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JEM ARCHAEOLOGY

Melbourne City Council
attn: Planning Department
GPO Box 1603
Melbourne VIC 3001

25 February 2023

To whom it may concern,

**RE: Proposed Mixed Use Development, 218-246 Macaulay Road, North Melbourne -
Matters relating to the *Aboriginal Heritage Act 2006***

Brott Group 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 a proposed mixed use development at 218-246 Macaulay Road, North Melbourne (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 7,800m² in size and comprises land contained within 218-246 Macaulay Road, North Melbourne. The activity area is located approximately 180m east of Moonee Ponds Creek and is bounded by Macaulay Road to the south, Boundary Road to the east, and private properties to the north and west. Recent satellite imagery indicates that the activity area currently comprises a single warehouse structure surrounded by hardstand. The hardstand includes car parking areas to the south and east of the activity area. Some vegetation and tree planting are present along the activity area's eastern and southern boundaries (Figure 1).

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Figure 1: Satellite Image dated to 1 January 2023 showing the current state of the activity area (Nearmap 2023).

It is my understanding that the applicant is proposing a mixed use development within the activity area comprising dwellings, retail, food and drink premises and a supermarket.

Under the *Aboriginal Heritage Regulations 2018*, the proposed activity is considered to be a high impact activity as it involves the construction or carrying out of works for three or more dwellings on a lot or allotment (r.48[1-2]).

Additionally, the proposed activity involves the construction or carrying out of works for a retail premises, as well as a supermarket and food and drink premises, which are all nested under retail premises in the Victorian Planning Provisions. Under the *Aboriginal Heritage Regulations 2018*, the proposed use, a retail premises, is considered to be a high impact activity (r.46[1][b][xxiii]).

Under the *Aboriginal Heritage Regulations 2018* the western portion of the activity area lies within one mapped area of cultural heritage sensitivity, specifically as it is located within 200m of a waterway, Moonee Ponds Creek (r.26[1]). This area of mapped cultural heritage sensitivity is shown in Figure 2.

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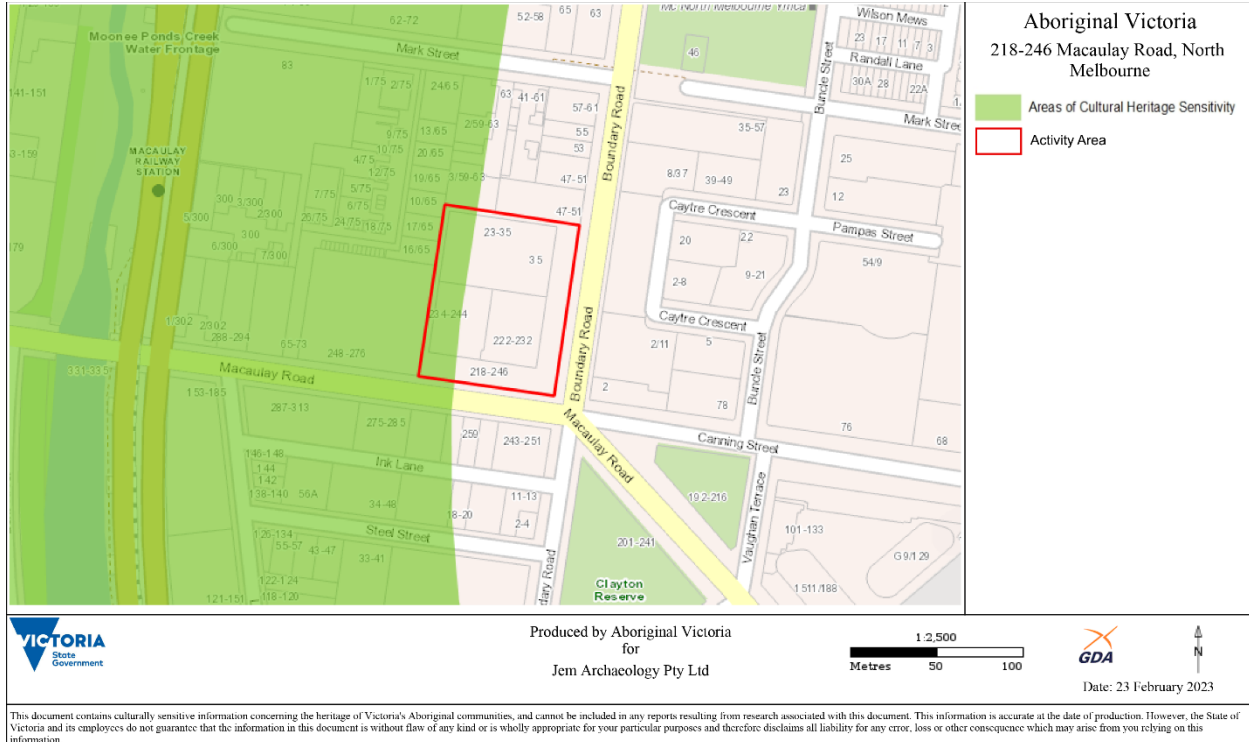


Figure 2: Activity area shown in red, and area of mapped cultural heritage sensitivity highlighted in green.

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 undergone significant ground disturbance. Therefore, an examination of its land use history has been undertaken.

Historical aerial imagery demonstrates that the activity area has been subject to modification as early as 1945 (Figure 3). By 1945, the entirety of the activity area was developed into a potential mix of industrial, commercial and residential uses. At least seven built structures were present within the activity area. Conditions within the activity area remained generally consistent through to 1976 (Figure 4). From 1981 the existing warehouse structure and surrounding hardstand currently present within the activity area was developed (Figure 5). There was no vegetation present within the activity area at this time. Satellite imagery shows that by March 2000 the activity area closely resembled current conditions, with vegetation and tree growth the only observable changes (Figure 6).

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Figure 3: Aerial photography dated to 1945 showing the activity area in red, and earliest evidence of ground disturbance within the activity area (Aerial Survey of Victoria 1945).



Figure 4: Aerial photography dated to 1976 showing the activity area in red (Geoscience Australia 2023).

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Figure 5: Aerial photography dated to 1981 showing the activity area in red (Geoscience Australia 2023).



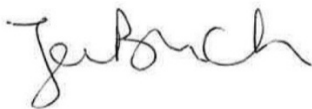
Figure 6: Satellite image dated to 23 March 2000 showing the activity area in red (Google and Maxar Technologies 2023).

Activities involved in the removal of vegetation, preparation of the ground for construction, construction and subsequent demolition of previous structures, and the construction of new structures and hardstand areas within the activity area would have included grading, scraping, cutting, and the deposition of introduced filling materials. These activities would have removed all natural topsoils from within the activity area, causing significant ground disturbance, as defined by the *Aboriginal Heritage Regulations 2018*.

Under the *Aboriginal Heritage Regulations 2018*, the proposed activity is considered to be a high impact activity (r.48[1-2]; r.46[1][b][xxiii]) and the activity area lies within a mapped area of cultural heritage sensitivity (r.26[1]). However, it is concluded 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.26[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.

Kind regards,



Jen Burch (B.Arch [Hons], MAACAI)
Director/Archaeologist/Heritage Advisor
Jem Archaeology Pty Ltd

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