



Ballarat Railway Precinct:  
Cultural Heritage Advice.

**Prepared for VicTrack**

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## Summary

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This report provides formal cultural heritage advice on the proposed development and works at the Ballart Station Precinct (BSP), Ballarat (the study area). The client intends to develop the BSP as a transport terminal with opportunities to improve transport, retail and potentially residential opportunities.

The report examines the requirements of the *Aboriginal Heritage Act 2006* (Act) and the *Aboriginal Heritage Regulations 2007* (Regulations), to determine whether a Cultural Heritage Management Plan (CHMP) needs to be undertaken for the study area prior to the proposed works.

Advice is also offered as to measures available to minimise the potential likelihood of infringement of the Act and Regulations.

Assessment is also undertaken of historical heritage liabilities under the Victorian *Heritage Act 1995*.

This review was completed by Asher Ford of Biosis. Asher is a qualified cultural heritage advisor as specified in the requirements of the Act.

This report finds that there is a requirement for a mandatory CHMP prior to issue of Statutory Approval for the proposed works at the BSP. The proposed works are a high impact activity. An area of cultural heritage sensitivity is present in the study area and significant ground disturbance cannot be demonstrated for the entirety of the area of cultural heritage sensitivity in the study area. As a result a mandatory CHMP is triggered for the study area.

There are mandatory requirements for historical heritage approvals prior to the proposed activity. Biosis understands that VicTrack is currently in consultation with Heritage Victoria and Council to obtain the required approvals for the proposed works under the Heritage Act 1995 and no further advice is required for these items.

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# 1. Introduction

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## 1.1 Location of the study area

The study area is located at the Ballarat Railway Station on Lydiard St / Mair St, Ballarat Central (Figure 1). It is located centrally in Ballarat and is situated 116 kilometres west of the Melbourne Central Business District. The study area is located predominately on the two land parcels: Lot 1 and Lot 2 TP868581, but also includes allotments 2046 PP5030 and 2060 PP5031. It is roughly a triangle shaped block of land which fronts Lydiard Street to the west, Nolan Street to the north, Peel Street to the east and Mair Street / Coffee Palace Lane to the south. The Yarrowee River terminates directly north of the study area.

## 1.2 Description of the study area

The study area measures 10.12 hectares in size and is currently in active use as the Ballarat Station Precinct (BSP) (Figure 2). The BSP includes rail infrastructure, rail station buildings, goods shed, car parks and other associated infrastructure.

## 1.3 The Activity

The BSP master plan currently proposes the following activities:

- Construction of a new bus interchange.
- Formalised commuter car parking, including a kiss and ride drop off point and disabled parking.
- Refurbishment of north and south station buildings.
- New southern station forecourt with taxi zone.
- Upgrades to existing pedestrian underpasses.
- Upgrades to Mair Street.
- Adaptive reuse of the Goods Shed.
- Potential future residential development.
- Potential future mixed-use development.
- Potential future over structured car parking.

These activities will have the potential to impact upon Aboriginal and historical cultural heritage items if present.

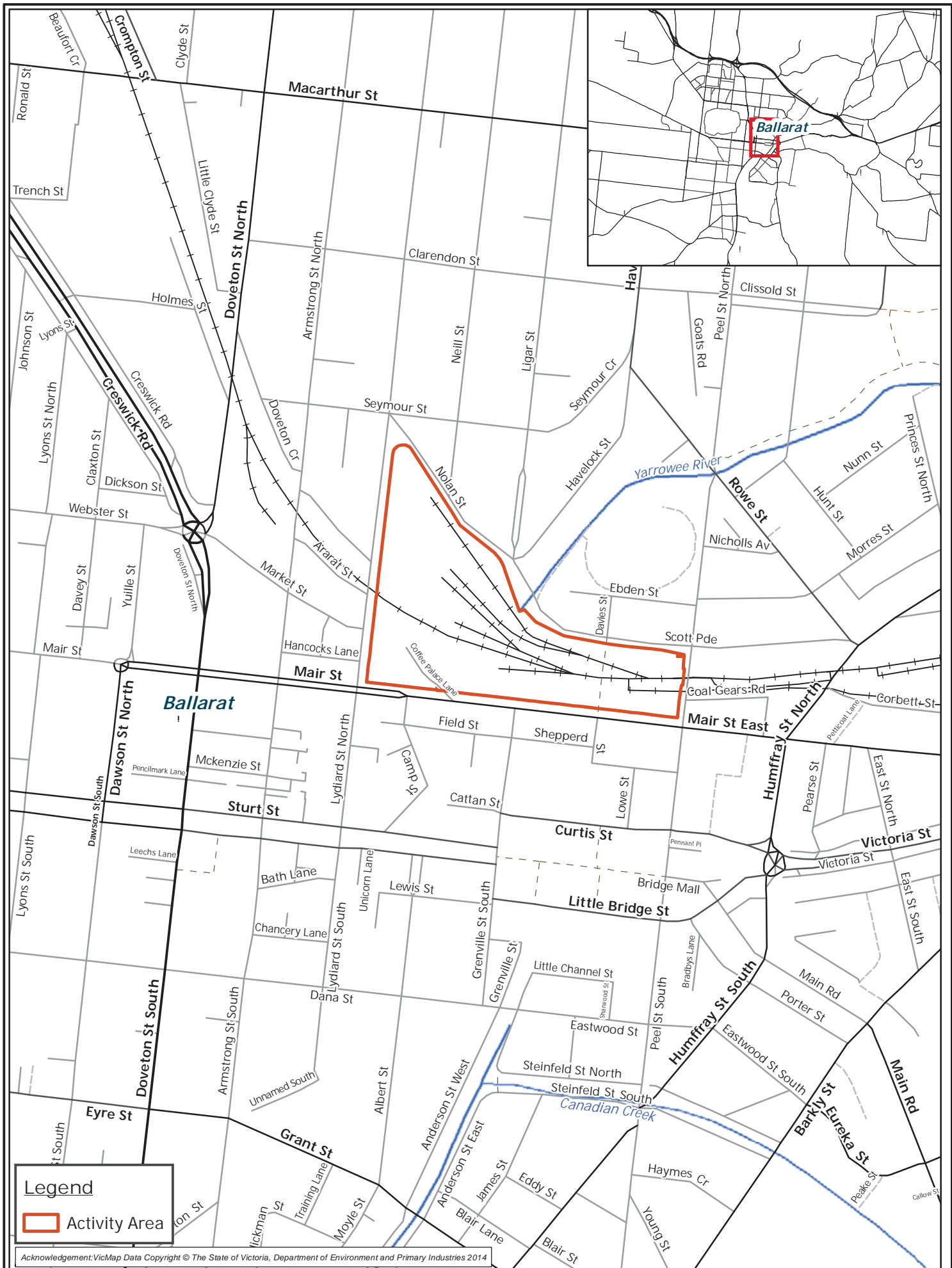
## 1.4 Aboriginal Stakeholders

The Wathaurong Aboriginal Corporation is the current Registered Aboriginal Party (RAP) for the study area. It was not within the remit of this report to undertake consultation with these or other local Traditional Owner groups.

## 1.5 Aboriginal and Historical Heritage

The assessment provides information on the archaeological and cultural heritage values of the study area in order to provide advice with regards to the Victorian *Aboriginal Heritage Act 2006*, Victorian *Aboriginal Heritage Regulations 2007*, and the Victorian *Heritage Act 1995*, specifically the statutory and non-statutory obligations under these Acts.

It must be emphasised, however, that the report is not intended to meet the requirements of a formal assessment under the Office of Aboriginal Affairs Victoria (OAAV) guidelines.

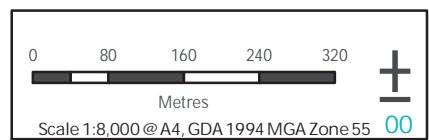


**Figure 1: Location of the Activity Area - Ballarat Station, Ballarat, Victoria**



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## 2. Historical Heritage - Investigation

### 2.1 Historical Places and Reports

A search was undertaken on 21 August 2015 of recorded historical (non-Aboriginal) cultural heritage interests in the vicinity of the study area. The search was undertaken via the Heritage Victoria Hermes online database (HERMES, 2015) which includes the following sources:

- Victorian Heritage Register (VHR) and Victorian Heritage Inventory (VHI);
- National Heritage List and Commonwealth Heritage List
- Local Council Heritage Overlays (HO) and/or Planning Schemes (Ballarat)
- Register of the National Estate (RNE); and
- National Trust Register (NTR).

The majority of the study area is listed as the Ballarat Railway Complex on the Victorian Heritage Register (HO902) with a range of other related items listed on the HO, RNE and NTR as detailed below in Table 1. These items are assessed and described in detail in the 2011 RBA Cultural Heritage Assessment (CHA) for the study area. The 2011 CHA deals primarily with historical heritage constraints for the study area and details permit requirements for the proposed works. Biosis understands that VicTrack is currently in consultation with Heritage Victoria and Council to obtain the required approvals for the proposed works under the *Heritage Act* 1995 and no further advice is required for these items.

**Table 1. Historical heritage items in the study area**

Place	Listing	Listing No.
<b>Ballarat Railway Complex</b>	VHR	HO902
	HO	HO59
	NTR	B0276, B3395 and B5455.
	RNE	4033
<b>(Former) Reid's Coffee Palace</b>	VHR	HO469
	HO	HO84
	NTR	B1754
<b>Lydiard Street Heritage Precinct</b>	HO	HO171
<b>(Former) JJ Gollier &amp; Co</b>	HO	HO82
	NTR	B1565

## 3. Aboriginal Cultural Heritage - Investigation

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### 3.1 Criteria

The following section examines in turn the three applicable criteria as to whether a CHMP needs to be undertaken at the study area. These are:

- Is the study area an area of cultural heritage sensitivity?
- Are the proposed works a high impact activity?
- Has there been significant ground disturbance to the study area?

### 3.2 Is the study area an area of cultural heritage sensitivity?

Yes, the study area is within an area of cultural heritage sensitivity.

The following information and databases were reviewed on 21 August 2015:

- Victorian Aboriginal Heritage Register (ACHRIS, 2015); and
- Aerial imagery.

The central portion of the study area is located within an area of cultural heritage sensitivity (Figure 4). Land within 200 metres of a waterway is considered an area of cultural heritage sensitivity under Regulation 22 of the *Aboriginal Heritage Regulations 2007* (amended 2009). The study area an area of cultural heritage sensitivity associated with the Yarrowee River located directly north of the study area.

#### Regulation 22 Waterways

- (1) Subject to subregulation (2), a waterway or land within 200 metres of a waterway is an area of cultural heritage sensitivity.
- (2) If part of a waterway or part of the land within 200 metres of a waterway has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.

### 3.3 Are the proposed works a high impact activity?

Yes, the proposed works are the construction of a transport terminal. This is a high impact activity under Regulation 43(1) b (xxii)

#### Regulation 43 Buildings and works for specified uses

- (1) The construction of a building or the construction or carrying out of works on land is a high impact activity if the construction of the building or the construction or carrying out of the works—
  - (a) would result in significant ground disturbance; and
  - (b) is for or associated with the use of the land for any one or more of the following purposes—
    - (xxii) a transport terminal







### 3.4 Has there been significant ground disturbance to the study area?

No significant ground disturbance cannot be conclusively demonstrated for the entirety of the study area.

Clause (2) of Regulation 22 stipulates that an area of cultural heritage sensitivity where significant ground disturbance has taken place is no longer an area of cultural heritage sensitivity and is therefore exempt from mandatory CHMP. Significant ground disturbance is defined as:

#### Regulation 4 Definitions

(1) In these Regulations— *significant ground disturbance* means disturbance of—

- (a) the topsoil or surface rock layer of the ground; or
- (b) a waterway

by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping.

It is important to note that under this regulation, significant ground disturbance is not chiefly defined by the extent or depth of any disturbance, but rather by the mechanical means through which it has been caused. The application of this significant ground disturbance is also unaffected by the relative likelihood of archaeological remains being preserved in the study area. Such likelihood of preservation may affect the advisability of a voluntary CHMP, but does not bear on the criteria for a mandatory CHMP.

The following sections present in detail the various forms of evidence that were consulted in estimating significant ground disturbance in the study area.

#### 3.4.1 Evidence of significant ground disturbance from Aerial Imaging

The construction of rail infrastructure for Ballarat Station in the study area began in 1858 and finished in 1862. This included the construction of the large existing rail embankments with large amounts of fill material. Upgraded station buildings were added in 1888 and 1891 and the study area has formally housed a British Imperial Oil Depot, workshop buildings and sheds, tar tanks, a cattle yard and a wash down platform (SKM 2011). Construction of the station at this time would have been limited to hand and horse driven excavation and landscaping methods. Mechanical excavation methods did not become common on rail projects until after the 1920s and although the current (Figure 2) and historical aerials (SKM 2011: 61-64) clearly show that the extent of development has extended across the whole of the study area, they do not indicate that substation developments occurred after the 1920s.

#### 3.4.2 Evidence of significant ground disturbance from Geotechnical Testing

Geotechnical soil testing of the study area was undertaken in 2002 by Parsons Brinckerhoff. A total of 26 boreholes were undertaken and spread across the study area (SKM 2011: Appendix E). All of the boreholes encountered varying levels of fill material (between 50 centimetres and 10 metres in depth) above weathered basalts and clays (SKM 2011: Appendix F).

#### 3.4.3 Conclusions - Evidence of Significant Ground Disturbance

Although the study area has been disturbed by significant earthmoving, it cannot technically be defined as *significant ground disturbance* as it is unlikely to have been undertaken *by machinery*, but by hand and horse power.



### **3.5 Archaeological Potential of the study area**

The archaeological potential of the study area is largely determined by the various levels of disturbance that its different parts have undergone. The study area has been heavily disturbed by past construction activities, soil bores indicating that no topsoil's have survived. As such there is a very low potential fro Aboriginal cultural material to have survived.

## 4. Cultural Heritage – Conclusions

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### 4.1 Historical Heritage

#### 4.1.2 Historical Heritage – Mandatory Requirements

There are mandatory requirements for historical heritage approvals prior to the proposed activity. Biosis understands that VicTrack is currently in consultation with Heritage Victoria and Council to obtain the required approvals for the proposed works under the Heritage Act 1995 and no further advice is required for these items.

### 4.2 Aboriginal Heritage

#### 4.2.2 Requirement for mandatory CHMP

The proposed activity is a high impact activity and the study area is an area of cultural heritage sensitivity. Although significant grounds works have occurred they are not classified as significant ground disturbance as they were not undertaken by machine. The triggers for a mandatory CHMP under the *Aboriginal Heritage Act 2006* have been met.

A mandatory CHMP needs to be undertaken before council issuing statutory approval for the proposed buildings and works.

Based on the actual disturbance that has occurred across the study area, this CHMP would be expected to be a desktop assessment only.

## 5. Recommendations

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### **Recommendation 1. Requirement for a mandatory CHMP**

A mandatory CHMP needs to be undertaken before council issuing statutory approval for the proposed buildings and works.

Based on the actual disturbance that has occurred across the study area, this CHMP would be expected to be a desktop assessment only.

### **Recommendation 2. Requirement for historic heritage**

There are mandatory requirements for historical heritage approvals prior to the proposed activity. Biosis understands that VicTrack is currently in consultation with Heritage Victoria and Council to obtain the required approvals for the proposed works under the Heritage Act 1995 and no further advice is required for these items.

### **Disclaimer**

This report provides expert opinion on the requirements for heritage management in the study area. It is authored by qualified heritage professionals with considerable experience working with heritage legislation, but who are not legal practitioners. The client is advised to seek qualified legal advice prior to acting on the recommendations contained in this report.

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