

# ADVERTISED PLAN

## Form to assist compliance with Regulation 77 of the Aboriginal Heritage Regulations 2018

### 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:**    The King David School Sports Hall         **Prescribed Fee**    \$360.72   

### SECTION 1 – Applicant information

Name of applicant:    The King David School     
 Business name:    The King David School Holdings Ltd     
 Postal address:    PO Box 286, Malvern Vic 3144     
 Telephone number:    03 9291 7979    Fax number: \_\_\_\_\_  
 Email address:    rod.kenning@kds.vic.edu.au    ABN (if any):    96 005 454 704   

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 t

Signed:             Date:    19 / 11 / 2021   

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### 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:    272     
 Name:    HARRY WEBBER     
 Title:    DIRECTOR HERITAGE SERVICES     
 Dated:    20 / 12 / 2021   

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.

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\* 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): Anna Light

Business name: Anna Light

Postal address: PO Box 2156 Prahran VIC 3181

Telephone number: 0402 405 414 Fax number: \_\_\_\_\_

Email address: annalight@hotmail.com ABN (if any): 88 547 062 303

## SECTION 3: Land owner or occupant of the activity area

Name of land owner / occupant: The King David School

Business name: The King David School Holdings Ltd

Postal address: PO Box 286, Malvern Vic 3144

Telephone number: 03 9291 7979 Fax number: \_\_\_\_\_

Email address: rod.kenning@kds.vic.edu.au ABN (if any): 96 005 454 704

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## 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.

The proposed activity area is located within 519 Orrong Road, Armadale, a suburb in the southeast of Melbourne in the City of Stonnington. Originally part of the grounds of the Larnook mansion (which forms the main school building immediately east of the proposed activity area), The King David School (KDS) purchased the property in 1984 at which time the activity area included several brick residences which were subsequently demolished in order to construct space for recreation and sport for the KDS community. The activity area is part of the school and exclusively utilised by the school community (i.e. not for use by the wider community). It has variously been utilised by KDS for carparking, grassed recreation and sports area, maintenance building, outdoor basketball court and shaded playspace. These areas have variously been cleared, levelled and sealed with asphalt and synthetic lawn (with drainage) in order to accommodate these uses as can be seen in aerial images between 1945 to the present (Figures 1 – 9 & Table 1 of the attachment). Part of the proposed activity area is an *area of cultural heritage sensitivity* (ACHS) under r.41 (sand sheet) of the Aboriginal Heritage Regulations 2018 (Figure 10 in the attachment). This area comprises c. 62 m<sup>2</sup> at the northeast of the proposed activity area. This area has undergone extensive disturbance as a result of a variety of developments observable over the last c. 75 years. Any disturbance associated with the development of the Larnook mansion and Victorian gardens can only be assumed.

See attachment for map and aerial imagery

Note that for the spatial data presented in the map: the outer boundary represents the landscaping components and the inner square represents the building development footprint.

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

Address: Part of: 519 Orrong Road, Armadale VIC

Volume and folio details: Vol 4923 Fol 509

Registered Aboriginal parties for the proposed activity area: Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation

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Local Government Council for the proposed activity area: City of Stonnington

\*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.

The proposed activity is **not** considered to be a *high impact activity* under Division 5 of the Aboriginal Heritage Regulations 2018 as it falls under r.46(3): “Despite subregulation (1), the construction of a building or the construction or carrying out of works on land is not a high impact activity if it is for, or associated with, a purpose listed under subregulation (1)(b) for which the land was being lawfully used immediately before 28 May 2007” as it has been utilised both as education centre (r.46(b)(viii)) and, specifically for the sports education and recreation section of the education centre, since 1984 and the development is for this continued use. No additional land is being acquired and no change of use is proposed.

The proposed activity is the development of a building to house the sports courts, physical education department, as well as the school maintenance offices. The development will cause significant ground disturbance through the excavation of a sunken storey and surficial impact through landscaping surrounding the proposed building. See attachment for additional details.

	Yes	No
Will the proposed activity cause significant ground disturbance?	<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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is a statutory authorisation required to use the land for a purpose specified under regulation 46(1) (refer to regulation 58)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 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):

A 1.5 km radius from the proposed activity area was selected as the geographic region in order to allow for assessment of previous investigations and place registrations in similar environmental contexts. The proposed activity area is located within the Gippsland Plain Bioregion, described as flat, low-lying coastal and alluvial plains (DELWP 2021). and the ‘Coastal plains with ridges and dunefields’ Geomorphological Unit (GMU 7.1.1) of the Eastern Plains GMU. The Eastern Uplands are represented by a ‘dissected plateau-like surface of hills’ (VRO 2021) associated with Melbourne’s eastern suburbs, known as the Nilumbik Terrain. The majority of the proposed activity area is located on the Red Bluff Sandstone (Nbr) geological formation, with the *area of cultural heritage sensitivity* at the northeast associated with the Inland Dune Deposits (Qd1) geological formation:

- Qd1: These Inland Dune Deposits formed in the Pleistocene (2.6 Mya – 11.6 Kya) and comprise: sedimentary Aeolian dune deposits of sand, clay and calcareous sand overlying the Nbr deposits described above.
- Nbr: A Tertiary deposit of: ‘Sandy silt, fine sandstone, sandy conglomerate to pebbly sandstone, clayey sand, clayey gravel, carbonaceous band including plant fossils; lag deposit including variable to highly-rounded pebbles; horizontal and swaley cross-lamination; burrows.’ Based on the overlying Newer Volcanic Group basalts, the minimum age of this unit is 4.6 Mya (Pliocene). The proposed activity area slopes down to the west and south, with a c. 4 m drop in masl. Mapping indicates low-dune sands landform at the east and lower-lying land to the west and south.

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):

No association is drawn in the local area between geology, geomorphology, landform and Aboriginal place location as the closest registered place is a literature reference to a destroyed scarred tree in a public park c. 1.3 km to the southwest (VAHR 7822-0792). No other places are registered within 1.5 km of the proposed activity area. The two CHMPs previously prepared within the same *area of cultural heritage sensitivity* as the current study area did not consider those locations of any Aboriginal archaeological potential (CHMP 14164: Green & Verduci 2019, CHMP 16042: Pericaud 2019). See attachment for further detail of assessments further afield in similar environmental contexts and for more detailed summaries of previous assessments

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## 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:

An inspection was not undertaken as sufficient understanding for this purpose was gained via aerial imagery and photographs provided by the client as per the attachment.

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*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):

NONE

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## 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.

No consultation has occurred

## 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:

As per Section 11, no detail of significant ground disturbance (besides assumed as a result of levelling, sealing, fake lawn and drainage installation) was investigated as it is considered that a CHMP is not required under r.46(3).

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## 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.

It is not considered that a CHMP is required as the entire activity area has been used as an education facility since 1984 and the use is not changing (in addition the area to be developed for sports/recreation education centre is part of the campus that has been utilised for this purpose since the establishment of the school).

It is assumed that some significant ground disturbance in the *area of cultural heritage sensitivity* will have had to have occurred in order to level and lay asphalt and fake grass with drainage (over numerous redevelopment episodes), however this was not investigated in detail given it was not considered to require a CHMP under r.46(3).

It is not considered likely that Aboriginal cultural heritage would be located within the area to be impacted as it has been subject to several periods of soil removal and build up, including associated with mansion construction, service installation and drainage and school sports facilities construction and maintenance.

It is not considered that further elements under dot point 4 above need consideration.

There were no obstacles encountered in preparing the test.

In order to manage any unexpected finds of Aboriginal cultural heritage during the carrying out of works it is recommended that any suspected finds require a 'stop works' within 5 m of the find location, a buffer (e.g. flagging tape) established to define this buffer and with the requirement to contact a Heritage Advisor and the RAP within 24 business hours of the discovery in order for the find to be assessed and managed. The site supervisor be aware of these requirements and ensure there is always a works representative on site aware of these requirements.