STRATEGIES FOR CONSERVATION AND MANAGEMENT OF INDIGENOUS CULTURAL SITES IN A RAPIDLY DEVELOPING URBAN ENVIRONMENT: A CASE STUDY FROM MELBOURNE

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Australia is a highly urbanised country, with 80% of its population living within 100km of the coast (Australian Department of Foreign Affairs and Trade n.d.). Melbourne, the capital of the State of Victoria, is a city of some 3.65 million people (Department of Sustainability and Environment 2005), which is situated north and east of the shores of Port Phillip, in south-east Australia (see Figure 1). Victoria is Australia's smallest and most densely populated state (Australian Department of Foreign Affairs and Trade n.d.), with around 70% of its total population concentrated in the area of metropolitan Melbourne (Australian Bureau of Statistics 2003).

The years between 1996 and 2001, saw a rapid growth in the urban population of Melbourne. Residential growth occurred principally in the outer suburbs of Melbourne (Australian Bureau of Statistics 2005), such as Werribee, Melton and Sunbury to the west and north-west, Craigieburn to the north and Cranbourne, Narre Warren and Pakenham to the east (Figure 1). Because of rapid urban growth in the outer urban areas, it has been estimated that by 2021 around 25,000 hectares (ha) of predominantly rural land surrounding the metropolitan area, will be absorbed by urban development (Buxton 2002).

Melbourne 2030 was launched in 2002 and is the latest undertaking in a series of planning initiatives for Melbourne by different Victorian State Governments. The intent of Melbourne 2030, is to manage urban growth in Metropolitan Melbourne over the next 30 years, by containing urban development and major urban infrastructure within strategic locations (Department of Infrastructure 2002: 13). The plan has established an Urban Growth Boundary, to limit urban expansion onto surrounding rural land. The Urban Growth Boundary contains designated Urban Growth Corridors to the west, north and south-east of the City (Department of Infrastructure 2002: 13-14). It is intended that urban expansion will be consolidated within the Urban Growth Corridors and specified 'activity centres', which will be linked by "high capacity public transport" (Department of Infrastructure 2002: 13-14).

This paper will examine the impacts of Melbourne 2030 on indigenous heritage within the South-East Urban Growth Corridor (SEUGC). It will be argued that the heritage policies contained in Melbourne 2030 are strongly biased towards the protection of non-indigenous heritage sites, community boundaries are specified in Schedule 4 of the Commonwealth Act. Section 21(U) of the Commonwealth Act requires

- a Consent in writing from the relevant Victorian indigenous community designated in Schedule 4 of the Act, before any person "...causes damage to, the defacing of, or interference with an Aboriginal object or an Aboriginal place" or "does an act likely to endanger an Aboriginal object or Aboriginal place". Although much of the land within the SEUGC was traditionally owned by clans of the Bunurong people, their descendants have never been able to exercise the right to issue Consents to Disturb indigenous archaeological sites.

Prior to July 2004, the statutory right to issue Consents to Disturb indigenous archaeological sites lay with the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Incorporated, an organisation representing traditional Waiworgung owners of land within parts of the eastern, northern and western suburbs of Melbourne. During 2004, the Victorian Minister for Aboriginal Affairs requested the Commonwealth Government to amend Schedule 4 of the Aboriginal and Torres Strait Islander Heritage Protection Act in order to excise a large area of land south of the Princes Highway from the Wurundjeri's scheduled area. Statutory control over indigenous cultural heritage within the excised area now rests with the Victorian Minister for Aboriginal Affairs, rather than with any of the indigenous community organisations representing traditional owners of the excised area.

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1 Indigenous archaeological sites in Victoria are protected by State legislation (the Archaeological and Aboriginal Relics Preservation Act, 1972) and Commonwealth (Australian Government) Legislation (Part IIA of the Aboriginal and Torres Strait Islander Heritage Protection Act, 1987). The Commonwealth Act takes precedence over State legislation.

The Commonwealth Act confers statutory powers on specific indigenous community organisations. The organisations and their representatives have statutory powers to issue Consents to Disturb archaeological sites. As a result, it has been argued that the Victorian legislation weakens the control over indigenous cultural heritage within the SEUGC.

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buildings and places. Statutory protection provided for indigenous heritage is poorly co-ordinated with planning legislation, limiting the abilities of local government to apply planning controls that could protect sites and places of significance to the contemporary indigenous communities. The net result has been a significant escalation in the loss of indigenous heritage sites within the three years since the implementation of Melbourne 2030. We also present two case studies where a local indigenous community, the Bunurong Land Council Aboriginal Corporation, has worked in co-operation with local government and developers to achieve sustainable outcomes for indigenous cultural heritage. The two case studies provide an insight into methods which may be used to achieve a net gain for indigenous heritage within a rapidly developing urban environment.

The SEUGC encompasses land in the outer eastern suburbs, including the suburbs of Narre Warren, Lynbrook, Lyndhurst, Cranbourne, Berwick, Officer and Pakenham (Figures 1-2). The northern half of the SEUGC comprises dissected hills of the East Victorian Uplands, and in the south, part of the Southern Victorian Riverine Plains (Rowan et al. 1999: 64). The hills are drained by several watercourses, including Dandenong Creek (east of the SEUGC), Eumemmerring Creek, Cardinia Creek, Toomuc Creek and Deep Creek (Figure 2). West of Cardinia Creek, the riverine plains are predominantly formed from Tertiary alluvial sand and silt deposits, and Quaternary aeolian sands (Geological Survey of Victoria 1978). East of Cardinia Creek, the plains are formed from Quaternary alluvial deposits of sand, sandy silt and silty clay (Department of Industry, Technology and Resources 1975).

Three major arterial roads pass through the SEUGC; the Princes Freeway, the South Gippsland Freeway and the Westernport Highway (Dandenong-Hastings Road) (Figure 2). Construction has recently commenced on an extension of the Princes Freeway (Pakenham Bypass), between Cardinia Creek and an existing section of freeway east of Pakenham. The Pakenham Bypass is the southern boundary of the SEUGC in the Shire of Cardinia. These roads are the principal motor transport links between the outer south-eastern suburbs and the city.

Local government administration within the SEUGC rests with the City of Casey, west of Cardinia Creek and with the Shire of Cardinia, east of Cardinia Creek. Both authorities are responsible for local urban planning, under controls established by State planning legislation.

Although the SEUGC contains only 38% of the total available land within the combined Urban Growth Boundary, the ‘growth path’ of Melbourne is currently towards the east and south (Birrell et. al. 2005: 3.15). Intensive urban development of rural land has occurred over the past 10 years, primarily within the City of Casey, but is now rapidly occurring within the Shire of Cardinia. The suburb of Cranbourne near the south-west extension of the corridor (Figure 2) is a designated new activity centre defined in Melbourne 2030, where high density urban development will occur (Department of Infrastructure, 2002: 17). Officer and Pakenham, within the Shire of Cardinia are identified as potential new principal activity centres (Department of Infrastructure, 2002: 17).

The rapid pace of urban development within the SEUGC has had significant impacts on indigenous archaeological sites and places. This can be demonstrated by an informed estimate of the loss of archaeological sites within each local government area.

In Victoria, all indigenous archaeological sites which are recorded must be registered with the Heritage Services Branch of Aboriginal Affairs Victoria (AAV), the State Government agency responsible for implementing government indigenous heritage policy. The numbers and types of archaeological sites within the SEUGC registered with AAV, are shown in Table 1 and Figure 3. Estimates of the number of Consents to destroy indigenous archaeological sites within the SEUGC that have been issued since Melbourne 2030 was implemented, are shown in Table 2. The locations of archaeological sites which have been destroyed are shown in Figure 4.

Within the past three years, at least 29 registered archaeological sites within the Shire of Cardinia have been destroyed by urban development. The loss of indigenous archaeological sites within the City of Casey is higher, with at least 59 sites destroyed. All of these sites have either been surface scatters, or sub-surface deposits of stone artefacts, which are derived from past indigenous campsites. Impacts on scarred trees appear to be less, possibly because the trees are more easily preserved within urban environments. These estimates of the number of destroyed archaeological sites are likely to be conservative, as the authors have not been able to review all of the Consents which have been issued over the past three years. A number of Consents to destroy archaeological sites, including scarred trees, were also issued in the City of Casey prior to 2002.

Melbourne 2030 has a heritage policy, which states that:

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"Melbourne 2030 recognises the importance of conserving places of indigenous and non-indigenous cultural heritage. The wide range of sites that exists across metropolitan Melbourne and the surrounding region includes places of spiritual importance or meaning to indigenous people, cultural landscapes, archaeological sites and relics and historic places. Attention will be paid to conserving these, while encouraging appropriate new development that respects those established heritage values."

A heritage technical report was prepared for Melbourne 2030 (Department of Infrastructure, 2002\textsuperscript{2}), but this deals almost entirely with European heritage issues. One of the authors, Chris Johnston (pers. comm. 2005), has commented that the focus on non-indigenous cultural heritage was partly due to a requirement to comply with a Heritage Victoria\textsuperscript{3} format, and that the technical report was intended as a conceptual document, which would make broad statements about the heritage significance of Melbourne.

The goals of the heritage policy in Melbourne 2030 are, however, in direct conflict with the destruction of indigenous sites and places that is occurring as a result of urban development. The imposition of an urban growth boundary means that there is less flexibility for developers to allocate land for the conservation of sites or places of indigenous heritage significance. Because Melbourne 2030 sets a development goal of 15 house lots per hectare within the Urban Growth Boundary (Birrell et. al. 2005: 3/5), the opportunities for conservation of indigenous heritage decrease as developers are pushed towards higher density housing.

Urban Planners working for local government also lack statutory 'tools' to protect indigenous archaeological sites. This is because the State and Commonwealth indigenous heritage legislation is poorly integrated with State planning legislation. Indigenous archaeological sites can be included within a Heritage Overlay in a Local Government planning scheme. But the schedule to the Heritage Overlay in the Victorian Planning Provisions, contains 'Decision Guidelines' and 'Permit Requirements' which are principally designed to protect historic buildings (Department of Infrastructure, 2002\textsuperscript{3}). This means that urban planners find it difficult to protect indigenous sites and places using the Heritage Overlay. To date, none of the indigenous archaeological sites, places, or landscapes of indigenous cultural significance within the SEUGC, have been listed on a local government Heritage Overlay.

Attempts have been made by urban planners to conserve indigenous archaeological sites using other statutory tools available in the Victorian Planning Provisions, but these are not always suitable for the task. The City of Greater Dandenong, situated immediately east of the SEUGC, recently attempted to amend its Environmental Significance Overlay to protect an area of rural residential land, that contains the highest density of indigenous scarred trees in Metropolitan Melbourne (Peter Mondy, City of Greater Dandenong, pers. comm. 2005, Rhodes 2001: 35). This amendment was defeated when placed on public exhibition, partly because of the objections of a group of affected landowners (Peter Mondy, City of Greater Dandenong, pers. comm. 2005). The City of Greater Dandenong also withdrew from the amendment because they received legal advice to the effect that the obligation to comply with indigenous cultural heritage legislation was placed on individual landowners and could not be enforced by Council (Peter Mondy, City of Greater Dandenong, pers. comm. 2005). Conservation of this significant indigenous cultural landscape, is, therefore, still potentially threatened by future urban development.

The impacts of urban development on indigenous archaeological sites are also greater than those caused by previous rural land use. Although the natural environment of the SEUGC has been degraded by land clearance, grazing, cropping and swamp drainage, the activities associated with rural land use generally only impact on archaeological sites close to the surface. Urban development requires a major re-shaping of the landscape, involving large-scale earthworks which cause earth disturbance at a greater depth. In other words, earthworks associated with urban development are far more likely to cause significant and widespread impacts on indigenous archaeological sites, than rural land-use.

Some of the impacts on sites and places of indigenous cultural heritage, could have been avoided had a more comprehensive study been done of the evolution of the indigenous landscape prior to setting the Urban Growth Boundary. This is illustrated by examining the historical evidence for indigenous occupation.

The traditional indigenous owners of the land within the SEUGC, were clans of the Woiworung and Bunurong people, who had extremely different concepts of land ownership and

\textsuperscript{2} Scarred trees are formed by the removal of bark from native trees, principally Eucalyptus spp. Bark was cut from the trees by indigenous people for a variety of uses, for example the roofing of shelters or manufacture of containers for water and food.

\textsuperscript{3} Heritage Victoria is the Victorian State Government agency responsible for the management and protection of non-indigenous buildings, places and archaeological sites.
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European explorers, sealers and whalers, soldiers, convicts and settlers who occupied Bunurong and Woiworung Country, often used the same paths, camps and resources that were in use by the indigenous owners. Figure 5 shows an overlay of some known indigenous routes of movement, resource bases and places which were used by Bunurong people, overlaid on a recent Landsat image.44

Some of the routes known to have been used by indigenous people correspond to modern roads. Examples are the Nepean Highway, Governor Road at Mordialloc, the South Gippsland Highway, parts of the Princes Highway, parts of the Dandenong-Hastings and Tyabb-Tooradin Roads, parts of the Toomuc Valley Road at Pakenham and parts of the Belgrave-Gembrook Road along the ranges north of the SEUGC.

The historical evolution from the indigenous landscape to the existing urban and rural environments within the SEUGC, has left a large number of indigenous archaeological sites in existing and future urban areas. The archaeological sites, and, in places, their association with remnant natural environments and landforms, are an important chapter in the history of the human occupation of Victoria. For the contemporary Bunurong community, protecting these remnants of their heritage extends beyond a purely historical interest. Contemporary indigenous people also wish to exercise their traditional obligations to care for the Country bequeathed to them by spiritual ancestors.

The human landscape of the SEUGC is also an ancient one, which has changed throughout the period of human occupation in Australia (some 60,000 years). Evidence for Pleistocene human occupation has previously been found to the west of Melbourne in alluvial terraces on the Maribyrnong River at Keilor (Munro, 1998, Gallus, 1983). A recent excavation within the SEUGC at Pakenham, revealed an ancient indigenous campsite which was dated to 24,168 +/-268 BP (wk 15090 - Rhodes, 2004: 10). This is indicative of the potential for other ancient and highly significant archaeological sites to occur on land which is earmarked for future urban development.

Despite the loss of indigenous archaeological sites which has been occurring within the SEUGC, there have been some positive responses. An indigenous community, the

Bunurong Land Council Aboriginal Corporation, has worked in collaboration with local government, developers, heritage practitioners and government environmental agencies to achieve some form of net gain for indigenous cultural heritage within the urban environment. Families in the Land Council are descended from four Bunurong women - Marjorie Munro, Elizabeth Maynard, Eliza Nowen and Jane Foster - and a Bunurong man Robert Cunningham (Yanike Yanike). The four women survived initial contact with Europeans as a result of being kidnapped by European sealers and transported to the Bass Strait Islands. Robert Cunningham was a Bunurong man who joined a whaling crew and eventually settled in Western Australia.

The Bunurong Land Council has sought to actively engage in the planning process for indigenous cultural heritage, and to use their traditional knowledge of the natural environment to express indigenous cultural values, which are not necessarily contained in the archaeological record.

The City of Casey has worked with the Bunurong Land Council and other relevant indigenous communities, to produce a comprehensive draft local government Planning Policy for indigenous cultural heritage. The draft Planning Policy has been approved by the Victorian Minister for Planning and will shortly go to public exhibition (David Westlake, City of Casey, pers. comm. 2005). If approved, the draft Planning Policy will encourage conservation of indigenous archaeological sites through "Any reasonable alternative means of siting or constructing buildings, or constructing or carrying out works, or subdividing land" (City of Casey, 2005: 22.18-4). Importantly, the draft Policy also allows for the expression of indigenous community views on the future management of indigenous cultural heritage sites and places.

In the eastern half of the SEUGC, the Shire of Cardinia has carried out an indigenous heritage study within the Urban Growth Boundary (Rhodes & Bell, 2004). This study was conducted in association with the Bunurong Land Council and the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc. The Shire of Cardinia is currently preparing a Planning Practice Note, which will require Council planners to advise developers of the need for compliance with statutory indigenous cultural heritage legislation and consultation with indigenous communities (Ian Stephenson, pers. comm., 2005). Archaeological modelling from the heritage study, will be used to advise developers of the type of archaeological assessment that is necessary.

The approach taken by the Bunurong Land Council, has resulted in some innovative interpretation of indigenous cultural heritage within an urban context. VicUrban is a government-owned developer, whose charter commits it to achieving sustainable environmental outcomes in combination with commercially viable developments (Shaun Barber, VicUrban, pers. comm.. 2005). At its Lynbrook housing estate, VicUrban has conserved or reinstated elements of the natural environment which have been removed by agriculture. VicUrban's development plans include the retention of native river red gum woodland within urban parkland, and the re-establishment of native wetlands.

Working in association with the Bunurong Land Council, VicUrban have conserved indigenous scarred trees within urban streetscapes and parkland (Plate 1). VicUrban also commissioned landscape architects Murphy Design Group to design a cultural interpretation trail through the wetlands (Shaun Barber, VicUrban, pers. comm. 2005 - see Figure 6 and Plate 2). The design has been compiled in association with the Bunurong Land Council and Parks Victoria. The interpretation trail will include signage describing aspects of traditional Bunurong culture. Cultural interpretation signage is being supplemented by a landscape treatment of the trail, involving reinstatement of native plant resources which are used by Bunurong people. The regenerated native wetlands also perform an environmental function as filtration ponds for stormwater runoff (Shaun Barber, VicUrban, pers. comm. 2005).

At the Lakeside Estate in Pakenham, Delfin Lendlease Pty Ltd, commissioned landscape architects Sinatra Murphy Pty Ltd, to work with the Bunurong Land Council in the design of a 'cultural story corridor' (Luke Nordern, Delfin Lendlease, pers. comm. 2005). The corridor extends from a hill in the centre of the estate onto the alluvial plain (see Figure 7). When completed, it will contain interpretation signage, supplemented with landscape plantings, which tell the story of the use of the natural environment of the hills and alluvial plain by Bunurong people. Some of the sub-surface indigenous archaeological sites on the property have been retained within the corridor, and in other areas of designated parkland on the property (see Plate 3).

At both the Lynbrook and Lakeside housing estates, the developers have funded extensive programmes of sub-surface testing and archaeological salvage, which has been carried out by archaeologists and indigenous community representatives. Scientific investigation of archaeological sites on each property has yielded valuable information about past indigenous land-use. The scientific data gained from archaeological research has been invaluable in developing a greater understanding of the
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archaeology of the SEUGC. This new knowledge will assist the on-going conservation and interpretation of indigenous heritage at other housing estates within the SEUGC. It also contributes to the cultural information which can be provided to the wider community. At both the Lynbrook and Lakeside housing estates, indigenous cultural materials which have been salvaged from archaeological sites, are being reinstated in the cultural interpretation corridors.

The end result of the landscape and archaeological treatment on both estates, is the reinstatement of viable areas of natural and cultural environments within an urban context. A representative sample of archaeological sites have been conserved, and new places of cultural significance have been created for the contemporary Bunurong indigenous community. They also provide places where indigenous people can interpret their culture to their own descendants and to the wider community Residents who purchase houses within the estates, also consider the open space as a valuable future asset (Shaun Barber, VicUrban, pers. comm. 2005).

Positive outcomes for indigenous cultural heritage are still constrained by an over-riding statutory bias towards the conservation of non-indigenous sites and places and the inability of the Bunurong indigenous community to exercise any statutory control over their indigenous cultural heritage. Despite these constraints, the Bunurong Land Council, working in partnership with developers and Local Government have still achieved a net gain for indigenous cultural heritage in an urban environment. It can also be seen that significant assets are developed by allowing the indigenous community a voice in the protection, interpretation and management of indigenous cultural heritage. The gains which have been made to date in the SEUGC, could be further enhanced by heritage professionals working with indigenous communities to develop a meaningful thematic basis for assessing the past and future potential of indigenous cultural heritage. Heritage professionals and those involved in landscape design, can also utilised the knowledge of the indigenous community, gained in more than 40,000 years of past occupation of Australia, to improve and enhance urban design. State and Local governments can help achieve net gains by providing improved and integrated statutory controls for indigenous heritage places, and making indigenous cultural heritage a core business of government.
Abstract

Rapid urban development in the eastern suburbs of Melbourne, Australia, has resulted in the discovery of complex prehistoric indigenous archaeological sites, some of considerable antiquity. While salvage archaeology has been possible at some locations, many sites and places of significance of the traditional Bunurong owners are still being destroyed. Some of the principal reasons for the rapid destruction of sites and places, are a lack of adequate planning controls for indigenous sites within urban areas and poor co-ordination of indigenous heritage issues between different government and private agencies.

As a response to this situation, a local indigenous community, the Bunurong Land Council, working in partnership with local government, developers and archaeologists, have formulated strategies which attempt to conserve significant individual sites, places and landscapes of cultural significance within urban environments.

This paper will examine the methods by which places, sites and landscapes of significance to the contemporary Bunurong indigenous community, have been conserved and interpreted within a landscape which is undergoing rapid urbanisation. Conservation and interpretation of sites and landscapes has also been used by the contemporary Bunurong community to assert indigenous cultural values within a changing and developing landscape.

References

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21. Geological Survey of Victoria 19787921-1-1 1:25,000 Berwick Geological Map
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Table 1: Indigenous archaeological sites listed on the AAV site register within the SEUGC (source: AAV site registry data)

<table>
<thead>
<tr>
<th>Local Government Area</th>
<th>Site Type</th>
<th>No. Sites</th>
<th>% Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shire of Cardinia</td>
<td>SAS/SS</td>
<td>95</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MF</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ST</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PC</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ceremonial</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Total No. Sites</td>
<td></td>
<td>101</td>
<td>28%</td>
</tr>
<tr>
<td>City of Casey</td>
<td>SAS/SS</td>
<td>224</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MF</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ST</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PC</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ceremonial</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Total No. Sites</td>
<td></td>
<td>256</td>
<td>72%</td>
</tr>
</tbody>
</table>

Table 2: Estimates of the numbers of indigenous archaeological sites destroyed with statutory Consents within the SEUGC since 2002 (source: copies of Consents held by the Bunurong Land Council Aboriginal Corporation)

<table>
<thead>
<tr>
<th>Local Government Area</th>
<th>Site Types</th>
<th>Total No. of Registered Sites in SEUGC</th>
<th>Total No. of Sites Destroyed with Consents</th>
<th>% of Total Sites Destroyed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shire of Cardinia</td>
<td>SAS/SS</td>
<td>101</td>
<td>29</td>
<td>29%</td>
</tr>
<tr>
<td>City of Casey</td>
<td>SAS/SS</td>
<td>256</td>
<td>59</td>
<td>23%</td>
</tr>
</tbody>
</table>
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Figure 1: Location of Melbourne, Australia and the South-East Urban Growth Corridor

Figure 2: Detailed map of the south-eastern urban growth corridor
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Figure 7: Landscape design for cultural story corridor at the Lakeside Estate, Pakenham (Sinatra Murphy Pty Ltd, Reproduced with permission of Delfin Lendlease)
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