



Our Reference: 2062
December 3, 2019

Fiona Wiffrie
Senior Town Planner
Beveridge Williams
1 Glenferrie Road
(PO Box 61)
Malvern VIC 3144

RE: Seaward Drive, Cape Patterson – Review of 2009 Heritage Report

Dear Ms Wiffrie,

As requested, I have undertaken a review of the short report prepared by Heritage Insight Managing Director, David Rhodes in 2009, in relation to heritage works required for the land at Seaward Drive, Cape Patterson. The review has been requested in order to ascertain whether the advice contained in this document remains current following several rounds of changes to the Victorian heritage legislation since 2009.

Although some of the specific pieces of Victorian heritage legislation cited in the 2009 report have since been amended (ie, the *Aboriginal Heritage Regulations 2007* are cited in the report but these are now the *Aboriginal Heritage Regulations 2018*), the conclusions of the report still stand. These include:

1. Preparation of a Mandatory Cultural Heritage Management Plan (CHMP)

Regulation 7 of the *Aboriginal Heritage Regulations 2018* makes provision for when a Cultural Heritage Management Plan (CHMP) is required:

Reg 7 When a cultural heritage management plan is required

A cultural heritage management plan is required for an activity if-

- (a) All or part of the activity area for the activity is an area of cultural heritage sensitivity; and
- (b) All or part of the activity is a high impact activity.

In the case of the land at Seaward Drive, Cape Patterson part of the property contains an area of cultural heritage sensitivity, and the proposed development of the land constitutes a high impact activity. For these reasons, as stated in the 2009 report, a mandatory Cultural Heritage Management Plan (CHMP) will be required before any development of the land occurs.

Since the report was prepared in 2009 a Registered Aboriginal Party (RAP) has been appointed for the Cape Patterson area, the Bunurong Land Council Aboriginal Corporation, and for this reason this organisation would be the statutory evaluating authority for the CHMP.


Please note that during the preparation of this letter of advice the Aboriginal Cultural Heritage Register Information System (ACHRIS) was checked and indicates that a CHMP covering the majority of the property is currently in preparation, however nothing is known about who may have commenced this process or when it was commenced.

2. Preparation of an Historic Heritage Assessment

The 2009 report also states that a historic heritage field survey and report also be prepared prior to any development in order to avoid accidental harm to any historic heritage sites that may be present on the property, and ensure compliance with the *Heritage Act 2017*.

If you have any questions or would like to discuss anything further, please contact me on (03) 9376 6569 or 0437 660 430, or via email.

Regards

A handwritten signature in black ink, appearing to read 'BDF', with a horizontal line extending to the right.

Bianca Di Fazio

Director

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