FINAL REPORT

Cultural Heritage Due Diligence Assessment Report for Kensington Gardens Residential Development
135, 141 Alexandra Avenue, 61 Kensington Road and 52 Rockley Road, South Yarra

PREPARED FOR:
Sterling Global Property Group Pty Ltd
19 June 2017

EHP Reference: 4649

Ecology and Heritage Partners Pty Ltd
### Executive Summary

Ecology and Heritage Partners is a professional heritage and ecological consultancy providing high quality technical services in the field of heritage and ecological assessment, research and management throughout Australia.

Ecology and Heritage Partners has completed this Cultural Heritage Due Diligence (CHDD) assessment report as requested by Sterling Global Property Group Pty Ltd for the proposed Kensington Gardens Residential Development at 135, 141 Alexandra Avenue, 61 Kensington Road and 52 Rockley Road, South Yarra. The purpose of the assessment was to identify Aboriginal and historical cultural heritage values that may be present within the study area. Information gathered throughout the assessment was used to determine potential legislative implications (associated with cultural heritage values) for the proposed Residential Development and development works within the study area.

Ecology and Heritage Partners includes a team of experienced archaeologists with extensive experience in similar heritage management projects across Greater Melbourne. The team for the current project comprised a highly qualified archaeologist with an excellent knowledge of on-ground conditions and an understanding of archaeological contexts and deposits within the inner East Melbourne area.

With regard to the Historical built heritage this assessment concludes that further advice from a suitably qualified heritage architect be sought to assess the impacts of the development on the heritage listed structures within the study area. However, no evidence for historical archaeological heritage is likely to be present and no further archaeological investigations are warranted.

The current Cultural Heritage Due Diligence (CHDD) assessment concludes, based on a detailed site history, aerial photographs, geotechnical studies and a site visit; that the entire study area has been subject to extensive and significant ground disturbance. This significant ground disturbance is the result of past and present usage of the land. Thus, although the study area is, in part, located within a Cultural Heritage Sensitivity overlay (being within 200m of the Yarra River), the finding of significant ground disturbance indicates the study area is not culturally sensitive, and that no mandatory legislative trigger exists to prepare a Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*.
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1 INTRODUCTION

Ecology and Heritage Partners Pty Ltd were commissioned by Sterling Global Property Group Pty Ltd to prepare a Cultural Heritage Due Diligence assessment for the proposed Residential Development at 135, 141 Alexandra Avenue, 61 Kensington Road and 52 Rockley Road, South Yarra (hereafter referred to as the ‘study area’). The study area is a 0.805 ha irregular shaped composite of four properties. Existing single and multi-dwelling structures cover the majority of the study area. The proposed works include demolition of the majority of these structures and development of a multi-purpose multi-storey Residential Development.

The purpose of the assessment was to identify Aboriginal and historical cultural heritage values that may be present within the study area. Information gathered throughout the assessment was used to determine potential legislative implications (associated with cultural heritage values) for the proposed development works within the study area.

1.1 Project Background

Located within the inner suburb of South Yarra the study area is on the south bank of the Yarra River. The Kensington Garden Residential Development will be comprised of two four storey structures comprised of apartments and designed to resemble residences perched on a hilltop overlooking the Yarra River and the CBD beyond to the northwest. The structures will be integrated into landscaped terraces which step down to Alexandra Avenue and the river below.

1.2 Ecology and Heritage Partners Pty Ltd Cultural Heritage Division

Ecology and Heritage Partners Pty Ltd is a professional cultural heritage and ecological consultancy providing high quality technical services in the field of Aboriginal and historical cultural heritage assessment, CHMPs, ecological assessment, research and management. The business provides effective and innovative cultural and natural heritage advice to a range of state and local government authorities/agencies, corporate and private clients.

The Cultural Heritage Division of Ecology and Heritage Partners is led by Oona Nicolson (Director and Principal Heritage Advisor) who has completed over 500 cultural heritage consulting projects as well as numerous other Aboriginal and historical assessments.

Ecology and Heritage Partners Pty Ltd has an established heritage team of twelve people. All of the team are qualified Cultural Heritage Advisors, specialising in Australian archaeology (including Aboriginal, Historical and Maritime) as well as Geomorphology. Three members of the team are based in our Geelong office.

1.3 Qualifications of the Cultural Heritage Advisors

The author of this Cultural Heritage Due Diligence Assessment is Dr Daniel Cummins. The Cultural Heritage Advisor of this letter of advice is Daniel Cummins. Oona Nicolson conducted the quality assurance and technical review of the report. Both are qualified archaeologists specialising in Australian Aboriginal
archaeology and historical archaeology and listed on the Aboriginal Affairs Victoria list of Cultural Heritage Advisors.

Oona Nicolson - Principal Heritage Advisor / Director BA (Hons in Archaeology), BA (Australian Archaeology and Australian Studies), MAACAI (Full Member of the Australian Association of Consulting Archaeologists Inc.)

Oona Nicolson, Principal Heritage Advisor and Director at Ecology and Heritage Partners Pty Ltd has an excellent track record at preparing CHMPs with all CHMPs approved (30+). With over 14 years’ experience as a heritage consultant in the private sector in Australia, Oona is very familiar with the requirements of the Victorian State legislation in regard to heritage and planning matters.

Oona Nicolson, Principal Heritage Advisor and Director at Ecology Partners Pty Ltd has an excellent track record at preparing Cultural Heritage Management Plans (CHMPs) with all CHMPs approved. With over 17 years’ experience as a heritage consultant in the private sector in Australia, Oona is very familiar with the requirements of the Victorian State legislation in regard to heritage and planning matters. Oona regularly works with Aboriginal Affairs Victoria (AAV), sitting on a number of steering committees, to assist them as a representative of the heritage consulting industry on matters in relation to the Aboriginal Heritage Act 2006. Oona is the current Chairperson of the Victorian Chapter of the Australian Association of Consulting Archaeologists Inc (AACAI), a member of the Victorian Planning and Environmental Law Association and a member of the legislative advisory committee for the Minerals Council of Australia. Oona was also recently appointed as a Member of the Victorian Heritage Council in addition to a number of archaeological advisory committees that work with HV in regard to the Heritage Act 1995.

Dr Daniel Cummins – Senior Cultural Heritage Advisor; BA (Hons), PhD, MAACAI

Daniel has twelve years’ experience working as a consultant archaeologist and has participated in archaeological research in Western Australia (Pilbara, Goldfields and Southwest), New South Wales (Sydney area), Queensland (Central and Southeast) and throughout Victoria. Daniel has considerable experience with cultural heritage assessments, standard and complex CHMPs, large-scale excavation methodologies for salvage programs involving hand and mechanical excavation, field survey, sub-surface excavation, peer reviews and is a specialist in methodological design. Daniel has a good working relationship with the Registered Aboriginal Parties (RAPs), the RAP applicants and Aboriginal Affairs Victoria and he has a comprehensive knowledge of the Aboriginal Heritage Act 2006. Daniel has authored 10 Cultural Heritage Management Plans (CHMPs), several book chapters and heritage management guides. His formal qualifications and professional memberships include:

- MAACAI (Full Member of the Australian Association of Consulting Archaeologist)
- Bachelor of Arts (Honours in Archaeology), University of Western Australia (1998)
- PhD (Archaeology), University of Queensland (2008)
- Member, Australian Archaeological Association (AAA)
- Member, Society for American Archaeology (SAA)
1.4 Heritage Legislation

Legislation relevant to the preparation of this Cultural Heritage Due Diligence Assessment includes the *Aboriginal Heritage Act 2006*, the Commonwealth *Native Title Act 1993*, the Victorian *Planning and Environment Act 1987* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. This legislation is subordinate to the Victorian *Coroner’s Act 2008* in relation to the discovery of human remains.

Because the activity area is within an area of cultural heritage sensitivity (associated with a 200m buffer around the Yarra River), and the activity is a high impact activity, a CHMP is mandatory (Regulation 6). According to Regulation 46, the Residential Development would require the subdivision of land (r. 46 1a); and is considered a high impact activity.
2 PROJECT METHODS

The following tasks were undertaken as part of the Cultural Heritage Due Diligence Assessment report:

1. A review of available literature was undertaken using resources such as the Aboriginal Affairs Victoria (AAV) and the Ecology and Heritage Partners library of reports and knowledge of the area. A desktop study, with all relevant cultural heritage databases and mapping programs examined including:
   - the Aboriginal Affairs Victoria (AAV) Heritage Register;
   - the Victorian Heritage Register (VHR);
   - the Victorian Heritage Inventory (VHI);
   - the Stonington and Yarra City Council’s Planning Schemes;
   - the National Trust (Victoria) Register;
   - National, Commonwealth and International Heritage Lists;
   - Relevant federal and state legislation and policies.

2. A desktop assessment of the sites history and past land use of the study area using aerial photography and other sources;

3. A field assessment was undertaken to evaluate the degree and extent of ground disturbance and to assess the likelihood of Aboriginal and historic cultural heritage sites being present within the study area and of the requirement for further investigation;

4. Identification of potential legislative implications (associated with cultural and historic heritage values) for future works within the study area;

5. A detailed interpretation of the nature and extent of disturbance at the site based on 2-3, above; and the implications with regard to 4; of the finding of significant ground disturbance within the study area;

6. Presentation of the results in this detailed Cultural Heritage Due Diligence Assessment report.

2.1 Limitations

The cultural heritage information used to inform this Cultural Heritage Due Diligence Assessment is limited to that obtained through desktop assessment and a brief site visit. Data and information held within the cultural heritage databases and mapping programs are likely to not wholly represent the presence or absence of cultural heritage sites as many areas have not been thoroughly assessed for cultural heritage sites.

In addition, this report is an opportunity to provide a historical context for understanding the study area and to identify potential areas that may contain Aboriginal or historical sites. Therefore, the results presented are only preliminary and further detailed assessments may be required to determine the presence or otherwise of any cultural heritage values and associated legislative implications.
3 RESULTS

3.1 Aboriginal Heritage

A search of the Victorian Aboriginal Heritage Register (VAHR) was conducted on 14 March 2013 for sites within a 2km radius of the study area. Searching an area with this radius ensured that a relevant and representative sample of information was obtained.

The search identified a total of nine registered Aboriginal sites within a 2 km radius of the study area (Map 1). These sites consist of a total of two site component types (see Table 1; Map 1). Scarred trees are the most commonly occurring site type within a 2 km radius of the study area, comprising 6 sites. It should be noted that no artefact scatters or isolated artefacts occur within this radius, suggesting that the majority of these sites have been destroyed by two centuries of development. Furthermore, no Aboriginal Places have been identified south of the Yarra River within the search criteria, indicating that few if any remains of Aboriginal lifeways are present within the South Yarra/Toorak area.

Table 1: List of previously identified Aboriginal Places within 2 km of the study area.

<table>
<thead>
<tr>
<th>VAHR Site Number</th>
<th>Site Name</th>
<th>Site Type</th>
<th>Within Study Area?</th>
</tr>
</thead>
<tbody>
<tr>
<td>7822-0648</td>
<td>Yarra Park 1</td>
<td>Scarred Tree</td>
<td>No</td>
</tr>
<tr>
<td>7822-0649</td>
<td>Yarra Park 2</td>
<td>Scarred Tree</td>
<td>No</td>
</tr>
<tr>
<td>7822-0996</td>
<td>Yarra Park 3</td>
<td>Scarred Tree</td>
<td>No</td>
</tr>
<tr>
<td>7822-1563</td>
<td>Yarra Mission</td>
<td>Aboriginal Historical Place</td>
<td>No</td>
</tr>
<tr>
<td>7822-2504</td>
<td>Melbourne Cricket Ground Camp</td>
<td>Aboriginal Historical Place</td>
<td>No</td>
</tr>
<tr>
<td>7922-0018</td>
<td>Burnley Corroboree Tree</td>
<td>Aboriginal Historical Place</td>
<td>No</td>
</tr>
<tr>
<td>7922-0024</td>
<td>Burnley 8</td>
<td>Scarred Tree</td>
<td>No</td>
</tr>
<tr>
<td>7922-0034</td>
<td>Burnley 9</td>
<td>Scarred Tree</td>
<td>No</td>
</tr>
<tr>
<td>7922-0568</td>
<td>Burnley Railyards 1</td>
<td>Scarred Tree</td>
<td>No</td>
</tr>
</tbody>
</table>

3.2 Historical Cultural Heritage

The northern end of Kensington Road has a uniquely detailed history associated with a range of prominent Melbourne identities during the latter part of the 19th century and early 20th Century. In particular, the two Bona Vista properties (Grantham House) are associated with the prominent physician and naturalist Charles Hobson, and his family following his death. The Heidelberg school artist Frederick McCubbin also occupied Grantham house in the early part of the Twentieth Century.

The houses in Kensington Road were electrified before the twenties (Wilde 1991:43). It was also during this period that the majority of buildings in Prahran and South Yarra were connected to the sewerage system, which included virtually all dwellings plus a number of offices, factories and shops. These sewerage connections were to external toilets which were usually in the backyard, as an evolution the outhouse (Wilde 1991:12).
During the interwar years, most subdivisions in South Yarra were for houses, but there was a growing movement toward the development of purpose-built flats (Wilde 1991:49). The development of flats and medium density dwellings was particularly evident west of the current study area, where architect Howard R. Lawson and partner Reginald W. Biffen bought the land from Punt Road to the South Yarra railway bridge in approximately 1922 and commenced an ongoing development, progressing from small scale Californian Bungalow style maisonettes before the depression to multi-storey blocks of flats in a version of the Spanish Mission style after. “During 1934 and 1935 Lawson put up 175 flats including landscaped terraces down the hill to the river and a swimming pool. Local residents began to object to the density of development, and in 1936 Lawson responded by reducing the height of his blocks”. Other architects including Harold Desbrowe Annear, and Walter Burley Griffin, contributed to the architectural heritage of flats in the South Yarra and Toorak area (Wilde 1991:65-6).

As evident in the 1945 Aerial (Figure 2), it was during this period that the flats within the study area were constructed. Both the southwest-northeast aligned flats at 52 Rockley Road and the two duplexes at 135 and 141 Alexandra Avenue were constructed at this time. By contrast the allotment at (now) 61 Kensington Road remained undeveloped, being the riverside yard of Bona Vista (59 Kensington Road).

The current dwelling at 61 Kensington Road, Saint Cloud, a large three-storey modern mansion, sits at the centre of an approximate 5,600 square metre elevated block was constructed in 1988-9 (Figure 2). With a gated entrance at 61 Kensington Road, Saint Cloud was built by business identity Peter Clark. The structure has a distinct late 1980s appearance, described as a Miami Vice aesthetic.

**Victorian Heritage Register**

The Victorian Heritage Register (VHR), established by the Victorian Heritage Act 1995, provides the highest level of statutory protection for historical sites in Victoria. Only the State’s most significant historical sites are listed on the VHR. A search of the VHR for information relating to the study area was undertaken. The study area and the surrounding 2 km of land were investigated.

Three historical sites were listed on the VHR within 500m of the study area (Table 2). The Church Street Bridge over the Yarra, Melbourne High School and Como House were listed on the VHR for this search area.

**Victorian Heritage Inventory**

The Victorian Heritage Inventory (VHI), established by the Victorian Heritage Act 1995, provides the statutory protection for all historical archaeological sites, areas or relics, and private collections of relics, in Victoria. Sites listed on the VHI are not of State significance but are usually of regional or local significance. Como House Estate is again listed, so too is the Richmond Bluestone Quarry on the opposite side of the Yarra. This site comprises a series of bluestone (basalt) quarries which were in use from the earliest settlement period of Richmond. This site has largely been in-filled.

The most proximate property listed in the VHI within 500m is the Grantham House Ruin at 67-69 Kensington Road (HI D7822-0307), immediately abutting the northeastern edge of the study area (Map 2). The house was one of the early buildings in South Yarra, constructed c. 1848 (Context 1993: 65). According to the VHI the site has archaeological potential, with the capacity to portray the layout and plan of a substantial 1840s house.
Grantham House was built c. 1848 for Dr. Charles Hobson, pioneer physician and naturalist, possibly from the design of John Gill (Context 1993: 64). Originally the single storey house was known as Bona Vista, although this name is now attributed to the large house at 59 Kensington Road, which was built by Hobson’s widow Margaret in 1884 (see below). The artist Frederick McCubbin lived in the house from about 1910 until 1917, his widow Annie remaining there until 1922 (Context 1993:64). The house remained virtually intact until the 1920s, when it was bought by the Hudson family (see Figure 1). According to the VHI, the house subsequently underwent a series of partial demolitions and enlargements through to the 1980s. Part of the house was demolished in 1952 and substantial additions were made to the northern side in 1958. The house had been enlarged from the original ten rooms to 15 by 1964, and was described in the 1980s as a two storey brick house (although vestiges of the original structure are evident in the 1989 aerial (Figure 3), and are mentioned as extant in the Context report (1993). The remaining structure was subsequently demolished.

It is highly unlikely that any historic archaeological heritage associated with Grantham house is present within the current study area given the extensive disturbance (see below).

Figure 1: Grantham House (Courtesy Victorian Heritage Database; undated).
Local Council Heritage Overlay

The study area is located within Stonington City and is governed by the Stonington City Council Planning Scheme (PS). Planning schemes set out policies and provisions for the use, development and protection of land. The Heritage Overlay of the Stonington City Council and adjacent City of Yarra Planning Schemes were examined. There are 14 heritage places listed within a 500m radius of the study area (Table 2). These places comprise a mix of civic constructions, and residential structures. In addition a recent Planning Scheme Amendment (C163) has added four sets of Residential Flats to the HO within the 500m search radius.

Two Heritage Overlays extend into the study area: HO64 Bona Vista 59 Kensington Road, South Yarra. The Heritage Overlay for Bona Vista includes the entire previous property extent, prior to subdivision in the 1980s including the entire area of 65 Kensington Road – Saint Cloud. It is unlikely that the intent of the HO on Bona Vista is to extend heritage protection to the late 1980s construction of Saint Cloud.

The second Heritage Overlays that extends into the study area is HO146 Rockley Road Precinct, which includes the flats at 52 Rockley Road. The aesthetic value of this streetscape will be retained by the current development by sympathetic reuse of the front-most block of flats facing Rockley Road.

National Trust of Australia (Victoria) Register

The National Trust of Australia (Victoria) is an independent, not-for-profit organisation that classifies a number of heritage places. Listing by the National Trust does not impose any statutory protection, however often National Trust Register listings are supported by the local council Planning Scheme.

A search of the National Trust Register was conducted for the South Yarra and Toorak localities. Again, the Church Street Bridge over the Yarra, Melbourne High School and Como House were listed on the National Trust for this search area. Additionally two demolished structures; the Former Methodist Babies’ Home at 12 Copelen Street (B6477) and the Terraces at 69 - 77 River Street (B5039) are also listed. Two other listings record specific values within the Como Park. One is a *Harpephyllum caffrum* or Kaffir Plum (T11076) within the Park. The second is a record of a cannon within the park (B2000). The cannon is not extant.

National, Commonwealth and International Heritage Lists

The Australian Government Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) maintains the National Heritage List (NHL), a register of exceptional natural, Aboriginal and historical heritage places which contribute to Australia’s national identity. The SEWPaC also maintains the Commonwealth Heritage List (CHL), a Register of natural, Aboriginal or historical heritage places located on Commonwealth land which have Commonwealth heritage values.

A place can be listed on one or both lists, and placement on either list gives the place statutory protection under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999).

The World Heritage List (WHL) lists cultural and natural heritage places which are considered by the World Heritage Council to have outstanding universal value. In addition, the SEWPaC also maintains the Register of the National Estate (RNE) which is a list of natural, Indigenous and historic heritage places throughout Australia. Following amendments to the *Australian Heritage Council Act 2003*, the RNE was frozen on 19
February 2007, which means that no new places can be added, or removed. However, the Register will continue as a statutory register until February 2012. During this transition period items listed on the RNE must continue to be considered during approvals processes.

Listings on the NHL, CHL, WHL and RNE are accessed via the Australian Heritage Database (AHD), managed by SEWPaC.

A search of the AHD was conducted for the study area and the surrounding 2 km of land. There are no sites listed on the AHD for this area.

Table 2: Historic Heritage Places within 500mm of study area (see Map 2).

<table>
<thead>
<tr>
<th>Register and Site Number (LGA)</th>
<th>Site Name</th>
<th>Site Type</th>
<th>Within Study Area?</th>
</tr>
</thead>
<tbody>
<tr>
<td>H1636 (VHR); HO2 (Stonington)</td>
<td>Melbourne High School 1 Forrest Hill, South Yarra</td>
<td>Civic construction</td>
<td>No</td>
</tr>
<tr>
<td>H1917(VHR); HO19 (Stonington)</td>
<td>Church Street Bridge Chapel Street, South Yarra</td>
<td>Civic construction</td>
<td>No</td>
</tr>
<tr>
<td>H205(VHR); HO26 (Stonington)</td>
<td>Como House and Park 16 Como Avenue, South Yarra</td>
<td>Residential Structure / Park</td>
<td>No</td>
</tr>
<tr>
<td>H603 (VHR); HO44 (Stonington)</td>
<td>Quamby 3 Glover Court, Toorak.</td>
<td>Residential Structure</td>
<td>No</td>
</tr>
<tr>
<td>HO149 (Stonington)</td>
<td>Tivoli Road / Malcolm Street Precinct South Yarra.</td>
<td>Streetscape</td>
<td>No</td>
</tr>
<tr>
<td>HO300 (Stonington)</td>
<td>95 Alexandra Avenue, South Yarra.</td>
<td>Residential Structure</td>
<td>No</td>
</tr>
<tr>
<td>HO140 (Stonington)</td>
<td>Lechlade, Como and Fulham Avenues Precinct South Yarra.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO171 (Stonington)</td>
<td>379 Toorak Road, Toorak.</td>
<td>Residential Structure</td>
<td>No</td>
</tr>
<tr>
<td>HO155 (Stonington)</td>
<td>Williams Road Precinct Toorak, Prahran and Windsor</td>
<td>Streetscape</td>
<td>No</td>
</tr>
<tr>
<td>HO 64 (Stonington)</td>
<td>Bona Vista 59 Kensington Road, South Yarra</td>
<td>Residential Structure</td>
<td>Yes</td>
</tr>
<tr>
<td>HO146 (Stonington)</td>
<td>Rockley Road Precinct South Yarra.</td>
<td>Streetscape</td>
<td>Yes</td>
</tr>
<tr>
<td>HO 232 (Yarra)</td>
<td>164-166 Brighton Street Richmond Maroura &amp; Korein</td>
<td>Residential Structures</td>
<td>No</td>
</tr>
<tr>
<td>HO276 (Yarra)</td>
<td>347 Mary Street Richmond Terminal Station</td>
<td>Civic construction</td>
<td>No</td>
</tr>
<tr>
<td>Register and Site Number (LGA)</td>
<td>Site Name</td>
<td>Site Type</td>
<td>Within Study Area?</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------------------------------------------</td>
<td>----------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>HO308 (Yarra)</td>
<td>Barkly Gardens Precinct, Richmond</td>
<td>Streetscape</td>
<td>No</td>
</tr>
<tr>
<td>HO429 (New Listing Stonington)</td>
<td>Caso Panzo, 89 Alexandra Avenue, South Yarra</td>
<td>Residential Flats</td>
<td>No</td>
</tr>
<tr>
<td>HO442 (New Listing Stonington)</td>
<td>Muyunata (Kensington Mews), 26 Kensington Road</td>
<td>Residential Flats</td>
<td>No</td>
</tr>
<tr>
<td>HO442 (New Listing Stonington)</td>
<td>Clyde and Castle Village, 39-41 Kensington Road, South Yarra</td>
<td>Residential Flats</td>
<td>No</td>
</tr>
<tr>
<td>HO 453 (New Listing Stonington)</td>
<td>Eden Kyle Flats, 30 Verdant Avenue Toorak.</td>
<td>Residential Flats</td>
<td>No</td>
</tr>
</tbody>
</table>

The below are Residential Flats for Individual Heritage Control according to Planning Scheme Amendment C163

3.3 Site History:

A detailed site history of the study area has been constructed from a variety of sources, including land title information, aerial and satellite imagery and oral history. The following sources of information have been used for compiling a record of land use within the study area; they comprise three criterion levels outlined in AAV 2010 (Significant Ground Disturbance):

- Level 2 (Publicly available records) including aerial photographs and satellite imagery;
- Level 3 (Further information). Land use history, old maps or photographs, statements by former landowners regarding the history of the subject site;
- Level 4 (Expert advice or opinion) including a site visit.

Level 1 (common knowledge) includes that the site has been used for housing construction, both prior to 1945 and during the 1980s.

Aerial Photography (1945, 1989, 2001-2010)

1945 (Victorian Department of Lands and Survey from aerial photography taken by Adastra Airways in 1945). The flats at 52 Rockley Road and at 135 and 141 Alexandra Avenue have been built. Grantham House is extant and the (current) 61 Kensington Road property remains part of the Bona Vista gardens.

1989 (Department of Property and Services). The 1989 aerial shows Saint Cloud nearing completion. The entire area of the property facing Kensington Road has been stripped of all topsoil and is being mechanically levelled to provide level grassed terrace now present (Figure 2).

Summary of the Site History

- Pre 1945 flat construction and terracing of study area;
- Mid 1980s to 1990 subdivision of 59 Kensington Road and construction of Saint Cloud at 61 Kensington Road;
- 2009/2010 rear extension to 141 Alexandra Avenue, including exaction into sandstone bedrock;
- 2010 excavation of a deep trench at the front of 61 Kensington Road possibly related to site investigations for proposed Residential Development.
Figure 2: 1945 Aerial of Study Area.

Figure 3: 1989 Aerial of Study Area.

Figure 4: 2001 Google Earth Satellite image of Study Area.
Figure 5: 2009 Satellite image from Planning Maps online.

Figure 6: Google Earth Satellite image 1 January 2009, note no extension to rear of 141 Alexandra Ave.

Figure 7: 2010 Google Earth Satellite image 2 January 2010, note completed extension at rear of 141 Alexandra Ave.
3.4 Field Assessment

The study area is characterised by a north-sloping steep topography. This steep slope is at its highest on Rockley Road, in the study area's southwest corner. From this point, the land slopes down in a series of excavated terraces. These terraces all have extant residential structures.

No unmodified ground surface or subsurface clays or other natural soils were observed within the study area. In several areas (refer Map 3), excavation, construction, and other forms of disturbance have exposed subsurface bedrock.

52 Rockley Road is a highly modified site consisting of 1930s era structures identified as ‘three inter-war two storey semi-detached houses designed by Verner Fick’. The majority of open space has been paved for driveway and parking purposes (Figure 9). A small grassed area in the northeast of the property appears on a level terrace that has been artificially elevated (Figure 10). Augur probe 1 was excavated in this lawned area (see below).

135 Alexandra Avenue is a duplex and 141 Alexandra Avenue has been converted to a single residence dwelling. Both are also 1930s-40s era developments. The rear gardens of these properties feature terraced gardens that have been modified by excavation to accommodate parking garages, stairs, and other features (Figures 12 to 14). Notably, the rear of 141 Alexandra has been excavated to provide a level rear garden and recently fenced to prevent the accumulation of rubble and detritus from the rear of the Rockley property behind entering the property (Figure 11, Figure 14). A recent extension to the rear of 141 Alexandra Avenue has also necessitated excavation into the sandstone to provide a level surface (Figure 15). Augur probes in the rear of these properties indicated a history of residential debris and recent topdressing. The front of these properties are largely prepared and paved areas, although a small grassed area was also tested by auguring (below). The road reserve and council land to the north of these properties has been subject to grading and stripping (Figure 17).
Figure 8: Photograph of 52 Rockley Road from Rockley Road Access

Figure 9: Rear of 52 Rockley Road

Figure 10: Artificially excavated terraces at rear of 52 Rockley Road

Figure 11: Northern fence of 141 Alexandra Avenue showing extensive rubble accumulation

Figure 12: View north to rear of 135 Alexandra Avenue, showing terraced gardens

Figure 13: View east from rear of 135 Alexandra Avenue showing location of Auger Probe 2 (foreground)
The entire southern part of the residence at 61 Kensington Road has been levelled and paved to provide a driveway and tennis court (Figure 18, Figure 19). Additionally, the narrow easement along the western side of the property has also been terraced, as has the front garden (Figure 20, Figure 21). Extensive cutting and filling of the land surface has been necessary to provide these level areas (Figure 3). More recently an irregularly shaped cutting has been excavated into the lowest part of the property adjoining Alexandra Avenue (Figure 22, Figure 23). This deep excavation appears to be related to the planned redevelopment of the site previously approved by Stonington City Council.
Figure 18: View north to Saint Cloud from large paved area south of structure.

Figure 19: View north to Saint Cloud from southern-most part of study area (tennis court).

Figure 20: View north along western side of 61 Kensington Road, showing artificially terraced gardens.

Figure 21: View north from Saint Cloud to levelled front lawn and gardens.

Figure 22: View east of trench associated with recent excavations for planned apartment complex.

Figure 23: View west showing excavated terrace at Alexander Avenue frontage of Saint Cloud.
The site visit demonstrated that numerous construction episodes have occurred across the study area. The artificially levelled, terraced and topdressed gardens all indicate the original topsoil and/or surface rock layer has been repeatedly disturbed by excavation and machinery in the course of construction.

No evidence of Aboriginal cultural heritage material was identified during the site visit. The finding that no new Aboriginal Places were identified during the site visit; as well as the previous ground disturbance indicates there is an extremely low likelihood of archaeological materials remaining extant within the study area.

3.5 Geoarchaeological Augering

Four geoarchaeological augur probes were employed to assess the small pockets of topsoil within the study area (Map 3). A conventional 60mm diameter AMS core augur was employed for this purpose.

Augur Probe 1 was excavated at the rear of 52 Rockley Road in the centre of the small lawned area at the rear of the flats. Brick and rubble were identified at the base of the augur probe immediately above the sandstone bedrock base.

Augur Probe 2 was excavated at the rear of 135 Alexandra Avenue in the lawned area at the rear of the flats (Figure 13). This shallow probe (to 150mm) contained brick and rubble and plastics throughout the core.

Augur Probe 3 was excavated at the southeast corner of 141 Alexandra Avenue in the lawned area at the rear of the flats, adjacent to the excavated sandstone terrace (Figure 14). This auger probe was the deepest of the four, being a fine dark sandy-silt to 300mm. Glass and brick were encountered at depths of 250-300mm bs; suggesting more recent topdressing consisted of uncontaminated organic soils (Figure 26).

Augur Probe 4 was excavated in the grassed front yard of the 141 Alexandra Avenue flats. A more mixed soil matrix included clays, concrete and glass fragments to a depth of 200mm (Figure 27).

The findings of the geoarchaeological augur probes, showing a mixture of building materials and residential debris, is consistent with disturbance throughout the three properties consistent with flat construction and maintenance over the last 80 years. No undisturbed pockets of topsoil or surficial rock were identified during the auguring.

All probes reached a shallow subsurface base rock consistent with the Sedimentary Marine siltstones and thin-bedded sandstones of the Dargile Formation geology of the area.

No augur probes were excavated at 61 Kensington Road, as it was evident from the background research and the highly modified nature of the grounds and gardens that all grassed areas were anthropogenic.
3.6 Significant Ground Disturbance

‘Significant ground disturbance’ is defined in r.4 of the Regulations as meaning 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. The words ‘disturbance’, ‘topsoil’, ‘surface rock layer’, ‘machinery’, ‘grading’, ‘excavating’, ‘digging’, ‘dredging’, ‘ploughing’ (other than deep ripping) are not defined in the regulations and therefore have their ordinary meanings. The Victorian Civil and Administrative Tribunal (VCAT) has determined that the words “topsoil or surface rock layer” include the former topsoil or former surface rock layer if that topsoil or surface rock layer is a naturally occurring surface level that is readily ascertainable and does not include the current topsoil or current surface rock layer if established by the mere filling of the land (AAV 2010: 2).

As documented above very little topsoil has been retained on the property, likely on account of the steep incline. In several areas exposed bedrock is present. However, in the main the significant ground disturbance
is the result of housing construction during the past 100 years. Map 3 shows the extensive disturbance and the approximate time frame in which it occurred.

Housing construction activities would have had a negative impact on potential Aboriginal or historical material on the study area. In particular, surface preparation and filling should be viewed as identical with ‘disturbance in the course of grading and excavation’ as per AAV (2010). Furthermore, sewer infrastructure and stormwater drainage are extensive across the study area and have resulted in further significant ground disturbance.

It is the view of the present author that the entire study area has been significantly disturbed. Given the usage of the site for housing construction, manual and heavy machinery has repeatedly impacted the potential cultural deposits. More recently, excavation has occurred; for the extension at 141 Alexandra Avenue and the deep excavation adjacent to Alexandra Avenue within the 61 Kensington Road Property. In summary the study area has an extremely low likelihood of yielding archaeological materials.

3.7 Legislative and Policy Implications

*Environment Protection and Biodiversity Conservation Act 1999*

There are no known cultural heritage sites of National Significance. It is considered unlikely that any cultural heritage sites of National Significance will be located in the study area. Therefore no referral or further works would be required under the EPBC Act 1999.

*Planning and Environment Act 1987*

There are two sites listed on the Heritage Overlay under the Stonnington City Council Planning Scheme located within the study area.

*Implications for the project*

A planning permit from Stonnington City Council will be required to remove, impact or destroy any Heritage Overlay sites located within the study area. The property at 61 Kensington Road exists within the overlay for 51-59 Kensington Road. The entire allotment of 61 Kensington Road should be excised from Stonnington’s HO64 for Bona Vista, as the current structure has no heritage value.

*Heritage Act 1995*

This act protects all non-Aboriginal heritage sites older than 50 years. If a site is of State Significance it is listed on the Victorian Heritage Register and a Permit from Heritage Victoria (HV) is required to disturb it. If an archaeological site is not of State significance it is usually listed on the Victorian Heritage Inventory (VHI) and Consent from Heritage Victoria would be required to disturb it.

*Implications for the project*

Although there are heritage sites listed on the Victorian Heritage Register and the Stonnington and Yarra City Councils Planning Schemes within 2 km of the study area, no heritage sites that are of significance and warrant protection exist within the study area. This conclusion is based on the fact that no evidence of significant historical archaeological heritage material was located during the site visit. It is also considered
highly improbable that any historical heritage material may be present in the study area. Therefore no further historical heritage assessment is considered necessary. Therefore, no further historical heritage investigation is required.

**Aboriginal Heritage Act 2006**

The *Aboriginal Heritage Act 2006* protects Aboriginal heritage in Victoria. If certain high impact activities are undertaken as stated in the *Aboriginal Heritage Regulations 2007* (revised 2009) then preparation of a Cultural Heritage Management Plan (CHMP) may be required to be approved by Aboriginal Affairs Victoria or the Registered Aboriginal Party (RAP) prior to lodging a planning permit.

Triggers for mandatory preparation of a CHMP include whether certain criteria are met under the Regulations, required by the Minister, or if the activity requires an Environmental Effects Statement (EES) under Sections 46 to 49 of the *Environmental Effects Act 1978*.

The Regulations require a mandatory CHMP if (1) all or part of the activity area (study area) is an area of cultural heritage sensitivity, and (2) all or part of the proposed activity is a high impact activity.

**Implications for the project**

The study area was assessed for this Cultural Heritage Due Diligence Assessment for its potential to contain cultural heritage values. It was determined during the desktop review and site visit that the study area contains a very low likelihood for Aboriginal cultural heritage material to be present. The desktop review determined that the neighbouring Yarra River valley was likely an important cultural landscape; however no evidence for Aboriginal Places such as campgrounds exists within a 2 km radius of the study area. The Aboriginal Places that are extant are all Scarred Trees; no trees of a suitable aged for cultural modification exist within the current study area.

The site visit did not locate any new Aboriginal Places within the study area. It did however, identify areas where significant ground disturbance had occurred in the past limiting the chances that Aboriginal cultural heritage would remain present, particularly low density artefact scatters, which are unknown within 2 km of the study area, due to the history of disturbance and construction.

It is considered unlikely that Aboriginal heritage will be found in the study area. This conclusion is derived from the fact that the study area has been subject to repeated and prolonged ground surface disturbance that renders the cultural heritage sensitivity overlay associated with the Yarra River void. No evidence of Aboriginal cultural heritage material was identified during the site visit.

It is noted that a mandatory Aboriginal CHMP is not required for the proposed activity based on the conclusion that under Regulation 22 of the *Aboriginal Heritage Regulations 2007*, the study area is not located within an area of cultural heritage sensitivity.

If part of an area of cultural heritage sensitivity (other than a cave) has been subject to significant ground disturbance that part is not an area of cultural heritage sensitivity.
A Cultural Heritage Management Plan does not need to be prepared for a high impact activity if all the area of cultural heritage sensitivity within the activity area has been subject to significant ground disturbance (AAV 2010: 2).

Given the evident significant ground disturbance to the study area, it is neither legislatively required, nor in the spirit of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007* to conduct a Cultural Heritage Management Plan of the study area.

### 3.8 Conclusion

No national or state significant cultural heritage sites (Aboriginal or historical) have been previously identified within the study area. It is considered highly unlikely that Aboriginal cultural heritage material may be present in the study area. The study area is located within an area of cultural heritage sensitivity identified under the *Aboriginal Heritage Regulations 2007*, specifically a 200m buffer around the Yarra River. If the study area was largely unmodified land and the activity involved was a high impact activity, a mandatory CHMP would be required for the study area. However, it is the finding of the current Cultural Heritage Due Diligence assessment that the study area has been subject to ongoing and sustained development, including excavation, filling, and grading of the natural and artificial ground surfaces that is consistent with the criteria of significant ground disturbance (AAV 2010). The finding of significant ground disturbance renders the cultural sensitivity of the current study area void and supersedes the requirement to conduct a mandatory CHMP. Given the highly modified nature of the study area, no scientific, social or other benefit can be gained by preparing a CHMP in this instance.
References


Map 2: Heritage Places within 500m of the Study Area.

Legend
- Study
- Study Area 500m
- Heritage Register
- Heritage Inventory
- Heritage Overlay
- Heritage Overlay (C163)
- Heritage Inventory - delisted

Local Government: Stonnington Council
25k Mapsheet: Hawthorn 1952.34
Coordinate System: MGA Zone 55 (GDA94)
Map Scale: 1:8,500

Map 2
Previously Recorded Historical Sites in and around the Study Area
135 and 141 Alexandra Avenue, 61 Kensington Road and 52 Rockley Road, South Yarra

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