

Point Nepean Research and Education Field Station Project (VHR H2030 Pt Nepean Defence & Quarantine Precinct, VHI H7821-0054 Limestone Cottage & VHI H7821-0122 Point Nepean Limestone Quarry), Jacksons Road, Point Nepean

# Historical Archaeological Assessment

26 March 24



FINAL REPORT

Report prepared for the University of  
Melbourne and Monash University

By Alyssa Gilchrist

Ochre Imprints Pty Ltd

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Cover Image: Photograph c. 1890 showing Patrick Sullivan's stone house (Lovell Chen 2008)

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## **Historical Archaeological Assessment**

**Prepared ahead of the development of a Research and Education Field Station at Point Nepean.**

**Report prepared for the University of Melbourne and Monash University**

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# 1 Background

## 1.1 Introduction

Ochre Imprints was engaged by Lovell Chen to prepare an Historical Archaeological Assessment for part of the Point Nepean Defence and Quarantine Precinct at Point Nepean ahead of proposed works associated with the construction of a new marine research centre at the site (Figure 1). The proposed research centre involves a partnership between Monash University and the University of Melbourne, and will provide research, education and public engagement facilities in the construction of a new two-storey accommodation structure, as well as the adaptive reuse of Badcoe Hall for research laboratories, accommodation, offices and meeting rooms.

The development envelope sits within the wider Point Nepean Defence and Quarantine Precinct, which is listed on the Victorian Heritage Register as H2030 (Figure 2). This registration includes the former quarantine station anchorage, encompassing coastal waters north of the former Quarantine Station (see Figure 2).

Furthermore, the development envelope is overlapped by the listed extent of two Victorian Heritage Inventory sites, as they are currently mapped on VicPlan:

- H7821-0054 'Limestone Cottage, Point Nepean' (also referred to in historical literature as the 'Shepherds Hut'); and
- H7821-0122 'Point Nepean Limestone Quarry' partially overlap the proposed development footprint.

The VicPlan mapped location for H7821-0122, 'Point Nepean Limestone Quarry' is erroneous and appears to represent the westernmost point of the site with a nominal 100 m buffer applied around this point. This representation of the site extent conflicts with that recorded on its site card, which shows a quarried area of coastline extending out to the east. The correct and registered extent of the limestone quarry site are both shown on Figure 2.

The development area encompasses all land enclosing the proposed works (including extant and proposed buildings and ancillary structures). The location and extent of Heritage registrations H2030, H7821-0054 and H7821-0122 in relation to the development area are shown in Figure 2.

The National Heritage Listing for the wider site is identified by two place IDs: 105680 (Defence Sites and Quarantine Area) and 105756 (Quarantine Station and Surrounds). Unlike the state listing, the site extent on the national listing does not include coastal waters. Figure 3 shows the extent of the NHL site boundary in relation to the development area.



Figure 1 - Development Area Map.

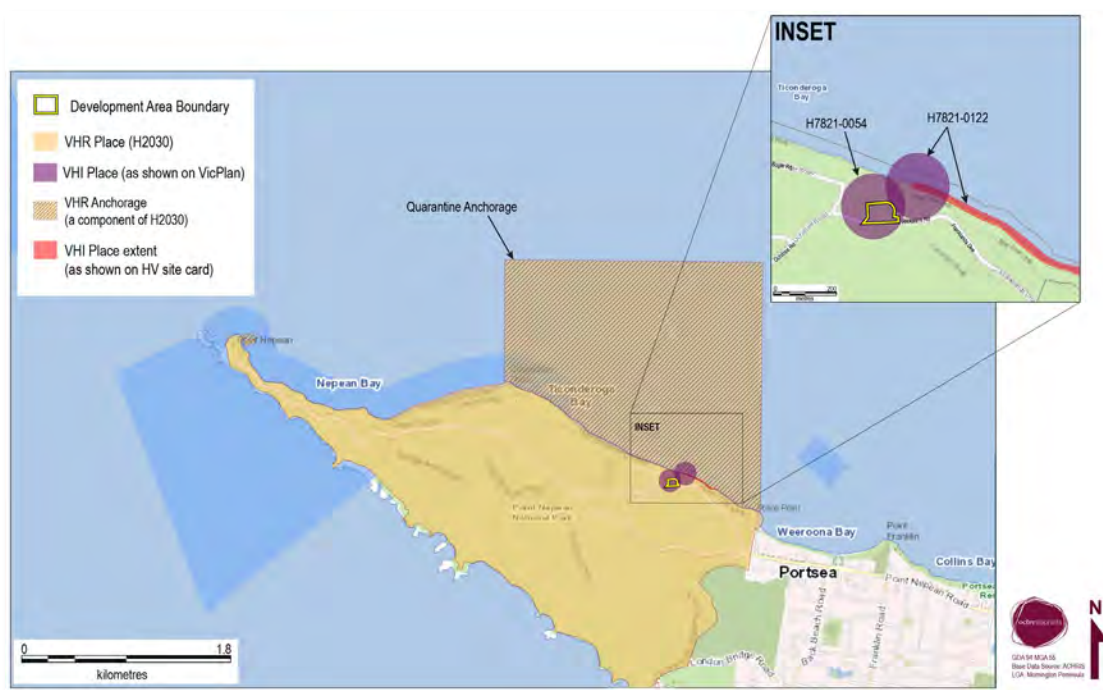


Figure 2 – Map of development area showing location and extent of overlapping VHR and VHI sites. Data source: VicPlan.

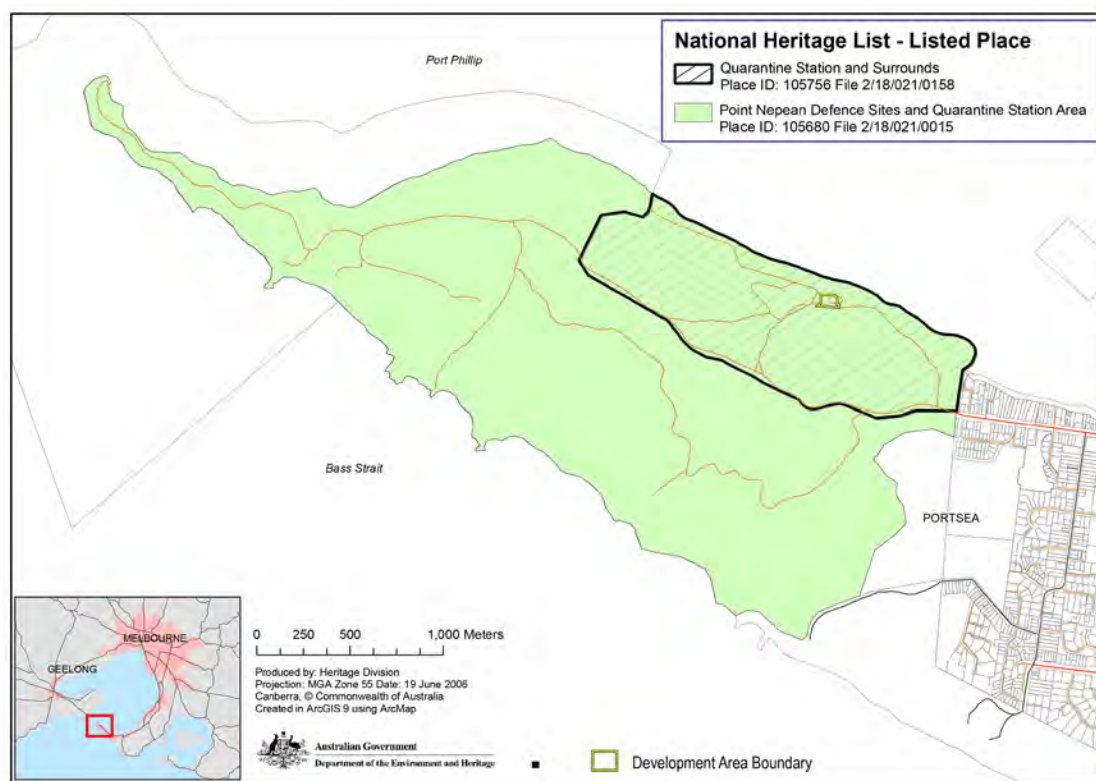


Figure 3 - National Heritage place extent in relation to development area. Image Source: AHD.

The precinct is protected under the Victorian *Heritage Act* 2017. In addition, the Point Nepean Defence & Quarantine Precinct is on the National Heritage List (NHL) and is protected under the *Environment Protection and Biodiversity Conservation Act* (EPBC Act) 1999. The site as defined on the VHR (H2030) has archaeological values of state-level significance relating to the Point Nepean Defence and Quarantine Precinct. Victorian Heritage Inventory Places that may require Consents ahead of proposed works are different to those of H2030.

## 1.2 Consultation with Heritage Victoria

Consultation with Heritage Victoria in the project planning phase identified the need for a Historical Archaeological Assessment (HAA) to be prepared to form part of the permit application. In addition, the HAA will inform the referral application to the Commonwealth under the EPBC Act.

A meeting was held with Laura Campbell, Archaeologist, Heritage Victoria (6<sup>th</sup> July 2023) to discuss the outcomes of the HAA and to ensure that the final recommendations reflect Heritage Victoria's expectations for management of historical values during works.

## 1.3 Aims and Methodology

This HAA is intended to draw together background historical information about the use and occupation of the precinct over time in order to build a picture of the likelihood and nature of potential archaeological features or deposits within the development impact zone. This

document outlines a strategy for the management of potential archaeological material in the development area in the context of the proposed works, and aims to inform a Heritage Impact Assessment (HIA) which will likely be required as part of the permit application. This HAA also assesses the historical archaeological values of the development area under the EPBC Act, to facilitate a referral under the National Heritage List.

The method used to prepare this HAA involved:

- The preparation of a background (desktop) review of the site history through a review of the land use history that is largely informed by a conservation management plan previously prepared for the site by Lovell Chen (2008). This review was accompanied by an analysis of relevant historical mapping and aerial photography, which focused on the location of the proposed works development area, and aimed to identify the extent to which historical and contemporary land use practices may have caused disturbance or damage to its archaeological record.
- An assessment of the nature and significance of archaeological values within the area of works (including an assessment under the Heritage Act in relation to Victoria's Framework of Historical Themes and also an assessment of National Heritage List values);
- An assessment of the impact works may have on archaeological values;
- A proposed archaeological survey and archaeological excavation methodology should it be warranted;
- An artefact management process in the event of an archaeological excavation; and
- An archaeological monitoring strategy and/or an Unexpected Finds Protocol to be applied during construction.

The background review and land use history analysis are then used to inform the approach to the management of the site's archaeology, as outlined in Section 3 of this document.

## **1.4 Site registrations encompassing or overlapping the development area**

This section contains a summary of the wider Quarantine Station & Defence Site as it is described in its National Heritage listing (Place IDs 105680 & 105756), followed by a summary of its description as H2030 on the Victorian Heritage Register. The Victorian Heritage Database (VHD) descriptions of potentially overlapping VHI places H7821-0054 and H7821-0122 are also summarised in this section.

### **1.4.1 NHL: Point Nepean Defence Sites and Quarantine Station Area**

*Place ID*

- 105680 (Defence sites and Quarantine Area); and

- 105756 (Quarantine Station and Surrounds)

#### *Site Location and Extent*

The site location and extent of 105680 (shown in Figure 3) includes all of the land on which the development area is located.

#### *Statement of Significance*

The summary statement of significance as per the AHD record is provided below.

Point Nepean is the site of the oldest, surviving, purpose-built, barracks-style, quarantine accommodation buildings in Australia, as well as fortifications demonstrating the primary importance of coastal defence to the Australian colonies. As an island-nation, quarantine has played an important part in controlling the impact of ship-borne diseases on Australia from the early 1800s. Point Nepean is an historic landscape, which features a range of values relating to both Victorian and national quarantine processes from the 1850s and to the history of coastal defence from the 1870s.

The choice of site for quarantine purposes followed the discovery of gold in 1851, which, resulted in nearly 100,000 migrants arriving in Melbourne by sea in 1852, in one of the greatest gold rushes in history. Point Nepean was opened as a maritime quarantine reserve in 1852, following the scare caused by the arrival of the ship 'Ticonderoga', carrying scarlet fever and typhoid, and used for quarantine purposes as the major point of entry for quarantine cases in Victoria until 1980. The first permanent hospital buildings were erected from 1854 by the newly elected Victorian Government. The 1850s quarantine buildings at Point Nepean provide Australia's only relatively complete complex of quarantine buildings from the 1850-1870 period, thus providing crucial insight into quarantine operations and philosophies at a time when thousands of immigrants were landing in Australia in search of wealth and new opportunities offered by the discovery of gold. The Point Nepean quarantine station demonstrates the development of quarantine philosophy, encompassing the periods 1852-1875, 1875-1899 and 1900-1925, under both State and Commonwealth governments. The Quarantine Station and surrounds has a high potential for archaeological sites associated with quarantine areas located close to the shore at Ticonderoga Bay. The Quarantine Station contextual landscape also includes a cemetery near Observatory Point in addition to the pre-1858 cemetery, as well as possible archaeological evidence of the Cattle Quarantine Station and the Leper Station. In conjunction with the quarantine station at North Head, the Point Nepean quarantine station is important in illustrating the development and evolution of quarantine practices employed at Stations in the other states in the nineteenth and twentieth centuries.

Point Nepean has been part of a strategic outer line in the defence of Melbourne's ports and harbours since the 1870s, in conjunction with fortifications at South Channel Fort, Swan Island and Queenscliff. Fort Nepean was known in the 1880s as Victoria's 'Gibraltar' and in 1890 it was reported that Melbourne was the best-defended commercial city of the [British] Empire. The fortifications, based on the reports of Sir William Jervois and Lt Colonel Peter Scratchley in 1877, illustrate British military design and technology of the 1870s and 1880s, similar to Middle Head, Sydney, overlaid by changes in imperial armaments and Second World War coastal defences. Point Nepean, as part of the system of defence for Port Phillip Bay, best illustrates British military

design and technology of the 1870s and 1880s, under the influence of Jervois and Scratchley. In addition, Fort Nepean may have archaeological deposits associated with military use, which extend into the waters surrounding the site of the former engineer's jetty serving Fort Nepean. The first shot fired by Australian forces in WW1, from the batteries at Point Nepean, was at the German steamer 'Pfalz', which left Port Phillip during the declaration of war on 5 August 1914. The events are well documented and clearly demonstrate the geo-political importance of coastal defences, and Fort Nepean in particular, in protecting the Australian colonies as part of the British Empire.

John Monash (later Sir) was attached to the [Melbourne] Garrison Artillery, focused on Fort Nepean. Monash rose through the ranks to become its commanding officer by 1897. Monash's biographer, Geoffrey Serle, saw this as crucial to his success as commander of Australian Forces in WW1. Cheviot Beach is the place from which Australian Prime Minister Harold Holt disappeared whilst swimming in heavy surf on 17 December 1967.

### *Relevant Feature Descriptions*

The description of Quarantine buildings and structures in the NHL record specifically mentions the Shepherds Hut / Limestone Cottage located immediately north east (within 10 m of) the development area, as follows:

The oldest extant building is the 'Shepherd's Hut', a limestone cottage constructed in 1854 over the top of an underground stone structure, used at one stage as a dairy, probably built in the early 1840s, and later used as the Regimental Sergeant Major's Office. It may be the oldest surviving building on the Mornington Peninsula and is a crucial link to the early European history of Point Nepean, due to its use in both pre and post quarantine station contexts.

Sullivan's stone cottage, a building that is no longer extant but is thought to have been located partially or wholly within the development area, is also mentioned in the listing, as follows (the quarantine jetty or 'pier' is also mentioned at this time):

Stonemasons among the migrants were employed to erect a stone cottage near the pre-existing Sullivan's Cottage. The first permanent hospital buildings were erected from 1854 by the newly elected Colonial Government - Victoria had separated from NSW in 1851...

By 1854, several buildings had been constructed and were in full use, including a timber doctor's home, a hospital, the original stone Sullivan's cottage, a number of prefabricated iron cottages and a pier.

### *Criterion C (Research)*

The site is described as having nationally significant research potential due to its archaeological components, as follows:

Point Nepean Quarantine Station and surrounds include archaeological sites functionally associated with quarantine uses, planning and layout and buildings, close to the shore at Ticonderoga Bay and to the site of the former jetty, which have the potential to add to our understanding of nineteenth century quarantine practices and procedures. In particular this relates to the formative period from the 1850s-1870s and to the potential for confirmation and interpretation of the archival record. The Quarantine Station's contextual landscape includes the

second cemetery near Observatory Point, as well as possible archaeological evidence of the Cattle Quarantine Station and the Leper Station. These sites have the potential to add to our understanding of the planning and layout of major quarantine sites in Australia.

### 1.4.2 VHR: Point Nepean Defence And Quarantine Precinct

#### Place ID

- H2030

#### Site Location and Extent

The registered extent of H2030 is shown on Figure 2, and described on the VHD record as follows:

1. All of the land shown on Diagram 2030(A) being all of the land formerly associated with defence and quarantine use of the place, including the sea bed associated with the former quarantine anchorage and the Fort Nepean engineers' jetty.
2. All the buildings and features identified in Diagram 2030(A) and (B) and (C)...
3. All the archaeological remains both on the land and under the sea on Diagram 2030.

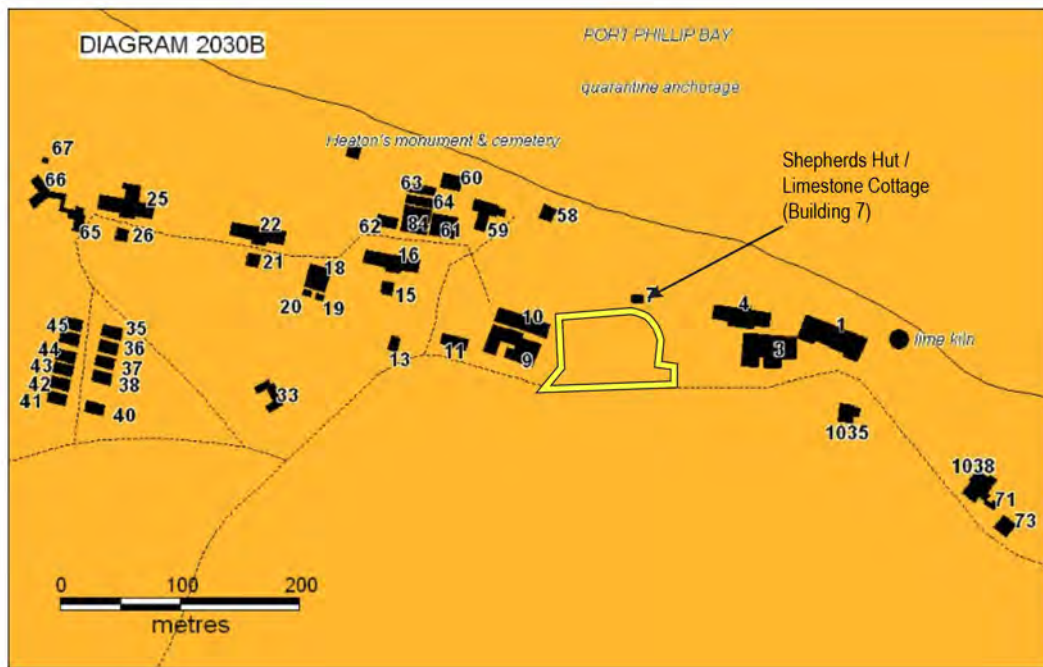


Figure 4 - VHR Diagram 2030B showing included buildings in relation to the development area. Image source: VHD.

#### Statement of Significance

Relevant parts of the overall statement of significance for H2030 are reproduced below.

The first European use of the land was for grazing and lime burning. From the 1840s, limeburning became the chief industry in the Portsea area, supplying lime to Melbourne's building trade. Nepean limestone was shipped to Melbourne from the late 1830s. Many of



the early lime kilns at Portsea were located along the shoreline. By 1845, a regular fleet of 20 to 25 schooners carried lime to Melbourne. Large quantities of local timber were cut to supply the lime kilns, causing the natural vegetation of banksia and sheoak to become scarce. Two lime kilns are known to remain on the site.

The limestone Shepherd's Hut (c.1845-54) is believed to be a rare example of employee housing from this period. Although all the fabric is not original, this may well be of high significance and requires further investigation. It is possible that only the cellar dates from 1845. The hut was used as a dairy from the 1880s until 1897, and as a dispensary until 1908. It became the Regimental Sergeant Major's Office during the Army occupation of the site.

Point Nepean contains the oldest surviving buildings erected for quarantine purposes in Australia. The peninsula was chosen as the first permanent quarantine station in Victoria because of its early isolation, access to shipping, deep-water anchorage and security. The Quarantine Station was constructed from 1852 and operated from the 1850s until 1979. Point Nepean was also used in the management of infectious diseases within Victoria, housing a leper colony from 1885 to the 1930s, when the surviving patients were transferred to Coode Island, and a consumptives' colony from the 1880s. Although the buildings of the leper colony were burnt down in the 1930s, at least one grave of a Chinese leper patient is in the Point Nepean cemetery.

The Point Nepean site housed a remarkable medical complex for its time. The development of the quarantine station reflected changes in medical knowledge about infection and the transmission of disease over the years of its existence and the way major public health issues were dealt with in Victoria. The arrangements of the hospital buildings mirrored the class distinctions of the ships bringing passengers to Melbourne, separating upper class passengers from the rest.

...In 1951 the Officer Cadet School of the Australian Army took over the main buildings on the quarantine station site. Very small numbers of people were quarantined from that time until the official closure of the Quarantine Station in 1980. A number of new buildings were constructed c.1963-65 as part of the Officer Cadet School such as a gymnasium, barracks, library and gatehouse. In 1984 the Officer Cadet School was relocated to Canberra. The main Parade Ground and Flagstaff have an historical association with the Officer Cadet School.

#### *How is it significant?*

Point Nepean Defence and Quarantine Precinct is of archaeological, aesthetic, architectural, historical, scientific and social significance to the State of Victoria.

#### *Why is it significant?*

Point Nepean Defence and Quarantine Precinct is of outstanding historical significance for its capacity to demonstrate the historic use of the site over a long period, from the Aboriginal period to the most recent use of the land for recreation. Each phase of use has left evidence in the landscape, in built form, or in archaeological remains. The shell middens demonstrate the use of the place by indigenous people. The limestone Shepherd's Hut (c.1845-1854)

reflects the early grazing use by Europeans and the remaining lime kilns, the limeburning industry. Significant historical archaeological sites are likely to exist across the whole of Point Nepean, from pre- quarantine use of the land right through to the defence operations.

The Point Nepean site, including the Quarantine Station and the two cemetery sites and crematorium, is of historical significance in the history of migration and the history of public health in Victoria. The Station is historically significant as the first permanent quarantine station in Victoria and one of the earliest and most substantial in Australia. It contains the oldest surviving buildings erected for quarantine purposes in Australia.

Point Nepean Defence and Quarantine Precinct is historically significant in the history of defence in Victoria from its first use as one of a number of colonial defence installations round Port Phillip Bay, as an important Commonwealth defence site before and during the two World Wars and in the latter twentieth century, the site used for the training of Australian Army personnel at the Officer Cadet school and the School of Army Health.

... Point Nepean Defence and Quarantine Precinct is historically significant as the site of many shipwrecks in the nineteenth and early twentieth centuries, demonstrating the importance of maritime activity to the development of Victoria.

... Point Nepean Defence and Quarantine Precinct is an area of high archaeological significance as the location of early European settlement in Victoria, which included agricultural and limeburning activities. Significant historical archaeological sites exist across the whole of Point Nepean, from pre-quarantine use of the land right through to the defence operations. Archaeological remains on the police residence site are particularly important. The defence exercise area south of Defence Road and Happy Valley are also of archaeological significance.

This AMP assesses the archaeological potential of those parts of the development area located within the land portion of the H2030 curtilage.

### **1.4.3 VHI: Limestone Cottage, Point Nepean**

#### *Place ID*

- H7821-0054

#### *Summary Data*

Very little information is provided about this site, an early-mid 19<sup>th</sup> century limestone cottage also known as 'Shepherd's Hut', on its VHI listing. This cottage is specifically mentioned in both the National and State heritage registrations for the Quarantine Station precinct, as the oldest extant structure on the site. The cottage itself sits adjacent the development area, approximately 9 -10 m to its northeast. The cottage consists of a single-roomed stone building with a stone cellar beneath. Excavation in 1997 by du Cros and Associates revealed the presence of a set of stairs giving exterior access to the underground cellar on the north side of the building (pers. comm. Sharon Lane). The site extent as mapped by Victorian Government spatial data gives a 100m buffer or curtilage around the structure in order to ensure that

subsurface archaeological features or deposits associated with the occupation of the structure are provided some protection.

The building is believed to pre-date the Quarantine Station and is one of the earliest surviving buildings within this cultural landscape, although there may have been modifications to its fabric over time. It is considered to be possible that the cottage with its underground cellar is Patrick Sullivan's underground dairy (see Section 2).



Figure 5 - Limestone Cottage c. 1997, showing excavation in progress.

Image source: VHD.



Figure 6 - Limestone cottage cellar during archaeological excavation, c. 1997. Image

source: VHD.

#### **1.4.4 VHI: Point Nepean Limestone Quarry**

##### *Place ID*

- H7821-0122

##### *Summary Data*

Limited information is provided on the VHD site entry and site card, which locates the limestone quarry along a stretch of limestone coastal cliff to the east of the development area, as follows.

##### **Description of Site**

Evidence of limestone and sandstone quarrying along at least 250 m of the coastal cliff face. Visible from the beach, the quarried area includes evidence of horizontal and vertical straight-line cuts, areas of block removal and indications of tool marks. Evidence of quarrying probably further east but this area could not be accessed.

##### **Statement of Significance**

Regional significance. Evidence that limestone and sandstone quarrying began in the area in the late 1830s / early 1840s and probably continued into the Quarantine period.

#### **Interpretation of Site**

Stretch of sandstone and limestone cliff that has been extensively quarried for sandstone building blocks and limestone for burning in local kilns.

#### **History**

Lime quarrying for lime burning and the quarrying of sandstone blocks for building was a significant industry in the area from late 1830s/early 1840s. In 1852, 6 leases were held on land set aside for the Point Nepean Quarantine Station and at least 2 lime kilns were in operation. It is likely that local sandstone and lime were used to construct the buildings of the Quarantine Station.



Figure 7 - Limestone quarry marks at H7821-0122. Image Source: HV Site Card.

## **1.5 Proposed works**

The proposed works involve the adaptive reuse of Badcoe Hall, as well as the construction of a new two-storey accommodation building to the north of Jacksons Road (between Badcoe Hall and Jacksons Road), the installation of associated services and as well as hard landscaping (paths and stairs, road alterations, the removal of a car park and the creation of a waste pickup point) and soft landscaping (vegetation).

Geotechnical investigations, comprising two boreholes and one soak pit will be undertaken / drilled within the development area. These investigations will be conducted to ascertain the environmental properties of the soils in three locations to inform the design of the proposed new building, stormwater soakage pit and ensure alignment with EPA Victoria requirements.

The construction of the new two-storey accommodation structure will involve the removal of extant vegetation and areas of paved driveway, as well as cutting into existing topography around the building footprint to provide a level surface for construction. The adaptive re-use of Badcoe Hall will involve mainly building works, with minor alterations to access points, stairs

and the installation of new doors potentially involving ground-disturbing activity. Landscaping works will cause ground disturbance to varying degrees across the development area.

The development plans in relation to the development area and existing conditions are shown in Figures 8 and 9. Adaptive reuse plans (ground floor and profile) for Badcoe Hall are shown in Figures 10, and 11. Ground floor construction profile plans for the new accommodation building are shown in Figure 12 and 13. These structures are shown in section in relation to each other and to the 'Shepherd's Hut' / 'Limestone Cottage' in Figure 14. Figure 15 shows the locations of the proposed geotechnical investigations.

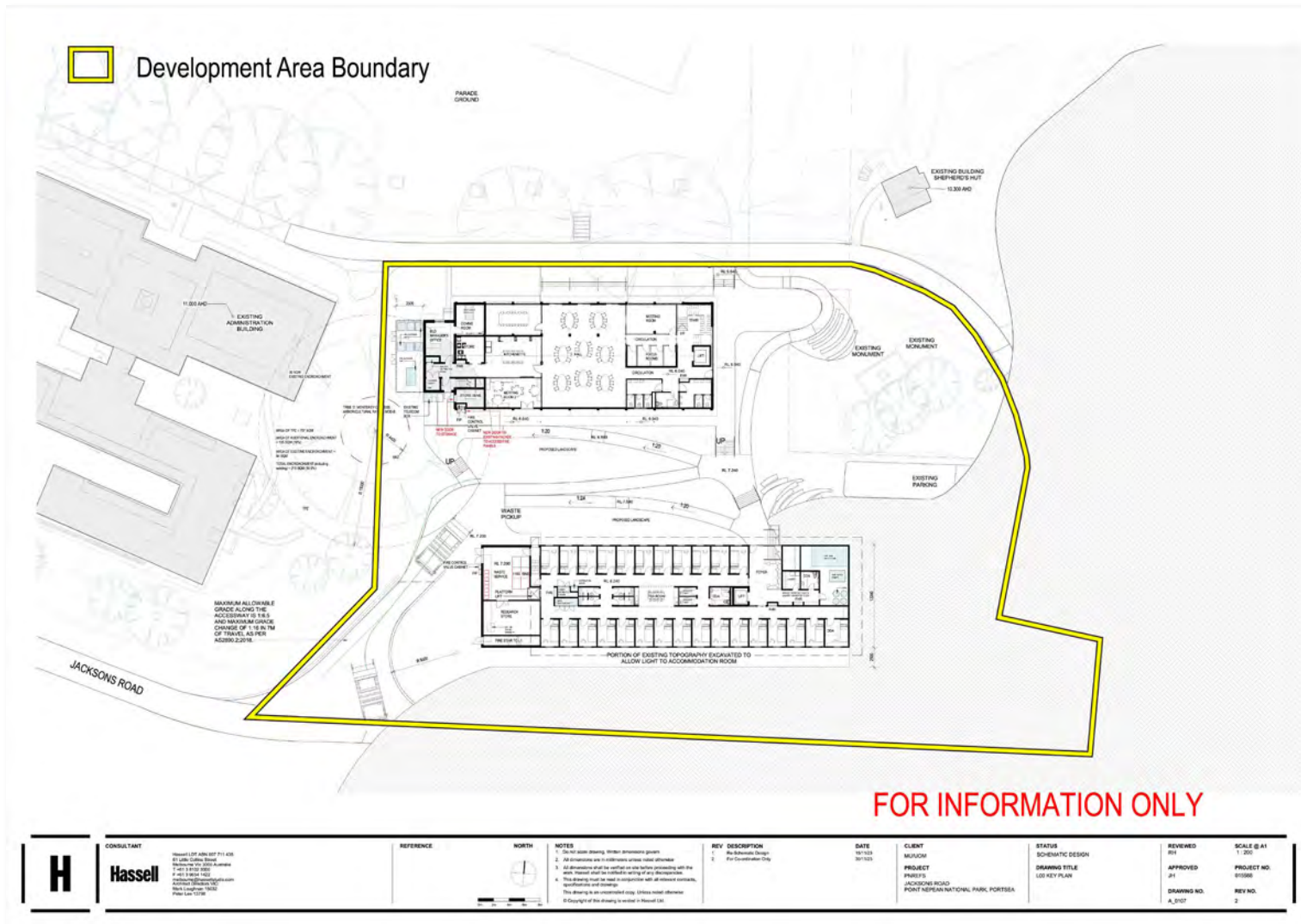


Figure 8 - Development Plans showing proposed development within development area. Document supplied by University of Melbourne (UoM).



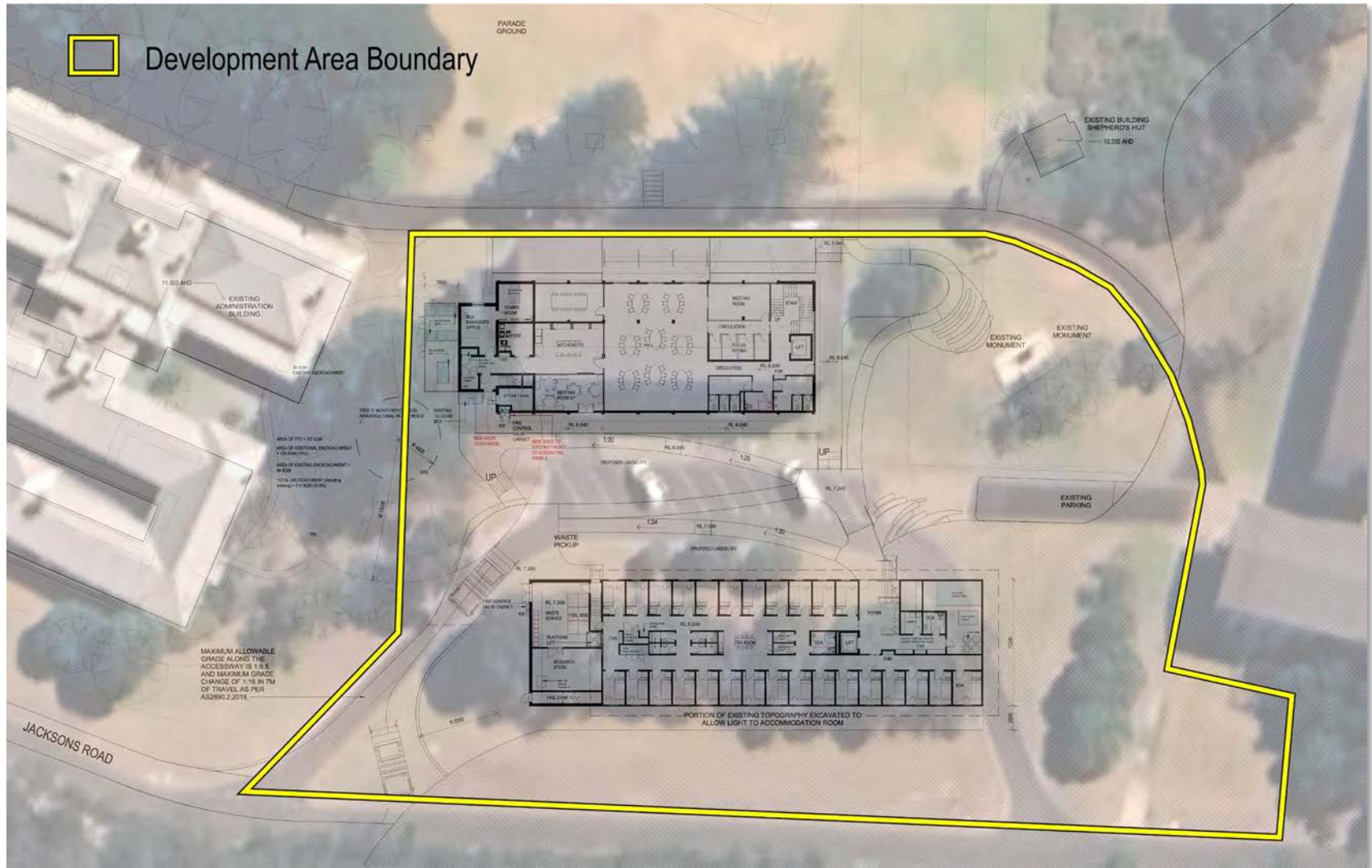


Figure 9 - Development Plan with contemporary aerial photograph overlain. Plan source: UoM. Image source: Google Earth.

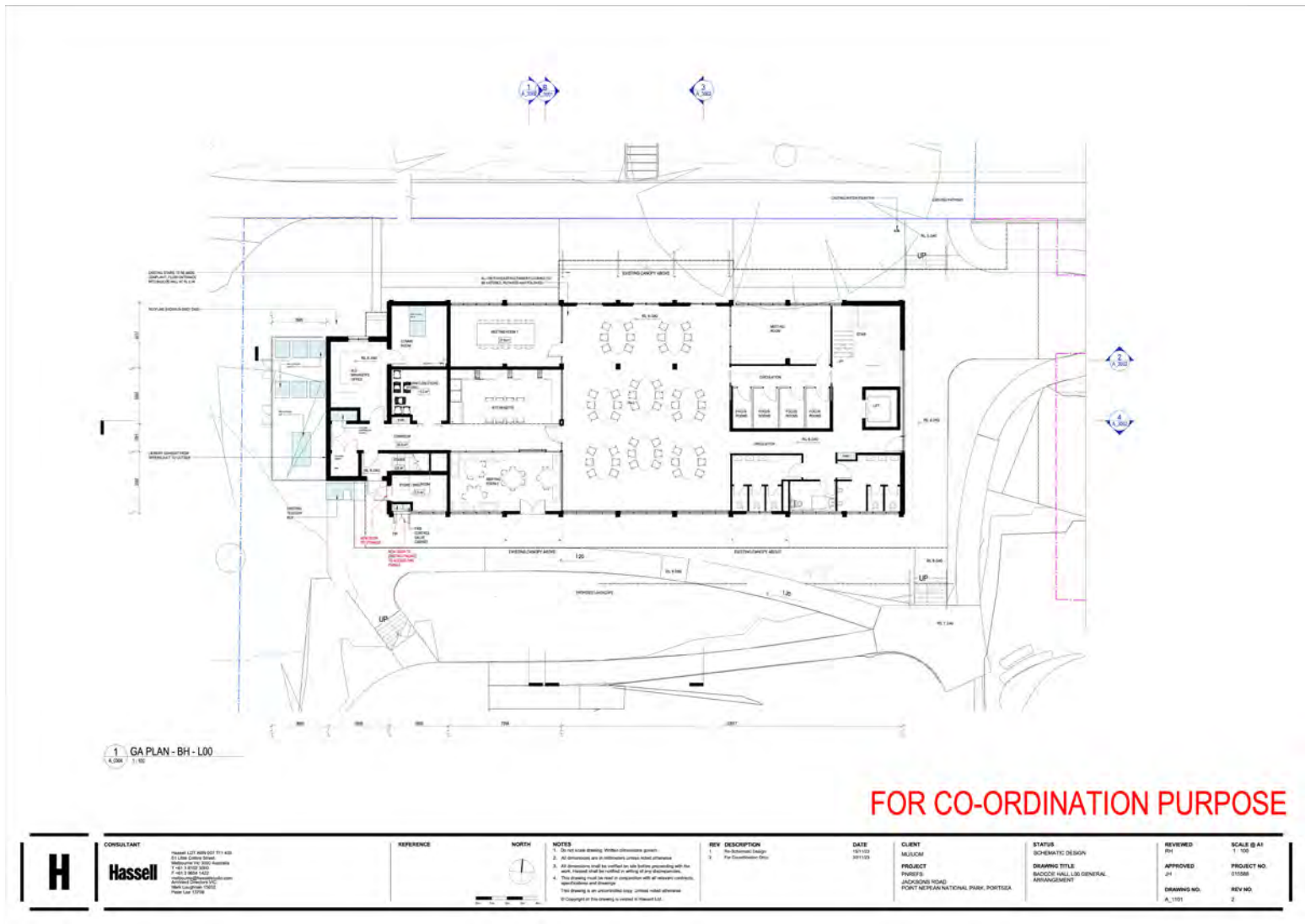


Figure 10 – Development Plan showing proposed adaptive reuse (ground floor) of Badcoe Hall. Document provided by UoM.



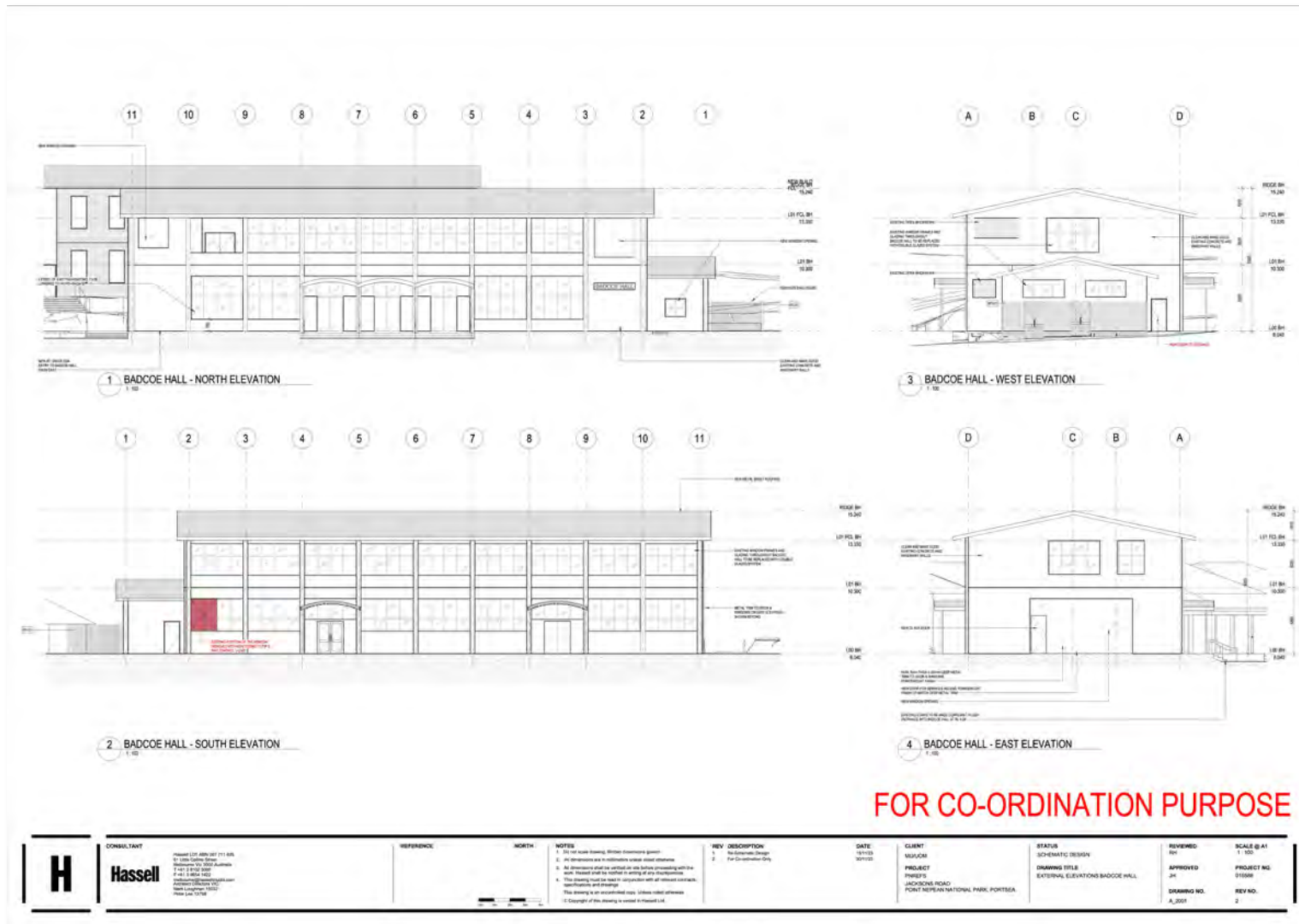


Figure 11 – Development Plan Profile showing proposed adaptive reuse of Badcoe Hall. Document provided by UoM.

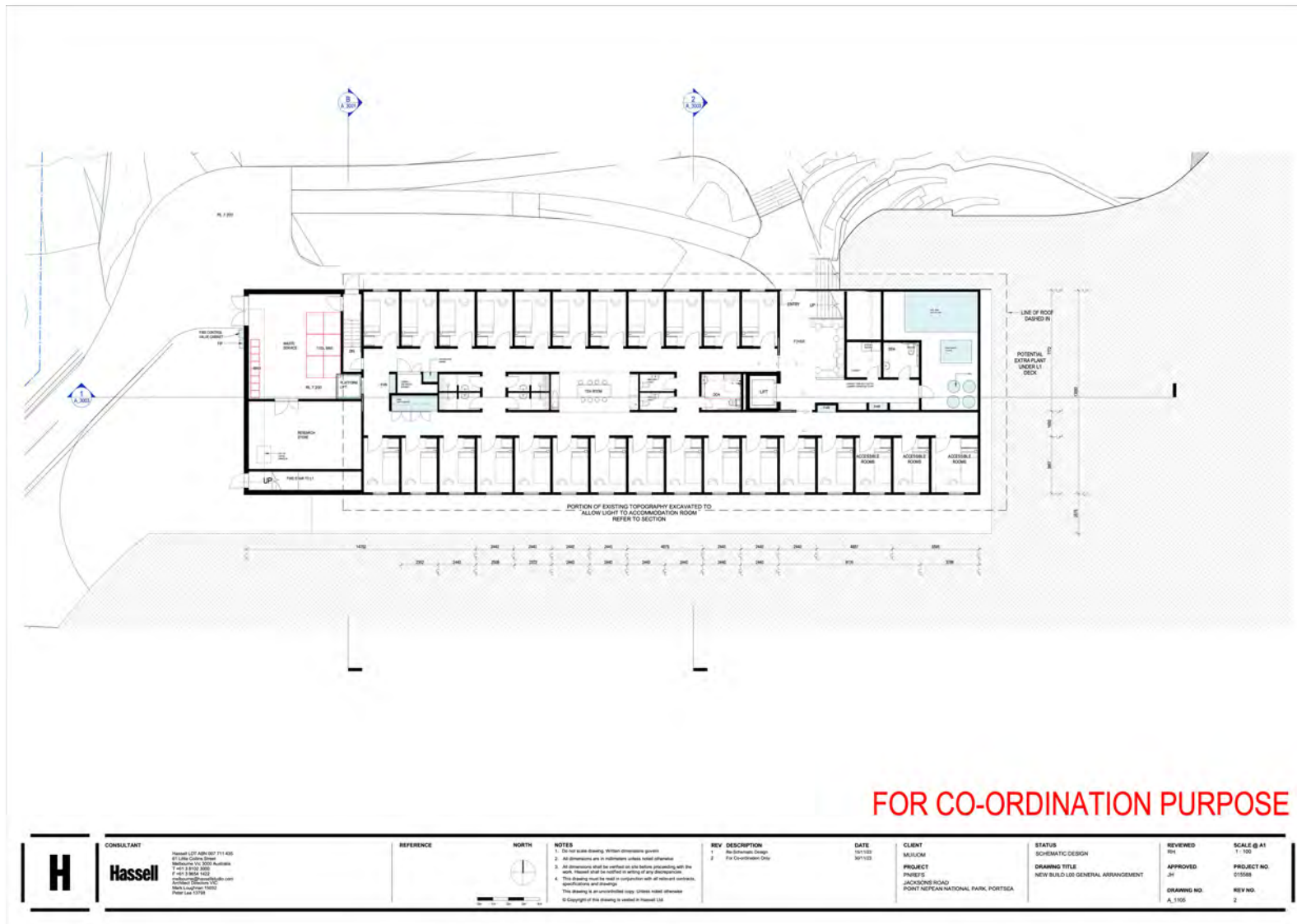


Figure 12 – Development Plan showing ground floor of proposed new accommodation building. Document provided by UoM.

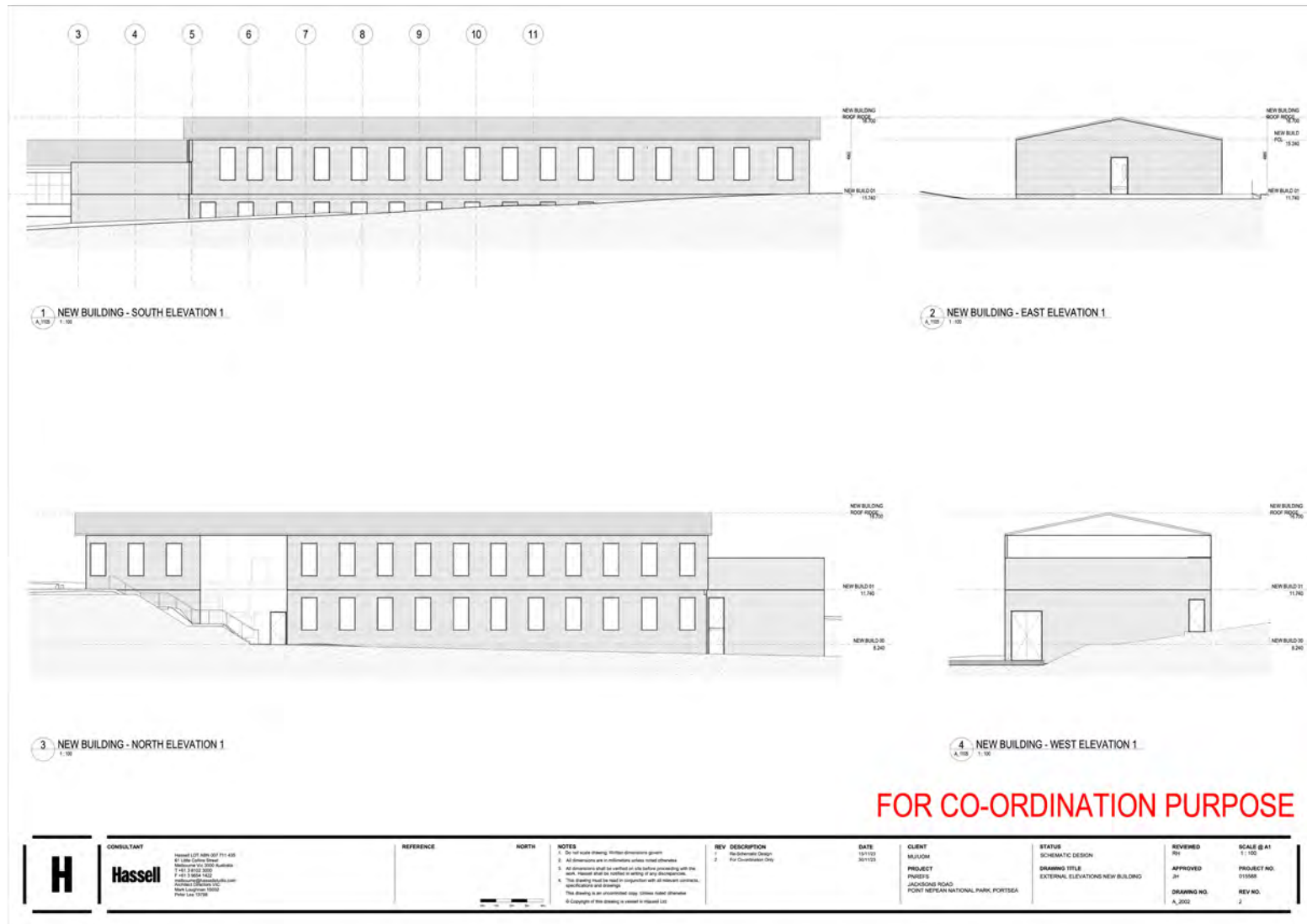


Figure 13 – Development Plan Profile showing proposed new accommodation building. Document provided by UoM.

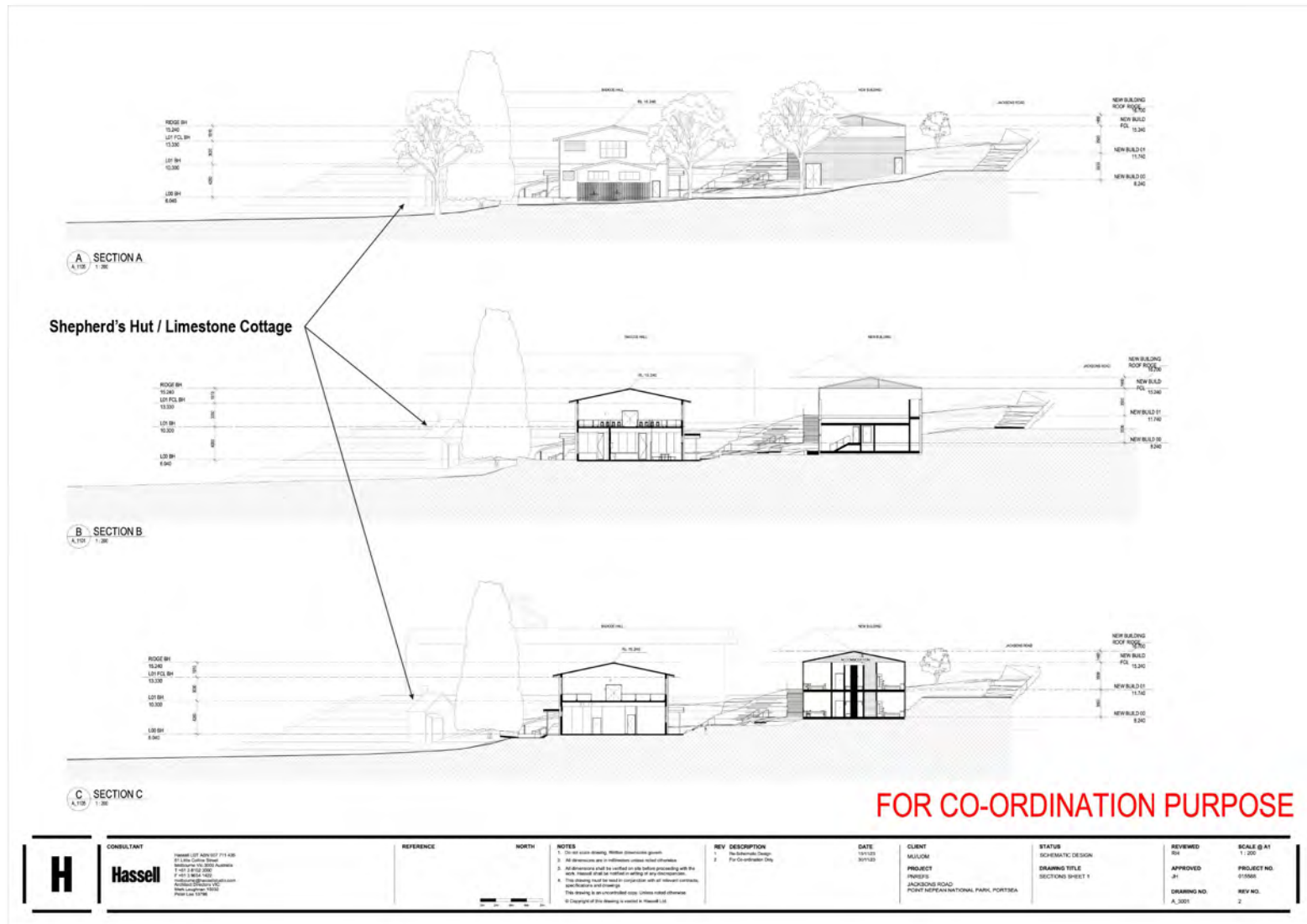


Figure 14 – Development Section Plans showing buildings and limestone cottage in relation to each other. Document provided by UoM.





Figure 15 – Showing locations of proposed geotechnical investigations within the development area. Borehole and soakage pit location data provided by Pardo Engineering (6/3/24).

## **2 Site History**

### **2.1 Conservation Management Plan**

A Conservation Management Plan (CMP) for the former Quarantine Station, Point Nepean, was prepared in 2008 by Lovell Chen. The CMP outlines the history of Point Nepean from the pre-contact period to its use as a Defence site from the mid to late 20<sup>th</sup> Century. Included in the CMP is a discussion of the site's historical features and landscapes of heritage significance, as well as areas and features of historical archaeological significance and/or potential. Conservation guidelines to aid in the preservation of the site and its contents into the future also form part of the document. The CMP is briefly summarized in this section, with emphasis on the land use history of the development area, its known built and/or depositional history, as well as any other information which may shed light on the development area's historical archaeological potential.

#### **2.1.1 Site Summary/**

Point Nepean is described by Lovell Chen (2008: 4-5) as 'a large historic area (landscape) which comprises numerous buildings and structures of varying age', type, condition and significance 'together with landscape elements including significant vegetation'. Its heritage values are largely placed within the context of the site's use as a quarantine station, 'albeit with earlier and later phases of significant history' demonstrating 'Victorian and National quarantine processes and medical protocols dating back to the 1850s'. Other elements of historical significance are identified in the site's association with other uses of the site at different times, including 'lime-burning, quarrying, Army use... and refugee occupation'.

In operation in various capacities between the c. 1852 and 1980, Point Nepean Quarantine Station was 'the second oldest, purpose-built, quarantine station in Australia' (Lovell Chen 2008: 5). Prior to the establishment of the quarantine station, the site was 'primarily occupied by settlers engaged in lime burning, grazing and fishing' and towards the end of, as well as subsequent to its use as a quarantine station, was used as an Officer Cadet School for the Australian Army (from the 1950s) and as the Army School of Health / Norris Barracks (Lovell Chen 2008: 5). Most buildings relating to the quarantine station use of the site pre-date the 1920s, and 'from the 1950s, a number of existing buildings within the site were given over to Australian Army use (Lovell Chen 2008: 6). A number of new buildings were also constructed during the time in which the army occupied the site, including Badcoe Hall within the current development area, which was constructed in 1963.

### **2.1.2 Lime Burning & Early Settlement**

Lime burning and attendant quarrying was carried out at Point Nepean during the early post-contact period up until the early 1850s, when the quarantine station was established. As ‘a necessary component of masonry construction’ (Lovell Chen 2008: 24) lime was a resource in high demand from Melbourne in the first years of settlement. Lime burning was undertaken in the vicinity of what is now Portsea, to the east of the development area, from c. 1839. Kilns, first of a primitive ‘bush’ variety and later more substantial brick constructions, were ‘built into shoreline cliff faces which allowed for easy loading of limestone and timber into the top of the kiln and easy removal of the residue at beach level’ (Lovell Chen 2008: 25), and the lime transported by boat to Melbourne.

By the mid 1840s there was a substantial lime burning industry in the region, and at least two lime kilns are known to have existed within the future quarantine station, one of which was ‘located in the cliff face between the ‘Shepherd’s Hut’...and Hospital No. 2’ (Lovell Chen 2008: 25). The industry servicing Melbourne had all but ceased in the area by the end of 1853, however, when ‘the Crown Commissioner formally cancelled all lime quarrying licences and decided not to grant any in the future except for the purposes of constructing the Quarantine Station buildings’ (Lovell Chen 2008: 25).

Prior to its establishment, the site of the Quarantine Station was occupied from the early 1840s by a small number of settlers ‘who lived on the proceeds of lime burning and fishing’ (Lovell Chen 2008: 27). These settlers were James Ford, who arrived c. 1842, Edward Skelton, as well as Daniel Sullivan and Richard McGrath who arrived in 1843. While Ford and Skelton occupied land in the vicinity of what is now Portsea, ‘Patrick Sullivan, a son of Daniel Sullivan, took up under license land which comprised the central area of the future Quarantine Station site’ (Lovell Chen 2008: 27).

By 1852 Patrick Sullivan had erected a number of buildings on his holding - a stone house, a wattle and daub three-roomed cottage, and a small underground dairy. Sullivan had also sunk two stone-lined wells...[and had]...additionally constructed a kiln...for the burning of lime.

It is considered possible that the cottage (known as the ‘Shepherd’s Hut’ / Limestone Cottage) with the underground cellar is Patrick Sullivan’s underground dairy. It is believed that Patrick Sullivan’s stone house (Figure 16 & Figure 17) was located to the north of the development area (see Figure 22). Aerial photographs from the early 1920s (see Figure 19 & Figure 20) do not show this building, correlating with record of its demolition in the early part of the 20<sup>th</sup> century.

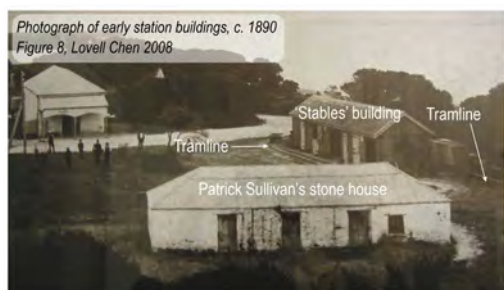


Figure 16 - Photograph c. 1890 showing Patrick Sullivan's stone house (Lovell Chen 2008).



Figure 17 - Photograph c. 1901 showing Patrick Sullivan's stone house (Lovell Chen 2008).

### 2.1.3 The Quarantine Station

The development area is located across central part of the Quarantine Station site, which was set aside for quarantine purposes c. 1852 (Lovell Chen 2008: 28-9). Due to the previous lime-burning industry in the region, there was a shortage of local timber. Initial building construction at the site was consequently slow (Lovell Chen 2008: 29), with initial residents residing in tents rather than permanent structures. In these early years, extant structures in or close to the development area (Patrick Sullivan's Cottage and the Shepherd's Hut, for example) were repurposed as part of the Quarantine facility (Lovell Chen 2008: 30). A series of new buildings constructed over the first decade of the Quarantine Station's use 'helped establish the character of the station' (Lovell Chen 2008: 35) going forwards, and a number of those buildings are extant today.

Lovell Chen present a plan of the Quarantine Station c. 1875 (Lovell Chen 2008: Figure 14) which shows the indicative location of Patrick Sullivan's House/Cottage (building 15 -identified at the time as 'workshops') and the Shepherd's Hut (building 14 – identified as a 'paint store'), and the Quarantine Jetty (structure 22). The former 'stables' building present in Figure 16 and Figure 17, thought to date to between c. 1870 – 1890, is not recorded on this map. No buildings, aside from the Shepherd's hut, are known to have been present within or very near to to the development area at this time.



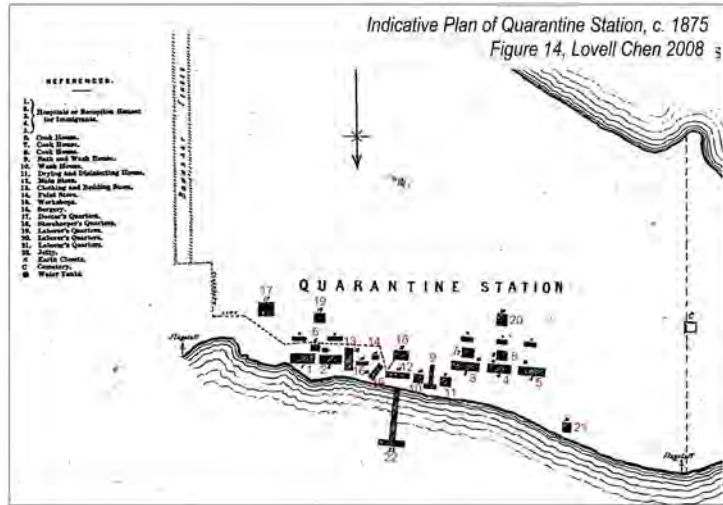


Figure 18 - Indicative plan of the Quarantine Station [not to scale] c. 1875 (Lovell Chen 2008).

The Quarantine Station was subject to further development in response to need for additional, updated or repaired facilities over the course of its use as for quarantine, from the mid-late 19<sup>th</sup> century through to the mid 1920s – after which development as a quarantine facility effectively ceased (Lovell Chen 2008: 45-6, 63). With the transferring of the Station from State to Commonwealth management in March 1901, ‘came an ambitious programme of upgrading of facilities over the next decade’ (Lovell Chen 2008: 55). During this time, ‘several of the station’s earliest structures, including those which were pre-existing, were demolished. These included Patrick Sullivan’s original cottage’ (Lovell Chen 2008: 56). During the early 20<sup>th</sup> century the site was occasionally put to non-quarantine use, including use as a summer school for teachers (Lovell Chen 2008: 50).

An overhead (Figure 19) and oblique (Figure 20) aerial show the development area within the Quarantine Station c. 1922. Present within the development area at this stage are formal pathways leading between buildings and to the jetty, as well as a previous alignment of Jacksons Road. No buildings are present in the development area at this time. The Shepherd’s hut is visible in this photography, located to the north east of the development area. The administration building / officers mess is located immediately to the west of the development area. Patrick Sullivan’s house had been demolished by this stage, and disturbed ground north of the development area, adjacent the coast, possibly indicates its former location (see Figure 19). Figure 21 shows the development area viewed from the north, with the Quarantine Jetty in the foreground.



Figure 19 - Aerial photograph of development area, c. 1922. Image source: Lovell Chen 2008.

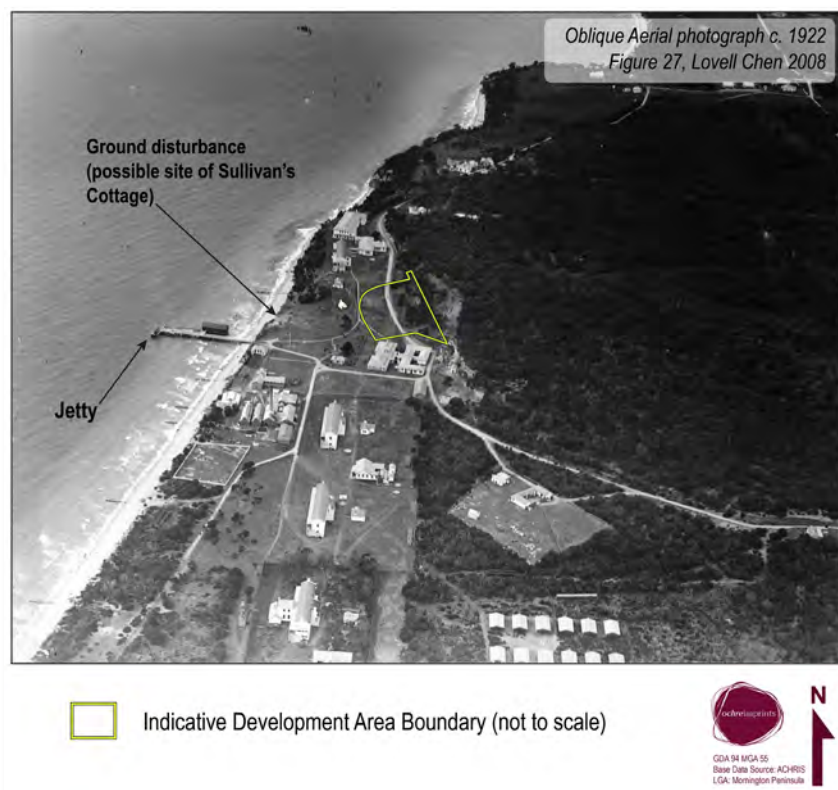


Figure 20 - Oblique aerial of the development area c. 1922. Image source: Lovell Chen 2008.

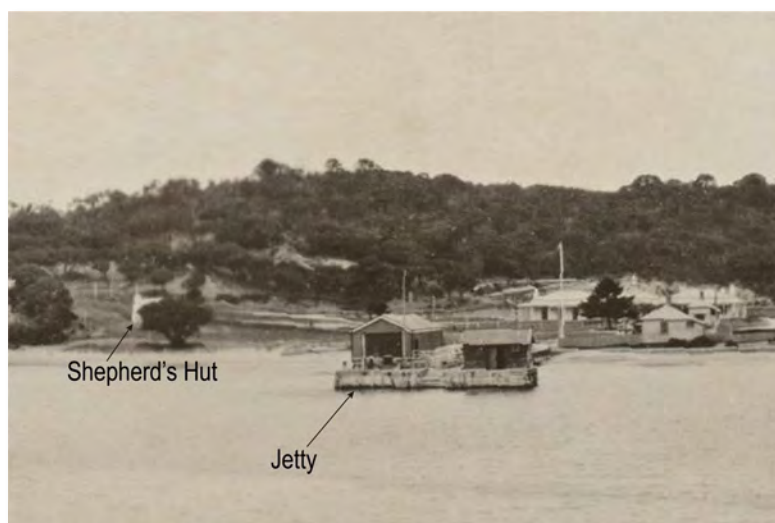


Figure 21 – View of Quarantine Station from the north c. 1922. Image source: NAA.

#### **2.1.4 Army Occupation and Use**

The first use of the Quarantine Station site by the Australian Army took place in 1952, when the Army 'was granted occupation of some quarantine buildings on a temporary basis to facilitate the development of the Officer Cadet School' (Lovell Chen 2008: 63). Prior to the use of parts of the Quarantine Station, the Army had occupied other parts of Point Nepean at different times since the late 19<sup>th</sup> century, with '[f]ortifications at Point Nepean...manned until the end of World War II' (Lovell Chen 2008: 63). As the Quarantine Station was falling out of use by the 1950s, and its location was expedient for Army purposes, 'in 1954, 776 acres were transferred to the Army for a nominal cost of £1 per acre' (Lovell Chen 2008: 63). Some parts of the site continued to be used for quarantine purposes as required until the Station's closure in 1980 (Lovell Chen 2008: 64).

The construction of a series of new buildings for Army use took place in the early 1960s. Badcoe Hall, which is located within the current development area and will be subject to adaptive reuse as part of the proposed works, was erected as part of this effort, in 1963 (Lovell Chen 2008: 63). The Officer Cadet School relocated off site in 1984, and buildings on the site were occupied by the Army School of Health from 1986 to 1998, and as housing for Kosovan refugees in 1998-99 (Lovell Chen 2008: 64).

#### **2.1.5 Built History of development area**

The CMP divides the built history of the former Quarantine Station into five phases: the pre-1856 period, the period between 1856 and 1875, the period between 1876 and 1899, between 1900-1925, and between 1950-1998 (Lovell Chen 2008: 67-8). Of these phases, known structures were or are present in or close / adjacent the development area in relation to the pre-1856 period and the modern (1950-1998) period only. The modern period saw the construction

of Badcoe Hall in the development area, in 1963. The pre-1856 period is described as follows (Lovell Chen 2008: 88):

[t]he first structures within the boundaries of what became the Quarantine Station were probable those of the Sullivan family and William Cannon. Dennis Sullivan, who arrived from Ireland with his family in the 1840s, occupied an area that included part of what was to become the Quarantine Station. In 1852, his two sons, Daniel and Patrick Sullivan, were operating limekilns at Point Nepean...Patrick Sullivan had a limekiln and buildings within the designated Quarantine Station area...

In 1852, both men were given orders to quit the area and their subsequent compensation claims provide valuable information on the structures and other features that were then extant within the Quarantine Station grounds.

Extant structures within or adjacent the development area that relate to this period of the site's history are limited (Lovell Chen 2008: 68):

The Point Nepean Quarantine Station retains in the form of what is known as the Shepherd's Hut (Building 7), evidence of habitation on the site which predates the establishment of the Quarantine Ground in late 1852. There were other buildings related to the use of the site by resident settlers and lime burners in this early period, but these have been demolished. Building 7 therefore provides evidence of the earliest phase of building on Point Nepean, not only within the Station grounds but arguably upon the Mornington Peninsula. This sole structure today represents the pre-1856 phase of the station's evolution.

### **2.1.6 Landscape Precincts**

The development area falls is associated with two historical precincts identified by Lovell Chen: the Parade Ground precinct which has associations dating from the 1850s through to the 1990s, and the Badcoe Hall Precinct, whose associations date from c. 1963-1966.

The Parade Ground precinct is described as 'the functional, if not social, centre of the site...also the site of a number of early (since demolished) buildings' (Lovell Chen 2008: F43). The earliest of these buildings belonged to Patrick Sullivan and included a stone cottage and what was later known as the Shepherd's Hut, which together 'formed the core of the newly established Quarantine Station' (Lovell Chen 2008: 89). Structures in this landscape precinct today include 'the Shepherds Hut...a fenced sewage pumping station and a flagpole on the northern side' (Lovell Chen 2008: F46). The Parade Ground was assessed in the CMP as being of Primary significance to the site (Lovell Chen 2008: F46-7). The southern boundary of this precinct borders or potentially slightly overlaps the northern boundary of the development area.

The Badcoe Hall Precinct, encompassing the bulk of the southern portion of the development area in the vicinity of Badcoe Hall was assessed in the CMP as being of Secondary significance to the site (Lovell Chen 2008: F61). Plantings that were once present in this part of the site were removed in the 1960s to allow for the realignment of Jacksons Road, and 'the memorial wall "In memory of cadets who died on service" appears to have been erected following the

road realignment and building works to the east' (Lovell Chen 2008: F63). Plantings south of Badcoe Hall also date to the 1960s. Of footings present to the east of Badcoe Hall, the CMP (Lovell Chen 2008: F63) notes:

At the eastern end of Badcoe Hall is the footprint of the since removed memorial wall. A garden bed backdrop of Oleander (*Nerium oleander*) and Karo (*Pittosporum crassifolium*) is located on the eastern side of the memorial footings.

...The footings of the Memorial Wall are not considered to be of significance.

### **2.1.7 Historical Archaeology**

The CMP prepared an assessment of the historical archaeological potential of the Quarantine Station site through a review of historical written documents and maps, the location of known historical sites listed on the VHI, and previous archaeological work undertaken in the area (Lovell Chen 2008: 87). A summary of the results of this assessment, relevant to the archaeological potential of the current development area, is provided in this section.

The earliest structures known to have been located in and/or very near the development area were those belonging to Patrick Sullivan, the son of Dennis Sullivan who arrived and settled east of the development area in the 1840s. A construction date for Patrick Sullivan's holdings is not known, but an inventory produced c. 1852 for a compensation claim when Sullivan was 'given orders to quit the area' (Lovell Chen 2008: 88) describes the early infrastructure in detail, as follows:

*a stone dwelling house forty feet long and...twelve feet wide inside, divided by two stone partitions into three rooms, two of which are floored with stone flags. One wattle and daub three roomed cottage, and a small underground stone dairy...about four acres of land within five hundred yards of the beach, cleared and enclosed with a low brush fence...About a quarter of an acre fenced in for a kitchen garden near the house, and a small stock or cattle yard. Two wells sunk about ten feet just above the high water mark, built round inside with stone...a limekiln and a quantity of lime (1852 report from Captain Ferguson to Lieutenant-Governor La Trobe).*

Sullivan's buildings...were located on the current Parade Ground...His stone cottage was used to house quarantine detainees and continued to serve as a workshop until it was demolished in about 1910. The cellar of the building currently known as the Shepherd's Hut (Building 7) may also be Sullivan's underground stone dairy and the ruins of his limekiln are located at the base of the cliffs below Building 1 (Lovell Chen 2008: 89).

The stone dwelling house is that shown in Figure 16 and Figure 17, with its indicative location depicted in Figure 18. Figure 23 shows the likely location of this structure in relation to the development area – vagaries of historical mapping mean that the location of this structure is not known with certainty, however. The locations of the kitchen garden and/or stock yard are unknown, and as such these may also have been located near or overlapped the development area. The cellar of the Shepherd's Hut is considered likely to be Sullivan's underground dairy,

and is located adjacent to (within 9-10 m of) the development area. The exact locations of other infrastructure mentioned in this inventory are not currently known.

Tents were used to house people in the first few years of the Quarantine Station's operation. Initially 'about 40 people were housed in tents in the vicinity of Sullivan's cottage. The use of tents seems to have continued for some time and been quite extensive' (Lovell Chen 2008: 90). There is a low possibility that some of these tents, located as they were around Sullivan's cottage, may have extended into the current development area. There is also raised the possibility that the above ground component of the Shepherd's Hut was constructed as part of the first development undertaken during the site's use as a Quarantine Station, and '[i]n 1854, this building was used as a storekeeper's house with underground kitchen' (Lovell Chen 2008: 90). No buildings are known to have been constructed in the development area between these early years and 1963, when Badcoe Hall was erected as part of the later Army use of the site. Sullivan's Cottage, later used as workshops, was demolished during a time of change at the Station in the early twentieth century, and by c. 1922 was no longer extant (see Figure 19).

Figure 22 shows the indicative location of Sullivan's cottage (demolished) located to the north of the development area area, and the Shepherds Hut located adjacent. Also shown on Figure 22 is the location of the former jetty (located well to the north west of the development area), and the indicative location of a (demolished) 'stables' building (likely the building shown in Figure 16 and Figure 17), which, along with a tramline, was present in or adjacent the east-west shoreline portion of the development area in the 19<sup>th</sup> century. This map was produced by Lovell Chen (2008: Figure 51) using data from a variety of historical sources to show the built history of the Quarantine Station over time. As indicated on this map, the only known historical structure constructed in proximity to the development area is the 'Shepherds Hut'.

Previous archaeological work undertaken at the site included the excavation of the cellar of the Shepherds Hut in 1997. The report for this excavation was not completed, 'but the recovered artefacts are currently housed in the museum at the former Quarantine Station' (Lovell Chen 2008: 107). An Aboriginal Cultural Heritage Management Plan (CHMP) undertaken at the site in 2008 involved extensive subsurface testing, with 'non-Aboriginal cultural material' retrieved from core samples at a range of locations across the wider Quarantine Station site, including one location north of the Shepherds Hut (Lovell Chen 2008: Figure 60). Where historical archaeological sites were identified as part of this fieldwork, they were recorded on the VHI.

Figure 23 shows the areas of historical archaeological potential in and around the development area, as identified by the CMP review. The CMP review identified land and coastal waters north of Badcoe Hall as areas of high historical archaeological potential. The CMP specifically identified the location of Sullivan's Cottage as having high archaeological potential, noting that 'this is the earliest known structure at the site' and following its demolition 'no development has taken place at this location and there is a high potential for structural remains and associated deposits to be identified' (Lovell Chen 2008: B15). The entirety of the development area was considered to be of low archaeological potential.

Also marked on this map are the locations of the VHI sites recorded as a result of archaeological survey. This map shows the observed extent of the quarried limestone cliff face as reflected on the VHI site card, as opposed to a single point with a 100 m buffer, which is what is reflected on the VHI mapping VicPlan for site H7821-0122. The mapping here (reflected in the illustration of the site extent in Figure 2), which shows the site located to the north east of the development area, is considered to be a more accurate depiction of the quarried site location than that indicated by the VicPlan mapping.



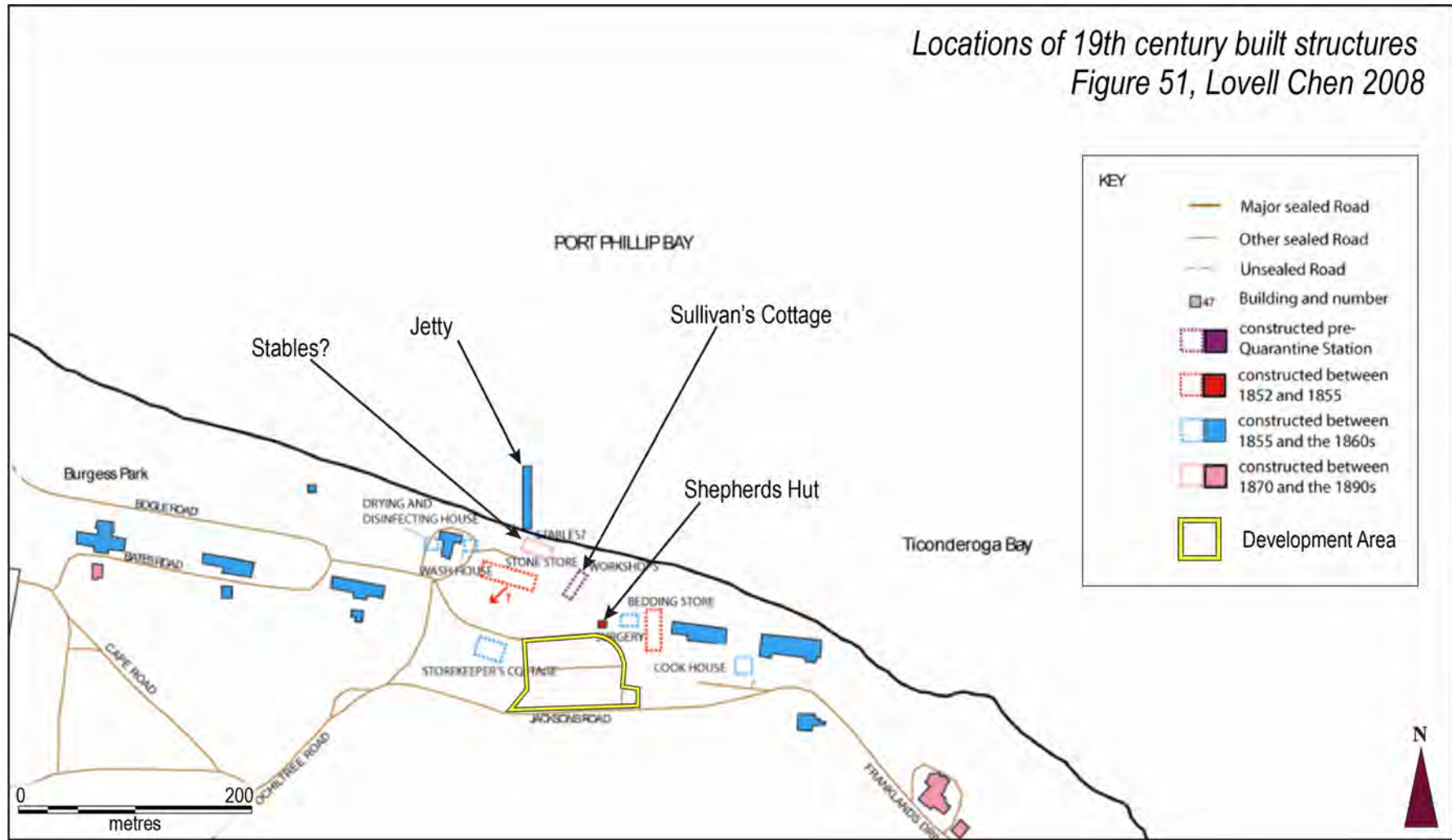


Figure 22 - Historical structures located in and/or near the development area. Image source: Lovell Chen 2008.



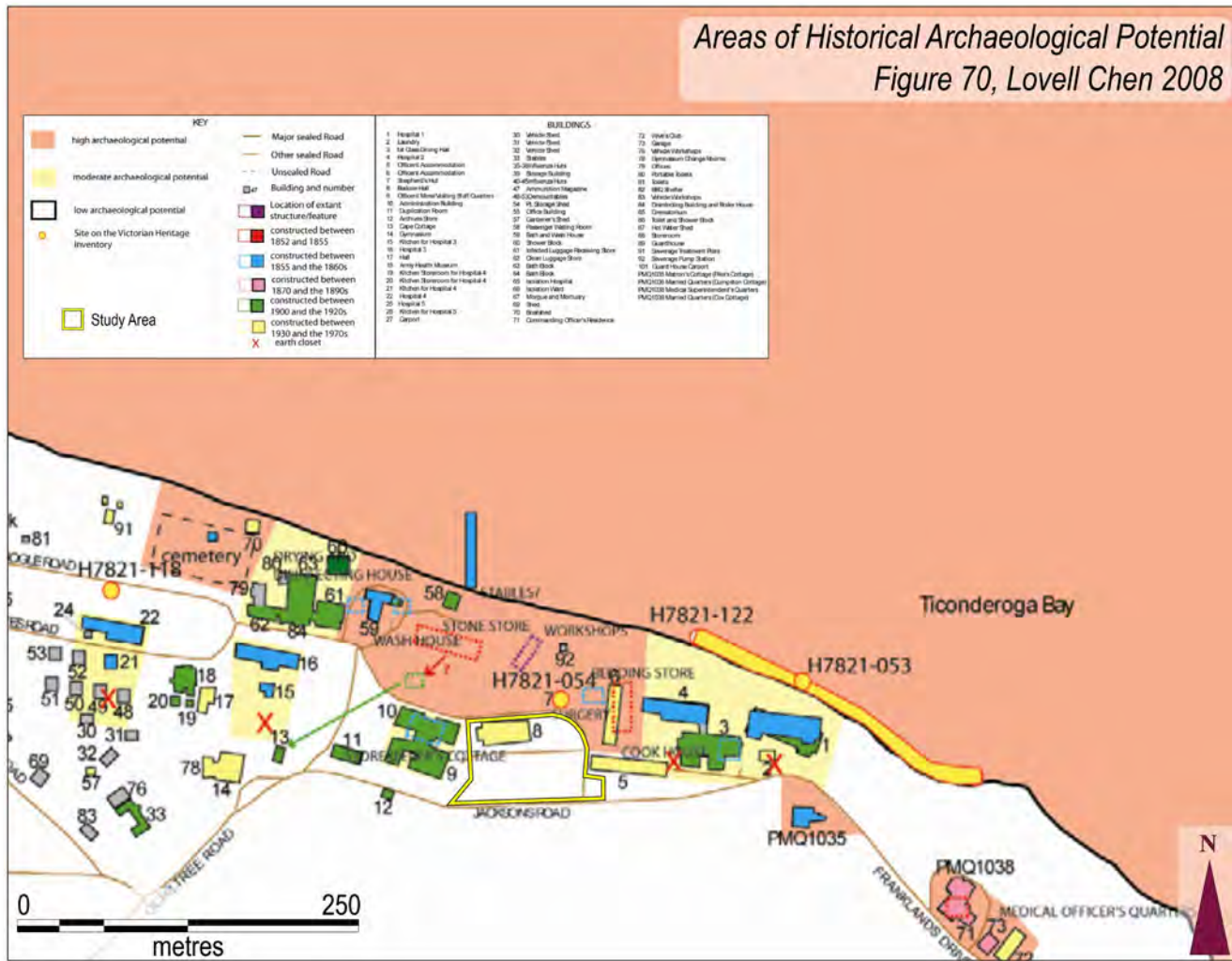


Figure 23 - Historical archaeological potential of the development area as defined by Lovell Chen (2008:120).

Areas of high archaeological potential were identified as those areas that were considered likely to contain archaeological material relating to the use of the site in the pre-Quarantine Station and early Quarantine Station era, which had been subject to ‘relatively little disturbance from later activities’ (Lovell Chen 2008: 123). Relevant to the potential archaeological of the development area, these included the parade ground, immediately adjacent its boundary. The potential of the Parade Ground was described as follows (Lovell Chen 2008: 124):

this currently cleared area was the centre of pre- and early Quarantine Station activities. The lack of subsequent development in the area means that there is a high potential for the identification of structural remains and deposits relating to Sullivan’s cottage and outbuildings, the first hospital, stone store, surgery, stables and jetty to be identified. In addition, deposits relating to the occupation of tents by quarantine detainees may be recovered and sub- surface deposits and those in the vicinity of Building 7 [the Shepherds Hut] may provide insights into the date and function of this structure.

### **2.1.8 Significance: Shepherd’s Hut**

The Shepherd’s Hut, or ‘Limestone Cottage’ recorded as H7821-0054 is located adjacent the development area, within 9-10 m of its boundary, and has been identified by the CMP as being of primary significance to the site. The CMP recommends the retention and conservation of features of primary significance, and ‘[i]f altered or changed, this should be done with minimal impact on the identified significant fabric including the ‘Significant Elements’ listed for each building and element in the datasheets at Appendix C’ (Lovell Chen 2008: 182).

The datasheet for the Shepherd’s Hut (referred to as building 7 on the overall site plan, see Figure 24) describes the building as constructed in two phases: the underground portion between c. 1843 and 1852, and the above-ground part c. 1854 (Lovell Chen 2008: C36). The hut’s use over time is described in Table 1 (information sourced from the site datasheet, in Lovell Chen 2008: Appendix C).

Table 1 - Shepherd's Hut, Summary Information

Shepherd's Hut – Summary Information	
<b>Key Dates</b>	<p><b>Pre-1856</b></p> <ul style="list-style-type: none"> <li>• Cellar of present building constructed [after 1843]</li> <li>• Cellar of present building identified as 'small underground dairy' [by Nov. 1852]</li> <li>• One roomed stone cottage with chimney constructed on top of underground structure [by Aug. 1854]</li> </ul> <p><b>1856-1875</b></p> <ul style="list-style-type: none"> <li>• Identified as 'Paint Store' [1875]</li> </ul> <p><b>1900-1925</b></p> <ul style="list-style-type: none"> <li>• Used as Dispensary [by 1914]</li> </ul> <p><b>1950-1998</b></p> <ul style="list-style-type: none"> <li>• Office for the Regimental Sergeant Major (Power 1984) [c. 1951-1984]</li> </ul>
<b>History</b>	<p>The in-ground (cellar) component of this structure is believed to have its origins in pre-quarantine use of the site, while the above-ground, one-roomed structure with chimney is believed to have been constructed in the mid-1850s, after the station was established. Overall this building is likely to be the earliest surviving on the Quarantine Station site. The origin of its present name – the 'Shepherd's Hut' – has not been identified.</p> <p>When Point Nepean was first used for quarantine purposes in late 1852, the early operations centred on land first occupied by Patrick Sullivan under license from the Crown. Patrick was the son of a Daniel Sullivan who had settled permanently in the area in 1843.</p> <p>Patrick Sullivan had erected a number of buildings on his holding and it was reported in November 1852 that these were a stone 'dwelling' house, a wattle and daub three-roomed cottage, and a small underground dairy. The latter two were described as 'much in need of repairs', while the former was put to use variously as accommodation, storage and workshops until it was demolished sometime between 1910 and 1920. There were also two stone-lined wells.</p> <p>The relationship between the wattle and daub cottage and the underground dairy structure is unclear but it seems from the wording of the description that they were separate elements. Various reports strongly support the theory that the wattle and daub cottage was demolished rather than repaired and by late 1854 a new, stone structure had been built over the underground dairy – the present in-ground cellar component.</p> <p>Although a return of the buildings at the Sanitary Station as at 15 August 1854 does not list a one roomed stone cottage (it is too small to have had two rooms), it is said that storekeeper James Walker recollected the stone structure being there when he arrived at the Station in November 1854. It also appears that in late 1854 it was used as the Store-keepers quarters, the kitchen being underground, and was also being considered for use as a surgery.</p> <p>A manuscript record which appears to have been compiled in the latter half of 1873 describes this building as (NAA 1873 &amp; 1874: CA3168, Series B3169, Unit 1):</p> <p style="padding-left: 40px;"><i>A one roomed detached house with cellar underneath. Built of limestone and roofed with corrugated iron. Officers private store house.</i></p> <p>In 1875, it was described as a 'paint store'.</p> <p>In the latter part of the last century the building is believed to have been used as a dairy, with 'the cows being milked on the top floor, while milk and butter was stored in the cellar', but this has not been verified and seems unlikely. Subsequently the building was utilised as a dispensary and then as an office and store. The cellar of the structure was overlooked (hidden by landscaping or previous earthworks?) until 1941 when Mr Kendall, the officer in charge of</p>

	<p>the Quarantine Station at the time discovered its existence and had it readied for use as an air-raid shelter.</p> <p>After the Army moved onto the site, this building was used as an office for the Regimental Sergeant Major. Boxed materials collected from the basement area are held by the Nepean Historical Society.</p>
<b>Description</b>	<p>The building is a simply designed single-storey cottage, in the vernacular tradition, constructed of crudely coursed limestone blocks with a corrugated cement sheet roof, copper guttering and a small timber-framed window to the main room. The building has been painted. Internal flooring and framework are timber, but of more recent origin, with charred joists as evidence that the building has been previously damaged by fire. The massive corbelled stone chimney is the building's dominant feature. A timber porch or canopy has been added to the front of the building. There is also a cellar which is accessed externally from a separate entrance. This part underground space also has a small timber-framed window.</p>
<b>Significance</b>	<p>Of Primary significance.</p> <p>This structure is important as probably the earliest surviving structures within the Quarantine Station site, and one of the earliest structures in the wider Point Nepean/Mornington Peninsula area. Although of modest scale, its location on the east side of the Parade Ground, and within the central area of the quarantine complex of buildings, provides it with a high degree of visibility. The area also views of the building from the historic Anchorage Area.</p>

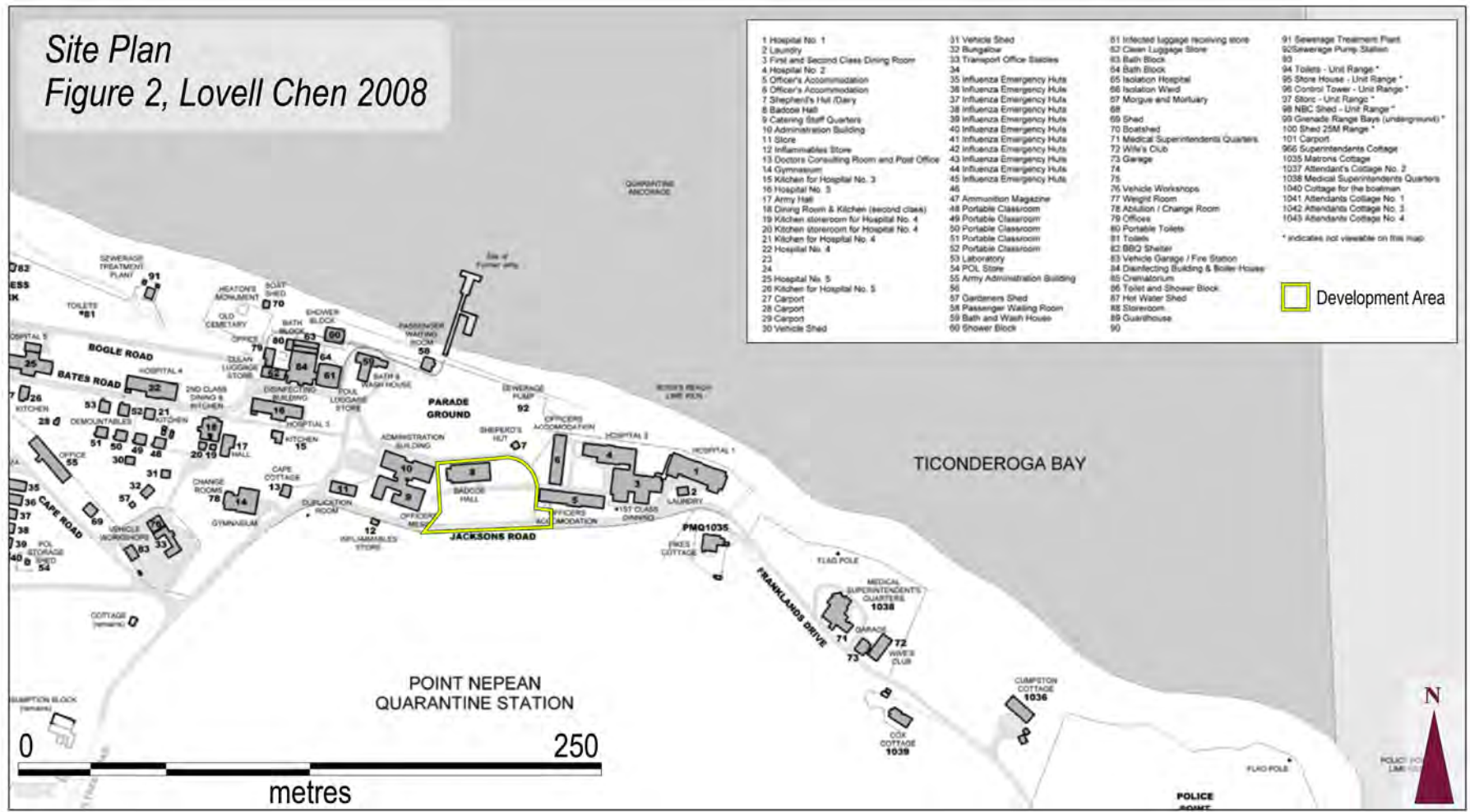


Figure 24 – Excerpt from Point Nepean Quarantine and Defence Precinct Site Plan. Image source: Lovell Chen 2008.

## 2.2 Historical Plans and Aerial Photography

The earliest available mapping showing the development area and surrounds in use in the post contact period dates to c. 1854., with a map of the Quarantine Reserve (Figure 25) indicating only the presence of a 'store' in the general vicinity of the development area at the time. It is not clear which building this refers to, although it is possibly the stone store erected to the west of the development area around 1852. Other Quarantine structures marked near the development area at the time included a burial ground to the west, and Hospital, Slaughter Yards and Medical Officers Quarters to the east.

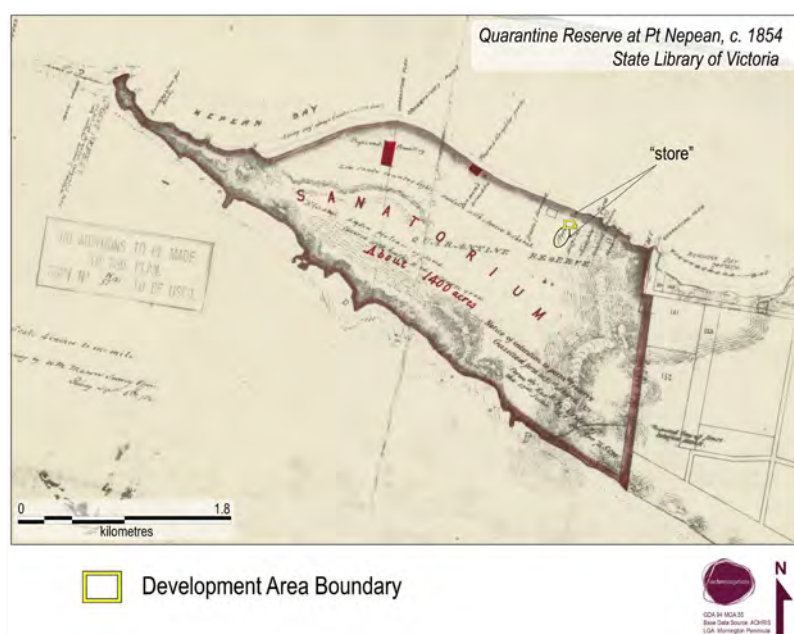


Figure 25 - Excerpt from a c. 1854 annotated plan of the Point Nepean Quarantine Reserve with the indicative location of the development area overlain. Image source: SLV.

A version of this plan dated to c. 1875 (Figure 26) is of much higher image quality and again shows the presence of a store in the vicinity of the development area, with hospital, slaughter yards and medical officers' quarters to the east, and a burial ground to the west. The northern side of Point Nepean is described on this map as 'low sandy country lightly wooded with acacia & sheoak'. The mapping on both Figure 25 and Figure 26 is very broad scale, and it is not clear when the structures shown on the maps were observed. Only some of the buildings shown on the CMP mapping of the Quarantine Station site (see Figure 22) for the years between c. 1843 and c. 1890s are shown on these maps, and it is not clear which building the 'store' refers to.

A topographic map produced c. 1890 (Figure 27) indicates the presence of a number of structures in and/or around the development area, whose distribution is more in line with that presented in the CMP. Shown on this map are a range of structures around the development



area that can be identified from CMP mapping as hospital buildings, the bedding store, and surgery to the west, as well as stables and stone store to the west. This mapping (also broad in scale and likely containing inaccuracies) indicates the presence of the Shepherds Hut immediately adjacent the development area, and places Sullivan’s Cottage further to the north east of the development area, rather than along the pipeline alignment as shown on CMP maps. This map also shows the stables building located to the north of the development area, adjacent the coast.

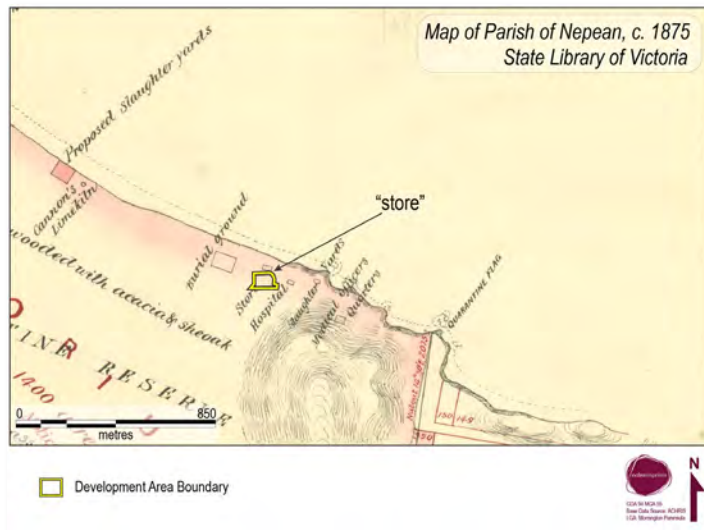


Figure 26 – Excerpt from Map of the Parish of Nepean, c. 1875, with indicative location of development area overlain. Image source: PROV.

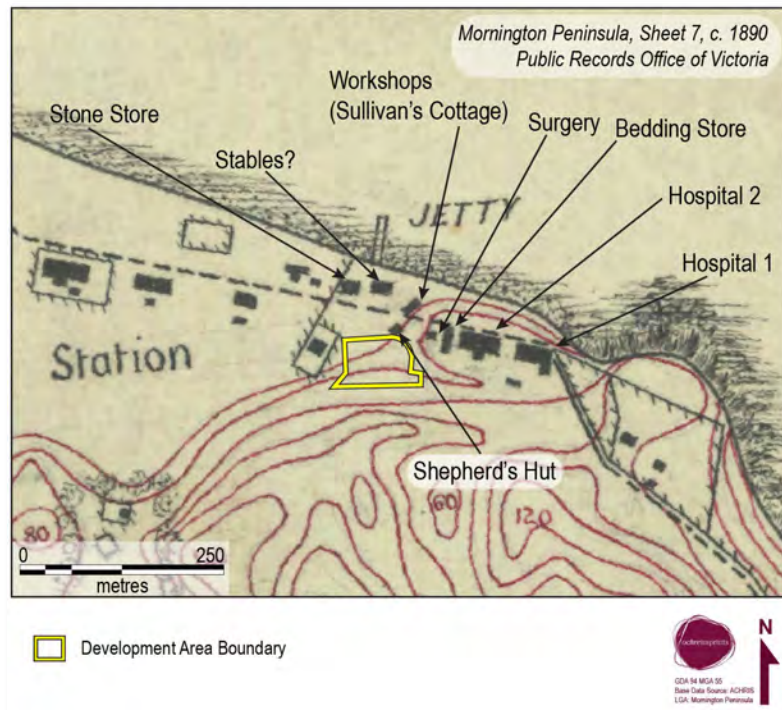


Figure 27 – Excerpt from a topographic map of the Mornington Peninsula, c. 1890, with the indicative location of development area overlain. Image source: PROV.



Aerial photography of the development area c. 1922 (Figure 19 and Figure 20) shows formal pathways leading between buildings in the development area and out to the jetty, as well as a previous alignment of Jacksons Road present with the development area. No extant built structures are present in the development area at this time, with the Shepherd's Hut, located approximately 9-10 m to the north east, the closest structure in the vicinity. Visible ground disturbance of an area of ground north of the development area possibly indicates the former location of Patrick Sullivan's house, which has been variously mapped around this location.

A photograph of the development area c. 1939 (Figure 28) shows it looking much the same, with no additional built infrastructure present within it. A row of trees has been planted along the alignment of what would later become Jacksons Road in the development area by this stage, which are casting shadows in this photograph.

An aerial photograph of the development area c. 1951 (Figure 29) shows the development area basically unchanged from the previous two decades, with the roadside planting evident in the c. 1939 photograph now more evident.

A topographic map produced c. 1953 indicates the same, with one structure only, representing the Shepherd's Hut, shown adjacent the development area at this time – allowing for error in mapping of the structure itself due to scale (Figure 30).



Figure 28 – Aerial photograph of the development area, c. 1939. Image source: AAPO.



Figure 29 – Aerial photograph of the development area c. 1951. Image source: AAPO.

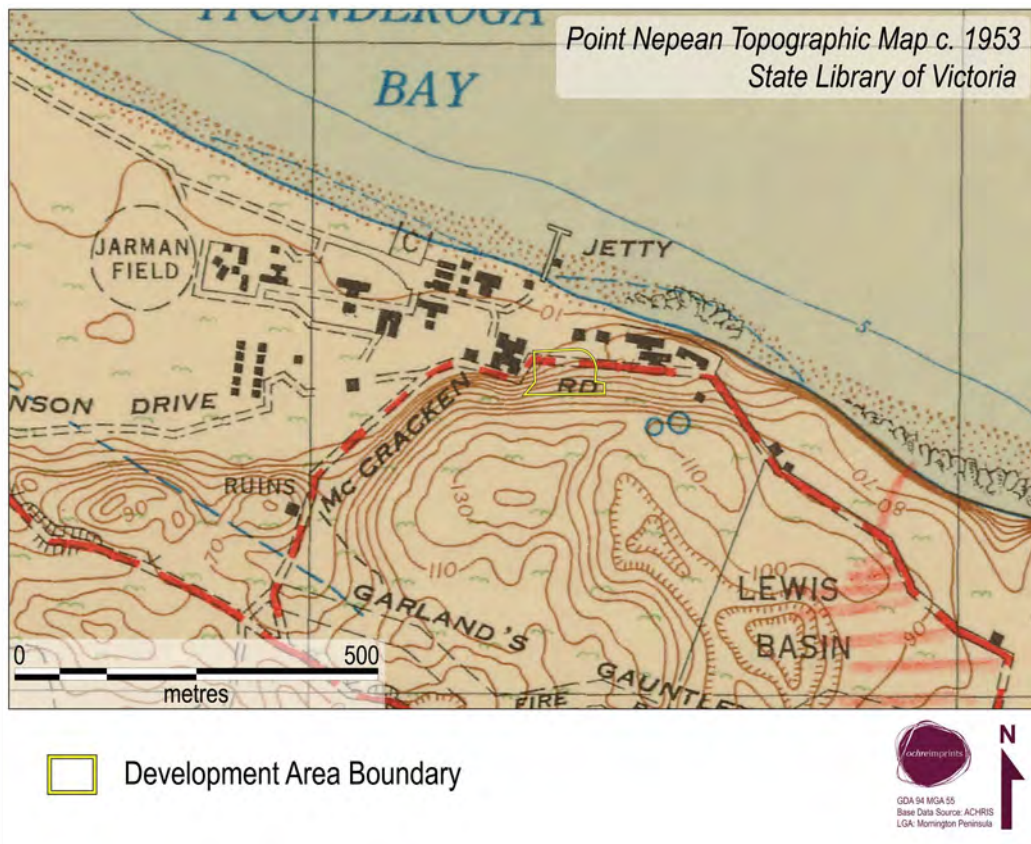


Figure 30 – Excerpt from a topographic map of Point Nepean c. 1953 with development area overlain. Image source: SLV.

By c. 1984, aerial photography (Figure 31) shows the impact of the Army presence at the Quarantine site, with several changes to the development area evident at this time. Badcoe Hall had been constructed by this stage, and paths around all sides of the hall and to its east had been established, some of which are located within the development area. One of these paved pathways is located on the approximate alignment of the former McCracken Road, and the avenue of trees that once lined the road have been removed along with the road itself. Jacksons Road is present at this stage on its current alignment, and clearing and landscaping has taken place in the space between it and Badcoe Hall. To the north of Badcoe Hall, the Shepherd's Hut remains visible. No obvious works have taken place north of the Shepherd's Hut in the intervening years.

A contemporary photograph of the development area (Figure 32) shows the extent of the previous paved path in front (to the south) of Badcoe Hall is now made up of paved parking areas. A service road now exists south of this parking area, forming a loop which connects the parking area to Jacksons Road. Landscaping has taken place in the open space between Badcoe Hall and Jacksons Road, with trees / shrubs planted parallel to the road. A memorial wall, identified by the CMP of being of no significance to the heritage listing, is present to the east of Badcoe Hall. The development area appears otherwise largely unchanged since c. 1984.



Figure 31 – Aerial photograph of the development area, c. 1984. Image source: AAPO.





Figure 32 – Contemporary Aerial photograph of development area. Image source: Google Earth.

### 2.3 Underground Services

A 'Before You Dig Australia' (BYDA) enquiry found that a range of services are present in the development area, including a high pressure gas pipeline along Jacksons Road, sewer main and property connections in the southern part of the development area and around Badcoe Hall, a high voltage electricity cable, and a range of telecommunications cables. Detailed mapping of these services is not possible with the information provided. A sewerage pump station, which is not historical in nature, is present to the north of the development area (see building 92 on Figure 23).

## 3 Discussion and Synthesis

### 3.1 Limitations of the data

While the historical record can provide a wealth of information about the past, it is by its nature incomplete, and the type, quality, availability, and number of sources about particular places and moments in time varies. Errors or inaccuracies in historical mapping and plans and differences in photographic quality and scale in aerials, for example, can lead to misinterpretations or gaps in knowledge about a particular site where, for example, few documentary records are relied upon to provide information in a way or to a level of detail they were not designed to deliver.

### 3.2 Implications for the proposed development

Notwithstanding the above, the evidence from the conservation management plan, historical mapping and photography indicates that no historical structures are known to have been present within the development area itself. There have been historical structures present immediately north of the development area since the early 1840s, however. Archaeological material relating to these structures and/or to use of the site either prior to or during its time as a Quarantine Station may be present in the development area, as follows:

#### 3.2.1 *Known archaeological sites present in or next to the development area*

*The Shepherd's Hut / Limestone Hut and associated archaeological material.*

The Shepherd's Hut is a two-storey single-roomed structure including a stone basement. The underground portion of the structure is thought to have been first constructed after c. 1843 and prior to c. 1852 as Patrick Sullivan's underground dairy. The aboveground part of the structure is thought to have been constructed between c. 1852 and c. 1854. This structure has been subject to a range of uses over its lifetime including in the pre-Quarantine, Quarantine Station and Army occupation phases, and was partially excavated (but not written up) by archaeologists in 1997. As the oldest extant building on the site, the Shepherd's Hut is mentioned as a building of significance in the National Heritage Listing, the State Heritage Registration (VHR H2030), and is protected as an archaeological site under VHI H7821-0054.

The Shepherd's Hut itself is located approximately 9-10 metres north east of the development area. Associated subsurface archaeological material (features and/or deposits) may be present within the development area in the vicinity of / associated with the Shepherd's Hut.

### **3.2.2 Known archaeological sites with low potential to be in the development area**

#### *Point Nepean Limestone Quarry*

The Point Nepean Limestone Quarry (H7821-0122) is described on its VHI listing as a stretch of sandstone and limestone cliff that has been extensively quarried for sandstone building blocks and limestone for burning in local kilns. This quarry is marked on the VHD / VicPlan as a single point to the north east of the development area, with a nominal 100 m buffer around it which overlaps with the northern part of the development area. This mapping does not represent an accurate depiction of the location and extent of the quarried cliff face, which is more accurately shown on Figure 2 and Figure 23. These plans show the quarry as extending east along the coastline from a primary co-ordinate located approximately 100 m north east of the current development area.

This archaeological site is not located within, or in close vicinity to, the development area, and no works are planned in its vicinity.

### **3.2.3 Other areas of historical archaeological potential within the development area**

#### *Area in the immediate vicinity of Badcoe Hall, north of its parking lot*

This area formed part of the Quarantine Station notably the quarantine grounds that were known to be used (parade ground and Shepherds hut to north and location of former store to west). This area does not appear to have been subject to extensive modification or built infrastructure related to its Quarantine use, with the exception of road / path construction and landscaping. As part of the Quarantine Station grounds, however, it has some archaeological potential (low-moderate) to contain:

- isolated artefacts and artefact scatters, which may occur anywhere across this part of the site relating to its Quarantine Station use, and date from the c. 1852 to the mid-late twentieth century.

This can be seen in the purple shaded area in Figure 33.

#### *Area south of Badcoe Hall*

This part of the development area was not subject to development until the 1960s, when the Army occupied the site, Badcoe Hall was constructed, and Jacksons Road formalised on its current alignment. There is no evidence of structures or specific features associated with the historical occupation of this area. There is a low archaeological potential for isolated artefacts or artefact scatters related to the Quarantine use of the site to occur within this southern part of the development area.

This area of low archaeological potential can be seen in the green shaded area in Figure 33.





Figure 33 - Contemporary aerial of development area showing areas of archaeological sensitivity.



## 4 Archaeological assessment

### 4.1 Significance of archaeological remains

The following table provides an assessment of the significance of archaeological features and/or deposits which are either known or have potential to be present in the development area, in terms of their association with the Victorian Frameworks of Historical Themes. Where relevant, assessments of recorded features as per existing heritage place registrations are also summarised here.

Table 2 - Significance of Archaeological areas of Potential

Site / Area of Potential	Significance
<p><b>Shepherd’s Hut and surrounds</b></p> <p><b>NHL:</b> 105680 &amp; 105756</p> <p><b>VHR:</b> H2030</p> <p><b>VHI:</b> H7821-0054</p>	<p><i>National:</i></p> <p>The Shepherd’s Hut / Limestone Cottage is specifically mentioned in the NHL registration of the Quarantine Station, as the oldest extant building on the site, and ‘a crucial link to the early European history of Point Nepean, due to its use in both pre- and post quarantine station contexts. Archaeological sites at the quarantine station have been assessed as having National significance under Criterion C (Research).</p> <p><i>State:</i></p> <p>The VHR registration specifically identifies the Shepherd’s Hut as a structure of significance, as well as all archaeological remains within the registered area. The hut is identified as ‘a rare example of employee housing from the period c. 1845-1854, of potentially high significance, and requiring further investigation. The Shepherd’s Hut is recorded as reflecting the early grazing use of the land by Europeans.</p> <p><i>Victorian Historical Themes:</i></p> <p>Theme 2: Peopling Victoria’s places and landscapes</p> <ul style="list-style-type: none"> <li>• 2.4 Arriving in a new land (Sullivans as early settlers)</li> <li>• 2.5 Migrating and making a home (migration link to quarantine use)</li> </ul> <p>Theme 4: Transforming and managing land and natural resources</p> <ul style="list-style-type: none"> <li>• 4.3 Grazing and raising livestock (livestock grazing – Sullivans)</li> <li>• 4.4 Farming (underground dairy)</li> </ul> <p>Theme 7: Governing Victorians</p> <ul style="list-style-type: none"> <li>• Defending Victoria and Australia (quarantine as defense of the health of the colony / nation; use of hut site by the Army in 20<sup>th</sup> Century)</li> </ul> <p>Theme 8: Building Community Life</p> <ul style="list-style-type: none"> <li>• Providing health and welfare services (use of hut as part of a quarantine site).</li> </ul>
<p><b>Point Nepean Limestone Quarry</b></p> <p><b>VHI:</b> H7821-0122</p>	<p><i>State:</i> The limestone quarry consists of a stretch of quarried cliff associated with the limeburning industry which was active at the site prior to the establishment of the Quarantine Station. The limekilns and associated archaeological sites are specifically mentioned in the state heritage listing (H2030) for the wider Quarantine &amp; Defence Precinct, although limestone quarries are not specifically mentioned. The VHR listing for the wider place specifically includes all archaeological remains within its curtilage, however, so the quarry site is thus afforded state protection.</p> <p><i>Victorian Historical Themes:</i></p>

	<p>Theme 2: Peopling Victoria’s places and landscapes</p> <ul style="list-style-type: none"> <li>• 2.4 Arriving in a new land (Sullivans as early settlers)</li> </ul> <p>Theme 4: Transforming and managing land and natural resources.</p> <ul style="list-style-type: none"> <li>• 4.6 Exploiting other mineral, forest and water resources (quarrying for building materials)</li> </ul>
<p><b>As yet unrecorded archaeological features, deposits and/or artefact scatters</b></p>	<p><i>State:</i> The VHR listing for the wider place specifically includes all archaeological remains within its curtilage. As yet unrecorded archaeological features and deposits may relate to pre-Quarantine occupation and use of the area from c. 1840s through to the end of the Quarantine Station occupation in the mid 20<sup>th</sup> century. As the presence and nature of such archaeology is unknown, an assessment of the archaeology’s overall significance can be inferred as contextually of state or perhaps national significance, but individual items or features require individual assessment.</p> <p><i>Victorian Historical Themes:</i></p> <p>Theme 2: Peopling Victoria’s places and landscapes</p> <ul style="list-style-type: none"> <li>• 2.4 Arriving in a new land (a place for quarantine arrivals)</li> <li>• 2.5 Migrating and making a home (migration link to quarantine accommodation)</li> </ul> <p>Theme 4: Transforming and managing land and natural resources</p> <ul style="list-style-type: none"> <li>• 4.3 Grazing and raising livestock (livestock grazing)</li> </ul> <p>Theme 8: Building Community Life</p> <ul style="list-style-type: none"> <li>• Providing health and welfare services (contextually part of a quarantine site).</li> </ul>

## **4.2 Potential Impact of Proposed Works**

There are three archaeological sites and/or listings or areas of archaeological potential which may extend into the area upon which the impact of the proposed works is assessed:

- the Shepherd's Hut / Limestone Cottage (VHI H7821-0054);
- the Point Nepean Limestone Quarry (VHI 7821-0122); and
- as-yet unrecorded archaeological features, deposits and/or artefacts that are located within the VHR H2030 curtilage and thus protected under that registration.

All archaeological remains within the VHR curtilage are explicitly included in its registration, and thus afforded protection under the VHR registration. Figure 34 shows areas of archaeological sensitivity in relation to the proposed works. Table 3 outlines possible impacts from the proposed works on the archaeological sites or areas of potential.

The significance of the former Quarantine Station site has previously been assessed and established – with registration on both the National and State Heritage List. The archaeology of the wider site has been identified as being of National significance under Criterion C (Research) in its NHL. All archaeological remains within the wider VHR curtilage (and thus within the development area) are explicitly included in the State Heritage Registration for the Point Nepean Defence and Quarantine Precinct, in recognition that the archaeology contributes to the state level significance of the site.

The archaeological potential of the Quarantine Station site has previously been assessed as part of a CMP produced by Lovell Chen (2008), and information from this assessment specific to the development area, along with a land use history, forms the basis for predictions about its archaeological potential. A review of the land use history of the property, via a review of the CMP and of historical mapping and photography, indicates that there is a high likelihood of archaeological remains associated with the historical use of the Quarantine Station from c. 1843 to the mid 20<sup>th</sup> century. Some of these archaeological remains are known to be present within close proximity to the development area (the Shepherd's Hut for example) while some are predicted. The proposed works have the potential to cause harm to any archaeological remains that may be currently present at the site, in a subsurface context. With this in mind, and to mitigate potential harm to the site's archaeological record, an archaeological management strategy is outlined in Section 5

Table 3 describes each of the above sites and the potential impacts of the proposed works. Table 4 provides an assessment of impacts in relation to NHL values.

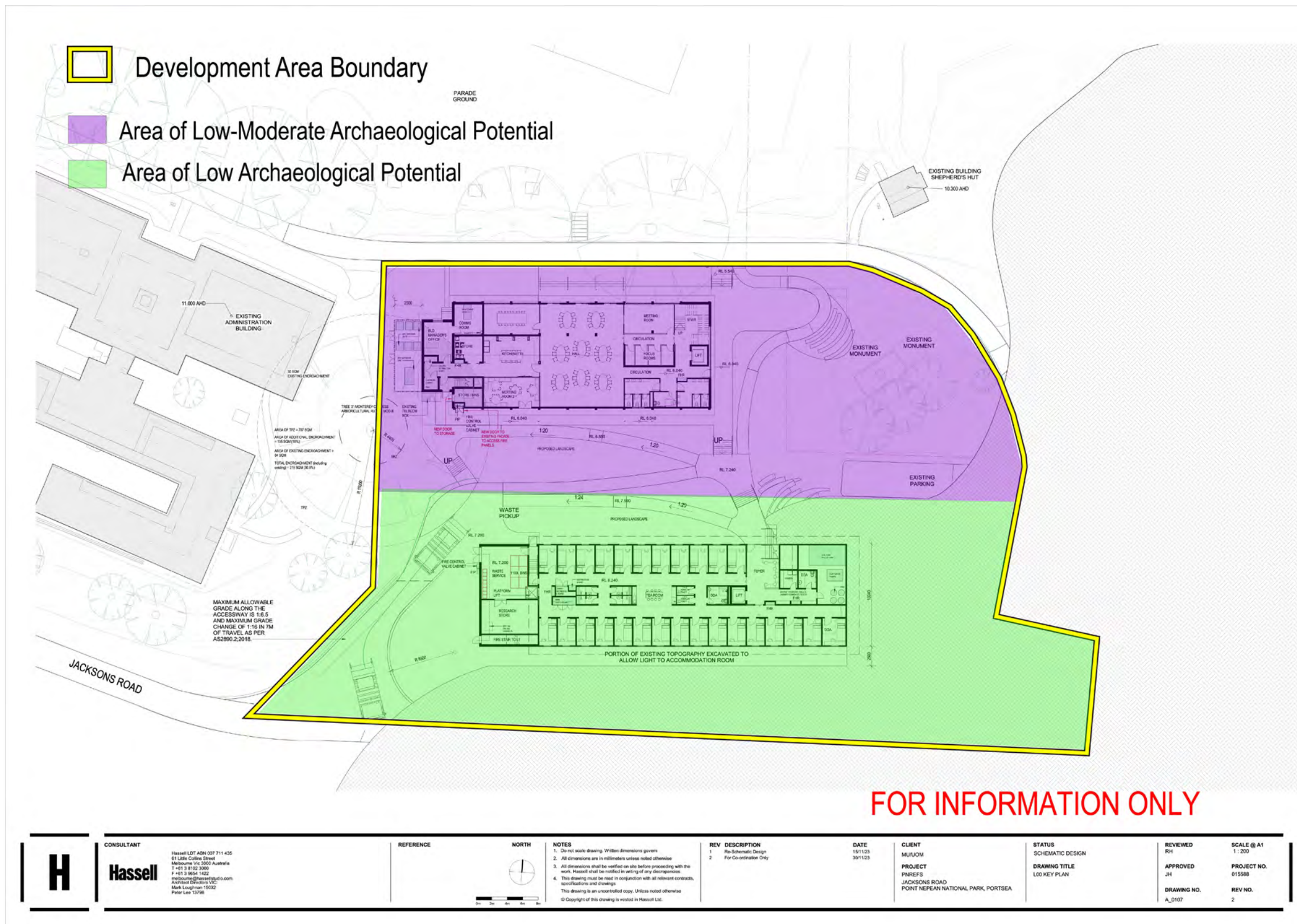


Figure 34 – Areas of archaeological sensitivity over development footprint



Table 3 - Archaeological Sites and Potential Impacts

Site / Area of Potential	Potential Impact	Management required?
<b>Shepherd’s Hut &amp; surrounds</b>	<p>The Shepherd’s Hut structure is located approximately 9-10 metres to the northeast of the development area. The depth of the basement of the Shepherd’s Hut is not currently known. It is also not known whether other subsurface archaeological features are present in its vicinity, or their depth. The extant structure of the Shepherd’s Hut itself will be avoided by the proposed works, and is not at risk of harm.</p> <p>The presence and/or depth of other potentially associated archaeological deposits or features in a subsurface context in the vicinity of the Shepherd’s Hut and within the extent of the VHI listing for the site (which encompasses the entirety of the development area) is not currently known. If as yet unidentified archaeological remains associated with the Shepherd’s Hut are located within the development area, the proposed works may cause harm to said remains.</p>	Yes
<b>Point Nepean Limestone Quarry</b>	<p>The point Nepean Limestone Quarry is located approximately 100 metres to the north east of the development area, extending east from that point along a stretch of coastal cliff for a distance of approximately 250 metres. VicPlan mapping shows the site located at a single point, with a 100 m standard buffer placed around this point, which extends into the development area. This mapping appears to be erroneous, and the site location is more accurately represented on Figure 21.</p> <p>Regardless of whether or not the VicPlan mapping is erroneous, the limestone quarry is not at risk of harm from the proposed works. No works are planned in or near the limestone quarry site, and the proposed works will therefore not impact any above or on-ground archaeological features at this location.</p>	No.
<b>As yet unrecorded archaeological features, deposits or artefacts.</b>	<p><b>The development area</b> is located entirely within Diagram 2030 for VHR H2030, which explicitly protects ‘all the archaeological remains both on the land and under the sea on Diagram 2030’. As yet unrecorded archaeological remains may include evidence of features such as buildings and ancillary structures (wells, gardens, pits etc), as well as artefact scatters and isolated finds.</p> <p>As the development area consists of areas of low-moderate and low archaeological potential, archaeological features are less likely to be encountered, although isolated finds or artefact scatters may be present, which may be uncovered during ground disturbing activities as part of the proposed construction program.</p>	Yes

Table 4 - Impacts to archaeological sites under NHL Criteria.

Archaeological site / feature	Potential Impact Under NHL Criteria
<p><b>Shepherd’s Hut / Limestone Hut</b></p>	<p><i>Criterion A (Events, Processes):</i></p> <p>The Shepherd’s Hut is mentioned as a structure of national significance relating to the use of the land as a quarantine station between the years of 1852-1875. The proposed development currently avoids harm to this structure, with the northernmost part of the development area located 9-10m south of the Shepherd’s Hut.</p> <p><i>Criterion C (Research):</i></p> <p>Shepherd’s Hut is specifically mentioned in the NHL listing as a building of significance, and the depth of its basement and presence / nature of associated subsurface archaeology is not known.</p> <p>Due to the location of the development area 9-10 m south of the hut structure, works are also very unlikely to impact on the research value of thus far unknown archaeological remains associated with the Shepherd’s Hut’s immediate surrounds.</p> <p><b>Mitigation:</b></p> <p>Archaeological monitoring of more sensitive areas (those areas designated to be of low-moderate archaeological sensitivity) will ensure that archaeological material containing NHL values associated with the Shepherd’s Hut will be appropriately recorded and managed during the proposed works.</p>
<p><b>Point Nepean Limestone Quarry</b></p>	<p>The limestone quarry relates to the use of the site prior to the establishment of the Quarantine Station and does not form part of the NHL registration. The quarry does not carry NHL values.</p>
<p><b>As-yet unrecorded archaeological features, deposits and/or artefacts</b></p>	<p><i>Criterion C (Research):</i></p> <p>The proposed works will potentially impact on the research value of as-yet unrecorded archaeological remains associated with the use of the property as a Quarantine Station. Archaeological sites at the Quarantine Station have been assessed as having National significance under this criterion.</p> <p>The development area as a whole is much less archaeologically sensitive, although there is the possibility of archaeological remains associated with the Quarantine Station being present in subsurface contexts.</p> <p><b>Mitigation:</b></p> <p>Archaeological monitoring will ensure that archaeological sites or features containing NHL values will be appropriately recorded and managed during the proposed works.</p>

## 5 Archaeological Management Strategy

Archaeological sites in the development area attract protection under the Victorian *Heritage Act* 2017. In addition, the Point Nepean Defence & Quarantine Precinct is on the National Heritage List (NHL) and is protected under the *Environment Protection and Biodiversity Conservation Act* (EPBC Act) 1999. The site as defined on the VHR (H2030) has archaeological values of state-level significance relating to the Point Nepean Defence and Quarantine Precinct

Despite there being a VHI listing for the Shepherd's Hut / Limestone Cottage which reflects the archaeological nature of the site, the extant VHI listings do not address all of the potential archaeology within the development area. The VHR H2030 explicitly includes all archaeological remains within its curtilage however, and as an HV permit is required in relation to this listing prior to works proceeding, the archaeology will be managed under the VHR permit, rather than via individual VHI Consents.

The following addresses each site or area of archaeological potential that requires management to mitigate against disturbance caused by the proposed works.

### 5.1 Zones of Sensitivity

The development area has two designated zones of archaeological sensitivity as shown in Figure 33:

- low-moderate archaeological potential and
- 'low' archaeological potential

Management strategies for each of these zones are discussed below in the context of known and unknown historical archaeological values.

### 5.2 Zone of Low-Moderate Archaeological Potential

The Zone of low-moderate archaeological sensitivity includes the VHI listing of the Shepherd's Hut / Limestone Cottage (VHI H7821-0054) and this area has some proximity to the Parade Ground area which was a focus of historical use.

The development design plans show that there are no works proposed in the immediate vicinity (within 9-10 metres of) the Shepherd's hut (see Figure 33). The extant structure of the Shepherd's Hut itself and its immediate surrounds, which is highly archaeologically sensitive, will thus be avoided by the proposed works. There is the possibility that as yet unidentified archaeological remains associated with the historical use of the Shepherd's hut may be present in subsurface contexts within the development area to its south, and its VHI listing, intended to offer protection to any associated archaeological remains, extends over the entirety of the development area. As yet unrecorded archaeological remains may include evidence of features



such as buildings and ancillary structures (wells, gardens, pits, tramway etc.), as well as artefact scatters and isolated finds.

If archaeological material associated with the Shepherd's Hut is present in the development area, it may face harm as a result of the proposed works.

**Mitigation strategy:**

The zone of low-moderate archaeological potential as shown on Figure 33 is designed to manage potential impacts to as yet unknown historical archaeology that may relate to the use of the Shepherd's Hut / Limestone Cottage and other historical uses in the area.

It is recommended that ground disturbing activity associated with the proposed works of the zone of 'low-moderate' archaeological potential be subject to monitoring by an appropriately qualified archaeologist.

Monitoring will be undertaken to the depth of works. Should archaeological material be encountered during monitoring, the unexpected finds protocol (Section 5.6) will apply.

### 5.3 Zone of Low Archaeological Potential

The zone of 'low' archaeological potential, in the south, is less likely to contain archaeological features, although isolated finds or artefact scatters may be present, which may be encountered during the proposed construction.

**Mitigation Strategy**

The zone of low' archaeological potential as shown on Figure 33 is designed to manage potential impacts to, and /or the discovery of as yet unidentified archaeological remains.

Monitoring of works is not required, however should archaeological material be encountered during works, the unexpected finds protocol (Section 5.6) will apply.

### 5.4 Unexpected Finds Protocol

An unexpected finds protocol should be applied for the site during the course of the proposed works. This protocol can be used both during any monitoring that may take place on site and also in the event that an archaeologist is not present on site. Where archaeological discoveries are made during archaeological monitoring and / or works, consultation with HV is required to establish an approved program of investigation to manage / record the discovery:

- In the event that historical archaeological features, deposits or artefact are discovered during the course of the development excavation works and the monitoring archaeologist is not present, then the following process will be followed:
  - all excavation will stop within an area of 5 meters of the discovery. The works can continue outside of this area.

- an archaeologist with experience in investigating and recording historical archaeological sites will attend the site to assess the nature and significance of any discovery of artefacts or *in-situ* features or deposits.

If the assessment determines that the discovery is of artefacts in a disturbed context or context of low integrity, then:

- the artefact(s) will be recorded as per Heritage Victoria's 2015 *Guidelines for Investigating Historical Archaeological Artefacts and Sites*.

If the assessment determines that the discovery is of significant archaeological potential or value, such as *in-situ* structural features and remains, then:

- consultation will be undertaken with Heritage Victoria to determine the most appropriate course of action.

All relevant construction workers must be made aware of the above requirements. The monitoring archaeologist will brief workers at the morning tool box meeting when on site to monitor ground disturbing works.

## 5.5 Artefact Management Policy

The artefact collection policy applies to the monitoring of works associated with the construction of the Point Nepean Research and Education Field Station Project in the event that historical archaeological artefacts are recovered during works. The aim of the policy is to allow the collection of material from the site to enable the understanding of the nature and significance of H7821-0054 and the resulting archaeological record and material culture.

### Artefact Recovery

The following methodology will be used in the recovery of artefacts in the field during monitoring of works by a qualified historical archaeologist:

- A single context recording system will be used to document the archaeology of the site.
- Artefacts recovered from the site will be bagged according to the appropriate context. All bags will be labelled with the project name, area location, trench number (if relevant), context and date.
- Artefacts less than 50 years old will be noted in the field and recorded on context sheets and photographed if required. These objects will not be retained in the field.
- Hazardous materials will not be collected but their presence will be noted in site documentation.
- Building materials (brick, bluestone, timber etc) will generally not be collected but will be documented in site records. Samples may be collected for further analysis as required.
  - retained if they are determined to be of medium to high significance.

Artefacts will be transported to Ochre Imprints' Artefact Management Centre for processing.

### Artefact Conservation

A materials conservator will be retained for the project and will be available on-call for the duration of the works. The conservator will be available to advise on the handling of artefacts

or material deemed to be at-risk or susceptible to disintegration as a result of its removal from the deposit.

## 6 References

### Books / Articles / Reports

BMT 2022. Intake and Outfall for Seawater System – Point Nepean – Concept Design & Options Assessment: Point Nepean Research and Education Field Station. Unpublished report prepared for University of Melbourne and Monash University by BMT.

Lovell Chen. 2008. Conservation Management Plan: Non-Indigenous Cultural Heritage. Volume One: Conservation Management Plan. Unpublished report prepared by Lovell Chen Architects & Heritage Consultants for Point Nepean Community Trust.

Ochre Imprints 2023 (in prep). Maritime Archaeological Assessment: Pt Nepean Research & Education Field Station Project. Unpublished report prepared for Lovell Chen.

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## **7 Appendix 1 – Cultural Heritage Legislation**

Historical (non-Aboriginal) sites and places of cultural heritage are protected by State and Commonwealth legislation. The legislation is summarised below.

### **Commonwealth Government**

#### **Australian Heritage Council Act 2003**

The Australian Heritage Council is a Commonwealth Statutory body, established by the *Australian Heritage Council Act 2003*. One of the functions of the Council is to maintain lists of heritage places. These are:

The National Heritage List of places of national heritage significance. Listed places are protected by the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). There are currently 28 historic places listed in Victoria. Examples of these types of places are the Eureka Stockade, Castlemaine Diggings National Heritage Park and Sidney Myer Music Bowl.

The Commonwealth Heritage List of heritage places owned or managed by the Commonwealth. Listed places are protected as Australian Government agencies will be obliged to properly manage heritage listed places under their control. There are currently 43 historic places listed in Victoria, including places such as Victoria Barracks, Customs House and a number of Post Offices across Victoria.

#### **The *Environment Protection and Biodiversity Conservation Act 1999*.**

Any action that is likely to have a significant impact on sites listed in the National Heritage List and the Commonwealth Heritage List must be referred to the Australian Government Minister for the Environment and Water Resources (the Minister) for consideration.

## State Government.

### **Heritage Act 2017**

Historical archaeological sites in Victoria are primarily protected under the auspice of the *Heritage Act 2017*. Its purpose is to provide for the protection and conservation of places and objects of cultural heritage significance to the State of Victoria.

Specifically, the *Heritage Act 2017* serves to protect all places and objects of historic cultural heritage relating to the non-Aboriginal settlement of Victoria. Under the Act, 'place' includes an archaeological site, a building, a garden, a tree, a precinct, a shipwreck and land associated with any of the above. The Act defines an archaeological site as place (other than a shipwreck) which:

- a) contains an artefact, deposit or feature which is 75 or more years old; and
- b) provides information of past activity in the State; and
- c) requires archaeological methods to reveal information about the settlement, development or use of the place; and
- d) is not associated only with Aboriginal occupation of the place.

#### Heritage Register and Inventory at a glance.

The Victorian Heritage Register (VHR) and Inventory (HI) are lists of heritage sites maintained by Heritage Victoria. The VHR lists sites of state significance. They are recorded with a H prefix, eg H201. The HI lists archaeological sites, places and relics over 75 years old that meet archaeological thresholding requirements. They are recorded with a H and 100,000 map series number prefix eg. H7221-. The new *Heritage Act 2017* permits listing of archaeological sites less than 75 years old if they reach thresholding requirements for archaeological significance.

There are two categories of listing provided for under the *Heritage Act 2017*; the Victorian Heritage Register and the Heritage Inventory.

### **The Victorian Heritage Register**

The heritage register is a register of all heritage places, relics, buildings, objects or shipwrecks deemed to be of outstanding cultural significance to the State of Victoria. Section 87 of the *Heritage Act 2017* states that it is an offence to knowingly or recklessly remove, relocate or demolish, damage or despoil, develop or alter, or excavate, all or any part of a registered place or a registered object in the absence of a permit. In addition, Section 88 states that it is an offence to negligently remove, relocate or demolish, damage or despoil, develop or alter, or excavate, all or any part of a registered place or object without a permit.

Under Section 93 of the Act, a person may apply to the Executive Director for a permit to carry out works or activities in relation to a registered place or registered object. An application for a permit must be in the prescribed form and be accompanied by the prescribed fee. The Executive Director must determine a permit application within 60 days (s97). The Heritage



Council may extend the period of days by a further period of 60 days on application of the Executive Director.

### **The Heritage Inventory**

The Heritage Inventory records all archaeological heritage sites, other than archaeological sites which are determined by the Executive Director as having low archaeological value (s118).

Under section 130 of the Act, the Executive Director may recommend to the Heritage Council that a place be approved as a site of archaeological value if, in the Executive Director's opinion, the place:

- contains an artefact, deposit or feature which is less than 75 years old; and
- provides information of past activity in the State; and
- requires archaeological methods to reveal information about the settlement, development or use of the place; and
- is not associated only with Aboriginal occupation of the place; and
- has archaeological value.

In this instance, the Heritage Council must determine criteria for assessing whether a place has archaeological value.

Under section 123 of the Act it is an offence to knowingly or negligently deface, damage or otherwise interfere with, or carry out an act, likely to endanger:

- a site recorded in the Heritage Inventory; or
- an archaeological site which is not recorded in the Heritage Inventory.

Offences are punishable by a fine and/or imprisonment

Under section 124 of the Act a consent is required from the Executive Director, Heritage Victoria to excavate, uncover, damage or disturb a site recorded on the Heritage Inventory. An application for a consent must be in the prescribed form and be accompanied by the prescribed fee.

## **Local Government.**

### **Victorian *Planning and Environment Act 1987* and the *Planning Schemes Act 1996***

The Victorian *Planning and Environment Act 1987* and the *Planning Schemes Act 1996* provides local governments with the power to implement heritage controls over significant buildings or places.

One of the objectives of the *Planning and Environment Act* (1987) is to “...conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest or otherwise special cultural value’ (Section 4 (d)). Applications for planning permits submitted to local governments may be forwarded to Heritage Victoria as referral authorities but only if the body determining the planning application believes there is cause to do so. A requirement for a Heritage Assessment can be included as a condition for the issue of a Planning Permit by the determining Authority (Section 62).

Part 2 of the *Planning Schemes Act 1996* sets out guidelines for use by local government for determining a planning application, which includes reference to cultural heritage including archaeological sites. Site and places may be protected within a planning scheme by the use of a Heritage Overlay and Significant Landscape Overlays and the attached schedules.

Most Victorian local governments have Heritage Overlays in place, however there are some areas where Heritage Overlays are still being developed. All Heritage registered sites are automatically included in Heritage Overlays, however many Heritage Inventory listed sites are often overlooked. In practice this means there is potential for some heritage sites to be missed when undertaking desktop survey alone.