

Figure 5.11: Developed Conditions - 1% AEP Velocity Hazard



Figure 5.12: Existing Conditions - 1% AEP Velocity x Depth Hazard

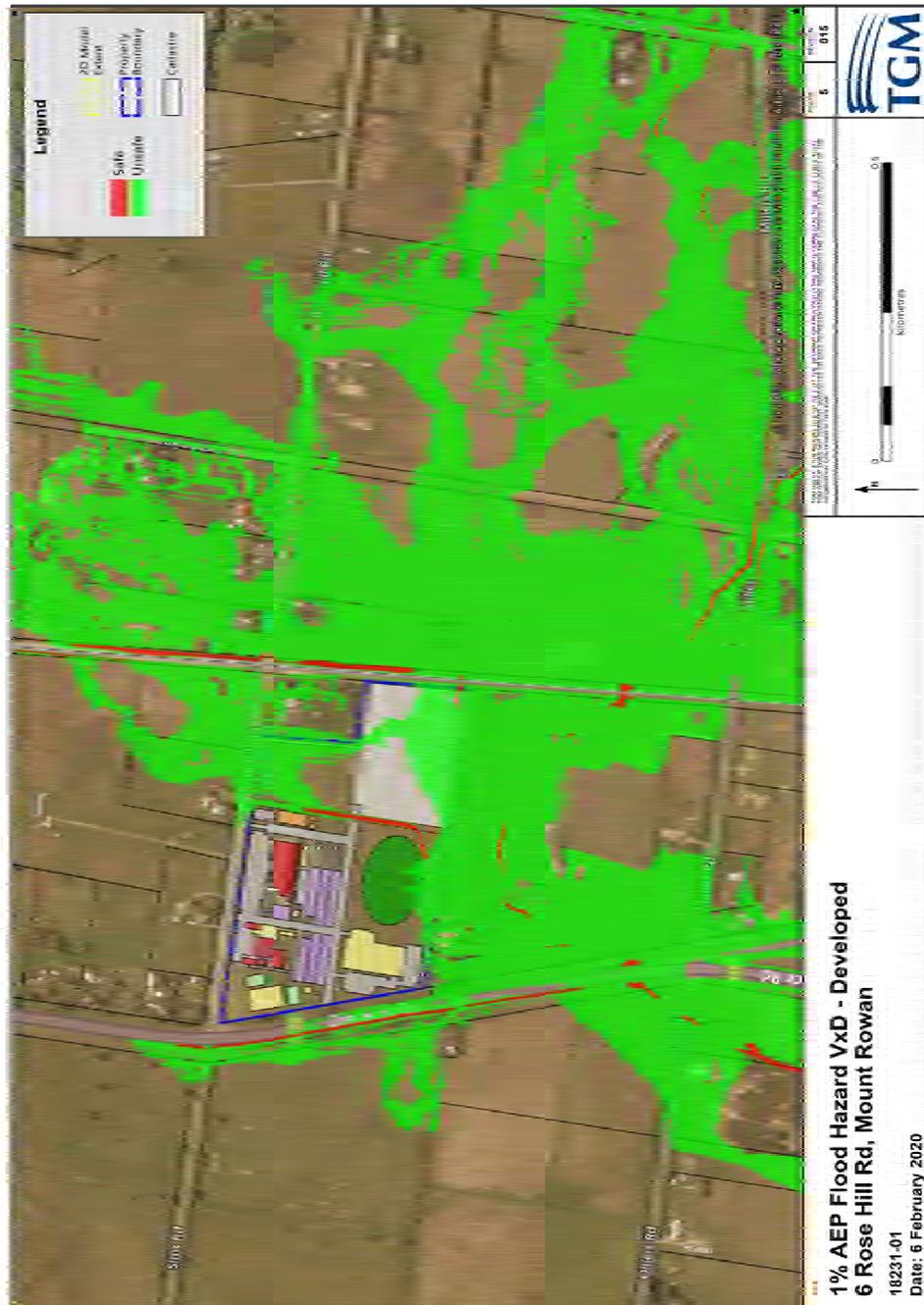


Figure 5.13: Developed Conditions - 1% AEP Velocity x Depth Hazard

6. CONCLUSIONS

A Flood Impact Assessment has been undertaken for the proposed Ballarat Show Grounds at 6 Rose Hill Rd, Mount Rowan VIC.

A regional distributed hydrological model has been set up with XP-STORM using rainfall and flood estimation techniques consistent with ARR2016 current industry best practice along with a modification to the adopted CL value as requested by GHCMA to allow easier comparison with the BCFS, to define the runoff hydrographs for the 1% AEP flood events with a range of critical storm durations.

A regional two-dimensional (2D) hydraulic model has been set up with TUFLOW to predict an accurate representation of the regional flood extents impacting the site during all the AEP storm events for both the existing and the conceptual developed scenario.

To represent the developed conditions in hydraulic model, the surface DEM was modified to fill the existing waterway and integrate a linear channel. The Channel runs mostly north-south between the proposed oval and camp grounds, with bend at the south east corner of the proposed oval and terminating at the southern boundary of the site roughly in the same location as the existing waterway. An additional channel is also provided along the southern boundary to mitigate flooding at the south east corner of the site.

Flows within the channel have an average depth of between 300 - 500 mm (0.3 to 0.5m) and a volumetric flow rate of just under 3.4 m³/s during the critical 3 hour duration 1% AEP event. Peak flow occurs around 3.2 hours. The peak flood in the downstream property occurs around 10 hours resulting from the 9 hour storm event and is driven by the larger upstream catchment area to the east.

Based on the flood impact assessment results, it can be concluded that the proposed development will have no adverse impacts on flood characteristics external to the site. The development does not result in a loss of flood storage, or an increase in flood impacts offsite.

Flood hazards do not prohibit the safe access and/or egress to and from the site during storm events up to and including the 1% AEP.

It is noted that the equestrian area and camp grounds remain flood prone during the 1% AEP event. GHCMA has expressed support for the use of flood prone land as non-habitable open areas.

TGM believe that the proposed use for the flood prone area are acceptable based on flood hazards and timing of flood, however, it is recommended that a suitable Flood Response Plan (FRP) be developed for site.

Further design consideration can be given to the mitigation of stormwater flows entering the site to achieve more flood immunity within the site. It is expected that during future design stages, investigation of additional cut-off drains along the north boundary, extending down the eastern boundaries can be undertaken.

In conclusion, the analysis undertaken in this study has provided a conservative demonstration that the proposed development can be constructed to meet the requirements and objectives defined by GHCMA in relation to flood impact and, safety and egress during flood events.

Ballarat Showgrounds Development

6 Rose Hill Road, Mount Rowan

Cultural Heritage Management Plan Number: 16181



Sponsor: Ballarat Agricultural and Pastoral Society **ABN:** 47574429194

Heritage Advisor: Anita Barker

Author: Anita Barker



Date: 8 March 2019

Ballarat Showgrounds Development
6 Rose Hill Road, Mount Rowan
Cultural Heritage Management Plan Number: 16181

Activity Size: Medium r.81

Assessment: r.60 (1) Desktop, (2) (c) Standard & Complex

Registered Aboriginal Cultural Heritage in the Activity Area: None

Sponsor: Ballarat Agricultural and Pastoral Society **ABN:** 47574429194

Cultural Heritage Advisor: Anita Barker

Author: Anita Barker



Date: 8 March 2019

Front Cover: Activity Area (View South East)



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28th March 2019

*Aboriginal Heritage Act 2006
Section 63*

Cultural Heritage Management Plan – Notice of Approval

The Wathaurung Aboriginal Corporation trading as Wadawurrung, acting as the Registered Aboriginal Party hereby approve the cultural heritage management plan referred to below:

'Ballarat Showgrounds Development 6 Rose Hill Road, Ballarat'

Cultural Heritage Management Plan number: 16181

Sponsor: Ballarat Agricultural and pastoral Society

Heritage Advisor: Anita Barker

Authors: Anita Barker

Cover Date: 8th March 2019

Pages: Cover Page, i-iv, 1- 100

Received for Approval: 8th March 2019

Pursuant to s.64(1) of the Act this cultural heritage management plan takes effect upon the granting of this approval and once a copy is lodged with the Secretary of DPCD. *

Bryon Powell
RAP Consultant

Paul Davis
General Manager

Wathaurung Aboriginal Corporation
trading as: Wadawurrung

*This notice of approval should be inserted after the title page and bound with the body of the management plan.

EXECUTIVE SUMMARY

Compliance requirements are set out in Part 1 of the Cultural Heritage Management Plan

Location & Extent of the Activity Area

The activity area comprises an approximate 16ha allotment at 6 Rose Hill Road, Mount Rowan.

The Proposed Activity

The proposed activity involves the future use and development of the activity area to establish the new Ballarat Showgrounds site. The proposed use of the area includes the Ballarat Show, markets, major events, art and craft, agricultural events, horse riding events, events for special interest groups, education and conferences. The development will involve ground disturbance of the entire activity area and will include the construction of buildings, grandstands, carparks, animal stalls, exhibition centre/s, cattle pavilions, food courts, toilets, camping areas, equestrian zones and internal roads, signage, bollards, fencing and drainage as well as the installation of telecommunications, sewerage and power. Ground disturbance may extend to two metre depth to install services, drainage infrastructure and building footings. The indicative plans of the layout of the proposed use and development of the site is likely to change during the detailed planning of the area. However as advised the Activity will involve the disturbance of the entire site.

Assessment

A Desktop, Standard and Complex Assessment was completed for this CHMP.

The Assessment Results

The Desktop Assessment found that no registered Aboriginal places are present in, or within 200m of, the activity area. No Aboriginal cultural heritage was identified during the Standard Assessment which involved a survey of the entire activity area. Four 1x1m test pits, 21 50x50cm shovel test pits and one auger probe were excavated during the Complex Assessment. No Aboriginal cultural material or areas considered to be of archaeological sensitivity were identified during the Complex Assessment.

Aboriginal Cultural Heritage in the Activity Area

No Aboriginal cultural heritage is registered in the activity area.

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PART 1 – CHMP CONDITIONS

1. Cultural Heritage Management Conditions

These conditions become compliance requirements once this Cultural Heritage Management Plan (CHMP) is approved. Failure to comply with a condition is an offence under Section 67A of the *Aboriginal Heritage Act 2006*.

The Cultural Heritage Management Plan must be readily accessible to the Sponsor and their employees and contractors when carrying out the activity.

1.1. Cultural Heritage Management Conditions

Condition 1 Cultural Heritage Induction

A Cultural Heritage Induction must be conducted with all site workers/contractors involved in ground disturbing works by the Wathaurung Aboriginal Corporation (WAC) and a Heritage Advisor prior to, or at the commencement of, construction works. At least two weeks' notice must be provided to the WAC when booking a representative to undertake the induction.

The session must include a brief history of the Aboriginal occupation of the activity area and broader region; a summary of the archaeological investigations conducted within the activity area; specific details of all Aboriginal Places and heritage located during the CHMP assessment; a summary of the conditions and contingencies contained within the CHMP; and the obligations of site workers/contractors and Sponsors under the Victorian *Aboriginal Heritage Act 2006*.

The main aim of the Cultural Heritage Induction is to explain the procedures outlined in the CHMP; to show the site contractors examples of the most likely Aboriginal cultural heritage material to be located within the activity area; and to explain the procedure outlined in the contingency plan section of the CHMP in the unlikely event that this material is uncovered by them during the course of construction works.

This Cultural Heritage Induction must be organised and paid for by the Sponsor.

Condition 2: Compliance Inspections

The WAC have determined that a series of compliance inspections will be undertaken by WAC representatives during the activity in order to audit the works and ensure that the works comply with the management conditions and contingency plan contained within this CHMP. The representatives of the WAC must comply with all OH&S requirements of the activity area. A

minimum of three compliance inspections must occur throughout the lifetime of this activity. These inspections must occur at the following times:

- Before the commencement of works;
- During the activity works; and
- At the completion of all works within the activity area.

If Aboriginal cultural material is located during the compliance inspection, the contingency measures included in Section 2 must be enacted.

The WAC must be notified two weeks in advance before the required compliance inspections are to occur in order to book field representatives.

A WAC representative will conduct the inspection and complete a compliance checklist in Appendix 3 of this CHMP.

If the inspection reveals suspected non-compliance of the CHMP, then the procedure outlined in Section 2.8 will be initiated. If the inspection reveals a suspected breach of the Victorian *Aboriginal Heritage Act* 2006, then these actions must be reported to Aboriginal Victoria (AV) immediately and an Inspector may be called out and/or a Stop Order may be issued by AV.

This procedure must be organised and paid for by the site contractors and/or Sponsor.

Condition 3 Constructability

Regular meetings regarding the methods to be used in the construction works must be held with the RAP before the works commence and during the works program if a change to construction methodology is proposed. This is to confirm the locations of ancillary works areas, set down areas and the general methods of construction will avoid or minimise harm to the known Aboriginal places.

Condition 4: Contingency Plans

There must also be a system for reporting any possible Aboriginal cultural heritage which may be discovered or uncovered during the conduct of the proposed activity. This must be built into any development or Environmental Management Plan (EMP) for the proposed activity. To this end, the contingency plans in Section 2 must be incorporated into the development or EMP for the project.

Condition 5: Approved CHMP to be Kept On-site

A copy of this approved Cultural Heritage Management Plan must be held on-site at all times.

2. Cultural Heritage Management Contingency Plan

The approved form for a CHMP states that in accordance with Clause 13 (1) Schedule 2 of the Aboriginal Heritage Regulations 2018, a management plan must also include specific contingency plans for:

- (a) the matters referred to in Section 61 of the *Aboriginal Heritage Act* 2006;
- (b) the resolution of any disputes between the Sponsor and the RAP in relation to the implementation of the plan or the conduct of the activity;
- (c) reviewing compliance with the management plan and mechanisms for remedying noncompliance;
- (d) the management of Aboriginal cultural heritage found during the activity; and
- (e) the notification, in accordance with the *Aboriginal Heritage Act* 2006, of the discovery of Aboriginal cultural heritage during the carrying out of the activity. Contingency plans are required even in situations where it has been assessed that there is a low probability of Aboriginal cultural heritage being located within an activity area.

This section provides for a series of contingencies relating to the possible discovery of Aboriginal cultural heritage during the activity and other matters. These contingencies become compliance requirements once the CHMP has been approved. Any costs relating to the contingencies must be borne by the Sponsor.

2.1. Contingency Plan for the Discovery of Ancestral Human Remains

If any suspected human remains are discovered at any stage of the proposed development, then all works must cease and Victoria Police and the State Coroner's Office must be notified immediately. If there are reasonable grounds to believe that the remains may be Aboriginal Ancestral remains, the Coronial Admissions and Enquiries hotline must be contacted immediately on 1300 888 544.

The following advice has been developed by AV and is described in the following 5 step contingency plan. Any such discovery at the activity area must follow these steps:

Discovery

- If suspected human remains are discovered, all activity in the vicinity must **stop**.

- The remains must be left in place and protected from harm or damage.

Notification

- Once suspected human remains have been found, the Coroner's Office, Victoria Police and the RAP must be notified immediately;
- If there are reasonable grounds to believe that the remains are Aboriginal Ancestral remains, the Coronial Admissions and Enquiries hotline must be contacted on 1300 888 544. The WAC have requested that they also be independently informed of the discovery;
- All details of the location and nature of the remains must be provided to the relevant authorities;
- Do not take any photographs without the express request of the State Coroner's Office;
- If it is confirmed by these authorities that the discovered remains are Aboriginal Ancestral human remains, the person responsible for the activity must, as soon as practicable, report the existence of the Aboriginal Ancestral human remains to the Victorian Aboriginal Heritage Council on (03) 8392 5392 in accordance with s.17 of the Act;
- The media must not be contacted.

Impact Mitigation or Salvage

- The Victorian Aboriginal Heritage Council, after taking reasonable steps to consult with any Aboriginal person or body with an interest in the Aboriginal Ancestral human remains, will determine the appropriate course of action as required by s.18(2)(b) of the Act; and,
- An appropriate impact mitigation or salvage strategy as determined by the Victorian Aboriginal Heritage Council must be implemented by the Sponsor.

Curation and Further Analysis

- The treatment of salvaged Aboriginal Ancestral human remains must be in accordance with the direction of the Victorian Aboriginal Heritage Council.

Reburial

- Any reburial site(s) must be fully documented by an experienced and qualified archaeologist, clearly marked and all details provided to AV; and,
- Appropriate management measures must be implemented to ensure that the remains are not disturbed in the future.

Note: In consultation with the WAC, the Sponsor may consider incorporating a contingency plan to reserve an appropriate area for repatriation and reburial of any recovered Aboriginal Ancestral Remains that may be discovered during the activity. This may assist the Victorian Aboriginal Heritage Council in determining an appropriate course of action.

Do not touch or otherwise interfere with the remains, other than to safeguard them from further disturbance.

2.2. Discovery of Unexpected Aboriginal Cultural Heritage During the Activity

In the event that Aboriginal cultural heritage is discovered in the activity area, the following steps must be taken:

- a) All works must cease and temporary webbing or fencing erected without ground disturbance at a distance of 10m (buffer zone) around the location of the suspected Aboriginal cultural heritage, with signage displayed clearly identifying the location as a 'no-go zone'. A heritage advisor must be notified of the discovery by the site supervisor within two working days. The heritage advisor must then contact the Wadawurrung, Wathaurung Aboriginal Corporation to facilitate their participation in investigating the suspected discovery. Work may continue in other parts of the activity area away from the buffer zone;
- b) The Wadawurrung, Wathaurung Aboriginal Corporation must be contacted in the first instance. A heritage advisor must facilitate the involvement of the Wadawurrung, Wathaurung Aboriginal Corporation. This will include an on-site investigation and assessment of the significance of the suspected Aboriginal cultural heritage;
- c) The suspected Aboriginal cultural heritage must be examined by a qualified heritage advisor, a representative of the Wadawurrung, Wathaurung Aboriginal Corporation and a representative of the Sponsor. Within a period not exceeding five working days, the heritage advisor, in consultation with the Wadawurrung, Wathaurung Aboriginal Corporation, will make a decision or recommendation regarding the appropriate management of the Aboriginal cultural heritage and how to proceed with works;

- d) If the find is confirmed as Aboriginal cultural heritage, the heritage advisor must record and register the site with the VAHR. This includes recording the location of the cultural material with a differential GPS and photography of the location of the cultural heritage. Additional measures to manage or salvage the Aboriginal cultural heritage must also be provided (see Section 2.4); and
- e) If the find is determined to not be Aboriginal cultural heritage, works at the location may recommence and temporary fencing and signage must be removed.

The costs associated with the discovery of Aboriginal cultural heritage material during the activity must be borne by the Sponsor.

2.3. Reporting Discovery of Unexpected Aboriginal Cultural Heritage During the Activity

It is a requirement to report the discovery of an Aboriginal Place or object to the Secretary as soon as practicable under the *Aboriginal Heritage Act 2006* (Section 24). A system of reporting any possible Aboriginal cultural heritage items which are discovered during works must be built into any development or Environmental Management Plan (EMP) for the site.

The project manager must appoint a suitably qualified heritage advisor for the duration of the project. The heritage advisor will need to:

- a) Be available to visit the site and inspect any reported items of suspected Aboriginal cultural heritage that may be found during works;
- b) Facilitate the involvement of the Wadawurrung, Wathaurung Aboriginal Corporation during the investigation of the suspected Aboriginal cultural heritage, completion of site documentation and the further management or salvage of the cultural heritage;
- c) Facilitate the involvement of an appropriately qualified archaeologist for any required excavation works;
- d) Document any items of Aboriginal cultural heritage that are found during works and report the site/s to AV by means of registering the cultural heritage on the VAHR;
- e) Advise on appropriate treatment or salvage of any Aboriginal cultural heritage; and
- f) Provide adequate reporting on the treatment of any Aboriginal cultural heritage to standards required by AV.

The costs associated with the reporting of Aboriginal cultural heritage material discovered during the activity must be borne by the Sponsor.

2.4. Management or Salvage of Aboriginal Cultural Heritage Discovered during the Activity

Section 8 stipulates that Section 61 of the *Aboriginal Heritage Act 2006* is concerned with the avoidance and/or minimisation of harm to Aboriginal cultural heritage during and following the activity. This section outlines the steps that must be followed when there is an unexpected discovery of Aboriginal cultural heritage during the activity (confirmed at time of inspection as outlined in Section.2.2).

The heritage advisor, in consultation with the Sponsor and the Wadawurrung, Wathaurung Aboriginal Corporation, must provide:

- A process to be followed to manage or salvage the Aboriginal cultural heritage in a manner which complies with the Aboriginal Heritage Regulations 2018 and which is culturally appropriate. This process must be provided within a period not exceeding five working days of the Aboriginal cultural heritage being inspected and confirmed; and
- A process to manage or salvage the Aboriginal cultural heritage must consider the significance of the find in relation to the known archaeological and cultural heritage significance of existing sites in the region surrounding the activity area. In addition to recording and registering the Aboriginal cultural heritage.

A site that is determined to be of low scientific significance, such as isolated stone artefacts or fewer than five (5) artefacts:

- a) Must be collected (salvaged) and the appropriate documentation completed and submitted to AV (Post-salvage management of Aboriginal cultural material is discussed below); and
- b) No further management of the site is required once the above step has been completed to the satisfaction of all parties involved.

A site that is determined to be of moderate scientific significance, such as medium to high density artefact scatters, stratified occupation deposits, hearths or, occasionally, middens:

- a) Must be protected in the first instance. A meeting with the Sponsor, heritage advisor and Wadawurrung, Wathaurung Aboriginal Corporation must be held to discuss strategies for avoiding harm to the Aboriginal cultural heritage. If it is not possible to protect the site in its entirety, a process to minimise harm to the Aboriginal cultural heritage must be developed. If it is not possible to minimise harm, a salvage process

must be designed that must use an appropriate methodology as defined in the Guide to Preparing a Cultural Heritage Management Plan (Aboriginal Victoria 2016a), Guidelines for Conducting and Reporting on Aboriginal Cultural Heritage Investigations (Aboriginal Affairs Victoria 2012) and Practice Note: Salvage Excavation (Aboriginal Victoria 2016b);

- b) At the conclusion of salvage works, the Aboriginal cultural heritage removed from the location must be recorded, catalogued and analysed and a salvage report produced of the excavation. The salvage report must be submitted to AV, Wadawurrung, Wathaurung Aboriginal Corporation and the Sponsor within three months of the completion of fieldwork;
- c) In the event that the Aboriginal cultural heritage is protected, or a process of harm minimisation is developed, works may recommence near the location of the Aboriginal cultural heritage once the agreed measures have been put in place to the satisfaction of all parties involved; and
- d) In the event that salvage of the Aboriginal cultural heritage is undertaken, works may recommence within or near the location of the Aboriginal cultural heritage when the on-site salvage and recording has been completed to the satisfaction of all parties involved.

A site that is determined to be of high scientific significance, such as earth features (mounds, rings and ovens), quarries, stone arrangements or middens:

- a) Must be protected; and
- b) Works may only recommence near the location of the Aboriginal cultural heritage once the agreed protection measures have been put in place to the satisfaction of all parties involved.

When previously unrecorded Aboriginal cultural material is located during the works, it will be the responsibility of the heritage advisor to:

- a) Catalogue the Aboriginal cultural heritage;
- b) Label and package the Aboriginal cultural heritage with reference to provenance;
- c) Arrange storage of the Aboriginal cultural heritage in a secure location with copies of the catalogue and assessment documentation;
- d) The Wadawurrung, Wathaurung Aboriginal Corporation request that at the conclusion of all site works and within a period of no longer than 12 months, the Aboriginal cultural heritage

must be reburied together with relevant documentation in a durable sealed container within the activity area at a location agreed upon with the Wadawurrung, Wathaurung Aboriginal Corporation and that the reburial location be recorded by a heritage advisor using a differential GPS, followed by lodgement of the relevant VAHR forms to AV for entry into the VAHR; and

e) The Sponsor, as well as the Wadawurrung, Wathaurung Aboriginal Corporation, must be involved in the discussions about the reburial location to ensure that the reburied cultural heritage will not be disturbed in the future.

Reburial of the artefacts must be undertaken in accordance with the following WAC standard procedures:

- a. Cultural material to be reburied must be placed in a durable container manufactured by the WAC;
- b. A separate container is to be manufactured for each Aboriginal Place to be reburied;
- c. Where an Aboriginal Place is comprised of a large amount of cultural material it will be necessary to manufacture a number of containers to rebury the cultural material;
- d. The contents of the container must include the cultural material to be reburied, a catalogue of the cultural material to be reburied on both paper and on an archive quality storage medium, a copy of the relevant sections of the CHMP under which the reburial is being performed and a handful of soil from the Aboriginal Place from which the cultural material originated;
- e. The reburial must be attended by a Wadawurrung Traditional Owner and a representative;
- f. A smoking ceremony must be performed prior to the reburial of cultural material;
- g. Flagging tape must be laid within the hole at a depth of 300mm above the reburied cultural material to identify that cultural material is buried below the flagging tape;
- h. Once reburied, the reburial location must be recorded to sub-metre accuracy by the heritage advisor using a differential GPS and be relocatable;
- i. The relevant VAHR site record card must be updated by submitting an Object Collection component form with the reburial location details and a Place Inspection Form where applicable. This must be completed by the heritage advisor and lodged with AV;
- j. Following the reburial, interpretive signage must be placed within the activity area. The content of that interpretive signage, the method of its construction and the location for its placement must be developed in consultation with the WAC; and

k. The cost of the manufacture of the container, the analysis and preparation of the cultural material for reburial, smoking ceremony, WAC attendance at the reburial and any consultation with the WAC or materials associated with the interpretive signage must be borne by the Sponsor.

The costs associated with the management or salvage of Aboriginal cultural heritage material discovered during the activity must be borne by the Sponsor.

2.5. Custody and Management of Aboriginal Cultural Heritage

The custody of any Aboriginal cultural heritage material identified during the activity must comply with the *Aboriginal Heritage Act 2016* and must be ascribed in the following order of priority:

- a) The RAP;
- b) Registered Native Title Holder;
- c) Native Title party;
- d) Relevant Aboriginal persons with traditional or familial links;
- e) Relevant Aboriginal body or organisation with historical or contemporary links;
- f) The owner of the land; or
- g) Museum Victoria.

For this CHMP the Wadawurrung, Wathaurung Aboriginal Corporation will be the caretaker for Aboriginal cultural material.

2.6. Dispute Resolution

Clause 13(1) Schedule 2 of the Regulations requires that the CHMP must contain a contingency plan for the resolution of any disputes between the Sponsor and relevant RAPs in relation to the implementation of an approved CHMP or the conduct of the activity.

Disputes may occur at various stages during the activity. Procedures for dispute resolution aim to ensure that all Parties are fully aware of their rights and obligations; that full and open communication between Parties occurs; and that those Parties conduct themselves in good faith. If a dispute arises that may affect the conduct of the activity, resolution between Parties using the following Informal Dispute Resolution guidelines is recommended.

Informal Dispute Resolution:

- a) The Party raising the dispute must complete a Dispute Notification Form (Appendix 3) and email or fax a copy to all parties listed in Section 2.9;
- b) Project delegates of each Party (RAP and Sponsor) must attempt to negotiate a resolution to any dispute related to cultural heritage management of the activity area within 48 hours of written notice being received that a dispute between Parties is deemed to exist. If the project delegates cannot reach an agreement, representatives of both Parties must meet to negotiate a resolution to an agreed schedule;
- c) If representatives of the relevant Parties fail to reach an agreement, an independent mediator must be initially sought to assist in resolving the dispute. A timeframe for the independent mediator must be agreed upon by both Parties. If an independent mediator cannot be agreed on, mediation shall be effected by a mediator nominated upon the application by either Party, by the Victorian Chapter of the Institute of Arbitrators and Mediators, or the Dispute Settlement Centre of Victoria;
- d) If the matter remains unresolved after mediation, the Parties shall seek to agree upon the appointment of an independent arbitrator to hear and resolve the matter. In the absence of agreement as to an arbitrator, arbitration shall be effected by an arbitrator nominated upon the application by either Party by the Victorian Chapter of the Institute of Arbitrators and Mediators, or, failing such nomination within 28 days, appointed within the provisions of the Commercial Arbitration Act (Vic) 1984;
- e) A reference to arbitration under this clause shall be deemed to be a reference to arbitration within the meaning of the laws relating to arbitration in force in the state of Victoria. The arbitrator shall have all the powers conferred by those laws. The arbitrator's decision shall be final, subject to any rights of appeal under the Commercial Arbitration Act (Vic) 1984;
- f) The procedures concerning mediation and arbitration, including payment of costs, shall be agreed between the Parties; and
- g) These arrangements do not preclude any legal recourse open to the Parties being taken but the Parties agree the above avenues will be exhausted before such recourse is made.

In order to facilitate the above procedure:

- a) The Party with the grievance must notify all other Parties of the problem at the earliest opportunity;

b) Throughout all stages of the procedure all relevant facts must be clearly identified and recorded;

c) All disputes will be jointly investigated; and

d) Sensible time limits must be allowed for completion of the various stages of discussion. However, the Parties must cooperate to ensure that the dispute resolution procedures are carried out as quickly as possible.

Without prejudice to either Party, and except where a bona fide safety issue is involved, and/or when the nature of the work or the area affected by the work concerns the matter in dispute, work should continue in accordance with this Plan while matters in dispute between them are being negotiated in good faith. No Party shall be prejudiced as to final settlement by the continuance of work in accordance with this procedure.

Any corrective or remedial activities required by a resolution to a dispute under this clause (e.g., repairing damage to sites) will be overseen by representatives from the Wadawurrung, Wathaurung Aboriginal Corporation and will take place in accordance with their instructions.

2.7. Reviewing Compliance with the Cultural Heritage Management Plan

A review of the CHMP may be undertaken at any time by the Sponsor or Sponsor's project delegate/site supervisor, RAP, Aboriginal Heritage Officers and Authorised Officers in order to ensure compliance with the CHMP management conditions (see Appendix 3 for a compliance checklist). In the event of non-compliance with the CHMP the Sponsor's authorised project delegate/site supervisor will identify the cause of non-compliance and contact the Sponsor, heritage advisor and RAP within two working days in order to arrange a meeting to establish actions to address non-compliance.

Under the *Aboriginal Heritage Act* 2006 (Part 3) it is an offence to knowingly, recklessly or negligently harm Aboriginal cultural heritage. Aboriginal Victoria may investigate any suspected failure to comply with the CHMP conditions and penalties apply for breaching the Act.

2.8. Remediating Non-Compliance with the Cultural Heritage Management Plan

If non-compliance with the CHMP has occurred or is suspected, then a meeting must be held between the Sponsor, the RAP and the heritage advisor to discuss the non-compliance and to develop a strategy to remedy the issue.

Under Section 81 of the *Aboriginal Heritage Act 2006*, a Cultural Heritage Audit can be ordered by the Minister if non-compliance with an approved CHMP is suspected. If the Secretary of DPCD directs a Sponsor to engage a heritage advisor to conduct a Cultural Heritage Audit, the Sponsor must comply with the direction. The report of a Cultural Heritage Audit may:

- Identify non-compliance with an approved CHMP;
- Recommend amendments to the recommendations in the approved CHMP;
- Recommend arrangements for the access of inspectors to the location at which the activity is being carried out; and
- Recommend other measures in relation to the conduct of the activity to avoid or minimise harm to Aboriginal cultural heritage.

2.9. Communication

The Sponsor, Sponsor's project delegate/site supervisor (or any other relevant supervisory staff) is responsible for implementing the conditions and management requirements outlined in this CHMP. Communication between the Sponsor or the Sponsor's project delegate/site supervisor, the heritage advisor and the RAP regarding the CHMP conditions and management requirements must be by electronic means with any telephone notification confirmed by email within a reasonable timeframe.

Organisation	Contact Person
Sponsor:	Lucy Quartermain 03 5338 1877 eo@ballaratshow.org.au
Site Supervisor	To be appointed
Wathaurong Aboriginal Corporation	Stephanie Frydas 0343080420 Stephanie@wathcorp.com.au
Heritage Advisor	To be appointed

2.10. Protocol for Handling of Sensitive information

Where Aboriginal cultural heritage is identified before, during or after the proposed activity, the Sponsor and heritage advisor must ensure that all actions carried out to manage and protect Aboriginal cultural heritage are completed in a culturally appropriate manner. The Secretary and the Wadawurrung, Wathaurong Aboriginal Corporation consider all Aboriginal Places, objects and Aboriginal Ancestral Remains to be culturally sensitive.

Accordingly, unless undertaken by the heritage advisor for the purposes of recording Aboriginal Places or objects, during the course of implementing the management requirements there must not be any contact with the media including the use of social media, photography, film and digital images in relation to any aspect of Aboriginal cultural heritage without the written permission of the Wadawurrung, Wathaurung Aboriginal Corporation.

PART 2 – ASSESSMENT

3. Introduction

This Cultural Heritage Management Plan (CHMP) has been commissioned by Ballarat Agricultural and Pastoral Society (the Sponsor) and prepared by Anita Barker (Heritage Advisor). The proposed activity involves the development of Ballarat Showgrounds at 6 Rose Hill Road, Mount Rowan (hereafter referred to as the activity area). The author of this plan is Anita Barker, who has a Bachelor of Archaeology 2006 (Honours 2008) and therefore meets the requirements for a Heritage Advisor under Section 189 of the *Aboriginal Heritage Act 2006*. Brian Porrett (Archaeologist) assisted during the Complex Assessment. Brian has a Bachelor of Arts in Archaeology (2014).

3.1. Activity Description

The proposed activity involves the future use and development of the activity area to establish the new Ballarat Showgrounds site. The proposed use of the area includes the Ballarat Show, markets, major events, art and craft, agricultural events, horse riding events, events for special interest groups, education and conferences. The development will involve ground disturbance of the entire activity area and will include the construction of buildings, grandstands, carparks, animal stalls, exhibition centre/s, cattle pavilions, food courts, toilets, camping areas, equestrian zones and internal roads, signage, bollards, fencing and drainage as well as the installation of telecommunications, sewerage and power. Ground disturbance may extend to two metre depth to install services, drainage infrastructure and building footings. The indicative plans of the layout of the proposed use and development of the site is likely to change during the detailed planning of the area. However as advised the Activity will involve the disturbance of the entire site.

Impact of the activity on surface and subsurface soils (existing and buried land surfaces) will occur throughout the activity area. Therefore, if surface and/or subsurface Aboriginal cultural heritage is present within the activity area it will be impacted by the proposed activity. The indicative plans of the activity are provided in Figure 1.



Figure 1: The proposed activity

3.2. Location, Extent and Description of the Activity Area

The activity area is located approximately 6km north of Ballarat CBD within the Local Government Authority (LGA) of the City of Ballarat. The activity area comprises an approximate 16ha area at 6 Rose Hill Road, Mount Rowan (Figure 2).

The activity area is currently grassed paddocks with extant buildings and a car park associated owned and occupied by Federation University Australia. The existing conditions of the activity area are shown in Figure 3. Cadastral information for the activity area is listed in Table 1.

The activity area is characterised by generally flat land. A search of the VAHR undertaken on 9 November 2018, 31 January 2019 and 8 March 2019 shows that no Aboriginal cultural heritage is present in, or within 200m of, the activity area. The search of the VAHR shows an area of cultural heritage sensitivity occurs in the south portion of the activity area (Figure 4).

Address	6 Rose Creek Road, Mount Rowan
Property Identifier	TP81365
LGA	City of Ballarat
Activity Area Size	16ha (or 160,000m ²)

Table 1: Cadastral Information for the Activity Area



Figure 2: Location of the Activity Area



Figure 3: Existing Conditions of the Activity Area

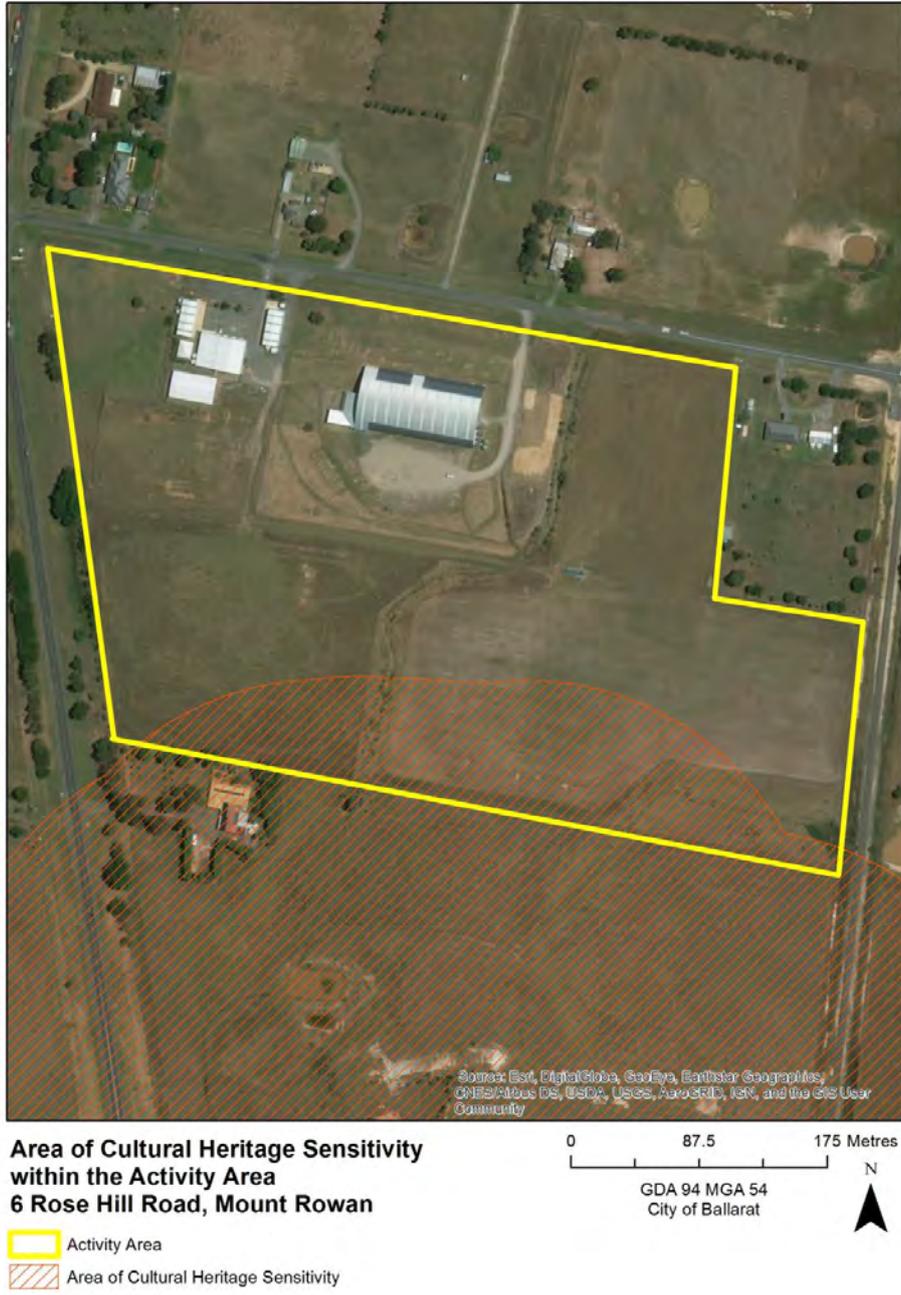


Figure 4: Area of cultural heritage sensitivity in the activity area

1.1. Reason for Preparing a Cultural Heritage Management Plan

Under the *Aboriginal Heritage Regulations 2018* (r.7), an Aboriginal Cultural Heritage Management Plan is required if the proposed activity is considered to be a 'high impact activity' and/or part or all of the subject area is considered to be an 'area of cultural heritage sensitivity'. In the case of the activity a CHMP is required as:

- Under r. 46 (1) (b) (xiv) the activity is a high impact activity.
- Under r. 26 (1) the activity area contains an area of cultural heritage sensitivity associated with a waterway (an unnamed tributary of Burrumbeet Creek).

A Notice of Intent (NOI) was submitted to the Secretary Department of Premier and Cabinet on 8 November 2018 (Appendix 1). The CHMP has been registered as CHMP No. 16181 with Aboriginal Victoria (AV). The Sponsor and LGA were provided with a copy of the NOI on the 8 November 2018. The Sponsor notified Federation University Australia who are the owner and occupier of the activity area. A copy of the NOI was also emailed to Wadawurrung Aboriginal Corporation, who is the evaluation authority for the CHMP, on 8 November 2018 as required under the *Act*.

1.2. Registered Aboriginal Party for the Activity Area

Wadawurrung¹ Aboriginal Corporation (WAC) Registered Aboriginal Party (RAP) had been appointed for the activity area.

1.3. Documentation of Consultation

Consultation with WAC was undertaken throughout the course of the CHMP assessment. A summary of the consultation is presented below in Table 2.

Consultation in Relation to the Assessment

Date	Personnel	Consultation Description
8/11/18	Anita Barker (Heritage Advisor)	Emailed a copy of the NOI to WAC who replied via email on the same day that WAC will be the evaluation authority for the CHMP.
9/11/18	Adam Deane (AE)	CHMP inception meeting booking form emailed to WAC.
19/11/18	Anita Barker (HA)	Emailed a draft copy of the Desktop Assessment Results to Stephanie Frydas (WAC) as required prior to the CHMP inception meeting.
6/12/18	Adam Deane (AE), Jesse Lovett, Danielle Dickie & Stephanie Frydas (WAC), Anita Barker (Heritage)	CHMP inception meeting. The project and fieldwork timing were discussed. It was agreed that if earlier dates

¹ Trading as Wadawurrung.

	Advisor), Darren Trigg (TGM Group Pty Ltd), Lucy Quartermain, Michael Daunt and Phil Franklin (Ballarat Agricultural and Pastoral Society)	became available for fieldwork WAC would inform the HA.
12/12/18	Adam Deane (AE)	Telephone call to Stephanie Frydas (WAC) to discuss timing of fieldwork. It was agreed that the Complex could be undertaken following the Standard without a results meeting with the Sponsor. Anita Barker (HA) & Adam Deane (AE) to discuss the results of the Standard with Stephanie Frydas (WAC) prior to the Complex commencing.
17/12/18	Adam Deane (AE) & Anita Barker (HA)	Discussed the results of Standard Assessment with Stephanie Frydas (WAC) with the location of the proposed test pits shown on a map.
22/12/18	Anita Barker (HA)	Emailed a brief report to Stephanie Frydas (WAC) outlining the results of the Complex Assessment.
17/01/19	Adam Deane (AE), Stephanie Frydas (WAC), Anita Barker (Heritage Advisor), Darren Trigg (TGM Group Pty Ltd), Lucy Quartermain and Phil Franklin (Ballarat Agricultural and Pastoral Society)	Discussed the results of the fieldwork. No further fieldwork is required. No specific conditions are required as no Aboriginal cultural heritage material was identified during the CHMP assessment. General contingencies relating to a cultural heritage induction, constructability and three compliance inspections will apply as well as standard contingencies.

Table 2: Documentation of Consultation in relation to the assessment

Participation in the Conduct of the Assessment

Table 3 lists participants in the Standard and Complex Assessments.

Date	Personnel	Organisation	Assessment
17-Dec-2018	Anita Barker	AE	Standard
	Adam Deane	AE	
	Chloe Clarke	WAC	
	Kacie Mitchell	WAC	
18-Dec-2018	Anita Barker	AE	Complex
	Brian Porrett	AE	
	Chloe Clarke	WAC	
	Kacie Mitchell	WAC	
19-Dec-2018	Anita Barker	AE	
	Brian Porrett	AE	
	James Brown	WAC	
	Marlon Livesey	WAC	
20-Dec-2018	Anita Barker	AE	
	Brian Porrett	AE	
	Ash Shiner	WAC	
	Chase Aghan	WAC	

Table 3: Participation in the conduct of the assessment

Consultation & Summary of Outcomes in Relation to the Conditions

A meeting was held on 17 January 2019 to discuss the management conditions for the CHMP. No Aboriginal cultural heritage was identified in the activity area or areas considered to be of archaeological sensitivity during the CHMP assessment. It was agreed that no specific management conditions are required. General management conditions relating to cultural heritage induction, constructability and three compliance inspections as well as standard contingencies will apply.

2. Aboriginal Cultural Heritage Desktop Assessment

2.1. Introduction

The following section provides a review of Aboriginal places and archaeological investigations in the geographic region and includes information on the geomorphic units, landform and historic land use pertinent to the activity area. Parts of the information in this section are drawn from previous archaeological assessments undertaken by the author in the region (Barker & Light 2019).

2.2. Search of the Victorian Aboriginal Heritage Register

A search of the Victorian Aboriginal Heritage Register (VAHR) was undertaken on 9 November 2018, 31 January 2019 and 8 March 2019 by Anita Barker (Heritage Advisor).

2.3. The Geographic Region

The geographic region for the activity area extends in an approximately 5km radius north, south, east and west from the activity area as shown in Figure 5.

2.4. Aboriginal Places in the Geographic Region

A total of 39 Aboriginal places are registered in the geographic region (Table 3 and Figure 6). No Aboriginal places are registered in, or within 200m of, the activity area. Registered Aboriginal place types in the geographic region are characterised by predominately artefact scatters followed by low density artefact distributions (LDADs) with one registered Aboriginal Historical Place and one scarred tree recorded (Table 4). The Aboriginal Historical place (VAHR 7622-0218) occurs approximately 3km south of the activity area and comprises Mullawallah's grave.

One Historical Reference 9.3-10 Frank (William) Wilson's Grave occurs in the geographic region and is located within Ballarat General Cemetery. No Preliminary Reports² occur in the geographic region.

VAHR No.	VAHR Name	Place Type
7622-0040	Olliers Rd 1	Artefact Scatter
7622-0041	Gillies Road 1	Artefact Scatter
7622-0050	Ballarat North WWTP 1	Artefact Scatter
7622-0051	Mount Rowan Artefact Scatter 1	Artefact Scatter
7622-0052	Mount Rowan Aboriginal Scarred Tree	Scarred Tree
7622-0090	Wyndholm Park 1	Artefact Scatter

² Preliminary Reports are notifications sent to Aboriginal Victoria in instances where possible Aboriginal cultural heritage places or objects have been identified but are not formally recorded.

7622-0091	Wyndholm Park 2	Artefact Scatter
7622-0092	Wyndholm Park 3	Artefact Scatter
7622-0093	Wyndholm Park 4	Artefact Scatter
7622-0094	Wyndholm Park 5	Artefact Scatter
7622-0094	Wyndholm Park 5	Object Collection
7622-0095	Wyndholm Park 6	Artefact Scatter
7622-0105	Ballarat Aerodrome 1	Artefact Scatter
7622-0106	Ballarat Aerodrome 2	Artefact Scatter
7622-0107	Ballarat Aerodrome 3	Artefact Scatter
7622-0151	Dyson AS 4	Object Collection
7622-0152	Dyson AS 5	Object Collection
7622-0153	Dyson IA 6	Object Collection
7622-0154	Dyson AS 7	Object Collection
7622-0155	Dyson AS9	Object Collection
7622-0156	Dyson AS 6	Object Collection
7622-0157	Dyson IA 8	Object Collection
7622-0158	Dyson AS 8	Object Collection
7622-0159	Dyson IA 9	Object Collection
7622-0160	Dyson AS 10	Object Collection
7622-0169	Blind Creek Road 1	Artefact Scatter
7622-0170	Learmonth Road 1	Artefact Scatter
7622-0192	Dyson IA 5	Object Collection
7622-0193	Learmonth Road 2	Artefact Scatter
7622-0194	Learmonth Road 3 LDAD	LDAD
7622-0195	Learmonth Road 4 LDAD	LDAD
7622-0198	Blind Creek Road, Ballarat LDAD	LDAD
7622-0207	Waldie Crossing	LDAD
7622-0209	Mitchell Park 2 LDAD	LDAD
7622-0209	Mitchell Park 2 LDAD	LDAD
7622-0218	Mullawallah's Grave	Aboriginal Historical Place
7622-0247	1240 Havelock Street, Ballarat North LDAD1	LDAD
7622-0249	Ballarat Western Link Road 1 LDAD	LDAD
7622-0261	Airport Road LDAD 1	LDAD
7622-0262	Ballarat Airport LDAD 1	LDAD
7622-0264	Airport Road LDAD 2	LDAD
7622-0325	Lake Wendouree LDAD1	LDAD
7623-0207	Howe St 1	LDAD
7623-0209	Howe St 2	Artefact Scatter
7623-0210	Howe St 3	Artefact Scatter
7623-0211	Howe St 4	Artefact Scatter
7623-0212	Howe St 5	Artefact Scatter
7623-0213	Howe St 6	Artefact Scatter
7623-0216	Cummins Road	Artefact Scatter
7623-0222	134 Howe St, Miners Rest LDAD	LDAD
7623-0225	Miners Rest Community Park LDAD1	LDAD

Table 4: Aboriginal places in the activity area

Place Type	Count	%
Aboriginal Historical Place	1	2.6%
Artefact Scatter	22	56.4%
Low Density Artefact Distribution (LDAD)	15	38.5%
Scarred Tree	1	2.6%

Table 5: Summary of VAHR place types in the geographic region

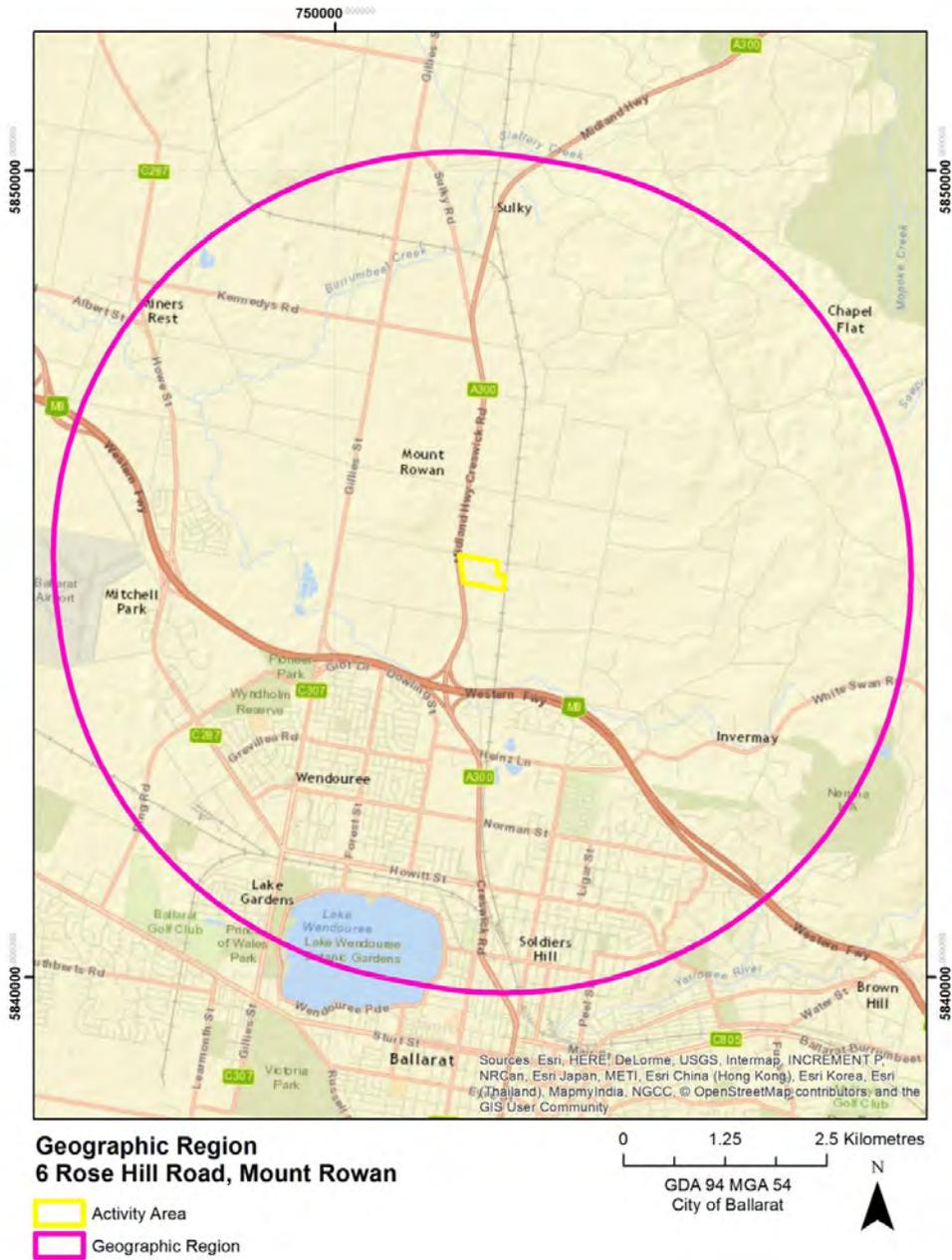


Figure 5: Geographic Region

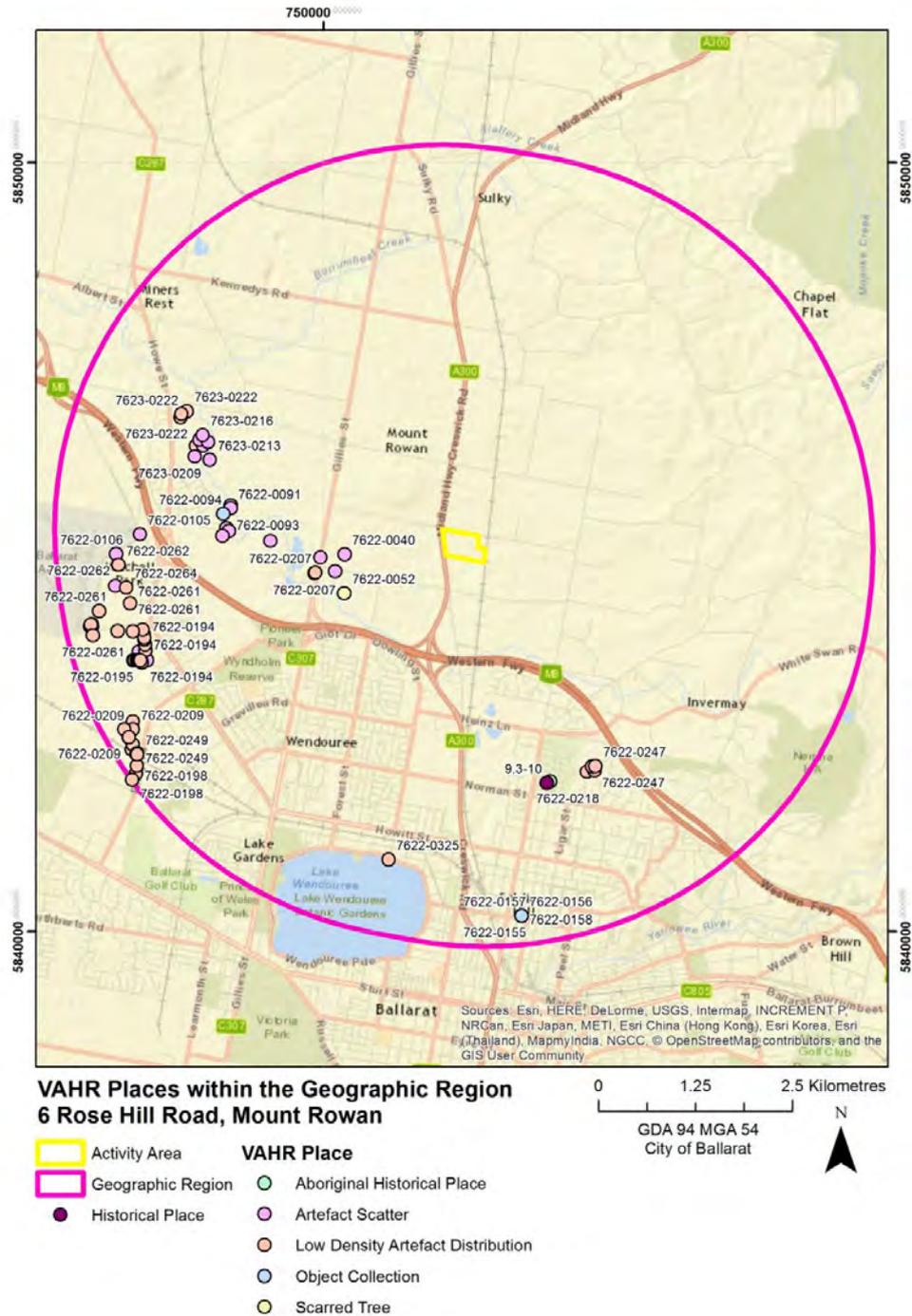


Figure 6: The geographic region & Aboriginal places within the geographic region

The VAHR data set is likely to, at least partially, reflect field conditions, the extent and locations of archaeological subsurface testing programs, field surveys and field methods rather than reflect the nature and extent of Aboriginal cultural heritage in the geographic region.

2.5. Previous Archaeological Investigations within the Geographic Region

This section reviews regional archaeological investigation undertaken in the geographic region. The most relevant archaeological investigations undertaken on the same landform as, or in close proximity to, the activity area is summarised below (listed in Table 5). The review of these archaeological assessments aims to provide information on the distribution and character of Aboriginal places in the region.

Report No.	Title
3820	An Archaeological Assessment of The Ballarat Aerodrome Precinct and Common
10889 (& survey report 4332)	Ballarat West Employment Zone: Aboriginal Cultural Heritage Assessment 2010
12095	Ballarat Western Link Road: Stage 1B
12889	Ballarat West Link Road (Northern Section)
13089	Ballarat West Employment Zone Area 2
13090	Ballarat West Employment Zone Area 4
13974	Ballarat West Employment Zone Area 3b
13092	Ballarat West Employment Zone Area 6
13091	Ballarat West Employment Zone Area 5
14280	Ballarat West Employment Zine: Areas 1, 3A & 7
10073	Proposed Dredging & Other Works at Lake Wendouree, Ballarat, Victoria
10076	Construction of a Sewer Transfer System at Creswick
13068	Proposed Residential Subdivision, 1 Cummins Road, Miners Rest
12256	Proposed Residential Subdivision 80 Howe Street, Miners Rest
15100	Midland Highway Safe Systems Road Installation Project (SSRIP) at Millers/Olliers Road and Ballarat-Maryborough rail line to Kellys Lane, Mount Rowan
13368	Ballarat North Wastewater Treatment Plant Pipeline to Ballarat Grammar School Farm, Mount Rowan

Table 6: Archaeological assessments undertaken in the geographic region that are summarised in CHMP 16181

CHMP 15100 Midland Highway Safe Systems Road Installation Project (Berelov et. al.2018)

Berelov et. al. (2018) undertook a CHMP for linear project made up of two areas encompassing a 28.6km alignment and 173km alignment and incorporating roads and road reserves. Part of the study area for this CHMP occurs approximately 300m south of the CHMP 16181 activity area. The Desktop Assessment determined that the study area has been subjected to substantial disturbance associated with the construction of the roads and road reserves.

No Aboriginal cultural material was identified during the Standard Assessment or the subsequent Complex Assessment. The authors concluded that the study area has limited

potential for Aboriginal cultural material to be present due to roadside disturbances and landform characteristics.

CHMP 13368 Ballarat North Wastewater Treatment Plant Pipeline to Ballarat Grammar School Farm, Mount Rowan (Anderson 2015)

Anderson (2015) completed a CHMP for linear project to install a water pipeline. The study area is located approximately 800m west of the current activity area. During the Standard Assessment two areas of archaeological sensitivity were identified. The Complex Assessment resulted in the identification of VAHR 7622-0207 containing six artefacts occurring a disturbed context.

CHMP 10076 Construction of a Sewer Transfer System at Creswick (Webb 2007)

Webb (2007) carried out a CHMP for a sewerage pipeline alignment situated approximately 2.3km west of the CHMP 16181 activity area. The Complex Assessment involved the excavation of 14 shovel probes and one 1x1m test pit. Testing was undertaken in the vicinity of Burrumbeet Creek and an unnamed watercourse. Subsurface testing at VAHR 7622-0041 did not reveal any artefacts associated with this previously registered place. No Aboriginal cultural material was identified during the Complex Assessment and the ground was found to have been significantly disturbed.

CHMP 13068 Proposed Residential Subdivision, 1 Cummins Road, Miners Rest (Toscano 2014)

Toscano (2014) undertook a CHMP for a 7ha allotment situated approximately 3.3km north west of the current activity area. During the Standard Assessment one quartz artefact was identified 125m west of Burrumbeet Creek. Two 1x1m test pits and 43 shovel test pits (50x50cm) were excavated during the Complex Assessment. A total of 41 artefacts identified during the CHMP assessment and were registered as VAHR 7623-0216.

CHMP 12256 Proposed Residential Subdivision 80 Howe Street, Miners Rest (Toscano 2015)

Toscano (2015) completed a CHMP for an approximate 20ha allotment situated approximately 3.km north west of CHMP 16181 activity area. Three 1x1m test pits and 160 shovel test pits (50x50cm) were excavated during the Complex Assessment. As a result of the CHMP assessment six Aboriginal places were identified in the study area: VAHR 7623-0207 (containing one artefact); VAHR 7623-0209 (containing 35 artefacts); VAHR 7623-0210 (containing 26 artefacts); VAHR 7623-0211 (containing 53 artefacts); VAHR 7623-0212 (containing 14 artefacts); and VAHR 7623-0213 (containing 61 artefacts).

CHMP 10073 Proposed Dredging & Other Works at Lake Wendouree, Ballarat, (Cooper 2007)

Cooper (2007) undertook a CHMP prior to dredging works occurring at Lake Wendouree. A Desktop and Standard Assessment was undertaken for the CHMP assessment. No Aboriginal cultural heritage was identified during the survey. The author considers that all parts of the lake and its surrounds have been substantially developed and disturbed since 1869 through reclamation and land forming works, as well as redevelopment activities. Cooper (2007) states that the extent of past disturbance to the lake and its surrounds indicate that it would be extremely unlikely that any *in situ* Aboriginal archaeological deposits remain.

CHMP 14280 Ballarat West Employment Zone Areas 1, 3A & 7 (Barker & Webb 2018)

Barker and Webb (2018) conducted a CHMP for 438ha of Crown land adjacent to Ballarat Airport as part of a proposed industrial precinct west of Ballarat. Visibility during the Standard Assessment was generally limited due to ground cover. During the Complex Assessment 243 test pits (50x50cm in size) and four 25x1m mechanical test pits (trenches) were excavated with 90 artefacts identified. Five Aboriginal places were registered as a result of the CHMP assessment: VAHR 7622-0259, -060, -0261, -0262 and – 0264.

CHMP 13090 Ballarat West Employment Zone Area 4 (Marshall et. al. 2015)

Marshall et. al. (2015) carried out a CHMP for Area 4 of a proposed industrial precinct west of Ballarat. The 17.5ha study area is situated in the Western Uplands and is characterised by landforms of volcanic plains, stony rises, low rises and ephemeral soaks and depressions. The Desktop Assessment identified that part of study area has been subject to a previous assessment (Wood and Fiddian:2010), during which one Aboriginal place (VAHR 7622-0108) was recorded within the 2015 study area. The Standard Assessment was limited by low ground surface visibility as well as prior ground disturbance, resulting in an estimated effective ground coverage of < 10% (16ha). Three surface artefacts were identified and registered as VAHR 7622-0209. Previously identified place VAHR 7622-0108 was relocated during the Standard Assessment.

The Complex Assessment involved the excavation of nine 1x1m test pits and 284 500x500mm shovel test pits. In total, 240 artefacts were collected. The majority of these artefacts (214) were found in one test pit (between 100-200mm deep) and were registered as VAHR 7622-0210. The remaining subsurface artefacts were found spread over the southern part of the study area and were registered together with the surface artefacts as a low-density artefact scatter (VAHR 7622-0209). In addition, sub-surface testing of previously identified place VAHR 7622-0108 yielded no additional subsurface artefacts.

CHMP 12095 Ballarat Western Link Road: Stage 1B (Marshall et. al. 2017)

Marshall et. al. (2017) carried out a CHMP for a proposed road development encompassing 35ha of land along a 2.2km long corridor located to the west of Ballarat. The study area is characterised by undulating plains and stony rises of the West Victorian Volcanic Plains. The Desktop Assessment showed that previous to this study, part of this assessment area was included in previous cultural heritage assessments which resulted in the identification of five Aboriginal places: VAHR 7622-0169, a sub-surface artefact scatter comprised of four quartz artefacts; VAHR 7622-0172, a sub-surface artefact scatter comprised of two quartz artefacts; VAHR 7622-0181, a sub-surface artefact scatter comprised of 856 artefacts (predominantly quartz), VAHR 7622-0198, a sub-surface artefact scatter comprised of 15 artefacts; and VAHR 7622-0199, a sub-surface artefact scatter comprised of 27 artefacts.

Including the previously conducted assessments, the cumulative Complex Assessment involved excavation of 31 1x1m test pits, 322 hand shovel probes, 66 shovel test pits and 16 1.2x1m mechanical transects in total. The additional sub-surface assessment associated with this report identified a further two Aboriginal places: VAHR 7622-0249, an artefact scatter comprised of six artefacts; and VAHR 7622-0250, an artefact scatter comprised of 21 artefacts. In total, seven Aboriginal places were identified throughout the culminated assessments in this study area, yielding a total of 837 artefacts across the seven places. The author concludes that the majority of the identified material is primarily associated with the volcanic rises adjacent to Winter Swamp in the southern area of the study area, which is in keeping with the site prediction model, was a focus of occupation due to the proximity of fresh water sources during occupation periods.

Report 10889 (4332) Ballarat West Employment Zone: Aboriginal Cultural Heritage Assessment 2010 (Wood & Fiddian 2010)

Wood and Fiddian (2010) undertook a survey for a proposed council development 7km out of the city centre. The 635ha study area is characterised by the undulating West Victorian Volcanic plains situated to the west of Ballarat. The Standard Assessment involved division of the study area into three survey units. Unit 1 to the north was characterised by undulating stony rises with some swamp land and significant ground disturbance due to infrastructure and evidence of grazing. The ground surface visibility ranged from 25% to 100% within this unit. Three Aboriginal places (VAHR 7622-0105, VAHR 7622-0106 and VAHR 7622-0107) were identified within this unit. Unit 2 was characterised by undulating plains with vehicle tracks and infrastructure foundations littered throughout, and as a result estimated ground visibility ranged from 25 to 80% in this unit. One Aboriginal place (VAHR 7622-0108) was

identified within this unit. Unit 3 in the south was characterised by undulating plains and rises overlooking Winter Swamp. Areas of ground disturbance associated with grazing and vehicle tracks, resulted in ground surface visibility ranging from 20-80%.

In total, four Aboriginal places were identified and registered as: VAHR 7622-0105, an isolated artefact (1 quartz); VAHR 7622-0106, an artefact scatter (6 quartz); VAHR 7622-0107, an isolated artefact (1 quartz); and VAHR 7622-0108, an isolated artefact (1 quartz).

CHMP 12889 Ballarat West Link Road (Northern Section) (Marshall et. al. 2014)

Marshall et. al. (2014) completed a CHMP for a proposed road development spanning a 2.2km corridor west of Ballarat. The study area is characterised by the low undulating hills and low-lying plains of the West Victorian Volcanic Plains. The Desktop Assessment identified one previously identified place within the study area: VAHR 7622-0170 (Matic et al. 2013 (withdrawn)), a sub-surface artefact scatter consisting of seven quartz artefacts identified between 80-100mm deep on a gentle rise. The Standard Assessment was conducted in two phases. The first (2012) did not identify any Aboriginal cultural heritage material, primarily due to poor ground surface visibility. However, following a second field survey a year later to confirm the location of VAHR 7622-0170, two Aboriginal places were identified in areas of increased ground surface visibility (VAHR 7622-0193 and VAHR 7622-0194). A total of 36 artefacts (35 quartz, 1 chert/hornfels) were identified and determined to comprise two Aboriginal places based on the higher density scatter located on the landform of slight rise (VAHR 7622-0193), whilst those found outside of the rise landform were attributed to the low-density artefact scatter (VAHR 7622-0194).

The Complex Assessment involved the excavation of one 350mm deep 1x1m test pit and 71 400x400mm shovel test pits, between 20-460mm deep. Subsurface testing of the surface scatters identified in the Standard Assessment identified a subsurface component for these places. In total VAHR 7622-0193 contains 28 quartz and 1 cert/hornfel artefacts within surface and subsurface contexts, and VAHR 7622-0194 containing 10 quartz artefacts within a surface/sub-surface context. The author concludes that the artefact distribution is associated with the slight rises within the study area which is in line with site prediction models.

Report 3820 An Archaeological Assessment of The Ballarat Aerodrome Precinct and Common (Hyett 2007)

Hyett (2007) completed an archaeological survey of an allotment of land characterised by a large swamp (Winter Swamp) set on the edge of a flat, gently sloping plain. A field survey was

conducted by dividing the area into three separate sections: the swamp, a northern section and a southern section. The swamp and surrounding environ was covered by dense vegetation and heavy grass cover. However, clearings around the perimeter as well as around existing trees in this surround area yield the identification of eight places registered as VAHR 7622-0053-60. All eight places are low-density artefact (LDADs) surface scatters and in total comprise of 26 artefacts (23 quartz, 3 silcrete). The southern section was entirely pastureland and as a result, the effective ground coverage was estimated at 0%. As a result, no areas of Aboriginal cultural significance were identified in this section. The northern section had undergone significant grazing and as a result allowed for up to 80% ground visibility in some area. No places of Aboriginal cultural significance were identified in this section, most likely due to significant disturbance evident by the presence of grazing and the installation of shallow drainage channels.

CHMP 13974 Ballarat West Employment Zone Area 3b (Shiner et. al. 2016)

Shiner et. al. (2016) undertook a CHMP for a proposed industrial precinct west of Ballarat. The 17.5ha study area is situated in the Western Uplands and is characterised by landforms of volcanic plains, stony rises, low rises and ephemeral soaks and depressions. The Standard Assessment was limited by areas of low ground surface visibility but on average, the survey was not significantly hindered with approximately 25% of the study area estimated to be effectively surveyed. No Aboriginal cultural heritage material was identified during the survey. The Complex Assessment involved the excavation of two 1x1m test pits (430mm and 120mm deep) and 56 400x400mm shovel test pits. A total of 25 artefacts were identified between 50-400mm depth and were registered as: VAHR 7622-0224, an artefact scatter comprised of 15 artefacts (14 quartz, 1 basalt); and VAHR 7622-0223, a low-density artefact scatter comprised of 10 artefacts (9 quartz, 1 silcrete).

CHMP 13092 Ballarat West Employment Zone Area 6 (Marshall et. al. 2016a)

Marshall et. al. (2016a) completed a CHMP for Area 6 of a proposed industrial precinct west of Ballarat. The Standard Assessment identified 38 surface artefacts in ploughed areas of high visibility. Subsurface testing was undertaken and resulted in the identification of an additional 15 artefacts in a predominately disturbed context associated with ploughing and rock racking. The upper sediments also had evidence of disturbance in the form of plastic and glass fragments. Aboriginal places identified during the CHMP assessment were registered as VAHR 7622-0225 Mitchell Park 4 LDAD Components 1-53.

CHMP 13089 Ballarat West Employment Zone Area 2 (Marshall et. al. 2016b)

Marshall et. al. (2016b) undertook a CHMP for a proposed industrial precinct situated west of Ballarat. The 17.5ha study area is situated in the Western Uplands landform and is characterised by volcanic plains, stony rises, low rises and ephemeral soaks and depressions. The Desktop Assessment identified that the eastern half of the study area has been subject to a previous assessment (Marshall et. al.:2014), during which, four Aboriginal places were recorded (VAHR 7622-0170, VAHR 7622-0193, VAHR 7622-0194 and VAHR 7622-0195).

The Standard Assessment was hindered by extensive grass coverage resulting in low effective ground coverage. No additional Aboriginal cultural heritage material was identified during the survey. Attempts were made to relocate previously identified places within the study area, however access to VAHR 7622-0170, VAHR 7622-0193 and VAHR 7622-0194 were restricted and VAHR 7622-0195 could not be relocated. The Complex Assessment involved the excavation of one 300mm 1x1m test pit and forty 500x500mm test pits between 270-550mm deep. No Aboriginal cultural heritage material was identified during the Complex Assessment.

CHMP 13091 Ballarat West Employment Zone Area 5 (Marshall et. al. 2016c)

Marshall et. al. 2016c completed a CHMP for Area 5 of the Ballarat West Employment Zone. A total of 19 Aboriginal stone artefacts were identified during the Standard Assessment within plough lines. An additional six artefacts were identified in subsurface context in the plough zone during the Complex Assessment. The Aboriginal cultural material identified during the CHMP assessment was subsequently registered as VAHR 7622-0222 Mitchell Park 3 LDAD with 25 Components.

2.6. Historical and Ethnohistorical Accounts within the Geographic Region

This section provides an overview of Aboriginal culture spatial organisation as recorded at the time of European settlement. The historic accounts used to construct this section are derived from historical sources and are based on observations made of an Aboriginal society already significantly impacted by over 30 years of contact with European culture by the time of recording (Broome 2005:5).

This section summarises some relevant information available regarding Aboriginal occupation of the geographic region. This information must be considered both in light of the historical context in which it was recorded and in light of who recorded the information. The majority of early historical sources were authored by Europeans during a time of massive upheaval to the

Aboriginal groups as a result of European colonisation which brought disease, alcohol, loss of land and loss of resources.

The majority of the information presented here is sourced from observations made by Chief Protector Robinson, Assistant Protectors, 'guardians' and early settlers (Clark 1990 provides a collation of much of this information).

Several distinct layers of organisation create the 'language' system that defined Aboriginal Australia. The language group, each with its own defined country, is divided into several clans, which also have their delineated country (Clark 1990:8). Within the clan, family groups also had their own territory. It has been suggested that not only each language group but also each subdivision of these groups had their own dialects (Clark 1990:8).

The Wadawurrung³ is the language group documented in the geographic region (Clark 1990:311). The suffix 'wurrung' commonly means mouth or lips, signifying language. According to Clark (1990:311, 334), the activity area is located in proximity to the *Wongerrerr balug*, a clan of the Wadawurrung. The *Wongerrerr balug* have been associated with the head of the Woody Yaloak River and across to Yarrowee River.

Language was one major element connecting members of the Kulin, who also shared social and spiritual beliefs. Kulin clans believed that the world was created by 'Bunjil' the eaglehawk and 'Waa' the crow. In the case of the *Wongerrerr balug*, their moiety has been documented as being Bunjil (Clark 1990:334). Marriage partners had to be selected outside of one's totemic group, with a person from the Bunjil 'skin-group' marrying someone from the Waa 'skin-group' and vice versa. Many older men had more than one wife (Presland 2010: 13-15, 33). Clans function on a patriarchal basis with kinship established along a patrilineal line (Barwick 1984:105; Thomas in Fels 2011:20). Clark (1990:275) suggested that Wadawurrung intermarried with matrilineal clans of the Gulidjan, Djab wurrung and Djargurd until issues surrounding marriage arrangements caused conflict by the late-1830s. At the same time, relations between Wadawurrung and Djadja wurrung were observed to be harmonious (Clark 1990:275-276).

Members of each group were connected to the land through their place of birth. The clan estate provided most of the needs of the clan on a seasonal basis. Generally, men hunted and women gathered, with women providing most of the food resources on a daily basis (Presland 2010:1, 18, 34). What could not be provided by the estate was gained by exchange or

³ Note that numerous variations of the spelling of Aboriginal words and titles exist and, for the sake of consistency, the spelling utilised by Wathaurung Aboriginal Corporation, the RAP for the activity area is utilised in this report.

reciprocity through kinship with other clans. Trade between clans of Wadawurrung and clans of their neighbouring language groups to the west and southwest was observed in association with ceremony (Clark 1990:276). Regardless of these established systems of reciprocity regarding trade and marriage, relations between tribes was not always peaceful. Records indicate conflict between both Wadawurrung and Woi wurrung and Wadawurrung and Bun wurrung, with references also to Wadawurrung fear of the 'wild' people of the Otway region (Clark 1990:280, 283-284).

Ceremonial gatherings strengthened connections between clan groups through marriage exchange, trade and the settling of disputes. In 1839, up to 5,000 Kulin people gathered in a camp area to meet the Chief Protector of Aborigines, George Augustus Robinson. This camp area (now the Royal Botanic Gardens, Melbourne) was noted by William Thomas in 1840 to be the location of many major clan gatherings held at least twice a year, also held at the Merri Creek. Thomas (cited in Fels 2011:27) observed that more than 800 people of the 'Kulin confederacy' were present at such a gathering in 1844. In contrast to such public ceremonies, other ceremonies involving initiation and totemic activity were held in secret. Most ceremonial gathering areas left no permanent physical remains, excepting sites associated with stone arrangements and/or natural formations and features (Presland 2010:11, 36, 39-40, 78).

It is believed that everything associated with the Aboriginal way of life, resource procurement and management of country, was an expression of their spiritual life. However, disruption to the Kulin way of life by European settlement was rapid and destructive leaving little evidence of its spiritual aspects (Presland 2010:78-79).

Contact between Wadawurrung people and Europeans was documented as early as 1802 with the arrival of the Lady Nelson on the shores of Wadawurrung country at Indented Head (Clark 1990:277). Subsequently, explorers and surveyors, such as Flinders, Grimes and Robbins had encounters with Wadawurrung people. It was the establishment and expansion across Wadawurrung country of livestock runs and the increasing presence of squatters that ultimately forced the Wadawurrung people off their country, blocking access to hunting and gathering routes and locations and creating 'hostile' relations between the Wadawurrung and these settlers.

Protectorate stations were established in Victoria in the late 1830s in response to public pressure in England to end the abhorrent treatment of the Aborigines by the colonisers (Massola 1975:1), also enabling land desired by settlers to be vacated (Presland 2010:88-90). Four Protectorate Districts were established: Loddon and Northwest, Melbourne and Western Port, Western District, and Gippsland. Each district was assigned an Assistant Protector under

the higher authority of Chief Protector Robinson (Massola 1975:1-2). The aim of the Protectorate system was to provide a safe place to 'civilise' the Aboriginal population, primarily away from the Township of Melbourne itself (Fels 2011:21). The Western District Protectorate, which included Wadawurrung country, fell under the jurisdiction of Assistant Protector Charles Sievwright (Clark 1990:6).

In Australia, public and government attitudes towards the Aborigines was not as sympathetic as that of the government and the Britain-based population, and a combination of this antipathy, poor location choice for stations and blockage of funds saw the abolishment of the Protectorate system at the end of 1849 (Massola 1975:5).

Subsequently, William Thomas was appointed as a Guardian of the Aborigines of the Port Phillip District under the newly established Guardianship system (Massola 1975:5). In regional areas, Commissioners of Crown Land were appointed as local guardians, with Honorary Correspondents established to distribute blankets and rations. During the 1850s missions were also established and in 1856 Aboriginal affairs became the responsibility of the Surveyor-General. A select committee, formed to investigate the plight of Victorian Aborigines, recommended in 1858-59 that Aboriginal people be moved to reserves. Seven major reserves were established in Victoria, relevant to the Wadawurrung are the Karngan reserve, the Steiglitz reserve and the Mt. Duneed reserve (Nelson & Alves 2009:149-150, 153, Clark 1990:300). These were serviced by three depots, based in Geelong, Bacchus Marsh and Carngham (Clark 1990:300).

In 1860 the guardianship system was replaced by the Central Board for the Protection of Aborigines. The Central Board later became the Board for the Protection of Aborigines and operated until 1957. In 1869 the Act for the Protection of Aboriginal Natives defined who was considered to be Aboriginal. This act had the power to prescribe where Aboriginal people should live and work, with work permits often forcing them into missions and reserves (Nelson & Alves 2009:153).

The name Ballarat derives from the Aboriginal word *balla* – elbow, meaning resting on one's elbow or resting place (Blake 1977:30).

2.7. Landforms & Geomorphology of the Geographic Region

Four geomorphic units (VRO website accessed 18 November 2018) occur with the geographic region as shown in Figure 7 and comprise:

6.1.5 Terraces, Floodplains and Lakes, Swamps and Lunettes. This unit is characterised by alluvium terraces and floodplains associated with lake and swamp systems within the volcanic terrain. Soil types include black and grey cracking clays with black and red sodic texture contrast and dark loams. This unit occurs in the activity area.

2.1.6 Eruption Points and Volcanic Plains have scattered stony rises and basalt 'floaters' in pedologically young soils. Later alluvial and aeolian sediments often overlie these basalts. The basalt plains are known for their heavy clay soils that often result in surface ponding with many of these soils likely to have been Hydrosols prior to surface drainage. Cracking clays soils with dark brown clay loam to heavy clay topsoils (slightly acidic) overlie massive bleached subsurface horizons with ferruginised nodules. Soils may have experienced varying amounts of aeolian sand into topsoils from arid palaeoenvironments.

2.1.2 Hills, Valley Slopes and Plains on Non-Granitic Palaeozoic Rocks. This unit is lower in the topographic sequence than the ridges, escarpments and mountains of the Midlands (dissected uplands) are the neighbouring hills, valley slopes and plains of the upper Wimmera River catchment. These eroding landscapes occur from Mount Dryden in the west to fringing hills of the Pyrenees Ranges in the east.

2.1.7 Terraces and Floodplains. This unit is characterised by alluvial flats in most valley floors generally deposited in episodes of drainage disruption and blockages during the Late Neogene volcanism. These fluvial alluvial plains are characterised by its effluents and anabranches which leave the main channels.

The geology of the activity area comprises Nc1 and Qa1 – Quaternary deposits (Figure 8).

The closest known named water source to the activity area is an unnamed tributary to Burrumbeet Creek located approximately 150m south. Two drainage lines associated with the tributary also dissect the activity area in an approximate north-east to south-west alignment.

Victoria has been shaped by climatic and geological changes since the beginning of the Holocene epoch 10,000 years ago (ka). During this period, the sea rose to its present level and climatic conditions were milder and wetter until the mid-Holocene when conditions became slightly cooler and drier, similar to current climatic conditions (Kershaw 1995:669). At the end of the Pleistocene and the beginning of the early Holocene some areas would have been less attractive for occupation while others would have provided better food resources (Flood 2001:219). The rising sea levels during the early to mid-Holocene (10,000-5,500 ka), when sea levels were approximately 2m higher than today's levels, would have influenced occupation patterns with people moving further inland. Likewise, climatic changes would have

impacted inland lakes as well as vegetation, with shallow lakes occurring through western and northern Victoria in wetter periods and drying out in arid periods (Cochrane et. al. 1995:163).

2.8. Flora and Fauna in the Geographic Region

Prior to European contact the vegetation of the activity area would have been Grassy Woodland (EVC 55, Figure 9), an open eucalypt woodland with a sparse understory. Vegetation such as Yellow Box, Grey Box, Swamp Gum and Buloke as well as Heath, Tea-Tree, Wattle and Wallaby Grass would have occurred in the geographic region (Costermans 2008: 94-96). The plant resources of the region would have been utilised by Aboriginal people for food, medicines and as raw material for tool manufacture (Zola & Gott 1992:1-19).

Food resources in the geographic region would have centred on native fauna. Birds such as swans would have provided eggs as well as meat. The Eastern Grey Kangaroo, Swamp Wallaby, Common Wombat, echidna and possum would have been some of the larger faunal resources utilised by Aboriginal people in the region (Menkhorst & Knight 2004:44, 86, 118, 126). Other resources available would have included snakes, lizards and skinks well as other small reptiles common in scrubland and waterway environments (Cronin 2008:83, 86).

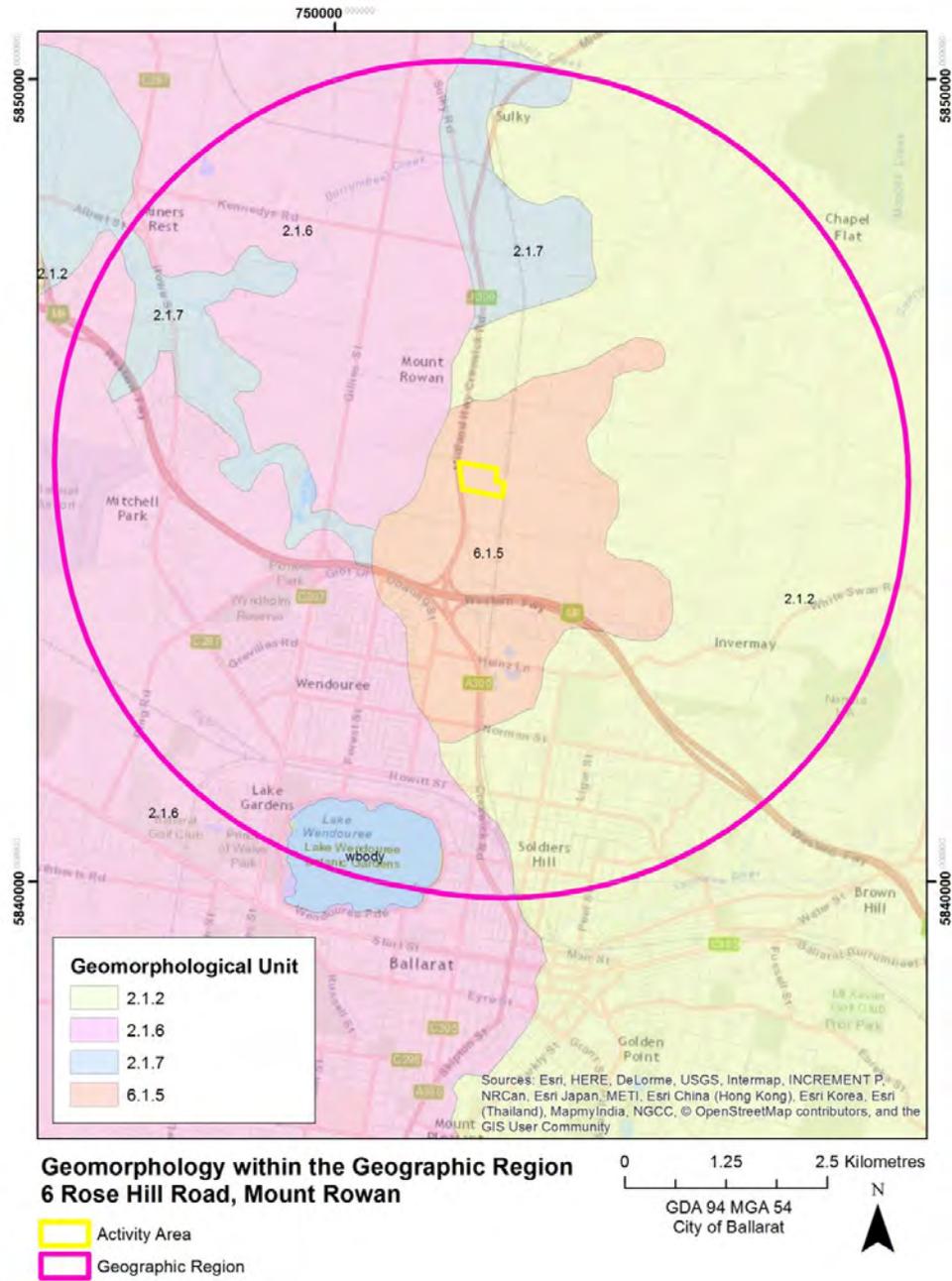


Figure 7: Geomorphology of the geographic region

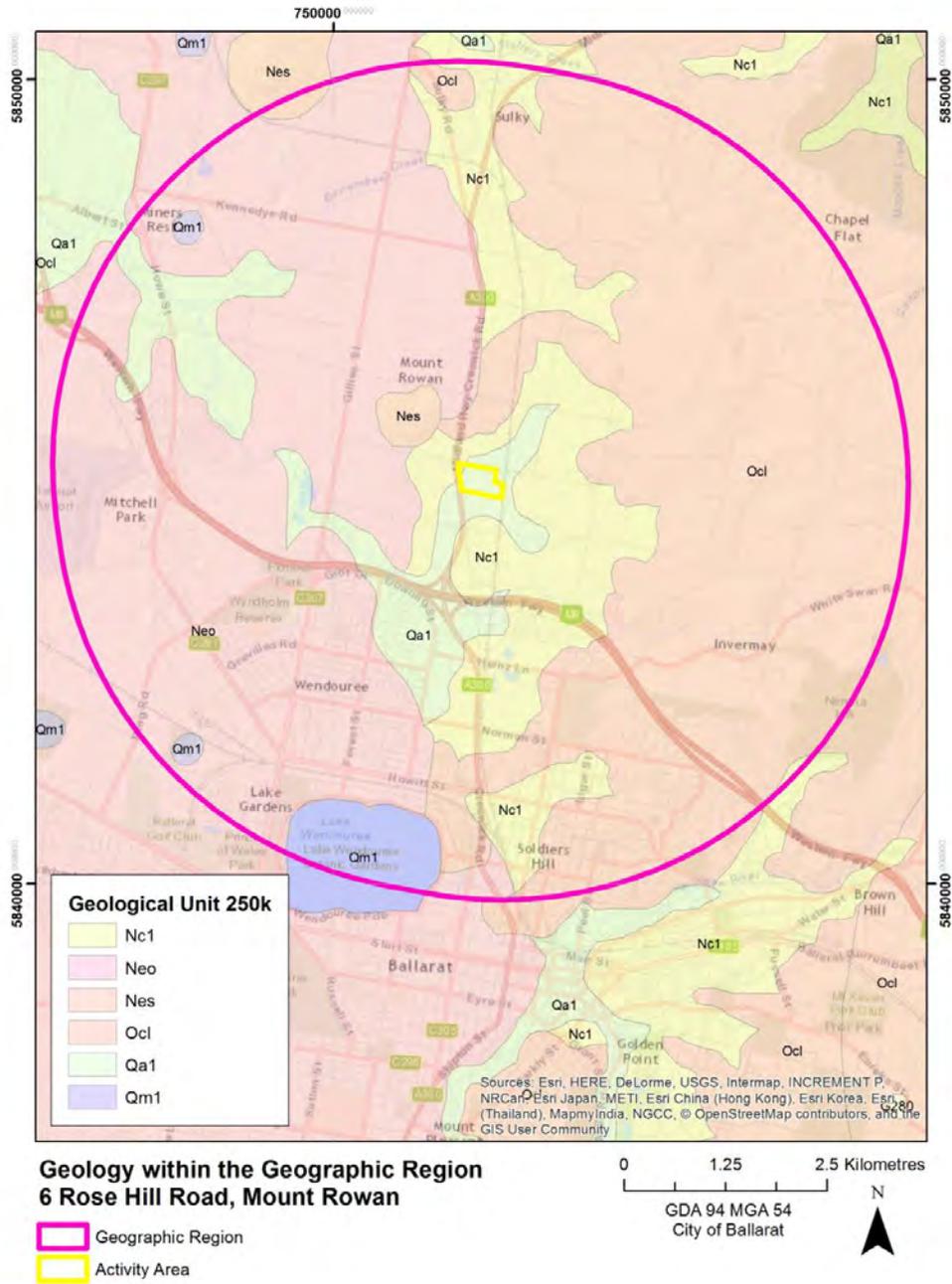


Figure 8: Geology of the geographic region

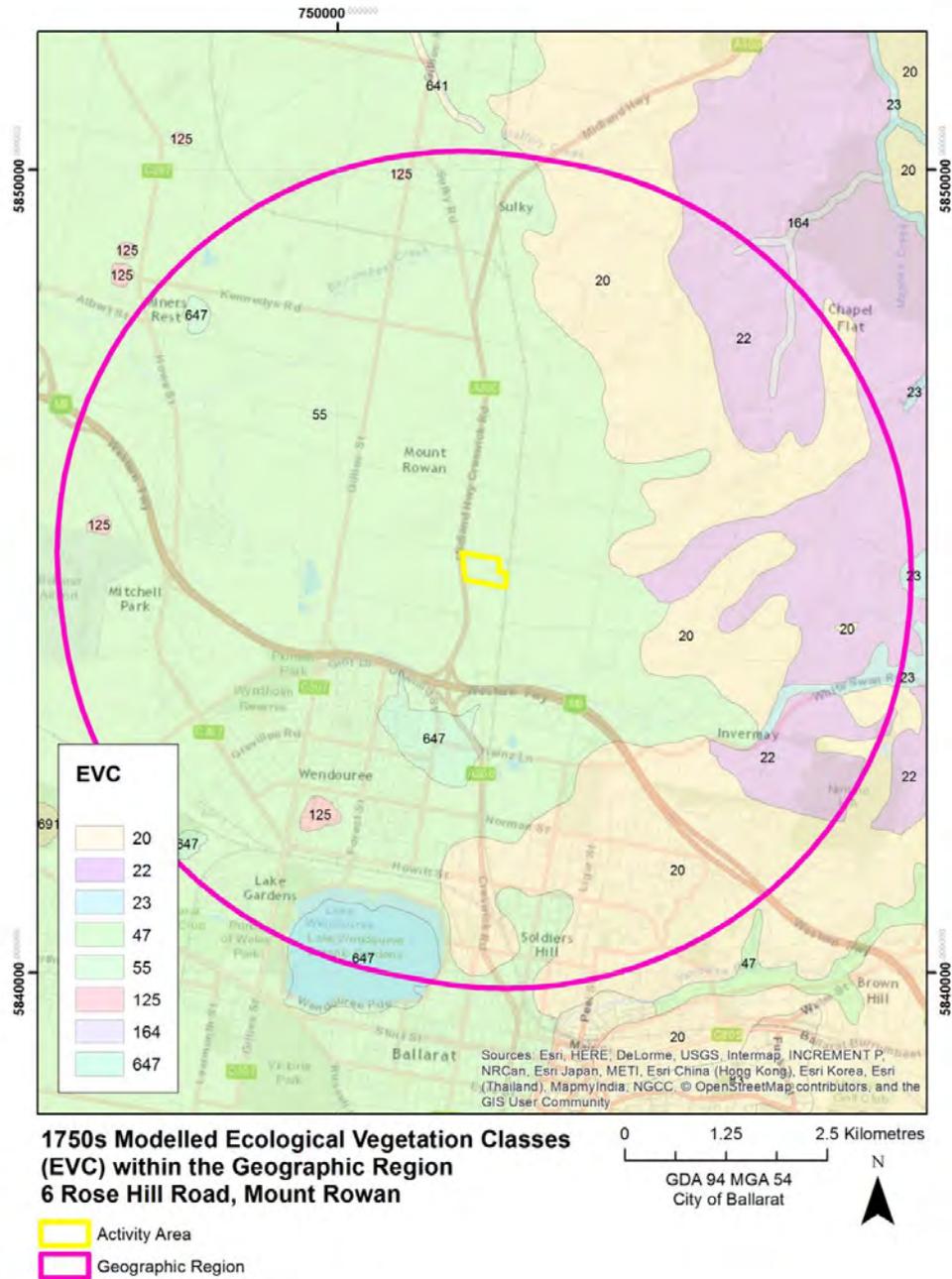


Figure 9: EVC of the geographic region

2.9. Land Use History of the Activity Area

European settlement in the region commenced in the late 1830s when the Yuille brothers established a sheep run in the region. The Yuille brothers, Archibald and William, constructed a homestead at Yarrowee Creek near Sebastobol naming their holding 'Ballaarat Station'. By the late 1840s Thomas Waldie had a Pre-emptive Right of 640 acres which encompassed the activity area. In 1854 Waldies Pre-emptive Right was owned by Salton and Waldie (Figure 10). During the late 1840s to early 1850 Buninyong, south of Ballarat, was the centre for several runs in the area. Gold was reported to be initially discovered by Thomas Hiscock at Buninyong in early August 1851 (Keneally 2009:497). Then in late August 1851 richer gold deposits were discovered at Ballarat with miners averaging more than an ounce a day. By mid-October 1851 the population of Ballarat had reached between six and ten thousand people as miners rushed to the new goldfields (Searle 1980:11-12).

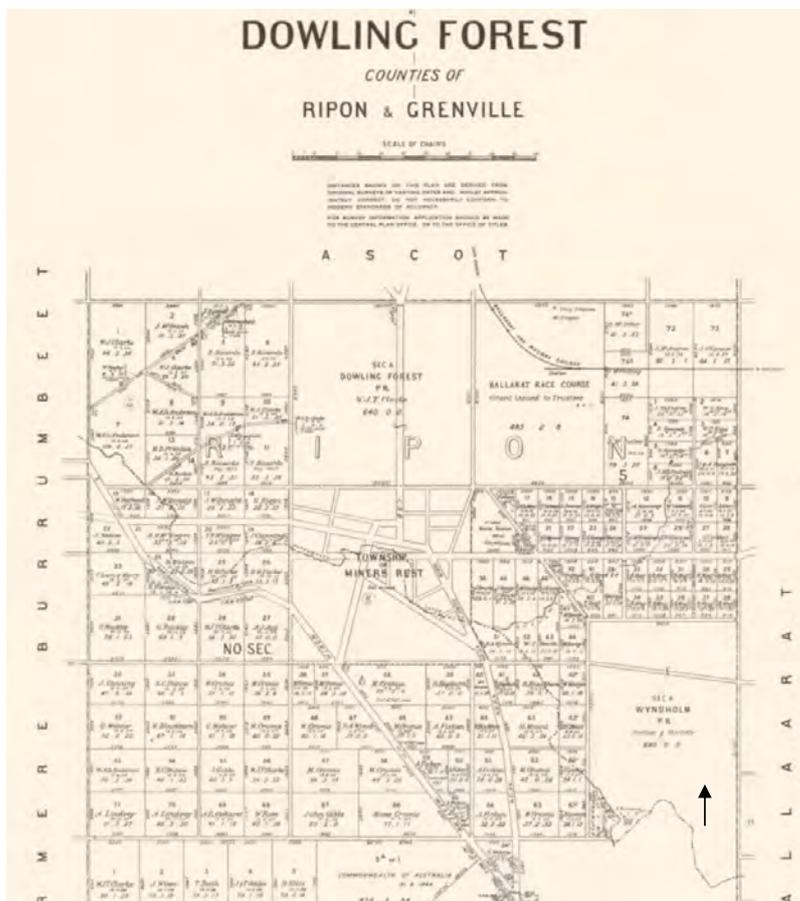


Figure 10: Wyndham Pre-emptive Right (Surveyor's General Office 1854 Map State Library of Victoria Collection)

Numerous small claims were established in the geographic region to mine the easily accessible surface gold. As the surface gold became scarce in the early 1860s mining companies were set up to undertake deep lead exploration and quartz crushing (Hocking 2012:230). The combined effect of the different types of mining in the Ballarat region altered the landscape of the area as trees were felled for fuel and construction, and creeks and streams were sluiced and puddled (Figure 11). Many watercourses and claims were worked and reworked resulting in erosion (McGowan 2001). At the end of the nineteenth century as shallow quartz leads were worked out agricultural and pastoral activities again dominated the land use in the geographic region with urban development occurring closer to Ballarat township.



Figure 11: Black Hill Ballart 1861 showing the effect of gold mining on the landscape (State Library of Victoria Collection)

Mount Rowan was named after a hotel established by Donald Rowan and Dugald McArthur in 1859 (Blake 1977:190). In summary, Aboriginal places, if present, within the activity area will likely have been impacted by:

- The clearing of native indigenous vegetation associated with early agricultural and pastoral activities (grazing, ploughing, fencing);
- Ground disturbance associated with possible gold mining activities;
- Ground disturbance associated with the construction of Rose Hill Road on the north and Midland Highway on the west margins of the activity area;
- Ground disturbance associated with the construction of the Federation University of Australia complex and associated landscaping.

2.10. Desktop Assessment Conclusions

The Desktop Assessment highlighted that the activity area will have been impacted by ground disturbance associated with vegetation clearing, agricultural and pastoral activities, possible gold mining activities, the construction of the Federation University of Australia complex and associated landscaping. In addition, the construction of Rose Hill Road and the Midland Highway will have impacted the north and west margins of the activity area.

A total of 39 Aboriginal places are registered in the geographic region. No Aboriginal places are registered in, or within 200m of, the activity area. Registered Aboriginal place types in the geographic region are characterised by predominately stone artefact scatters followed by LDADs dominated by quartz raw material. A review of previous archaeological assessments undertaken in the geographic region shows that Aboriginal places in the geographic region are commonly found in close proximity to potable water (namely Burrumbeet Creek). Given the location of an unnamed waterway within 200m of the activity area the Desktop Assessment cannot rule out the probability that Aboriginal cultural material may be present in the activity area. Therefore, the CHMP was progressed to a Standard Assessment to examine any surface exposures, if present, for evidence of Aboriginal cultural material and to examine any mature native indigenous trees, if present, for evidence of cultural scarring.

3. Standard Assessment

3.1. Introduction

A Standard Assessment was carried out for this assessment because the Desktop Assessment could not rule out the possibility that Aboriginal cultural heritage occurs in the activity area

The Standard Assessment was undertaken on 17 December 2018 by Anita Barker (HA) with assistance from Chloe Clarke and Kacie Mitchell (WAC). Adam Deane (AE) also attended.

3.2. Standard Assessment Aims & Methodology

Aims: The Standard Assessment (field survey) was undertaken to establish whether any Aboriginal cultural heritage was visible in the activity area and to determine if any area/s considered to be of cultural heritage sensitivity occur in the activity area.

Methodology: The Standard Assessment was undertaken in accordance with best practice methods (as outlined in Burke & Smith 2004) and in brief involved a pedestrian survey of the entire activity area to examine any exposures for Aboriginal cultural heritage and to identify areas of potential Aboriginal cultural heritage sensitivity. Photographs were taken of the activity area using a range pole (range pole is in 300mm increments). Notes regarding features, visibility and landform were recorded. The pedestrian survey was undertaken systematically with four people walking linear transects 4m apart.

3.3. Standard Assessment Results

The entire activity area was surveyed (Figure 12). The Standard Assessment did not identify any surface Aboriginal cultural heritage in the activity area or any areas considered to be archaeological sensitivity. No mature native indigenous vegetation, caves or rock shelters are present in the activity area. Ground disturbance is evident throughout the north portion of the activity area related to the construction of the extant buildings and associated surface and subsurface infrastructure (fences, carpark, driveways, vehicle tracks, water, power, telecommunications, sewerage etc.). Gravel (road base and quartz) occurs around the extant structures and yards. Other visible ground disturbance includes:

- Numerous large open drains which dissect the activity area.
- A fenced informal vehicle track in the west central portion of the activity area.
- A disused dam filled with rubbish (car tyres, bricks, metal) in the south portion of the activity area.

- A horse exercise yard in the north central portion of the activity area.

Visibility: Overall ground surface visibility was limited (<1%) due to ground cover. Occasional small areas of increased visibility (80-100%) due to erosion were present in some areas. The entire activity area (160,000m²) was surveyed with 16,000m² (or 1%) estimated to have been effectively surveyed.

Obstacles: No obstacles apart from low ground surface visibility and large open drains were encountered during the Standard Assessment.

Photographs of the activity area are provided in Plates 1-11 and the locations where the photographs were taken is shown in Figure 11.

3.4. Standard Assessment Conclusions

No scarred trees are present in the activity area as no mature naïve vegetation is present. No surface Aboriginal cultural material was identified in the activity area during the Standard Assessment. However, this result is considered to be at least partially due to limited visibility at the time of the survey. Therefore, a Complex Assessment was deemed necessary to determine the archaeological sensitivity of subsurface deposits in the activity area.



Plate 1: View north to Federation University buildings



Plate 2: View west showing drain



Plate 3: View east to Federation University buildings



Plate 4: View north along open drain



Plate 5: View south along an open drain



Plate 6: View north at disused dam



Plate 7: View east at water-logged area in the south east section of the activity area



Plate 8: View east along informal fenced vehicle track



Plate 9: View west at Federation University building



Plate 10: View west at horse exercise yard



Plate 11: View south east from Rose Hill Road to the activity area



Figure 12: Location of photographs taken during the Standard Assessment



Figure 13: Survey coverage of the activity area

4. Complex Assessment

4.1. Introduction

Subsurface testing was undertaken on the 18, 19 and 20 December 2018 and supervised by Anita Barker (HA) with assistance from Brian Porrett (Archaeologist) and the following WAC Representatives:

- Chloe Clarke and Kacie Mitchell 18 December 2018.
- James Brown and Marlon Livesey 19 December 2018.
- Ash Shiner and Chase Aghan 20 December 2018.

4.2. Complex Assessment Aims & Methodology

The location of the test pits was determined through consultation with the WAC representatives in the field at the time of the subsurface testing and confirmed with Stephanie Frydas (WAC). The locations of the test pits were also influenced by the presence of surface and visible subsurface infrastructure (e.g. fences, drains, vehicle tracks, buildings etc.) in the activity area. The methodology is outlined in brief below.

- A Dial Before You Dig was undertaken prior to fieldwork commencing.
- The test pits were excavated manually in arbitrary spits of 100mm with the soil sieved through 5mm mesh sieves.
- Levels and photographs were taken at the start and base of each 1x1m test pit. The Munsell and pH for each stratigraphic layer was recorded and a wall section drawn once the excavation was completed. The same methodology was applied to the 50x50cm test pits (STPs) apart from recording levels and drawing the stratigraphy.
- The range pole used in photographs displays measurements in 300mm increments.
- A differential GPS RTK (TopCon Rover Viper V) was used to record the test pit locations with all co-ordinates Grid Reference GDA 94 MGA Zone 54.

4.3. Complex Assessment Results

The Complex Assessment involved the excavation of four 1x1m excavation test pits (EP), 21 50x50cm shovel test pits (STPs) and one auger probe (10cm in diameter). The location of the test pits is shown in Figure 14. Two 1x1m test pits (EP3 and EP4) and five 50x50cm shovel test pits (STP4, STP5, STP7, STP8 and STP18) were excavated within the area of mapped cultural heritage sensitivity (representing 50% of the total number of EPs and 245 of the total number of STPs excavated in the activity area). No Aboriginal cultural heritage was identified in the activity area during the Complex Assessment. A summary of the results for all the test

pits is presented in Table 8. Detailed results for the 1x1m EP test pits is presented in Table 9 and for the 50x50cm STP test pits in Appendix 6.

Obstacles: The main obstacle encountered during the Complex Assessment was the compact nature of the sediments in some test pits and water-logged sediments in the south east section of the activity area. This obstacle is not considered to have limited the results of the Complex Assessment as the WAC representatives and the Heritage Advisor present during fieldwork considered that sufficient subsurface testing was undertaken to determine the archaeological sensitivity of the activity area.

Stratigraphy

A 1x1m excavation test pit (EP1) was excavated to establish the stratigraphy of the activity area. The stratigraphy of the activity area is illustrated in Table 7. The stratigraphy of the activity area comprises shallow silty disturbed deposits in the upper 120-260mm strata associated with agricultural practices. Brick, glass and ceramic fragments, concrete, rope and gravel were present throughout this stratum. Compact basal clay was present from 260mm depth. An auger probe was excavated into the base of EP1 and showed that the basal clay continued.

The same stratigraphy was present in the other three 1x1m test pits (EP2, EP3 and EP4) with sondages excavated in EP3 and EP4 to confirm the presence of basal clay. The STPs displayed the same stratigraphy apart from STP21 which was excavated north of the Federation University Equestrian Centre building and showed that disturbed sediments comprising mixed silty/clayey silt at this location extend to 500mm depth. The disturbance encountered in STP21 is considered to be associated with the construction of the nearby Equestrian Centre and associated large open drain. The auger probe excavated in the south east section of the activity area confirmed the water-logged nature of soils at this location and that compact basal clay is present from the surface (Table 10).

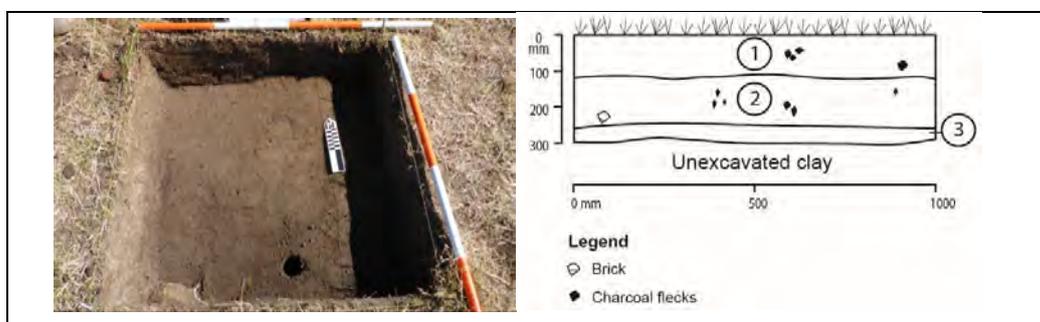


Table 7: Stratigraphy of the activity area



**Location of Subsurface Testing
6 Rose Hill Road, Mount Rowan**

Excavation Pit Type

- ✕ Auger with no cultural material
- EP (1x1m) with no cultural material
- STP (.5x.5m) with no cultural material

- Activity Area
- ▨ Area of Cultural Heritage Sensitivity

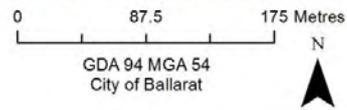


Figure 14: Location of test pits in the activity area

Grid Reference GDA 94 MGA Zone 54					
Pit Id	Pit Size	Easting	Northing	Elevation	Artefacts
EP1	1x1m	751537.454	5845216.585	447.629	0
EP2	1x1m	751590.838	5844953.278	443.684	0
EP3	1x1m	751767.095	5844874.492	442.992	0
EP4	1x1m	751708.884	5844895.267	443.036	0
STP1	50x50cm	751612.064	5845092.463	445.223	0
STP2	50x50cm	751950.371	5844972.882	444.074	0
STP3	50x50cm	751905.619	5844940.592	443.919	0
STP4	50x50cm	751815.925	5844867.579	443.035	0
STP6	50x50cm	751775.49	5844930.915	443.29	0
STP7	50x50cm	751836.672	5844899.115	443.689	0
STP5	50x50cm	751880.583	5844866.721	443.21	0
STP8	50x50cm	751796.058	5844879.773	443.187	0
STP9	50x50cm	751847.019	5844974.011	444.079	0
STP10	50x50cm	751907.316	5845032.548	444.075	0
STP12	50x50cm	751931.166	5845142.295	444.101	0
STP11	50x50cm	751920.128	5845078.903	443.985	0
STP13	50x50cm	752057.831	5844950.749	443.782	0
STP14	50x50cm	752064.621	5844901.825	443.43	0
STP15	50x50cm	752004.786	5844909.957	443.189	0
STP16	50x50cm	751572.621	5845026.843	444.952	0
STP17	50x50cm	751696.347	5844946.021	443.545	0
STP18	50x50cm	751670.827	5845012.907	444.042	0
STP19	50x50cm	751762.523	5845013.835	443.914	0
STP20	50x50cm	751563.934	5845135.317	446.031	0
STP21	50x50cm	751764.964	5845171.219	445.064	0
Auger1	10cm	752068.487	5844846.77	443.034	0

Table 8: Test pit details

Pit ID & Size: EP1 (1x1m)

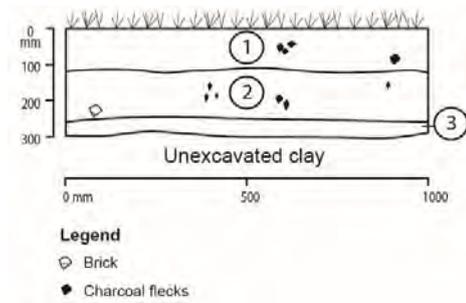
Depth: Max. depth: 300mm

Grid Reference GDA 94 MGA Zone 54: E751537.454 N 5845216.585 **Height (m asl):** 447.629

Aboriginal Cultural Heritage: None

Strata	Depth (mm)	Description (texture, consistency, coarseness)	Disturbance/Inclusions
1	0-120	Silty/clayey topsoil. 10 YR 4/3 brown, friable, dry PH 7.	Bioturbation throughout.
2	120-260	Clayey silt. 10YR 3/3 dark brown, compact, dry. PH 7.	Bioturbation throughout. Glass, brick and rope fragments present. Quartz gravel (<1cm, <1%).
3	260-300	Moist compact clay. 10YR 3/2 dark greyish brown. PH 7.	

An auger probe 10cm deep was excavated into the clay and confirmed that the clay was basal.



EP1 North Baulk Stratigraphy



EP1 North Baulk

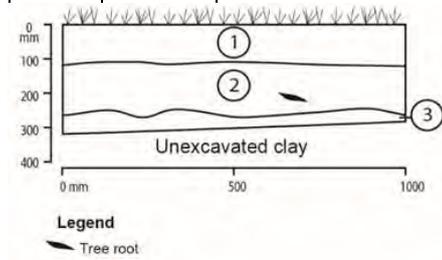
Pit ID & Size: EP2 (1x1m)

Depth: Max. depth: 310mm

Grid Reference GDA 94 MGA Zone 54: E 751590.838 N 5844953.278 **Height (m asl):**443.684

Aboriginal Cultural Heritage: None

Strata	Depth (mm)	Description (texture, consistency, coarseness)	Disturbance/Inclusions
1	0-110	Silty/clayey topsoil. 10 YR 4/3 brown, friable, dry PH 6.	Bioturbation throughout.
2	110-260	Clayey silt. 10YR 3/2 dark greyish brown, compact, dry. PH 6.5.	Bioturbation throughout. Buckshot gravel (,1cm, <1%) present at interface with clay.
3	260-310	Moist compact clay. 10YR 3/2 dark yellowish brown. PH 7.	



EP2 North Baulk Stratigraphy



EP2 North Baulk

ID & Size: EP3 (1x1m)

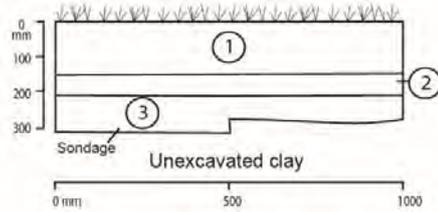
Depth: Max. depth: 340mm

Grid Reference GDA 94 MGA Zone 54: E 351200.942 N 5770677.903 **Height (m asl):** 11.216

Aboriginal Cultural Heritage: None

Strata	Depth (mm)	Description (texture, consistency, coarseness)	Disturbance/Inclusions
1	0-150	Silty topsoil. 10 YR 4/3 brown, friable, dry PH 6.5.	Bioturbation throughout.
2	150-210	Clayey silt. 10YR 3/2 very dark greyish brown, compact, dry. PH 5.5.	Bioturbation throughout.
3	210-300	Moist compact clay. 10YR 4/4 dark yellowish brown. PH 5.5.	

A sondage was excavated in the north west section of EP3 from 300mm to 340mm depth which confirmed the presence of basal clay.



EP3 North Balk Stratigraphy



EP3 North Balk

ID & Size: EP4(1x1m)

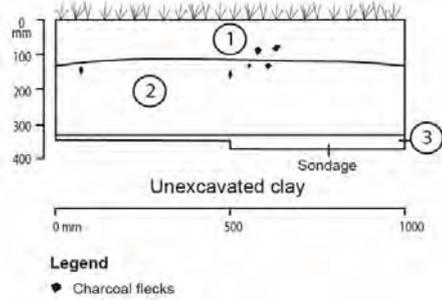
Depth: Max. depth: 370mm

Grid Reference GDA 94 MGA Zone 54: E 351264.231 N 5770692.215 **Height (m asl):** 7.369

Aboriginal Cultural Heritage: None

Strata	Depth (mm)	Description (texture, consistency, coarseness)	Disturbance/Inclusions
1	0-130	Silty topsoil. 10 YR 4/3 brown, friable, dry PH 6.5.	Bioturbation throughout.
2	130-340	Clayey silt. 10YR 3/2 very dark greyish brown, compact, dry. PH 5.5.	Bioturbation throughout.
3	340-370	Moist compact clay. 10YR 4/4 dark yellowish brown. PH 5.5.	

A sondage was excavated in the north west section from 340mm to 370mm depth which confirmed the presence of basal clay.



EP4 North Baulk Stratigraphy



EP4 North Baulk

Table 9: EP1-EP4 details

Auger ID & Size: Auger1 10cm diameter

Depth: Max. depth: 270mm

Location & Landform: Low-lying water-logged land in the south east section of the activity area.

Aboriginal Cultural Heritage: None

Strata	Depth (mm)	Description (texture, consistency, coarseness)	Disturbance/Inclusions
1	0-250	Moist, compact basal clay	Grass roots



Excavation of auger probe (view east)



Contents of auger probe - Basal clay (view east)

Table 10: Results for auger probe

4.4. Complex Assessment Conclusion

A Complex Assessment was undertaken to assess the archaeological sensitivity of the activity area because information gathered during the Desktop Assessment could not rule out the potential for Aboriginal cultural heritage to be present. No surface Aboriginal cultural material was identified during the Standard Assessment due to limited ground surface visibility at the time of the survey. Therefore, a Complex Assessment was deemed necessary.

Four 1x1m test pits, 21 50x50cm shovel test pits and one auger probe were excavated during the Complex Assessment. No Aboriginal cultural material or areas of archaeological sensitivity were identified during the Complex Assessment. No areas likely to contain Aboriginal cultural heritage which will not be impacted by the activity were identified during the assessment and no evidence of buried land surfaces were encountered within the activity area during subsurface testing.

Although a thorough subsurface testing program has been undertaken there remains the possibility, albeit low, that Aboriginal cultural material may be present in unexcavated areas within the activity area that may be impacted by the activity. In light of this the CHMP management conditions have been developed in Part 1.

5. Details of Aboriginal Cultural Heritage in the Activity Area

No Aboriginal cultural heritage was identified in the activity area during the CHMP assessment.

6. Consideration of Section 61 Matters – Impact Assessment

6.1. Introduction

Section 61 of the Aboriginal Heritage Act 2006 is concerned with the avoidance and/or minimisation of harm to Aboriginal cultural heritage and with any specific measures required for the management of Aboriginal cultural heritage during and following the activity. In particular it refers to the ways in which Aboriginal heritage should be managed including:

(61a) whether the activity will be conducted in a way that avoids harm to Aboriginal cultural heritage;

(61b) if it does not appear to be possible to conduct the activity in a way that avoids harm to Aboriginal cultural heritage, whether the activity will be conducted in a way that minimises harm to Aboriginal cultural heritage;

(61c) any specific measures required for the management of Aboriginal cultural heritage likely to be affected by the activity, both during and after the activity;

(61d) any contingency plans required in relation to disputes, delays and other obstacles that may affect the conduct of the activity;

(61e) requirements relating to the custody and management of Aboriginal cultural heritage during the course of the activity.

6.2. Section 61 Matters

No Aboriginal cultural heritage, or areas considered likely to contain Aboriginal cultural heritage, were identified during the CHMP Assessment undertaken for the activity area. Therefore, no specific cultural heritage management conditions relating to Aboriginal cultural heritage within the activity area are required.

Section 61 matters pertaining to previously unknown, unexpected or undiscovered cultural heritage that is discovered, uncovered or may become exposed during the conduct of the activity are discussed in Section 2.

6.3. Cumulative Impact of the Proposed Works on the Regional Aboriginal Cultural Heritage

There is no known Aboriginal cultural heritage in the activity area. Therefore, the cumulative impact of the proposed works on the regional Aboriginal cultural heritage cannot be assessed.

6.4. Contingency Plans

Contingency plans required in relation to disputes, delays and other obstacles that may affect the conduct of the activity (Section 61d) are addressed in Part 1.

6.5. Custody & Management of Aboriginal Cultural Heritage

Requirements relating to the custody and management of Aboriginal cultural heritage during the course of the activity (Section 61e) are addressed in Part 1.

Site Gazetteer

No Aboriginal Places are registered in the activity area.

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Websites

Victorian Resources Online

http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphological_framework & http://vro.agriculture.vic.gov.au/dpi/vro/wgregn.nsf/pages/wg_vegetation_res_evc

State Library of Victoria <https://www.slv.vic.gov.au/>

APPENDICES

Appendix 1: Notice of Intent Documentation



Notice of Intent to prepare a Cultural Heritage Management Plan for the purposes of the *Aboriginal Heritage Act 2006*

This form can be used by the Sponsor of a Cultural Heritage Management Plan to complete the notification provisions pursuant to s.54 of the *Aboriginal Heritage Act 2006* (the "Act").

For clarification on any of the following please contact Victorian Aboriginal Heritage Register (VAHR) enquiries on 1800-726-003.

SECTION 1 - Sponsor information

Sponsor: Ballarat Agricultural and Pastoral Society
 ABN/ACN: 47 574 429 194
 Contact Name: Lucy Quartermain
 Postal Address: PO Box 401, Ballarat, Victoria, 3353,
 Business Number: (03) 5338 1877 Mobile: 0438 437 493
 Email Address: eo@ballaratshow.org.au

Sponsor's agent (if relevant)

Company: TGM Group Pty Ltd
 Contact Name: Chris Marshall
 Postal Address: Level 1, 27-31 Myers Street (PO Box 1137), Geelong, Vic, 3220
 Business Number: (03) 5202 4600 Mobile: _____
 Email Address: chrism@tgmgroup.com

SECTION 2 - Description of proposed activity and location

Project Name: Ballarat Showgrounds Development 6 Rose Hill Road, Ballarat
 Municipal district: Ballarat City Council

Clearly identify the proposed activity for which the cultural heritage management plan is to be prepared (ie. Mining, road construction, housing subdivision)

Major sports and recreation facility

SECTION 3 - Cultural Heritage Advisor

<u>Anita Barker</u>	<u>Anita Barker</u>	<u>anitabarker@primus.com.au</u>
<i>Name</i>	<i>Company</i>	<i>Email address</i>

SECTION 4 - Expected start and finish date for the cultural heritage management plan

Start Date: 08-Nov-2018 Finish Date: 29-Nov-2019

Submitted on: 08 Nov 2018



SECTION 5 - Why are you preparing this cultural heritage management plan?

- A cultural heritage management plan is required by the Aboriginal Heritage Regulations 2007
What is the high Impact Activity as it is listed in the regulations?
 Major sports and recreation facility
 Is any part of the activity an area of cultural heritage sensitivity, as listed in the regulations? Yes
- Other Reasons (Voluntary)
- An Environment Effects Statement is required
- A Cultural Heritage Management Plan is required by the Minister for Aboriginal Affairs.
- An Impact Management Plan or Comprehensive Impact Statement is required for the activity

SECTION 6 - List the relevant registered Aboriginal parties (if any)

This section is to be completed where there are registered Aboriginal parties in relation to the management plan.
 Wathaurung Aboriginal Corporation

SECTION 7A - List the relevant Aboriginal groups or Aboriginal people with whom the Sponsor intends to consult (if any)

This section is to be completed only if the proposed activity in the management plan is to be carried out in an area where there is no Registered Aboriginal Party.

SECTION 7B - Describe the intended consultation process (if any)

This section is to be completed only if the proposed activity in the management plan is to be carried out in an area where there is no Registered Aboriginal Party.

SECTION 8 – State who will be evaluating this plan (mandatory)

The plan is to be evaluated by:

- A Registered Aboriginal Party AND / OR
 If checked, list the relevant Registered Aboriginal Party Evaluating: Wathaurung Aboriginal Corporation
- The Secretary AND / OR
- The Council

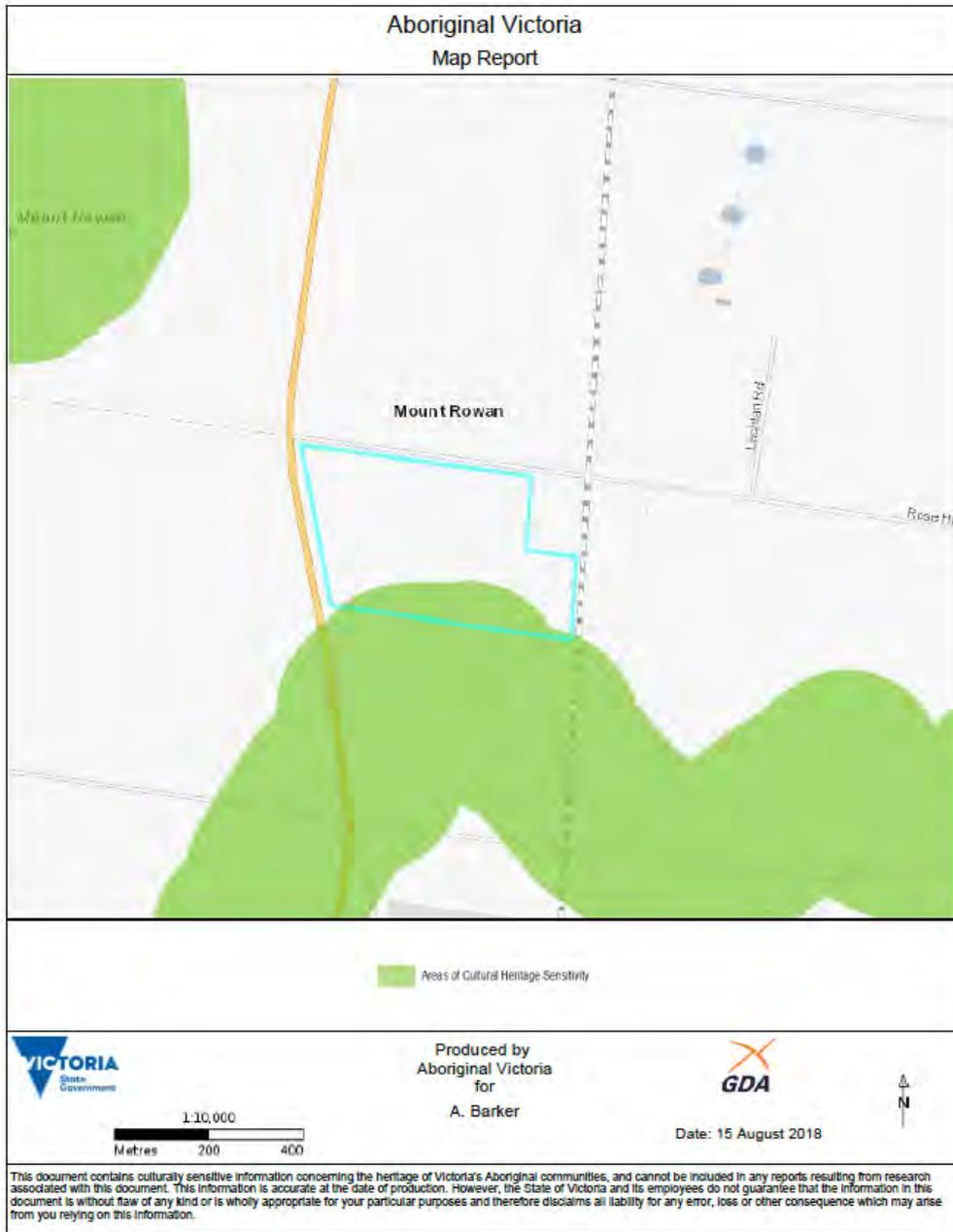
SECTION 9 – Preliminary Aboriginal Heritage Tests (PAHTs)

List the Reference Number(s) of any PAHTs conducted in relation to the proposed activity:

SECTION 10 - Notification checklist

Ensure that any relevant registered Aboriginal party/ies is also notified. A copy of this notice with a map attached may be used for this purpose.
 (A registered Aboriginal party is allowed up to 14 days to provide a written response to a notification specifying whether or not it intends to evaluate the management plan.)

Submitted on: 08 Nov 2018



NOI Map



**Wathaurung
Aboriginal
Corporation**

CH 5330
Trading as Wadawurrung
ABN 14 312 302 330

79 Main Street East
BALLARAT VIC 3850

P 03 4308 0420
F 03 4308 0421
www.wathcorp.com.au

8th November 2018

Ballarat Agricultural and Pastoral Society
Lucy Quartemain
PO Box 401,
Ballarat Vic 3350

To Whom It May Concern,

NOTICE OF INTENT TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN

I am writing to acknowledge your written notice of intention to prepare a management plan, received on the 8th November 2018 Ballarat Showgrounds Development 6 Rose Hill Road, Ballarat CHMP 16181.

Wathaurung Aboriginal Corporation (WAC) trading as Wadawurrung is the Registered Aboriginal Party (RAP) for the proposed activity area and will:

1. Evaluate the plan when it is completed and
2. Pursuant to s.60 of the *Aboriginal Heritage Act 2006* give notice that the WAC will do all or any of the following:
 - (a) Consult with the sponsor in relation to the assessment of the area for the purposes of the plan.
 - (b) Consult with the sponsor in relation to the conditions to be included in the plan.
 - (c) Participate in the conduct of the assessment.

To aid in the development of the CHMP, the following process is requested as a minimum:

At least one pre-planning meeting with Sponsor and Heritage Advisor to determine process and methodology.

One post-investigation meeting to develop appropriate management recommendations.

And for the evaluation of the CHMP, the following is required:

1 hard copy, 1 electronic (PDF or word) copy and full payment to the Wadawurrung Office for evaluation.

Once all three are received the 30-day evaluation period will begin.

For further information regarding this advice, please contact

Paul Davis on:
03 43080420
admin@wathcorp.com.au
Yours sincerely,

Paul Davis
General Manager
Wathaurung Aboriginal Corporation
Trading as Wadawurrung

Appendix 2: Glossary

Aboriginal Cultural Heritage: Aboriginal places (artefact scatters, low density artefact scatters, shell middens, sacred trees, burials, quarry), Aboriginal objects and Aboriginal remains.

Activity Area: Area or areas to be used or developed for an activity.

Angular Fragment: Also referred to as debitage. Detached pieces that are produced/discarded during the reduction process with no diagnostic features.

Artefact: An object produced by human agency.

Assemblage: A group of stone artefacts found in close spatial and/or temporal association.

Australian Small Tool Tradition (ASTT): Refers to microlithic stone tool industries which are believed to have appeared in the mid-Holocene

Blade: An artefact that is twice as long as it is wide.

Backed Artefacts: An artefact with steep retouch thought to have been used to blunt one or more edges of a tool to be hafted.

Bipolar Flake: A stone artefact showing impact on opposing ends with compression rings moving in two directions towards each impact point.

Biopolar Technology: Stone artefact reduction process by resting the objective piece on an anvil and striking it with a hammer.

BP: Before the present era.

Core: Any stone artefact retaining more than two negative flake scars.

Core Tool: A core used for chopping, cutting, or some activity other than as a source of detached pieces.

Cortex: The original surface of a stone prior to flaking. Cortex results from a variety of physical and chemical processes which cause weathering of the rock surface.

Distal End of a Flake: The end of the flake that contains the termination and has no evidence of a platform.

Dorsal Surface of a Flake: The side of the flake or detached piece with evidence of previous flake removals. This surface was originally part of the surface of a core.

Formal Tool: Any stone artefact retaining edges with retouch.

Flake: A portion of rock removed from a core by percussion or pressure.

Geometric Microlith: Artefacts with backing on up to three edges and area symmetrical around the transverse axis.

Holocene: The most recent epoch of the Quaternary period, which began 10 000 years ago at the end of the Pleistocene.

In Situ: In its original or existing place or position.

Ka: Thousand years ago.

M asl: Meters above sea level.

Microblade: A bladelet or small blade, generally.

Manuport: Any stone object deposited or transported by humans that shows no evidence of use.

OSL Dating: Optically Stimulated Luminescence dating is used to date mineral materials. To carry out OSL dating, mineral grains have to be extracted from the sample and the mineral's last exposure to sunlight is measured.

Platform: Also referred to as Striking Platform. The surface area on an artefact that received the force to detach it from the core.

Pleistocene: The epoch forming the earlier half of the Quaternary Period, beginning about two million years ago and ending 10,000 years ago, characterized by widespread glacial ice and the advent of modern humans.

Proximal End of Flake: The end of a flake or detached piece that contains the striking platform.

Retouch: Intentional modification of a stone tool edge by either pressure or percussion flaking.

Quartz: A mineral composed of the elements of silicon and oxygen. Widely used as a raw material for stone tool production in the Pleistocene and Holocene.

Quaternary Period: Relates to the present period of earth history, originating about 2 million years ago and including the Holocene and Pleistocene Epochs.

Radiocarbon Dating: The determination of the age of objects of organic origin by measurement of the radioactivity of their carbon content. Also known as carbon-14 dating.

Shell Midden: A shell deposit, with or without Aboriginal stone artefacts, charcoal and bone.

Silcrete: Sedimentary rock formed through the impregnation of a sedimentary layer with silica. Often used to manufacture Aboriginal stone tools.

Stone Tool: A piece of stone that has been formed by humans for use as a tool or as the by-product of stone tool manufacturing.

Stratigraphy: The study of stratification – the laying down or depositing of geological strata or layers. These layers are visible in the side of excavations.

Usewear: Modification on an artefact resulting from its use as a tool.

Appendix 3: CHMP Compliance & Dispute Resolution Checklist

CHMP COMPLIANCE CHECK LIST						
Item	Date	Compliance (Y/N)	Issue/reason for non-compliance	Action	Person supervising action	Date to be completed by
Contacts reviewed and current						
All disturbance within defined activity area						
Unexpected finds						
Has unexpected Cultural heritage been found?						
Did all works in the location of the finds cease?						
Did works within 10m of the discovery cease. Was a 5m buffer area around the area enforced?						
Was the site supervisor informed?						
Were the sponsor's delegate, HA and RAP informed within 24 hours?						
Did the HA inspect the site within 2 working days?						
Did a RAP representative attend the site with the HA?						
Was a management procedure agreed by all parties for the site?						
Has the management procedure been implemented and followed?						
Comments (can the process be improved)						
Signature:			Date:			

Dispute Resolution Compliance Notification

<p>Date:</p> <p>Cultural Heritage Management Plan:</p> <p>Relevant Party Making the Dispute:</p> <p>Contact Person</p> <p>Contact Details:</p> <p>Other Relevant Parties Notified of the Dispute:</p> <p>Nature of Notification (fax/email):</p> <p>Date of Notification:</p> <p>Proposed Meeting Time & Place:</p> <p>Nature of the Dispute:</p>

Dispute Checklist	Yes	No	Reporter	Comments
is there is a dispute regarding cultural heritage management?				
has the RAP, Sponsor, Sponsor's delegate/site supervisor attempted to resolve the dispute by negotiation and discussion?				
has negotiation and discussion occurred with 48 hours (2 working days)?				
has an independent mediator been appointed and a suitable timeframe organised?				

Appendix 4: Archaeological Survey & Excavation Attributes Form

ABORIGINAL CULTURAL HERITAGE PLACE ASSESSMENT:

ARCHAEOLOGICAL SURVEY AND EXCAVATION ATTRIBUTES FORM

Project Name Ballarat Showgrounds Development 6 Rose Hill Road, Mount Rowan

Cultural Heritage Management Plan Number: 16181

Author/Consultant Anita Barker

Cultural Heritage Management Plan # CHMP 16181

Survey Date	17 Dec 2018	Ground Surface Visibility	<1%
Actual Survey Coverage (m ²)	160,000	Effective Survey Coverage (m ²)	16,000
Survey Spacing (m)	4	Transect Width (m)	20
		Number in Crew	4
Landform	Low-lying	Vegetation	grass
		Disturbance	Existing buildings, carpark & infrastructure

Survey Method	Survey Design	Sample	Survey Type
X Pedestrian	Opportunistic	X Area	X Surface
Remote sensing (specify)	Random	Transect	
	X Systematic	Locality	
	Stratified	Haphazard	
	Other	Other	

Excavation method			
Excavation Date	18-20 Dec 2018	% Area Excavated	.01
Excavation Spacing (m)		Transect Width (m)	Number in Crew
			4
Test Pit/Trench Size (m)	Four 1x1m & 21 50x50cm	Depth (m)	Average 300mm

Excavation Method	Excavation Design		Sample
X Manual	Uncontrolled pits	Opportunistic	X Area
Mechanical	Excavation	Random	Transect
X Auger	(eg shovel pit)	X Systematic	Locality
	Monitoring	Stratified	Haphazard
	Controlled	Other	Other
	Excavation		

Comments No Aboriginal cultural material identified

Appendix 5: Criteria for Significance Assessment

The assessment of the significance of identified archaeological sites is a key component of the cultural heritage management process. As Burke and Smith (2004: 246) note, 'just about any place can be argued to have some level of cultural heritage significance, but not all places are equally worthy of preservation'. Significance assessments inform the manner in which cultural heritage places are managed by providing an objective appraisal of which sites and places are worthy of preservation, as determined by clearly defined criteria.

Cultural heritage significance can be determined in a number of different ways. However, the system most commonly used in Australia is derived from the international formula developed by ICOMOS (the International Council on Monuments and Sites) as described in the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter) (Australian ICOMOS 1998; Marquis-Kyle and Walker 2004).

The guidelines to the Burra Charter (Australian ICOMOS 1999:2) state that 'although there are a variety of adjectives used in definitions of cultural significance in Australia, the adjectives 'aesthetic', 'historic', 'scientific' and 'social'...can encompass all other values'. These four criteria for assessing significance are not mutually exclusive:

- Aesthetic value—associated with the stimulation of the senses, including form, scale, colour, texture and fabric material.
- Historic value—associated with an historic figure, event, phase, or activity.
- Scientific value—associated with importance to research, rarity, quality and representativeness.
- Social value—associated with its special meaning, or significance to groups, the general public, in a national or political sense.

The two main criteria generally used to assess the significance of Aboriginal cultural heritage sites are social/cultural and scientific/archaeological.

Social/Cultural significance

Aboriginal social/cultural significance can only be assessed by the appropriate Aboriginal people.

Scientific/Archeologically Significance

Scientific values are those associated with the importance of cultural heritage sites to research, based on their rarity, quality and representativeness (Australian ICOMOS 1999:

2.4). Three main criteria are used to assess the scientific significance and research potential of Aboriginal cultural heritage sites:

Site Contents

The Site Contents refer to all material and organic remains present that are the result of past human behaviour, or are associated with past human behaviour, or that can shed light on past human behaviour. Site contents also refer to the structure of the site, including its size, the distribution or patterning of material remains within the site, the presence of any stratified deposits and the rarity of the material remains. The site condition affects its site significance and sites are assessed based on the degree to which they have been disturbed. Assessment criteria and a rating system for assessing site contents is outlined in the table below (see Bowdler 1981; Sullivan and Bowdler 1984).

RATING	DESCRIPTION
0	No cultural materials remain
1	Small number of artefacts or a limited range of cultural materials with no evident stratification.
2A	A large number, but limited range, of cultural materials and/or
2B	Some intact stratified deposits
3A	A large number of a diverse range of cultural materials and/or
3B	A largely intact stratified deposit and/or
3C	Surface spatial patterning of cultural materials that still reflects the way in which the materials were deposited.

CRITERIA AND RATING SYSTEM FOR ASSESSING SITE CONTENTS

Site Condition

The Site Condition refers to the degree of disturbance that has affected the cultural heritage site and is rated as indicated in the table below.

RATING	DESCRIPTION
0	Site destroyed

1	Site in a deteriorated condition and with a high degree of disturbance but some cultural materials remain
2	Site in a fair-to-good condition, but with some disturbance
3	Site in an excellent condition, with little or no disturbance.

CRITERIA AND RATING SYSTEM FOR ASSESSING SITE CONDITION

Representativeness

The Representativeness refers to the regional distribution of a particular site type and is assessed on whether the site is common, occasional or rare in a given region (Bowdler 1984). Assessments of representativeness are therefore subjective and constantly changing as they are biased by the current knowledge of the distribution and numbers of archaeological sites in a region. This varies from place to place depending on the extent of previous archaeological research. Consequently, a site, which is assigned low significance values for contents and condition, but a high significance value for representativeness, can only be regarded as significant in terms of current knowledge of the regional archaeology. Any such site should be subject to further reassessment as additional archaeological research is carried out.

Assessment of representativeness also takes into account the contents and condition of a particular site. For example, in any region, there may only be a limited number of sites of any type that have suffered minimal disturbance. Such sites would therefore be given a high significance rating for representativeness, although they may occur commonly within the region. The criteria and rating system for representativeness is indicated in the table below.

RATING	DESCRIPTION
1	Common occurrence
2	Occasional occurrence
3	Rare occurrence

CRITERIA AND RATING SYSTEM FOR ASSESSING SITE REPRESENTATIVENESS

Overall Scientific Significance

Overall, scientific significance ratings for sites, based on a cumulative score for site contents, site integrity and representativeness are given as follows:

RATING	DESCRIPTION
1 – 4	Low scientific significance
5 - 7	Moderate scientific significance
8 - 9	High scientific significance

CRITERIA AND RATING SYSTEM FOR ASSESSING OVERALL SCIENTIFIC SIGNIFICANCE

Appendix 6: Shovel Test Pit Results

Pit Id & Size (mm)	Landform & Location (GDA 94 MGA55)	Strata Description	Aboriginal Cultural Material Present
STP1	Low lying E 751612.064 N 5845092.463 Elevation 445.223m asl	1. 0-100mm Friable dry medium grained silty clay, plough zone, worms and roots disturbance, gravel and quartz inclusions. 10YR 4/3 brown pH7.0 2. 100-250mm Compacted dry medium grained silty clay, plough zone. 10YR 3/3 dark brown pH7.0 3. 250-270mm Compacted dry medium grained clay. 10YR 3/2 very dark greyish brown pH7.0	No
STP2	Low lying flat land E 7514950.371 N 5844972.882 Elevation 444.074m asl	1. 0-180mm Firm dry fine grained silt, plough zone upper 200mm, worms and roots disturbance, quartz inclusions. 10YR 3/4 dark yellowish brown pH6.0 2. 180-360mm Firm dry medium grained silty clay, grass and worm disturbance, quartz and buckshot inclusions. 10YR 7/2 light grey pH6.0 3. 360-420mm Compacted dry medium grained clay. 10YR 4/6 dark yellowish brown pH6.0	No
STP3	Low lying flat E 751905.619 N 5844940.592 Elevation 443.919m asl	1. 0-210mm Firm dry fine grained silt, plough zone upper 200mm, worms and roots disturbance, quartz inclusions. 10YR 3/4 dark yellowish brown pH6.0 2. 210-400mm Firm dry medium grained silty clay, grass and worm disturbance, buckshot inclusions. 10YR 7/2 light grey pH6.0 3. 400-430mm Compacted dry medium grained clay. 10YR 4/6 dark yellowish brown pH6.0	No
STP4	Low lying flat E 751815.925 N 5844867.579 Elevation 443.035m asl	1. 0-190mm Firm dry fine grained silt, plough zone upper 200mm, worms and roots disturbance, quartz inclusions. 10YR 3/4 dark yellowish brown pH6.0 2. 190-380mm Firm dry medium grained silty clay, grass and worm disturbance, buckshot inclusions. 10YR 7/2 light grey pH6.0 3. 380-400mm Compacted dry medium grained clay. 10YR 4/6 dark yellowish brown pH6.0	No
STP5	Low lying flat E 751880.583 N 5844866.721 Elevation 443.210m asl	1. 0-120mm Friable dry medium grained silt, plough zone, worms and roots disturbance, roots inclusions. 10YR 4/3 brown pH6.5 2. 120-300mm Friable dry medium grained silty clay, plough zone and gravel disturbance, 2 pieces quartz <1cm < 1% inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 300-310mm Compacted dry/moist medium grained clay. 10YR 4/4 dark yellowish brown pH5.5	No

Pit Id & Size (mm)	Landform & Location (GDA 94 MGA55)	Strata Description	Aboriginal Cultural Material Present
STP6	Low lying flat E 751775.490 N 5844930.915 Elevation 443.290m asl	1. 0-110mm Friable dry medium grained silty clay, plough zone, worms and roots disturbance, gravel and quartz inclusions. 10YR 4/3 brown pH6.5 2. 110-290mm Firm dry medium grained silty clay, plough zone, worms and roots disturbance, 2 gravel and quartz inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 290-320mm Compacted dry course grained clay. 10YR 4/4 dark yellowish brown pH5.5	No
STP7	Low lying flat E 751836.672 N 5844899.115 Elevation 443.689m asl	1. 0-120mm Friable dry medium grained silty clay, plough zone, worms and roots disturbance. 10YR 4/3 brown pH6.5 2. 120-250mm Friable dry medium grained silty clay, plough zone, worms and roots disturbance, buckshot at interface with clay inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 250-280mm Compacted dry course grained clay. 10YR 4/4 dark yellowish brown pH5.5	No
STP8	Low lying flat E 751796.058 N 5844879.773 Elevation 443.187m asl	1. 0-110mm Friable dry medium grained silty clay, plough zone, worms and roots disturbance. 10YR 4/3 brown pH6.5 2. 110-200mm Firm dry medium grained silty clay, plough zone, worms and roots disturbance, quartz <1cm <1%, buckshot <1cm <1% inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 200-230mm Compacted dry course grained clay. 10YR 4/4 dark yellowish brown pH5.5	No
STP9	Low lying flat E 751847.019 N 5844974.011 Elevation 444.079m asl	1. 0-130mm Friable dry medium grained sandy silt, plough zone, worms and roots disturbance, quartz fragments/gravel <1cm <1% inclusions. 10YR 4/3 brown pH6.5 2. 130-360mm Firm dry fine grained silt, plough zone, worms and roots disturbance, buckshot <1cm <1% inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 360-380mm Compacted dry fine grained clay. 10YR 4/4 dark yellowish brown pH5.5	No
STP10	Low lying flat E 751907.316 N 5845032.548 Elevation 444.075m asl	1. 0-150mm Friable dry medium grained sandy silt, plough zone, worms and roots disturbance, quartz fragments/gravel <1cm <1% inclusions. 10YR 4/3 brown pH6.5 2. 150-250mm Firm dry fine grained silt, plough zone, worms and roots disturbance, buckshot <1cm <1% inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 250-270mm Compacted dry fine grained clay. 10YR 4/4 dark yellowish brown pH5.5	No

Pit Id & Size (mm)	Landform & Location (GDA 94 MGA55)	Strata Description	Aboriginal Cultural Material Present
STP11	Low lying flat E 751920.128 N 5845078.903 Elevation 443.985m asl	1. 0-120mm Friable dry medium grained sandy silt, plough zone, worms and roots disturbance, quartz fragments/gravel <1cm <1% inclusions. 10YR 4/3 brown pH6.5 2. 120-250mm Firm dry fine grained silt, plough zone, worms and roots disturbance, buckshot <1cm <1% inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 250-260mm Compacted dry fine grained clay. 10YR 4/4 dark yellowish brown pH5.5	No
STP12	Low lying E 751931.166 N 5845142.295 Elevation 444.101m asl	1. 0-100mm Friable dry medium grained sandy silt, plough zone, worms and roots disturbance, quartz fragments/gravel <1cm <1% inclusions. 10YR 4/3 brown pH6.5 2. 100-190mm Firm dry fine grained silt, plough zone, worms and roots disturbance, buckshot <1cm <1% inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 190-230mm Compacted dry fine grained clay. 10YR 4/4 dark yellowish brown pH5.5	No
STP13	Low lying E 752057.831 N 5844950.749 Elevation 443.782m asl	1. 0-110mm Friable dry medium grained sandy silt, plough zone, worms and roots disturbance, quartz fragments/gravel <1cm <1% inclusions. 10YR 4/3 brown pH6.5 2. 110-230mm Firm dry fine grained silt, plough zone, worms and roots disturbance, buckshot <1cm <1% inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 230-250mm Compacted dry fine grained clay. 10YR 4/4 dark yellowish brown pH5.5	No
STP14	Low lying E 752064.621 N 5844901.825 Elevation 443.430m asl	1. 0-180mm Friable dry medium grained sandy silt, plough zone, worms and roots disturbance, quartz fragments/gravel <1cm <1% inclusions. 10YR 4/3 brown pH6.5 2. 180-270mm Firm dry fine grained silt, plough zone, worms and roots disturbance, buckshot <1cm <1% inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 270-300mm Compacted dry fine grained clay. 10YR 4/4 dark yellowish brown pH5.5	No

Pit Id & Size (mm)	Landform & Location (GDA 94 MGA55)	Strata Description	Aboriginal Cultural Material Present
STP15	Low lying - flat E 752004.786 N 5844909.957 Elevation 443.189m asl	1. 0-150mm Friable dry medium grained sandy silt, plough zone, worms and roots disturbance, quartz fragments/gravel <1cm <1% inclusions. 10YR 4/3 brown pH6.5 2. 150-360mm Firm dry fine grained silt, plough zone, worms and roots disturbance, buckshot <1cm <1% inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 360-380mm Compacted dry fine grained clay. 10YR 4/4 dark yellowish brown pH5.5	No
STP16	Low lying E 751572.621 N 5845026.843 Elevation 444.952m asl	1. 0-100mm Friable moist medium grained silt, glass, quartz, gravel and brick fragments disturbance, roots inclusions. 10YR 4/3 brown pH6.5 2. 100-220mm Friable moist medium grained silt. 10YR 3/2 very dark greyish brown pH5.5 3. 220-230mm Compacted dry fine grained clay. 10YR 4/4 dark yellowish brown pH5.5	No
STP17	Low lying E 751696.347 N 5844946.021 Elevation 443.545m asl	1. 0-120mm Friable moist medium grained silty clay, grass roots and burrowing insect disturbance, quartz pebbles <1cm <1% inclusions. 10YR 4/3 brown pH6.5 2. 120-250mm Friable moist medium grained clay, grass roots and burrowing insect disturbance, quartz pebbles <1cm <1% inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 250-270mm Friable moist medium grained clay. grass roots and burrowing insect disturbance, quartz pebbles <1cm <1% inclusions. 10YR 4/4 dark yellowish brown pH5.5	No
STP18	Low lying E 751670.827 N 5845012.907 Elevation 444.0425m asl	1. 0-110mm Friable moist medium grained silty clay, grass roots and burrowing insect disturbance, quartz pebbles <1cm <1% inclusions. 10YR 4/3 brown pH6.5 2. 110-250mm Friable moist medium grained clay, grass roots and burrowing insect disturbance, quartz pebbles <1cm <1% inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 250-290mm Friable moist medium grained clay. grass roots and burrowing insect disturbance, quartz pebbles <1cm <1% inclusions. 10YR 4/4 dark yellowish brown pH5.5	No

Pit Id & Size (mm)	Landform & Location (GDA 94 MGA55)	Strata Description	Aboriginal Cultural Material Present
STP19	Low lying E 751762.523 N 5845013.835 Elevation 443.914m asl	1. 0-100mm Friable moist medium grained silty clay, grass roots and burrowing insect disturbance, quartz pebbles <1cm <1% inclusions. 10YR 4/3 brown pH6.5 2. 100-190mm Friable moist medium grained clay, grass roots and burrowing insect disturbance, quartz pebbles <1cm <1% inclusions. 10YR 3/2 very dark greyish brown pH5.5 3. 190-200mm Friable moist medium grained clay. grass roots and burrowing insect disturbance, quartz pebbles <1cm <1% inclusions. 10YR 4/4 dark yellowish brown pH5.5	No
STP20	Low lying E 751563.934 N 58451535.317 Elevation 446.031m asl	1. 0-240mm Firm silty clay, gravel, road base <2cm <10%, very disturbed down to clay. 2. 240-260mm Compacted clay.	No
STP21	Low lying E 751764.964 N 5845171.219 Elevation 445.064m asl	1. 0-280mm Silt and gravel. 2. 280-500mm Silt with gravel / buckshot 3. 500-510mm Clay	No









PROPOSED BALLARAT SHOWGROUNDS 6 ROSEHILL ROAD, MOUNT ROWAN

Transport Impact Assessment Report



efficient safe reliable    

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1 Introduction

1.1 Overview

A planning permit is being sought for the development of a new Ballarat Showgrounds at 6 Rosehill Road, Mount Rowan. To assist in the consideration of the development proposal, ESR Transport Planning has been engaged to assess relevant transport implications.

1.2 Scope of This Report

This report documents a transport impact assessment which investigates the following:

- Existing transport conditions in the vicinity of the site.
- Statutory transport planning requirements.
- Parking demands generated by the proposed land use.
- Traffic movements generated by the proposed land use.
- Site access arrangements.
- Anticipated impacts on the surrounding road network.

1.3 Referenced Information

- Overall Site Plan (Master Plan Study) prepared by Project Now received 13/11/19.
- An inspection of the site and surrounds November 2019.
- Advice and data from Ballarat Agricultural and Pastoral Society regarding operation of the existing Showgrounds and proposed development.
- Austroads Traffic Management and Road Design Guides (various as noted in this report).
- Australian Standards, AS2890, *Australian Standard for Parking Facilities*.
- Ballarat Planning Scheme.
- City of Ballarat, 2015, *Municipal Road Register*.
- ESR Transport Planning, 18/04/17, *Ballarat Showgrounds Mount Rowan Site Masterplan Transport Report*.
- Hansen Partnership, August 2018, *Ballarat Long Term Growth Options Investigation*.
- Institute of Transportation Engineers (ITE), 2010, 4th Edition, *Parking Generation*.
- Local Government Infrastructure Design Association, 2019, *Infrastructure Design Manual*.
- Public Transport Victoria, maps and timetables (www.ptv.vic.gov.au).
- Roads and Traffic Authority (RTA), 2002, *Guide to Traffic Generating Developments*.
- TGM Group, March 2019, *6 Rose Hill Road, Mount Rowan Planning Report*.
- Trips Database Bureau (TDB), 2018, *Trips Database*.
- VicPlan maps and aerial photography (www.mapshare.vic.gov.au/vicplan).
- VicRoads traffic volume and Crashstats accident data (www.data.vic.gov.au).

1.4 Terms

- BAPS Ballarat Agricultural and Pastoral Society
- Council City of Ballarat
- DOS degree of saturation
- Ha hectares
- IDM Infrastructure Design Manual
- kph kilometres per hour
- m metres
- m² square metres
- TMP Traffic Management Plan
- RRV Regional Roads Victoria (a division of VicRoads)
- vph vehicle movements per hour
- vpd vehicle movements per day

2 Contextual Analysis

2.1 Site

The site is located south of Rose Hill Road and east of Midland Hwy, encompassing approximately 16.2 Ha. The site has various buildings located near Rose Hill Road while farm paddocks occupy the majority of the site. In the site's northwest are buildings providing offices, training rooms, amenities and storage together with on-site gravel car parking and vehicle access. These facilities are utilised by Federation University who run agricultural education programs at the site. The site contains an indoor equestrian centre of approximately 3,800m² which has an associated gravel car parking area and vehicle access.

The site and neighbouring land are within a Farming Zone. Much of the eastern part of the site is subject to a Floodway Overlay. Surrounding properties typically incorporate a residential dwelling.

Figure 2.1 Subject Site Locality



Image: VicPlan

Figure 2.2 Subject Site Aerial Photo



Image: Nearmap (captured 30/10/19)

2.2 Road Network

Rose Hill Road is classified as an Access Road and an 80 kph speed limit applies¹. Within a 30m road reserve it has a rural cross section with a sealed carriageway of approximately 6m width, grass roadside areas with open drains.

¹ During our site visit what appears to be a redundant “end 80” sign was in place facing westbound traffic near the site’s northeast corner, yet 80 kph speed signs were in place up and down stream of this sign.

Figure 2.3 Road Hill Road (facing east, site on right)



Midland Hwy (also known as Creswick Road) is classified as an Arterial Road (Road Zone Category 1, managed by Regional Roads Victoria (RRV)) with an 80 kph speed limit. Within a 66m road reserve it has a sealed carriageway providing a traffic lane and shoulders in each direction.

Figure 2.4 Midland Hwy (facing north to Rose Hill Road intersection)



Sims Road is west of Midland Hwy in alignment with Rose Hill Road. It is a road reserve with a dirt track but not a public road. It is fenced with a gate at the Midland Hwy boundary.

The Midland Hwy / Rose Hill Road intersection is give-way sign controlled, without turn lane provisions. Good sight lines / sight distances are available from the give-way position.

Within the last year or so, RRV have been undertaking works to improve safety along the Midland Hwy. Works include safety barriers, rumble strips, wide centreline markings and sealing of shoulders. A new roundabout has been constructed at the Western Fwy interchange and a new roundabout is to be constructed at the Kennedys Road / Taronga Road intersection. Turning lanes have been provided at the Pistol Club Road and Cummins Road / Fraser Road intersections and upgrades are planned for the Sulky Road and Olliers Road / Millers Road intersections.

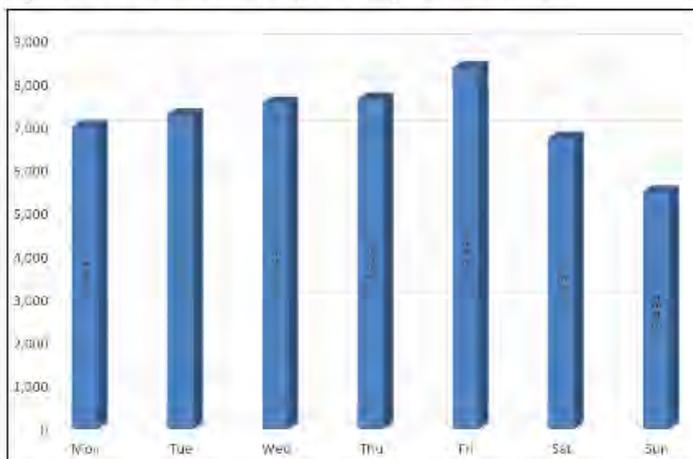
2.3 Traffic Volumes

VicRoads traffic volume databases² have been utilised to determine traffic volumes along Midland Hwy. This data is summarised in Figure's 2.5 and 2.6.

Midland Hwy carries a daily traffic volume of approximately 7,600 vpd midweek, 8,400 vpd Friday and 6,700 Saturday. Peak hour volumes have a directional bias towards Ballarat in the AM peak and away from Ballarat in the PM peak, with a maximum of approximately 400 vph in any one direction.

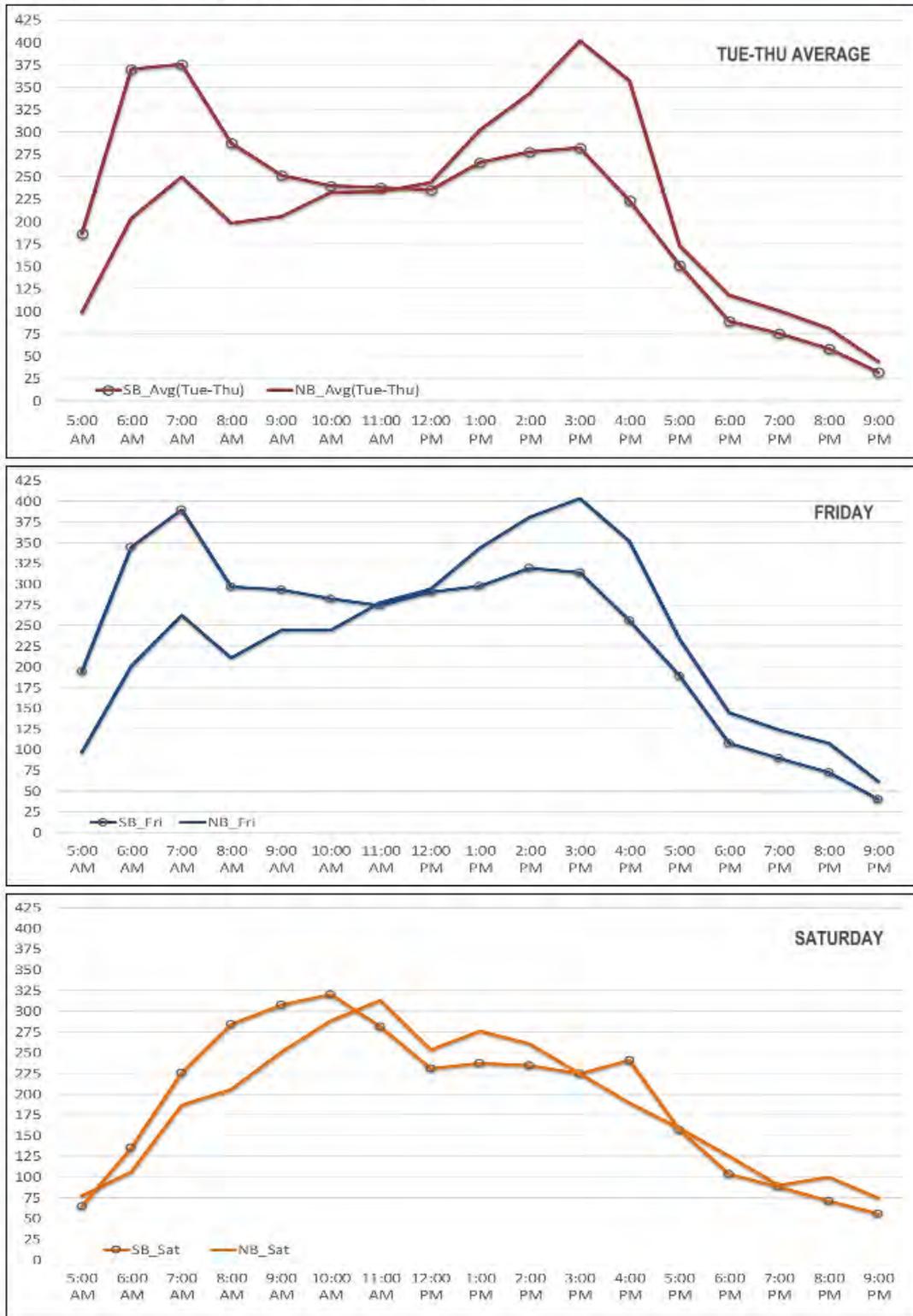
Truck traffic represents approximately 10% of total traffic midweek.

Figure 2.5 Midland Hwy Typical Daily Traffic Volumes



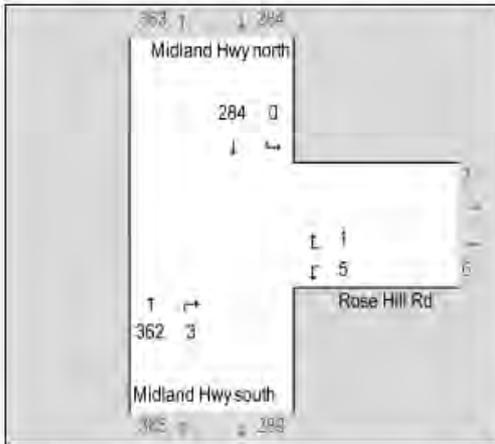
² Traffic Volumes for Freeways and Arterial Roads and Typical Hourly Volume (between Albert Street & Western Hwy Offramp), source: www.data.vic.gov.au.

Figure 2.6 Midland Hwy Typical Hourly Traffic Volumes



ESR Transport Planning undertook a PM peak hour survey at the Midland Hwy / Rose Hill Road intersection on Thursday 28/11/19 with results shown in Figure 2.7.

Figure 2.7 Midland Hwy / Rose Hill Road PM Peak Hour Intersection Traffic Volumes



Based on a typical peak hour to daily traffic ratio of 10%, the peak hour survey indicates Rose Hill Road carries a daily traffic volume in the order of 100 vpd. At the time of survey, the site's educational or equestrian facilities were not in use. When these are in use, daily volumes could be expected to be significantly higher.

Volumes on other nearby roads are shown in Figure 2.8 (sourced from a 2017 study).

Figure 2.8 Indicative Daily Traffic Volumes on Wider Road Network

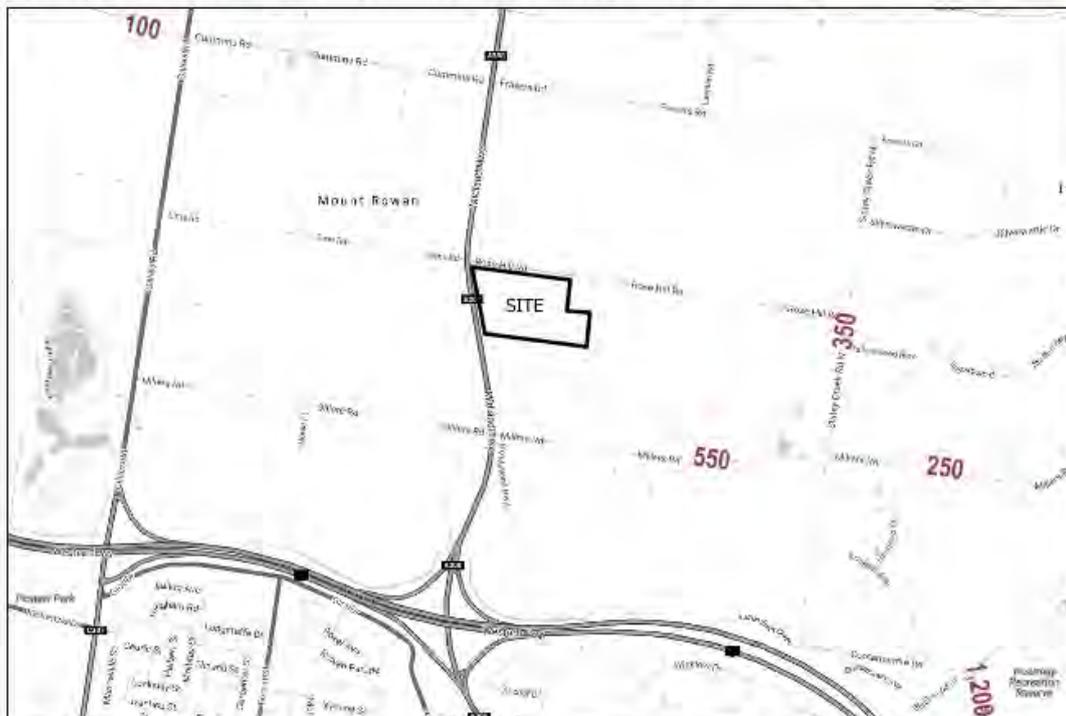


Image: Google Maps

2.4 Accident History

A review of road accidents in the site's vicinity has been undertaken using VicRoads Crashstats database³ which includes accidents reported to police which resulted in personal injury within the last 5 years. The review investigated Rose Hill Road and Midland Hwy (between Millers Road and Frasers Road).

In that time, no accidents were recorded along Rose Hill Road while 2 accidents were recorded at the Midland Hwy / Millers Road / Olliers Road intersection in 2013 and 2014. Both were non-serious injury cross traffic collisions during the daytime.

2.5 Public Transport, Walking & Cycling

Bus service Ballarat Station to Creswick (Route 30) operates along Midland Hwy and stops are located on the departure sides of the Rose Hill Road intersection.

Being in a rural setting, the surrounding road network does not have footpath provisions.

There are no dedicated on-road cycle lanes in the site's vicinity. However, the sealed shoulders along Midland Hwy provide area clear of the traffic lanes for cycling.

³ VicRoads Crashstats Last 5 Years database (www.data.vic.gov.au).

2.6 Northern Greenfield Investigation Area

In October 2019 the City of Ballarat resolved to seek Minister authorisation to create a local policy that identifies a Northern and Western Greenfield Investigation Areas (GIA) as Ballarat's future greenfield growth areas. This follows a 2018 report into Ballarat's long term growth options.

The Northern GIA encompasses land west of the site and either side of Sims Road as shown in Figure 2.9.

Figure 2.9 Northern Greenfield Investigation Area



Source: Hansen Partnership, August 2018, Ballarat Long Term Growth Options Investigation.

3 Proposed Development and Use

It is proposed that the site becomes the new Ballarat Showgrounds site. The site will be used as the venue for the Ballarat Show as well as hosting other events, shows, functions, markets and educational activities. The proposal follows the development of a master plan in 2017. An overall site plan has been prepared as shown in Appendix A.

Existing buildings will be maintained and new buildings constructed for use as pavilions / halls, livestock holding and amenities. A proposed exhibition centre building is planned to be constructed in 2 stages with a 3,700m² Stage 1 and a 2,000m² stage 2 extension.

Other parts of the site will include areas for stalls, a main oval and an outdoor equestrian zone. Outdoor exhibition areas can be used interchangeably as exhibition space or parking.

Car parking and loading areas are proposed throughout the site, including parking adjacent the northern site boundary, parking in the site's southwest adjacent the proposed exhibition centre and a large expanse in the site's southeast for event parking / camping / equestrian use.

Internal accessways will link car parking / loading areas, including a central east-west spine and 2 main north-south spines.

Proposed vehicle access includes maintaining the 2 existing Rose Hill Road main access points as future main access points and a central main access from Midland Hwy, all of which align with the internal spine network. Other lower order or temporary accessways include a third access from Rose Hill Road near the northeast boundary and a second Midland Hwy access near the southwest boundary.

A perimeter fence, vehicle and pedestrian gates and ticket booths will provide entry management.

On-site car parking areas are described as follows:

- Formal parking of over 250 spaces adjacent the Rose Hill Road boundary.
- Almost 90 spaces adjacent the exhibition centre.
- Over 1,050 informal spaces within the southeast overflow area.
- Other additional parking (for use when area not in use for events / exhibitions) includes over 430 semi-formal spaces in the central multi-use space, 500 informal spaces within the equestrian oval and parking on the main oval.

The overall site plan indicates potential car parking within the road reserve along both Rose Hill Road and Midland Hwy. It is understood that as part of addressing objector concerns, the Applicant has agreed not to proceed with on-street parking along Rose Hill Road. Also, VicRoads has raised concerns over parking on the Midland Hwy road reserve. Notwithstanding, consideration around the use of on-street parking for the proposed development is discussed in Sections 5 and 6.

4 Traffic Assessment

4.1 Traffic Generation

For the majority of days over a year the site is likely to generate low levels of traffic activity. The Ballarat Show which occurs one weekend a year is expected to be the most intense use from a traffic perspective which other infrequent events will generate significant traffic activity.

Appendix B sets out an empirical traffic generation assessment for examples of the proposed uses of the site.

For the purpose of conducting traffic impact analysis, 3 traffic generation scenarios have been derived as follows:

- **(1) Low Patron Scenario:** representing a gathering with peak hour traffic activity of 150 vph, and that peak coinciding with the existing road network Friday AM peak hour.
- **(2) Medium Patron Scenario:** representing a show / concert with peak hour traffic volumes of 500 vph during an afternoon arrival period coinciding with the existing road network Friday PM peak hour.
- **(3) High Patron Scenario:** representing the Ballarat Show / large expo with peak hour traffic volumes of 1,450 vph occurring mid-morning and afternoon on a Saturday (based on the 1,300 vph calculated in Appendix B plus a 10% contingency factor).

None of these assessments assume a shuttle bus as assessed in Appendix B.

4.2 Traffic Distribution

The direction in which vehicles travel to and from the site is influenced by a variety of factors including the site's location, configuration of access intersections and characteristics of the surrounding road network.

After reviewing these factors, it is assumed that the majority of traffic will arrive / depart in a southerly direction along Midland Hwy and some will arrive / depart in a northerly direction along Midland Hwy. The split assumed for analysis is 85 (south) / 15 (north).

Although it is possible that a very low proportion may arrive / depart in an easterly direction along Rose Hill Road, no traffic distribution in this direction has been assumed for analytical purposes.

For Scenario's 1 (low) and 2 (medium), it is assumed all traffic will access the site from Rose Hill Road. In / out distributions of 95 / 5 during arrival phase and 5 / 95 during departure phase are assumed.

For Scenario 3 (high) it is assumed that site access will occur along both Rose Hill Road (67%) and directly from Midland Hwy in the site's southwest (33%). In / out distributions of 90 / 10 during arrival phase and 10 / 90 during departure phase are assumed.

4.3 Future Traffic Volumes

Appendix C shows the low, medium and high scenario traffic volumes generated by the proposed development at the site access locations and the Midland Hwy / Rose Hill Road intersection.

For analysis of post development traffic conditions, a timeframe 10 years from now has been assessed that assumes an annual growth to existing traffic flows of 1.5%. These base 2030 volumes are also shown in Appendix C.

4.4 Roadway Capacities Midblock

As a general rule, roadways in urban areas with 2 traffic lanes typically experience high delays during commuter peak periods when daily traffic volumes approach 15,000 - 20,000 vpd⁴.

With existing volumes of around 8,000 vpd, Midland Hwy has ample spare capacity to accommodate large increases in traffic activity, and the same is true for Rose Hill Road.

4.5 Intersection Capacities Analysis

Capacity analysis of the Midland Hwy / Rose Hill Road intersection has been undertaken using Sidra Intersection software⁵. A regularly used performance measure is the degree of saturation (DOS) which is the ratio of arrival traffic volumes to capacity. DOS values above 0.9 are typically considered poor performance while values less than 0.6 are typically considered excellent performance.

Table 4.1 Sidra Performance Ratings

Degree of saturation (x)	Rating	Level of Service (Site) **
$x \leq 0.6$	Excellent	LOS A
$0.6 < x \leq 0.7$	Very good	LOS B
$0.7 < x \leq 0.8$	Good	LOS C
$0.8 < x \leq 0.9$	Fair	LOS D
$0.9 < x \leq 1.0$	Poor	LOS E
$1.0 < x$	Very poor	LOS F

The volume of traffic anticipated to turn to / from Rose Hill Road would typically warrant improvements at the Midland Hwy intersection. The least complex treatment would be the provision of a right turn lane. Other options are the provision of a roundabout or traffic signals at the intersection. The capacity analysis undertaken has assessed these three types of intersection treatments (give-way / roundabout / signals).

Results of the Sidra analysis are summarised in Table 4.2. Full results are presented in Appendix D.

⁴Interrupted flow capacity = 900 vph lane (Austroads Guide to Traffic Management Part 3), with 10% peak to daily ratio = 18,000 vpd.

⁵ Sidra Intersection is a software tool used widely throughout Australia and all over the world that evaluates the capacity of intersections. It reports results including degree of saturation, level of service, delay and queue lengths.

Table 4.2 Sidra Analysis Results Summary

SCENARIO	DOS	QUEUE 95 th % (RIGHT FROM SOUTH)	QUEUE 95 th % (ROSE HILL RD)
1		0.27	1 veh.
			
			
2		0.40	3 veh.
		0.54	6 veh.
		0.65	7 veh.
3		0.90	17 veh.
		0.78	10 veh.
		0.97	34 veh.

Traffic signal phase operation assumes maximum 90 sec. cycle time, partially controlled right turn and excludes pedestrian effects.

The Sidra analysis indicates that all potential options for intersection configuration (give-way / roundabout / signals) will accommodate anticipated traffic up to Scenario 2 (medium patron) with operating conditions that can be classified as excellent or very good.

For Scenario 3 (high patron) intersection performance is poor for a give-way and traffic signals configuration while intersection performance is fair to good for a roundabout configuration.

It is noted that road infrastructure is not typically designed to accommodate traffic activity associated with infrequent events (e.g. few times a year). Events at the site consistent with Scenario 3 are anticipated to be very infrequent, and temporary traffic management measures could be adopted to manage traffic demands at these times.

4.6 Roadway Volumes and Residential Amenity

The word 'amenity' is often used to describe a pleasing or agreeable environment. Accessibility, delays, noise and safety implications of vehicular traffic can be at odds with the amenity of residential environments.

For residential neighbourhoods, the Planning Scheme and Infrastructure Design Manual (IDM) provide some guidance around traffic volume amenity considerations by specifying indicative maximum traffic volumes for roads within residential subdivisions.

The site is within a Farming Zone so these guidelines do not apply. However, residential dwellings do occupy land near the site and therefore amenity impacts of vehicular traffic may be relevant. Therefore, the Planning Scheme and IDM indicative maximums are discussed below as follows.

For an Access Road, Indicative Maximums specified include up to 3,000 vpd (Planning Scheme), 2,500 vpd (IDM-urban) and 1,000 vpd (IDM-rural). For a Collector Road (Level 1), Indicative Maximums specified include up to 3,000 vpd (Planning Scheme), 6,000 vpd (IDM-urban) and 6,000 vpd (IDM-rural).

Rose Hill Road currently carries very low traffic volumes, such as in the order of 100 vpd. Proposed use of the site could generate daily traffic volumes of up to 2,000 vpd which would encompass most events, except the very infrequent large events. As evident by the Planning Scheme and IDM indicative maximums, traffic volumes less than 3,000 vpd are consistent with a high level of residential amenity. It is however noted that traffic activity along Rose Hill Road will change substantially from current levels due to the proposed use of the site.

4.7 Traffic Impact Summary

Our investigations indicate that with some intersection mitigating works, traffic associated with the proposed use can be accommodated by the surrounding road network without unreasonable impacts to the efficient operation of the surrounding road network.

5 Parking Assessment

5.1 Car Parking

Planning Scheme Standard Provision Requirements

Clause 52.06 (Car Parking) of the Ballarat Planning Scheme sets out planning controls with respect to car parking and Table 1 to Clause 52.06-5 specifies parking provision rates for various land uses.

The proposed use of the site is not a listed use within Table 1.

If a car parking requirement is not specified in the Table or elsewhere in the Planning Scheme, Clause 52.06 states that car parking spaces must be provided to the satisfaction of the responsible authority.

Parking Adequacy

Appendix B sets out an empirical parking generation assessment for examples of the proposed uses of the site. On a weekly basis the site may be utilised for small gatherings which could be expected to generate peak parking demands less than 200 spaces. Several large events per year could occur. The largest in terms of daily patronage is expected to be the Ballarat Show which may generate peak parking demands of up to 1,650 spaces.

As part of 2017 site master planning it was identified that the site should provide formal carparking with capacity to cater for regular crowds (e.g. monthly or more frequent) and overflow parking to accommodate major event crowds. And more recent analysis in this report affirms this advice.

The proposed development incorporates a range of car parking facilities that include over 340 formal spaces on-site, plus informal parking of over 1,050 informal spaces within the southeast overflow area and several hundred spaces in other areas if not in use for events / exhibitions. The total supply, excluding use of areas within the secure event grounds, is therefore over 1,400 spaces.

In relation to total parking capacity for large events, a situation of peak parking demands not being accommodated would be very problematic. With key risks being poor road safety outcomes associated with confused / frustrated drivers and dangerous parking locations. Accordingly, it is recommended that plans be prepared to show how anticipated peak demands, plus a contingency of say 10% be prepared, i.e. approximately 1,800 spaces.

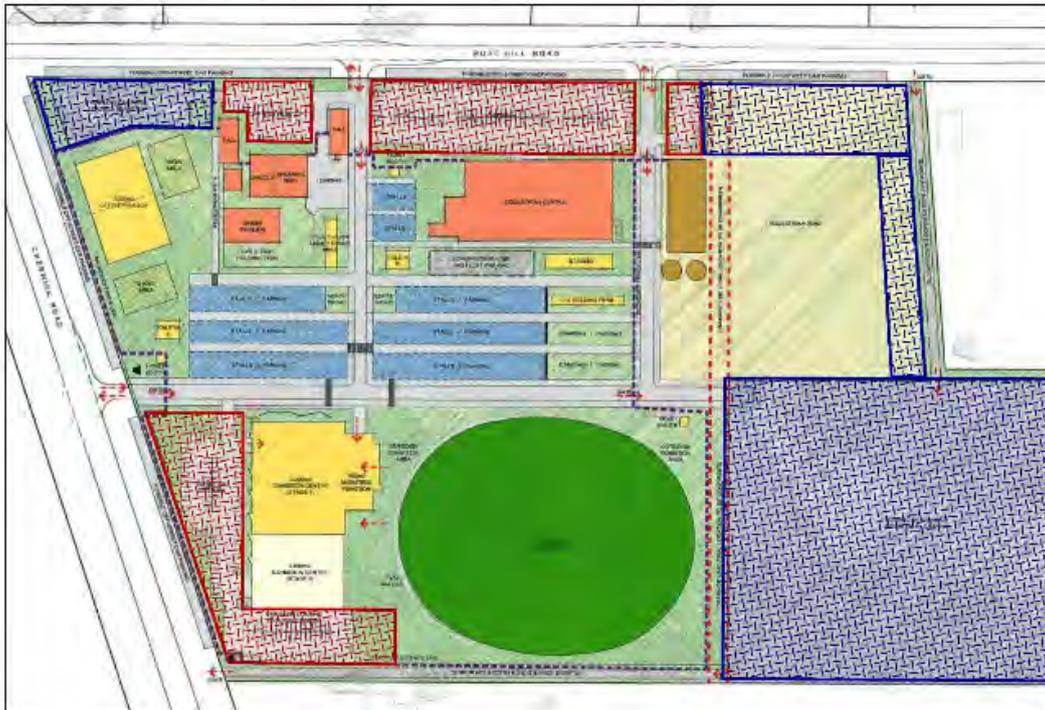
Opportunities for increased car parking provision have been considered. Figure 5.1 shows potentially expanded areas of formal and informal parking. Based on these areas and typical yield ratios⁶, the total parking available would be in the order of 1,800 spaces. And approximately 470 formal spaces would be available, sufficient to accommodate peak demands associated with approximately 1,200 patrons on-site at any one time.

These totals exclude any parking within adjacent road reserves. To address objector concerns the Applicant has agreed not to proceed with on-street parking along Rose Hill Road and VicRoads has raised concerns over parking on the Midland Hwy road reserve. Yet the provision of convenient parking is an important design consideration from a road safety perspective as inconvenient parking and driver frustration could lead to irrational and risky road user behaviour. For large events, drivers will likely use these areas to park if it is physically possible. These areas

⁶ Parking areas typically yield 1 space per 30m². For informal parking, motorists could be expected to park with greater separation, so an informal yield of 1 space per 35m² has been assumed.

could provide temporary parking opportunities for large events with appropriate traffic management to manage residential amenity impacts and road safety. For example, Rose Hill Road could be used as permit parking for authorised vehicles, and Midland Hwy could be an overflow area with access only from internal accessways. Accordingly, it is recommended that potential options for the accommodation of car parking for large events at the site shouldn't be ruled out.

Figure 5.1 Expanded Parking Areas



Given all of the above, with appropriate design plan modifications anticipated peak parking demands generated by the proposed use are expected to be accommodated satisfactorily.

5.2 Other Parking

Apart from general car parking requirements, the proposed use will generate needs for a range of other mode parking as follows:

- Convenient short term drop off / pick up parking for private cars.
- Convenient short term drop off / pick up parking for taxi / uber / etc.
- Motorcycle parking.
- Bicycle parking.

Also, a range of large vehicles will need parking areas. These include:

- Short term loading zones for deliveries, waste collection, etc.

- Long term parking for long vehicles (car and trailer combinations up to articulated trucks) such as those associated with event operations.
- Caravan / motorhome parking (camping areas).

At this time, drawings of the proposed development show the layout of parking and access facilities in a general manner. Should a permit be issued for the proposed development, it is expected that a permit condition could ensure plans are prepared at a later date to document the above parking requirements to the satisfaction of the responsible authority.

6 Design Review

Preamble

The proposed development incorporates over 1000 parking spaces, numerous internal accessways and several new vehicle crossings likely to accommodate significant traffic activity. At this time, an overall site plan (master plan) for the site's development has been prepared which shows the layout of these facilities in a general manner. It would be premature to undertake a detailed design review of the dimensions and layout of all aspects of proposed transport facilities. Notwithstanding, some initial design analysis indicates accessway dimensions are broadly consistent with likely access requirements.

Given the extent and complexity of proposed transport infrastructure, it is recommended that should a permit be issued for the proposed development, there be a requirement (e.g. permit condition) for plans to be prepared to the satisfaction of the responsible authority that show the functional layout of parking, accessways, pedestrian paths and mitigating road works identifying kerbing, linemarking and surfaces. That would be the appropriate time to review specific design details, undertake vehicle swept path analysis and so forth.

It is also expected that temporary traffic management measures will be necessary to manage traffic activity for the largest of events at the site (e.g. Ballarat Show). Therefore, should a permit be issued for the proposed development, it is recommended that there be a requirement (e.g. permit condition) for the preparation of a Traffic Management Plan (TMP) to be implemented for major events (e.g. those with anticipated attendance in excess of say 3,000 patrons on-site at any one time).

Fundamental Principles

As part of the 2017 site master planning process, a transport report was prepared (by ESR Transport Planning) and VicRoads were consulted. The report recommended the following design elements for further consideration. These are still valid and applicable so have been reproduced as follows:

1. The Midland Hwy / Rose Hill Road intersection to be upgraded to provide either a roundabout or left and right turning lanes with sufficient queue length capacity.
2. A permanent speed limit reduction to 80kph along the Midland Hwy.
(note this has since occurred)
3. A permanent speed limit of 60kph implemented along Road Hill Road.
4. A range of vehicle and pedestrian site access locations to disperse crowds efficiently.
5. Ability for the bulk of site car parking to be accessed from Rose Hill Road, via the Midland Hwy intersection, together with a separate direct access to / from the Midland Hwy for temporary use (with traffic management) during major events.
6. Provision of ample car parking within a convenient walk distance of the site.
7. Formed carparking facilities with capacity to cater for regular crowds (eg. those occurring on a monthly or more frequently basis).
8. Overflow car parking areas to accommodate major event crowds, with access routes that can accommodate intensive vehicle arrival and departure activity.
9. Provision of car parking along Rose Hill Road (and potentially the Midland Hwy), such as in a service road arrangement, together with pedestrian pathways to the site.

10. Measures to ensure the west side of the Midland Hwy cannot be used for car parking (other than emergency stopping).
11. Measures to manage parking activity along neighbouring property frontages.
12. Pedestrian fencing that can separate car parking facilities and event grounds such that entry ticket transactions do not occur from vehicles (which would add to traffic congestion).
13. Authorised vehicles only within the event grounds during medium and major events.
14. A network of internal access roads and footpaths with interconnectivity throughout site.
15. Major buildings being provided with proximate carparking facilities.
16. Service vehicle and emergency vehicle access and parking facilities throughout site.
17. Pedestrian connections to / from the Midland Hwy bus stops, including a central median refuge on Midland Hwy as part of any intersection upgrade (which will improve safety and amenity for pedestrian crossing movements).
18. Authorised vehicles provided with an access route separate from crowd access route(s) during major events.
19. An ability to accommodate shuttle bus services from Ballarat during major events with reliable travel times to / from the site (eg. direct access from the Midland Hwy south of the Rose Hill Road intersection).
20. A traffic management plan shall be prepared that can be implemented for major events. This will set out temporary traffic management measures to facilitate orderly traffic activity when large crowd movements are anticipated.

In a letter dated 21/05/17, VicRoads stated a general support for the above elements, with the exception of car parking along the Midland Hwy (item 9). And in a letter dated 15/05/19 referring to an initial assessment of the proposed development, VicRoads advised parking on the Midland Hwy road reserve will not be permitted and also identified uncertainty about the priority and operation of access points. As discussed in Section 5, it is recommended that car parking within road reserves is permitted, even on a temporary basis with appropriate management.

Specific Items

A broad level design review of proposed development plans has identified some specific design elements that could or should be modified as described below.

1. To expand on item 8 above, one of the important characteristics of access routes that can accommodate intensive vehicle arrival and departure activity is their length. For large events, long queues could be expected back from parking areas. A significant length of accessway to the parking area will accommodate long queues and mitigate against delays to through traffic along Midland Hwy (as well as Rose Hill Road).
2. As per item 12 above, fencing that bounds the secure event grounds should not bound any general public car parking areas. Therefore, the proposed fence alignment near the exhibition centre should be realigned east of the adjacent parking area.
3. Ideally all parking areas would be interconnected via accessways that do not extent through the secure event grounds. Therefore, the parking area south of the exhibition centre should have a connection to the temporary accessway along the site's southern boundary.

7 External Mitigating Road Works

Preamble

Responsible Authorities can require road network upgrades considered necessary as a result of a proposed development as part of a conditional approval. Important considerations are nexus (the correlation between the proposed development and the project need) and equity (fairness, or that a developments share of benefit / use matches its contribution).

The analysis and discussion in this report is expected to inform consideration of these matters by the responsible authority.

Midland Hwy / Rose Hill Road Intersection

The analysis above indicates the Midland Hwy / Rose Hill Road should be upgraded to efficiently accommodate anticipated post development traffic activity. There are several intersection configuration options that will likely provide suitable operating conditions. Each has its own advantages and disadvantages. For example, turn lanes will be the least costly to construct, will result in the least delay to Midland Hwy through traffic, yet could be expected to provide lower road safety performance compared to a roundabout or traffic signals. A roundabout will provide safety benefits and provide significant capacity for right turn movements into Rose Hill Road useful for major events, so a roundabout will likely have the least need for temporary traffic management measures. Another consideration is the nearby bus stops and associated pedestrian movements. Furthermore, Council has recently identified land either side of Sims Road west of the intersection as an investigation area for future urban growth, so in the long term future Sims Road may become an urban roadway connecting to the Midland Hwy / Rose Hill Road intersection.

It is considered that a roundabout may well provide the best overall treatment option. However, given the above matters, there is not a clear intersection upgrade option that stands out well above the others as the most suitable.

Also relevant is RRV's plan for the Midland Hwy given the recent safety improvements which resulted in upgrades to most nearby intersections. BAPS is a community organisation and the feasibility of funding road upgrades which will be at least several hundred thousand dollars and possibly over \$1M may also be relevant.

What is clear at this point in time is that there are common intersection configurations that could be used to provide safe and efficient operating conditions post development. Should a permit be issued for the proposed development, it may be prudent to provide some flexibility around the type of intersection upgrade nominated by any conditional approval, such that the above matters can be given further consideration by the Applicant, Council and RRV.

Midland Hwy / Site Access Intersections

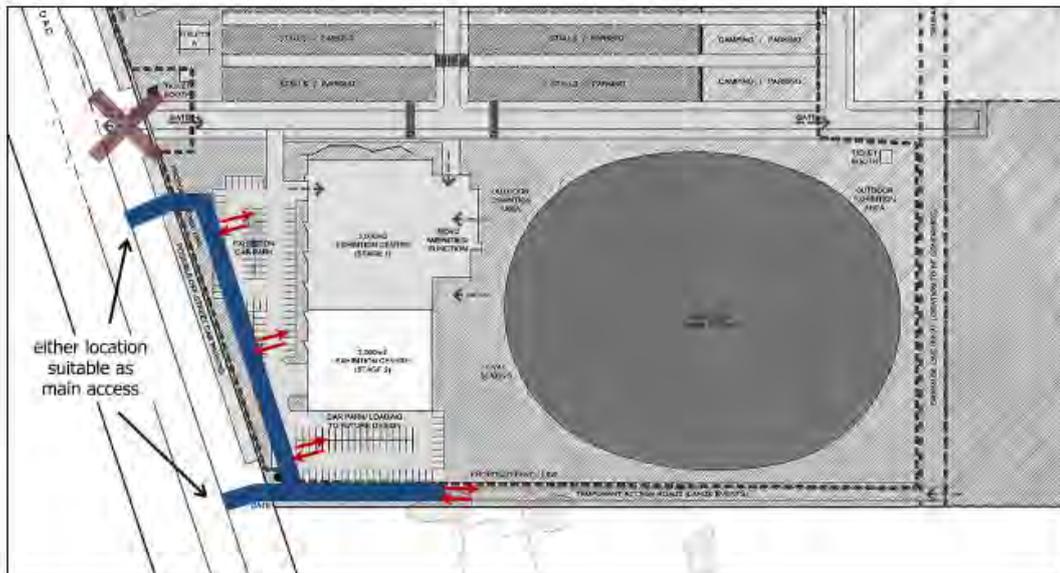
The overall site plan indicates road widening for a left turn lane into the central gated Midland Hwy access and no works at the southwest temporary Midland Hwy access.

For large events it is likely turn lanes into the site will be required. While turn lanes could be formed as part of a temporary traffic management solution, a permanent access treatment would have the advantage of being a convenient access for the exhibition centre.

The most suitable location for such an access could be reviewed. For example, it may be best to have the main access further south, placing it more convenient to the exhibition centre parking

and an extension to overflow parking in order for efficient car parking fill sequencing. The second temporary access may be used only for large exit flows. Refer Figure 7.1.

Figure 7.1 Example of Alternative Midland Hwy Access Arrangements



Rose Hill Road Access Intersections

The overall site plan indicates road widening for left and right turn lanes at the 2 main Rose Hill Road access locations.

Rose Hill Road carries peak hour through traffic volumes in each direction at such low levels that turning traffic will exceed through traffic for much of the time. With such low through traffic, turn lanes will have little functionality and are not considered necessary.

An exception is the large event scenario if both site access locations are in use. A queue is likely to form at the first access which will delay vehicles destined for the second access. Accordingly, right turn lane provisions at the first access would be prudent.

Rose Hill Road Parking and Cross Section

The pavement width of approximately 6m wide is relatively narrow. Ideally a slightly wider pavement would be provided although this is not considered necessary given 6m can satisfactorily accommodate two-way traffic flow.

As discussed in Section 5, it is considered appropriate that options for the provision of car parking within the Rose Hill Road reserve be further explored. It is likely that parking along the north side will be undesirable for residents and will therefore be restricted. Figure 7.2 has been produced to show how parking could be provided south of the existing carriageway solely within the road reserve. It shows 90 degree parking accessed directly from the carriageway and 60 and 45 degree parking accessed via a service road. Note the diagram excludes allowance for a footpath or services infrastructure. The outer separator (between main carriageway and service road) is relatively narrow, particularly for the 60 degree configuration.

Figure 7.2 Rose Hill Road Car Parking and Cross Section Examples



Note: Dimensions consistent with Australian Standard for On-Street Parking (AS2890.5).

8 Conclusions

The following conclusions have been made within this report:

1. With some intersection mitigating works, traffic associated with the proposed use can be accommodated by the surrounding road network without unreasonable impacts to the efficient operation of the surrounding road network.
2. It is recommended that plans be prepared to show how approximately 1,800 car parking spaces can be accommodated on-site and surrounds.
3. With appropriate design plan modifications, anticipated peak parking demands generated by the proposed use are expected to be accommodated satisfactorily.
4. Should a permit be issued for the proposed development It is recommended that there be a requirement (e.g. permit condition) for plans to be prepared to the satisfaction of the responsible authority that show details of proposed transport infrastructure including parking, accessways and external road works.

Appendix A Proposed Site Masterplan



LEGEND

[Orange Box]	EXISTING BUILDING FOOTPRINT
[Yellow Box]	PROPOSED BUILDING FOOTPRINT
[Blue Box]	EXISTING PAVEMENT
[Green Box]	PROPOSED PAVEMENT

NORTH

OVFRA 1 SITE PLAN (MASTER PLAN STUDY)
SCALE 1:1000 @ A1



project <small>Project Management & Design</small> <small>PO BOX 1000 BALLARAT VIC 3240</small> <small>PHONE 03 5222 1111</small>	OVERALL SITE PLAN (MASTER PLAN STUDY) MASTER PLAN STUDY - BALLARAT AGRICULTURAL AND PASTORAL SOCIETY RELOCATION		PROJECT NUMBER: 00000 DATE: 04/2021 DRAWN BY: J. JAMES CHECKED BY: J. JAMES	DRAWING NUMBER: 0000 SCALE: 1:1000 SHEET: 1 OF 1 TOTAL SHEETS: 1
	PROJECT LOCATION: BALLARAT AGRICULTURAL AND PASTORAL SOCIETY RELOCATION			DATE: 04/2021 SCALE: 1:1000
	PROJECT CLIENT: BALLARAT AGRICULTURAL AND PASTORAL SOCIETY			DRAWN BY: J. JAMES CHECKED BY: J. JAMES
	PROJECT ARCHITECT: SED ORIGINAL ARCHITECT			DATE: 04/2021 SCALE: 1:1000

Appendix B Traffic and Car Parking Generation

Anticipated Patronage

General

The Ballarat Showgrounds currently hosts a range of activities such as various expos, events and markets. Site bookings occur each month of the year, sometimes with several activities within a month. These uses vary in terms of size and patronage. The proposed site is expected to host similar activities and potential new opportunities.

The Ballarat Show can experience patronage in the order of 15,000 persons over 3 days. Other intense uses of the site may be field days, music concerts or expos. There could be a range of site activities with patronage varying from these higher levels down to rather low patronage uses.

BAPS has provided information regarding potential types of uses of the site and their scheduling. This indicates some of the larger events will include the Ballarat Show, several field days or expos and several music concerts. A range of other smaller exhibitor events are anticipated together with regular uses such as a monthly market and educational uses.

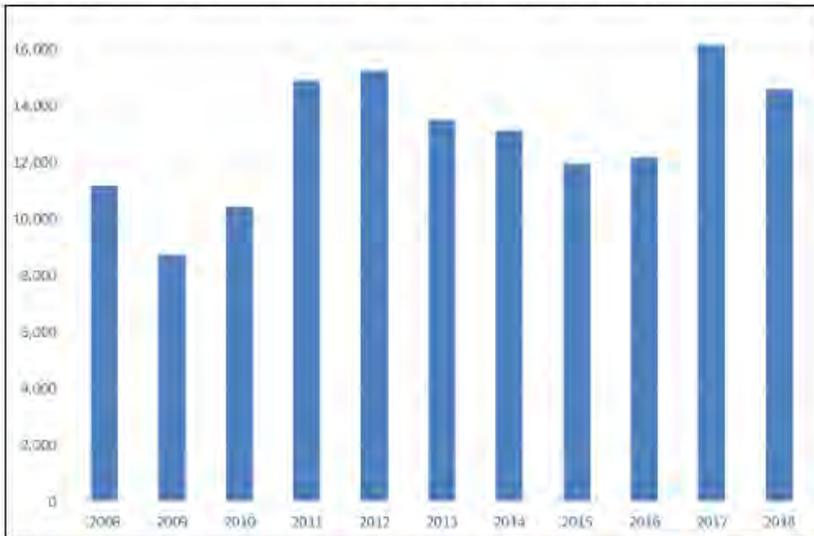
The BAPS information provided the total number of people and event days. For each item, ESR Transport Planning has estimated the number of patrons on-site at any one time. This indicates there may be 2 events per year with approximately 5,000 patrons on-site being the Ballarat Show and a food carnival. Also, a further 6 events per year (mostly expos) may experience approximately 3,000 patrons on-site. Music concerts may experience crowds of approximately 1,500-3,000 patrons on-site.

In 2015, studies were undertaken regarding the potential relocation of the Ballarat Showgrounds to a major events venue. This planning anticipated that such a venue could host 50 lifestyle / agricultural / music events per year, on average almost 1 every weekend. The majority of these were forecast with daily patronage in the order of 500-5,000 patrons. While up to 6 events per year were forecast with 5,000-10,000 daily patrons concentrated in the warmer months. Weekday corporate events with 100-200 daily patrons were anticipated almost weekly.

Ballarat Show

BAPS has provided a range of past ticket and patronage data for the Ballarat Show. Figure B1 shows the persons attending the show over the past decade which has been as high as 16,150.

Figure B1 Total Persons Attending Show by Year (total across 3 days)

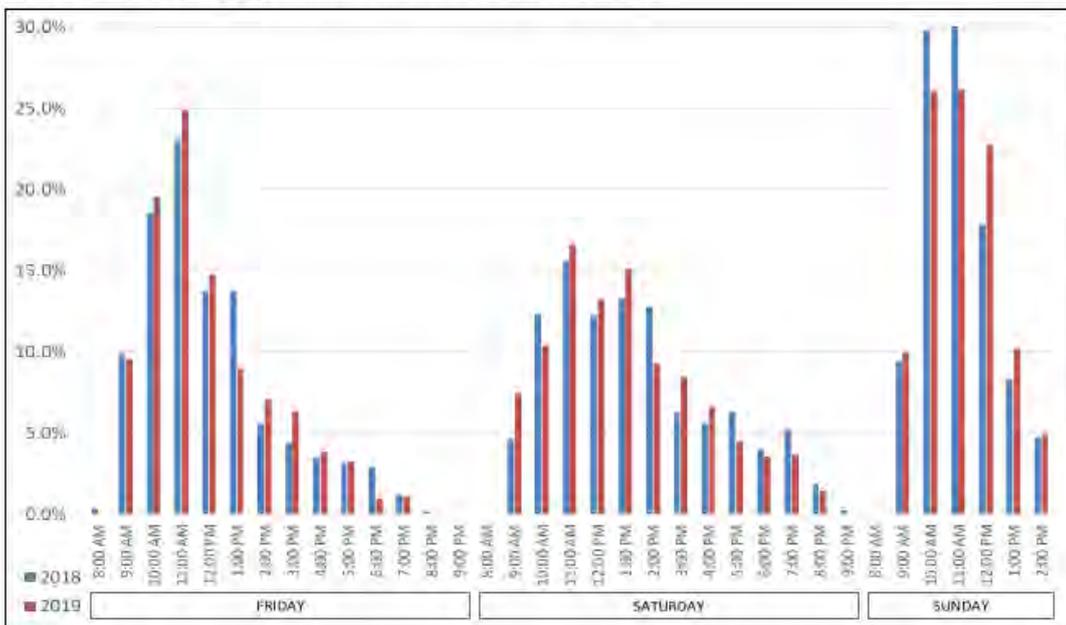


Data Source: BAPS (Note 4 persons assumed for each family ticket)

The BAPS patronage data also indicates that daily patronage is typically in the order of 40% Friday, 40% Saturday and 20% Sunday. 40% of a 16,150 attendance is approximately 6,500 patrons over the day.

Data from recent years of tickets scanned at the entry gates provides information regarding arrival times. Figure B2 shows patron arrivals by time of day.

Figure B2 Percentage of Daily Tickets Scanned by Time of Day



Data Source: BAPS

Figure B2 shows that for the busiest days (Friday / Saturday) patron arrivals would typically peak around mid to late morning (e.g. 11am). With patron arrivals still high around the middle of the day (e.g. 1pm). In the peak hour, between 15-25% of patrons arrive within an hour period. There are approximately 20% of daily patrons who arrive after 2pm on Friday and Saturday. It is expected that departures are also spread throughout many hours of the afternoon, with a similar peak departure rate.

During the middle of the day when most arrivals have occurred (e.g. 70-80%) and few departures have occurred, the number of patrons on-site at any one time will peak. Based on 70% of a daily attendance of 6,500, this equates to a maximum of approximately 4,600 patrons on-site at any one time.

Other day long or multi-day public attraction events (e.g. field day / expo) are expected to have a similar attendance profile where arrivals and departures are spread throughout several hours. Whereas, some uses of the site, such as an industry conference or musical performance are expected to experience arrivals and departures over short timeframes before and after such events.

Vehicle Generation Assessment

Generation Rates

Different events and uses of the proposed development are likely to generate different patron travel behaviour. A smaller event at the site such as an industry conference may see patrons arrive predominately in cars with low vehicle occupancies. A large attraction or expo event will likely have high vehicle occupancy as many patrons arrive in groups. Communication to event attendees may contain messages to expect traffic and parking delays. Accordingly, a significantly lower car parking rate could be anticipated.

Empirical data for place of assembly and events has been sourced from a variety of sources and other travel data used to inform a vehicle generation assessment. This data is listed as follows:

- For car parking assessments, a vehicle generation rate of 0.3 vehicles per patron (in attendance at any one time) is often applied when assessing place of assembly land uses. This is the rate specified by Clause 52.06 of the Planning Scheme. It is equivalent to a car mode share and average vehicle occupancy of 90% and 3.0, or 80% and 2.6, or 70% and 2.3.
- TDB 2018 sets out empirical data for 5 rugby events at 4 separate stadiums with peak parking rates ranging between 0.17 and 0.24 spaces per patron, as well as data for a stadium concert with a peak parking rate of 0.21 spaces per patron. These were large crowds in excess of 20,000 in urban centres so by comparison higher parking rates could be expected at the subject site.
- TDB 2018 sets out empirical data for 3 cinema complexes where peak parking generation rates of 0.15, 0.21 and 0.39 spaces per seat were recorded.
- ITE 2010 sets out empirical data for numerous cinema complexes where recorded 33rd to 85th percentile peak parking rates are 0.12 to 0.20 spaces per seat, and for sites with a matinee 0.21 to 0.36 spaces per seat (may be higher due to parking accumulation overlapping between show screenings).
- ITE 2010 sets out empirical data for country music and comedy theatre shows in a rural area where recorded peak parking rates ranged between 0.37 and 0.40 spaces per patron.
- RTA 2002 trip generation data for restaurants and markets specifies mean car occupancies of 2.2 and 2.3, respectively.

- The Victorian Integrated Survey of Travel and Activity (VISTA) provides regional city mode share data of 83% private vehicle, 14% active transport (e.g. walk / cycle) and 2% public transport.

The empirical evidence above suggests place of assembly parking can vary, such as ranging between 0.2 to 0.4 spaces per patron, depending on a range of factors. While there is empirical evidence of parking rates in the order of 0.2 to 0.3 spaces per patron. These are often at sites with convenient walking and public transport options. For the proposed development to realise a parking rate in this range, a convenient shuttle bus or public transport service would likely be needed.

Large Public Event Scenario

For the scenario of the largest of events at the site, an assessment of the anticipated mode share and vehicle occupancy has been developed to assess vehicle generation. It anticipates very low use of walking, cycling and public transport to the site and an average vehicle occupancy of 2.6 persons. The assessment considers 2 scenarios, with and without a shuttle bus service. It is detailed in Table B1.

Table B1 First Principles Assessment of Vehicle Generation

Mode	Without Shuttle Bus				With Shuttle Bus			
	Mode Share	Veh. Occupancy	Veh. / Patron	Veh. Movements / Patron	Mode Share	Veh. Occupancy	Veh. / Patron	Veh. Movements / Patron
Walk	-	-	-	-	-	-	-	-
Cycle	1%	1.0	-	-	1%	1.0	-	-
Motorcycle	1%	1.1	0.01	0.02	1%	1.1	0.01	0.02
PT (bus)	1%	-	-	-	1%	-	-	-
Shuttle Bus	-	-	-	-	15%	4.0	-	-
Taxi / Uber #	5%	1.6	0.03	0.13	5%	1.6	0.03	0.13
Car (drop off / pick up) #	7%	1.8	0.04	0.18	7%	1.8	0.04	0.18
Car	85%	2.6	0.33	0.65	70%	2.6	0.27	0.54
TOTAL	100%		0.41	0.97	100%		0.35	0.86

Vehicle occupancy excludes driver as they are not a patron. And a vehicle entry and exit movement are assumed twice (for patron arrival and departure).

Table B1 anticipates that for events at the site a car parking generation rate (long term spaces) of 0.33 vehicles per patron could be anticipated, (or 0.27 vehicles per patron if a shuttle bus service captured a 15% share of patrons).

Ballarat Show patronage data indicates a maximum of up to 4,600 patrons on site at any one time. Applying the parking rates above to a slightly higher number of 5,000 patrons equates to peak parking demands of 1,650 spaces (or 1,350 with a shuttle bus service).

Table B1 anticipates that event vehicle movements will be almost 1 vpd per patron, (or 0.8 vpd per patron if a shuttle bus service captured a 15% share of patrons⁷). On the basis of a daily attendance of 6,500 patrons, this equates to 6,500 vehicle movements per day, (or 5,200 with a shuttle bus service).

⁷ Passenger vehicle movements excluding the shuttle bus.

Based on a peak hour to daily traffic ratio⁸ of 20%, peak hour traffic movements of 1,300 vehicle movements per hour could be expected (or 1,040 with a shuttle bus service).

Such large events are likely to be scheduled for weekends and public holidays with peak arrival traffic during mid-late morning and peak departure traffic during the afternoon.

Other Event Scenarios

Several other large expo type events may occur each year but with smaller attendance, such as 3,000 patrons on-site at any one time. With the same parking and traffic generation rates applied above (excluding use of a shuttle bus), these events would generate a peak parking demand of approximately 1,000 spaces and peak hour traffic movements of 800 vehicle movements per hour.

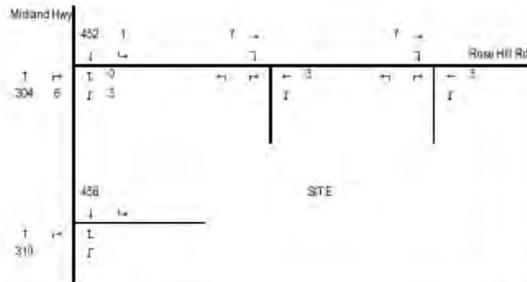
Other examples of site use, parking and traffic activity include:

- A large music concert or show, anticipated occasionally on weekends and public holidays, with 2,000 patrons on-site at a time. Such events may generate a peak parking demand of approximately 660 spaces and daily vehicle movements of 2,000 vpd.
Performance events with a scheduled start and end time will generate more concentrated arrival and departure traffic activity than day long or multi day events. Assuming a majority of arrival phase traffic (60%) occurs within a 1 hour period, 600 vph may occur in the peak hour.
- Smaller weekday industry conferences / expos are likely to have a higher proportion of vehicle drivers, such that the anticipated parking rate is 0.4 spaces per patron. Attendances between 500 and 1,000 would generate peak parking demands between 200 - 400 spaces.
- Other regular use of the site for training, group activities etc. could be expected to generate significantly lower traffic and parking than the above scenarios.

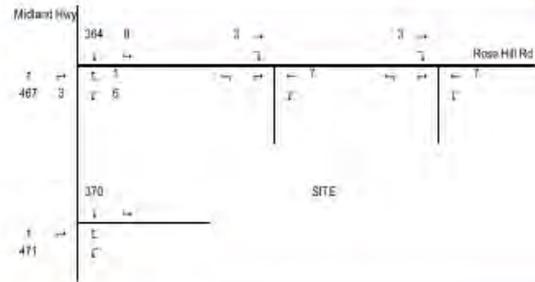
⁸ The Ballarat Show patronage data above indicates 15-25% of daily patrons arrive within the peak hour period. A 10% peak to daily ratio is often applied to roadways and residential land uses. Empirical data for employment land uses typically indicates 10-20% peak hour to daily traffic ratios.

Appendix C Traffic Analysis Volume Scenarios

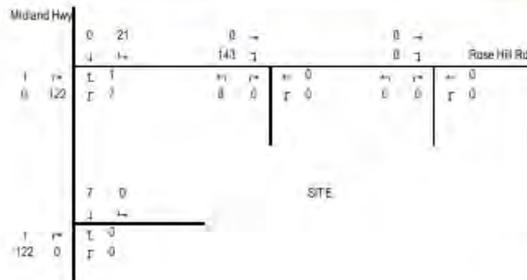
SCENARIO 1 (low patron)
FRI, AM peak - 2030 Traffic



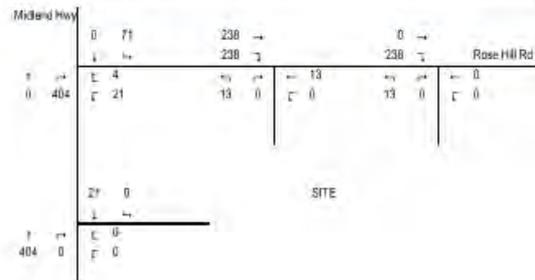
SCENARIO 2 (medium patron)
FRI, PM peak - 2030 Traffic



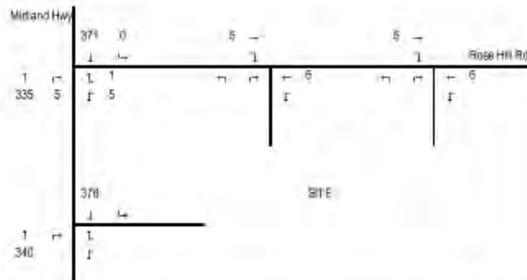
SCENARIO 1 (low patron)
FRI, AM peak - Site Generated Traffic



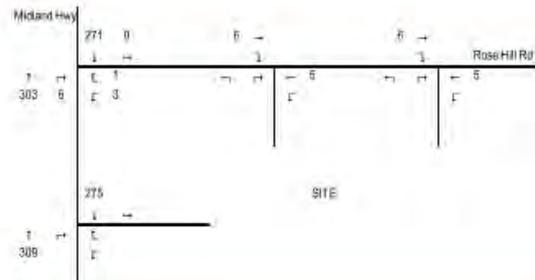
SCENARIO 2 (medium patron)
FRI, PM peak - Site Generated Traffic



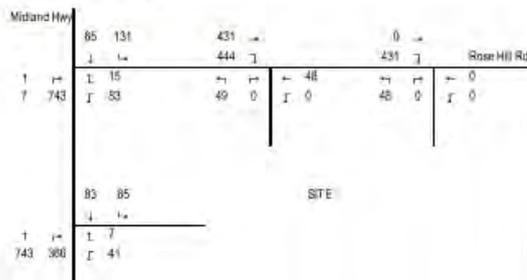
SCENARIO 3 (high patron)
SAT, mid-morning peak - 2030 Traffic



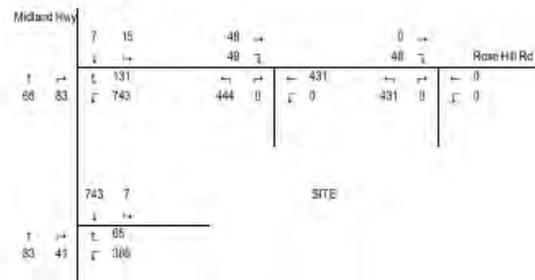
SCENARIO 3 (high patron)
SAT, PM peak - 2030 Traffic



SCENARIO 3 (high patron)
SAT, mid-morning peak - Site Generated Traffic



SCENARIO 3 (high patron)
SAT, PM peak - Site Generated Traffic



Appendix D Sidra Analysis Results

Site: x [1_Hwy_Pdev_2030_Fri_AM_with turn lane]

Scenario 1 - give-way
 Site Category: (None)
 Giveaway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total	Flow HV %	Deg Satn w/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Midland Hwy												
2	T1	320	10.0	0.176	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	79.9
3	R2	135	5.0	0.133	9.1	LOS A	0.6	4.2	0.54	0.76	0.54	52.3
Approach		455	8.5	0.176	2.7	NA	0.6	4.2	0.16	0.22	0.16	69.1
East: Rose Hill Rd												
4	L2	11	5.0	0.013	6.5	LOS A	0.0	0.3	0.48	0.61	0.48	51.4
6	R2	1	5.0	0.013	9.0	LOS A	0.0	0.3	0.48	0.61	0.48	51.1
Approach		12	5.0	0.013	6.8	LOS A	0.0	0.3	0.48	0.61	0.48	51.4
North: Midland Hwy												
7	L2	23	5.0	0.273	7.1	LOS A	0.0	0.0	0.00	0.03	0.00	71.9
8	T1	476	10.0	0.273	0.0	LOS A	0.0	0.0	0.00	0.03	0.00	79.3
Approach		499	9.8	0.273	0.4	NA	0.0	0.0	0.00	0.03	0.00	78.9
All Vehicles		965	9.1	0.273	1.5	NA	0.6	4.2	0.08	0.13	0.08	73.5

Site: x [2_Hwy_Pdev_2030_Fri_PM_with turn lane]

Scenario 2 - give-way
 Site Category: (None)
 Giveaway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total	Flow HV %	Deg Satn w/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Midland Hwy												
2	T1	492	10.0	0.271	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	79.9
3	R2	428	5.0	0.401	9.9	LOS A	2.5	18.6	0.61	0.85	0.75	51.7
Approach		920	7.7	0.401	4.6	NA	2.5	18.6	0.28	0.40	0.35	63.7
East: Rose Hill Rd												
4	L2	28	5.0	0.041	6.1	LOS A	0.1	1.0	0.46	0.63	0.46	51.2
6	R2	5	5.0	0.041	12.8	LOS B	0.1	1.0	0.46	0.63	0.46	50.8
Approach		34	5.0	0.041	7.1	LOS A	0.1	1.0	0.46	0.63	0.46	51.1
North: Midland Hwy												
7	L2	75	5.0	0.251	7.1	LOS A	0.0	0.0	0.00	0.11	0.00	70.7
8	T1	383	10.0	0.251	0.0	LOS A	0.0	0.0	0.00	0.11	0.00	77.9
Approach		458	9.2	0.251	1.2	NA	0.0	0.0	0.00	0.11	0.00	76.6
All Vehicles		1412	8.1	0.401	3.6	NA	2.5	18.6	0.19	0.31	0.24	67.0

Site: x [2_Hwy-Pdev_2030_Fri_PMr-about]

Scenario 2 - roundabout
 Site Category: (None)
 Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total	HV %				Vehicles	Distance				
		veh/h	%	vc	sec		veh	m				km/h
South: Midland Hwy												
2	T1	492	10.0	0.537	5.9	LOS A	5.5	40.8	0.08	0.58	0.08	64.4
3	R2	428	5.0	0.537	11.8	LOS B	5.5	40.8	0.08	0.58	0.08	57.4
Approach		920	7.7	0.537	8.6	LOS A	5.5	40.8	0.08	0.58	0.08	60.9
East: Rose Hill Rd												
4	L2	28	5.0	0.032	4.0	LOS A	0.2	1.4	0.54	0.51	0.54	53.6
6	R2	5	5.0	0.032	9.1	LOS A	0.2	1.4	0.54	0.51	0.54	54.7
Approach		34	5.0	0.032	4.8	LOS A	0.2	1.4	0.54	0.51	0.54	53.7
North: Midland Hwy												
7	L2	75	5.0	0.440	8.2	LOS A	2.9	22.2	0.65	0.71	0.65	53.9
8	T1	383	10.0	0.440	8.8	LOS A	2.9	22.2	0.65	0.71	0.65	63.4
Approach		458	9.2	0.440	8.7	LOS A	2.9	22.2	0.65	0.71	0.65	61.6
All Vehicles		1412	8.1	0.537	8.6	LOS A	5.5	40.8	0.28	0.62	0.28	61.0

Site: x [2_Hwy_Pdev_2030_Fri_PM_signals]

Scenario 2 - signals
 Site Category: (None)
 Signals - Fixed Time Isolated Cycle Time = 75 seconds (Site Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total	HV %				Vehicles	Distance				
		veh/h	%	vc	sec		veh	m				km/h
South: Midland Hwy												
2	T1	492	10.0	0.353	3.1	LOS A	5.8	44.4	0.35	0.31	0.35	74.8
3	R2	428	5.0	0.515	14.3	LOS B	6.6	47.9	0.74	0.81	0.74	49.0
Approach		920	7.7	0.515	8.3	LOS A	6.6	47.9	0.53	0.54	0.53	60.1
East: Rose Hill Rd												
4	L2	28	5.0	0.030	13.9	LOS B	0.5	3.6	0.51	0.64	0.51	46.7
6	R2	5	5.0	0.037	40.6	LOS D	0.2	1.4	0.95	0.64	0.95	34.8
Approach		34	5.0	0.037	18.1	LOS B	0.5	3.6	0.58	0.64	0.58	44.4
North: Midland Hwy												
7	L2	75	5.0	0.087	18.3	LOS B	1.5	10.8	0.57	0.72	0.57	46.7
8	T1	383	10.0	0.654	24.1	LOS C	12.3	93.5	0.92	0.79	0.92	52.4
Approach		458	9.2	0.654	23.1	LOS C	12.3	93.5	0.86	0.78	0.86	51.3
All Vehicles		1412	8.1	0.654	13.4	LOS B	12.3	93.5	0.64	0.62	0.64	56.5

Site: x [3a_Hwy_Pdev_2030_Sat_AM_with turn lane]

Scenario 3 AM - give-way
 Site Category: (None)
 Giveaway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total	Flow Satn	Deg Satn	Average Delay	Level of Service	95% Back of Queue Vehicles	Back of Queue Distance	Prop Queued	Effective Stop Rate	Aver No Cycles	Average Speed
		veh/h	%	v/c	sec		veh	m				km/h
South: Midland Hwy												
2	T1	360	10.0	0.338	1.3	LOS A	1.7	12.8	0.52	0.00	0.56	75.7
3	R2	787	5.0	0.895	23.2	LOS C	17.2	125.6	0.91	1.64	3.32	43.5
Approach		1147	6.6	0.895	16.3	NA	17.2	125.6	0.78	1.13	2.45	50.2
East: Rose Hill Rd												
4	L2	93	5.0	0.175	6.7	LOS A	0.6	4.4	0.56	0.73	0.56	49.9
6	R2	17	5.0	0.175	21.6	LOS C	0.6	4.4	0.56	0.73	0.56	49.6
Approach		109	5.0	0.175	9.0	LOS A	0.6	4.4	0.56	0.73	0.56	49.8
North: Midland Hwy												
7	L2	138	5.0	0.328	7.1	LOS A	0.0	0.0	0.00	0.15	0.00	70.0
8	T1	459	10.0	0.328	0.0	LOS A	0.0	0.0	0.00	0.15	0.00	77.0
Approach		597	8.8	0.328	1.7	NA	0.0	0.0	0.00	0.15	0.00	75.3
All Vehicles		1854	7.2	0.895	11.2	NA	17.2	125.6	0.52	0.79	1.55	56.2

Site: x [3p_Hwy_Pdev_2030_Sat_PM_with turn lane]

Scenario 3 PM - give-way
 Site Category: (None)
 Giveaway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total	Flow Satn	Deg Satn	Average Delay	Level of Service	95% Back of Queue Vehicles	Back of Queue Distance	Prop Queued	Effective Stop Rate	Aver No Cycles	Average Speed
		veh/h	%	v/c	sec		veh	m				km/h
South: Midland Hwy												
2	T1	387	10.0	0.214	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	79.9
3	R2	94	5.0	0.073	7.9	LOS A	0.3	2.3	0.41	0.65	0.41	53.0
Approach		481	9.0	0.214	1.6	NA	0.3	2.3	0.08	0.13	0.08	72.7
East: Rose Hill Rd												
4	L2	785	5.0	0.859	13.1	LOS B	17.3	126.4	0.77	1.31	1.91	46.7
6	R2	139	5.0	0.859	19.2	LOS C	17.3	126.4	0.77	1.31	1.91	46.4
Approach		924	5.0	0.859	14.1	LOS B	17.3	126.4	0.77	1.31	1.91	46.6
North: Midland Hwy												
7	L2	16	5.0	0.169	7.1	LOS A	0.0	0.0	0.00	0.03	0.00	71.9
8	T1	293	10.0	0.169	0.0	LOS A	0.0	0.0	0.00	0.03	0.00	79.3
Approach		308	9.7	0.169	0.4	NA	0.0	0.0	0.00	0.03	0.00	78.9
All Vehicles		1714	7.0	0.859	8.1	NA	17.3	126.4	0.44	0.75	1.05	56.4

Site: x [3a_Hwy-Pdev_2030_Sat_AM_r-about]

Scenario 3 AM - roundabout
 Site Category: (None)
 Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total	HV %				Vehicles	Distance				
South: Midland Hwy												
2	T1	360	10.0	0.685	6.1	LOS A	9.7	72.0	0.22	0.57	0.22	62.5
3	R2	787	5.0	0.685	11.9	LOS B	9.7	72.0	0.22	0.57	0.22	55.9
Approach		1147	6.6	0.685	10.1	LOS B	9.7	72.0	0.22	0.57	0.22	57.8
East: Rose Hill Rd												
4	L2	93	5.0	0.119	4.6	LOS A	0.8	5.7	0.66	0.62	0.66	53.1
6	R2	17	5.0	0.119	9.7	LOS A	0.8	5.7	0.66	0.62	0.66	54.3
Approach		109	5.0	0.119	5.4	LOS A	0.8	5.7	0.66	0.62	0.66	53.3
North: Midland Hwy												
7	L2	138	5.0	0.778	22.5	LOS C	11.9	89.3	1.00	1.26	1.79	45.2
8	T1	459	10.0	0.778	23.3	LOS C	11.9	89.3	1.00	1.26	1.79	51.7
Approach		597	8.8	0.778	23.1	LOS C	11.9	89.3	1.00	1.26	1.79	50.1
All Vehicles		1854	7.2	0.778	14.0	LOS B	11.9	89.3	0.50	0.80	0.75	54.8

Site: x [3p_Hwy-Pdev_2030_Sat_PM_r-about]

Scenario 3 PM - roundabout
 Site Category: (None)
 Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total	HV %				Vehicles	Distance				
South: Midland Hwy												
2	T1	387	10.0	0.367	6.7	LOS A	2.9	21.6	0.44	0.55	0.44	63.7
3	R2	94	5.0	0.367	12.5	LOS B	2.9	21.6	0.44	0.55	0.44	56.8
Approach		481	9.0	0.367	7.8	LOS A	2.9	21.6	0.44	0.55	0.44	62.3
East: Rose Hill Rd												
4	L2	785	5.0	0.772	7.6	LOS A	11.1	81.2	0.85	0.83	1.03	51.4
6	R2	139	5.0	0.772	12.8	LOS B	11.1	81.2	0.85	0.83	1.03	52.4
Approach		924	5.0	0.772	8.4	LOS A	11.1	81.2	0.85	0.83	1.03	51.5
North: Midland Hwy												
7	L2	16	5.0	0.225	5.8	LOS A	1.4	10.5	0.29	0.47	0.29	55.7
8	T1	293	10.0	0.225	6.4	LOS A	1.4	10.5	0.29	0.47	0.29	65.8
Approach		308	9.7	0.225	6.3	LOS A	1.4	10.5	0.29	0.47	0.29	65.2
All Vehicles		1714	7.0	0.772	7.9	LOS A	11.1	81.2	0.64	0.69	0.73	56.4

Site: x [3a_Hwy_Pdev_2030_Sat_AM_signals]

Scenario 3 AM - signals

Site Category: (None)

Signals - Fixed Time Isolated Cycle Time = 85 seconds (Site Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total	Flow HV %	Deg Satn %	Average Delay sec	Level of Service	95% Back of Queue Vehicles	Back of Queue Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Midland Hwy												
2	T1	360	10.0	0.249	2.5	LOS A	3.9	29.4	0.28	0.25	0.28	75.8
3	R2	787	5.0	0.898	40.1	LOS D	33.8	247.1	0.98	1.03	1.44	36.4
Approach		1147	6.6	0.898	28.3	LOS C	33.8	247.1	0.76	0.78	1.08	43.5
East: Rose Hill Rd												
4	L2	93	5.0	0.090	13.1	LOS B	1.7	12.3	0.47	0.66	0.47	47.2
6	R2	17	5.0	0.133	47.0	LOS D	0.7	5.1	0.97	0.69	0.97	32.7
Approach		109	5.0	0.133	18.3	LOS B	1.7	12.3	0.55	0.66	0.55	44.2
North: Midland Hwy												
7	L2	138	5.0	0.182	23.5	LOS C	3.6	26.0	0.66	0.75	0.66	43.8
8	T1	459	10.0	0.968	64.6	LOS E	27.4	208.6	1.00	1.21	1.64	33.1
Approach		597	8.8	0.968	55.1	LOS E	27.4	208.6	0.92	1.10	1.41	35.1
All Vehicles		1854	7.2	0.968	36.4	LOS D	33.8	247.1	0.80	0.88	1.15	40.4

Site: x [3p_Hwy_Pdev_2030_Sat_PM_signals]

Scenario 3 PM - signals

Site Category: (None)

Signals - Fixed Time Isolated Cycle Time = 45 seconds (Site Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total	Flow HV %	Deg Satn %	Average Delay sec	Level of Service	95% Back of Queue Vehicles	Back of Queue Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Midland Hwy												
2	T1	387	10.0	0.433	8.2	LOS A	5.6	42.9	0.69	0.59	0.69	67.8
3	R2	94	5.0	0.216	16.1	LOS B	1.2	8.7	0.85	0.75	0.85	47.8
Approach		481	9.0	0.433	9.8	LOS A	5.6	42.9	0.72	0.62	0.72	62.7
East: Rose Hill Rd												
4	L2	785	5.0	0.821	19.4	LOS B	17.9	130.9	0.89	0.96	1.09	43.7
6	R2	139	5.0	0.317	20.4	LOS C	2.6	19.2	0.86	0.76	0.86	43.0
Approach		924	5.0	0.821	19.6	LOS B	17.9	130.9	0.89	0.93	1.06	43.6
North: Midland Hwy												
7	L2	16	5.0	0.015	11.4	LOS B	0.1	1.1	0.44	0.67	0.44	51.3
8	T1	293	10.0	0.799	23.2	LOS C	7.3	55.3	1.00	0.95	1.34	53.0
Approach		308	9.7	0.799	22.6	LOS C	7.3	55.3	0.97	0.94	1.29	52.9
All Vehicles		1714	7.0	0.821	17.4	LOS B	17.9	130.9	0.86	0.84	1.01	49.4

10.4. SMARTER PARKING PLAN IMPLEMENTATION PROGRESS REPORT

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Terry Demeo – Director Infrastructure and Environment

OFFICER RECOMMENDATION

Council resolves to:

- 1. Note the progress report in relation to the implementation of the Smarter Parking paid system.**

EXECUTIVE SUMMARY

This is the second progress report regarding the implementation of the Smarter Parking Plan in the City of Ballarat, the first reported to the 11 March 2020 Council meeting.

This report provides information on adjustments made throughout the implementation of the plan thus far, and an outline of additional community education and support provided resulting from public feedback received in the initial weeks of commissioning.

It is recommended that the Council note the information provided and adjustments made to the system.

RATIONALE

The paid parking network as an integral part of the Smarter Parking project went live with the initial commissioning of the new meter network (approximately a third of the network) on 3 February 2020. The remainder of the network was commissioned on Monday 17 February 2020.

Council committed to an ongoing review and modification to the network to achieve the best possible user experience across central Ballarat. This has translated to specific modifications to the network as part of the post commissioning process and has seen substantive modifications to improve the usability generally.

Modifications to Network Completed

- Coles/Woolworths Eastwood Street Car Park - two hour free parking requirement without the necessity to use meters. New signs installed, meters removed.
- Ballarat Central Senior Citizens - formal permit system implemented
- Peel Street Car Park - two hour free parking requirement without the necessity to use meters. New signs installed.
- Application of decals on footpath to provide direction to meters within the network
- Implementation of reminder/education notification to all vehicles not complying with new system (interim step to provide education and information prior to the commencement of full enforcement)
- Additional coin and card meter on Sturt Street, west of Errard Street North
- Additional coin and card meter on Albert Street, adjacent to Eureka Medical Centre
- Two additional coin and card meters on Drummond Street North, adjacent to Ballarat Health Services (hospital)

- Two additional card meters on Doveton Street South, adjacent to Target

Additional Measures to be Immediately Implemented

- Additional coin and card meter to be added to the 200 block of Mair Street, adjacent to the Sporting Globe Hotel
- Additional card meter on Camp Street (south end)
- Additional card meter on Dawson Street South, adjacent to Golden City Hotel
- Additional coin and card meter on 1000 block of Sturt Street
- Additional card meter on Bath Lane

Education and Marketing Program

- All Senior Citizen Clubs and over 55 community clubs have received educational briefings
- All businesses immediately adjacent to the on-street meters have received additional instructional pamphlets to assist clientele in the use of the network
- Parking Officers continue on-street education and information program
- Officer presence at the Ballarat Begonia Festival over the three-day long weekend period
- Information booths at shopping centres to assist understanding of the new system

Take Up of the System

The following tables and graphs detail the take up of the new technology and adoption of the free first hour of parking by motorists.

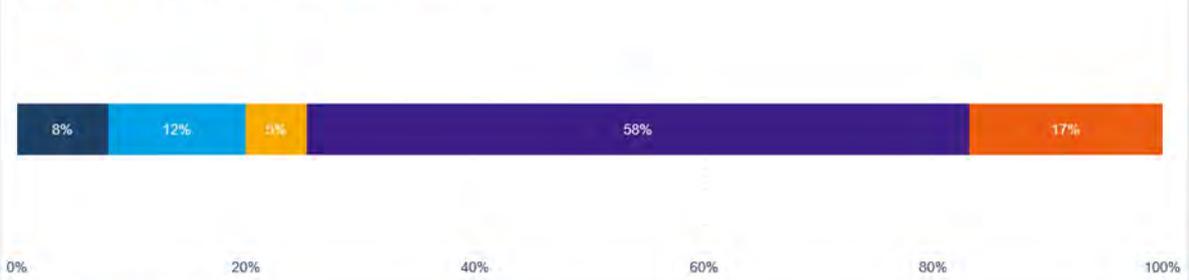
Data collected shows Friday is the busiest day across the network with a steady increase in the use of the new system.

As at the time of preparing this report, over 139,000 parking transactions have occurred since the system went live, 8 per cent using the App for payment, 12 per cent using tap and go card payments, and 5 per cent paying with coins. In terms of the hour of free parking, 58 per cent of all transactions are free parking claimed at the meter and 17 per cent being free parking claimed via the App.

Payment Preferences

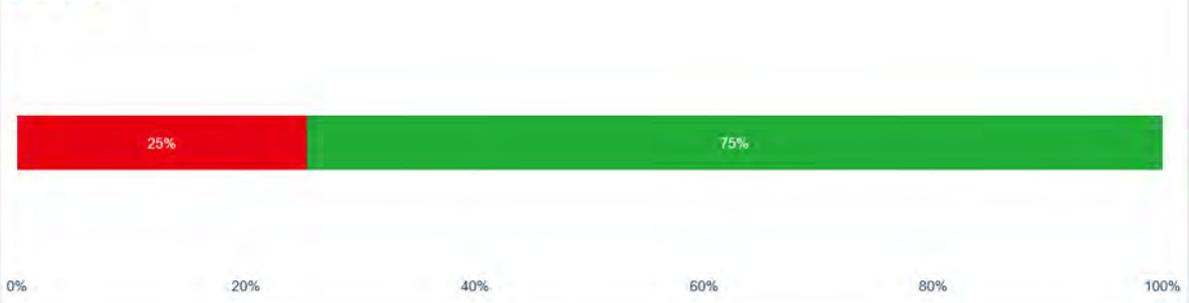
Method of Payment

● App ● Card ● Coin ● Free Claimed at Meter ● Free Claimed in App



Free or Paid Transaction

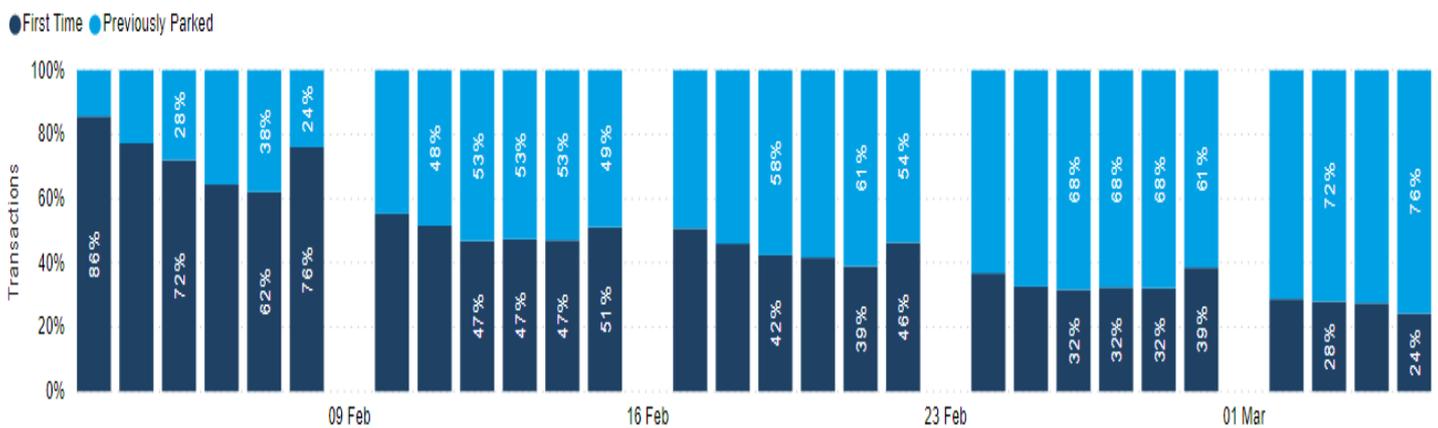
● Paid ● Free



# Transactions				# Transactions Method of Payment						
Date	Paid	Free	Total	Date	App	Card	Coin	Free Claimed at Meter	Free Claimed in App	Total
3/2/20	664	1,697	2,361	3/2/20	204	244	216	1,260	437	2,361
4/2/20	799	2,016	2,815	4/2/20	234	302	263	1,488	528	2,815
5/2/20	762	2,390	3,152	5/2/20	256	309	197	1,803	587	3,152
6/2/20	893	2,595	3,488	6/2/20	301	357	235	1,923	672	3,488
7/2/20	917	2,919	3,836	7/2/20	327	393	197	2,214	705	3,836
8/2/20	571	1,439	2,010	8/2/20		428	143	1,439		2,010
10/2/20	746	2,674	3,420	10/2/20	314	268	164	1,939	735	3,420
11/2/20	765	2,522	3,287	11/2/20	355	273	137	1,722	800	3,287
12/2/20	817	2,491	3,308	12/2/20	403	297	117	1,698	793	3,308
13/2/20	865	3,028	3,893	13/2/20	369	334	162	2,098	930	3,893
14/2/20	965	3,346	4,311	14/2/20	387	404	174	2,297	1,049	4,311
15/2/20	729	2,245	2,974	15/2/20	316	308	105	1,446	799	2,974
17/2/20	1,551	4,750	6,301	17/2/20	343	853	355	3,881	869	6,301
18/2/20	1,620	4,438	6,058	18/2/20	403	804	413	3,634	804	6,058
19/2/20	1,737	4,687	6,424	19/2/20	513	881	343	3,736	951	6,424
20/2/20	1,651	4,888	6,539	20/2/20	454	849	348	3,918	970	6,539
21/2/20	1,727	5,061	6,788	21/2/20	531	844	352	4,013	1,048	6,788
22/2/20	1,154	3,308	4,462	22/2/20	306	614	234	2,653	655	4,462
24/2/20	1,421	4,672	6,093	24/2/20	456	653	312	3,718	954	6,093
25/2/20	1,680	4,706	6,386	25/2/20	503	852	325	3,680	1,026	6,386
26/2/20	1,677	4,579	6,256	26/2/20	535	814	328	3,618	961	6,256
27/2/20	1,867	5,081	6,948	27/2/20	514	996	357	4,058	1,023	6,948
28/2/20	1,808	5,244	7,052	28/2/20	599	853	356	4,160	1,084	7,052
29/2/20	1,186	3,564	4,750	29/2/20	342	654	190	2,889	675	4,750
2/3/20	1,434	4,653	6,087	2/3/20	472	668	294	3,561	1,092	6,087
3/3/20	1,607	4,857	6,464	3/3/20	518	783	306	3,817	1,040	6,464
4/3/20	1,760	4,947	6,707	4/3/20	567	841	352	3,845	1,102	6,707
5/3/20	1,883	5,078	6,961	5/3/20	643	949	291	3,950	1,128	6,961
Total	35,256	103,875	139,131	Total	11,165	16,825	7,266	80,458	23,417	139,131

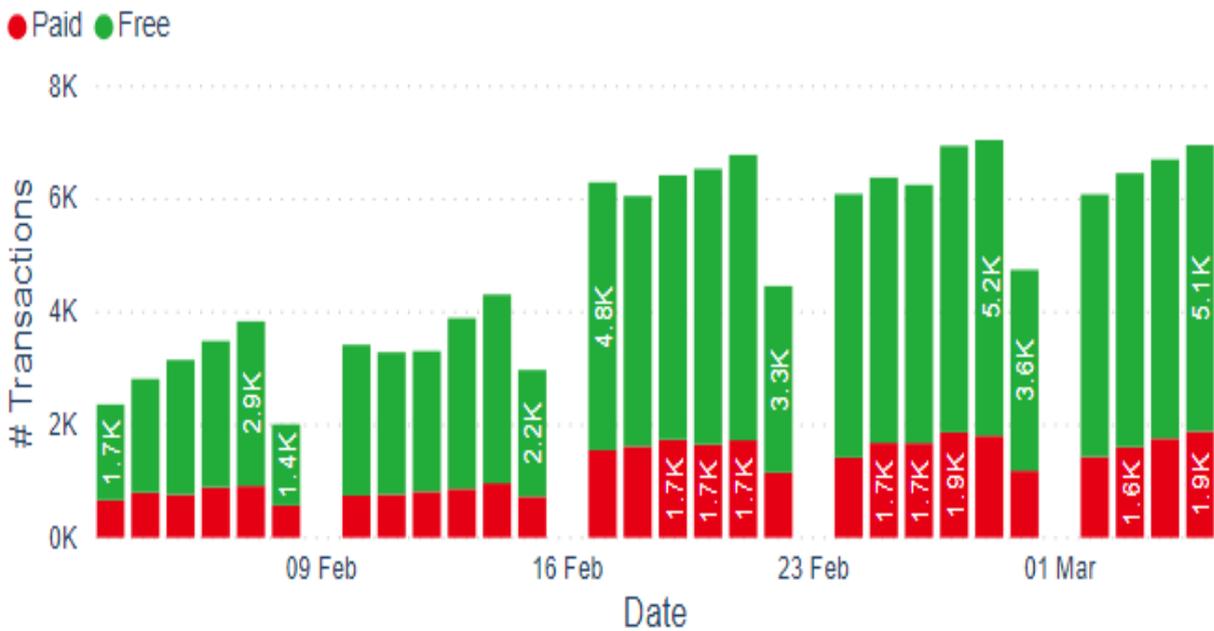
The following table details the first-time users of the Smarter Parking system from the initial commissioning date until early March. It shows the number of first-time users has dropped off and the understanding of the new system is now much more familiar with users.

First Time Using Smarter Parking

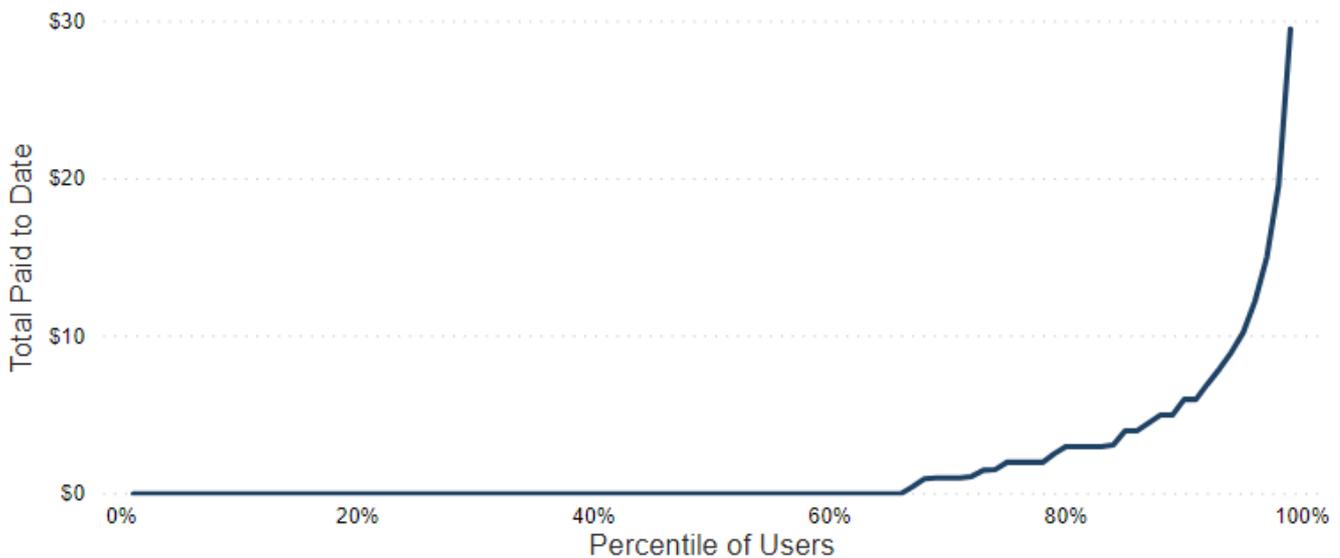


The attractiveness of the free first hour in the system is evident in the following graphs that show over 65 per cent of the parking within the overall metered network is currently taken as free parking. This is advantageous to CBD vitality.

Transactions

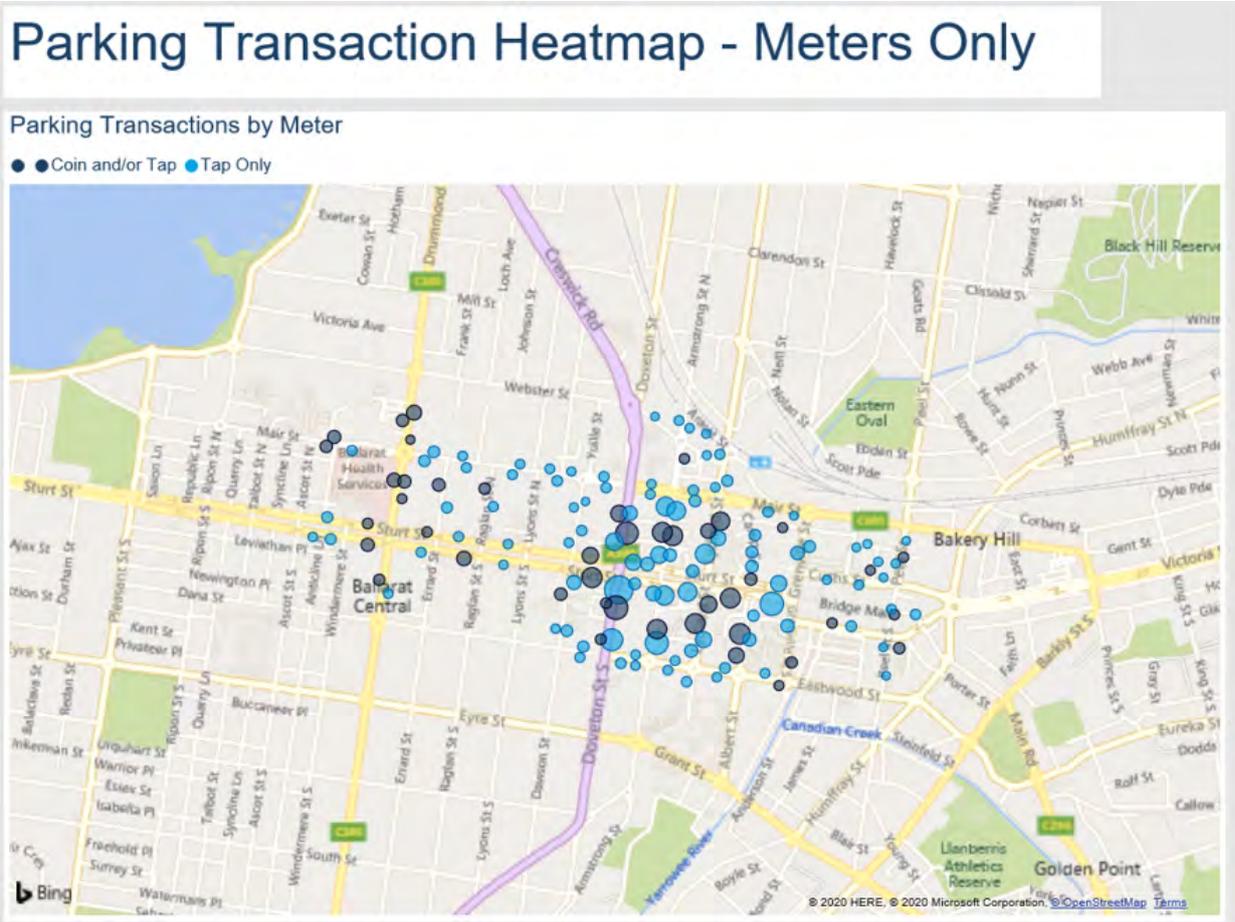


Total Paid to Date by Percentile of Smarter Parking Users



The above graph details that over 65 per cent of users of the Smarter Parking network are non-paying users, that is motorists are redeeming their first hour free.

The heatmap below is a graphic representation of where parking take-up is the most prominent. This is around the retail and business destinations within the core CBD and, to a lesser extent, around the hospital. The heatmap represents the data from the original commissioning of the system and does not take into account the hospital precinct was commissioned later in the program.



LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	Yes
Social/Cultural	Yes	Yes
Environmental/Sustainability	Yes	Yes
Economic	Yes	Yes
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	Yes	Yes
Evaluation and Review	Yes	Yes

Human Rights – It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Social/Cultural – The parking system across our City can stimulate further activity and vitality which is an important element for the CBD. The management of the system implementation is a key responsibility of the organisation to deliver community benefit.

Environmental/Sustainability – The system removes all paper tickets, relies on solar powered batteries for the meters, and is in all facets committed to an environmentally sustainable outcome.

Economic – The car parking initiative is intended to deliver an economic benefit to the Ballarat CBD and, as such, the implementation phase is critically important.

Financial/Resources – Council has committed resources to deliver a system that best serves Ballarat for the longer term.

Risk Management – The project has been the subject of a detailed risk assessment and the management of the implementation of the system is part-of this assessment.

Implementation and Marketing – The specific commitment to marketing and communication to ensure the system benefits are clearly understood will be ongoing.

Evaluation and Review – The project gateway review is programmed to be completed in accordance with Council's earlier resolution and part of Council's ongoing project management processes.

CONSULTATION

There has been significant consultation in developing the solution for a paid parking network across Ballarat and there will be ongoing consultation to ensure that individual elements of the system are as user friendly as possible. The consultation included face to face meetings with businesses, pop-up engagement and listening posts at key locations, detailed online surveys and engagement with stakeholders across Council wards beyond the CBD.

OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

REFERENCE DOCUMENTS

ATTACHMENTS

Nil

10.5. RECYCLING VICTORIA, CIRCULAR ECONOMY FRAMEWORK AND WASTE TO ENERGY UPDATE

Division: Development and Planning
Director: Angelique Lush / Terry Demeo
Author/Position: Lisa Kendal – Manager Strategic Planning
Siobhan Dent – Economic Development Officer

OFFICER RECOMMENDATION**Council resolves to:**

- 1. Adopt the *Circular Ballarat Framework* to guide advocacy, activity and future funding applications;**
- 2. Advocate for and advance the establishment of a Ballarat Circular Economy Innovation Centre;**
- 3. Note that the State Government as part of its *Recycling Victoria* policy has indicated it will develop a waste to energy framework over 2020 to take effect in 2021; and**
- 4. Delay progressing a market based EOI process for an energy recovery facility in Ballarat until after the State Government has developed and released its waste to energy framework.**

EXECUTIVE SUMMARY

This report seeks to update Council on the new *Recycling Victoria* policy and implications for Council's waste and recycling services, adoption of the City of Ballarat's *Circular Ballarat Framework*, approval to advocate for and advance the development of a Circular Economy Innovation Centre in Ballarat, and endorsement of a direction for an energy recovery (formerly referred to as Waste to Energy) facility.

A circular economy is based on three core principles of designing out waste and pollution, keeping products and materials in use, and regenerating natural systems. It differs from the linear economy of take, use and discard.

The City of Ballarat has been working towards a circular economy for over a decade. The State Government's recent policy announcement – *Recycling Victoria: A new economy* – is aligned with existing Council policy and strategic initiatives.

Officers have prepared a *Circular Ballarat Framework* to establish the foundations for Ballarat's approach to embedding a circular economy in the City.

RATIONALE

Recycling Victoria: a new economy

On 26 February 2020, the State Government released its circular economy policy –*Recycling Victoria: A New Economy*.

The policy's goals and associated targets are:

- Diverting 80 percent of waste from landfill by 2030.
- Cut the total waste generation by 15 percent per capita by 2030.
- Half the volume of organic material going to landfill between 2020 and 2030 with an interim target of 20 percent by 2025.
- Ensure every Victorian household has access to food and garden organic waste recycling services or local composting by 2030.

The State Government has committed to an investment of over \$300 million over 10 years to overhaul Victoria's recycling sector, create 3,900 jobs and reduce waste going to landfill.

The *Recycling Victoria: A New Economy* package includes:

- A new four-bin household recycling system to separate recyclables, glass, food and organics, and waste.
- A container deposit scheme to be developed in consultation with councils and industry, to begin by 2023.
- A statewide education program to help households, businesses, and council's transition to the new system.
- The doubling of funding for businesses to invest in infrastructure to sort and process recyclables.
- New grants to make Victoria a recycling innovation leader.
- New grants to help business reduce waste and increase recycling in their daily operations,
- Funding for waste to energy initiatives, recognising its role in an integrated waste recovery system (\$10 million),
- A Business Innovation Centre to develop new, innovative technology and solutions to waste problems (\$7 million),
- A dedicated Waste Crime Prevention Inspectorate, and support to target hazardous waste and protect the community from dangerous chemical stockpiles,
- Making waste collection an essential service and establishing a new dedicated authority to better govern our recycling system.

A number of policy details are still being released, including a report from Infrastructure Victoria on recycling and resource recovery infrastructure due April 2020 and a waste to energy framework that is due by the end of 2020.

The launch of this policy follows other complementary State and Federal policies and initiatives:

- National Waste Policy 2018
 - Ban export of waste glass, paper, cardboard, plastic and tyres; and
 - Waste reduction targets, e.g. 80% resource recovery from all waste streams.
 - National Food Waste Strategy 2017 - Halve food waste by 2030.
 - National Product Stewardship Schemes – TV's, computers, tyres, fluoro lights.
 - Victorian Net Zero Emissions by 2050 (Climate Change Act 2017).
 - State Government support for 100% recyclable, reusable or compostable packaging by 2025.
 - Victorian draft Zero Emissions Vehicle Roadmap which sets out the infrastructure and support needed for more zero emissions vehicles (final expected in 2020).
-

There is strong alignment between the *Recycling Victoria* policy and Council's objectives in creating more sustainable waste management and resource recovery. There is significant opportunity to continue to promote Ballarat as a nationally significant regional hub for resource recovery, waste services and education.

Immediate impacts for City of Ballarat

The landfill levy will increase from the current rate of \$65.90 by \$20 per tonne for the next three years to get to \$125.90 per tonne in 2022-23.

The \$20 increase to \$85.90 in 2020/21 equates to:

- Additional \$8.57 per household on the Waste Services charge on rates (based on current average 428kg/house/year).
- Pass on additional \$20.00 tonne to commercial customers at landfill (note City of Ballarat is not a commercial customer).
- Additional \$0.58 per cubic metre on self-haul general rubbish at the Transfer Station.
- Increase expenditure on levy of \$400,000 per year (until waste diversion starts).

City of Ballarat currently spends approximately \$1 million (gst n/a) per quarter on the State Government Landfill Levy. This will increase by \$365,000 per quarter in 2020/21 and ultimately reach \$2 million per quarter by 2022/23 in line with the 3-year phased increase of the EPA Levy (based on current levels of use until higher rates of landfill diversion experienced). The levy increases are designed to encourage the diversion of waste for higher value use of resources. Further information needs to be identified about how the State Government will use the additional revenue achieved, particularly in the short term before diversion occurs.

Recycling's cost per tonne has been increasing since the China market closure. Markets for paper and cardboard are still poor and it is likely cost per tonne will escalate until these markets recover, new markets are developed, and the industry has sufficiently upgraded its infrastructure to meet the quality needs of markets. Markets for glass are still developing. There is a clear intention for it to be returned to its highest value use, i.e. glass bottle, however this will be influenced by the detail of the new container deposit scheme and kerb-side glass collection.

The levy increase will likely encourage a recycling price increase as the processors will be able to increase the cost without exceeding the cost of sending it to landfill.

The push for four bins across the state is a move to get the consistency and standardisation that has been a key concern raised by all parties. Specifically, having recycle bins that don't vary from region to region allow for much greater centralisation of education and behaviour change programs.

The State Government's announcement includes support for introducing these services and may include bin provision costs. Annual costs would depend on service frequency and any changes in frequency to other services. The State Government has said that the response to the standardisation can be localised. There is potential that a successful diversion program, such as through the transfer station, may not require additional bins however this would be considered as part of the service arrangements. Local action is to be guided by the reduction goals.

Circular Ballarat Framework

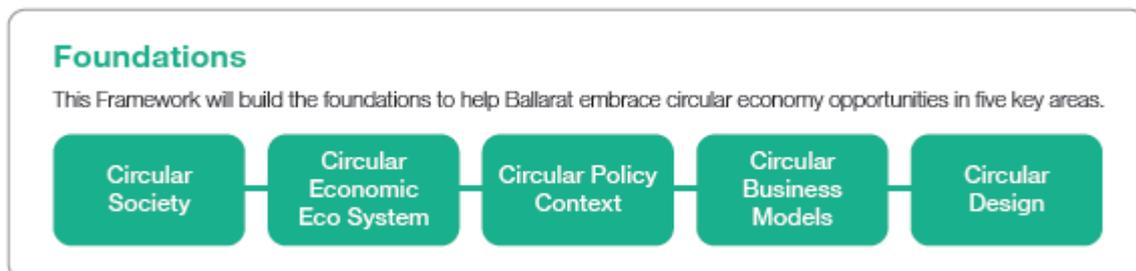
City of Ballarat is perfectly positioned to benefit from the State Government policy commitments in progressing the city's transition to a circular economy.

Through the Ballarat Prosperity Framework consultation process, the community told us that they see Ballarat's future as based on a sustainable and strong circular economy. A future where Ballarat is a carbon neutral city and a renewable energy systems leader, with collaboration across industries, systems and business models to secure sustainability and protect the planet.

A *Circular Ballarat Framework* (attached) has been prepared to build the foundations required for Ballarat to transition to a circular economy.

The *Circular Ballarat Framework* includes an aspirational goal to achieve a circular economy by 2050. It is proposed to do this through:

- Advocacy - including creating a shared vision and achievable plan, advocating for appropriate regulations and incentives and partnering with others to deliver the plan
- Supporting local businesses – through access to tools, business support, innovation and research, investment and market development
- Building a supportive consumer base – supporting community initiatives, delivering education and supporting a sharing economy
- “Circulating” Council activities – based on a Circular Economy Integration Plan for Council business, investment and activities.



Benefits of a Circular Economy

Moving to a circular economy offers many benefits to Ballarat's residents and businesses.



The framework proposes a number of flagship initiatives including but limited to the following:

- Circular Economy Innovation and Learning Precinct including the Advanced Resource Recovery Centre (All Waste Interchange), materials recovery facility, energy recovery facility, and immersive education experience for schools, business and industry,
- Circular Ballarat Roadmap – to guide an action and implementation plan,
- Council Circular Economy Integration Project – to guide Council's activities to support a circular economy,
- Clever Circular City Virtual Hub – an online one-stop-shop for use by local business and industry,
- Support for Federation University's Asia-Pacific Renewable Energy Tech-Transition Centre.

Energy Recovery Facility - Ballarat

The City of Ballarat views energy recovery technology as having an important role to play in a circular economy as it enables value to be generated at a product's end of life, after reuse and recycling opportunities are exhausted. This view is now supported by the State Government's *Recycling Victoria* policy.

The advocacy objective is for the City of Ballarat to develop a fully integrated end-to-end waste management system that extracts maximum value from waste through an energy recovery plant; delivering savings and efficiencies to business, reducing waste to landfill, driving innovation and growing an emerging industry.

The project objectives are to:

- Achieve 70 per cent diversion of waste from landfill by 2022 with a long-term goal of 85 per cent by 2028 (Resource Recovery & Waste Management Strategy 2018-28, City of Ballarat);
- Improve the overall environmental outcomes from waste management including a reduction in greenhouse gas emissions equivalent from landfill substantially below 2013 levels;
- Provide waste management services which represent value for money to ratepayers over the long term;
- Support commercial activity in our industrial precincts and increase regional waste sector employment; and
- deliver secure and affordable energy to existing industry nearby.

Energy Recovery Project Next Steps

A noticeable outcome of the *Recycling Victoria: A New Economy* policy is that the State Government “will encourage investment in appropriate waste to energy facilities that reduce the need for landfills.” Action 9.1 of the policy states that the State Government will develop, in consultation with stakeholders, a waste to energy framework over 2020 to take effect in 2021.

Subject to support being provided in the State Government Waste to Energy Framework the next step to progress a waste to energy project for Ballarat is to commence a market sounding process. This will provide Council with increased knowledge of the current market driven project options and drive participation and competitive tension from private energy recovery providers.

The approach proposed is a three-step process calling for proposals for a build-own-operate model. The proposed steps are an initial Registration of Interest, followed by Expression of Interest and finally a Request for Proposal through a tender process. Hold points will be built into the process to gain Council endorsement before progressing to the next stage, thereby limiting unnecessary cost burden if proposals are deemed to be of insufficient quality or feasibility to proceed.

This proposed open market process is a formal procurement process calling for individual proposals to be presented to Council for consideration and may result in contractual arrangements for the delivery of a particular energy recovery facility by a specific commercial arrangement. This may take the form of a Public Private Partnership or other agreed vehicle. The range and quality of proposals that may be forthcoming cannot be anticipated. The process will allow for effective assessment of each proposal with a gateway approach enabling the advancement of competitive proposals through the three-stage process.

OPTIONS

The options presented for Council’s consideration are:

Option	Benefits	Disbenefits
<p>1 - Undertake an open market process to progress an energy recovery and associated innovative waste education centre at the Ballarat West Employment Zone as outlined in the Rationale section.</p>	<ul style="list-style-type: none"> • Council would lead the State with a fully integrated end-to-end waste management system that extracts maximum value from waste. • Consistent with Council’s aspiration to be a national leader in the circular economy. • Council drives the innovative change with the risk burden carried by the private sector. • Council actively working toward a waste solution for the City. • Possibility a scalable solution will emerge that allows for smaller waste volumes. • If a contract is awarded it could leverage the AWI project. • If a contract is awarded the City will gain a waste education centre developed by the private sector. 	<ul style="list-style-type: none"> • Approvals could take considerable time-uncertainty • If the market process progresses through all stages, it will cost a significant amount, additional budget will be required to support the process.
<p>2 - Do not progress the development of an energy recovery facility until the State Government has released the Waste to Energy Framework, expected to take effect in 2021 (recommended)</p>	<ul style="list-style-type: none"> • Low risk approach. • Gives time for the private sector to read the framework details and position proposals accordingly. • Market process remains an option within a different timeframe. • Alternative project may emerge. 	<ul style="list-style-type: none"> • Provides time for other Councils to move ahead and secure the investments. • Current interested proponents may secure other opportunities • Provides time for other waste to energy projects to secure waste streams that may be important to Ballarat’s facility.
<p>3 - Council to withdraw its interest in developing an energy recovery facility in Ballarat</p>	<ul style="list-style-type: none"> • No cost to Council • Reduced risk for Council • Focus Council resources on other projects in the short-medium term. 	<ul style="list-style-type: none"> • Short-term possible lost opportunity to benefit from a fully integrated end-to-end waste management system that extracts maximum value from waste and reduces waste to landfill.

		<ul style="list-style-type: none"> Unlikely to secure a waste education centre through other avenues.
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LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- City of Ballarat Carbon Neutrality and 100% Renewables Action Plan 2019

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	Yes	Yes
Environmental/Sustainability	Yes	Yes
Economic	Yes	Yes
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	Yes	Yes
Evaluation and Review	Yes	Yes

Human Rights – It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Social/Cultural – Education and community engagement in understanding that resource recovery is a circular process and doesn’t end just at the bin will be important to ensure that the strong community desire to recycle is supported. The proposal is also designed to deliver jobs and investment to the Ballarat community.

Environmental/Sustainability – The shift to a circular economy requires a greater valuing of resources above a transactional cost. The challenge to encourage this while using market forces to deliver the diversion and recovery will need support from all levels of government.

Economic – The reliance on cheap overseas solutions for managing waste has resulted in a lack of market diversification. The opportunity to leverage the policy to further grow the local economy is supported through the Policy Actions.

Financial/Resources – The cost of developing a more sustainable, diverse and circular means of managing waste and recycling represents significant increase in short term costs. However, this investment and policy implementation that delivers a circular economy where recovered resources are valued and the avoidance of disposal costs over the longer term is likely to be significantly cheaper than doing nothing.

Risk Management – Delivery of waste and recycling services carry a range of risks; with the nomination of waste as an essential service this may change the level. The responsibility to collect, process and dispose of materials continues to be challenged by a large portion being subject to market forces. Creating more local diverse solutions will assist to spread the risk.

Implementation and Marketing – Greater communication with the community that at once simplifies the very complex interaction but continues to increase transparency will be essential in delivering council’s outcomes.

Evaluation and Review – Implementation of the *Circular Ballarat Framework* will include a program of evaluation and review.

CONSULTATION

The City of Ballarat has been engaging with the State Government and local business/industry over many years to advocate for investment and a strong policy position on circular economy.

OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

REFERENCE DOCUMENTS

- *Recycling Victoria: A New Economy 2020*
- *Circular Ballarat Framework*

ATTACHMENTS

1. Circular Ballarat Framework [**10.5.1** - 4 pages]

CIRCULAR BALLARAT FRAMEWORK

Building value in a resilient and sustainable economic ecosystem



This framework will build the foundations required for Ballarat to transition to a strong circular economy.

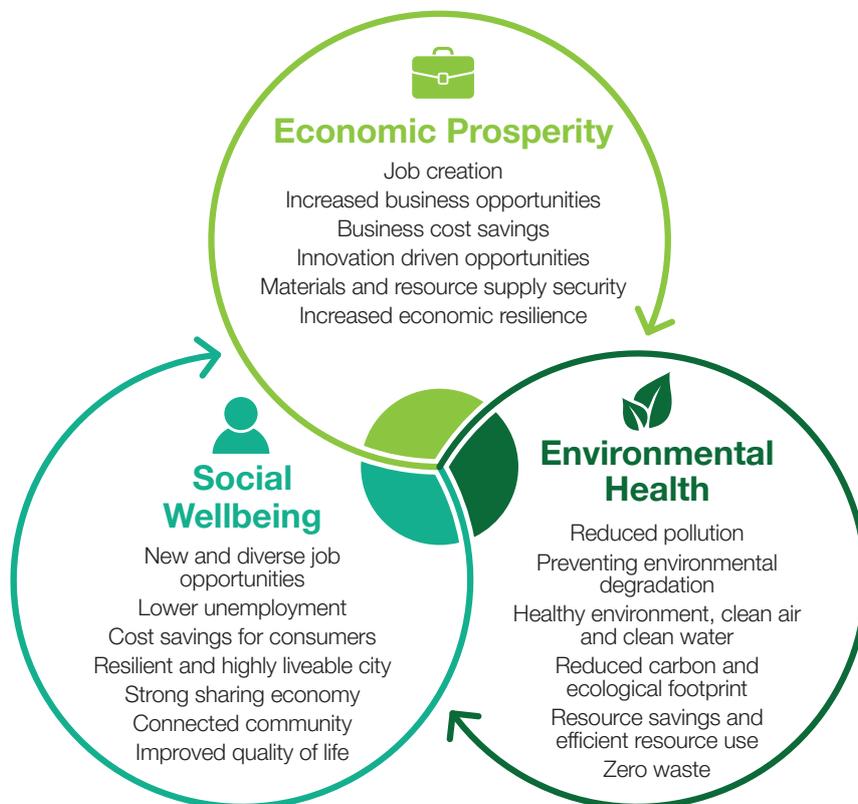
Through the Ballarat Prosperity Framework consultation process, our community told us that the future of Ballarat is based on a strong circular economy. We see our future as a carbon neutral city and a leader in renewable energy systems, with thriving collaboration across industries, systems and business models to secure our future sustainability and protect our planet.

What's The Problem?

Doing nothing is not an option. If we don't act now, we will miss out on emerging opportunities and will leave our community vulnerable to emerging economic, environmental and social pressures. Adopting circular will position Ballarat with a comparative and competitive advantage in a changing world.

Benefits of a Circular Economy

Moving to a circular economy offers many benefits to Ballarat's residents and businesses.



Foundations

This Framework will build the foundations to help Ballarat embrace circular economy opportunities in five key areas.



What is a circular economy?

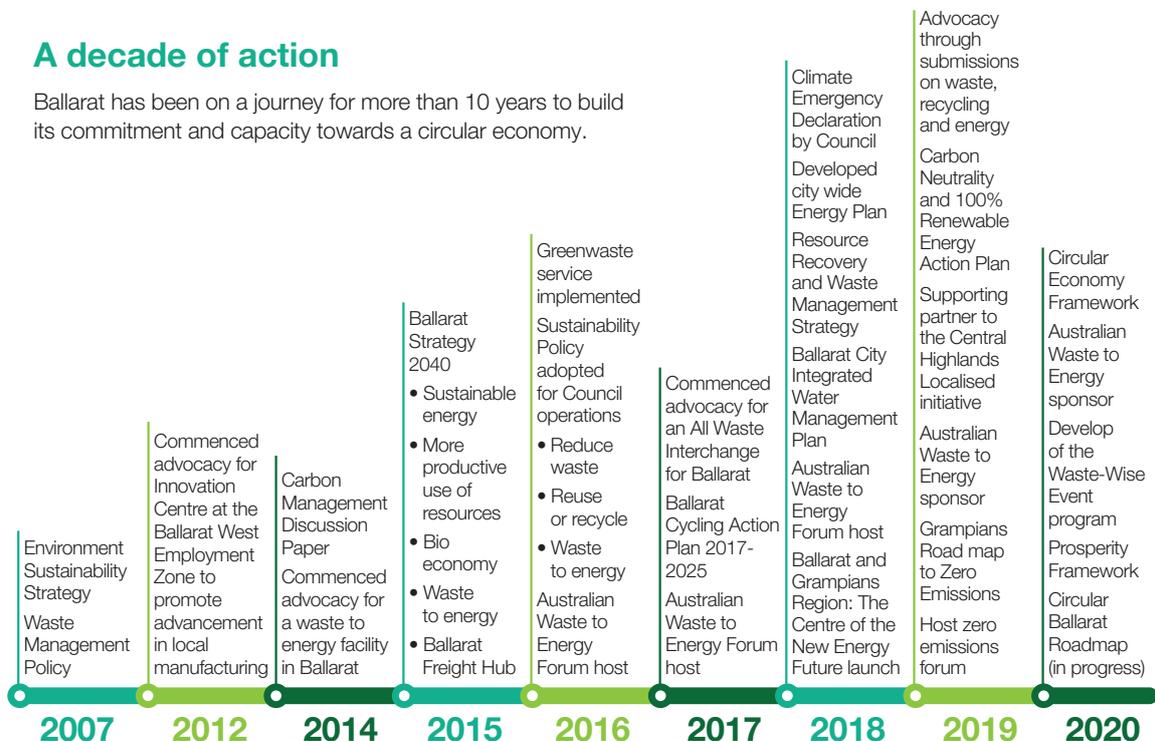
“A circular economy is one that is restorative and regenerative by design, and which aims to keep products, components and materials at their highest utility and value at all times...”

the Ellen MacArthur Foundation



A decade of action

Ballarat has been on a journey for more than 10 years to build its commitment and capacity towards a circular economy.



The City of Ballarat's Plan

To achieve a 100% circular economy by 2050, the City of Ballarat will:

Advocate for a Circular Ballarat

- Create a shared **vision**
- Advocate for State and Federal circular **regulations and incentives**
- Develop a **Circular Ballarat Roadmap**
- **Prepare priority Circular Economy Industry Plans**
- Continue to advocate for **circular resource investment in infrastructure and innovation**
- Champion **design-led solutions** that reduce resource use
- **Circular business attraction**
- Collaborate to implement the **Grampians Roadmap to zero emissions**
- **Measure and report** on progress

Support local businesses

- Promote **tools and support businesses**
- Support **innovation, research and development**
- Facilitate **jobs and skills attraction**
- Facilitate/support **Circular Value Network/s**
- Facilitate the **development of markets** for remanufactured and recycled products
- Facilitate **investment** in circular enabling technologies
- **Recognise and celebrate** local circular business achievements

Build a supportive consumer base

- Increase community support and demand for circular products/services through **education programs**
- Support **community led initiatives**
- Support **sharing economy** endeavours and platforms
- Advocate for **consumer information**

Circulate Council activities

- **Circular Council business plan**
- **Integrated transport and land use planning**
- **Eco-design** for all infrastructure and investment
- Infrastructure and innovation **investment**
- **Circular procurement** policies
- Implement the **Carbon Neutrality** and **100% Renewable Energy Action Plan**

Flagship initiatives

- **Circular Ballarat Roadmap**
- **Council Circular Economy Integration Project**
- **Circular Economy Innovation and Learning Precinct**
 - All Waste/Materials Interchange
 - Resource Recovery Centre
 - Business Innovation and Research Centre
 - Renewable Energy Research, Innovation and Manufacturing Hub
 - Circular Economy Learning Hub
 - Immersive and comprehensive education experience for schools, business and industry
- **Clever Circular City Virtual Hub**
 - Tools and support for business
 - Circular Central Highlands Localised-supply
 - Sensor technology digital analytics
 - EoI for testing and trialling Smart City circular sensor technology
 - Circular Economy scanning technology project
- **Federation University's Asia-Pacific Renewable Energy Tech-Transition Centre**



10.6. ASCOT GARDENS DRIVE / WEBB ROAD NAMING

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Natalie Robertson – Executive Manager Development and Facilitation

OFFICER RECOMMENDATION

Council resolves to:

1. Endorse the proposal to rename the western section of Webb Road as a continuation of Ascot Gardens Drive.
2. Delegate to the Chief Executive Officer the Authority to complete all relevant steps pursuant to the Geographic Place Naming Procedures to formalise this change.

EXECUTIVE SUMMARY

The report proposes a change to the naming of a section of Webb Road following the intention of the adopted Ballarat West Precinct Structure Plan which sees this road align with Ascot Gardens Drive to provide for a more logical street naming regime given the urbanisation of the area and following the intent of the adopted Precinct Structure Plan.

In accordance with the *Geographic Place Names Act 1988*, any changes to roads including name changes must undergo a period of public notice and consultation. Recently a process of consultation was undertaken to rename a section of Webb Road, Delacombe to Ascot Gardens Drive in accordance with the guidelines.

Consultation took place between 17 November to 17 December 2019 and submissions from the public were invited. Two submissions objecting to the proposal were received.

RATIONALE

Council is the naming authority for the majority of roads and features within the Municipality. Naming is conducted in accordance with the *Geographic Place Names Act 1998*.

Council has received a request to re-name the western section of Webb Road from the Cherry Flat Road intersection to its intersection with existing Ascot Gardens Drive. Recent urban development has resulted in this section of Webb Road joining Ascot Gardens Drive and gives the impression that the road segment is part of Ascot Gardens Drive. For logical street naming ahead of coordinated long term urban development, and to address emergency services requirements, it is considered reasonable to rename the affected Webb Road section as a continuation of Ascot Gardens Drive. This would also reflect the alignment shown in the Ballarat West Precinct Structure Plan

The area is situated in the Ballarat West Growth Area and is detailed in the maps below. This area of land has undergone rapid development in recent years and many new roads have been constructed in order to service the numerous housing estates created.

The existing Ascot Gardens Drive is a collector road that now adjoins this section of Webb Road and its construction is such that it would allow the subject section of Webb Road to form part of Ascot Gardens Road rather than a segment of Webb Road.

Webb Road is currently a truncated section of road with an east-west alignment and a north-south alignment. The historical alignment of Webb Road did see the continuation of Webb Road with a sharp perpendicular turn at the intersection at Ascot Gardens Drive.

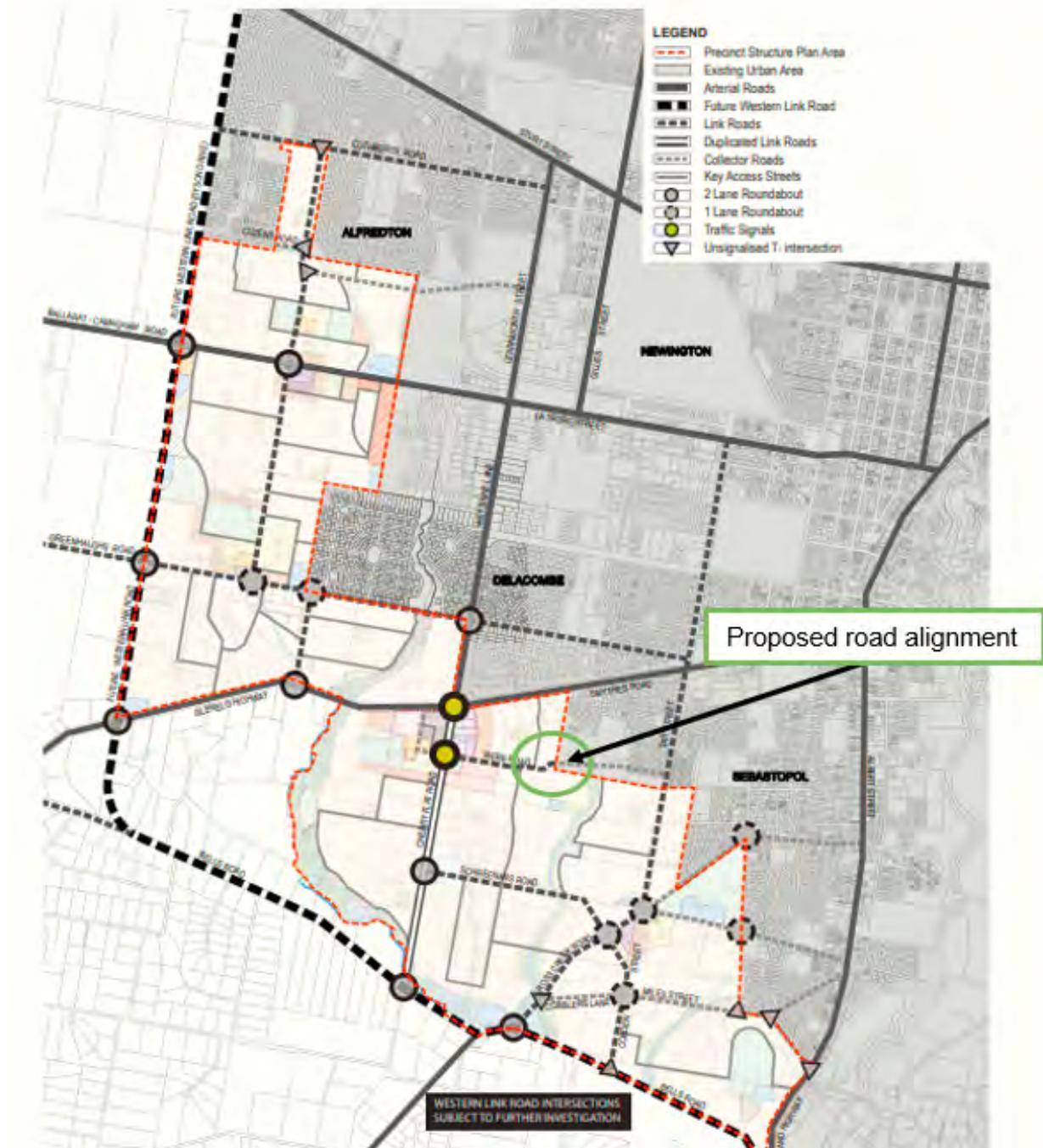
The intersection of the north-south and east-west legs of Webb Road is considered the logical point at which to define the new road naming regime, with the north-south leg to remain as Webb Road and the east-west leg to be named as Ascot Gardens Drive. Without the proposed change in the existing naming regime, the situation will become increasingly confusing as development progresses.

The existing alignment is a legacy of earlier times and it is considered that the western section of Webb Road to Ascot Gardens Drive is the most sensible option and will remove the ambiguity.

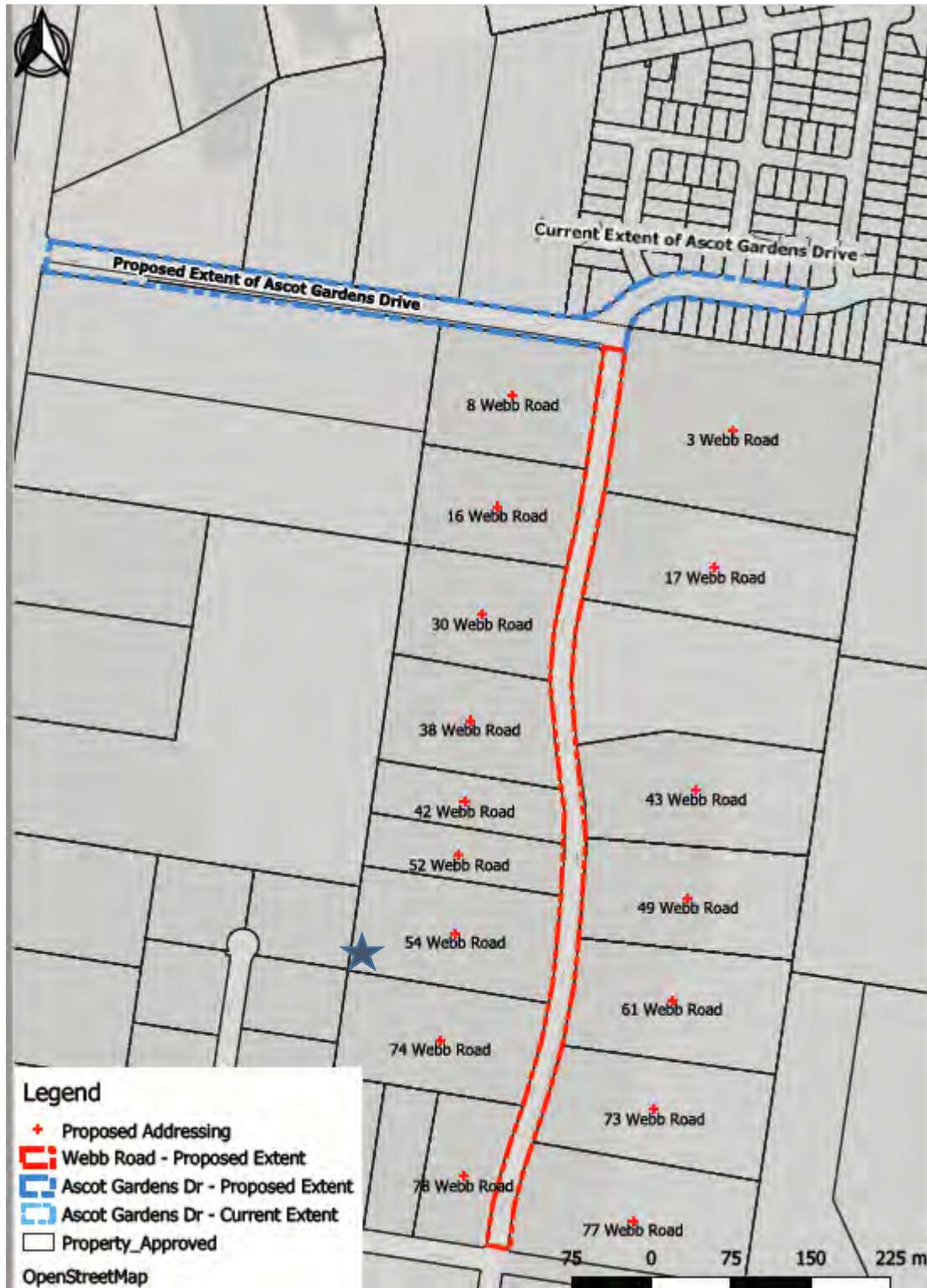
The section that requires re-naming is outlined in blue on the map below. The remaining section of Webb Road outlined in red will remain as Webb Road but will be re-numbered in order to prevent possible confusion in addressing.

The following map details the proposed change in street names and the adopted road network alignment within the Ballarat West Precinct Structure Plan.

Ballarat West Precinct Structure Plan – Road Network



Proposed name and property number changes to Webb Road



Submission Locations

Submissions

Public notice was undertaken from 17 November to 17 December in accordance with the *Geographic Place Names Act 1988* inviting comment on the proposal. Two submissions objecting to the renaming were received.

Key issues raised by submitters:

- Inconvenience of name change
- Cost to change licence, passport and other official identification documents
- Updating all other documentation to reflect name change
- Effect on credit rating as it appears the occupant has changed address
- An understanding that the road name would not change

Response

The short-term inconvenience to residents is acknowledged, however it is considered that the long-term advantages of a consistent logical street naming ahead of further growth in the area outweighs the inconvenience. The proposal will remove the potential for confusion for emergency services and other essential services.

Council's policy is to bear the cost of the Australia Post mail redirection for a period of 12 months which provides residents with a reasonable period of time to arrange notification of change of address. The City of Ballarat will also provide written confirmation that the occupants have been the subject of an address variation and they themselves have not relocated. In short, the City will take all reasonable steps to mitigate the short-term inconvenience associated with this realignment of street names and address changes.

Based on net community benefit the road name and property number changes to Webb Road are considered to be warranted.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- Charter of Human Rights and Responsibilities Act 2006
- Geographic Place Names Act 1998
- City of Ballarat Council Plan 2017 – 2021
- Ballarat West Precinct Structure Plan

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	No	No
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	Yes	No
Risk Management	Yes	Yes
Implementation and Marketing	Yes	Yes
Evaluation and Review	No	No

Human Rights – It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Financial/Resources – Resourcing and the administration of the name change process are included in the 2019/2020 budget.

Risk Management – The road alignment currently provides confusion as the Webb Road section appears to be a continuation of Ascot Gardens Drive or vice versa. For the purposes of traffic safety, including emergency vehicles, the name change to Ascot Gardens Drive will reflect the constructed road alignment.

Implementation and Marketing – As detailed within the body of the report, the impacted parties will be advised and supported in relation to the resultant change in address due to this street naming change, along with the statutory advice to Geographic Place Names to ensure the Emergency Services mapping is up to date.

CONSULTATION

Public consultation has occurred in accordance with the *Geographic Place Names Act 1988*. Public notice was undertaken from 17 November to 17 December in accordance with the *Geographic Place Names Act 1988* inviting comment on the proposal. Two submissions were received.

OFFICERS DECLARATIONS OF INTEREST

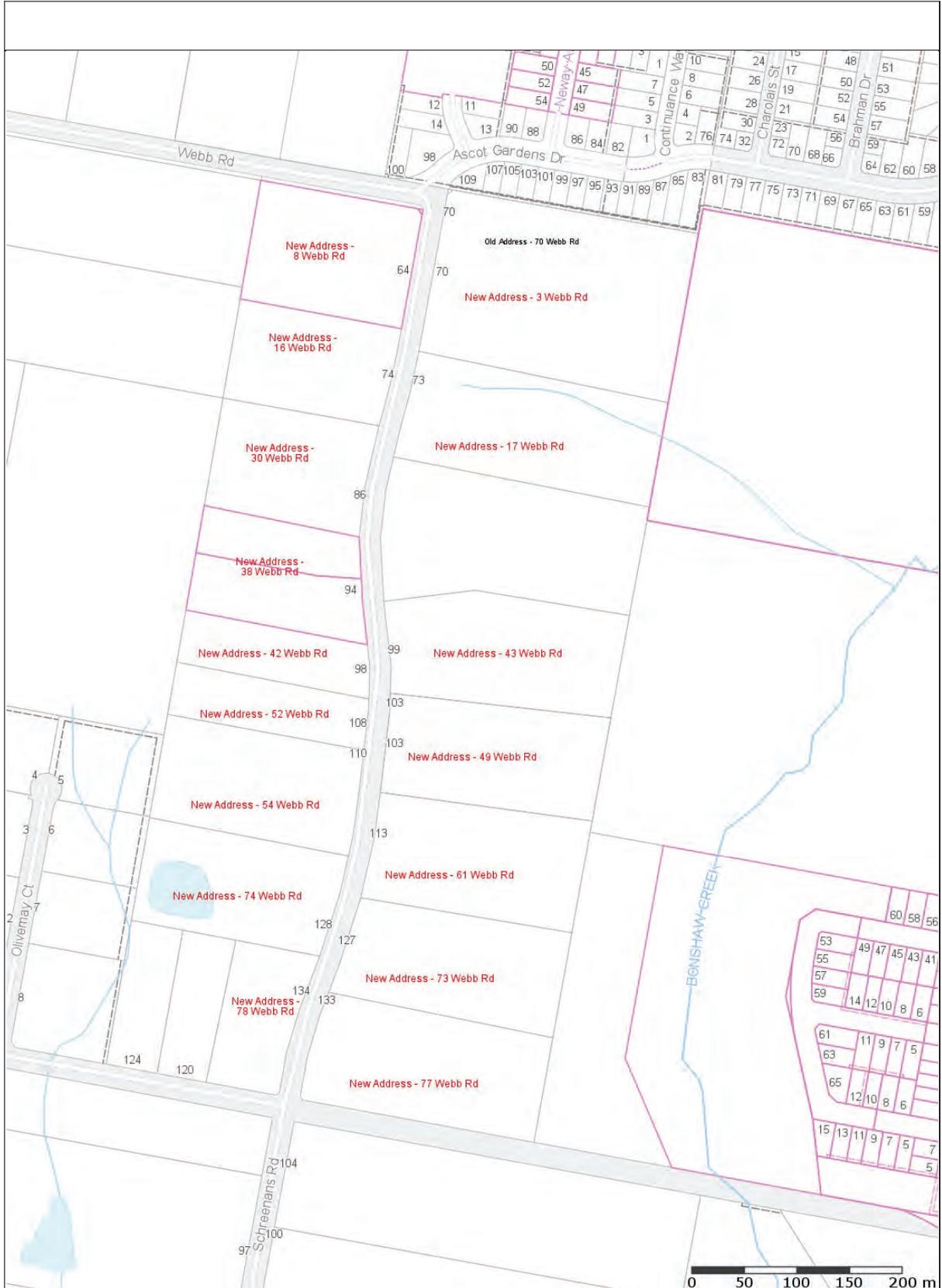
Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

REFERENCE DOCUMENTS

- Guidelines for Geographic Place Names

ATTACHMENTS

1. Webb Road Renumbering [10.6.1 - 1 page]



	<p>Disclaimer</p> <p>The City of Ballarat nor the State of Victoria does not warrant the accuracy or completeness of the information in the Publication and any Person using or relying upon such information does so on the basis that the City of Ballarat and the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.</p>	<p>/08/2018</p>	
		<p>SCALE:1:4741</p>	
		<p>Prepared by Robyn Grigg</p>	

10.7. STAKEHOLDER REFERENCE GROUPS

Division: Business Services
Director: Glenn Kallio
Author/Position: Cameron Montgomery – Executive Manager Safety Risk and Compliance Services

OFFICER RECOMMENDATION

Council resolves to:

- 1. Establish a Tourism Events Stakeholder Reference Group and adopt the Terms of Reference for that Group to support the City of Ballarat in achieving the objectives of the Ballarat Event Strategy 2018 - 2028.**
- 2. Establish a Ballarat Major Events Precinct Stakeholder Reference Group and adopt the Terms of Reference for that Group to ensure all event planning and event activation is shared across all user groups and affected parties in a timely manner and to provide a forum for advocacy for future development of the Ballarat Major Events Precinct in the interests of the local community.**
- 3. Have each Group meet on a quarterly basis or with such other frequency as determined by Council, or absent such a resolution, as agreed by the Reference Groups from time to time.**
- 4. Appoint Cr _____ and Cr _____ to the Tourism Events Stakeholders Reference Group with Cr _____ appointed as Chair.**
- 5. Appoint Cr _____ and Cr _____ to the Ballarat Major Events Precinct Stakeholders Reference Group with Cr _____ appointed as Chair.**

EXECUTIVE SUMMARY

At its meeting held on 11 March 2020 Council resolved to defer consideration of this matter. The report is now re-submitted.

In late 2019, Councillors requested the Chief Executive Officer to investigate options for the establishment of advisory or reference groups in relation to the Ballarat Major Events Precinct in Ballarat North and in relation to the Tourism Events Strategy implementation.

It is recommended that Councillors approve the establishment of a Tourism Events Stakeholder Reference Group to support the City of Ballarat in achieving the objectives of the Ballarat Event Strategy 2018 - 2028.

Specifically, the purpose of the Group is to:

1. Increase commercial sector participation and support for tourism events.
 2. Seek to generate a greater economic return for the visitor economy from tourism events.
 3. Assist to build Ballarat's profile as a leading destination of events in regional Australia, focused on building local capability and capacity.
-

4. Provide expert guidance to support the review of the Ballarat Event Strategy 2018 - 2028.
5. Use its best endeavours to ensure events provide greater community participation and outcomes.

Additionally, it is recommended that Councillors approve the establishment of a Ballarat Major Events Precinct (BMEP) Stakeholder Reference Group. This would ensure all event planning and event activation of the BMEP is shared across all user groups and affected parties in a timely manner; and to provide a forum for advocacy for future development of the BMEP in the interests of the local community.

The purpose of the Group is to:

1. Collaboration between all user groups and local residents;
2. Providing a consultative forum to support event planning and event activation that encourages information sharing across all user groups and stakeholders in a timely manner;
3. Enabling a consultative forum to discuss matters to improve events conducted within the BMEP; and
4. Advocating for future development of the BMEP in the interests of the local community.

RATIONALE

Tourism Events Stakeholder Reference Group

Events will play a pivotal role in achieving Ballarat's economic and social ambitions over the next 10 years, to effectively capitalise on this, the City of Ballarat has adopted a Ballarat Event Strategy 2018 - 2028.

The Ballarat Events Strategy 2018-2028 presents a vision for Ballarat to be a compelling destination for world-class events, supported by tangible actions to generate legacy benefits, grow reputation and appeal, and optimise economic impact. With this strategy, Ballarat has the platform to sustain a vibrant events calendar that increases visitor nights and spend in the city and surrounds.

However, the support and involvement from the commercial sector and the community is required to effectively develop, grow, and leverage the best possible outcomes. To galvanise and coordinate this support, it is recommended in the Ballarat Event Strategy 2018 - 2028 that Council establish a Tourism Events Stakeholder Reference Group to advise on how best to maximise positive outcomes from tourism events.

Ballarat Major Events Precinct Reference Committee

The Ballarat Major Events Precinct (BMEP) is located at the northern gateway to Ballarat. The current facilities include Ballarat Showgrounds, CE Brown Reserve, North Ballarat Reserve (including Mars Stadium and North Oval 2) and Ballarat Sports Events Centre (BSEC).

In May 2015, the Victorian State Government committed \$31.5 million in funding for the redevelopment of BMEP, including:

- \$2.5m for the Lake Wendouree Football & Netball Club facility (Wendouree Sports Complex);
- \$5m for the Ballarat Agricultural & Pastoral Society (BAPS) facilities upgrade;
- \$9m for a new Ballarat Sports Events Centre (extension to Wendouree Netball Centre); and
- \$15m for the first stage of the Mars Stadium redevelopment.

In addition, Council has committed \$5m funding toward the Ballarat Sports Events Centre project, bringing the total investment across the precinct to \$36.5m. This significant investment in infrastructure aims to create a vibrant events and sporting precinct, activated with local, state, national and international events and community use. The Western Bulldogs AFL club has formalised with Council and the Victorian State Government its ongoing commitment to play AFL regular season matches at Mars Stadium establishing a strong presence in the region.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*;
- City of Ballarat Council Plan 2017-2021; and
- Committees Policy.

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	Yes
Social/Cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	No	No
Risk Management	Yes	Yes
Implementation and Marketing	No	No
Evaluation and Review	Yes	No

Human Rights – Section 18(1) of the *Charter of Human Rights and Responsibilities Act 2006* provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

Social/Cultural – Accessibility to local government must be encouraged across the community. Establishment of reference groups enable broadening the knowledge and understanding of the role of local government in the wider community. Conversely, engagement with community members can lead to greater insight for Council to the needs of community that support good governance through transparent and informed decision making.

Risk Management – Risks may present to Council if relevant stakeholders are not engaged and invited to contribute. Greater engagement provides an opportunity for mitigation controls to be implemented.

CONSULTATION

Council staff have had ongoing informal and formal consultation with relevant stakeholders. The establishment of the reference groups is designed to formalise these consultation arrangements.

OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this report.

REFERENCE DOCUMENTS

- Committees Policy

ATTACHMENTS

1. Tourism Events Stakeholder Reference Group - Terms of Reference [**10.7.1** - 3 pages]
2. Ballarat Major Event Precinct Stakeholder Reference Group - Terms of Reference [**10.7.2** - 4 pages]

TOURISM EVENTS STAKEHOLDER REFERENCE GROUP

TERMS OF REFERENCE

1. BACKGROUND

- 1.1 By this Terms of Reference document, the Ballarat City Council (Council) establishes the Tourism Events Stakeholder Reference Group (Reference Group).
- 1.2 Council recognises the importance of stakeholder consultation in relation to Tourism Events within the Municipality and has established this Reference Group as a means of consultation for matters relating to Tourism Events.
- 1.3 The Reference Group has the functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Reference Group can function.
- 1.4 This Terms of Reference document is authorised by a resolution [insert resolution number after the Council meeting] of Council passed on [insert date of the Council meeting the ToR were endorsed, after the Council meeting].

2. PURPOSE

The Reference Group is established for supporting Council to achieve the objective of the Ballarat Event Strategy 2018 - 2028. More specifically the purpose of the Reference Group is to:

- 2.1 Increase commercial sector participation and support of tourism events.
- 2.2 Seek to generate an economic return for the visitor economy from tourism events.
- 2.3 Assist to build Ballarat's profile as a leading destination for events in Australia, focused on building local capacity.
- 2.4 Provide expert guidance to support to review the Ballarat Event Strategy 2018 – 2028.
- 2.5 Use its best endeavours to ensure that events provide greater community participation and outcomes.

3. ROLES AND RESPONSIBILITY

The role of the Group is to:

- 3.1 Provide a consultative forum for tourism events both scheduled and proposed.
- 3.2 Participate in discussions at scheduled meetings of the Reference Group
- 3.3 Support the work of Council in developing partnerships with the wider community, the tourism sector and government sector to promote and develop tourism events.
- 3.4 Provide input to Council regarding future tourism event development through the Event Strategy Review; and.
- 3.5 Reference Group members are expected to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Group, and not to act in any way that would bring the Council into disrepute.

4. MEMBERSHIP

- 4.1 The Reference Group will consist of 8 members comprising of:
- 4.1.1 2 Councillors from the Liveability and Prosperity portfolios appointed by Council from time to time;
 - 4.1.2 3 members from the Victorian visitor economy sector as approved by Council;
 - 4.1.3 2 members from the Victorian creative sector as approved by Council;
 - 4.1.4 1 member of the community as approved by Council.
- Visitor economy sector members and creative sector members will be selected on merit and expertise and appointed as individuals and not as representatives of a group or organisation. Selection will be based on demonstrated skills and experience in the following areas:
- 4.1.5 Demonstrated experience in developing and delivering major events including leveraging commercial opportunities.
 - 4.1.6 Some experience in either marketing, governance, visitor experience mapping or trend analysis.
 - 4.1.7 Proven ability to work cooperatively in advisory groups or selection panels.
- 4.2 The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Reference Group.
- 4.3 A Council Officer appointed under clause 4.2 is not considered a member of the Reference Group.
- 4.4 The Councillor appointed to the Reference Group will be the Chairperson of the Group.
- 4.5 Where the Chairperson is absent from a meeting, the other Councillor will chair the meeting, and in the event of their absence, the Reference Group may appoint any member to act as Chairperson for that meeting.
- 4.6 Any Councillor can attend the meeting as an observer.
- 4.7 Appointments to the Reference Group shall be for a period of 12 months.

5. MEETINGS

- 5.1 Unless Council resolves otherwise, Reference Group meetings will be conducted at the Group's discretion under the direction of the Chair.

The Reference Group shall meet on a quarterly basis and at such times and places as are necessary to enable it to exercise and discharge its functions as described herein.

- 5.2 The Chairperson will chair all Reference Group meetings when present.
- 5.3 The Chairperson is the authorised spokesperson for the Reference Group.
- 5.4 The role of the Council Officer appointed under clause 4.2 includes:

- 5.4.1 maintaining a Register of Reference Group members, their date of appointment, reappointment and official positions (if any) held as a Reference Group member;
 - 5.4.2 advising Reference Group members of term completion dates and their eligibility for reappointment as relevant;
 - 5.4.3 acting as the contact point between Council and the Reference Group; and
 - 5.4.4 assisting with meeting the Reference Group's reporting requirements.
- 5.5 A quorum of the Group will be half of the members plus one.

6. DECISION-MAKING PROCESSES

- 6.1 The Reference Group is a consultative forum and hence consensus or other decision-making processes are not required.

7. REPORTING

- 7.1 The Reference Group is responsible for taking proper minutes of all meetings.
- 7.2 The Reference Group shall prepare and present to Council a report of its activities upon being requested to do so by Council.

8. CREATION AND DISSOLUTION

- 8.1 These Terms of Reference:
 - 8.1.1 come into force immediately the resolution of Council adopting them is made; and
 - 8.1.2 remain in force until Council determines to vary or revoke them.
- 8.2 By these Terms of Reference, the Reference Group:
 - 8.2.1 is established; and
 - 8.2.2 has the responsibilities as set out in this Terms of Reference document.
- 8.3 The Reference Group can be dissolved by resolution of Council.

Dated: *[insert date of the Council meeting the ToR was endorsed, after the Council meeting]*

BALLARAT MAJOR EVENTS PRECINCT STAKEHOLDER REFERENCE GROUP

TERMS OF REFERENCE

1. BACKGROUND

- 1.1 By this Terms of Reference document, the Ballarat City Council (Council) establishes the Ballarat Major Events Precinct Stakeholder Reference Group (Reference Group).
- 1.2 Council recognises the importance of stakeholder consultation in relation to the Ballarat Major Events Precinct (BMEP) and events held therein. Council has established this Reference Group as a means of consultation for matters relating to the BMEP.
- 1.3 This Terms of Reference document sets out the structure and basis on which the Reference Group can function.
- 1.4 This Terms of Reference document is authorised by a resolution [insert resolution number after the Council meeting] of Council passed on [insert date of the Council meeting the ToR were endorsed, after the Council meeting].

2. PURPOSE

The Reference Group is established for the purpose of:

- 2.1 Collaboration between all user groups and local residents;
- 2.2 Providing a consultative forum to support event planning and event activation that encourages information sharing across all user groups and stakeholders in a timely manner;
- 2.3 Enabling a consultative forum to discuss matters to improve events conducted within the BMEP; and
- 2.4 Advocating for future development of the BMEP in the interests of the local community.

3. ROLES AND RESPONSIBILITY

The role of the Reference Group is to:

- 3.1 Provide a consultative forum on the activation, planned events and future development of the BMEP.
- 3.2 Participate in discussions at scheduled meetings of the Reference Group.
- 3.3 Support the work of Council in developing partnerships with the wider community and government sector to promote and develop the BMEP.
- 3.4 Provide an avenue to share details of all events within the precinct with the objective of maintaining an up to date BMEP Calendar of events.
- 3.5 Ensure a collaborative approach with Council staff and other stakeholders to event management issues such as parking and logistics arrangements within BMEP.
- 3.6 Provide input regarding future infrastructure development within BMEP.

- 3.7 Reference Group members are expected to keep confidential all sensitive, commercial and personal information that the members may encounter while being a member of the Group, and not to act in any way that would bring the Council into disrepute.

4. MEMBERSHIP

- 4.1 The Reference Group will consist of twelve (12) members comprising of:

One representative from each nominated user group as determined by Council:

- (a) North Ballarat Sports Club Football Netball Club
- (b) Greater Western Region Rebels – AFL Victoria
- (c) Basketball Ballarat
- (d) Lake Wendouree FNC
- (e) North Ballarat Cricket Club
- (f) Lake Wendouree Cricket Club
- (g) Wendouree Athletic Club
- (h) Ballarat Agricultural Society

plus

- 4.1.2 2 Councillors from the Liveability and Prosperity portfolios appointed by Council from time to time;
- 4.1.3 2 community members from the surrounding residential area.

Community members will be selected on merit and expertise and appointed as individuals and not as representatives of a group or organization. The selection will be based on demonstrated skills and experience in the following areas;

- 4.1.4 Professional and/or community engagement experience;
- 4.1.5 Proven ability to work cooperatively in advisory groups or selection panels.

- 4.2 The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Reference Group.
- 4.3 A Council Officer appointed under clause 4.2 is not considered a member of the Reference Group.
- 4.4. A Councillor appointed to the Reference Group will be the Chairperson of the Group as determined by Council.
- 4.5. Where the Chairperson is absent from a meeting, the other Councillor will chair the meeting, and in the event of their absence, the Reference Group may appoint any member to act as Chairperson for that meeting.
- 4.6. Any Councillor can attend the meeting as an observer.
- 4.7 Appointments to the Reference Group shall be for a period of 12 months.

5. MEETINGS

- 5.1 Unless Council resolves otherwise, Reference Group meetings will be conducted at the Group's discretion under the direction of the Chair
- 5.2 The Reference Group shall meet on a quarterly basis and at such times and places as are necessary to enable it to exercise and discharge its functions as described herein.
- 5.3 The Chairperson will chair all Reference Group meetings when present.
- 5.4 The Chairperson is the authorised spokesperson for the Group.
- 5.5 The role of the Council Officer appointed under clause 4.2 includes:
 - 5.5.1 maintaining a Register of Reference Group members, their date of appointment, reappointment and official positions (if any) held as a Reference Group member;
 - 5.5.2 advising Reference Group members of term completion dates and their eligibility for reappointment as relevant;
 - 5.5.3 acting as the contact point between Council and the Reference Group; and
 - 5.5.4 assisting with meeting the Reference Group's reporting requirements.
- 5.6 A quorum of the Reference Group will be half of the members plus one.

6 DECISION-MAKING PROCESSES

- 6.1 The Reference Group is a consultative forum and hence consensus or other decision-making processes are not required.

7 REPORTING

- 7.1 The Reference Group is responsible for taking proper minutes of all meetings.
- 7.2 The Reference Group shall prepare and present to Council a summary report of its activities upon being requested to do so by Council.

8 CREATION AND DISSOLUTION

- 8.1 These Terms of Reference:
 - 8.1.1 come into force immediately the resolution of Council adopting them is made; and
 - 8.1.2 remain in force until Council determines to vary or revoke them.
- 8.2 By these Terms of Reference, the Reference Group:
 - 8.2.1 is established; and
 - 8.2.2 has the responsibilities as set out in this Terms of Reference document.
- 8.3 The Reference Group can be dissolved by resolution of Council.

Dated: *[insert date of the Council meeting the ToR was endorsed, after the Council meeting]*

DRAFT

10.8. GOVERNANCE REVIEW OF POLICIES

Division: Business Services
Director: Glenn Kallio
Author/Position: Cameron Montgomery – Executive Manager Safety, Risk and Compliance Services

OFFICER RECOMMENDATION

Council resolves to:

1. To rescind all previous iterations of the following policies:
 - Gift and Hospitality Policy*
 - Committees Policy
 - Lake Wendouree Boat Shed Policy
 - Leasing and Licensing Policy

2. Adopt the following revised policies:
 - Committees Policy
 - Lake Wendouree Boat Shed Policy
 - Leasing and Licensing Policy

*The Gift and Hospitality Procedure for staff has been endorsed by the Controlled Document PCG on 27 November 2019.

EXECUTIVE SUMMARY

As part of a broader review agenda to improve compliance, several key governance instruments and protocols have been assessed, including:

- Special and Advisory Committees;
- Local Laws; and
- Instruments of Delegations.

The current phase of the strategic review is focusing on policies and procedures with an emphasis on identification and removal of redundant material that is out of date, not in keeping with modern governance practices, or places increased administrative burden on Council. Additionally, a number of policies have been updated to the new template.

These policies have been adopted by resolution of Council and therefore a resolution from Council is required to rescind them.

RATIONALE

The City of Ballarat Council Plan 2017 – 2021 outlines four main goals for the Council: Liveability, Prosperity, Sustainability and Accountability. The aim of the accountability goal is 'to provide strong and decisive leadership, and transparent governance. Over the years, the City of Ballarat has created a large and diverse number of documents in the form of policies, procedures and guidance material that helps assist Council to meet their statutory obligations, but also drive delivery against Council's strategic goals.

There are several instances of policies that are direct replications of existing policies or legislation, are outdated, or are purely procedural in nature and therefore unnecessary 'red tape'. This creates confusion for Councillors, Officers and the public on what Council policy positions are versus procedural or administrative guidelines.

A summary of a review of current policies that highlight the concerns and opportunities to improve compliance have been detailed below:

1. Gift and Hospitality Policy

This policy was reviewed and updated by Council's Controlled Document Project Control Group. The policy has been changed to a procedure for ease of future amendment if necessary and is applicable to Council staff. The procedure now includes the process of registering gifts and hospitality through the "power app" created by Council's Statutory Compliance and ICT units. This app has been lauded by IBAC and the Local Government Inspectorate as a best practice process.

2. Committees Policy

Section 86 of the *Local Government Act 1989* (the Act) outlines that Council may establish committees to provide forums for the community to engage with Council, present views and support Ballarat City Council on issues relevant to Council activities. The committees support Council to meet their statutory obligations and support delivery against Council's strategic goals. The policy has been reviewed with minor administrative changes to increase readability and has been updated into the new policy template.

3. Lake Wendouree Boatshed Policy

The policy has been reviewed with slight amendments for easier comprehension. The policy has also been updated to the new template.

4. Leasing and Licensing Policy

The policy has been reviewed with slight amendments for easier comprehension. The policy has also been updated to the new template.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- *Local Government Act 1989*
- City of Ballarat Meeting Procedure Local Law 2018

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	Yes	Yes
Evaluation and Review	Yes	Yes

Human Rights – It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Social/Cultural – By providing accurate, clear and accountable policies enables Council ‘to provide strong and decisive leadership, and transparent governance’ to the community.

Financial/Resources – There are no budget implications associated with the review of governance policies, outside of normal operating expenditure.

Risk Management – Regularly reviewing and ensuring accurate and up to date policies is a risk mitigation approach that assists Council to meet statutory requirements imposed by the *Local Government Act 1989* and the *Local Government (General) Regulation 2015*.

Implementation and Marketing – A copy of the revised policies will be available on Council’s website and Intranet site.

Evaluation and Review – The revised policies will be reviewed within 4 years.

CONSULTATION

There has been consultation with relevant staff to ensure the correct responsibilities under the Act have been appointed. The revision and adoption of revised policies does not require any public consultation.

OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

REFERENCE DOCUMENTS

- Committee Policy
- Lake Wendouree Boat Shed Policy
- Leasing and Licensing Policy

ATTACHMENTS

1. Lease and Licensing Policy [**10.8.1** - 7 pages]
2. Lake Wendouree Boatshed Policy [**10.8.2** - 7 pages]
3. Committee Policy [**10.8.3** - 15 pages]

LEASING AND LICENSING POLICY

1.0 Purpose

The purpose of this policy is to guide the framework of the tenancy management of Council's property portfolio.

2.0 Scope

The Policy applies to all property assets including land and structures on Crown and freehold land, occupied by community groups, not for profit organisations, private individuals and commercial entities. It does not apply to structures occupied by the City of Ballarat, or sporting clubs or other entities with seasonal service agreements.

The Policy recognises that Council cannot exceed the powers conferred on it through Victorian government legislation. It is also guided by the advice and policies of various government agencies.

The objectives of this policy are to:

- Provide clarity of Council's role as Owner, Trustee or Committee of Management
- Clearly set out the rights and obligations of tenants;
- Provide for a fair and financially viable approach to the tenancy of Council property;
- Provide a framework for management and use of Council's property assets including repairs, alterations, relocation and removal of the structures; and
- Ensure compliance with relevant Legislation.

This policy is relevant to community groups and other tenants of Council owned or managed properties. Council must have Department of Environment, Land, Water and Planning (DELWP) approval for any lease or Licence of Crown Land. When premises become vacant or at the expiry of the term, Council officers will consider the ongoing future use of the premises and determine a suitable tenant for the premises with appropriate Council departments. The occupation of Council's premises may be subject to an expression of interest or a tender process satisfying all statutory and legislative requirements.

3.0 Policy Statement

3.1 Management Principles

Council is the owner and manager of a significant number of property assets contained within its property portfolio. Well maintained and managed property assets present a significant benefit to Council.

- Council must strive to ensure its property portfolio is performing and providing the maximum return measured by varying outcomes.
- Outcomes derived from offering tenancy of the Council property portfolio must be considered in accordance with expectation of revenue and community benefit.
- Private occupation of Council assets is a privilege, not a right. Tenure arrangements will recognise this, and be structured to avoid any Council asset becoming a form of private investment from a public resource.
- New private structures on Crown land that provide for single occupancy/exclusive use will generally not be permitted unless Council considers the structure integral to deriving economic or community benefit.

3.2 Crown Land and Council Land

	Type	Default Tenure	Rental	State Government Direction
Crown Land	Lease	Up to 21 years	Commercial Market Terms	<ul style="list-style-type: none"> Extended Terms Note: Council can use discretion on rental return
	Licence	3 years	\$104 per year (set by Crown)	<ul style="list-style-type: none"> Extended Terms
Council Land	Lease	5 years with options of 5 years	Commercial Market Terms	<ul style="list-style-type: none"> Term of Lease Rental
	Licence	3 years	Commercial Market Terms	<ul style="list-style-type: none"> Term of Lease Rental

3.3 Tenure

All tenancies offered on Council owned or managed land will be formalised through a binding tenancy agreement.

Prior to any tenancy being offered, the status (ownership) of the land must be clearly defined and understood as that will determine what instrument is to be used to formalise the tenancy.

The Policy recognises that the Council cannot exceed the powers conferred on it through Victorian Government legislation. It is also guided by the advice and policies of various government agencies.

Consideration must be given as to whether a market rental is to be obtained to either set the rental or present options to Council, and should Council wish to discount the rental demanded to less than market rental this must be documented and supported for purposes of auditing financial responsibilities.

Grant of Tenancy

Occupation of Crown land or Council owned land will be formalised through a lease or a licence in accordance with the requirements of relevant Acts, advice and policies of various government agencies.

Licence

The default position of Council is that the term of the licences will be for a maximum of three (3) years unless significant investment in a new structure or significant maintenance of the existing structure is required to return the condition of the structure to the satisfaction of Council.

Lease

The term for leases will reflect the level of exclusivity required by the prospective tenant in combination with investment. Lease tenures will be offered in five year initial terms and five year incremental options unless a decision of Council is adopted to alter these terms on an individual basis.

Renewal of Tenancy

At Council's discretion, tenancies may be renewed at the end of the tenure period for a further term where:

- There are no breaches of term or conditions;
- The structure is maintained to the satisfaction of Council;
- The structure is in an appropriate location and not subject to storm surges, flooding, siltation or erosion
- The structure is not at risk and/or contributing to the instability of the area;
- Council has not determined to remove the structure, or use the structure or site in another way, or transfer tenure to another party.

- Other circumstances exist that support renewal of the occupancy.

Cancellation of Tenancy

A breach by a tenant of the terms and conditions or of this policy, including failure to pay Council fees and charges, and which is unremedied after reasonable notice of the breach is given to the tenant, may result in cancellation of the tenancy.

Other instances where tenancies may be cancelled are to be contained within the tenancy document and the provision of any regulating legislation.

Transfer of Tenancy

Tenancies may be transferred subject to approval from Council. A tenancy may not be transferred by bequest. An Application to transfer tenancy form must be used and all required information provided as part of any application to Council for the transfer of a tenancy.

3.3.1 Rental Fees and Charges

Rental

Depending on the terms and conditions of the tenancy a market rental assessment can be commissioned to determine the annual rental amount. Increments commensurate with annual CPI will be incurred annually with market review undertaken at the completion of individual terms (default 5 years).

Fees

The fees for tenancies will be determined by Council on an annual basis. Fees and charges for licences are payable annually in advance.

The method of determining the licence fees will be determined by Council from time to time and is subject to any relevant legislation, policies and strategies.

Transfer Fees

Fees are levied by Council for transfer of licences from a current licensee to a new prospective licensee. Transfer fees are 5% of the Capital Improved Value (CIV) as determined in the current Council rates notice. Council may review the transfer fees from time to time. Transfer fees may be applied proportionally, such as when there is more than one Licensee but only one Licensee is transferring their share.

Transfer fees must be received by Council before any transfer of licence is approved. The payment of all fees, including transfer fees, is the responsibility of the Licensee.

All Fees and Charges

Licensees are responsible for payment of all municipal land rates and taxes on the licensed site. Failure to pay municipal land rates, licence or transfer fees will enable Council to pursue recovery of such monies and cancel the licence.

3.2.1 Rebuilding a structure

Where an existing structure is substantially damaged (greater than 50% loss), building of a new structure may be permitted within the existing footprint of the structure at the discretion of Council.

The building of the replacement must be completed within the timeframes specified within the permit or permission may be deemed to have lapsed.

The style, form and materials of any building must be consistent with Council requirements or in the case of boatshed surrounding Lake Wendouree with DELWP's Standards for Bathing Box and Boatshed Construction Guidelines 2015 and should take into account the character of the adjoining boatsheds and the surrounding foreshore environment.

3.3.2 Removal of structures

Structures may be removed in any of the following circumstances as determined by Council:

- The structure is dilapidated, beyond repair or is a hazard to public safety;
- The tenant fails to give effect to notices issued by the Council;
- The structure does not comply with the relevant construction standards;
- The area is subject to changes including storm surges, flooding, loss of water in the Lake, siltation or erosion;
- The structure is at risk or may contribute to land or water changes; or
- The area around the structure is unsafe to access;
- Removal is planned through any Management Plan or Policy for the area.
- All heritage considerations are appropriately met

3.4 Occupancy Conditions

3.4.1 General Maintenance

To provide a consistent and fair framework for the conduct of maintenance on Councils premises, maintenance schedules will be developed and each tenant is required to maintain the facility in accordance with the maintenance schedule attached to the lease or Licence. The maintenance schedule will specify the responsibilities of Council and the tenant including responsibility for maintaining the structure, the building fixtures, fittings and grounds. The level of maintenance responsibility outlined in the relevant schedule will be determined by the tenant category and any special maintenance requirements by the tenant.

Generally, the Licensee must maintain the structure in good condition to the satisfaction of Council and ensure the structure does not prejudice the safety of its users. The Licensee must ensure that:

- Any improvements are kept in good order and condition;
- Graffiti is removed from the structure within the period specified on notification by Council: general graffiti 28 days and offensive graffiti 7 days. Council reserves the right to remove offensive graffiti where it is in public view and likely to cause distress to the community;
- The site is kept free of rubbish, pest animals and weeds; and
- Every default of which notice is given by the Council to the Licensee is remedied within a reasonable time specified in the notice.

3.4.2 Risk and Occupational Health and Safety

Council will require appropriate risk management measures in all leases and licenses which will include requiring tenants to:

- Release and indemnify Council for all claims resulting from any damage, loss, death or injury in connection with the premise unless such claims arise out of Council's negligence;
- Maintain adequate public liability insurance;
- Ensure that appropriate documentation and insurance is in place for occasional or hired use of the premises by third parties;
- Implement appropriate Emergency Evacuation procedures;
- Implement a Risk Management Plan that identifies the risks associated with the tenant's use of the premises and how such risks will be addressed;
- Only use appropriately qualified tradespeople to undertake repairs.

3.4.3 Condition Audits

Tenants may be required to participate in a regular condition inspection and report of the premises as determined by Council. The regularity of the review will depend on the use and type of tenant. Council or Council's agent may also enter the premises at any reasonable time after giving the tenant a minimum of one weeks' notice to conduct condition audits.

3.4.4 General Occupancy Conditions

- No construction works are to be carried out by the licensee without, firstly, permission of Council as land manager under the Crown Land (Reserves) Act 1978, or Council as land manager of Council owned asset and secondly, any permission required of Council as Responsible Authority under the Planning and Environment Act 1987. This includes any erosion or siltation control works or jetty construction.
- The Licensee must hold public liability insurance over the licensed site to a minimum value specified in the licence and supply evidence of the current policy to Council on request.
- No services such as power, water, drainage, sewerage, gas or telecommunications are to be connected to any Council asset without prior approval. This includes solar or wind power generation or other infrastructure.
- Council assets shall not be used for overnight stays or any other sort of residential accommodation without prior approval.
- Council assets shall not be used for any commercial purpose without Council permission.
- No fuel or chemicals are to be stored in any Council asset without Council permission. Where the storage of fuel in other boat sheds is permitted by Council, relevant Australian Standards must be adhered to and will be included as a condition of the licence.

3.5 Compliance Responsibilities

The Executive Manager Property Services and Facilities Management will ensure all tenants comply with relevant terms and conditions contained within this policy.

3.6 Charter of Human Rights Compliance

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

3.7 Commitment to Child Safe Standards

All Tenants and their staff are expected to ensure they understand the City of Ballarat's commitment to the child safety standards and that everyone has a role to play in protecting children from abuse. Tenants and their staff are expected to understand how to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse. They will also be expected to ensure that their behaviour towards children is in accordance with the Child Safe Standards.

4 Supporting documents and references

4.1 Legislation

- *Crown Land (Reserves) Act 1978*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*

4.2 Associated Documents

- Risk Management Policy
- Asset Management Policy
- Approved Master Plans
- Capital Works Program
- Council Plan 2017 - 2021
- Community Engagement Strategy
- Standard Council Lease and Licence Templates
- Standard DELWP Lease and Licence Templates
- Child Safe Standards

4.3 Definitions

<i>Boatshed</i>	A shed or similar structure erected on the lake foreshore managed by Council and generally used for the storage of boats, watercraft and accessories, and for the comfort and convenience of licensees.
<i>Commercial Occupier</i>	Any occupier who operates a business or commercial enterprise that is other than a sporting, educational, recreational or community group. This includes Not For Profit organisations that hire or retail goods or services.
<i>Community Occupier</i>	Not for Profit bodies which provide or promote community, cultural, educational, sporting, recreational or similar activities
<i>Council</i>	The City of Ballarat and any successor in law.
<i>DELWP</i>	The Department of Environment, Land, Water & Planning and its predecessors, successors and assigns, the Victorian Government department representing the Crown as the landowner of Crown land.
<i>Existing Boatshed</i>	A boat shed that exists at the date of this policy.
<i>Lease</i>	A lease is a right granted by the owner of land (landlord) to another person, community group or incorporated organisation (tenant) to have exclusive possession of that land, or part thereof, for a fixed duration in return for rental payment.
<i>Licence</i>	A Licence permits a person, community group or incorporated organisation (licensee) to occupy land (or part thereof) on particular conditions. The main feature that distinguishes a Licence from a lease is that a Licence does not permit exclusive occupancy of the land.
<i>Licensee</i>	A person holding a current licence for any Council owned or managed property
<i>Municipal Land Rates</i>	Has the same meaning as general rates referred to in the <i>Local Government Act 1989</i> .
<i>Property</i>	Land or building owned or managed by the City of Ballarat and any successor in law.

Site	Council freehold land or Crown land managed by the Council allocated to a tenant whether or not that site has any structure on it
Structure/Facility	Any structural improvement on the land.
Transfer Fee	The fee determined by Council and payable to Council by a relinquishing licensee at the time of transfer of the licence from a relinquishing licensee to a prospective licensee.

5 Policy owner

The owner of this policy is the Chief Executive Officer. All enquiries regarding this policy should be initially directed to the Executive Manager Property Services and Facilities Management.

6 Applicability

The Policy applies to all Council Officers of the City of Ballarat, tenants and licensees, regarding land and/or facilities that the City of Ballarat owns or has delegated authority to manage.

7 Authorisation

Adopted by Ballarat City Council, 22 November 2017. R428/17

LAKE WENDOUREE BOAT SHED POLICY

1.0 Purpose

The purpose of this policy is to guide the management and use of boat sheds located at Lake Wendouree.

2.0 Scope

The Policy applies to boat sheds on Crown land at Lake Wendouree, occupied by community groups, schools or private individuals. It does not apply to boat sheds or other structures occupied by the City of Ballarat (Council).

The Policy recognises that Council cannot exceed the powers conferred on it through Victorian government legislation. It is also guided by the advice and policies of various government agencies.

The objectives of this policy are to:

- Clarify Council's role as Trustee or Committee of Management in relation to boat sheds;
- Clearly set out the rights and obligations of boat shed licensees;
- Protect the amenity, use and enjoyment of the Lake and surrounds by other users;
- Provide for a fair and financially viable approach to boat shed licensing and management arrangements;
- Provide a framework for management and use of boat sheds including repairs, alterations, relocation and removal of the structures;
- Ensure compliance with related Legislation.

This policy only applies to properties that Council has delegated authority to manage. This policy applies to staff that prepare leases, licenses and occupancy agreements for Council controlled properties. This policy affects community groups and tenants of Council controlled properties. This policy does not apply to casual users of facilities.

Council must have Department of Environment, Land, Water and Planning (DELWP) approval for any lease or Licence of Crown Land. When premises become vacant or at the expiry of the term, Council officers will consider the ongoing future use of the premises and determine a suitable tenant for the premises with appropriate Council departments. The occupation of Council's premises may be subject to an expression of interest or a tender process and satisfying all statutory or legislative requirements.

In the event that the existing tenant does wish to extend their occupancy, the default position will be for a further 3 year Licence to be issued to the existing tenant, subject to that party having reasonably met all terms and conditions of the Licence in the previous terms.

3.0 Policy Statement

This Policy outlines the tenure, management, maintenance and use of community and privately occupied boat sheds at Lake Wendouree, Ballarat.

Land Owner, Manager and Occupier

The Crown – represented by the Minister and Department – is the land owner. Council, whether as Committee of Management or Trustees, is the delegated manager of the land. A licensee of a boat shed has no ownership rights, and is simply an occupier of Crown land, for a period of time as stipulated in the licence.

3.1 Management principles

Boat sheds have been part of the history and use of Lake Wendouree for over a century. Well maintained boat sheds provide a point of interest to visitors, and can contribute to the visual amenity of the lake and surrounding land.

- The boat sheds are located on Crown land managed by Council. The structures are fixtures on the land and belong to the land owner.
- Boat sheds should benefit the wider community as far as practicable, have multi-functional shared use, and enable optimal public use of the Lake and surrounds.
- Private occupation of a boat shed is a privilege, not a right. Tenure arrangements will recognise this, and be structured to avoid a boat shed becoming a form of private investment in a public resource.
- New private structures on Crown land that provide no public use benefit (such as privately occupied jetties or boatsheds) will not be permitted.
- Over time as opportunities arise, private occupation of existing boat sheds should be phased out in favour of community use based on clearly demonstrated benefit and demand.
- Any new boat shed proposed for community use should be based on a sound business case; benefit a wide range of community members; be located without impeding the landscape value, views or access to the Lake, and be in character and scale with existing boatsheds.

3.2 Tenure

Grant of Licence

All boat shed occupations will be formalised through a licence agreement. Section 17B of the *Crown Land (Reserves) Act 1978* allows for licence agreements for a period not exceeding 10 years. However, the land manager is not obliged to offer the maximum term.

Occupation of boat sheds located on Crown land at Lake Wendouree will be formalised through a licence under section 17B of the *Crown Land (Reserves) Act 1978*. The term of the licences will be for a maximum of three (3) years.

Renewal of Licence

At Council's discretion, licences may be renewed at the end of the tenure period for a further term where:

- licence conditions are met;
- the structure is well maintained;
- the structure is in an appropriate location and not subject to storm surges, flooding, siltation or erosion;
- the structure is not at risk and/or contributing to the instability of the area;
- Council has not determined to remove the structure, or use the structure in another way.

Cancellation of Licence

A breach by a Licensee of the licence or this policy, including failure to pay Council fees and charges, and which is unremedied after reasonable notice of the breach is given to the Licensee, may result in cancellation of the licence.

Licences which become available as a result of cancellation may be offered for reallocation by Council.

Transfer of Licence

Licences may be transferred subject to approval from Council. A licence may not be transferred by bequest.

Transfer of licence will be subject to:

- acceptable condition of the boat shed structure as determined by Council;
- approval for any alterations;
- no increase in licensed footprint;
- maintenance repairs, including external painting, as determined by Council;
- payment of outstanding charges including rates, taxes and licence fees;
- payment of prescribed transfer fees;
- Council having not determined to remove the structure, or use the structure in another way.

3.2.1 Fees and Charges

Licence Fees

The licence fees for boat sheds will be determined by Council on an annual basis. Fees and charges for boat shed licences are payable annually in advance.

The method of determining the licence fees will be determined by Council from time to time and is subject to any relevant legislation, policies and strategies.

Transfer Fees

Fees are levied by Council for transfer of boat shed licences from a current licensee to a new prospective licensee. Transfer fees are 5% of the Capital Improved Value (CIV) of the boat shed as determined in the current Council rates notice. Council may review the transfer fees from time to time. Transfer fees may be applied proportionally, such as when there is more than one Licensee but only one Licensee is transferring their share.

Transfer fees must be received by Council before any transfer of licence is approved. The payment of all fees, including transfer fees, is the responsibility of the Licensee.

All Fees and Charges

Licensees are responsible for payment of all municipal land rates and taxes on the licensed site. Failure to pay municipal land rates, licence or transfer fees will enable Council to pursue recovery of outstanding monies and cancel the licence.

3.2.2 Rebuilding a structure

Where an existing boat shed is substantially damaged (greater than 50% loss), building of a new boatshed may be permitted within the existing footprint of the structure at the discretion of Council. The building of the replacement boatshed must be completed within the timeframes specified within the permit or permission may be deemed to have lapsed.

The style, form and materials of any rebuilt boat shed should be consistent with DELWP's Standards for Bathing Box and Boatshed Construction Guidelines 2015 and should take into account the character of the adjoining bathing boxes and boatsheds and the surrounding foreshore environment.

3.2.3 Removal of structures

Boat Sheds may be removed in any of the following circumstances as determined by Council:

- The structure is dilapidated, beyond repair or is a hazard to public safety;

- The tenant fails to give effect to notices issued by the Council;
- The structure does not comply with the relevant construction standards;
- The area is subject to changes including storm surges, flooding, loss of water in the Lake, siltation or erosion;
- The structure is at risk or may contribute to land or water changes;
- The area around the structure is unsafe to access;
- Removal is planned through any Management Plan or Policy for the area;
- All heritage considerations are appropriately met.

3.3 Occupancy conditions

3.3.1 General Maintenance

To provide a consistent and fair framework for the conduct of maintenance on Council premises, maintenance schedules have been developed and each tenant is required to maintain the facility in accordance with the maintenance schedule attached to the lease or Licence. The maintenance schedule will specify the responsibilities of Council and the tenant including responsibility for maintaining the structure, the building fixtures and fittings and grounds. The level of maintenance responsibility outlined in the relevant schedule will be determined by the tenant category and any special maintenance requirements by the tenant.

Generally, the Licensee must maintain the boat shed in good condition to the satisfaction of Council and ensure the boat shed does not prejudice the safety of its users, and other park users and visitors. The Licensee must ensure that:

- Any improvements are kept in good order and condition;
- Graffiti is removed from the structure within the period specified on notification by Council: general graffiti 28 days and offensive graffiti 7 days. Council reserves the right to remove offensive graffiti where it is in public view and likely to cause distress to the community;
- The site is kept free of rubbish, pest animals and weeds; and
- Every default of which notice is given by the Council to the Licensee is remedied within a reasonable time specified in the notice.

3.3.2 Risk and Occupational Health and Safety

Council will require appropriate risk management measures in all leases and licenses which will include requiring tenants to:

- Release and indemnify Council for all claims resulting from any damage, loss, death or injury in connection with the premise unless such claims arise out of Council's negligence;
- Maintain adequate public liability insurance;
- Ensure that appropriate documentation and insurance is in place for occasional or hired use of the premises by third parties;
- Implement appropriate emergency evacuation procedures
- Implement a risk management plan that identifies the risks associated with the tenant's use of the premises and how such risks will be addressed;
- Only use appropriately qualified tradespeople to undertake repairs.

3.3.3 Condition Audits

Tenants may be required to participate in a regular condition inspection and report of the premises as determined by Council. The regularity of the review will depend on the use and type of tenant. Council

or Council's agent may also enter the premises at any reasonable time after giving the tenant a minimum of one weeks notice to conduct condition audits.

3.3.4 General Occupancy Conditions

- No construction works are to be carried out by the licensee without firstly obtaining the permission of Council as land manager under the Crown Land (Reserves) Act 1978, and secondly, obtaining any permission required from Council as the Responsible Authority under the *Planning and Environment Act 1987*. This includes any erosion or siltation control works or jetty construction.
- The Licensee must hold public liability insurance over the licensed site to a minimum value specified in the licence and supply evidence of the current policy to Council on request.
- No services such as power, water, drainage, sewerage, gas or telecommunications are to be connected to a boat shed. This includes solar or wind power generation or other infrastructure, without the consent of Council.
- Boat sheds shall not be used for overnight stays or any other sort of residential accommodation.
- Boat sheds shall not be used for any commercial purpose without Council permission.
- No fuel or chemicals are to be stored in any privately occupied boat shed. Where the storage of fuel in other boat sheds is permitted by Council, relevant Australian Standards must be adhered to and will be included as a condition of the Licence.

3.4 Compliance responsibilities

The Executive Manager Property Services and Facilities Management will ensure all tenants comply with relevant terms and conditions contained within this policy.

3.5 Charter of human rights compliance

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

3.6 Commitment to child safe standards

All Tenants and their staff are expected to ensure they understand Council's commitment to the child safety standards and that everyone has a role to play in protecting children from abuse. Tenants and their staff are expected to understand how to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse. They will also be expected to ensure that their behaviour towards children is in accordance with the Child Safe Standards.

4.0 Supporting documents and references

4.1 Legislation

- *Local Government Act 1989*
- *Crown Land (Reserves) Act 1978*
- *Planning and Environment Act 1987*

4.2 Associated Documents

- Risk Management Policy
- Asset Management Policy
- Approved Master Plans
- Capital Works Program
- Council Plan 2017 - 2021
- Community Engagement Strategy
- Standard Council Lease and Licence Templates

- Standard DELWP Lease and Licence Templates
- Child Safe Standards

4.3 Definitions

Annual Licence Fee	The annual fee payable to Council as owner or manager of the property.
Boatshed	A shed or similar structure erected on the lake foreshore managed by Council and generally used for the storage of boats, watercraft and accessories, and for the comfort and convenience of licensees.
Commercial Occupier	Any occupier who operates a business or commercial enterprise other than a sporting, educational, recreational or community group. This includes Not For Profit organisations that hire or retail goods or services.
Community Occupier	Not for Profit bodies which provide or promote community, cultural, educational, sporting, recreational or similar activities
Council	The City of Ballarat and any successor in law.
DELWP	The Department of Environment, Land, Water & Planning and its predecessors, successors and assignees, the Victorian Government department representing the Crown as the landowner of Crown land.
Existing Boatshed	A boat shed that exists at the date of this policy.
Lease	A lease is a right granted by the owner of land (landlord) to another person, community group or incorporated organisation (tenant) to have exclusive possession of that land, or part thereof, for a fixed duration in return for rental payment. Council may grant a lease where the premises will be occupied exclusively by the one user and Council considers that granting a lease is in the best interests of the community.
Licence	A Licence permits a person, community group or incorporated organisation (licensee) to occupy land (or part thereof) on particular conditions. The main feature that distinguishes a Licence from a lease is that a Licence does not permit exclusive occupancy of the land.
Licensee	A person holding a current licence for any Council owned or managed property
Municipal Land Rates	Has the same meaning as general rates referred to in the <i>Local Government Act 1989</i> .
Property	Land or building owned or managed by the City of Ballarat and any successor in law.
Site	Council freehold land or Crown land managed by the Council allocated to a tenant whether or not that site has any structure on it

Structure/Facility	Any structural improvement on the land.
Transfer Fee	The fee determined by Council and payable to Council by a relinquishing licensee at the time of transfer of the licence from a relinquishing licensee to a prospective licensee.

5.0 Policy owner

The owner of this policy is the Chief Executive Officer. All enquiries regarding this policy should be initially directed to the Executive Manager Property Services and Facilities Management.

6.0 Applicability

The Policy applies to all Council Officers of the City of Ballarat, regarding land and/or facilities that the City of Ballarat has delegated authority to manage.

7.0 Authorisation

Adopted by Ballarat City Council, 22 November 2017. R428/17

COMMITTEE POLICY

1.0 Purpose

This policy is intended to provide a consistent basis for the establishment and operation of Council Committees on which there is Councillor representation and provide:

- Support and direction in the formation of committees and distinction between the roles and responsibilities of different committees in which there is Councillor representation; and
- Council with opportunity to monitor the performance and relevance of all committees against the Council Plan, the documented Terms of Reference and objectives of each Committee to ensure that committees do not operate in perpetuity beyond achieving their purpose.

This policy intends to promote a collaborative environment with Council and the community; and it is expected that all members will contribute to the Committee on equal terms, openly, honestly and without fear of discrimination.

2.0 Scope

In accordance with Section 86 of the *Local Government Act 1989* (the Act), Council may establish committees to provide forums for the community to engage with Council, present views and support Ballarat City Council on issues relevant to Council activities.

Councillors, Special Committee members, Advisory Committee members and Officers are to comply with this policy to meet legislative requirements.

3.0 Policy Statement

3.1 Special Committees

In accordance with section 86 of the *Local Government Act 1989* (the Act), Council may establish one or more Special Committees. Council defines the purpose and membership of a *Special Committee* as a formally appointed committee established under sections 86-88 of the Act. The Council may formally delegate decision-making powers and responsibility to a *Special Committee* through an *Instrument of Delegation*. This *Instrument* spells out the committee's role and enables it to exercise functions and powers of Council, within certain constraints.

3.1.1 Terms of Reference

A standard *Terms of Reference* template creates a common ground for all committees. The *Terms of Reference* will provide a framework within which the committee operates. A template is available from the Risk & Compliance Team. The *Terms of Reference* for a *Special Committee* must:

- Be presented to Council for consideration and adoption at the inception of the committee;
- Include a clear statement of purpose and the committee's objectives. Objectives should be supported by measurable outcomes that are reported to Council;
- Be reviewed by the committee every two years and by the Council within 12 months of a general election. Any proposed changes to the *Terms of Reference* resulting from a review must be agreed on by the committee and be presented to the Council for formal approval; and
- Be available on the Council's website and electronic record system.

The *Terms of Reference* are subject to Council resolution and are not effective until that approval through a resolution has been received.

3.1.2 Membership, Period of Membership and Method of Appointment

As per Council's Meeting Procedure Local Law, Councillors are appointed to *Special Committees* annually. Council Officers are appointed to committees at the discretion of the Chief Executive Officer.

A *Special Committee* may comprise solely of Councillors, Officers or other persons or a combination thereof. The most appropriate mix of membership for each *Special Committee* will be determined by the Council at the formation of the *Special Committee*.

Special Committee members are appointed as per the *Terms of Reference*; usually a review of membership occurs every two years. All appointments to *Special Committees* are subject to Council resolution and are not effective until that endorsement has been received via a report to Council.

Council will assist *Special Committee's* in advertising the opportunity for local residents and user groups to become members of the *Special Committee*. This is done via:

- Placement of a Public Notice in a locally circulated newspaper;
- Placement on Council's website; or
- Placement of a notice relevant to the target of the purpose of the *Special Committee*.

Council may appoint or remove members of the *Special Committees* at any time pursuant to section 86(2) of the Act and in accordance with the *Terms of Reference*. Membership changes need to be adopted by Council.

Council Officers are there to provide advice and support to the committee where necessary and unless stated in the *Terms of Reference*.

Special Committee members are obligated to lodge Returns of Interests that disclose information about personal circumstances that may give rise to conflicts of interests in certain circumstances to ensure compliance with section 81 of the Act.

3.1.3 Delegated Authority and Decision Making

Council must keep a register of delegations to *Special Committees*. Council may, by *Instrument of Delegation*, delegate any of its functions, duties or powers under the Act or any other Act to a *Special Committee*, with the exception of the following powers:

- This power of delegation;
- To declare a rate or charge;
- To borrow money;
- To enter into contracts for an amount exceeding an amount previously determined by the Council;
- To incur any expenditure exceeding an amount previously determined by the Council; and
- Any prescribed power*.

* A *prescribed power* is the ability to establish rules, laws, guides or directions or to assert a title or right to something on the grounds of prescription.

The formal *Instrument of Delegation* provides a *Special Committee* with the delegated authority to make decisions as if it were Council. The *Instrument of Delegation* will define the *Special Committee's Terms of Reference/purpose*. A decision of a *Special Committee* which does not relate to a matter delegated to that *Special Committee* cannot be given effect to until formally approved by the Council.

The *Instrument* is subject to review within 12 months of a general election. Any proposed changes outside this time will be required to be presented to Council for formal approval or revocation. The *Instrument* is not effective until that approval through a resolution has been received.

Subject to section 93A of the Act, the Council's Caretaker Policy and the Councillor Code of Conduct Policy, a *Special Committee* acting under delegation given by the Council, must not make a major policy decision during the election period for a general election.

3.1.4 Meeting Procedures including Chairing

In accordance with the Council's Meeting Procedure Local Law, the date, time and place of all *Special Committee* meetings are to be fixed by the Council and reasonable notice (seven days) must be provided to the public.

Meetings are open to the public unless the committee resolves to close the meeting in accordance with section 89(2) of the Act.

The Committee's Councillor Representative will Chair the meeting as per the Terms of Reference. In the absence of the Chair another Councillor Representative, or a nominated member will Chair the meeting. The appointment of a Chairperson or Acting Chairperson of a *Special Committee* shall be in accordance with the Council's Meeting Procedure Local Law and the Committees *Terms of Reference*.

3.1.5 Production of Agendas and Minutes

An agenda must be prepared and distributed prior to each meeting of the *Special Committee* at least 72 hours (three business days) before the meeting. The agenda serves to list the matters to be discussed at the meeting in order to keep the discussion focused and to assist with time management of the meeting. The agenda should address meeting formalities such as:

- Time, date, location, meeting name;
- Attendances and apologies;
- Declaration of conflicts of interests;
- Acceptance of minutes from the previous meeting;
- Note of actions from previous meeting;
- Reports (special projects, correspondence, etc.);
- Matters arising not on the agenda;
- Action items from this meeting; and
- Date of next meeting.

The Chairperson must prepare and circulate the minutes of all meetings and forward to the Committee members within 14 days of holding the meeting. Section 93(6) of the Act requires that the minutes of the meetings of the *Special Committee* must:

- a) Contain details of the proceedings and resolutions made;
- b) Be clearly expressed;
- c) Be self-explanatory;
- d) In relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process; and
- e) Resolutions made at the meeting must clearly state the intention and effect of the resolution.

The Chairperson must submit the minutes of a committee meeting to the next meeting of the committee for confirmation and adoption. On adoption, the Chairperson at the meeting must sign the minutes and certify that they have been confirmed. The Chairperson must arrange for minutes of each meeting to be kept.

In addition, the minutes must be provided to the Risk and Compliance Unit by post, email or by hand to:

City of Ballarat – Risk and Compliance
riskandcompliance@ballarat.vic.gov.au PO Box 655
Ballarat, Vic 3353

Agendas and Minutes are to be lodged in and made available on Council's electronic document management system and committees are encouraged to provide this information to the public, unless determined through the committee's *Terms of Reference* or the exception of reports, attachments and details of decisions that are confidential in nature. Where it is determined that minutes will be made available to the public, a copy may be placed on Council's website.

3.1.5.1 Minutes adopted by Council

The minutes, once adopted at the *Special Committee* meeting are to be submitted in a report to Council. The Risk & Compliance Team can provide assistance with writing the report.

Administrative Officers in attendance at meetings are responsible for ensuring that Agendas and Minutes of the *Special Committee* are lodged in Council's electronic record management system.

3.1.6 Quorum and Voting Rights

In accordance with section 91 of the Act:

- A quorum must be at least the majority of *Special Committee* members, all of whom shall be members entitled to vote;
- Each member of the *Special Committee of Council* present at a meeting, who is entitled to vote is entitled to one vote;
- Voting must be by a show of hands;
- Voting at a meeting that is open to members of the public must not be in secret;
- The question is determined by a majority of votes; and
- Subject to subsection (2), if there is an equality of votes the Chairperson has a second vote.

(2) If there is an equality of votes on a question arising under section 87(3) the Committee appointing a Chairperson or 87(4) the Committee appointing a Chairperson when the elected Chairperson is not present, then the matter is to be determined by lot.

3.1.6.1 Abstain from voting

The Act has an absence of statutory requirements for Councillors and/or Committee Members to deliberately abstain from voting and accordingly abstain from participating in important decisions.

It must be noted that Councillors, when elected take an oath or affirmation affirming that they will carry out the duties of their position in the best interest of their communities and will faithfully and impartially carry out the powers, functions authorities and discretions vested in them to the best of their skill and judgement.

Whilst no penalties apply where a Councillor chooses to abstain from voting, the decision to do so should not be taken lightly. Not participating in decisions taken by Council can be seen as an abrogation of a Councillor's responsibility to represent the community. Abstentions also serve to undermine the role of Councils in providing governance and leadership through effective decision making.

Although not a requirement of the Act, the meeting minutes should disclose when a Councillor abstains from voting on a matter.

3.1.7 Conduct and Interest Provisions

In performing the role of a *Special Committee* member, a person must:

- Act honestly;
- Exercise reasonable care and diligence;
- Not make improper use of their position; and
- Not make improper use of information acquired because of their position.
- Act in a manner which is not inconsistent with the City of Ballarat Employee Code of Conduct¹

¹ Whilst Committee members are not employees of Council, and not directly governed by the Code of Conduct, Committee members involved in Council endorsed Committees are also expected to behave in a manner that is consistent with the principles of this Code.

Members of a *Special Committee* are required to comply with the interest provisions contained in section 81 of the Act. Unless under section 81(2A) where a Council has exempted a member of a *Special Committee*, all members of a *Special Committee* must complete a primary and ordinary return of interest.

Where a member of a *Special Committee* has a conflict of interest in a matter that is likely to be discussed, the member must declare that interest immediately prior to the matter being considered by the *Special Committee*. Disclosure must include the nature of the relevant interest and removing themselves from the meeting during the discussion. This must be recorded in the minutes of the meeting.

3.1.8 Confidential and Sensitive Information

Members of Council committees are required to comply with the confidential information provisions contained in sections 77 and 89 of the Act.

It is recognised that members of a *Special Committee* may be in receipt of confidential or sensitive information that should not be disclosed without the consent of the Council or the Chief Executive Officer. Such confidential or sensitive matters may relate to:

- Information that would be of direct financial disadvantage to the Council if made public;
- Politically sensitive information that may impact negatively on the Council if made public;
- Information that is still only partly formulated and may, if released, give a misleading view to the community of what the Council is planning; and
- Any other information that would disadvantage the Council if made public.

Members of a *Special Committee* shall be required to discuss any potential confidential or sensitive issues with the Chief Executive Officer before releasing information to any third parties.

3.1.8.1 Confidential Reasons

Under section 89 of the Act any meeting of Council or a *Special Committee* must be open to members of the public unless subsection (2) applies. There are specific circumstances when a Council or *Special Committee* can resolve that the meeting be closed to members of the public. There are nine circumstances are outlined below:

- Personal Matters;
- The personal hardship of any resident or ratepayer;
- Industrial matters;
- Contractual matters;
- Proposed developments;
- Legal advice;
- Matters affecting the security of Council property;

- Any other matter which the Council or Special Committee considered would prejudice the Council or any other person; and/or
- A resolution to close the meeting to members of the public.

If the *Special Committee* decides that it needs to “consider” or “discuss” any item that falls within one or more of the above categories it must:

Formally resolve to close the meeting to members of the public and “move into camera” (section 89) and state the reason. Once discussion/resolution has been resolved a resolution to “move out of camera” is made. This must be recorded in the minutes of the meeting.

The determination or outcome of any matters considered or discussed in camera of the *Special Committee* should be reported in the open session of Council. The Act does not make provisions for resolutions and is only to consider or discuss those matters that fall within the nine matters above, section 89(2). If information contained within the confidential section is required for Council to make a decision, this information is to be provided in a “Confidential Attachment Report” to the Council meeting and a resolution in the report must be to accept that item when considering the recommendation.

Council’s Meeting Procedure Local Law provides more details in relation to confidential information and meeting procedures.

3.1.9 Administrative Support

Administrative support is provided to *Special Committees* by the directorate whose functions are most aligned to the committee.

3.1.10 Dissolution

Special Committees may at any meeting agree to disband and return its responsibilities to Council. In the case of this event, Council requires immediate notification in writing of the Committee’s intention before dissolution. Alternatively, if the *Special Committee* does not fulfil its obligations, Council may disband the *Special Committee*. In either case, the Chairperson is obliged to make the following arrangements within one month of disbanding:

- A financial statement must be prepared and presented to the Finance Unit;
- The *Special Committee* bank account must be closed, and the balance immediately forwarded to Council; and
- All keys to buildings must be returned to Council.

Dissolution requires a formal resolution of Council. In order for this to occur the Committee must pass a resolution to disband or change its status from a *Special Committee* to an *Advisory Committee* of Council. The Risk & Compliance Team will be able to provide assistance and the following is required:

- All minutes not yet adopted, including the minutes of the meeting disbanding or changing its status need to be attached to a Council report;
- Recommendation to endorse that the *Special Committee* disband or change its status from a Section 86 Committee to an Advisory Committee;
- Recommendation to revoke the *Instrument of Delegation*; and
- If changing status, recommendation to endorse the Advisory Committee Terms of Reference.

3.1.11 Reporting

Part 12 of the *Local Government (General) Regulations 2015* requires that Council keep the following documentation and for it to be made available to the public to ensure compliance:

(c) the minutes of meetings of special committees established under section 86 of the Act and held in the previous 12 months, other than those minutes relating to a part of a meeting which was closed to members of the public under section 89 of the Act and are confidential information within the meaning of section 77(2) of the Act; and

(d) a register of delegations kept under sections 87(1) and 98(4) of the Act, including the date on which the last review took place under sections 86(6) and 98(6), respectively, of the Act.

3.1.11.1 Financial Reporting

Special Committees are required to provide a copy of their financial accounts to the Finance Unit each year, as soon as practical, after 30 June.

City of Ballarat – Finance
PO Box 655
Ballarat, Vic 3353
Phone: 5320 5625 - Executive Assistant, Director Business Services

3.1.12 Provision of Meals/Refreshments

The provision of meals/refreshments (if required) during the course of a *Special Committee* meeting will be arranged and funded by the portfolio whose functions are most aligned to the committee.

3.2 Advisory Committees

The main function of an *Advisory Committee* is to assist the Council in the engagement and consultative process and provide valuable information to support the decision making of the Council and in turn the objectives of the Council Plan. *Advisory Committees* may be established for a skills-based (Arts), issue-based (Ballarat West), working partnership (Sister City) and/or a community voice (Youth committee) purpose. *Advisory Committees* also allow the Council the opportunity to access independent external advice that may be available in the community. An *Advisory Committee* lifespan should be aligned with and be focussed on the Council Plan and Strategy. *Advisory Committees* have no delegated powers and their decision or recommendations do not have standing unless they are adopted in a Council meeting and Council is not bound to take on an *Advisory Committees* recommendation.

3.2.1 Terms of Reference

A standard Terms of Reference template creates a common ground for all committees. The *Terms of Reference* will provide a framework within which the committee operations. A template is available from the Risk & Compliance Team. The *Terms of Reference* for an *Advisory Committee* must:

- Be presented to the Council for consideration and adoption at the inception of the committee;
- Include a clear statement of purpose and the committee's objectives. Objectives should be supported by measurable outcomes that are reported to the Council;
- Be reviewed by the committee biannually and by the Council within 12 months of a general election. Any proposed changes to the *Terms of Reference* resulting from a review must be agreed on by the committee and be presented to the Council for formal approval; and
- Be available on the Council's website and electronic record system.

The *Terms of Reference* are subject to Council resolution and are not effective until that approval through a resolution has been received.

3.2.2 Membership, Period of Membership and Appointment

As per Council's Meeting Procedure Local Law, Councillors are appointed to *Advisory Committees* annually. Council Officers are appointed to committees at the discretion of the Chief Executive Officer. Council acknowledges that an *Advisory Committee* is likely to have greater influence on Council if a Councillor is an active observer of its business and that the Councillor appointed has an interest in influencing understandings in the chamber of the committee's strategic intentions.

The most appropriate mix of membership will be determined by the Council. The committee may comprise of Councillors and community representatives. The most appropriate mix of membership for each *Advisory Committee* will be determined by the Council at the formation of the *Advisory Committee*.

Members are appointed as per the *Terms of Reference* and usually a review of membership occurs every two years. All appointments to *Advisory Committees* are subject to Council resolution and are not effective until that endorsement has been received via a report to Council.

Council will assist *Advisory Committee's* in advertising the opportunity for local residents and user groups to become members of the *Advisory Committee* to ensure a representative cross section of people from the municipality is elected to the committee as appropriate. This is done via:

- Placement of a Public Notice in a locally circulated newspaper;
- Placement on Council's website; and/or
- Placement of a notice relevant to the target of the purpose of the *Advisory Committee*.

Council may appoint or remove members in accordance with the *Terms of Reference*.

Council Officers are there to provide advice and support to the committee as appointed by the Chief Executive Officer and have no voting rights.

3.2.3 Delegated Authority and Decision Making Powers

Advisory Committees act in an advisory capacity only and have no delegated authority to make decisions as if they were the Council. *Advisory Committees* provide advice to the Council to assist them in their decision making.

3.2.4 Meeting Procedures including Chairing

Meetings of *Advisory Committees* shall be held at a time and place determined by the Committee. *Advisory Committees* are not required to give public notice of their meetings and meetings are not required to be open to the public.

The Committee's Councillor Representative will Chair the meeting as per the Terms of Reference. In the absence of the Chair another Councillor Representative, or a nominated member, will Chair the meeting.. The appointment of a Chairperson or Acting Chairperson of an *Advisory Committee* shall be in accordance with the Council's Meeting Procedure Local Law and the Committees *Terms of Reference*.

A Committee may determine, with consent of the Councillor representative/s, to appoint another member other than the Councillor representative/s as Chairperson.

3.2.5 Production of Agendas and Minutes

Agendas and Minutes must be prepared for each meeting of an *Advisory Committee*. The Agenda must be provided to members of the committee at two days before the time fixed for the holding of the meeting.

The Chairperson must arrange for minutes of each meeting to be kept. The minutes of a meeting of an *Advisory Committee* must:

- Contain details of the proceedings and resolutions made;
- Be clearly expressed;
- Be self-explanatory; and
- In relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

Minutes must be approved by the chairperson before being published or distributed and then formally endorsed at a subsequent meeting.

The minutes, once adopted at the next meeting are to be submitted to Council via the Risk and Compliance Unit by post, email or by hand to:

City of Ballarat – Risk and Compliance
riskandcompliance@ballarat.vic.gov.au
 PO Box 655
 Ballarat, Vic 3353

Agendas and Minutes are to be lodged in and made available on Council's electronic document management system and committees are encouraged to provide this information to the public, unless determined through the committee's *Terms of Reference* or the exception of reports, attachments and details of decisions that are confidential in nature. Where it is determined that minutes will be made available to the public, a copy may be placed on Council's website.

3.2.5.1 Minutes adopted by Council

The minutes, once adopted at the *Advisory Committee* meeting are to be submitted in a report to Council. The Risk & Compliance Team can provide assistance with writing the report.

Administrative Officers in attendance at meetings are responsible for ensuring that Agendas and Minutes of the *Advisory Committee* are lodged in Council's electronic record management system.

3.2.6 Quorum and Voting Rights

In accordance with the *Terms of Reference* the following apply:

- A quorum must be at least the majority of members that have the right to vote;
- Each member of the *Advisory Committee* present at a meeting, who is entitled to vote is entitled to one vote;
- Each member of the *Advisory Committee* present must vote;
- Voting must be by a show of hands;
- Voting at a meeting that is open to members of the public must not be in secret;
- The question is determined by a majority of votes; and
- If there is an equality of votes the Chairperson has a second vote.

Officers providing advice and support to the committee have no voting rights.

3.2.6.1 Abstain from voting

The Act has an absence of statutory requirements for Councillors and/or Committee members to deliberately abstain from voting and accordingly abstain from participating in important decisions.

It must be noted that Councillors, when elected take an oath or affirmation affirming that they will carry out the duties of their position in the best interest of their communities and will faithfully and impartially carry out the powers, functions authorities and discretions vested in them to the best of their skill and judgement.

Whilst no penalties apply where a Councillor chooses to abstain from voting, the decision to do so should not be taken lightly. Not participating in decisions taken by Council can be seen as an abrogation of a Councillor's responsibility to represent the community. Abstentions also serve to undermine the role of Councils in providing governance and leadership through effective decision making.

Although not a requirement of the Act, the meeting minutes should disclose when a Councillor abstains from voting on a matter.

3.2.7 Conduct and Interest Provisions

In performing the role of an *Advisory Committee* member, a person must:

- Act honestly;
- Exercise reasonable care and diligence;
- Not make improper use of their position; and
- Not make improper use of information acquired because of their position.
- Act in a manner which is not inconsistent with the City of Ballarat Employee Code of Conduct¹

¹ Whilst Committee members are not employees of Council, and not directly governed by the Code of Conduct, Committee members involved in Council endorsed Committees are also expected to behave in a manner that is consistent with the principles of this Code.

Where a member of an *Advisory Committee* has an interest or conflict of interest in a matter that is likely to be discussed, the member must declare that interest immediately prior to the matter being considered by the *Advisory Committee*. Disclosure must include the nature of the relevant interest and removing themselves from the meeting during the discussion. This must be recorded in the minutes of the meeting.

3.2.8 Confidential and Sensitive Information

Members of Committees are required to comply with the confidential information provisions contained in Sections 77 and 89 of the Act.

It is recognised that members of an *Advisory Committee* may be in receipt of confidential or sensitive information that should not be disclosed without the consent of the Council or the Chief Executive Officer. Such confidential or sensitive matters may relate to:

- Information that would be of direct financial disadvantage to the Council if made public;
- Politically sensitive information that may impact negatively on the Council if made public;
- Information that is still only partly formulated and may, if released, give a misleading view to the community of what the Council is planning; and
- Any other information that would disadvantage the Council if made public.

Members of an *Advisory Committee* shall be required to discuss any potential confidential or sensitive issues with the Chief Executive Officer before releasing information to any third parties.

3.2.9 Dissolution

Advisory Committees may at any meeting agree to disband. In the case of this event, Council requires immediate notification in writing of the Committee's intention before dissolution. Alternatively, if the *Advisory Committee* does not fulfil its obligations, Council may disband the *Advisory Committee*.

Dissolution requires a formal resolution of Council. In order for this to occur the Committee must pass a resolution to disband. The Risk and Compliance Unit will be able to provide assistance and the following is required:

- All Assembly of Councillor Records not yet adopted, including the Record of the meeting disbanding need to be forward to riskandcompliance@ballarat.vic.gov.au;
- A Council report recommendation to endorse that the *Advisory Committee* disband; and
- A Recommendation to revoke the *Terms of Reference*.

3.2.10 Reporting

As a minimum, *Advisory Committees* are required to prepare a formal report on an annual basis in line with their stated objectives. The report must be formally adopted by the committee and should directly reflect the objectives and the performance measures of the committee as set out in the *Terms of Reference*. The report will be presented to the Council for noting under the relevant portfolio. The committee's *Terms of Reference* may stipulate more frequent reporting.

3.2.10.1 Assembly Record

In addition there is a requirement under section 80A of the Act in regards to requirements to be observed by an assembly of Councillors:

- (1) *At an assembly of Councillors, the CEO must ensure that a written record is kept of:*
- the names of all Councillors and members of Council staff attending;*
 - the matters considered;*
 - any conflict of interest disclosures made by a Councillor attending under subsection (3).*

Advisory Committees are required to complete an Assembly of Councillor Record for any meeting that have a Councillor in attendance. The person taking the written record must ensure a copy of the Assembly of Councillors record is sent to the Risk and Compliance Unit.

See Appendix 2 for an example of an Assembly of Councillor Record.

3.2.11 Administrative Support

Administrative support is provided to *Advisory Committees* by the portfolio whose functions are most aligned to the committee.

3.2.12 Provision of Meals/Refreshments

The provision of meals/refreshments (if required) during the course of an *Advisory Committee* meeting will be arranged and funded by the department whose functions are most aligned to the committee.

3.3 External Committees, Boards and Groups

These are community and industry-based committees that operate with their own *Terms of Reference* or mandate where the Council has been invited to participate in partnership or as a community advocate.

Council does not have any power to enforce operating expectations on external committees. However, there are still some areas that are important to discuss regarding *External Committees*.

3.3.1 Membership, Period of Membership and Appointment

As per Council's Meeting Procedure Local Law, Councillors are appointed to *External Committees* annually. Council Officers are appointed to External Committees at the discretion of the Chief Executive Officer.

3.3.2 Delegated Authority and Decision Making Powers

Councillors appointed as members of *External Committees* have no delegated authority to make decisions on behalf of the Council. The role of a Council representative in this function is to represent and reflect the Council's views on any matters under consideration.

3.3.3 Conflict and Interest Provisions

In performing the role on an *External Committee*, a Councillor or Officer must:

- Act honestly;
- Exercise reasonable care and diligence;
- Not make improper use of their position; and
- Not make improper use of information acquired because of their position.

Where the member of the committee has an interest or conflict of interest in relation to a matter in which the committee is concerned, or is likely to be considered or discussed, the member must disclose the interest to the committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting.

3.3.4 Confidential and Sensitive Information

Councillors or officers as members of *External Committees* are required to comply with the confidential information provisions contained in sections 77 and 89 of the Act.

It is recognised that members of an *External Committee* may be in receipt of confidential or sensitive information that should not be disclosed without the consent of the Council or the Chief Executive Officer. Such confidential or sensitive matters may relate to:

- Information that would be of direct financial disadvantage to the Council if made public;
- Politically sensitive information that may impact negatively on the Council if made public;
- Information that is still only partly formulated and may, if released, give a misleading view to the community of what the Council is planning; and
- Any other information that would disadvantage the Council if made public.

Members of a Committee shall be required to discuss any potential confidential or sensitive issues with the appropriate Director before releasing information to any third parties.

3.3.5 Meeting Procedures including Chairing

Councillor representatives on *External Committees* will receive notification of meeting dates and locations together with a meeting agenda. Meetings of *External Committees* will be conducted in accordance with the Terms of Reference, rules and procedures of that committee.

Copies of Agendas and Minutes of *External Committees* are to be forwarded to Mayor and Councillor Support Office.

3.3.6 Friends of Groups

Councillors and Council Officers can be invited to attend Friends of Groups but there is no requirement for formal representation. Where possible, Friends of Group representative/s should link with Council's Advisory Committee/s for Council engagement and potential collaboration.

4.0 Supporting documents and references

4.1 Legislation

- *Local Government Act 1989*
- *Local Government (General) Regulations 2015*

4.2 Associated Documents

- Meeting Procedure Local Law 2018
- Councillor Code of Conduct
- Employee Code of Conduct
- The Role and Future of Citizen Committees in Australian Local Government 2013

4.3 Definitions

***Special Purpose
Committees***

Special Purpose Committees, for the purpose of this policy, are subject to the same provisions of and will have the same responsibilities as if they were an *Advisory Committee* of Council.

5.0 Policy owner

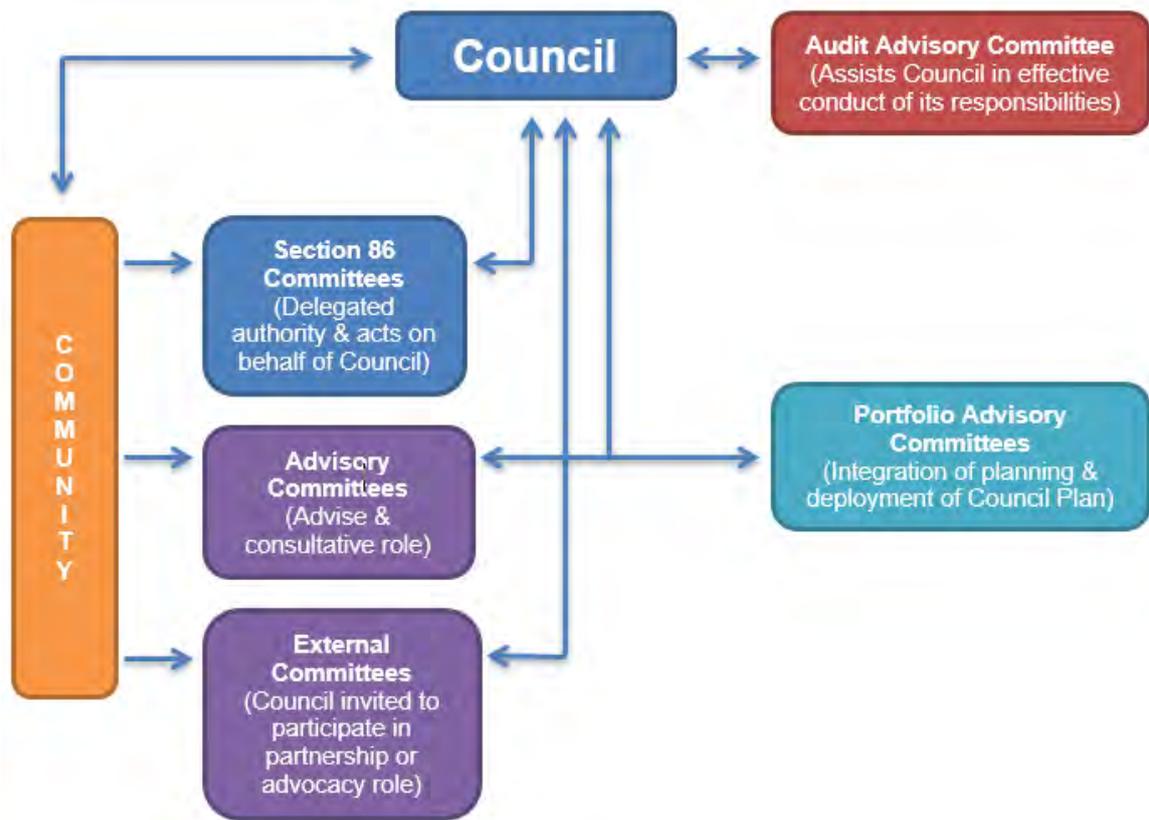
Executive Manager Safety, Risk and Compliance Services.

6.0 Authorisation

Adopted by Ballarat City Council on XX.

7.0 Appendices

7.1 Diagram of committee relationships with Council, Officers and the community



7.2 Assembly of Councillors Record

ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	
Date of meeting:	
Start time:	
Finish time:	

Councillors present: [Insert Councillor name]
Apologies: [Insert name]
Council staff present: [insert name] – [position]
Other attendees present: [insert name]

Conflict of Interests:				
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.				
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.				
Name of person(s) declaring the conflict	Type & details declared	Left Meeting Yes/No	Time left	Time returned
[Insert name]	[insert type & details declared]	[Yes/No]	[Insert Time]	[Insert Time]

Matters Considered: <i>*Provide dots points of matters discussed.</i>
<ul style="list-style-type: none"> • [list matters considered] • [list matters considered] • [list matters considered]

Record completed by:	
Signed:	Position:
Name:	Date:

10.9. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987)

Division: Business Services
Director: Glenn Kallio
Author/Position: Sarah Anstis - Administration Officer Statutory Compliance

OFFICER RECOMMENDATION

Council resolves to:

1. Exercise the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), and that:
 - a. Michelle Watt be appointed and authorised as set out in the instrument.
 - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
 - c. The instrument be sealed.

EXECUTIVE SUMMARY

The report is to seek Council's endorsement of the S11A. Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* to Michelle Watt.

RATIONALE

The Chief Executive Officer appoints the majority of authorised officers under section 224 of the *Local Government Act 1989*, through Council's delegation to the Chief Executive Officer. However, the appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated by the Chief Executive Officer and must be made through a resolution of Council.

Michelle Watt holds the position of Coordinator Statutory Planning and the *Planning and Environment Act 1987* requires Council to endorse the authorisation for the officer to undertake duties authorised by Council.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*;
- *Local Government Act 1989*;
- *Local Government (General) Regulations 2015*;
- *Planning and Environment Act 1987*; and
- City of Ballarat Council Plan 2017-2021.

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	No	No
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	No	No
Risk Management	Yes	Yes
Implementation and Marketing	Yes	Yes
Evaluation and Review	Yes	Yes

Human Rights - It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Risk Management - It is essential that Council's authorisations are constantly maintained and periodically monitored so that appropriate officers have the power to carry out their duties lawfully. This is a key component in Council meetings, as legislation requires Council to approve authorised officers under the *Planning and Environment Act 1987*.

Implementation/Marketing – As per section 12(f) of the *Local Government (General) Regulations 2015*, Council will make the details of the current authorised officers under section 224(1A) of the Act available for public inspection.

Evaluation and Review - Council's authorisations are reviewed and updated upon changes to the role of a Council Officer, legislative changes and at cessation of employment.

CONSULTATION

There has been consultation with relevant managers and officers to ensure the correct officers have been authorised to complete tasks.

The revocation and conferring of authorisations does not require any public consultation, however, Council is required to keep a register of all authorised officers available for public inspection.

OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this report.

REFERENCE DOCUMENTS

Nil

ATTACHMENTS

1. S11A - Michelle Watt [10.9.1 - 2 pages]



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Ballarat City Council

Instrument of Appointment and Authorisation
(Planning and Environment Act 1987 only)



**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "officer" means -

Michelle Watt

By this instrument of appointment and authorisation Ballarat City/Shire Council -

- 1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under s 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Ballarat City Council on [insert date and resolution]

Date:

The Common Seal of Ballarat City Council)
was affixed by authority of the Council in the)
presence of:)

..... Mayor/Councillor

..... Councillor

..... Chief Executive Officer

10.10. OUTSTANDING QUESTION TIME ITEMS

Division: Business Services
Director: Glenn Kallio
Author/Position: Sarah Anstis - Administration Officer Statutory Compliance

OFFICER RECOMMENDATION

Council resolves to:

Endorse the Outstanding Question Time report.

EXECUTIVE SUMMARY

This report provides Council with an update of response to questions taken on notice and outstanding unanswered questions from public question time.

As of 11 March 2020, there are no outstanding questions.

RATIONALE

The City of Ballarat Meeting Procedure Local Law, Division 8, calls for a standard agenda item at each Council Meeting that reflects unanswered questions from public question time.

LEGISLATION, COUNCIL PLAN, STRATEGY AND POLICY IMPLICATIONS

- City of Ballarat Meeting Procedure Local Law

CONSULTATION

Nil

OFFICERS DECLARATION OF INTERESTS

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this report.

REFERENCE DOCUMENTS

Nil

ATTACHMENTS

Nil

11. NOTICE OF MOTION

Nil

12. URGENT BUSINESS

13. SECTION 89 (IN CAMERA)

13.1 NORTHERN GRAMPIANS SLA

Division: Community Development
Director: Jenny Fink
Author/Position: Jenny Fink – Acting Director Community Development

(contractual matters)

13.2. CYCLING AUSTRALIA ROAD NATS CONTRACT RENEWAL

Division: Development and Planning
Director: Angelique Lush
Author/Position: Jeff Johnson - Executive Manager Events and the Arts

(contractual matters)

13.3. BAKERY HILL REVITALISATION DESIGN TENDER

Division: Development and Planning
Director: Angelique Lush
Author/Position: Tim Goddard, Project Manager – Bakery Hill

(contractual matters)

13.4 PROVISION OF IN-HOME SUPPORT SERVICES FOR COMMONWEALTH HOME SUPPORT PROGRAM

Division: Community Development
Director: Jenny Fink
Author/Position: Ann Pitt – Executive Manager Active Ageing

(contractual matters)

13.5 COVID-19 FINANCIAL IMPACT

Division: Business Services
Director: Glenn Kallio
Author/Position: Glenn Kallio – Director Business Services

(contractual matters)

13.6. CEO PERFORMANCE REVIEW COMMITTEE

Division: Innovation and Organisational Improvement

Director: Cameron Cahill

Author/Position: Cameron Cahill – Director Innovation and Organisational Improvement

(Personnel matters)

14. CLOSE