in the first instance is to avoid harm to significant values. Best cultural heritage practice seeks to avoid harm to cultural heritage places by appropriate input into development design. Ideally, best management practice is to allocate open space/park/reserve over the site location to ensure long-term protection and eliminate the need for costly harm minimisation measures or site salvage works. If avoidance is not possible then, as a last resort, harm minimisation or carefully managed destruction may be appropriate.

Aboriginal

There are two previously recorded Aboriginal sites within the activity area. These include a pre-Contact earth mound (AAV7523-0027) and the post-Contact site of the Stockyard Hill Honorary Correspondent Depot (Historic Place Report 5.4-67).

The background information indicates that previously disturbed and small scatters of stone artefacts are the most probable cultural remains within the activity area. Whilst these sites, evidence of transient and infrequent occupation will have originally been as small discrete clusters, they are now widely distributed across the landscape. Sites such as these provide very little scientific information and require minimal management. However,

areas deemed as having archaeological potential (Figure 13) are considered likely to contain higher density of cultural material that may reflect slightly increased utilisation. These landforms, if they are to be impacted by future ground disturbance should be further investigated to clarify the risk to heritage values. Further investigation would include both surface and sub-surface investigations. If a significant deposit is found, then recommendations would be made to avoid the site via changes in development design. Under condition of the *Aboriginal Heritage Act 2006*, if a site is to be impacted by development, comprehensive salvage would be required. Salvage of archaeological sites is conducted by controlled hand excavation, and includes extensive analysis post field work.

Historic

There are four structures previously recorded within the activity area. These include the Stockyard Hotel ruins (H7522-0001, Plate 4), the Old Homestead at Mawkwallock (HO32), a Boundary Riders Hut (HO33), and the remnants of the Lake Goldsmith School (HO37, Plate 10). Several structures were identified during the site visit as having potential historic heritage value.

Comprehensive ground surface survey of the activity area was not carried out. It is possible that further historic structures relating to post-Contact settlement of the region may be present. Only comprehensive survey will determine if any historic features exist within the activity area.

10.1 Recommendations

The following recommendations are made based on the results of this desktop assessment and brief site visit.

Aboriginal Heritage

Recommendation 1

All Aboriginal sites are protected under the *Aboriginal Heritage Act 2006*. Therefore, all sites must be treated according to requirements of the Act, which requires Permits or Cultural Heritage Management Plans to be in place prior to disturbance.

Recommendation 2

At the time of report preparation, precise locations of wind turbines within the activity area had not been established. However, statutory areas of cultural heritage sensitivity exist within the activity area (Figure 13). Since a wind energy facility is a high impact activity (r.43(1)(a)(b)(xxvi) *Aboriginal Heritage Regulations 2007*), a mandatory CHMP is required. An approved CHMP is required before a decision maker can grant any statutory authorisation for an activity (s.52 *Aboriginal Heritage Act 2006*). This does not prevent a sponsor from lodging an application for a statutory authorisation before a CHMP is approved.

It is recommended that Wind Power Pty Ltd prepare a CHMP for the Stockyard Hill Wind Farm.

Historic Heritage

Recommendation 3

It is recommended that activities associated with the wind farm avoid any impact to previously recorded sites (Figure 13). Further survey of the locations to be directly impacted within the activity area should be undertaken to identify any additional historic heritage sites that may be impacted by the proposed wind farm. It is recommended that all existing structures are excluded from development impact.

Management of potential and known historic heritage values should be addressed as part of a mandatory CHMP. Temporary fencing should be installed with a 10m buffer around each of the previously recorded historic sites. These locations should then be clearly marked on all working plans as “no-go” zones.

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LEGISLATION

Aboriginal Heritage Act 2006 (Vic)

Aboriginal Heritage Regulations 2007 (Vic)

Heritage Act 1995 (Vic)

APPENDIX 1 – GLOSSARY

TYPES OF ABORIGINAL ARCHAEOLOGICAL SITES

Artefact Scatter: A surface scatter of stone artefacts is defined as being the occurrence of five (5) or more items of cultural material within an area of about 100 square metres (AAV 1993). Artefact scatters are often the only physical remains of places where Aborigines have camped, prepared and eaten meals and worked stone material.

Burials: Burial sites may occur in association with campsites, in mounds or shell middens or in specific burial grounds that lack any other cultural material. Softer ground was chosen for burials, and any sandy area can be expected to contain burials. Burial sites can contain one or a number of individuals. Burial sites and cemeteries are a common archaeological site type in the sand country adjoining the Murray River, though are a rare feature in the southern part of Victoria.

Ceremonial Site: An area used as a meeting place where large groups gathered for feasts, ceremonies or settlement of disputes, but they are difficult or impossible to identify from material evidence. In some instances they are mentioned in historical sources, or may be known to Aboriginal people through oral tradition. These sites will be highly significant to Aboriginal communities.

Contact Site: These are sites relating to the period of first contact between Aboriginal and European people. These sites may be associated with conflict between Aborigines and settlers, mission stations or reserves, or historic camping places. The artefact assemblage of contact sites will often include artefacts manufactured from glass.

Grinding Grooves: These sites generally occur on sandstone outcrops and to a lesser extent granite outcrops and result from the sharpening of ground stone hatchets/axe heads. Grinding grooves are often located on prominent hilltops.

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

In Situ: Refers to cultural material that is discovered as being undisturbed and considered to be in its original context. That is, material which, when identified is considered to be in the same location when the site was abandoned.

Isolated Artefact Occurrence: An isolated artefact is defined as being the occurrence of four (4) or less items of cultural material within an area of about 100 metres (AAV 1993: 1). It/they can be evidence of an ephemeral (or one off) activity location, the results of an artefact being lost or discarded during travel or evidence of an artefact scatter which is otherwise obscured by poor ground surface visibility.

Midden Sites: 'Midden' is a term borrowed from the Danish. It originally applied to the accumulations of shell and other food remains left by Mesolithic man in that country. Australian Midden sites are an accumulation of hearth and food debris, which has built up a deposit on the ground surface over a length of time. Middens are generally comprised of charcoal and either freshwater or coastal shell species, depending on the site's location. Midden sites may also contain stone artefacts, and the food refuse of other native animals such as small mammals. Their thick deposit of burnt shells and dark grey/black deposit can distinguish midden sites within the landscape. Coastal shell middens are often found in close association with rock platforms. Freshwater shell middens are found in close proximity to areas that provided freshwater mussels.

Mound Sites: Mound sites are accumulation of hearth (fire place) debris, which has over time built a thick deposit on the ground's surface. Mounds are generally comprised of charcoal; burnt clay balls and burnt food refuse such as native animal bones. Mound sites may also contain stone artefacts. On rare occasions mound sites may also contain human burial remains. Mound sites can be distinguished in the landscape by their characteristic dark grey/black deposit and height above surrounding land. Mounds that have been utilised over long periods can obtain dimensions of over 100 metres in length and 1 metre in height. Mound sites are generally situated close to major streams, and large water bodies. In times of flood, mound sites are often become marooned, and provide dry land points from which surrounding resources could have been exploited.

Rock Shelter/Cave: These are sites that are located within a rock shelter/overhang or caves. The archaeological deposits within such sites can vary considerably but are often predominantly lithic. Depending on their location, the archaeological deposit may also include midden deposits of shellfish, fish or terrestrial fauna. Due to the often undisturbed deposits at these sites, they are potentially very valuable sites and are generally considered of high scientific significance. Instances where rock shelter sites also possess art work on the stone walls are considered as rock shelter/art site combined.

Rock Wells: Rock Wells are natural cavities in rock outcrops that hold water. They are characterised by relatively narrow openings that limit evaporation. These water sources were commonly known to Aboriginal people and were kept clean and maintained by them. Since they are natural features, they are difficult to identify as Aboriginal sites. The most reliable indicator is the existence of a strong local oral tradition of Aboriginal use.

Scarred Tree: Scars on trees may be the result of removal of strips of bark by Aborigines for the manufacture of utensils, canoes or for shelter; or resulting from small notches chopped into the bark to provide toe and hand holds for climbers after possums, koalas and/or views of the surrounding area. A scar made by humans as opposed to naturally made by branches falling off, etc. is distinguished by the following criteria: symmetry and rounded ends, scar does not extend to the ground, some re-growth has occurred around the edges of the scar, and no holes or knots present in the heartwood.

Stone Arrangements: These sites are specifically patterned rocks located on the ground's surface. It is often difficult to identify these sites within the field and even more difficult to define their function unless Aboriginal oral tradition exists.

ABORIGINAL ARTEFACT TYPES

Anvil: A portable flat stone, usually a river pebble, which has been used as a base for working stone. Anvils that have been used frequently have a small circular depression in the centre where cores were held while being struck. An anvil is often a multifunctional tool used also as a grindstone and hammer stone.

Artefact: Any product made by human hands or caused to be made through human actions.

Axe: A stone artefact that has been ground on one or more sides to produce a sharp edge.

Backed Blade (Geometric Microlith): A blade flake that has been abruptly retouched along one or more margins opposite an acute (sharp) edge. Backed pieces include backed blades and geometric microliths. Flakes that have been backed along one lateral margin and that come to a point at their distal end; they have a length of less than 80mm and are asymmetrical around the longitudinal axis. They are thought to have been hafted onto wooden handles to produce composite cutting tools or spears. Backed blades are a feature of the 'Australian Small Tool Tradition' dating from between 5,000 and 1,000 years ago in southern Australia (Mulvaney 1975).

Bipolar: A core or a flake, which, presumably, has been struck on an anvil. That is, the core from which the flake has been struck has been rotated before the flake has been struck off. Bifacial platforms tend to indicate that the flake has come off a heavily worked core.

Blade: A long parallel sided flake from a specially prepared core. Blade flakes are twice as long as they are wide.

Broad Platform: This a term used to describe the shape of the platform on a flake. A broad platform is wider than the body of a flake. Broad platform flakes are produced when flakes are struck off back from the edge of the platform on a core.

Broken Flake: Defined by the part of the flake remaining, i.e. proximal (where the platform is present), medial (where neither the platform nor termination is present), or distal (where the termination is present).

Bulb of Percussion: This is the conchoidal protuberance (percussion rings) formed under the point of impact when a flake is struck off the core.

Burin: A truncated flake (truncated either by snapping or retouch) whose resulting flat end is used as a platform from which to strike a single flake from one of its corners, forming a triangular scar that runs down the margin of the original flake. This forms a chisel-like working edge.

Complete Flake: An artefact exhibiting a ventral surface (where the flake was originally connected to the core), dorsal surface (the surface that used to be part of the exterior of the core, platform, termination and bulb of percussion).

Core: An artefact from which flakes have been detached using a hammer stone. Core types include blade, single platform, multiplatform and bipolar forms. These artefacts exhibit a series of negative flake scars, each of which represents the removal of a flake.

Core Types:

Unidirectional cores - These cores have scars originating from a single platform, and all the flakes struck from the core have been struck in the same direction from that platform.

Bidirectional cores - These cores have two platforms, one opposite the other; flakes have been struck from each of the platforms, and thus from opposite directions.

Bifacial cores - These kinds of core have a single platform, but the flakes struck from it have been detached from two core faces.

Multidirectional cores - These cores have two or more platforms and there is no clear pattern, either in the orientation of the platforms or in the orientation of the scars resulting from the striking of flakes from those platforms.

Bipolar Core - Nodules or cobbles that are flaked using an anvil. The resulting artefacts exhibit crushing on their proximal, distal and often their lateral margins, where they have been rotated.

Cortex: Original or natural (non-flaked) surface of a stone.

Flaked Piece/Waste Flake/Debitage: A piece of stone with definite flake surfaces that cannot be classified as a flake or core. These artefact types are generally refuse materials discarded during the working of stone material.

Focal Platform: This is a term used to describe the shape of the platform on a flake. A focal platform is narrower than the body of the flake. Focal platform flakes are produced when flakes are struck off near the edge of the platform on a core.

Geometric Microlith: Artefacts less than 80mm in maximum dimension which are backed at one or their end, sometimes at both ends, and sometimes on one lateral margin as well, the result being a form that is symmetrical around its transverse axis.

Hammerstone: A cobble or cobble fragment exhibiting pitting and abrasion as a result of percussion.

Implement: A general term for tools, weapons, *etc.* made by people.

Lithic: Anything made of stone.

Microlith: Small (1-3cm long) stone tools with evidence of retouch that includes 'Bondi Points', segments, scrapers, backed blades, triangle and trapezoid.

Mortar: The lower stone associated with grinding plants for food and medicine and/or ochre for painting. These stones are usually large and flat, and when well used show deep grooves from repeated grinding.

Notched tool: Flakes that exhibit a small area of retouch, forming a concave edge, on their lateral or distal margins.

Pestle: The "upper stone", used to grind plants for food and medicine and/or ochre for painting. A pestle stone often doubles as a hammer stone and/or anvil

Piercer: Artefacts with projections that have been created by retouch and extend up to 15mm beyond the body of the flake.

Primary Flake: The first flakes struck off a core in order to create a platform from which other flakes can then be struck.

Scraper: A flake with one or more margins of continuous retouch used as a tool for scraping.

Secondary Flaking/Retouch: Secondary working of a stone artefact after its manufacture. This was often done to re-sharpen stone tools after use, or in the production of formal tool types such as blade flakes and scrapers.

Thumbnail Scraper: A small flake with a convex scraper edge shaped like a thumbnail and located opposite the flake's platform.

OTHER TERMS

Archaeological Site: A place/location of either Aboriginal or non-Aboriginal origin. Aboriginal archaeological sites have been formed prior to the European settlement of Australia, and may be in any of the forms outlined in section 1.

Artefact Horizon: A discernable horizontal distribution of artefacts within an environmental deposit. An artefact horizon has generally suffered a degree of post depositional disturbance that has affected the spatial and temporal integrity of the deposits and associated artefact assemblage.

B.P.: Before present. The 'Present' is defined as 1950.

Continuous Monitoring: Continuously on site during clear, cut, grade and level to record sites.

Cultural Heritage: Something that is inherited or passed down because it is appreciated and cherished. Categories of cultural heritage include; built structures and their surrounds, gardens, trees; cultural landscapes; sites; areas; precincts; cemeteries; ruins and archaeological sites; shipwrecks; sites of important events; commemorative sites; contents of buildings and significant relics, objects artefacts and collections of objects.

Cultural Landscape Integrity: The level of which the local landscape reflects the environment in which pre-contact Aboriginal people or early European settlers lived. The integrity includes all relevant aspects such as level and type of vegetation cover, hydrology, landforms and structures. A site located in a landscape of high cultural integrity has greater heritage value as it remains in context, and is therefore able to impart a greater level of information to the broader community.

Environmental Deposit: A stratigraphic layer formed by the laying down of deposits by environmental agents such as wind and water. These may bury human artefacts to form stratigraphic layers but do not form occupation deposits.

Ethnography: The scientific description of living cultures.

Heritage Place/Site: An area or region of land that represents a particular focus of past human activity or concentration of *in situ* cultural material. A place includes any structures, buildings or works upon or integral with the land, and any artefacts or other physical relic associated with the land, or it may have no visible evidence of human activity, being rather the site of a past event of importance or the embodiment of a particular belief or legend. Examples might range from an Aboriginal ceremonial ground, a pioneers house and contents, a shop, the remains of an early whaling station or a recent fish farm, Captain Cook’s landing place, a 40,000 year old Aboriginal campsite or a 1990s brick-veneer house, a shipwreck, an industrial or mining landscape, a bus stop, a Macassan trepanger campsite or the Surfer’s Paradise Caravan Park, a garbage dump, the local war memorial, a garden, an Aboriginal rock painting or a band rotunda.

Historic Archaeological Site: These are places where non-Aboriginal activities have occurred, and which little extant (standing) features remain. The bulk of evidence for historic occupation/utilisation is comprised of remains (artefacts/foundations etc) that are located on the ground’s surface or in a sub-surface context. The primary heritage value of an archaeological site is scientific.

Historic Site: Sites/Areas that contain extant (standing) remains of pre-1950 non-Aboriginal occupation. Historic sites may or may not also contain archaeological remains (Aboriginal and/or historic).

Holocene, Recent or Postglacial Period: The time from the end of the Pleistocene Ice Age (c. 10,300 BP) to the present day.

Horizon: A term used to describe a layer of archaeological material that is *in situ*.

Integrity: The completeness of the place or site. Sites/places of high integrity will adequately demonstrate the significance of a place/site. Integrity is reduced by the disturbance of fabric/deposits or the introduction of unrelated materials/sediments.

0%	No Integrity
0-10%	Very Poor
10-30%	Poor
30-50%	Fair
50-75%	Good
75-95%	Very Good
95-100%	Excellent

Mechanical Salvage: Controlled mechanical removal of ground surface by excavator and trimming bucket in 5 to 10cm layers to record sites using at a minimum a handheld GPS.

Obtrusiveness: refers to how conspicuous a site is within a particular landscape, and thus the possibility of positive identification within a field environment. Some site types are more conspicuous than others are. Thus a surface stone artefact scatter is generally not obtrusive, especially in areas of low ground surface visibility, while a scarred tree is (Bird 1992).

Occupation Deposit: The laying down of deposits (artefacts and/or sediments) by human activities that bury artefacts to form distinct stratigraphic entities such as layers (e.g. dense lens of stone artefacts & bone between environmental deposits, stratified shell deposits) or features (hearths, occupation mounds). Occupation deposits have a high degree of spatial and temporal integrity.

Occupation Surface: A distinct layer or interface between depositional strata upon which human activities were carried out and artefacts/features deposited. Most commonly this may be a prior land surface (e.g. soil horizon) that has been subsequently buried by later environmental deposits (e.g. dune deposits).

Ordovician: The geological time period dating from 439-510 million years ago.

Pleistocene: The geological period corresponding with the last or Great Ice Age. The onset of the Pleistocene is marked by an increasingly cold climate, by the appearance of *Calambrian mollusca* and *Villafranchian* fauna with elephant, ox, and horse species, and by changes in foraminifera. The oldest form of man had evolved by the Early Pleistocene, and in archaeological terms the cultures classed as Palaeolithic all fall within this period. The date for the start of the Pleistocene is not well established, and estimates vary from 3.5 to 1.3 million years ago. The period ends with the final but gradual retreat of the ice sheets, which reached their present conditions around 10,300 BP.

Post-Contact Aboriginal Site: Also referred to as Historic Aboriginal Site. These area sites/places/localities that indicate contact has been made with European culture during the period of initial European settlement (glass in tool assemblage, massacre sites), or where activities culturally significant to Aboriginal people has occurred (camping, employment, travelling routes).

Potential: Based on collated existing data and site inspection an area or specific site may contain the potential for extant or archaeological deposits. Background research will present the most likely site types, contents and state of preservation. Relative levels of potential are described as Low (10-30% probability), Moderate (40-60% probability) and High (70% and above probability).

Raw Material: Organic or inorganic matter that has not been processed by people.

Retain Site: Site is to be retained in open space with strict management controls on the future use of the land to prevent damage to sub-surface archaeological deposits. For sites rated moderate to high some of the less significant portions of the site may be destroyed in conjunction with continuous monitoring, mechanical salvage and salvage excavation.

Salvage Excavation: Salvage excavation involves controlled hand excavation to recover a representative sample of sites.

Silurian: A geological time period from 408 to 439 million years ago.

Site Inspection: Weekly or fortnightly site visits during clear, cut, grade and level.

Slope Wash: A term used to describe a specific process of re-deposition of cultural material. Cultural material (most often stone artefacts) that is situated on any sloping land is vulnerable to the affects of slope wash. The term relates to the downward movement of cultural material primarily due to erosion of their original context. This downward movement is most often caused by clearing of vegetation that exposes the ground surface to the affects of water erosion. The result is that cultural material will move down the slope over a period of time. How far material may move is dependent on the gradient and the intensity of the erosion.

Stratigraphy: Layering

Use Wear: Tiny flakes or chips that have been broken off the edges of a stone artefact during use.

Visibility: Refers to the degree to which the surface of the ground can be observed. This may be influenced by natural processes such as wind erosion or the character of the native vegetation, and by land use practices, such as ploughing or grading. It is generally expressed in terms of the percentage of the ground's surface visible for an observer on foot (Bird 1992). For example 10% visibility equates to 10cm² per 1m² of ground surface that is not covered by vegetation or soil deposit. The following applies to descriptions of ground surface visibility within this report.

0%	=	No visible ground surface
0 – 10%	=	Very Poor
10 – 30%	=	Poor
30 - 50%	=	Fair
50 – 70%	=	Good
70 – 90%	=	Very Good
90 – 100%	=	Excellent

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APPENDIX 2 – CONSERVATION PRINCIPLES OF THE BURRA CHARTER

The Burra Charter
The Australia ICOMOS charter
for the conservation of places
of cultural significance

1.4	<i>Conservation</i> means all the processes of looking after a <i>place</i> so as to retain its <i>cultural significance</i> .	
Conservation Principles		
Article 2	Conservation and management	
2.1	<i>Places of cultural significance</i> should be conserved.	
2.2	The aim of <i>conservation</i> is to retain the <i>cultural significance</i> of a <i>place</i> .	
2.3	<i>Conservation</i> is an integral part of good management of <i>places of cultural significance</i> .	
2.4	<i>Places of cultural significance</i> should be safeguarded and not put at risk or left in a vulnerable state.	
Article 3	Cautious approach	
3.1	<i>Conservation</i> is based on a respect for the existing <i>fabric, use, associations</i> and <i>meanings</i> . It requires a cautious approach of changing as much as necessary but as little as possible.	The traces of additions, alterations and earlier treatments to the fabric of a place are evidence of its history and uses which may be part of its significance. Conservation action should assist and not impede their understanding.
3.2	Changes to a <i>place</i> should not distort the physical or other evidence it provides, nor be based on conjecture.	
Article 4	Knowledge, skills and techniques	
4.1	<i>Conservation</i> should make use of all the knowledge, skills and disciplines which can contribute to the study and care of the <i>place</i> .	
4.2	Traditional techniques and materials are preferred for the <i>conservation</i> of significant <i>fabric</i> . In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate.	The use of modern materials and techniques must be supported by firm scientific evidence or by a body of experience.
Article 5	Values	
5.1	<i>Conservation</i> of a <i>place</i> should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.	Conservation of places with natural significance is explained in the Australian Natural Heritage Charter. This Charter defines natural significance to mean the importance of ecosystems, biological diversity and geodiversity for their existence value, or for present or future generations in terms of their scientific, social, aesthetic and life-support value.
5.2	Relative degrees of <i>cultural significance</i> may lead to different <i>conservation</i> actions at a place.	A cautious approach is needed, as understanding of cultural significance may change. This article should not be used to

		justify actions which do not retain cultural significance.
Article 6	Burra Charter Process	
6.1	The <i>cultural significance</i> of a <i>place</i> and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy.	The Burra Charter process, or sequence of investigations, decisions and actions, is illustrated in the accompanying flowchart.
6.2	The policy for managing a <i>place</i> must be based on an understanding of its <i>cultural significance</i> .	
6.3	Policy development should also include consideration of other factors affecting the future of a <i>place</i> such as the owner's needs, resources, external constraints and its physical condition.	
Article 7	Use	
7.1	Where the <i>use</i> of a <i>place</i> is of <i>cultural significance</i> it should be retained.	
7.2	A <i>place</i> should have a <i>compatible use</i> .	The policy should identify a use or combination of uses or constraints on uses that retain the cultural significance of the place. New use of a place should involve minimal change, to significant fabric and use; should respect associations and meanings; and where appropriate should provide for continuation of practices which contribute to the cultural significance of the place.
Article 8	Setting	
	<i>Conservation</i> requires the retention of an appropriate visual <i>setting</i> and other relationships that contribute to the <i>cultural significance</i> of the <i>place</i> . New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.	Aspects of the visual setting may include use, siting, bulk, form, scale, character, colour, texture and materials. Other relationships, such as historical connections, may contribute to interpretation, appreciation, enjoyment or experience of the place.
Article 9	Location	
9.1	The physical location of a <i>place</i> is part of its <i>cultural significance</i> . A building, work or other component of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.	
9.2	Some buildings, works or other components of <i>places</i> were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other components do not have	

	significant links with their present location, removal may be appropriate.	
9.3	If any building, work or other component is moved, it should be moved to an appropriate location and given an appropriate <i>use</i> . Such action should not be to the detriment of any <i>place</i> of <i>cultural significance</i> .	
Article 10	Contents	
	Contents, fixtures and objects which contribute to the <i>cultural significance</i> of a <i>place</i> should be retained at that place. Their removal is unacceptable unless it is: the sole means of ensuring their security and <i>preservation</i> ; on a temporary basis for treatment or exhibition; for cultural reasons; for health and safety; or to protect the place. Such contents, fixtures and objects should be returned where circumstances permit and it is culturally appropriate.	
Article 11	Related places and objects	
	The contribution which <i>related places</i> and <i>related objects</i> make to the <i>cultural significance</i> of the <i>place</i> should be retained.	
Article 12	Participation	
	<i>Conservation, interpretation</i> and management of a <i>place</i> should provide for the participation of people for whom the place has special <i>associations</i> and <i>meanings</i> , or who have social, spiritual or other cultural responsibilities for the place.	
Article 13	Co-existence of cultural values	
	Co-existence of cultural values should be recognised, respected and encouraged, especially in cases where they conflict.	For some places, conflicting cultural values may affect policy development and management decisions. In this article, the term cultural values refers to those beliefs which are important to a cultural group, including but not limited to political, religious, spiritual and moral beliefs. This is broader than values associated with cultural significance.

APPENDIX 3 – ADVICE ON CULTURAL HERITAGE MANAGEMENT PLANS

Information Sheet

Cultural Heritage Management Plans and Planning

Large scale developments and many activities in culturally sensitive landscapes – for example coastal dunes or areas near water – can cause significant harm to Aboriginal cultural heritage. The *Aboriginal Heritage Act 2006* prescribes, in regulations, the circumstances in which a Cultural Heritage Management Plan will be required.

What is a Cultural Heritage Management Plan?

Preparation of a Cultural Heritage Management Plan involves a cultural heritage advisor (an archaeologist or other heritage specialist) working with Aboriginal community representatives to identify and assess cultural heritage values in relation to a proposed development or activity.

A Cultural Heritage Management Plan assesses whether a project will have any impact on Aboriginal cultural heritage values and, as appropriate, outlines management recommendations.

A Cultural Heritage Management Plan is a written report containing the results of the assessment and recommendations for measures to be taken before, during and after an activity to manage and protect Aboriginal cultural heritage in the area.

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

Why introduce this system?

Most large infrastructure development projects in Victoria – such as freeways, rail developments, pipelines and mines – are preceded by an Aboriginal cultural heritage assessment containing such recommendations.

However, many forms of land development have gone ahead with no consideration of their potential impacts on Aboriginal cultural heritage. Each year approximately 200 sites of significance are destroyed around the state.

The *Aboriginal Heritage Act 2006* provides guidance to developers, industry and others on the circumstances that will trigger the need for an approved Cultural Heritage Management Plan, which will allow heritage to be considered in the planning stages of a project.

For certain activities, Government agencies, local councils and other authorities need to check whether there is an approved Cultural Heritage Management Plan for activities before issuing a statutory approvals such as a work authority, licence or planning permit.

What sort of activities will attract a Cultural Heritage Management Plan?

Examples of activities that will require preparation of a Cultural Heritage Management Plan include:

- Developments that require an Environment Effects Statement.
- Larger scale residential or industrial subdivisions on areas of cultural heritage sensitivity, which have not previously been significantly disturbed.
- Substantial infrastructure or resource development projects on areas of cultural heritage sensitivity, which have not previously been significantly disturbed.

Other circumstances requiring a Cultural Heritage Management Plan are prescribed in the Regulations.

Who will approve a Cultural Heritage Management Plan?

Where a Registered Aboriginal Party exists they must be notified of a proponent's intention to prepare a Cultural Heritage Management Plan and will then evaluate the Plan.

Once a Cultural Heritage Management Plan has been approved by a Registered Aboriginal Party, it must then be lodged with the Secretary of the Department for Victorian Communities (DVC) to take effect.

What if there is no Registered Aboriginal Party?

Where a Registered Aboriginal Party does not exist the Secretary of the DVC will evaluate a Cultural Heritage Management Plan for that area.

What if there is more than one Registered Aboriginal Party?

In most areas, there is expected to be one Registered Aboriginal Party. However, if there is more than one, all relevant registered Aboriginal Parties have equal powers regarding the Cultural Heritage Management Plan procedure and outcome.

How much will evaluation of a Cultural Heritage Management Plan cost?

A fee is charged by the Registered Aboriginal Party responsible for evaluating the Cultural Heritage Management Plan.

Evaluation costs are greater for more complex Cultural Heritage Management Plans and less where plans are simpler. Evaluation costs are tabulated in the regulations.

Can a decision to reject a Cultural Heritage Management Plan be appealed?

Yes, there are new appeal rights. If a decision is made by a Registered Aboriginal Party not to approve a Cultural Heritage Management Plan, this may be appealed at the Victorian Civil and Administrative Tribunal (VCAT).

Where more than one Registered Aboriginal Party is involved in an evaluation and they disagree, the Act establishes a process for resolving this kind of dispute, facilitated through the Aboriginal Heritage Council.

How does the requirement to prepare a Cultural Heritage Management Plan relate to planning approvals?

Authorities like state government agencies and local councils will not be able to make decisions on prescribed planning applications until an approved Cultural Heritage Management Plan has been completed, if one is required.

If an approved Cultural Heritage Management Plan is required but is not included with an application, authorities must refer the application back to the proponent for preparation of a Plan.

The Act encourages project proponents to consider Aboriginal cultural heritage and work with Registered Aboriginal Parties before applying to an authority for an approval. Understanding the cultural heritage management issues at an early stage means that there is maximum flexibility in dealing with these issues and removes delays.

Can I do a Cultural Heritage Management Plan even if I don't have to?

The Act allows for voluntary Cultural Heritage Management Plans to be prepared. Once approved, these provide the same benefits in terms of certainty as required Plans.

Further Information

If you would like more information please contact:

Aboriginal Affairs Victoria

Department for Victorian Communities
GPO 2392
Melbourne Victoria 3001
<http://www1.dvc.vic.gov.au/aav/>

Cultural Heritage Management Plan (CHMP) Process

The following diagram is an example of the process a developer would follow when seeking approvals for a large scale subdivision.

