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21 August 2023

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To whom it may concern,

**RE: Proposed Multi-Storey Office Development, 360-372 South Road Moorabbin -  
Matters relating to the *Aboriginal Heritage Act 2006***

South Road Developer Pty Ltd has requested Jem Archaeology Pty Ltd to provide you with clarification regarding the legislative requirements under the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2018* for the proposed office development at 360-372 South Road, Moorabbin (hereafter referred to as the 'activity area').

Under the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2018*, the preparation of a Cultural Heritage Management Plan (CHMP) is mandatory for any project in which the proposed activity is a high impact activity, and the activity area is situated within a mapped area of cultural heritage sensitivity. If the land within an area of cultural heritage sensitivity has been subject to previous significant ground disturbance, then that area of land is no longer considered to be an area of cultural heritage sensitivity.

The activity area is approximately 1,611m<sup>2</sup> in size and comprises land contained within 360-372 South Road, Moorabbin. The activity area is located approximately 3.9km east of the high water mark of the Port Phillip coastline and is bounded by South Road to the north, Taylor Street to the east, an unnamed pedestrian laneway to the south, and Macs Lane to the west. Recent satellite imagery indicates that the activity area comprises commercial buildings, with hardstand carparks in the southeastern, southern central, and southwestern portions (Figure 1).

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Figure 1: Satellite image dated to 24 December 2023 showing the current state of the activity area (Nearmap 2023).

It is my understanding that the South Road Developer Pty Ltd is proposing to demolish the commercial structures and construct a multi-storey office building, comprising four basement levels and 15 storeys. Under the *Aboriginal Heritage Regulations 2018*, the proposed activity is considered to be a high impact activity, specifically as it involves the construction of a building or the construction or carrying out of works on land for, or associated with, a specific purpose: an office (r.46[1][b][xvii]).

Under the *Aboriginal Heritage Regulations 2018* the activity area partially lies within a mapped area of cultural heritage sensitivity, specifically as it is located within a sand sheet (r.41). This area of mapped cultural heritage sensitivity is shown in Figure 2.

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**Figure 2: Activity area shown in red, and area of mapped cultural heritage sensitivity highlighted in green.**

The *Aboriginal Heritage Regulations 2018* defines ‘significant ground disturbance’ as “disturbance of the topsoil or surface rock layer of the ground or a waterway by machinery in the course of grading, excavation, digging, dredging, or deep ripping, but does not include ploughing other than deep ripping”.

Based on the most recent satellite imagery of the activity area (Figure 1), it is considered possible that the activity area may have experienced significant ground disturbance. Therefore, an examination of its land use history has been undertaken.

Historical aerial imagery indicates that the activity area has been subject to modification as early as 1946, as the result of activities associated with land clearance and vegetation removal (Figure 3). By 1954, commercial properties had been constructed within the activity area, leaving only the southern and southeastern portions undeveloped (Figure 4). However, it cannot be ascertained whether the southern portion comprised developed or natural surfaces at this time due to the limited quality of the aerial imagery. Activities involved in the preparation of the ground for construction and the construction of the commercial buildings within the activity area would have included grading, scraping, cutting, and the deposition of introduced fill materials. These activities would have likely removed all natural topsoils from within the activity area, causing significant ground disturbance as defined by the *Aboriginal Heritage Regulations 2018*.

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Figure 3: Aerial image dated to 1946 showing the activity area in red, and earliest evidence of ground disturbance within the activity area (Aerial Survey of Victoria 1946).



Figure 4: Aerial image dated to 1954 showing the activity area in red (Aerial Survey of Victoria 1954).

Further construction took place by 1981, as aerial imagery from that year shows commercial structures extending into the southern portion of the activity area, with hardstand surfaces to their south (Figure 5). This can be seen in greater detail within satellite imagery from 2014, with parts of the southern hardstand areas overgrown by weeds (Figure 6).

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Figure 5: Aerial image dated to 1981 showing the activity area in red (Aerial Survey of Victoria 1981).



Figure 6: Satellite image dated to 2014 showing the activity area in red (Nearmap 2014).

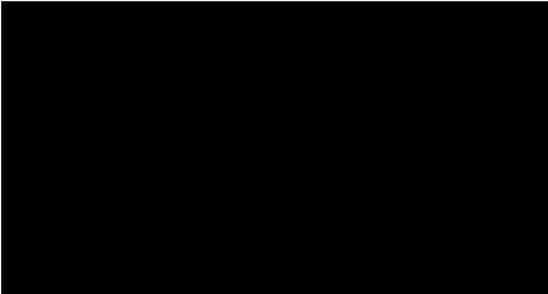
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Under the *Aboriginal Heritage Regulations 2018*, the proposed activity is considered to be a high impact activity (r.46[1][b][xvii]) and the activity area lies within a mapped area of cultural heritage sensitivity (r.41). However, it is likely that the entirety of the activity area has been subjected to significant ground disturbance as defined by the *Aboriginal Heritage Regulations 2018* (r.5), and, therefore, no longer constitutes an area of cultural heritage sensitivity.

Consequently, in this instance r.41(2) of the *Aboriginal Heritage Regulations 2018* applies and a mandatory CHMP *is not* required to be prepared and approved prior to the commencement of the proposed activity.

Should you wish to discuss this matter further, please do not hesitate to contact me directly.

Kind regards,



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