Heritage Council Submission to the Victorian Environmental Assessment Council's Investigation into Historic Places on Public Land

Prepared for the Heritage Council of Victoria

By Dr Robyn Ballinger, History in the Making, PO Box 30 Longlea VIC 3551

5 September 2014

1.0   Introduction

This submission to the Victorian Environmental Assessment Council's (VEAC) Investigation into Historic Places on Public Land is made by the Heritage Council of Victoria.

The Heritage Council of Victoria is an independent statutory authority and Victoria's main decision-making body on non-Indigenous cultural heritage issues. It provides the highest level of legal protection for cultural heritage places and objects in Victoria.

With respect to the State's cultural heritage, the Heritage Council of Victoria plays a policy framework and advocacy role. It is also the primary source of advice to the Minister for Planning on heritage issues. The Heritage Council decides which places and objects are added to the Victorian Heritage Register in accordance with the *Victorian Heritage Act*; hears appeals on permit applications determined by Heritage Victoria; undertakes strategic research; promotes public understanding of Victoria's cultural heritage; and conducts community education and information programs.

The Heritage Council also supports Heritage Victoria to manage the Victorian Heritage Database, a fully searchable online database containing information about Victoria's heritage places, objects and precincts.

2.0   Historic places on public land: an overview

After the first white settlement of the Port Phillip District in the mid-1830s,[1] public land sites were given statutory protection to ensure the supply of natural resources for future populations. In 1839, surveyor Robert Hoddle marked out public purpose reserves in and around Melbourne for quarrying, brickmaking and lime production, and in 1848, an Order in Council put aside land for towns and villages, Aboriginal reserves, water reserves, inns, mineral reserves and timber reserves. By 1853, there were nine timber reserves and 185 water reserves gazetted in Victoria, and by 1859 there were nearly 3,000 acres of public purposes reserves.[2] The first Land Act passed by the Victorian Parliament (the *Sale of Crown Lands Act 1860*) made further provisions for the reservation of lands for a wide variety of public purposes,[3] including cemeteries, courthouses, public halls, recreation reserves, hospitals, schools, roads, jetties, and railway infrastructure. By 1884, two million acres of land had been set aside for what was termed 'the public interest'.[4]

Today, thousands of places on public land exist to illustrate the past and present phases of Victoria's occupation and land use history. Historic places include buildings, archaeological sites and relics (mainly associated with mining, forestry and settlement), maritime heritage (including shipwrecks, jetties and piers, lighthouses, pilot stations, and maritime archaeological sites), and landscapes. These historic places are managed by a number of government departments and agencies, including the Department of Environment and Primary Industries (DEPI), Parks Victoria, local government, VicTrack, water authorities and VicRoads.

There are currently more than 2,235 places and objects of state significance included on the Victorian Heritage Register (VHR) under the *Heritage Act 1995*, as well as 645 shipwrecks and 6,779 archaeological sites listed on the Victorian Heritage Inventory (VHI). There are currently 27 places in Victoria listed on the National Heritage List.

---

[1] On 1 July 1851 the Port Phillip District separated from New South Wales to become the colony of Victoria.

[2] Jane Lennon, *Our Inheritance: Historic Places on Public Land in Victoria* (Melbourne: Department of Conservation and Environment, 1992), 9.

[3] 'Series VPRS 242 Crown Reserves Correspondence,' 2014, Public Records Office of Victoria, http://www.access.prov.vic.gov.au.

[4] R. Wright, *The Bureaucrats' Domain: Space and Public Interest in Victoria, 1836-84* (Melbourne: Oxford University Press, 1989), xiii.

Approximately one-third of places and objects listed on the VHR are located on public land, as are up to 50 per cent of archaeological sites and relics listed on the VHI. In addition, Parks Victoria manages more than 2,500 historic places, with only 13 per cent of these comprising buildings. Large numbers of unrecorded places, mostly archaeological in nature, are known to exist within parks and reserves managed by Parks Victoria.[5] Archaeological sites and ruins in state forests also comprise a major focus of DEPI's management role.

3.0 Benefits of historic places on public land

The Heritage Council of Victoria believes there are a number of significant benefits of conserving historic places on public land.

3.1 Community identity

The Heritage Council understands that communities identify strongly with historic places on public land such as halls, police stations, mechanics' institutes, post offices, parks, cemeteries and courthouses. These sites are often some of the oldest places in a town or district and have played a central role in a community's development. Moreover, many of these places retain their original use. As the Productivity Commission states, historic heritage buildings 'may continue to embody important cultural values which uniquely define that community. These buildings may also contribute to improved quality of life through the continued provision of community services, as an educational resource and in the ongoing celebration of community heritage.'[6]

3.2 Economic benefits

The Heritage Council views history and heritage as a key component of cultural tourism, which comprises a rapidly expanding segment in terms of visitor numbers to Victoria. A 2010 'Melbourne and Victoria Tourism Brand Health' survey showed that 16 per cent of respondents considered Victoria the standout state in terms of offering unique history and heritage.[7] Cultural tourism is particularly important in attracting visitors to regional Victoria. In 2007-2008, 251,000 international visitors and 429,000 domestic overnight visitors to regional Victoria visited historic places. Cultural visitors seek active engagement in learning and recreation and, for local tourism, are considered to be high value: they stay longer, spend more, and are more willing to disperse through a region than non-cultural visitors.[8]

The Heritage Council and Heritage Victoria have drawn on the VHR to encourage visitation to historic places in regional Victoria through a number of innovative collaborations. These include the production of award-winning regional travel guides[9] and an award-winning Vic-Heritage App that allows people to discover the history around them by searching the VHR through features such as 'near me', or via interests such as style, place type, or architect. Users can add their own stories and images of a place, share their insights with others, and create their own heritage tours.[10] The Heritage Council is also the heritage partner for Open House Melbourne, which showcases the city's rich architectural history and illustrates how many early buildings have been adapted to meet the demands of modern office and retail accommodation; in 2014 103,000 people visited 103 properties, with the top ten visited places all registered on the VHR.

---

[5] *Heritage Management Strategy* (Melbourne: Parks Victoria, 2003), 6.

[6] *Conservation of Australia's Historic Heritage Places Report No. 37*, (Canberra: Productivity Commission, 2006), 186.

[7] 'Melbourne and Victoria Brand Health', Tourism Victoria, 2010, 6.

[8] Based on data from Tourism Research Australia and Tourism Victoria.

[9] For example, *The Traveller's Guide to the Goldfields: History and Natural Heritage Trails Through Central and Western Victoria* (2006), and the *Goldfields Track Walking Guide*, which was awarded the Historical Interpretation Award for the Victorian Community History Awards 2012 for highlighting the value of the cultural-natural collaboration.

[10] The Vic-Heritage App won the Best Government App at the 2013 AIMIA Awards.

3.3 Best-practice conservation and management

It is the opinion of the Heritage Council that many places on public land reflect best-practice conservation and management processes supported by appropriate legislation, frameworks, and guidelines. Historic cultural heritage at local, state and national levels, including places, archaeological sites and shipwrecks, is legislated for by the *Planning and Environment Act* 1987 (Victoria); the *Heritage Act* 1995 (Victoria); the *Commonwealth Historic Shipwrecks Act* 1976; and the *Environment Protection Biodiversity and Conservation Act* 1999 (Commonwealth). The *Burra Charter* provides guidance for the conservation and management of all historic cultural heritage. The management of most places managed by Parks Victoria, DEPI and local councils refer to conservation management plans, developed to retain cultural heritage significance whilst achieving agency objectives, and which monitor and review outcomes to inform future management processes. Moreover, the management of cultural heritage assets owned or managed by the Victorian government is directed by the policy note 'Victorian Government Cultural Heritage Asset Management Principles'. The policy note details how heritage assets are identified, protected and conserved through five key actions: having a strategy; developing an inventory; getting the appropriate expertise; applying management principles; and monitoring performance.[11] It is of relevance that public heritage places across Australia have a significantly higher level of integrity than those in private ownership.[12]

3.4 Adaptive re-use

Environmentally sustainable development is recognised by the Heritage Council's response to the conservation of historic places. The conservation and, where appropriate, adaptive re-use of heritage assets has major benefits to the community in terms of maintaining the heritage values of the site, promoting the wise use of resources, retaining embodied energy, and minimising waste.[13] An example of innovative adaptive re-use of a public building is the current construction of the 1,000-seat Ulumbarra community theatre at the former Sandhurst (Bendigo) Gaol. By finding an adaptive re-use for the site the building will be recycled and the retention of important history and architectural elements will continue to inform future generations about Australia's prison reformation and colonial past through story telling and intergenerational communication.

3.5 Shared values

Places on public land in Victoria that are valued for their natural values, including biodiversity and evolutionary history, are also often rich cultural landscapes that contain archaeological evidence of Aboriginal and non-Aboriginal occupation. Other places created during white occupation, such as Aboriginal missions and reserves, are also valued by both Aboriginal and non-Aboriginal people. These places highlight the complexity of issues that impact on the effective management of sites with shared heritage values: between traditional owners and settlers; between collective belonging and government control; and between the tangible and the intangible.[14] As Chris Johnston argues: 'Although the division of heritage into natural and cultural is a largely artificial distinction, and likewise the further division of cultural heritage into Indigenous and historic heritage, these

---

[11] 'Victorian Government Cultural Heritage Asset Management Principles', (Heritage Council of Victoria, December 2009). See also 'Guidelines for the Implementation of the Government Cultural Heritage Asset Management Principles', Heritage Victoria, 2009, and 'Cultural Heritage Asset Management Strategy Model', Heritage Victoria, December 2009.

[12] Jane Lennon, 'Natural and Cultural Heritage Theme Report - Australia State of the Environment Report ' CSIRO, 2001, http://www.environment.gov.au/node/21702.

[13] 'Victorian Government Cultural Heritage Asset Management Principles'.

[14] 'Shared Heritage Values', Heritage Tasmania, 2009, in Past Cultural Environment and Heritage Honours Projects, University of Tasmania, 2012, http://www.utas.edu.au/colonialism/cultural-environments-and-heritage-honours-program/2009-projects/riawunna.

distinctions have been strongly embedded in Australian law and government structures for more than 30 years.'[15]

The shared history of Aboriginal and non-Aboriginal people in Victoria is recognised by Victoria's 'Framework of Historical Themes', which has been developed by both the Victorian Aboriginal Heritage Council and the Heritage Council of Victoria to increase awareness and appreciation of the state's diverse heritage. To build on this work and the emerging trend of recognising shared values in historic heritage conservation, the Heritage Council has appointed a Joint Working Group consisting of three members each of the Heritage Council of Victoria and the Victorian Aboriginal Heritage Council to 'work towards a better understanding of places and objects with shared values'. The Heritage Council considers that places on public land provide a unique opportunity to understand the interrelationship between Aboriginal and non-Aboriginal values, and natural and cultural values. There exists significant potential to develop innovative options for the future management of these places.

4.0 Issues for historic places on public land

The Heritage Council of Victoria believes there are a number of issues around conserving historic places on public land.

4.1 Collation and management of information

There has not been a comprehensive survey of the heritage of Victoria's public estate. Places on public land are managed by a number of different government entities, including the Aboriginal Heritage Council, Heritage Victoria, local governments, National Trust of Australia (Victoria), DEPI, and Parks Victoria. Assessment and listing are the primary tools that Victorian government agencies and departments use to identify and conserve historic heritage places on public land, but these processes are not standardised across organisations. Moreover, each agency and department collects and collates information in different ways. This can lead to gaps or duplication of effort in the identification and assessment of heritage. In addition, knowledge about historic and Aboriginal cultural heritage places is developed within individual departments, but is rarely shared between them. There is therefore no single source of detailed information on historic places on public land in Victoria.

4.2 'At risk' places

Heritage sites can be at risk through a lack of recognition and legal protection, commercial development, neglect, or through unsuitable or lack of use. Some places on public land that are little used, such as mechanics' institutes and halls in declining rural communities and railway stations on lines where passenger services have been closed, are at particular risk due to isolation, poor condition, vandalism and lack of maintenance. Other public places are put at risk by forestry activities and fire reduction burns.

4.3 Management of historic places on public land

Historic places on public land are well recognised and valued as a community asset by the wider Victorian community, however this brings with it an expectation that governments will ensure an appropriate level of conservation for the benefit of current and future generations. The location of places on public land carries with it a community perception of government responsibility and ownership of future problems.

DEPI's volunteer committees of management (CoMs) play an important role in managing some 1,500 Crown land reserves in Victoria, such as courthouses, mechanics' institutes and public halls, railway station buildings and pavilions. A recent audit, however, found DEPI has not consistently established CoMs with appropriate governance arrangements, does not take a strategic approach to supporting and overseeing CoMs, and has

---

[15] Chris Johnston, 'An Integrated Approach to Environment and Heritage Issues,' Australian State of the Environment Committee, 2006, http://www.environment.gov.au/node/22621.

not taken sufficient steps to ensure that Crown land reserves are managed by appropriate managers in the future.[16]

Another issue for historic places is that government agencies responsible for public land management do not always include the identification, assessment and management of historic places as part of an integrated land management approach. This is particularly the case for departments and agencies where natural resource management programs are the priority, or for departments whose core activity is neither heritage nor natural resource management; an example of the latter case is the Department of Treasury and Finance who is responsible for the management of the Murtoa Stick Shed.

In reference to management responsibilities for historic places on public land, decisions about sites can involve conversations between a number of government departments and agencies. Management of the Cerberus wreck, for example, involves: Parks Victoria (the local port and waterway manager); the Maritime Heritage Unit and Heritage Victoria (on the cultural values of the wreck); the Bayside City Council (for matters relating to public safety); and the Department of Transport Planning and Local Infrastructure (with regard to maritime policy and boating rules).

With regard to conservation management plans, although most government agencies and departments develop plans for buildings on public land, there is no standardised format for these documents. In addition, because of a focus on buildings by government departments, plans are rarely developed for conservation methods relevant to archaeological sites and ruins.

4.4   **Costs**

It is the Heritage Council's opinion that only a minority of public land historic sites involve costly maintenance or are of little economic benefit. The costs associated with the conservation of historic places on public land are not easily quantified, particularly when many of the benefits of heritage are intangible. The main financial costs are associated with assessment, listing, statutory protection, compliance, management, conservation, adaptation, and maintenance. The Australian Council of National Trusts notes that it is rare for government agencies and departments who do not have heritage as part of their core function to be funded to care properly for places of heritage value.[17] As the Productivity Commission suggests, 'Governments who are concerned with best-practice compliance among their agencies might consider providing financial assistance to help meet the cost of meeting regulatory obligations or assistance in implementing guidelines.'[18]

---

[16] 'Victorian Auditor General's Report: Oversight and Accountability of Committees of Management,' (Victorian Government Printer, February 2014).

[17] Cited in *Conservation of Australia's Historic Heritage Places Report No. 37*, 206.

[18] Ibid. 213.

5.0   **Recommendations**

Based on the aforementioned discussion, the Heritage Council of Victoria makes the following recommendations for managing historic places on public land:

> 5.1.1   *Undertake an audit of historic places on public land as a matter of priority, add the information to the existing HERMES database and carry out regular updates.[19] The centralisation of information into a 'one stop' resource will reduce duplication of effort and resources, identify places at risk, and provide support for all managers of places on public land. The audit will also allow meaningful statistical analysis of the complexities that surround management of historic heritage values on public land*

> 5.1.2   *Develop standard assessment and conservation formats that take into account shared values and differentiate between historic buildings and archaeological sites/ruins in order to establish a uniform approach to conserving historic places on public land.*

> 5.1.3   *Promote local heritage tourism[20] and sustainable use and adaptive reuse of places, and explore innovative management approaches through community events and new technologies, thereby increasing the economic benefits of historic places on public land.*

> 5.1.4   *Allocate adequate government resources for the management of historic places on public land, including the reinstatement of a Historic Places Unit to support DEPI and Parks Victoria, and a better resourced Heritage Victoria.*

> 5.1.5   *Involve the Heritage Council of Victoria in the development of VEAC's Investigation into Historic Places on Public Land draft proposals paper due mid 2015.*

---

[19] HERMES is the 'back end' database of the Victorian Heritage Database, and holds information from the Victorian Heritage Register and Heritage Inventory, the National Trust of Australia (Victoria), DEPI, Monuments Australia, and local governments. Information includes statements of significance, physical descriptions, historical information, builder and architect details, architectural style, photographs, and heritage overlay details.

[20] The recently released Parliament of Victoria Environment and Natural Resources Committee's 'Inquiry Into Heritage Tourism and Ecotourism in Victoria' (Victorian Government Printer, September 2014) suggests that the Victorian Government's cultural tourism strategy requires renewal, and should include a stronger focus on heritage tourism.