

Application for Certification of a Preliminary Aboriginal Heritage Test for the purposes of the *Aboriginal Heritage Act 2006*

This form specifies the format in which an application should be prepared when a person is seeking certification of a preliminary Aboriginal heritage test under the *Aboriginal Heritage Act 2006* ('Act'). Attach additional sheets where further space is required. This form may be used with a TAX INVOICE (if applicable) when fully completed and payment is made. Refer to the [Australian Taxation Office](#) website for information on the requirements of tax invoices. The prescribed fee* for this evaluation is:

PAHT Name: Proposed Mixed Use Building at 7-15 Horne Street, Elsternwick, Victoria

Prescribed Fee \$346.80

SECTION 1 – Applicant information

Name of applicant: Tony Huang
Business name: Auyin Property Development Pty Ltd
Postal address: 2/F, 13 Horne Street, Elsternwick 3185
Telephone number: 0411 318 966 Fax number: _____
Email address: tony.huang@auyindevelopment.com.au ABN (if any): 17 119 204 232

I certify that, to the best of my knowledge and belief, the information supplied in this application is correct and complete. I agree to indemnify the Secretary, the Minister and the Crown against all claims, damages, costs, liabilities or loss including in relation to all actions, claims or demands which may be made in connection with the certification of any preliminary Aboriginal heritage test as a result of this application.

Signed: _____

Date: 15 / 02 / 2019

[APPLICANT NAME]

OUTCOMES

TO BE COMPLETED BY THE APPLICANT

	Yes	No
Is a cultural heritage management plan required by the Aboriginal Heritage Regulations 2018?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is any Aboriginal cultural heritage present in the activity area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is it likely the activity will impact any Aboriginal cultural heritage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is an authorisation to harm Aboriginal cultural heritage needed to allow the activity to proceed in its current form?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CERTIFICATION

TO BE COMPLETED BY THE SECRETARY (OR DELEGATE)

I have considered the preliminary Aboriginal heritage test, and I am satisfied that the preliminary Aboriginal heritage test has been prepared in accordance with the prescribed form for the purposes of section 49B of the *Aboriginal Heritage Act 2006* and Schedule 6 of the Aboriginal Heritage Regulations 2018.

Acting under authority delegated to me by the Secretary, Department of Premier and Cabinet, and pursuant to section 49C(2) of the *Aboriginal Heritage Act 2006*, I hereby certify / ~~refuse to certify~~ this preliminary Aboriginal heritage test:

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Signed: _____

PAHT Number: 108

Name: HARLEY WEBBER

Title: DIRECTOR HERITAGE SERVICES

Dated: 7 / 3 / 2019

Compliance with this certified Preliminary Aboriginal Heritage Test is mandatory should the proposed activity occur. Officers from the Department of Premier and Cabinet may attend the subject land to monitor compliance with the *Aboriginal Heritage Act 2006*.

It is an offence under section 27 and 28 of the *Aboriginal Heritage Act 2006* to do an act that harms Aboriginal cultural heritage.

* refer to regulation 83 of the Aboriginal Heritage Regulations for details relating to preliminary Aboriginal heritage test prescribed fees.

SECTION 2: Person(s) involved in preparing the test

If the preliminary Aboriginal heritage test was prepared by another person / organisation on behalf of the applicant:

Name of representative(s): Wendy Hernandez

Business name: Biosis Pty Ltd

Postal address: 38 Bertie Street, Port Melbourne, Victoria

Telephone number: 8686 4800

Fax number: _____

Email address: whernandez@biosis.com.au

ABN (if any): _____

SECTION 3: Land owner or occupant of the activity area

Name of land owner / occupant: _____

Business name: Auyin Property Development Pty Ltd

Postal address: 2/F, 13 Horne Street, Elsternwick 3185

Telephone number: 0411 318 966

Fax number: _____

Email address: tony.huang@auyindevelopment.com.au

ABN (if any): 17 119 204 232

SECTION 4: Description of the activity area

Provide a detailed description of the proposed activity area, including a statement detailing the previous land use and a description of the location and nature of any areas of cultural heritage sensitivity located within the proposed activity area (include additional information in attachments if required). Include as part of the application a:

- map (to scale, and including a north arrow) of the proposed activity area and any associated areas of cultural heritage sensitivity or locations of Aboriginal cultural heritage; and
- shp. file (projected to GDA94) accurately showing the location of the proposed activity area.

See Section 1.1 and 1.2 of the PAHT Report for Activity Area details and the proposed Activity.

The Activity comprises the demolition of existing commercial buildings at 7-12, 13 and 15 Horne Street, Elsternwick. The Activity Area is located within an area of cultural heritage sensitivity under Regulation 41(1) – Sand sheets.

See Section 2.7 for a detailed Land Use History of the Activity Area

The Activity Area has been subject to clearance of vegetation, grazing and pastoral activity. The site began to be occupied by settlers as early as 1860, and buildings have been present within the Activity Area since the 19th century. Based on the review of historical plans and aerial photography, it appears as though the original buildings at property 7-12 Horne Street were demolished around 1987 with the exception of the larger structure to the south. The current double storey structure was built around 1987 for the Daily Planet brothel, with building extensions being added to the larger remaining structure to the front (onto Horne Street), along the side and rear. The structure at 13 Horne Street appears to have been extended sometime between 1949 and 1970, and the outbuildings to the rear were removed and the ground was concreted. The building at 15 Horne Street was either subject to demolition or was extended to take up the entire allotment at some point between 1905 and 1949, which is still present and is described as a warehouse.

The entire Activity Area is currently built up and consists of concreted parking spaces/courtyards to the rear

Size of the proposed activity area (small, medium or large)*: Small

Address: 7-12, 13 and 15 Horne Street, Elsternwick 3185

Volume and folio details: Volume 9709 Folio 911, Volume 02746 Folio 145, Volume 10962 Folio 580

Registered Aboriginal parties for the proposed activity area: N/A

Local Government Council for the proposed activity area: Glen Eira City Council

*Refer to the definitions of large activity, medium-sized activity and small activity in regulation 81 of the Aboriginal Heritage Regulations 2018.

SECTION 5 – Description of the activity

Provide a detailed description of the proposed activity, including:

- a description of whether the proposed activity is a listed high impact activity under Division 5 of the Aboriginal Heritage Regulations 2018; and
- a description of how the proposed activity will or will not cause significant ground disturbance.

See Section 1 and 1.2 of the PAHT Report

The Activity Area has been proposed for the construction of a multi-storey building including a multi-level basement levels. The new building will comprise office spaces, retail premises and residential dwellings and will use the entire Activity Area. The construction or carrying out of works associated with an office and retail premises, and the construction of three or more dwellings, is considered a high impact activity under Regulation 46(1)(b)(xvii) and (xxiii) and Regulation 48(1) of the Aboriginal Heritage Regulations 2018.

The proposed Activity will cause Significant Ground Disturbance.

Will the proposed activity cause significant ground disturbance?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Is the proposed activity a high impact activity listed under Division 5 of Part 2 of the Aboriginal Heritage Regulations 2018?

Is a statutory authorisation required to use the land for a purpose specified under regulation 46(1) (refer to regulation 58)?

SECTION 6: Background assessment

Provide a description of the geographic region, landforms, and geomorphology of which the proposed activity area forms a part and how they relate to the Aboriginal cultural heritage of this region area (include additional information in attachments if required):

See Section 2 of the PAHT Report

The geographic region for the Activity Area will be defined by a 5 kilometre radius.

The Activity Area is located within the Eastern Plains and comprises coastal plains with ridges and dunefields geomorphological unit. Upon this geomorphology the soils are characterised by poorly consolidated clayey sands with harder sandstone beds at the base. In these settings, archaeological materials have a high potential to occur around the margins of wetlands and fresh watercourses, on river levees and terraces, spurs, slopes and ridgelines.

Provide a description of the results of the search of the Victorian Aboriginal Heritage Register, including the access number, a list of reports and cultural heritage management plans relevant to the proposed activity area (include additional information as attachments if required):

Access number: 6642

See Section 2 (Section 2.3 Aboriginal places relevant to the Activity Area and Section 2.4 Previous work relevant to the Activity Area).

SECTION 7: Ground inspection

Provide a statement of the method and conduct of the ground inspection (if any) of the proposed activity area and the names and roles of the persons who participated in the inspection:

No ground inspection has been undertaken as part of this assessment.
Photographs of the current conditions at the Activity Area have been provided by Auyin Property Development Pty Ltd (Section 1.1, The Activity Area).

If a survey for Aboriginal cultural heritage is undertaken, the results of that survey, and any details required under section 34A of the Aboriginal Heritage Act 2006, must be submitted as part of this application.

SECTION 8: Aboriginal cultural heritage

Provide a detailed description of any Aboriginal cultural heritage in the activity area, including the registration number of the Aboriginal cultural heritage on the Victorian Aboriginal Heritage Register (Register):

No Aboriginal places are recorded within the Activity Area.

SECTION 9: Consultation

Provide details of any consultation undertaken (if any) with any relevant Registered Aboriginal Parties (RAP) or Traditional Owner groups, including:

- A summary of the information provided by a relevant RAP or other person about the Aboriginal cultural heritage in the proposed activity area; and
- Any oral information provided by a relevant RAP or other person about the Aboriginal cultural heritage in the proposed activity area, if the person who provided the information consents.

As no Aboriginal cultural heritage was identified in the Activity Area as part of this assessment, no consultation with the RAP applicants was undertaken during this PAHT.
Consultation occurred with Emma Rae, Aboriginal Victoria, regarding the preparation of this PAHT report on 8 February 2019.

SECTION 10: Significant ground disturbance

Provide a detailed description (including of the nature and extent) of the evidence of significant ground disturbance (if any) that has occurred within the activity area. Attach any figures, maps, (to scale, and including a north arrow) or aerial photographs as required:

Refer to PAHT report

SECTION 11: Conclusions

Provide details of:

- whether a cultural heritage management plan is required in relation to the proposed activity;
- whether there has been significant ground disturbance in the proposed activity area and, if so, the nature and extent of the disturbance;
- any other action recommended to protect or preserve any Aboriginal cultural heritage in the proposed activity area, including:
 - whether it is likely there is Aboriginal cultural heritage located in the activity area (other than that included on the Register)
 - what precautions should be undertaken to avoid harming Aboriginal cultural heritage
 - whether it would appear a cultural heritage permit or cultural heritage management plan must be sought to allow harm to Aboriginal cultural heritage before the activity can proceed; and
- any obstacles encountered in preparing the test.

A cultural heritage management plan is not required for the proposed Activity as SGD has occurred across all of the Activity Area.

The SGD has been caused by initial development of the lots in an urban setting, which was then followed by demolition of these early structures, subsequent construction using modern methods including clearance, levelling, and building construction on slab-footings. This is then followed by further works within the Activity Area including modification and extension. Many services have been supplied to the properties over this development period. The extensive disturbance is supported by geotechnical results where no natural topsoils were located.

This Preliminary Aboriginal Heritage Test (PAHT) assessment has determined that a mandatory CHMP has not been triggered for the proposed activity in the Activity Area, as there is sufficient evidence to conclude that the proposed development will be undertaken in areas that have been significantly disturbed through mechanical means (SGD has occurred).

It is not considered likely that any Aboriginal Cultural Heritage is located within the Activity Area, due to the high levels of disturbance.

No obstacles were encountered during the preparation of this PAHT.



Proposed Mixed Use Building at 7-15 Horne Street, Elsternwick, Victoria: Preliminary Aboriginal Heritage Test

Sponsor: Auyin Property Development Pty Ltd

Authors: Wendy Hernandez and Elise Nuridin

1 March 2019

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Document information

Activity:	Construction of Mixed Use Building
Location:	7-15 Horne Street, Elsternwick
Size:	Small
Sponsor:	Auyin Property Development Pty Ltd
Author:	Wendy Hernandez and Elise Nuridin
Date:	1 March 2019
Biosis project no.:	29199
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- Claire Helfer, Senior Planner, Ratio on behalf of Auyin Property Development Pty Ltd
- Emma Rae and Stephanie Vick, Aboriginal Victoria

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1 Introduction

Biosis Pty Ltd was commissioned by Auyin Property Development Pty Ltd to undertake a Preliminary Aboriginal Heritage Test (PAHT) for the proposed construction of a mixed use building (Activity Area). The proposed development involves demolition of current buildings at 7-15 Horne Street and the construction of a multi-storey mixed use building, including basement levels. The building will comprise office spaces, retail premises and residential dwellings. The Activity Area has been previously developed and is currently within the Elsternwick Activity Centre.

A PAHT has been initiated under Section 49(b) of the *Aboriginal Heritage Act 2006* with the purpose of determining whether the proposed development requires a mandatory CHMP.

The construction or carrying out of works associated with an office and retail premises, and the construction of three or more dwellings, is considered a high impact activity under Regulation 46(1)(b)(xvii) and (xxiii) and Regulation 48(1) of the *Aboriginal Heritage Regulations 2018*.

The Activity Area is located within an area of cultural heritage sensitivity under Regulation 41(1) – Sand sheets, of the *Aboriginal Heritage Regulations 2018*. Regulation 41 (2) stipulates that any such area that has been subject to significant ground disturbance (SGD) is no longer an area of cultural heritage sensitivity and is therefore exempt from the requirement for a mandatory CHMP. In the Regulations, SGD is defined as:

5 Definitions

Significant ground disturbance means 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.

It is important to note that under this Regulation, SGD is not chiefly defined by the extent or depth of any disturbance, but rather by the mechanical means through which it has been caused. The application of the SGD exception is also unaffected by the relative likelihood of archaeological remains being preserved in the Activity Area. Such likelihood of preservation may affect the advisability of a voluntary CHMP, but does not bear on the criteria for a mandatory CHMP.

This PAHT examines the requirements of the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2018*, to determine whether a Cultural Heritage Management Plan (CHMP) needs to be undertaken for the Activity Area prior to the proposed works.

1.1 The Activity Area

The Activity Area comprises three properties located at 7-15 Horne Street, Elsternwick, within the Glen Eira City Council Local Government Authority (LGA), approximately 16 kilometres south-east of Melbourne CBD (Map 1) (Photograph 1). The Activity Area is bounded by an unnamed access alley to the north and west (photograph 2, 3, and 4), Horne Street to the east, and the property at 16 Horne Street to the south. The area is located in a Commercial 1 Zone and the three blocks are currently in use. The cadastral information is summarised on Table 1.

Table 1 Cadastral information for the Activity Area

Address	7-12 Horne Street, Elsternwick, 3185	13 Horne Street	15 Horne Street
LGA	Glen Eira City Council	Glen Eira City Council	Glen Eira City Council
Volume & Folio	Volume 9709 Folio 911	Volume 02746 Folio 145	Volume 10962 Folio 580
Land Description	Daily Planet brothel	Office space	Warehouse
Parent Title	Volume 04146 Folio 066 Volume 04758 Folio 557 Volume 07274 Folio 731	Volume 01930 Folio 964	Volume 08328 Folio 836
SPI Number	CP163463	5-1\LP1423	6-1\LP1423
Lot/Plan	Lot CP163463	Lot 5 LP1423	Lot 6 LP1423
Planning Zone	Commercial 1 Zone (C1Z)	Commercial 1 Zone (C1Z)	Commercial 1 Zone (C1Z)
Coordinates* (MGA Zone 55)	E 324098 N 5805098	E 324106 N 5805079	E 324112 N 5805073
Melways	67 F3	67 F3	67 F3

* All geographic coordinates in this PAHT are referenced to the Victorian Government Standard GDA94 MGA.



Photograph 1 Three properties comprising 7-15 Horne Street, Elsternwick. View from Horne Street facing north west. Daily Planet (7-15 Horne Street) is in the far right (provided by Auyin Property Development Pty Ltd)



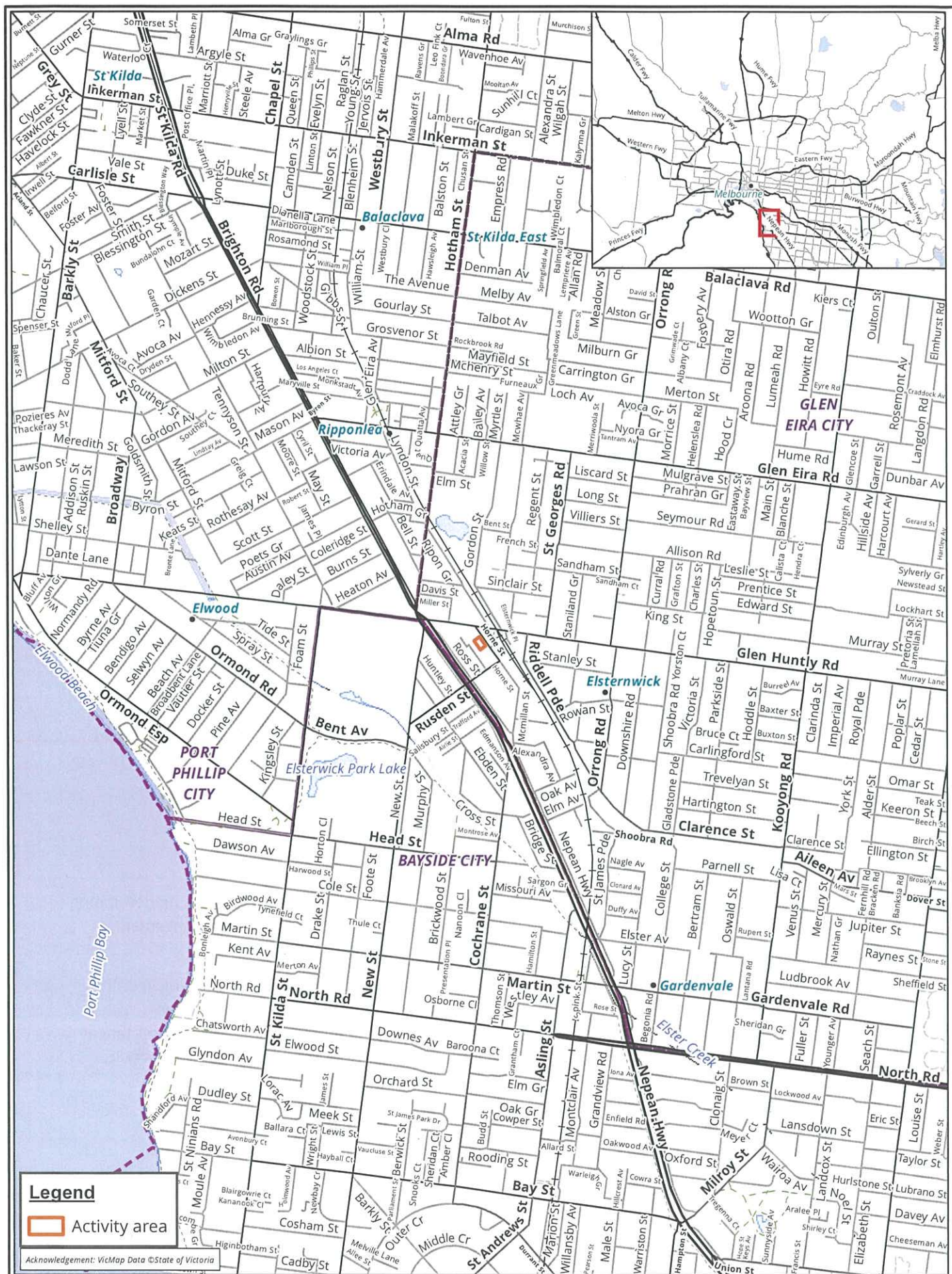
Photograph 2 Alleyway to the north of 7-12 Horne Street, Elsternwick. View facing south west (provided by Auyin Property Development Pty Ltd)



Photograph 3 Corner view of Daily Planet at intersection of alleways at rear. View facing east (provided by Auyin Property Development Pty Ltd)



Photograph 4 Alley way and rear parking area for 7-12 Horne Street (Louwrens, 2017)



Map 1 Location of the Activity Area - 7-15 Horne Street, Elsternwick, Victoria

Matter: 29199,
 Date: 12 February 2019,
 Checked by: EN, Drawn by: JSP. Last edited by: jprasad
 Location: P:\29100s\29199\Mapping\29199_M1_Location.mxd



Biosis Pty. Ltd.
 Albany, Ballarat, Melbourne, Newcastle,
 Sydney, Wangaratta & Wollongong

0 100 200 300 400 500

Metres

Scale 1:20,000 @ A4, GDA 1994 MGA Zone 55



00

1.2 Activity Description

The Activity comprises the demolition of existing commercial buildings at 7-12, 13 and 15 Horne Street, Elsternwick. The Activity Area has been proposed for the construction of a multi-storey mixed use building, including basement levels. The new building will comprise office spaces, retail premises and residential dwellings and will use the entire Activity Area.

The proposed works will involve:

- The demolition of existing buildings on site
- Construction of multi-use building including offices, retail premises and residential dwellings, which will require deep excavation for footings
- Basement levels requiring excavation up to 13.5 metres depth
- Installation of utilities, including but not limited to sewer and water mains. Depth of impact for these is uncertain, however it must be considered that they may be at basement levels up to 13.5 metres

The proposed impact within the Activity Area will be high and it must be considered that the entire Activity Area, up to a depth of 13.5 metres, will be impacted by the Activity.

1.3 Heritage advisor

Wendy Hernandez B.A (Hons)

Wendy has over five years of experience in archaeological consulting in Victoria. She has extensive experience in archaeological fieldwork, having previously undertaken numerous field surveys and archaeological excavations in Victoria and Western Australia. As a heritage advisor, Wendy has authored and co-authored several CHMPs, Aboriginal and historical heritage assessments, due diligence reports, letters of advice and salvage reports. She is experienced in managing and conducting heritage assessments for small-scale private projects and large-scale infrastructure and local government developments.

Wendy is a registered heritage advisor under the *Victorian Aboriginal Heritage Act 2006*.

Elise Nuridin BArch, BA VisArts, MCultHerit

Elise has completed a Masters of Cultural Heritage through Deakin University, which focuses on developing skills and knowledge to make a difference in the cultural heritage sector through heritage management, interpretation of significant sites and places and intangible cultural heritage.

Elise graduated with Bachelor of Art and Bachelor of Visual Arts with Monash University, majoring in both Archaeology and Painting. Since graduating from her undergraduate degree, Elise has undertaken archaeology work in regional Victoria and within greater metropolitan Melbourne. As a research assistant at Biosis, Elise provides support to consulting archaeologists in fieldwork, research and analysis. Elise's skills include cultural heritage due diligence assessments, desktop assessments and stone tool analysis.

Elise is a fully qualified heritage advisor under the *Aboriginal Heritage Act 2006*.

1.4 Owner/Occupier

Auyin Property Development Pty Ltd

Contact: Claire Helfer at Ratio Consultants Pty Ltd on behalf of Auyin Property Development Pty Ltd

Postal address: 8 Gwynne Street, Cremorne, Victoria 3121 (Ratio)

Landline: 03 9429 3111 (Claire Helfer)

Email: claireh@ratio.com.au

1.5 Registered Aboriginal Party

There is no Registered Aboriginal Party (RAP) currently for the region that includes the Activity Area. The Bunurong Land Council Aboriginal Corporation and Yaluk-Ut Weelam Elders Council Aboriginal Corporation are current RAP applicants.

2 Background

2.1 Search of the Victorian Aboriginal Heritage Register

A search of the Victorian Aboriginal Heritage Register (VAHR) was undertaken by Elise Nuridin, Biosis Pty Ltd on 31 January 2019 (Access Number 6642).

2.2 Geographic region

The Activity Area is located within the Eastern Plains geomorphological division of Victoria, comprising *Coastal plains with ridges and dunefields (Brighton, Cranbourne)* (GMU 7.1.1). The Eastern Plains comprise low relief, ranging from undulating rises to almost level plains consisting of mostly alluvial sediments ranging from Quaternary to Recent in age (State of Victoria Department of Economic Development, 2019). The Activity Area is located within an area of cultural heritage sensitivity associated with sand sheets and is less than 500 metres north-east of Elster Creek. Due to the lack of archaeological studies undertaken in region, and the small number of registered Aboriginal places, the geographic region for the Activity Area will be defined by a 5 kilometre radius.

2.3 Aboriginal places relevant to the Activity Area

A search of the VAHR on 31 January 2019 has identified a total of 11 previously recorded Aboriginal places, comprising 17 components, and six historical references within a 5 kilometre radius of the Activity Area. The places include four LDADs, four Aboriginal historical places, two shell middens, and one scarred tree.

The closest Aboriginal place is an LDAD recorded by St. George, Filihia and Holzheimer (2016) as part of a complex CHMP undertaken for a residential and commercial development on Martin Street, Brighton, approximately 1.3 kilometres south of the Activity Area. The place details are as follows:

- VAHR 7922-1444 123 Martin Street Brighton – one silcrete and one quartz flake, recovered from between 600-700 millimetres within a disturbed deposit.

There are no registered Aboriginal places within the geographic region within the same sand sheet landform as the Activity Area. The following places are within the 5 kilometre radius of the Activity Area:

- VAHR 7822-0014 (Brighton Beach Midden) – deflated shell midden located on the rocky shore front of the Middle Brighton Dunes.
- VAHR 7822-0027 (Point Ormond) – shell midden, currently destroyed. No further information is described on site card and original recording is lost.
- VAHR 7822-0792 (Alma Park East) – red gum scarred tree with one scar, situated within Alma Park in poor condition.
- VAHR 7822-2037 (Cleve Gardens Meeting Place) – meeting place for Aboriginal people probably since the 1940s until present.
- VAHR 7822-3022 (St Kilda Junction Corroboree Tree) – meeting place where Aboriginal people held ceremonies from early settlement days.
- VAHR 7822-3860 (6 Were Street Brighton LDAD) – two quartz and two silcrete angular fragments, recovered from disturbed contexts between 350-370 millimetres, within a dune landform.
- VAHR 7922-0962 (Brighton Corroboree Ground) – corroboree ground located close to the site of a massacre at Landcox Park, also known as Worrown.

- VAHR 7922-0963 (*Hurlingham Park*) – Aboriginal campsite/meeting place site frequented by Aboriginal people given its proximity to Elster Creek.
- VAHR 7822-4184 (*Cato Street Historical Site*) – two silcrete artefacts, one blade and one flake, found at 300 millimetres.
- VAHR 7822-4262 142 (*Esplanade, Brighton LDAD*) – one silcrete flake found within the upper 350 millimetres, within introduced late 19th century fill.

Out of the six historical references found within the geographic region, the closest is situated 2.6 kilometres south-east of the Activity Area, and is situated approximately 330 metres west of Elster Creek.

- *Worrown* (Reference 8.2-20) – recorded in 1999, the reference is associated with a McMillians Farm, at Little Brighton, where a large gum tree was once situated. Near this spot, in 1833-4, 60-70 Aboriginal people from the Western Port or Coastal tribe were killed by Aboriginal people from the Gippsland tribe. The spot was name Worrown, or, a place of sorrow. The tree had been destroyed by lightning previous to the record in 1858.

A list of all previously recorded Aboriginal places within the geographic region have been summarised on Table 2 and all historical references in Table 3.

Table 2 Aboriginal places within 5 kilometres of the Activity Area

VAHR Number	Place Name	Component Type
7822-0014	Brighton Beach Midden	Shell Midden
7822-0027	Point Ormond	Shell Midden
7822-0792	Alma Park East	Scarred Tree
7822-3860	6 Were Street Brighton LDAD	Low Density Artefact Scatter
7822-4184	Cato Street Historical Site	Low Density Artefact Scatter
7822-4262	142 Esplanade, Brighton LDAD	Low Density Artefact Scatter
7922-1444	123 Martin Street Brighton	Low Density Artefact Scatter
7922-0962	Brighton Corroboree Ground	Aboriginal Historical Place
7922-0963	Hurlingham Park	Aboriginal Historical Place

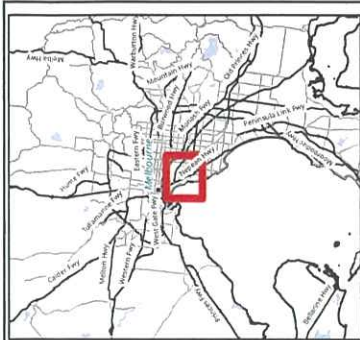
Table 3 Historical references within 5 kilometres of the Activity Area

Historical Ref. ID	Historical Reference Name	Historical Reference Association
12.4-18	St Kilda Cricket Ground Corroboree Tree	12.4 Ceremonial places
12.9-10	Newmerella Corroboree Ground	12.4 Ceremonial places
12..9-7	Euro-Yoroke (St Kilda)	12.9 Named place
2.2-7	Cleve Gardens Meeting Place	2.2 Places where people congregated around towns (stores, pubs etc.)
2.5-4	1936 Cycling Championship, Albert Park Lake	2.5 Places where people participated in settlement/town activities
8.2-20	Worrownen ("Place of Sorrow")	8.2 Places where Aboriginal people were killed/assaulted/threatened by other Aboriginal people

Summary

A total of 11 previously recorded Aboriginal places were identified within the geographic region, including four LDADs, four Aboriginal historical places, two shell middens, and one scarred tree. A total of six historical references were also identified within the geographic region; these references are mostly associated with very early encounters between local Aboriginal people and the first Europeans to arrive in the Port Phillip area. Although there are no Aboriginal places recorded within or in close proximity to the Activity Area, these historical references are an important reminder that Aboriginal people had been inhabiting the land prior to the arrival of the first European settlers in the region; furthermore it points to their existence in Elsternwick, and the broader Melbourne region, at the time in which the area was first settled.

Despite the lack of previously recorded Aboriginal places, the archaeological record indicates there is a common occurrence of Aboriginal places in close proximity to water sources such as creeks, and also gentle slopes and hills. Although this could be attributed to the limited number of surveys undertaken in these specific areas in the past, it coincides with broader research in Victorian Aboriginal archaeology which has demonstrated an Aboriginal land-use pattern evolving around the location of fresh water sources, hill tops and rises. The low number of Aboriginal places may also be reflective of urban development within the geographic region, being an established inner-eastern suburb of Melbourne.



Legend

- Activity Area
- Geographic region
- ★ VAHR places
- ✱ Historical references
- Geomorphological units**
 - 1.3.1 Low relief landscapes at low elevation
 - 1.4.6 Outlying ridges and hills
 - 6.1.2 Stony rises
 - 7.1.1 Coastal plains with ridges and dune fields
 - 7.1.3 Sunkland former swamps and lagoonal deposits
 - 8.1.3 Active cliffs: Subaerial dominant processes, with shore platform

Map 2 Historic and VAHR places within 5 km of the Activity Area



Metres

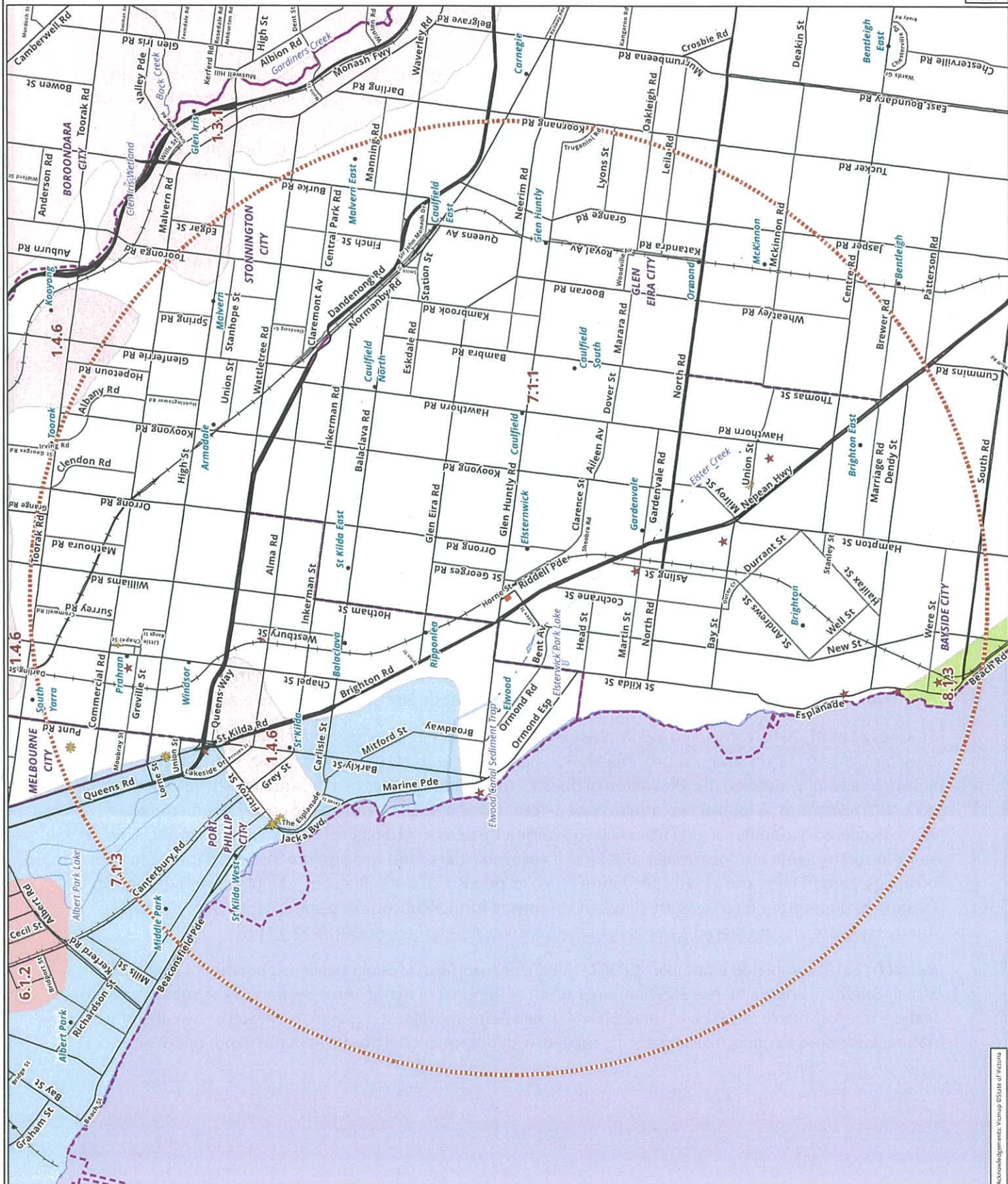
Scale: 1:37,000 @ A3

Coordinate System: GDA 1994 MGA Zone 55



Biosis Pty Ltd
Albury, Ballarat, Melbourne, Newcastle,
Sydney, Warragatta & Wollongong

Map 2 2019
Created by: Dr. Simon J. P. Lee, revised by: Simon J. P. Lee
2019, M. J. Abingdon Press Ltd



2.4 Previous work relevant to the Activity Area

Within the geographic region a total of 38 archaeological investigations have been completed. Most of these investigations have taken place in close proximity to the coastline, with very few investigations which have been undertaken further inland. Below is a detailed summary of archaeological reports completed within the geographic region which are most relevant to the geographical, environmental and cultural context of the current Activity Area.

A large scaled region desktop study by **du Cros and Rhodes** (1998) of the Port Phillip Bay coastline and its associated waterways, in the late 1980s. The study, completed many years after the development of the area, identified that much of the coastline had been drastically altered from its natural appearance due to landscaping works for developments and foreshore recreation. This did not eliminate the potential for archaeological material to remain however, particularly in the zone back from the coastline associated with waterways and swamps (such as the Elwood Swamp and Elster Creek).

A large Desktop CHMP (11083) looking at 180 hectares of land at the Port of Melbourne was completed by **Howell-Meurs and Lever** (2012) which investigated the reclamation activities which occurred to create the Port of Melbourne and the significant modifications which have occurred in the area, including sand quarrying and filling, and how this may have impacted on cultural deposits within the area. The CHMP found that the disturbance and reclamation activities across the Port of Melbourne had created a man-made environment which would not contain any in situ Aboriginal cultural heritage. From this conclusion, it was not felt necessary to engage in any further archaeological investigations prior to the upgrade of port facilities.

Dugay-Grist and Cowled (2015) undertook a Complex CHMP (13571) at 6 Were Street, Brighton, approximately 4 kilometres southeast of the current Activity Area. The subsurface testing involved the excavation of two 1x1 metre test pits and seven 500x500 millimetre shovel test pits, revealing a disturbed soil profile of silty clay deposits with modern refuse over natural clay at a depth of 500-520 millimetres. A total of one new Aboriginal place was located during the complex assessment (VAHR 7822-3860). This low density artefact distribution comprises quartz and crystal quartz debitage pieces excavated from depths of between 350-370 millimetres.

Power (2016) completed a Complex CHMP (14674) for land at 2a Dendy Street, Brighton, approximately 870 metres west of the current activity area. The complex assessment included the excavation of a single 1x1 metre test pit and two shovel test pits, revealing subsurface deposits generally consisting of loose black silt to 100 millimetres, over black sandy silt to 300 millimetres, over black silty sand to 620 millimetres, over dark brown and yellowish brown mottled clay to 700 millimetres depth. No Aboriginal places were identified.

St. George et al (2016) completed a Complex CHMP (14331) for a proposed residential and commercial development on Martin Street, approximately 1.3 kilometres south of the current Activity Area. The subsurface testing involved the excavation of one 1x1 metre stratigraphic test pit, and two shovel test holes of 400x400 millimetres. A total of two artefacts were found; one of silcrete and one of quartz. Both artefacts were recovered at depths ranging from 400-750 millimetres, from contexts noted as dark grey, moist, silty sand, including some historical material. A lens of yellow builders sand was also noted. Due to the location of buildings, garden beds and landscape features such as ponds and water features, combined with the known location of underground services, there was no scope for further subsurface testing. A total of one new Aboriginal place was registered as a result of the Complex Assessment (VAHR 7922-1444).

Bartsch (2018) completed a Complex CHMP (15946) for a proposed residential development at Lawrence Street, Brighton, approximately 3.2 kilometres south of the current Activity Area. As part of the subsurface testing, one 1x1 metre test pit and three 500x500 millimetre shovel test pits were excavated. The subsurface nature was noted as uniform across the floodplain, with only marked differences in the depth of the base

layer and a fill layer. No Aboriginal cultural heritage material was recorded as part of the Complex assessment.

Burch and Evans (2018) completed a Complex CHMP (15975) for the proposed development of the site into multiple dwellings, located approximately 3.1 kilometres south of the current Activity Area. A total of one 1x1 metre test pit and five 500x500 millimetre shovel test pits were excavated as part of the subsurface testing. The assessment revealed that deposits within the area generally comprised of disturbed humic sands over sands over compact clays, between 600-800 millimetres in depth. No Aboriginal cultural heritage was recorded as part of the Complex assessment.

Reich (2018) completed a Complex CHMP (16039) for the proposed demolition of an existing building and the construction of up to eight dwellings, located approximately 3.1 kilometres south of the current Activity Area. The subsurface testing included one 1x1 metre test pit and two 500x500 millimetre shovel test pits, to a maximum depth of 900 millimetres. All three pits were abandoned due to suspected asbestos. Soils were generally sandy with no sterile clay reached, and disturbance associated with the construction of the dwelling in the 1930s was noted. No Aboriginal cultural heritage material was recorded as part of the Complex assessment.

Summary of Previous Archaeological Reports

Much of the land within the geographic region has found to have been heavily modified as a result of post-contact activities. These disturbance activities have included the reclamation works all along the eastern coastline of Port Phillip, as well as various landscaping and construction works further inland. This has undoubtedly impacted on the number of, and preservation of any Aboriginal cultural material that remain within the geographic region.

The Complex CHMP undertaken by St George et al. (2016), which is in the closest proximity to the current Activity Area, revealed two Aboriginal stone artefacts and resulted in the registration one Aboriginal place (VAHR 7922-1444). Both artefacts were recovered at depths ranging between 400-750 millimetres, from contexts noted as dark grey, moist, silty sand, including historical material. Further testing was restricted due to built structures and underground services. The CHMPs undertaken by Bartsch (2018), Burch and Evans (2018) and Reich (2018), although further south, were all undertaken on the same sand sheet landform which the current Activity Area and no Aboriginal cultural heritage was recovered during these assessments; disturbance was noted at all locations.

2.5 Landforms and/or Geomorphology of the Activity Area

The Activity Area falls within the Eastern Plains of Victoria comprising *Coastal plains with ridges and dune fields* (Brighton, Cranbourne) (GMU 7.1.1). The Eastern Plains are mostly of low relief, ranging from undulating rises to almost level plains. The *Coastal plains with ridges and dune fields* geomorphological unit occurs within the *Central Sunklands* (GMU 7.1), which are broad lowlands created by subsidence of the earth's crust. The western edge of the bay is bounded by the uplifted Bellarine Peninsula, and the eastern side is constricted by the Nepean Peninsula, composed of accumulated sand dunes partly consolidated into dune sandstones (Bird, 1990).

Surficial sediments are mostly alluvial and range in age from Quaternary to Recent and mainly comprise sediments that are derived from the Eastern Uplands, located to the north. The youngest sediments are the flood plains, swamps and morasses that are associated with past and present rivers and streams (State of Victoria (Agriculture Victoria) Department of Economic Development, Jobs, Transport and Resources, 2019). In the Port Phillip Bay sunklands, swamp and lagoonal deposits were generally drained after European settlement. The unconsolidated sediments of Quaternary age form a thin layer above the Brighton Group sediments. The Brighton Group layer mostly comprises unconsolidated clayey sands and is of Tertiary age.

The *Coastal plains with ridges and dunefields* is characterised by coastal plains with a series of low, northwest-trending ridges and dunefields lying parallel to the coastline and separated by low hollows and corridors (swales), some of which contain streams and swamps (Bird, 1990). These ridges and dunefields may be the remains of former coastlines representing successive stages in the retreat of the sea during the Pleistocene, around 25,000 – 15,000 years ago. The associated coastline consists of active cliffs formed by subaerial processes (that is, aboveground, non-marine processes) and an artificial gently sloping, or Type A, shore platform (Agriculture Victoria, 2007), created in the 1970s through the deliberate destruction of a length of plunging vertical white cliffs. This landform is typically composed of poorly consolidated clayey sands with harder sandstone beds at the base.

The Activity Area

There are no natural landforms remaining within the Activity Area. In a regional context, the Activity Area is located on lower slopes of sand dunes with higher elevation points located 600 metres to the east. The area slopes down in a south westerly direction towards Elster Creek which is located 500 metres from the Activity Area. The Activity Area has been previously developed by several double storey buildings and is located within the Elsternwick Activity Centre, at 7-15 Horne Street. The Activity Area is levelled, which reflects the development of the area over time. The Activity Area has been subject to anthropogenic changes thus any natural landforms have generally been altered and modified for previous land use of the site.

2.6 Regional History

In 1802, Charles Grimes, Surveyor General of New South Wales, explored the shores of Port Philip Bay with a small party. With instructions from Governor King to survey the bay and report on its suitability for settlement, they investigated the mouth of the Werribee River and ventured a few miles inland, looking for suitable agricultural land for the possible creation of a convict colony (Boyce, 2012). However, it wasn't until the explorers Hamilton Hume and William Hovell travelled through Victoria to find an inland route from Sydney to Port Philip Bay that Victoria was assessed as having favourable conditions for agriculture and pastoralism (Hovell, Hume, & Bland, 1965).

In 1834 John Batman, a grazier and businessman, arrived in Port Phillip from Van Diemen's Land. With John Fawkner, Batman formed the Port Philip Association to legitimise land claims in the district and in 1836, the district was proclaimed open to settlement (Brown, 1966). From 1839 to 1846 grazing licenses for cattle and sheep were taken up and livestock became the first European occupants of the Elwood area. In 1839, Captain Benjamin Baxter was granted a lease to graze cattle from Point Ormond as far as Port Melbourne, with the first known building in St Kilda his stockman's hut (Eidelson, 2006). From 1847 new regulations were gazetted, allowing squatters to purchase pre-emptive rights to their household blocks (Boyce, 2012). In addition, in 1849 new regulations were applied in the settled areas of Victoria and run holders were permitted to buy a 640 acre block containing their homestead and other improvements (City of Melbourne, 2013).

After the initial gold rush and formalisation of the Colony of Victoria in 1851, a series of Government Acts encouraged closer settlement of land. Squatting licences were cancelled and many of the large pastoral leases were subdivided and sold at auction or made open for selection for farming and agricultural purposes (Serle, 1963). The Elwood Swamp, located to the west of Elsternwick, remained a barrier to settlement and development for many years. During heavy rains, the Elster Creek and the Swamp would flood extensively blocking access to houses and roads and, when combined with the nearby Abattoir and the use of the Creek for waste disposal, the swamp would become a health issue. Throughout the late 1800s a number of works were undertaken in the hope of removing the flood problem. However it was not until the construction of a man made concreted drain moving the Elster Creek's mouth into the bay approximately 150 metres further south than its natural course and filling of the swamp in 1904 that the problem was overcome. An official announcement of the draining of Elwood Swamp was made by the St Kilda Council in 1905 and the land

previously on swampy ground was quickly subdivided and sold with the first sale occurring on January 21 1908 (Eidelson, 2006).

Elsternwick village was surveyed in 1856, situated along the Elster Creek, which later became the Elwood Canal. In 1861 the Melbourne and Suburban Railway Company completed the railway line from Melbourne to Brighton, including a stop via Elsternwick. The large residential estates which were characteristic of the Elsternwick area were now more accessible and attractive to buyers. By 1880, some of the large landowners released land for subdivision, a process which gathered pace over the next decade. The tramline opened along Glen Huntly Road in 1889, resulting in the shopping strip becoming a popular retail location. By the 1900s, Elsternwick was ranked in the best ten shopping destinations in metropolitan Melbourne (Victorian Places, 2015).

2.7 Land Use History of the Activity Area

Elsternwick village was surveyed in 1856, and parish plans from as early as 1860 (Figure 1) show the current Activity Area had already been divided into allotments. In 1861 the Melbourne and Suburban Railway Company completed the railway line from Melbourne to Brighton, making Elsternwick more accessible. By 1889 the tramline along Glen Huntly Road was opened, further strengthening the area as a retail location (Victorian Places, 2015).

The Activity Area faces onto Horne Street, and as it lies just south of Glen Huntly Road, business owners also benefited from the increased visitation to the area. Plans from the late 19th century (Figure 2) label the buildings along Horne Street as 'shops', indicating that the area was already being used as a retail location. A detailed plan from 1905 (Figure 3) shows several built structures present within the Activity Area, and an asphalt alley way separating the blocks to the north, south and west of the Activity Area; the southern alley way was possibly used for the collection of waste. Additionally, a 'sewer under channel' runs along the western boundary of the Activity Area.

Plans from 1911 (Figure 4) show that the blocks of land within the Activity Area were owned by E. Ashley and E. C. Watson. An article from The Prahran Telegraph from November 15 1913, also provides further information on other traders which were situated along Horne Street, citing the presence of a wood and coal depot owned by the Beddoes, and estate agents Butcher and Robson and Waller and Co., situated at two different properties on the 'bay side' of the railway station (Traders in Early Elsternwick, 1913).

Aerial imagery from 1949 (Figure 5) shows Horne Street and surrounding area as having been heavily urbanised and the Activity Area has been cleared from any vegetation. Buildings to the south of the Activity Area are most likely residential, whilst buildings to the north and west, facing Glen Huntly Road, are used for commercial purposes. The land directly east appears as vacant and forms part of the railway line and Elsternwick Station. The building layouts within the Activity Area appear to mimic the plans from 1905 (Figure 3) aside from developments within the west side. Imagery from 1970 (Figure 6) shows that the buildings within the Activity Area have remained relatively unchanged, with the exception of one building in the western extent appearing to have been extended. There has been construction of new buildings to the east of Horne Street, adjacent to the railway, with car parking and storage to the south of the new buildings.

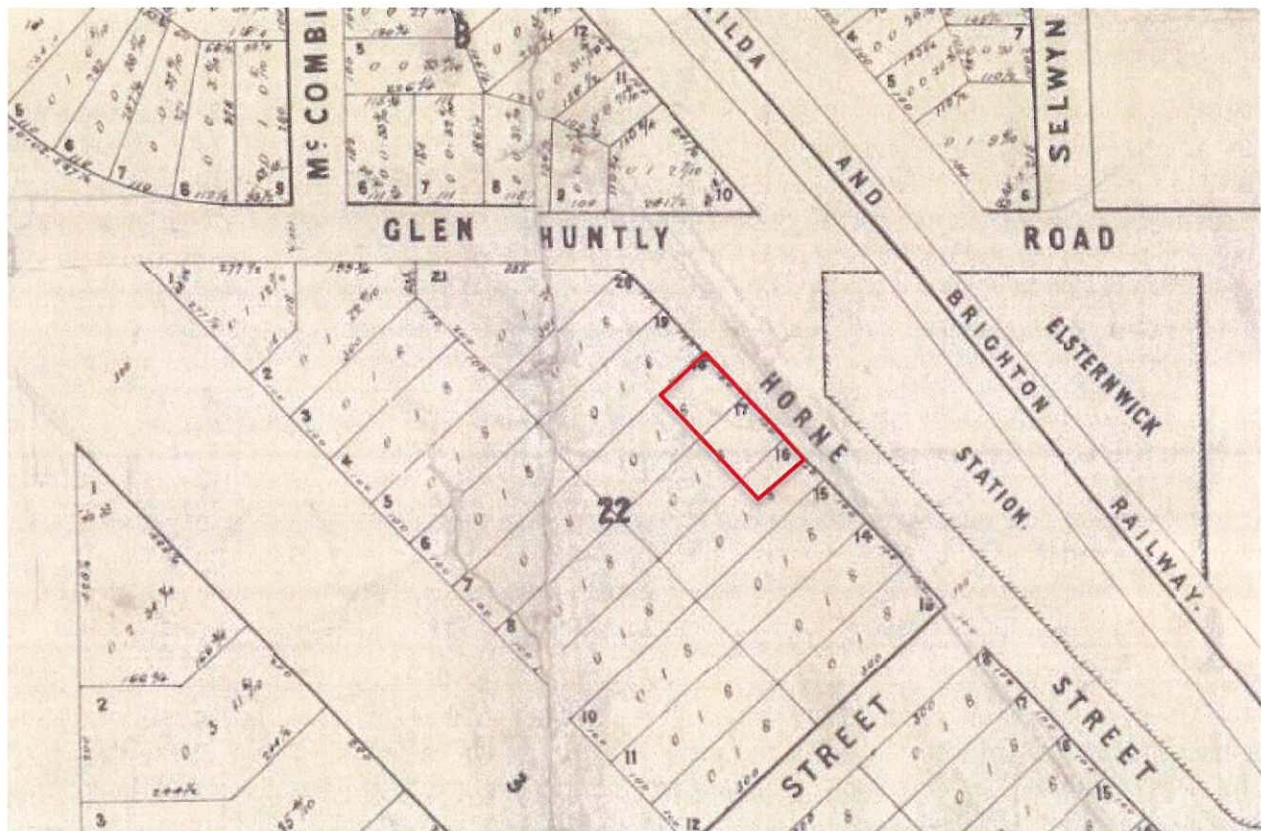


Figure 1 Elsternwick, Parish of Prahran, approximate Activity Area outlined in red, (Department of Crown Lands and Survey, 1860)

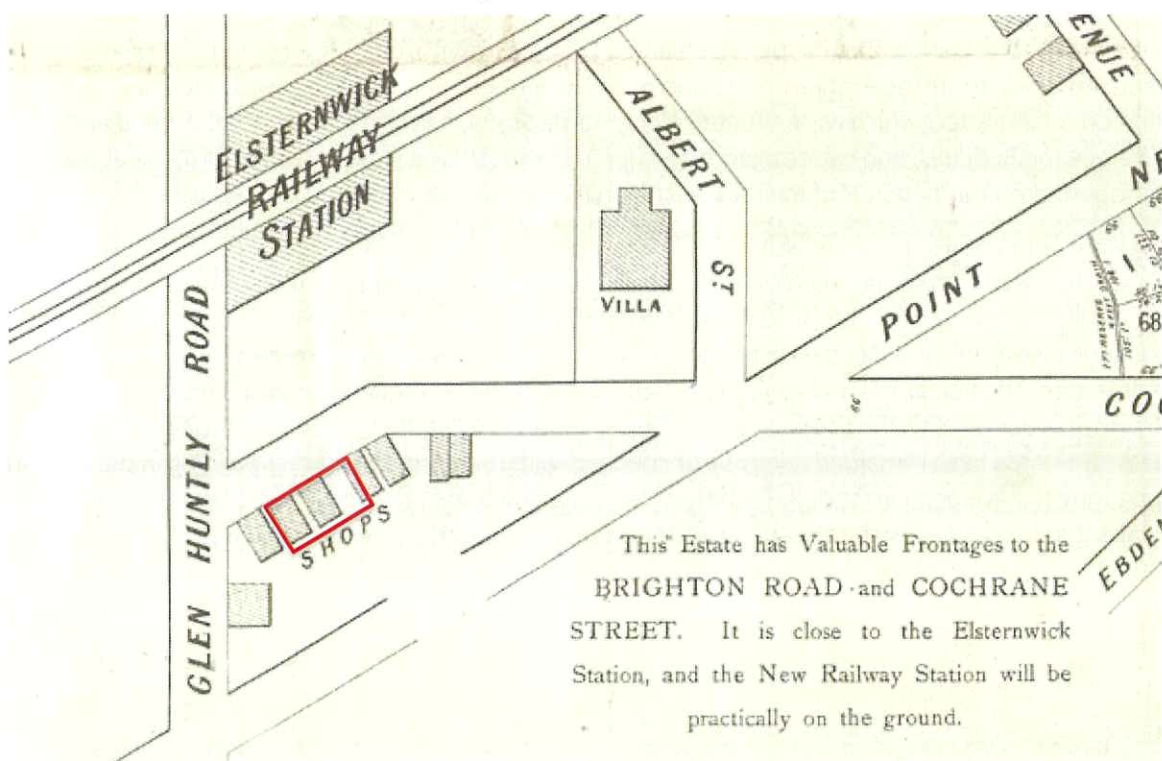


Figure 2 Edgarleigh Estate, Elsternwick, 18-?, approximate Activity Area outlined in red, (Anon)

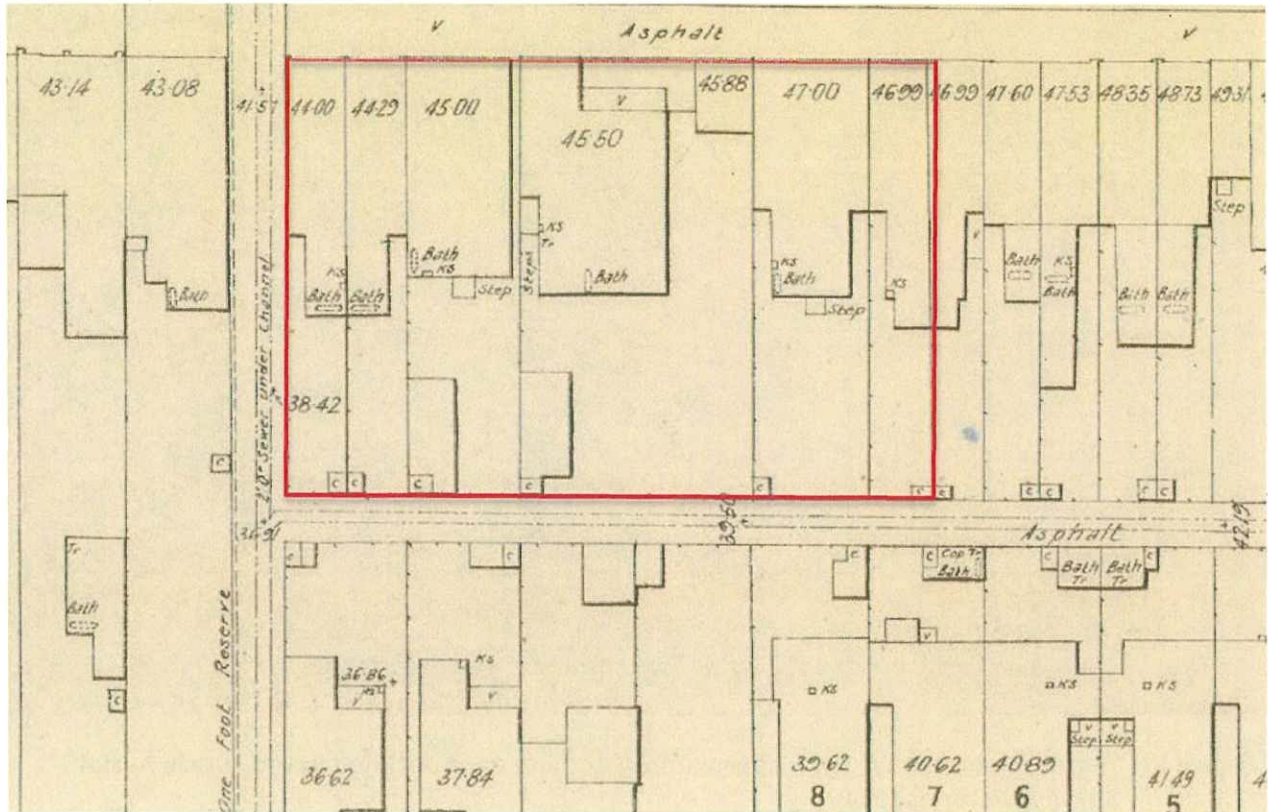


Figure 3 Melbourne Metropolitan Board of Works detail plan, 1905, approximate Activity Area outlined in red, (Melbourne Metropolitan Board of Works, 1905)

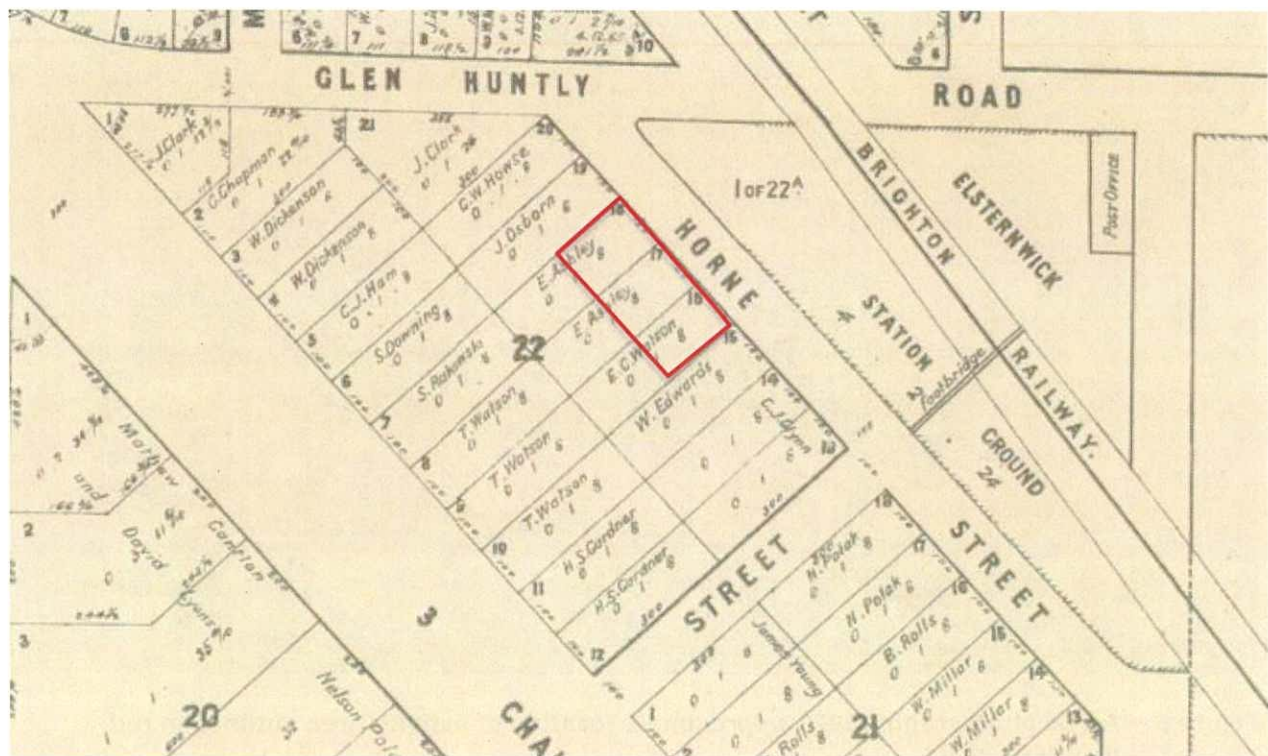


Figure 4 Town of Elsternwick, Parish of Prahran, 1911, approximate Activity Area outlined in red, (Office of Lands and Survey, 1911)

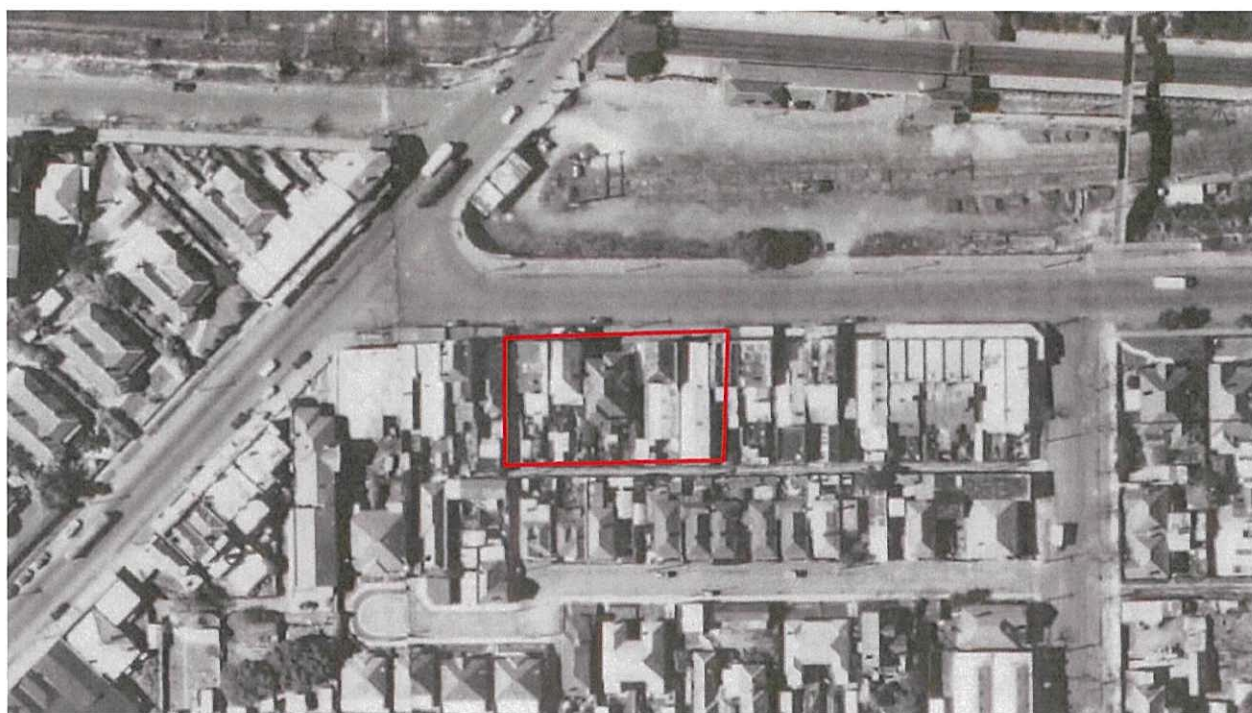


Figure 5 Aerial photography, 1949, approximate Activity Area outlined in red, (State Aerial Survey, Victoria, 2019)



Figure 6 Aerial photography, 1970, approximate location of Activity Area outlined in red, (Landata, 1970)

7-12 Horne Street and 13 Horne Street

The majority of the Activity Area consists of Lot CP163463, which is situated at 7-12 Horne Street. The Lot has changed hands several times since the early 1900s, and was being utilised as a massage parlour until taken over by John Trimble in 1974. The following year Trimble reopened the establishment as a brothel, under the name 'Daily Planet'. The next door commercial building at 13 Horne Street (Lot 5 LP1423) was also purchased by Trimble in 1999. At some point, an access doorway was added to enable access to the adjacent property (7-12 Horne Street). An inspection undertaken by Louwrens (2017) of 13 Horne Street shows that the flooring is concreted within the building (Photograph 5).

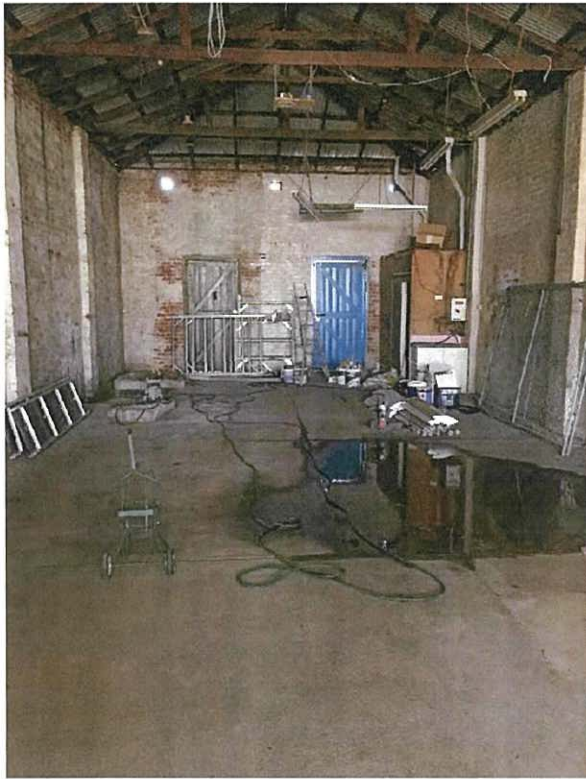
The Activity Area appears to have remained unchanged until 1987, in which the two buildings within 7-12 Horne Street appear to have been demolished (Figure 7); this is evident on aerial imagery by Lotsearch (2017, pp. 38-39). A larger building has since been constructed on the site, described as an 18 room 'bordello' in which the Daily Planet brothel continued business, and the structure within 12 Horne Street was since extended at the front, southern side and rear with what looks like a garage or warehouse.



Photograph 5 Interior of 13 Horne Street, Elsternwick (Louwrens, 2017)

15 Horne Street

The property at 15 Horne Street (Lot 6 LP1423) has been used for a range of commercial purposes since the early 1900s, including a chimney sweep (1916), a laundry (late 1920s), a wood yard (1930s to mid-1960s) and a wholesale hardware supplier and locksmiths supplier from the 1970s onwards (Lloyd Consulting, 2011). An inspection undertaken by Louwrens (2017) shows that the flooring is also concreted within the building of the warehouse (Photograph 6).



Photograph 6 Interior of 15 Horne Street (Louwrens, 2017)

In November 2016 the combined three properties, from number 7-15, were auctioned and sold to a single buyer. Imagery from 2018 (Figure 8) shows the current layout of the Activity Area.



Figure 7 1987 aerial photograph showing northernmost section undergoing construction works for the new and current structure at 7-12 Horne Street (Lotsearch Pty Ltd, 2017)



Figure 8 Aerial photography, 2018, location of Activity Area outlined in red, (Department of Jobs, Precincts and Regions, 2019)

Table 4 Summary of land use history from aerial photography and land title information

Year	7-12 Horne Street	13 Horne Street	15 Horne Street
1860		Subdivision of allotments	
1905	MMBW plan showing four existing structures, including kitchen sinks, baths, outdoor possibly sheds and 'pan closet toilets' at rear	MMBW plan showing existing structure, including kitchen sink, bath, and outdoor possibly shed and 'pan closet toilet' at rear	MMBW plan showing existing structure, including kitchen sink, and 'pan closet toilet' at rear
1931	Buildings present according to historical aerial photograph by Louwrens (2017, p. 9)		
1949	Aerial photograph shows a structures with outbuildings	Aerial photograph shows a structure with outbuildings	Aerial photograph shows a structure covering the entire area. This is likely to be either an extension or entirely different building
1970	Structures with outbuildings still visible. Structure or concreting possibly added on the south-eastern end of the property	Aerial photography shows that the structure has likely been extended and remainder area in the back has been concreted	No change
1974	John Trimble purchases the property and is established as the Planet Daily brothel	NA	NA
1987	Aerial photograph shows the two northernmost structures possibly in the process of being demolished or the new structure built. The larger building to the south has been retained and extended to the front of Horne Street, along the southern side and rear with garage like or warehouse extensions	No change	No change
1999	NA	John Trimble buys property. Access doorway added (year unknown) from 7-12 Horne Street	NA
Current	Daily Planet brothel (no longer open)	Office space – currently undergoing renovations	Warehouse

2.7.1 Geotechnical Investigation and Site Inspection

A soil investigation was undertaken within the southern extent of the Activity Area, at 15 Horne Street, in January 2011 (Lloyd Consulting, 2011). The investigation comprised the collection of soil samples from six locations across the entire site, collected using a hand auger at various depths throughout fill material and within the clay underlying the fill. The primary on-site source of contamination is fill material, which was recorded to a depth of approximately 1.2 metres below the ground surface and is most likely present across the entire building footprint. The fill material was found to comprise clayey sands, silty clays, sand and sandy gravels, with anthropogenic material such as ash, brick fragments, charcoal, metal, pottery, concrete and glass present. Lead, zinc and polycyclic aromatic hydrocarbons were also identified within this fill layer, which is covered with concrete pavement approximately 15 centimetres thick (Lloyd Consulting, 2011, p. i; 16). Underlying the fill was orange brown clay of low to high plasticity and is considered to be natural (Lloyd Consulting, 2011, p. 7).

A site inspection was undertaken of the Activity Area in February 2017 as part of a preliminary site investigation and sampling and analysis Quality Plan (Louwrens, 2017). The site was noted as a relatively flat area with no significant topographical features, sloping gently west down to the west towards Elster Creek, which is located approximately 860 metres to the south-west. At the time of the inspection, 7-12 Horne Street was occupied and soil sampling beneath the building footprint was not possible. The multi-level building at 13 Horne Street was having internal works, and was also not accessible for further investigation. The building at 15 Horne Street was vacant at the time with a split level floor with evidence of the previous investigations, as concrete cores were visible (Louwrens, 2017, p. 15).

2.7.2 Dial Before You Dig

A Dial Before You Dig search was completed on 2 February 2019. The results are as follows (see attached plans in Appendix 1):

- *Pipeworks* – No underground assets are present within the Activity Area.
- *Telstra* – Several direct buried cables with PVC conduits are present along the eastern extent of the Activity Area, facing onto Horne Street.
- *NBN* – In-service telco cables are present within the eastern extent of Activity Area, facing onto Horne Street.
- *Optus* – No underground assets are present within the Activity Area.
- *South East Water* – A water main is present on the north-eastern boundary of the Activity Area, running along Horne Street. A fire service is located within the Activity Area at No. 13 Horne Street, facing east, and pipes entering the Activity Area along the south-western boundary.
- *United Energy* – No underground assets are present within the Activity Area.
- *Multinet Gas Networks* – A low pressure gas pipe is present within the north-western corner of the Activity Area.
- *Glen Eira City Council* – No underground assets are present within the Activity Area.

2.8 Summary

The Activity Area is located within the Eastern Plains and comprises coastal plains with ridges and dunefields geomorphological unit. Upon this geomorphology the soils are characterised by poorly consolidated clayey sands with harder sandstone beds at the base. In these settings, archaeological materials have a high potential to occur around the margins of wetlands and fresh watercourses, on river levees and terraces, spurs, slopes and ridgelines.

There are 11 previously recorded Aboriginal places within 5 kilometres of the Activity Area, including four LDADs, four Aboriginal historical places, two shell middens, and one scarred tree. Additionally, a total of six historical references have also been recorded in the search area. There are a limited number of places and previous archaeological investigations which have been undertaken inland from the coast.

Previous archaeological assessments within the wider region around Elsternwick have shown that majority of the Aboriginal places within the geographic region have been registered within close proximity to the coast and waterways. Additionally, there are culturally sensitive areas further inland, mostly relating to sandsheets. No Aboriginal cultural heritage has been identified on these landforms, however this could be a reflection of the limited number of assessments which have been carried out in the area, or a reflection of the highly disturbed nature of the region due to urbanisation and land modification.

The Activity Area has been subject to clearance of vegetation, grazing and pastoral activity. The site began to be occupied by settlers as early as 1860, and buildings have been present within the Activity Area since the 19th century.

Based on the review of historical plans and aerial photography, it appears as though the original buildings at property 7-12 Horne Street were demolished around 1987 with the exception of the larger structure to the south. The current double storey structure was built around 1987 for the Daily Planet brothel, with building extensions being added to the larger remaining structure to the front (onto Horne Street), along the side and rear. The structure at 13 Horne Street appears to have been extended sometime between 1949 and 1970, and the outbuildings to the rear were removed and the ground was concreted. The building at 15 Horne Street was either subject to demolition or was extended to take up the entire allotment at some point between 1905 and 1949, which is still present and is described as a warehouse. The entire Activity Area is currently built up and consists of concreted parking spaces/courtyards to the rear. There are no areas of ground exposure and no vegetation remnant.

This series of construction, demolition, further construction and modification is reflective of a series of changes that are confidently attributed to disturbance by mechanical methods caused by modern demolition and construction techniques. These mechanical methods meet the definition of SGD and can be shown to have occurred throughout the activity area, including each of the three parcels investigated as part of this PAHT.

The geotechnical investigation undertaken by Lloyd Consulting (2011) recorded fill material to a depth of approximately 1.2 metres in 15 Horne Street, and was concluded that it is most likely to be present across the entire building footprint. The fill material was found to comprise clayey sands, silty clays, sand and sandy gravels, with anthropogenic material such as ash, brick fragments, charcoal, metal, pottery, concrete and glass present. Lead, zinc and polycyclic aromatic hydrocarbons were also identified within this fill layer, which is covered with concrete pavement approximately 15 centimetres thick. Underlying the fill was what was considered to be a natural clay layer described as orange brown clay of low to high plasticity. This is interpreted as a sterile layer below any natural topsoils which are expected to be silty sands and sands. Due to constraints, geotechnical testing was not able to be undertaken at 7-12 Horne Street and 13 Horne Street.

3 Aboriginal cultural heritage

There is no registered Aboriginal cultural heritage within the Activity Area.

4 Consultation

4.1 Consultation in relation to the assessment

As no Aboriginal cultural heritage was identified in the Activity Area as part of this assessment, no consultation with the RAP applicants was undertaken during this PAHT.

A telephone conversation occurred between Wendy Hernandez and Emma Rae, Aboriginal Victoria, regarding the preparation of this PAHT report, on 8 February 2019.

5 Conclusions

5.1 Is a mandatory CHMP required?

A Cultural Heritage Management Plan is required for an activity (i.e. the use or development of land) if the activity:

- is a high impact activity
- falls in whole or in part within an area of cultural heritage sensitivity.

The terms 'high impact activity' and 'cultural heritage sensitivity' are defined in the *Aboriginal Heritage Regulations 2018* (Regulations).

High impact activities are categories of activity that are generally regarded as more likely to harm Aboriginal cultural heritage. Most high impact activities provided for in the Regulations are subject to a requirement that the activity results in significant ground disturbance. The term 'significant ground disturbance' is defined in the Regulations.

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 (Aboriginal Affairs Victoria, 2010).

5.1.1 High Impact Activity

Under Regulation 46 and Regulation 48 the proposed works associated with the use of the land for an office, retail premise and dwellings, is considered a high impact activity:

46 Buildings and works for specified uses

- (1) The construction of a building or the carrying out of works on land is a high impact activity if the construction of the building or the construction or carrying out of works---
 - (a) Would result in significant ground disturbance; and
 - (b) Is for or associated with the use of the land for any one of the following purposes---
 - (xvii) an office
 - (xxiii) a retail premises.

48 Dwellings

- (1) The construction of 3 or more dwellings on a lot or allotment is a high impact activity

5.1.2 Area of Cultural Heritage Sensitivity

The Activity Area is located within an area of cultural heritage sensitivity under Regulation 41(1) –Sand sheets:

41 Sand sheets

- (1) Subject to subregulation (2), a sand sheet, including the Cranbourne sand, is an area of cultural heritage sensitivity

Subregulation (2) of Regulation 41 stipulates that an area of cultural heritage sensitivity where significant ground disturbance (SGD) has taken place is no longer an area of cultural heritage sensitivity and is therefore exempt from a mandatory CHMP:

41 Sand sheets

- (2) If part of a sand sheet, including the Cranbourne sand, has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.

5.1.3 Is there significant ground disturbance?

If part of an area of cultural heritage sensitivity (other than a cave) has been subject to SGD that part is not an area of cultural heritage sensitivity.

In the Regulations, SGD is defined as:

4 Definitions

In these Regulations – significant ground disturbance means 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.

It is important to note that under this regulation, SGD is not chiefly defined by the extent or depth of any disturbance, but rather by the mechanical means through which it has been caused.

Based on the land use history, review of historical plans and aerial photography, and the geotechnical assessment, there is sufficient evidence to conclude that the proposed development will be undertaken in areas that have been subject to Significant Ground Disturbance.

It is therefore concluded that the area of cultural heritage sensitivity within the Activity Area that will be impacted by the proposed activity has been subject to SGD and **a mandatory CHMP is not required.**

5.2 Summary

This Preliminary Aboriginal Heritage Test (PAHT) assessment has determined that a mandatory CHMP has not been triggered for the proposed activity in the Activity Area, as there is sufficient evidence to conclude that the proposed development will be undertaken in an area that has been subject to Significant Ground Disturbance.

The Activity Area lies on within an area that has been extensively modified by mechanical methods, from previous land use activities including construction, demolition, modern construction and further modification/extension.


References

- Aboriginal Affairs Victoria. (2010). *Practice Note: Significant Ground Disturbance*. Melbourne: State of Victoria Department of Planning and Community Development.
- Agriculture Victoria. (2007). *Victorian Geomorphological Framework (VGF)*. Retrieved from Victorian Resources Online:
http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphological_framework
- Anon. (n.d.). *Edgerleigh Estate, Elsternwick*. Retrieved from State Library of Victoria:
<https://viewer.slv.vic.gov.au/?entity=IE7097867&mode=browse>
- Bartsch, I. (2018). *Residential Development, 28-30 Lawrence St, Brighton, Victoria*. Ecology and Heritage Partners Pty Ltd.
- Bird, E. (1990). *The Geology and geomorphology of the Sandringham District*. Melbourne: City of Sandringham.
- Boyce, J. (2012). *1835: The Founding of Melbourne and the Conquest of Australia*. Melbourne: Black Inc.
- Brown, P. (1966). Batman, John (1801-1839). In A. N. University, *Australian Dictionary of Biography*. Canberra: Australian National University.
- Burch, J., & Evans, E. (2018). *Multi Dwelling Development, 190 Church Street, Brighton, Victoria*. Jem Archaeology.
- City of Melbourne. (2013). *Settlement to City*. Retrieved October 2013, from
<http://www.melbourne.vic.gov.au/AboutMelbourne/History/Pages/SettlementtoCity.aspx>
- Department of Crown Lands and Survey. (1860). *Allotments at the village of Elsternwick, Parish of Prahran*. Retrieved from <http://nla.gov.au/nla.obj-232492411/view>
- Department of Jobs, Precincts and Regions. (2019). *Earth Resources*. Retrieved from GeoVic - Explore Victoria Online: http://er-info.dpi.vic.gov.au/sd_weave/registered.htm
- du Cros, H., & Rhodes, D. (1998). *Aboriginal Archaeological sensitivities study of waterways and floodplains of Greater Melbourne*. Port Melbourne: Biosis Research Pty Ltd.
- Eidelson, M. (2006). *Flood Fire and Fever A History of Elsternwick*. Retrieved May 5, 2016, from Flood Fire and Fever A History of Elsternwick: http://skhs.org.au/~SKHSflood/From_Swamp_To_Canal.htm
- Hovell, W., Hume, H., & Bland, W. (1965). *Journey of Discovery to Port Phillip, New South Wales by Messers W.H. Hovell and Hamilton Hime in 1824 and 1825*. Adelaide: Libraries Board of South Australia.
- Howell-Meurs, J., & Lever, M. (2012). *Port Capacity Project Port of Melbourne, City of Melbourne, City of Port Phillip Upgrade of Port Facilities. Cultural Heritage Management Plan 11083*. Fitzroy: Andrew Long & Associates.
- Landata. (1970, March). Traffic Survey, March 1970 Project.
- Lloyd Consulting . (2011). *Environmental Audit, 15 Horne Street Elsternwick, Victoria*. Lloyd Consulting Pty Ltd.
- Lotsearch Pty Ltd. (2017). *Environmental Risk and Planning Report*. Lotsearch.
- Louwrens, D. (2017). *Preliminary Site Investigation and Sampling and Analysis Quality Plan, 7-15 Horne Street, Elsternwick, Victoria*. Melbourne: Cardno Victoria Pty Ltd.

- Melbourne Metropolitan Board of Works. (1905). *Melbourne Metropolitan Board of Works detail plan. 1810, Town of Caulfield*. Retrieved from State Library of Victoria: http://search.slv.vic.gov.au/primo-explore/fulldisplay?vid=MAIN&docid=SLV_VOYAGER1195569&context=L
- Office of Lands and Survey. (1911). *Town of Elsternwick, Parish of Prahran, County of Bourke*. Retrieved from State Library of Victoria: http://search.slv.vic.gov.au/primo-explore/fulldisplay?vid=MAIN&docid=SLV_VOYAGER2144468&context=L
- Reich, A. (2018). *1 Bryson Avenue, Brighton, Residential Development CHMP*. Andrew Long and Associates.
- Serle, G. (1963). *The Golde Age: A History of the Colony of Victoria, 1851-1861*. Parkville: Melbourne University Press.
- Simkin, R., & Cavanagh, T. (2016). *Victorian Regional Energy Project: Due diligence ecology & cultural heritage assessment for Orbost Daughter Station*. Port Melbourne: Biosis.
- Spreadborough, R., & Anderson, H. (1983). *Victorian Squatters*. Pascoe Vale: Red Rooster Press.
- St. George, C., Filihia, M., & Holzheimer, C. (2016). *Residential and Commercial Development, 123-127 Martin Street, Brighton, Victoria*. Melbourne: Ecology and Heritage Partners Pty Ltd.
- State Aerial Survey, Victoria. (2019). *Photo-map of Victoria. Part of Nepean Highway, from Glenhuntly Rd. to Bay St*. Retrieved from State Library of Victoria: <https://viewer.slv.vic.gov.au/?entity=IE7388515&mode=browse>
- State of Victoria (Agriculture Victoria) Department of Economic Development, Jobs, Transport and Resources. (2019). *Geomorphology of Victoria*. Retrieved July 2016, from Victorian Resources Online: http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphology
- State of Victoria Department of Economic Development, J. T. (2019). *Geomorphology of Victoria*. Retrieved October 2016, from Victorian Resources Online: http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphology
- Traders in Early Elsternwick. (1913, November 15). *The Prahran Telegraph*.
- Victorian Places*. (2015). Retrieved from Elsternwick: <https://www.victorianplaces.com.au/elsternwick>

Appendix 1 Dial Before You Dig results



 <p>For all Telstra DBYD plan enquiries - email - Telstra.Plans@team.telstra.com For urgent onsite contact only - ph 1800 653 935 (bus hrs)</p> <p>TELSTRA CORPORATION LIMITED A.C.N. 051 775 556</p> <p>Generated On 02/02/2019 21:42:17</p>	<p>Sequence Number: 79798259</p> <p>CAUTION: Critical Network Route in plot area. DO NOT PROCEED with any excavation prior to seeking advice from Telstra Plan Services on : 1800 653 935</p>
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The above plan must be viewed in conjunction with the Mains Cable Plan on the following page

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

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

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

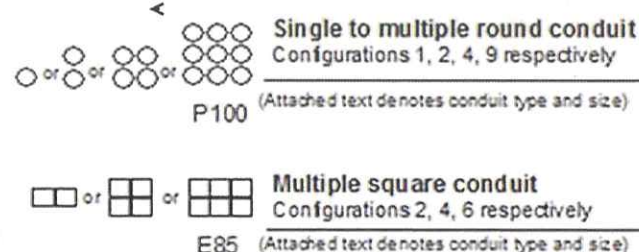
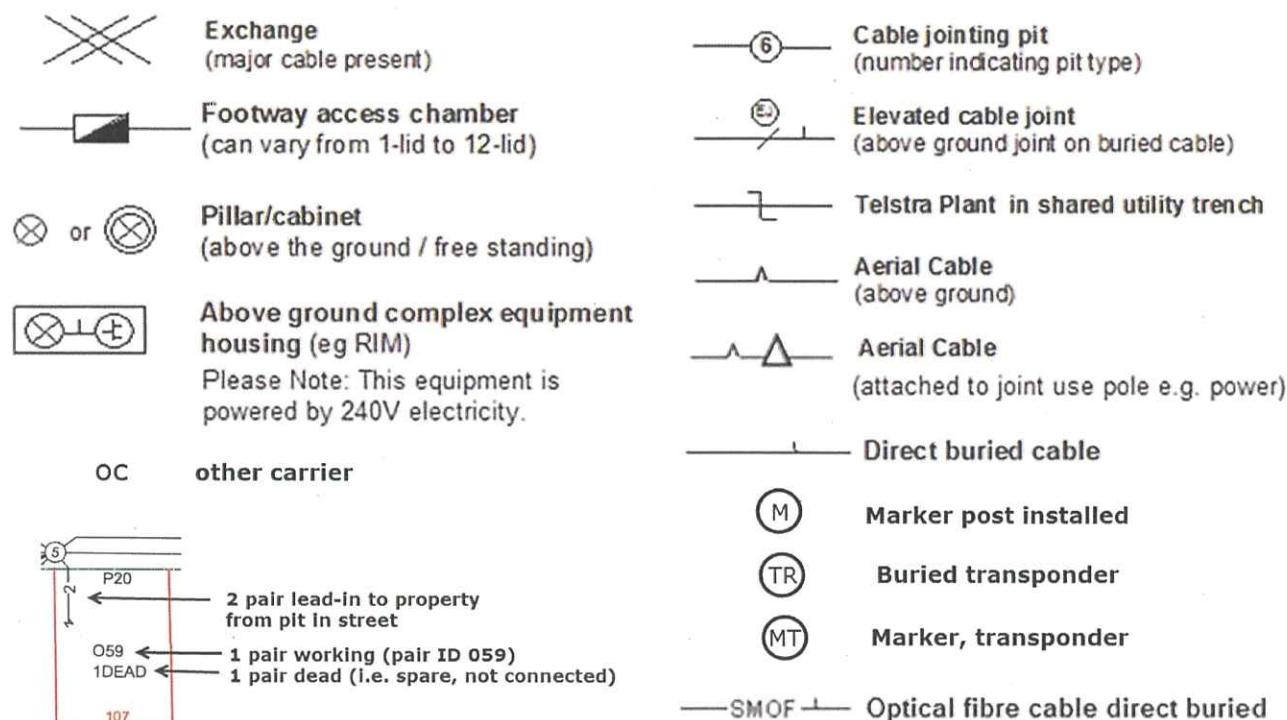
Telstra plans and information supplied are valid for 60 days from the date of issue. If this timeframe has elapsed, please reapply for plans.

LEGEND

IT'S HOW
WE CONNECT



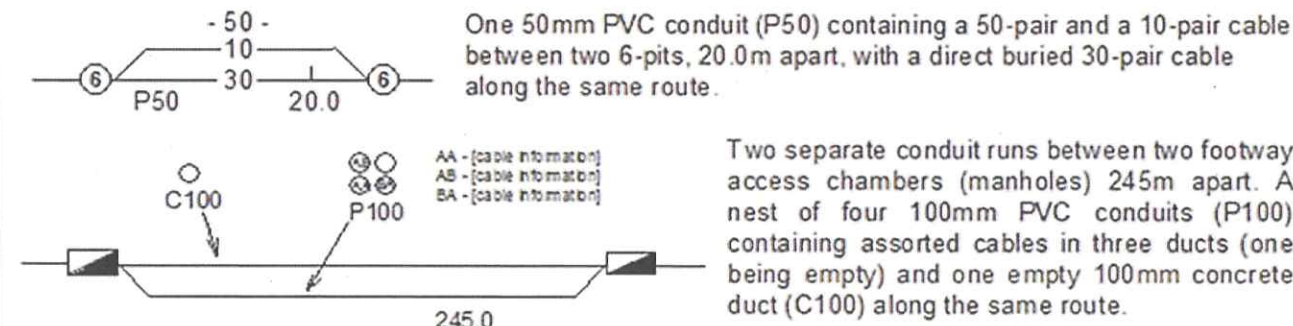
For more info contact a Telstra Accredited Locator or Telstra Plan Services 1800 653 935



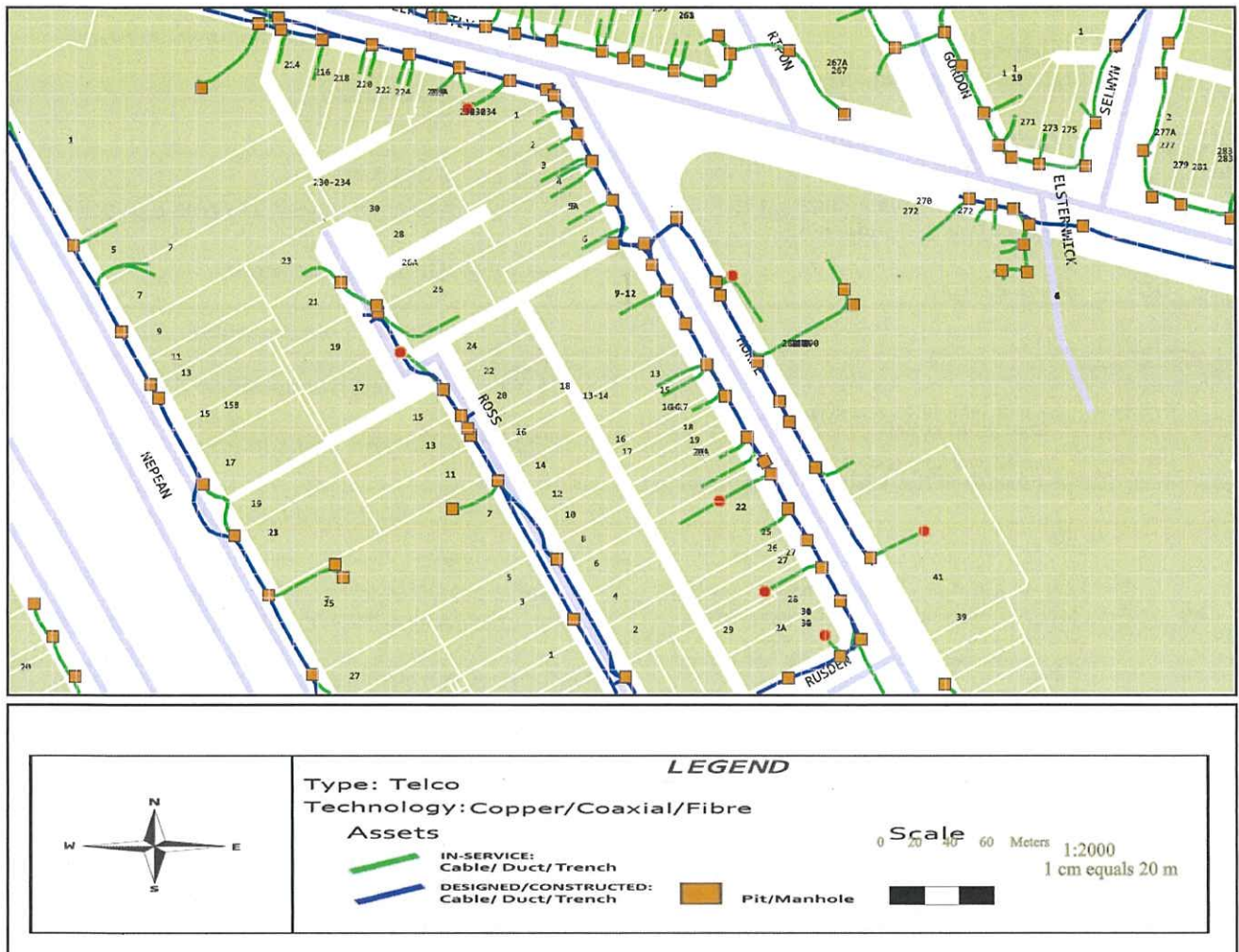
Some examples of conduit type and size:
A - Asbestos cement, P - PVC / plastic, C - Concrete, GI - Galvanised iron, E - Earthenware.
Conduit sizes *nominally* range from 20mm to 100mm.

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

Some examples of how to read Telstra plans:



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



Emergency Contacts

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



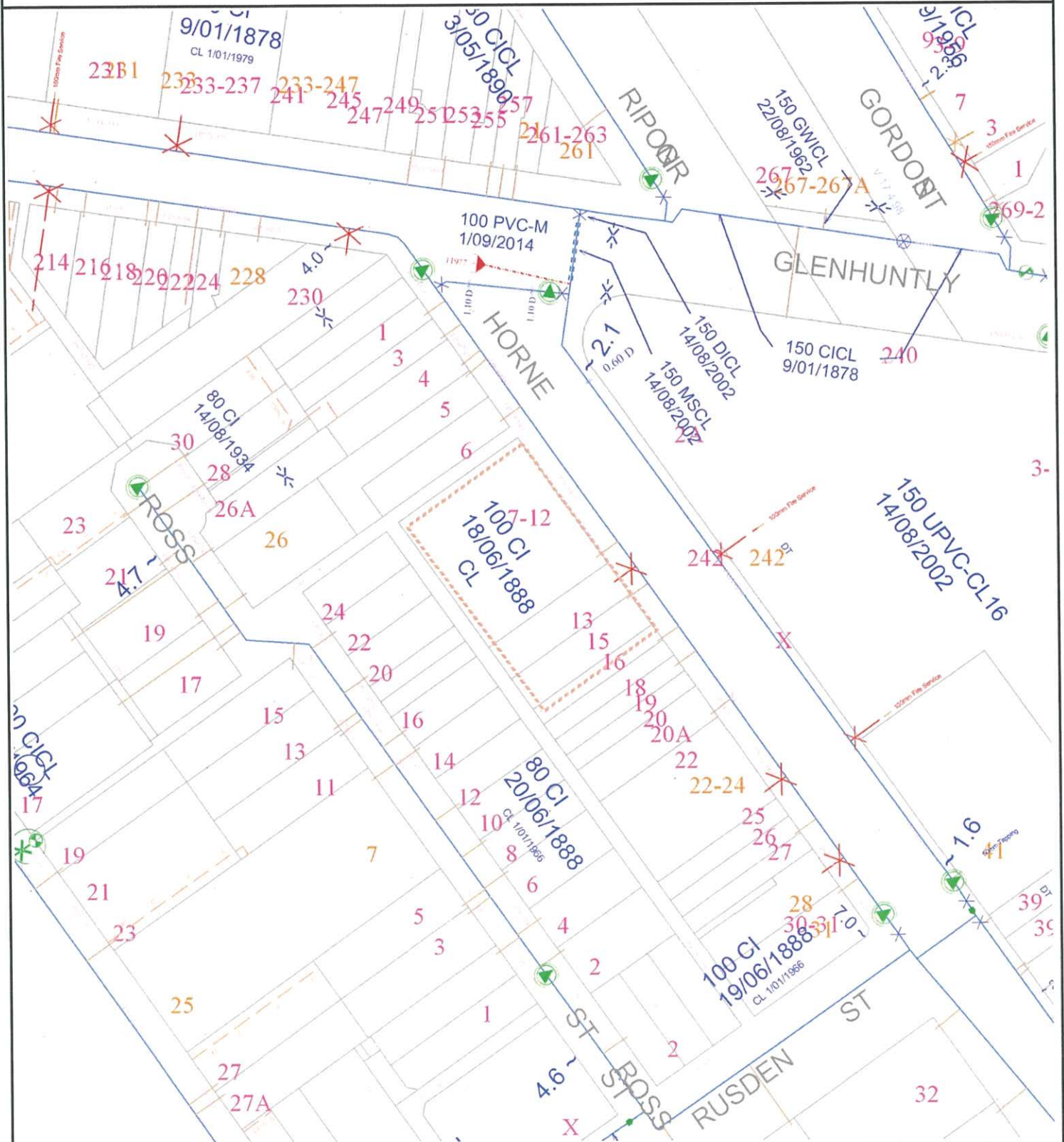
Property: 7 Horne Street, Elsternwick VIC 3185

Case Number: 33054202

Date: 02 February 2019

Sequence Number: 79798262

67F3



WARNING : This plan is issued solely for the purpose of assisting you in identifying South East Water's specified assets through further investigation only. It is not to be used for any other purpose, including to identify any other assets, property boundaries or dimensions. Accordingly, the location of all assets should be proven by hand on site prior to the commencement of any work. (Refer to attached letter for further details). Assets labelled AC may contain asbestos and therefore works on these assets must be undertaken in accordance with OH&S Regulations

Title/Road Boundary	Chlorination Assembly	Hydrant	Electrolysis
Proposed Title/Road	Water Main Valve	Fireplug/Washout	
Easement	Water Main	~ 1.0	Offset from Boundary

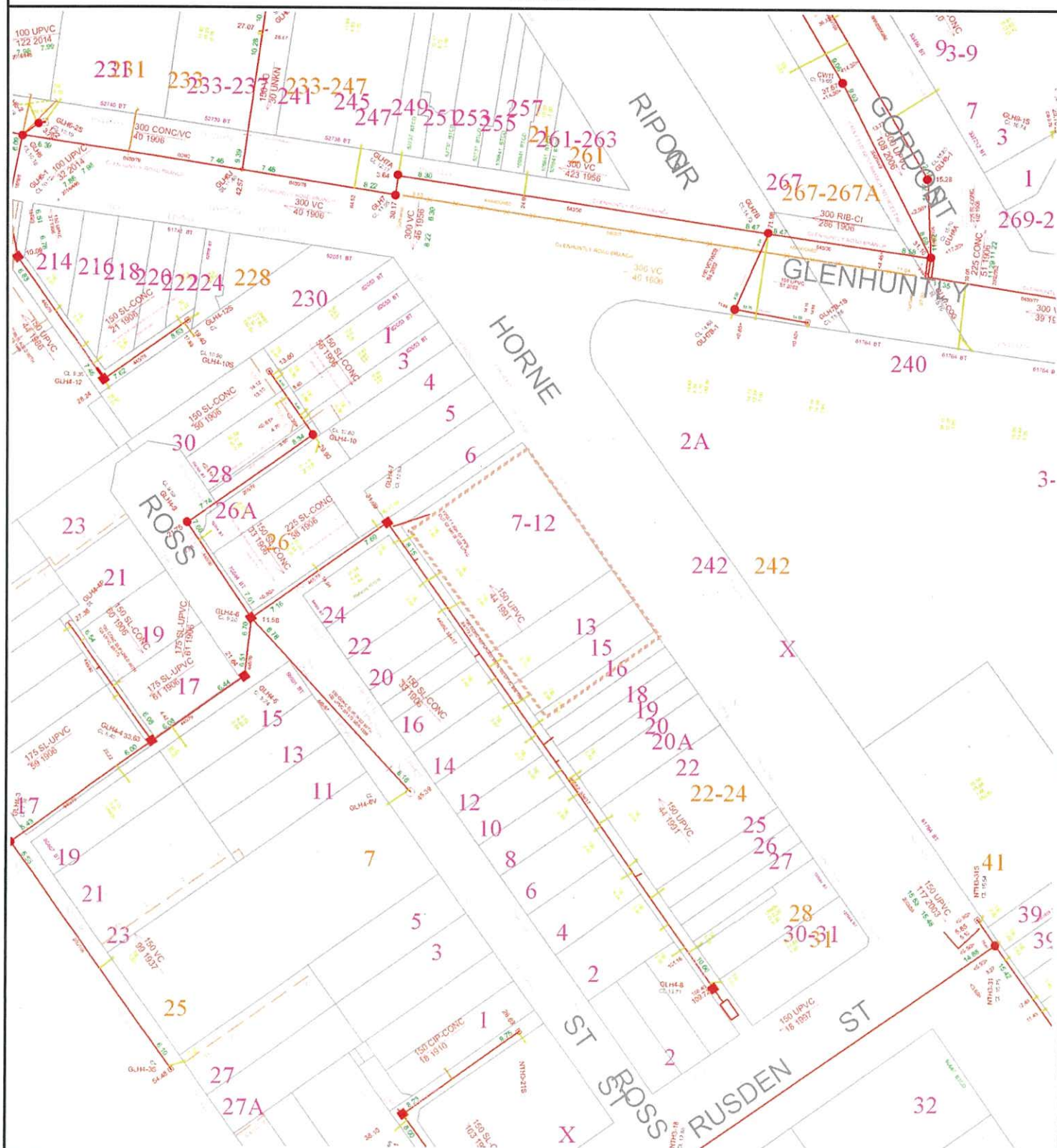
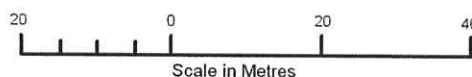
Property: 7 Horne Street, Elsternwick VIC 3185

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	Title/Road Boundary		End of Pipe		Maintenance Hole
	Proposed Title/Road		Sewer Main		Inspection Shaft
	Easement		Direction of Flow		Offset from Boundary

