

**Morwell Power Station and Briquette Factories**

**Heritage Council Registrations Committee  
Hearing – Thursday 12 October, 2017**

**DECISION OF THE HERITAGE COUNCIL**

After considering the Executive Director’s recommendation, all submissions received, and conducting a hearing into those submissions, pursuant to s.265 of the *Heritage Act 2017* and s.42(1)(a) and s.42(4) of the *Heritage Act 1995*, the Heritage Council has determined that Morwell Power Station and Briquette Factories are of cultural heritage significance to the State of Victoria and should be included in the Victorian Heritage Register.

Heritage Council Registrations Committee:

**Lindsay Merritt (Chair)**

**Lucinda Peterson**

**Penelope Smith**

**Decision Date – 12 February 2018**

## **APPEARANCES/SUBMISSIONS**

Written submissions to the Heritage Council pursuant to s.38(1)(a) of the *Heritage Act 1995* were received from the following persons:

**Mr Egidio Marino and Ms Angela Marino**  
**Mr Frank Leister**  
**Ms Pam Kelly**  
**Mr Alen Bullen**  
**Ms Nancy Foster and Mr Robert Foster**  
**Ms Helen Mareska**  
**Ms Rhonda Fox**  
**Ms Andrea Collins**  
**PowerWorks Pty Ltd**  
**Mr Paul Foster and Ms Karen Foster**  
**Ms Irene Proebsting**  
**Ms Rosalind Hustler**  
**Latrobe City Council**  
**Mr Anthony Wasiukiewicz**  
**Mr Peter Gibbons**  
**Mr Dan Musil**  
**Mr Peter Alsop**  
**AusNet Services**  
**Mr David Mitchell**  
**Mr David Hollis**  
**Mr Beau Atkinson**  
**Ms Candice Boyd and Mr Nick Williamson**  
**Mr Malcolm Padgett**  
**Mr Christopher Milne**  
**Mr Hartmut Veit**  
**Ms Joanne Lyons**  
**Ms Cheryl Wragg**

A written submission pursuant to s.38(1)(a) of the *Heritage Act 1995* was received from the following person, who also made a further written submission pursuant to s.40(2)(a)(iv) of the *Heritage Act 1995*, but did not appear at the hearing to make a verbal submission:

**AusNet Services**

Written submissions pursuant to s.40(2)(a)(iv) of the *Heritage Act 1995* were received from the following persons, who also appeared at the hearing to make verbal submissions:

### **Executive Director, Heritage Victoria ('the Executive Director')**

Submissions were received from the Executive Director. Dr Marina Larsson appeared and made verbal submissions on behalf of the Executive Director. Mr Geoff Austin was also present and available to take questions.

### **Ms Cheryl Wragg**

Submissions were received from Ms Wragg, who made verbal submissions.

**Latrobe City Council ('Latrobe')**

Submissions were received from Latrobe. Mr Jody Riordan, Acting Manager Planning Services, appeared and made verbal submissions for Latrobe.

**Asbestos Council of Victoria/GARDS Inc. ('ACV')**

Submissions were received from ACV. Ms Vicki Hamilton OAM appeared and made verbal submissions for ACV.

**Coal Energy Australia Ltd ('CEA')**

Submissions were received from CEA. Mr Jeff Lynn of Ashurst Australia appeared and made verbal submissions for CEA.

**Energy Brix Australia Corporation Pty Ltd (in liquidation) ['the Owner']**

Submissions were received from the Owner. Mr Nicholas Tweedie SC of Counsel, instructed by Norton Rose Fulbright, appeared and made verbal submissions for the Owner.

## INTRODUCTION

### The Place

1. On 26 May 2017, the Executive Director made a recommendation ('the Recommendation') that the Morwell Power Station and Briquette Factories be included on the Victorian Heritage Register ('the Register').
2. The proposed extent of registration included in the Recommendation includes structures, infrastructure, roadways and other elements related to the delivery, processing, briquetting, storage and transport of brown coal and the related power generation and electricity transmission facilities. The proposed extent is curved on the north-west and south-west corners to follow the alignment of access roadways which form part of the boundaries to the complex (together, 'the Place'). The Place is situated within the southern part of the land described as Lot 2 Plan of Subdivision 449983A on Certificate of Title Volume 10924 Folio 783.
3. The following 'History Summary' of the Place is taken from page 7 of the Recommendation:

*The Morwell Power Station and Briquette Factories was constructed between 1949 and 1959 by the State Electricity Commission of Victoria (SECV). It was the centrepiece of the Victorian Government's postwar strategy to revitalise Victoria's industrial and economic growth through the development of the Latrobe Valley into the state's principal power and energy producing region. The Yallourn Power Station had been established in 1921 and electricity started flowing to Melbourne in 1924. Morwell was the next project to capitalise on the region's brown coal resources. Its purpose was to provide electricity to a rapidly growing population, alleviate power shortages, produce briquettes for industrial and domestic use, and to reduce the reliance of Victoria on black coal from New South Wales. Building on knowledge from Yallourn, the SECV sourced briquetting equipment from Germany and boilers and turbines from Britain. Electricity production at Morwell Power Station commenced in December 1958. The first commercial briquette production commenced in December 1959. It was soon discovered that the brown coal from the Morwell open cut mine was unsuitable for briquetting, and Yallourn coal had to be transported to the Morwell factories. By the early 1960s, Morwell, not Yallourn, had become the nerve centre of the new industrial valley. After Hazelwood Power Station went into operation the proportion of Victoria's electricity supply sourced from brown coal in the Latrobe Valley reached almost 90%. The briquette plant at Morwell was one of the first components of the SECV to be privatised in late 1993 with the creation of Energy Brix Australia. Following declining profits and the impact of fires in 2003 the plant closed in 2014.'*

4. The following 'Description Summary' is taken from page 7 of the Recommendation:  
*'The Morwell Power Station and Briquette Factories is a large industrial complex located approximately two kilometres south east from the Morwell Railway Station and includes a power station, two briquette factories, coal transportation systems, storage areas and ancillary buildings. Buildings are constructed using a variety of different methods and materials. The layout of the place is informed by the processes of power generation and the manufacture of briquettes, with coal conveyed into the place from the west, and distributed to either the Power Station or the Briquette Factories. Output in the form of electricity or briquettes occurs at the eastern side of the site.'*
5. The Committee notes that the above 'History Summary' and 'Description Summary' are part of a proposed Statement of Cultural Heritage Significance in the Recommendation. They are

provided for information purposes only. The above material does not form part of any endorsed documentation relating to the Place.

### **The nomination of the Place and other land adjacent to the Place for inclusion in the Register**

6. A nomination for the Place and other land and features adjacent to the Place to be included in the Register was accepted by the Executive Director on 20 April 2017 ('the Nomination'). The nominated extent comprised what the Executive Director described as:

*'the spur line off the main regional railway (for the transport of briquettes out of the site), the old briquette storage and ash pit area (appearing as an empty paddock west of the railway spur), the Morwell Power Station and Briquette Factory proper, and the area now known as Power Works Community Museum Zone, to the west of the old briquette storage and ash pit area.'* ('the nominated extent').

### **The recommendation not to include other land adjacent to the Place**

7. The Executive Director recommended on 26 May 2017 NOT to include other land within the nominated extent, being adjacent to the Place.
8. No objections to the recommendation nor requests for a hearing were received by the Heritage Council in relation to the recommendation NOT to include the other land adjacent to the Place. On 3 August 2017 the Heritage Council determined, pursuant to s.42(1)(c) of the *Heritage Act 1995* ('the Act') that the other land adjacent to the Place is not of cultural heritage significance and does not warrant inclusion in the Register.

### **The Recommendation to include the Place**

9. The Executive Director recommended on 26 May 2017 to include the Place in the Register.

### **Process following the Recommendation of the Executive Director**

10. After the Recommendation of 26 May 2017, notice was published in accordance with s.35 of the Act for a period of 60 days, and twenty-seven (27) submissions were received pursuant to s.38(1)(a) of the Act. A summary of the s.38 submissions received is included in the table below:

<b>s.38 Submitter</b>	<b>Summary Of Submission</b>
Mr Egidio Marino and Ms Angela Marino	Objected to the Recommendation
Mr Frank Leister	Objected to the Recommendation
Ms Pam Kelly	Objected to the Recommendation
Mr Alen Bullen	Objected to the Recommendation
Ms Nancy Foster and Mr Robert Foster	Objected to the Recommendation
Ms Helen Mareska	Objected to the Recommendation
Ms Rhonda Fox	Objected to the Recommendation
Mr Paul Foster and Ms Karen Foster	Objected to the Recommendation
Ms Andrea Collins	Objected to the Recommendation
Ms Rosalind Hustler	Objected to the Recommendation
PowerWorks Pty Ltd	Supported the Recommendation not to include other land adjacent to the Place
AusNet Services	Objected to the Recommended extent, Permit Policy and Permit Exemptions
Ms Irene Proebsting	Supported the Recommendation
Latrobe City Council	Conditionally supported the Recommendation
Mr Anthony Wasiukiewicz	Supported the Recommendation

Mr Peter Gibbons	Supported the Recommendation
Mr Dan Musil	Supported the Recommendation
Mr Peter Alsop	Supported the Recommendation
Mr David Mitchell	Supported the Recommendation
Mr David Hollis	Supported the Recommendation
Mr Beau Atkinson	Supported the Recommendation
Ms Candice Boyd and Mr Nick Williamson	Supported the Recommendation
Mr Malcolm Padgett	Supported the Recommendation
Mr Christopher Milne	Supported the Recommendation
Mr Hartmut Veit	Supported the Recommendation
Ms Joanne Lyons	Supported the Recommendation
Ms Cheryl Wragg	Supported the Recommendation

11. The extent of matters raised by s.38 submitters related generally to satisfaction or otherwise with appropriate criteria to be used as to the Place warranting inclusion in the Register, the proposed Statement of Cultural Heritage Significance, the proposed Permit Policy and proposed Permit Exemptions and other matters relating to the Place. In accordance with s.41(6) of the Act, a hearing was required to be held.
12. In accordance with s.41(6) of the Act, a Heritage Council Registrations Committee (‘the Committee’) was constituted to consider the Recommendation and all submissions received in response to it and to make a determination, as delegated by the Heritage Council under s.12 of the Act. The Committee then invited further written submissions under s.40(2)(a) of the Act and a hearing was scheduled for 12 October 2017 (‘the hearing’).

## **PRELIMINARY, PROCEDURAL AND OTHER MATTERS**

### **Site inspection**

13. On 11 October 2017, the Committee made a site inspection of the Place accompanied by the Heritage Council Hearings Coordinator and by representatives of the Owner, who provided access to the Place. No submissions were sought, made or received at the time of the site inspection.

### **Conflicts of interest**

14. The Chair invited Committee members to make declarations in relation to any matters that may potentially give rise to an actual or apprehended conflict of interests. The Committee was satisfied that there were no relevant conflicts of interests.

### **Late material**

15. During the course of the hearing the Owner sought to present four items of information, three of which related to extracts of legislation and a court decision and the other being a consultant report to give supporting detailed information as to cost estimates relating to property management and various remedial works associated with the Place or portions thereof, having regard to references to the same within the Owner’s Submissions in Reply following other written submissions made under s.40(2)(a) of the Act. The first three items were admitted by the Committee, but the Committee received verbal submissions on the last-mentioned item of late material from the other parties, then adjourned to make a decision. The Committee directed that the last-mentioned item of late material not be admitted having regard to dealing with matters fairly in accordance with published protocols and the avoidance of possible prejudice to any party. In so doing, the Committee noted the cost estimates given in such Submission in Reply on a “face value” basis.

## **Future use of the Place**

16. Some submissions referred to the future use of the Place, including potential future works or future adaptive re-use or the future cost of maintaining and preserving the Place. The Committee appreciates the scale and characteristics of the large industrial complex which comprises the Place, and acknowledges that there are costs relating to keeping the Place safe and secure in its present state. However, the role of this Committee is to determine the cultural heritage significance of the Place in its current state, reach a decision as to inclusion in the Register or otherwise and, in the case of inclusion, to also determine any permit-exempt works or activities under the provisions of Part 3 of the Act. It is not the Committee's task to consider the future use or development of the Place. Submissions dealing with these matters have not been considered by the Committee in reaching its decision.

## **ISSUES**

17. This section is not intended to be a complete record of submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the Committee's decision in relation to each key issue.
18. Any reference to Criteria or an individual Criterion refers to the 'Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance' (as adopted by the Heritage Council on 7 August 2008) [see Attachment 1].
19. Any reference to the Guidelines refers to the '*The Victorian Heritage Register Criteria and Threshold Guidelines*' (as adopted by the Heritage Council on 6 December 2012 and reviewed/updated on 5 June 2014).
20. The Executive Director submitted that the Place should be included in the Register on the basis that it satisfies Criteria A, B and D. In addition and in response to the submissions of Ms Wragg in particular, the Executive Director did not object to the registration of the Place on the basis that Criterion H is satisfied for the State-level association of the Place with the former State Electricity Commission of Victoria ('SECV').
21. Ms Wragg agreed with the Executive Director in relation to Criteria A, B and D and submitted that, in addition, Criteria G and H are satisfied in relation to the Place.
22. Latrobe agreed that the Place was of a State-level of cultural heritage significance on the basis that Criteria A, B and D are satisfied. Latrobe also made submissions relating to the future use and management of the Place.
23. ACV submitted that the Place should not be included in the Register arising from concerns with the presence of friable asbestos and associated impacts on public health and safety.
24. CAE, Ausnet and the Owner all agreed in principle that the Place is of a State-level of cultural heritage significance and none of these three parties objected specifically to the Executive Director's view that Criteria A, B and D are satisfied in relation to the Place. Each of these parties also made a variety of submissions relating to the management of the Place and the Permit Exemptions policy in the event of any inclusion in the Register.
25. In submissions several parties also raised the following matters: the proposed Statement of Cultural Heritage Significance for the Place; Permit Policy and Permit Exemptions; and other matters relating to the use and management of the Place.

### **Criterion A - Importance to the course, or pattern of Victoria's cultural history**

26. The Executive Director recommended and submitted that the Place meets the threshold for inclusion on the Register under Criterion A.

#### *Submissions and evidence*

27. Ms Wragg provided detailed further information and arguments in submissions relating to the history of the Place.
28. Latrobe submitted that a State-wide thematic heritage study on power stations in Victoria may improve the comparative analysis relating to Criterion A.
29. ACV did not make submissions specifically relating to Criterion A, but provided some further information about the history and danger of asbestos contamination at similar sites.
30. Neither CEA, Ausnet nor the Owner made specific submissions in relation to Criterion A. Please also refer to paragraph 24 above.

#### *Discussion and Conclusion*

31. The Committee agrees with the Executive Director that the Place demonstrates the transformation of the Latrobe Valley, pursuant to post-World War 2 ('WWII') State government policy, into an industrial region for power and energy production and notes that the Place is the earliest surviving large-scale power station designed to provide electricity to the State electricity network. The Committee also agrees with the Executive Director that the Place is of historical significance to the State as Morwell Power Station is also the earliest and only surviving site with integrated and remaining briquette factories.
32. The Committee considers that the high degree of intactness and integrity allows the associations of the Place with the SECV and the transformation of the Latrobe Valley to be understood better than most other similar places in Victoria.
33. In relation to submissions made by Ms Wragg that the employment of a large migrant workforce at the Place is of State-level significance in relation to Criterion A, the Committee is of the view that this is of importance to the communities of Morwell and the surrounding region but, on the evidence available, is not satisfied that this meets the threshold for State-level cultural heritage significance.
34. The Committee is persuaded that the Place is of importance to the course of Victoria's history and finds that the State-level threshold for Criterion A is satisfied.

### **Criterion B – Possession of uncommon, rare or endangered aspects of Victoria's cultural history**

35. The Executive Director recommended and submitted that the Place should be included in the Register on the basis that it meets the threshold for inclusion under Criterion B.

#### *Submissions and evidence*

36. Ms Wragg agreed with the Executive Director and provided further information and arguments in submissions relating to the rareness of the Place.
37. Latrobe agreed with the Executive Director in relation to Criterion B.
38. ACV did not make submissions specifically relating to Criterion B.

39. Neither CEA, Ausnet nor the Owner made specific submissions in relation to Criterion B. Please also refer to paragraph 24 above.

*Discussion and Conclusion*

40. The Committee notes that, on the evidence, the Place includes the only mid-twentieth century intact assemblage of briquetting machinery surviving in Victoria. The Committee also notes that, on the evidence, the water tube boilers used in the production of electricity at the Place and which have been specifically adapted for the burning of brown coal, are uncommon in Victoria. The Committee is therefore of the view that the Place is in possession of endangered aspects of Victoria's industrial heritage.
41. The Committee is of the view that the briquetting process is able to be appreciated and understood due particularly to the high degree of intactness and integrity of the extant briquetting machinery.
42. The Committee agrees with the Executive Director's recommendation that the Place is in possession of rare and uncommon aspects of Victoria's cultural heritage and, on the evidence provided, is satisfied that briquetting machinery, such as that present at the Place, is endangered in Victoria.
43. The Committee finds that the requisite State-level threshold for Criterion B is satisfied in relation to the Place.

**Criterion C – Potential to yield information that will contribute to an understanding of Victoria's cultural history**

44. The Executive Director recommended and submitted that the Place does not have the potential to contain physical evidence not currently visible or understood that would contribute to an understanding of Victoria's cultural history, and submitted that it does not meet the threshold for inclusion under Criterion C.

*Submissions and evidence*

45. Ms Wragg agreed with the Executive Director.
46. Latrobe agreed with the Executive Director in relation to Criterion C.
47. ACV did not make submissions specifically relating to Criterion C.
48. Neither CEA, Ausnet nor the Owner made specific submissions in relation to Criterion C.

*Discussion and Conclusion*

49. The Committee agrees with the Executive Director in relation to Criterion C and finds that, on the evidence, the Place is unlikely to contain physical evidence of historical interest that is not currently visible or understood and which would contribute to an understanding of Victoria's cultural history.
50. The Committee finds that the Place does not meet the requisite threshold in relation to Criterion C.

**Criterion D –Importance in demonstrating the principal characteristics of a class of cultural places or environments**

51. The Executive Director recommended and submitted that the Place meets the threshold for inclusion on the Register under Criterion D as a notable example in Victoria of a class of places termed 'power stations'.

### *Submissions and evidence*

52. Ms Wragg provided detailed further historical information and arguments in submissions relating to the Place and other similar places, specifically in the Latrobe Valley.
53. Latrobe submitted that a statewide typological heritage study on power stations in Victoria may improve the comparative analysis relating to Criterion D.
54. ACV did not make submissions specifically relating to Criterion D, but provided some further information about the history and danger of asbestos contamination at similar sites.
55. Neither CEA, Ausnet nor the Owner made specific submissions in relation to Criterion D. Please also refer to paragraph 24 above.

### *Discussion and Conclusion*

56. It is the Committee's view that the Place demonstrates the principal characteristics of a class of places. The Committee opts to describe the relevant class as 'power stations', cognisant that the Place also includes buildings, structures and other built elements that relate specifically to briquette production.
57. The Committee agrees with the Executive Director that the Place is a notable example of a power station in Victoria and features a large number of characteristics that are typical of its class. The Committee finds that the Place includes a notable and highly intact range of buildings and features, mostly unchanged from the relevant historical period, that retain their ability to demonstrate industrial processes relating to brown coal electricity generation and briquette manufacture.
58. The Committee agrees with the submissions of some parties that a more detailed comparative analysis of the Place within its class would have been useful and regrets that a more thorough investigation of the relevant class was not available to the Committee.
59. The Committee considers nevertheless that the high degree of intactness and integrity of the fabric of the Place allows the principal characteristics of power stations to be readily understood and demonstrate the association of the Place with the post-WWII transformation of the Latrobe Valley.
60. The Committee is persuaded that the Place demonstrates the principal characteristics of a class of places of importance to the course of Victoria's history, finds that the ability to appreciate the relevant characteristics is enhanced by the high degree of intactness and integrity of the Place, both internally and externally, and finds that the threshold for Criterion D is satisfied.

### **Criterion E – Importance in exhibiting particular aesthetic characteristics**

61. The Executive Director recommended and submitted that the Place is a large and striking industrial complex but that the Place is not of State-level importance in exhibiting particular aesthetic characteristics. The Executive Director submitted that the aesthetic characteristics of the Place have not received critical recognition or public acknowledgement in the terms of the Guidelines and, although the aesthetic characteristics of the Place may be acknowledged or recognised at a local level, the Place does not meet the requisite State-level threshold for inclusion under Criterion E.

### *Submissions and evidence*

62. Ms Wragg submitted that, subject to further research, the threshold for Criterion E may be satisfied if the local architectural or engineering design presence for the Place could be identified

having regard to the aesthetic style and coherence of the buildings and structures within the Place.

63. Latrobe agreed with the Executive Director in relation to Criterion E.
64. ACV did not make submissions specifically relating to Criterion E.
65. Neither CEA, Ausnet nor the Owner made specific submissions in relation to Criterion E. Please also refer to paragraph 24 above.

*Discussion and Conclusion*

66. The Committee agrees with the Executive Director in relation to Criterion E and finds that, although the Place is a large and striking industrial complex, it has not been demonstrated that the aesthetic characteristics of the Place are appreciated, valued, recognised or acknowledged by the wider Victorian community in the terms of the Guidelines.
67. The Committee finds that the Place does not meet the requisite State-level threshold in relation to Criterion E.

**Criterion F – Importance in demonstrating a high degree of creative or technical achievement at a particular period**

68. The Executive Director recommended and submitted that the Place is not of importance in demonstrating a high degree of creative or technical achievement for its time and submitted that the Place does not meet the State-level threshold for inclusion in the Register under Criterion F.

*Submissions and evidence*

69. Ms Wragg agreed with the Executive Director in relation to Criterion F.
70. Latrobe agreed with the Executive Director in relation to Criterion F.
71. ACV did not make submissions specifically relating to Criterion F.
72. Neither CEA, Ausnet nor the Owner made specific submissions in relation to Criterion F.

*Discussion and Conclusion*

73. The Committee notes that the elements and buildings of the Place are, on the material before the Committee, very similar to the series of power stations constructed by the SECV.
74. The Committee agrees with the Executive Director in relation to Criterion F and based on the information available to it, the Place does not demonstrate a high degree of creative or technical achievement for the time in which it was created.
75. The Committee finds that the Place does not meet the requisite State-level threshold in relation to Criterion F.

**Criterion G - Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions**

76. The Executive Director recommended and submitted that, although the Place has a direct association with the Latrobe Valley community as a place of work, there is no evidence of regular use or engagement with the Place by the community outside of the Latrobe Valley, and submitted that the Place does not meet the threshold for State-level inclusion on the Register under Criterion G.

*Submissions and evidence*

77. Ms Wragg provided detailed further information and arguments in submissions relating to the history of engagement between the Latrobe Valley, the Place and Victoria's migrant workforce.
78. Latrobe agreed with the Executive Director in relation to Criterion G.
79. ACV did not make submissions specifically relating to Criterion G.
80. Neither CEA, Ausnet nor the Owner made detailed submissions in relation to Criterion G. Please also refer to paragraph 24 above.

*Discussion and Conclusion*

81. The Committee agrees that there was an association between the Place and the migrant workforce community in the early years of operations and that there has been an association between the Latrobe Valley community and the Place throughout time. The Committee notes, however, that there are many other similar large industrial sites across the State with as strong an association with local and/or regional communities and workforces.
82. The Committee agrees with the Executive Director that, on the evidence before it, there appears to have been little to no access to the Place since the end of substantive operations in 2014. The Committee further notes that, in any case, there appears to be no evidence of long-term or regular use of or engagement with the Place (other than as a workplace) of the nature referred to in the Guidelines.
83. In relation to submissions made by Ms Wragg that the employment of a large migrant workforce at the Place is of State-level significance in relation to Criterion G, the Committee is of the view that this is of importance to the communities of Morwell and the surrounding region but, on the evidence before it, is not satisfied that this meets the threshold for State-level cultural heritage significance in the terms of the Guidelines.
84. The Committee finds that the State-level threshold for Criterion G is not satisfied.

**Criterion H – Special association with the life or works of a person, or group of persons, of importance in Victoria's history**

85. The Executive Director submitted that the people named by Ms Wragg as having been involved in the construction of the Place were not persons of sufficient importance in Victoria's history in the terms of the Guidelines. The Executive Director, however, did not object to the argument that the Place satisfies Criterion H at State-level for its association with the SECV.

*Submissions and evidence*

86. Ms Wragg submitted that the Place satisfies Criterion H as it has a special association with the life, and more particularly the works, of a group of six people who were involved in the construction of the Place and the development of its particular integrated approach to industrial infrastructure. Ms Wragg also submitted that the Place is historically significant at a State-level for its association with the SECV.
87. Latrobe submitted that, as the Place was not designed by a person or a group of persons of importance to Victoria's history, Criterion H is not likely to be satisfied.
88. ACV did not make submissions specifically relating to Criterion H.
89. Neither CEA, Ausnet nor the Owner made detailed submissions in relation to Criterion H. Please also refer to paragraph 24 above.

### *Discussion and Conclusion*

90. The Committee was provided with sufficient evidence to be satisfied that the SECV's direct association with the Place is clear, and that the SECV made a strong and influential contribution to the course of Victoria's history. Moreover, the association of the SECV with the Place is evidenced in both the physical fabric of the Place and documentary resources, and directly relates to both achievements and ongoing interaction by the SECV with the Place.
91. The Committee finds that the State-level threshold for Criterion H is satisfied in relation to the Place, and amends the proposed Statement of Cultural Heritage Significance accordingly (Attachment 2).

### **Extent of Registration**

92. The Committee considers that the plan on page 23 of the Recommendation is inadequate to appropriately provide an existing conditions plan of the Place. To record the Place in more detail, the Committee appends an annotated satellite image at Attachment 2.

### **Permit Policy, Permit Exemptions and other matters**

#### *Submissions and evidence*

93. The Executive Director's submission cited examples of recent Heritage Council decisions in relation to permit exemptions which, in summary, determined that works to all parts of registered places, with the exception of categories of minor works, should be subject to the permit application process under the Act. In the Recommendation, the majority of the Executive Director's proposed permit exemptions were of a relatively standard nature and proposed to exempt a variety of categories of relatively minor works to the Place from the need for a heritage permit. In submissions, however, the Executive Director supported a request from Ausnet to the Executive Director that a permit exemption should be applied to the registration of the Place to allow a range of operational works relating to the in-service parts of the switchyard/transmission yard elements and directly associated systems associated with the Place. The Executive Director made no other comment in relation to how the Heritage Council may interpret the scope of its determination powers under s.42 of the Act.
94. The Owner, as noted above, did not dispute the State-level cultural heritage significance of the Place, but submitted that the Power Station and its equipment and machinery within the Place should be exempt under s.42(4) of the Act from the requirement for a heritage permit in relation to demolition works due to the complexity of the infrastructure at the Place and the risks and ongoing costs associated with its management. The Owner submitted that the Committee should consequently consider the registration of the Place and the demolition of parts of it as a concurrent process. As an alternative approach, the Owner submitted that the Power Station portion of the Place be subject to a determination to refuse to register by the Heritage Council but with 'other means' being taken to record or interpret the cultural heritage significance of the Power Station, then to be followed by demolition. For both of these approaches, the Owner made submissions about the interpretation of s.42 of the Act.
95. Ms Wragg did not support the permit exemption proposed by the Owner.
96. ACV did not make specific submissions relating to Permit Policy or Permit Exemptions, but made submissions generally relating to the public health and safety aspects of any potential works at the Place, in particular relating to the presence of friable asbestos at the Place.

97. CEA, in its submissions, supported the position of the Owner that either a permit exemption for the demolition of the Power Station should be made as part of the registration of the Place or alternatively, that the Power Station portion should be subject to a refusal to register. CEA advised that it is a prospective purchaser and operator of the Place, and submitted that the scope of the Permit Exemptions in the Recommendation should be amended or expanded to include exemptions for a broader range of replacement and removal works as compared with the Recommendation.
98. Latrobe in its submissions noted the positions of the Owner and CEA, noted its concern about the future use of the Place and any impact on Latrobe. In any case, Latrobe submitted that it supported the registration of the Place subject to the Place being maintained and repurposed rather than being abandoned.

*Discussion and conclusion*

99. The Committee notes the Executive Director's submission that recent Heritage Council decisions have generally limited the application of Permit Exemptions to categories of minor works rather than applying Permit Exemptions to large parts of places and/or parts that are identified as having primary cultural heritage significance.
100. The Committee also notes that the Place as a whole displays a high degree of intactness and integrity, as noted above in the discussion relating to the Criteria.
101. In considering the registration of the Place, the Committee does not consider that it should determine that a permit exemption for demolition works should be applied to the Place or significant parts of the Place, including the Power Station, as submitted by the Owner and supported by CEA. The Committee is not persuaded that an exemption from the need for a permit should be granted in relation to the demolition of part or all of the Place.
102. The Committee recognises the complex management considerations that apply at the Place, including costs relating to safety and security in its present state. In particular, the Committee acknowledges the difficult considerations that apply now and will apply in the future in relation to the management of asbestos at the Place. The Committee thanks ACV for its submissions on this matter. The Committee notes, however, that it is not its statutory role to determine the safe management of asbestos and future use of the Place.
103. The Committee notes that the Act strictly separates Parts 3 and 4 in respect of registrations, and permit applications for works and activities at a registered Place, respectively. The Committee makes no determination about the appropriateness or otherwise of demolition works at the Place or in relation to the interpretation of s.42 of the Act, other than to say that any future plan of demolition works should be the subject of a heritage permit application process. The Committee also notes that Part 3 of the Act, in particular s.38(3), defines the limits on matters to which a submission must relate in relation to any recommendation by the Executive Director on nominations to include a place or object in the Register, and this limitation has been observed in the Committee's consideration of all submissions.
104. The Committee notes Ausnet's argument that the registration should exempt categories of works that relate to the proper, safe and efficient functioning of the Place in terms of its services relating to the supply of electricity. The Committee finds, however, that in the absence of detailed documentation of proposed or potential works, any works relating to the in-service parts of the switchyard/transmission yard elements and directly associated systems should not be exempt from the requirement for a heritage permit under the Act.

105. Similarly, the Committee notes CEA's submission relating to its preferred expansion of the recommended permit exemptions relating to replacement and removal, but is of the view that in the absence of detailed documentation of any proposed or potential works, there should not be any expansion of the exempt works relative to those already included in the Recommendation.
106. The Committee refers to the Permit Policy and Permit Exemptions as attached, that will apply to any person wishing to undertake works or activities in relation to the Place (Attachment 2).

### **Statement of Significance**

#### *Submissions and evidence*

107. The Executive Director included a proposed Statement of Cultural Heritage Significance in the Recommendation and a number of parties made submissions suggesting certain amendments and additions.
108. All parties made submissions in relation to the Criteria that would, if accepted in part or whole by the Committee, result in changes to the Statement of Cultural Heritage Significance for the Place.

#### *Discussion and conclusion*

109. The Committee recognises that some submissions relating to Permit Policy are relevant to a consideration of the Statement of Significance for the Place and vice versa.
110. The Committee notes the submissions and evidence given as part of this hearing relating to the proposed Statement of Significance for the Place and suggesting changes to it.
111. The Committee determines to modify the draft Statement of Significance as proposed by the Recommendation and appends the Statement of Significance accordingly to reflect its determination as to the matters above (Attachment 2).

### **CONCLUSION**

112. In accordance with s.265 of the *Heritage Act 2017* and s.42(1)(a) of the Act, the Committee determines that the Morwell Power Station and Briquette Factories, at 412 Commercial Road, Morwell, is of cultural heritage significance to the State of Victoria and should be included in the Register as it meets the State-level threshold for inclusion in the Register under Criteria A, B, D and H.
113. The Committee appends the Extent of Registration, Statement of Cultural Heritage Significance, Permit Policy and Permit Exemptions for the Place to record its inclusion in the Register, including any changes the Committee has made to the material included in the Recommendation (see Attachment 2).
114. The Committee wishes to record its thanks to all parties and their representatives in relation to the conduct of this hearing, including in relation to the constructive and informed approach taken by parties. The Committee would like to thank Ms Cheryl Wragg in particular for her extensive research and assistance to the Committee in providing a substantial amount of information about the Place. The approach adopted by all parties has considerably assisted the Committee in carrying out its role.

# ATTACHMENT 1



## HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

CRITERION A	Importance to the course, or pattern, of Victoria's cultural history
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION D	Importance in demonstrating the principal characteristics of a class of cultural places or environments.
CRITERION E	Importance in exhibiting particular aesthetic characteristics.
CRITERION F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
CRITERION G	Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

**These were adopted by the Heritage Council at its meeting on 7 August 2008, and replace the previous criteria adopted by the Heritage Council on 6 March 1997.**

## ATTACHMENT 2

*Registration documents (showing key changes from Executive Director's Recommendation)*

### EXTENT OF REGISTRATION

#### Morwell Power Station and Briquette Factories

All of the place shown hatched on Diagram 2377 encompassing being the southern part of the land described as Part of Lot 2 on plan of Subdivision 449983A, All of Lot 2 on plan of Subdivision 623138, All of Lot 1 on plan of Subdivision 512365, All of Crown Allotment 6G1 Section A Parish of Hazelwood, All of Crown Allotment 6H Section A Parish of Hazelwood, All of Crown Allotment 5F Section A Parish of Hazelwood, part of the road reserve for Ridge Road on Certificate of Title Volume 10924 Folio 783.

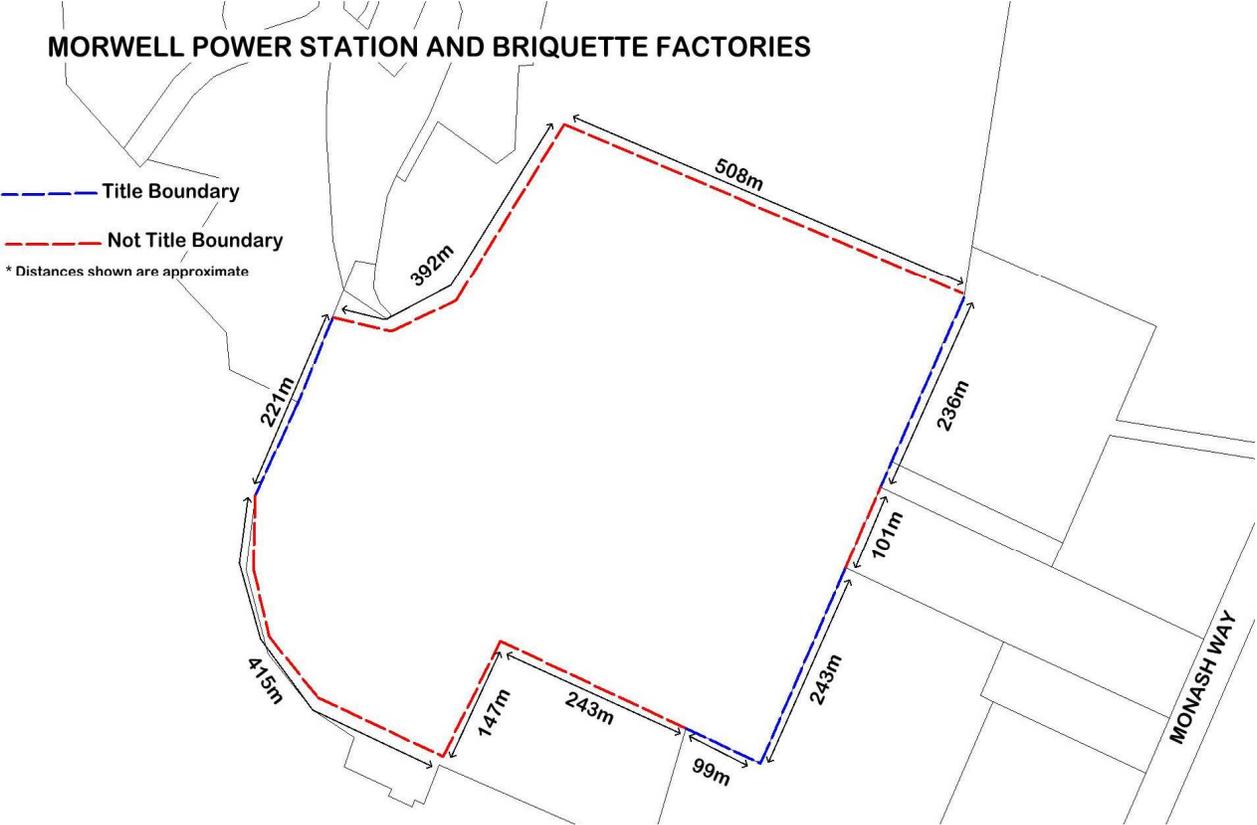
#### Diagram 2377



The extent of registration of the Morwell Power Station and Briquette Factories in the Victorian Heritage Register affects the whole place shown on Diagram 2377 including the land and buildings.

# EXTENT MAP WITH FURTHER INFORMATION ON BOUNDARIES OF THE PLACE

## MORWELL POWER STATION AND BRIQUETTE FACTORIES



**AERIAL PHOTO OF THE PLACE SHOWING EXTENT OF REGISTRATION AND ELEMENTS OF THE PLACE ANNOTATED**



# STATEMENT OF CULTURAL HERITAGE SIGNIFICANCE (SHOWING CHANGES FROM EXECUTIVE DIRECTOR'S RECOMMENDATION)

## WHAT IS SIGNIFICANT?

The Morwell Power Station and Briquette Factories including the power station, two briquette factories, coal transportation systems, storage areas and ancillary buildings. The interiors of the buildings and all plant and equipment are also of significance.

### *History Summary*

The Morwell Power Station and Briquette Factories was constructed between 1949 and 1959 by the State Electricity Commission of Victoria (SECV). It was the centrepiece of the Victorian Government's postwar strategy to revitalise Victoria's industrial and economic growth through the development of the Latrobe Valley into the state's principal power and energy producing region. The Yallourn Power Station had been established in 1921 and electricity started flowing to Melbourne in 1924. Morwell was the next project to capitalise on the region's brown coal resources. Its purpose was to provide electricity to a rapidly growing population, alleviate power shortages, produce briquettes for industrial and domestic use, and to reduce the reliance of Victoria on black coal from New South Wales. Building on knowledge from Yallourn, the SECV sourced briquetting equipment from Germany and boilers and turbines from Britain. Electricity production at Morwell Power Station commenced in December 1958. The first commercial briquette production commenced in December 1959. It was soon discovered that the brown coal from the Morwell open cut mine was unsuitable for briquetting, and Yallourn coal had to be transported to the Morwell factories. **From the commencement of its operations the Morwell Power Station and Briquette Factories workforce consisted largely of post-war immigrants from Britain, Italy, the Netherlands, Germany and other European countries. Many of these migrants settled permanently in the Latrobe Valley and as the power industry grew, a multi-generational workforce developed within the region.** By the early 1960s, Morwell, not Yallourn, had become the nerve centre of the new industrial valley. After Hazelwood Power Station went into operation the proportion of Victoria's electricity supply sourced from brown coal in the Latrobe Valley reached almost 90%. The briquette plant at Morwell was one of the first components of the SECV to be privatised in late 1993 with the creation of Energy Brix Australia. Following declining profits and the impact of fires in 2003 the plant closed in 2014.

## DESCRIPTION SUMMARY

The Morwell Power Station and Briquette Factories is a large industrial complex located approximately two kilometres south east from the Morwell Railway Station and includes a power station, two briquette factories, coal transportation systems, storage areas and ancillary buildings. Buildings are constructed using a variety of different methods and materials. The layout of the place is informed by the processes of power generation and the manufacture of briquettes, with coal conveyed into the place from the west, and distributed to either the Power Station or the Briquette Factories. Output in the form of electricity or briquettes occurs at the eastern side of the site.

### *Registered Aboriginal Party (RAP)*

The Morwell Power Station and Briquette Factories is located on the traditional land of the Braiakaulung people of the Gunnaikurnai clan. There is no Registered Aboriginal Party (RAP) for the site. The Gunnaikurnai hold Native Title over this area. A Recognition and Settlement Agreement under the *Traditional Owner Settlement Act 2010* also covers this area.

## HOW IS IT SIGNIFICANT?

The Morwell Power Station and Briquette Factories is of historical significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

**Criterion A** Importance to the course, or pattern, of Victoria's cultural history.

**Criterion B** Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

**Criterion D** Importance in demonstrating the principal characteristics of a class of cultural places and objects.

**Criterion H** Special association with the life or works of a person, or group of persons, of importance in Victoria's history

## WHY IS IT SIGNIFICANT?

The Morwell Power Station and Briquette Factories is significant at the State level for the following reasons:

The Morwell Power Station and Briquette Factories is historically significant as the centrepiece of the Victorian Government's post-WWII strategy to revitalise Victoria's economic growth through the development of the Latrobe Valley by the State Electricity Commission of Victoria (SECV) into the state's principal power and energy producing region. Built between 1949 and 1959, it was the second of Victoria's large-scale power stations (the first being the Yallourn Power Station which started powering Melbourne in 1924). With the demolition of Old Yallourn between 1995 and 1999, Morwell is now the earliest surviving large-scale power station designed to provide electricity to the state electricity network. The Morwell Power Station and Briquette Factories site has remained largely intact since the 1950s and demonstrates the processes of brown coal electricity generation and briquette production which underpinned Victoria's postwar industrialisation. [Criterion A]

The Morwell Power Station and Briquette Factories is rare for containing the only remaining, intact assemblage of briquetting machinery from the mid-twentieth century in Victoria. The boilers used in the production of electricity at the Morwell Power Station are rare examples of water tube boilers which have been specifically adapted for the burning of brown coal. [Criterion B]

The Morwell Power Station and Briquette Factories is a highly intact example of a mid-twentieth century power station and briquetting factory. It contains buildings and machinery which demonstrate the 'start to finish' production phases related to brown coal electricity generation and transmission, and briquette manufacture. Few substantial alterations have been made since the 1950s and the place demonstrates a high level of integrity, allowing a strong understanding of the industrial processes for which the place was built. [Criterion D]

**The Morwell Power Station and Briquette Factories is historically significant for its association with the State Electricity Commission of Victoria (SECV). Built between 1949 and 1959, the Power Station and Briquette Factories was the centrepiece of the Victorian Government's post-WWII strategy to revitalise Victoria's economic growth through the development of the Latrobe Valley into the state's principal power and energy producing region. The SECV lead this development process which underpinned the industrialisation of Victoria during the second half of the twentieth century. [Criterion H]**

# MORWELL POWER STATION AND BRIQUETTE FACTORIES

## PERMIT POLICY

### Preamble

The purpose of the Permit Policy is to assist when considering or making decisions regarding works to a registered place. It is recommended that any proposed works be discussed with an officer of Heritage Victoria prior to making a permit application. Discussing proposed works will assist in answering questions the owner may have and aid any decisions regarding works to the place.

**The extent of registration of the Morwell Power Station and Briquette Factories on the Victorian Heritage Register affects the whole place shown on in Diagram 2377.** Under the Heritage Act 1995 a person must not remove or demolish, damage or despoil, develop or alter or excavate, relocate or disturb the position of any part of a registered place or object without approval. It is acknowledged, however, that alterations and other works may be required to keep places and objects in good repair and adapt them for use into the future.

If a person wishes to undertake works or activities in relation to a registered place or registered object, they must apply to the Executive Director, Heritage Victoria for a permit. The purpose of a permit is to enable appropriate change to a place and to effectively manage adverse impacts on the cultural heritage significance of a place as a consequence of change. If an owner is uncertain whether a heritage permit is required, it is recommended that Heritage Victoria be contacted.

Permits are required for anything which alters the place or object, unless a **permit exemption** is granted. Permit exemptions usually cover routine maintenance and upkeep issues faced by owners as well as minor works. They may include appropriate works that are specified in a conservation management plan. Permit exemptions can be granted at the time of registration (under s.42 of the Heritage Act) or after registration (under s.66 of the Heritage Act).

It should be noted that the addition of new buildings to the registered place, as well as alterations to the interior and exterior of existing buildings requires a permit, unless a specific permit exemption is granted.

### Conservation management plans

It is recommended that a Conservation Management Plan is developed to manage the place in a manner which respects its cultural heritage significance. **A future Conservation Management Plan should also provide for the management of health and safety risks presented by the complex industrial infrastructure at the Morwell Power Station and Briquette Factories, including provision for the safe management of any asbestos present.**

### Aboriginal cultural heritage

If works are proposed which have the potential to disturb or have an impact on Aboriginal cultural heritage it is necessary to contact Aboriginal Victoria to ascertain any requirements under the *Aboriginal Heritage Act 2006*. If any Aboriginal cultural heritage is discovered or exposed at any time it is necessary to immediately contact Aboriginal Victoria to ascertain requirements under the *Aboriginal Heritage Act 2006*.

### Other approvals

Please be aware that approval from other authorities (such as local government) may be required to undertake works.

### Archaeology

Ground disturbance may affect any archaeological deposits at the place and, subject to the exemptions stated in this document, requires a permit.

## Cultural heritage significance

### *Overview of significance*

The Morwell Power Station and Briquette Factories is historically significant as the centrepiece of the Victorian Government's post-WWII strategy to revitalise Victoria's economic growth through the development of the Latrobe Valley into the state's principal power and energy producing region. The place is a highly intact example of a mid-twentieth century power station and briquetting factory. The place is rare for containing the only remaining, intact assemblage of mid-twentieth century briquetting machinery in Victoria. The boilers used in the production of electricity at the Morwell Power Station are rare examples of boilers which have been specifically adapted for the burning of brown coal.

## Cultural heritage significance

- a) All of the buildings, structures and features listed here are of **primary cultural heritage significance** in the context of the place. A permit is required for most works or alterations.
- Power Station and four chimneys
  - Control Room
  - Mechanical Workshops
  - Boiler Makers Workshop
  - Briquette Factories No.1 and No.2
  - Loading Station
  - Briquette Storage Shed and Storage Areas
  - Raw Coal Bunker
  - Wet Section No.1 and Switch House
  - Transmission Yard
  - Conveyors (throughout the place, entering the site at the west, from raw coal bunker, from switch house, briquette conveyors, collecting and feeding conveyors)
  - North corner and south corner stations
  - Selected machinery/plant within each building or structure (including boilers, burners, turbines, briquette machines, primary and secondary crusher).
- b) Buildings, structures and features listed here are of **contributory cultural heritage significance** in the context of the place. A permit is required for some works or alterations.
- Ancillary/support buildings, including the amenities buildings, riggers shed, switch house control room, chemicals laboratory, water treatment plant, sites of the former cooling towers, lecture room, offices, battery house.
- c) The following buildings and features are of **little or no cultural heritage significance**. Specific permit exemptions are provided for these items:
- Former No.3 Ash Pond, settling ponds, gatehouse, steel sheds.

# MORWELL POWER STATION AND BRIQUETTE FACTORIES

## PERMIT EXEMPTIONS (UNDER SECTION 42 OF THE HERITAGE ACT 1995)

It should be noted that Permit Exemptions can be granted at the time of registration (under s.42(4) of the Heritage Act 1995). Permit Exemptions can also be applied for and granted after registration (under s.66 of the Heritage Act 1995 and under s.92 of the Heritage Act 2017)

### General Condition 1

All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object.

### General Condition 2

Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such works shall cease and Heritage Victoria shall be notified as soon as possible.

### General Condition 3

All works should be informed by Conservation Management Plans prepared for the place. The Executive Director is not bound by any Conservation Management Plan, and permits still must be obtained for works suggested in any Conservation Management Plan.

### General Condition 4

Nothing in this determination prevents the Heritage Council from amending or rescinding all or any of the permit exemptions.

### General Condition 5

Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits from the relevant responsible authority, where applicable.

## Specific Permit Exemptions

### Buildings of primary and contributory significance

- Repair, maintenance and patching like with like. This includes the removal of broken glass, replacement of existing fabric to match original.
- The temporary shuttering of windows and covering of holes as long as this work is reversible and does not impact on heritage fabric.
- Removal of non-original items such as plumbing work, ducting, wiring, fixtures and fittings such as hot water services and taps (excluding plant and machinery associated with power generation and briquetting), and making good in a manner that does not have a detrimental impact on the heritage fabric of the place.
- Painting of previously painted surfaces provided that preparation or painting does not remove original or early painted signage.
- Removal or replacement of hooks, nails, noticeboards, carpets, flexible floor coverings non-original curtain tracks, rods and blinds.
- Erecting, repairing and maintaining signage (safety and directional signage, road signs, and speed signs) where such signage does not have a detrimental effect on the heritage fabric of the place.
- Installation, removal or replacement of electric clocks, public address systems, detectors, alarms, emergency lights, exit signs, luminaires and the like in a manner that does not have a detrimental impact on the heritage fabric of the place.
- Removal, replacement or installation of fire hydrant services including sprinklers, fire doors and elements in a manner that does not have a detrimental impact on the heritage fabric of the place.

- The erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety which will not adversely affect any building or element.
- Emergency stabilisation necessary to secure safety where a site feature has been irreparably damaged or destabilised and represents a safety risk to its users or the public. Note: Urgent or emergency site works are to be undertaken or supervised by an appropriately qualified heritage specialist such as a structural engineer, or other heritage professional.

**Buildings and features of little or no heritage significance** (Former No.3 Ash Pond, settling ponds, gatehouse, steel sheds)

- Demolition. A permit is required for any new structure.

#### **Landscape**

- Maintenance, removal and planting of vegetation.
- All works to manage possums and vermin (such as rats) which do not have a detrimental impact on the heritage fabric of the place.