

Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Name: (Rail Bridge) Albion Viaduct
Address: Keilor East and Sunshine North
Local Government Authority: Brimbank City and Moonee Valley



Rail Bridge (Albion Viaduct), February 2020

Executive Director recommendation

I recommend to the Heritage Council of Victoria that the existing registration of the Rail Bridge (Albion Viaduct) (VHR H1197), Keilor East and Sunshine North, in the Victorian Heritage Register ('VHR') be amended under section 62 of the *Heritage Act 2017* ('the Act').

STEVEN AVERY
Executive Director, Heritage Victoria
DATE OF RECOMMENDATION: 15 March 2021



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Executive Director recommendation to the Heritage Council of Victoria

The Executive Director, Heritage Victoria ('Executive Director') recommends that the Heritage Council amends the existing registration of VHR H1197, Rail Bridge (Albion Viaduct), Keilor East and Sunshine North, in the VHR by:

- Including additional land
- Determining categories of works or activities which may be carried out in relation to the place for which a permit is not required (permit exemptions).

The process from here

1. The Heritage Council publishes the Executive Director's recommendation (section 41).

The Heritage Council will publish the Executive Director's recommendation on its website for a period of 60 days. Submissions must be received by Heritage Council on or before **17 May 2021**.

2. Making a submission to the Heritage Council (sections 44 and 45)

Within the 60 day publication period, any person or body can make a submission to the Heritage Council. This submission can support the recommendation, or object to the recommendation and a hearing can be requested in relation to the submission. Information about making a submission and submission forms are available on the Heritage Council's website:

<https://heritagecouncil.vic.gov.au/registrations-reviews/executive-director-recommendations/>

3. Heritage Council determination (sections 46 and 49)

The Heritage Council is an independent statutory body. It is responsible for making the final determination to include or not include the place or object in the VHR, or amend a place or object already in the VHR.

If no submissions are received the Heritage Council must make a determination within 40 days of the publication closing date.

If submissions are received, the Heritage Council may decide to hold a hearing in relation to the submission. If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

4. Obligations of owners of places and objects (sections 42 and 43)

The owner of a place or object which is the subject of a recommendation to the Heritage Council has certain obligations under the Act. These relate to advising the Executive Director in writing of any works or activities that are being carried out, proposed or planned for the place.

The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place or object before entering into a contract.

5. Further information

The relevant sections of the Act are provided at Appendix 1.



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Existing Description

There is no proposed change to the existing description of the place.

Existing History

There is no proposed change to the existing history of the place.

Reasons for registration in 1996

The State level cultural heritage significance of the Rail Bridge (Albion Viaduct) was recognised in 1996 by its inclusion in the VHR. This Rail Bridge is historically significant as part of the infrastructure associated with improvements to the rail freight system in Melbourne in the 1920s. It is also significant for its large size, and unusual design features. At the time of its construction it was the largest trestle bridge in Australia, and until the construction of the Sydney Harbour bridge was the highest railway bridge.

Amendment application made on 19 February 2021

On 19 February 2021 the Executive Director made and accepted an application to amend the registration of the Rail Bridge (Albion Viaduct) by including additional land and permit exemptions. , the extent of registration was limited to the bridge structure itself. The application to amend proposed to include an area of land around the bridge to ensure the registration is consistent with current practices.

Amendment recommendation reasons

The Executive Director recommends that the Heritage Council amend this registration in accordance with section 62 of the Act because under section 32(1) of the Act he considers that:

- a) the State-level cultural heritage significance of the place would be substantially less if the land or any part of the land which is or has been used in conjunction with the place were developed; and
- b) land surrounding the place is important to the protection or conservation of the place or contributes to the understanding of the place.

Traditional Owner Information

The Rail Bridge (Albion Viaduct) is located on the land of the Wurundjeri people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party is the Wurundjeri Woi Wourrung Cultural Heritage Aboriginal Corporation.

Victorian Aboriginal Heritage Register

There are several registered Aboriginal places in the vicinity of the Rail Bridge (Albion Viaduct). The Bridge is within an area of cultural heritage sensitivity associated with these places and the Maribyrnong River.

Change of heritage category

No change of category.

Change of name

It is recommended that the Rail Bridge (Albion Viaduct) be renamed the Albion Viaduct to simplify its naming, and make it consistent with the name used in the Statement of Significance. The viaduct is also sometimes referred to as the Maribyrnong River Viaduct or Quarter Mile Bridge. These alternative names have been added to Hermes.

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Statutory requirements under section 40.

Terms of the recommendation (section 40 (3)(a))

The Executive Director recommends that the registration of the Rail Bridge (Albion Viaduct) in the VHR is amended.

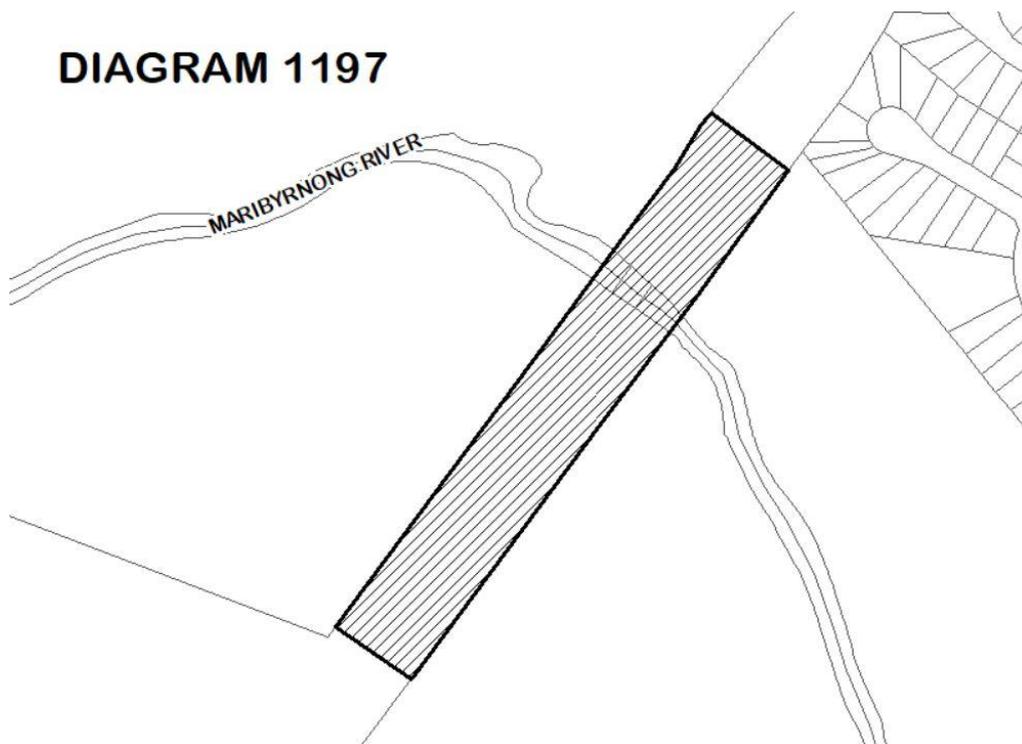
Information to identify the place or object (section 40(3)(b))

Name: Albion Viaduct

Address: Keilor East and Sunshine North

Proposed extent of registration

All of the place shown hatched on Diagram 1197 encompassing part of Lot 1 on Plan of Subdivision 616072, part of Crown Allotment 2232 and 2095 Parish of Cut-Paw-Paw, part of Crown Allotment 2478 and 2306 Parish of Douтта Galla, and part of Crown Allotment 2E, Section 10 Parish of Douтта Galla.



The extent of registration of the Rail Bridge (Albion Viaduct) in the VHR affects the whole place shown on Diagram 1197 including the land, the river, the bridge structure and abutments, tracks, trails, trees, landscape elements and other features.

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Aerial photo showing recommended extent



Rationale for extent

This amendment proposes that the registered extent for this place aligns exactly with the rail reserve boundary (to the southeast and northwest) and 10 metres from the abutments either end of the bridge (northeast and southwest). This is generally consistent with the approach taken with other bridges in the VHR. The recommended extent is the same as the nominated extent.



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Statement of significance

There is no proposed change to the Statement of Significance.

Categories of works or activities (permit exemptions) recommended under section 38 (section 40(4)(b))

Introduction

The purpose of this information is to assist owners and other interested parties 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.

It is acknowledged that alterations and other works may be required to keep places and objects in good repair and adapt them for use into the future. However, under the Act a person must not knowingly, recklessly or negligently remove, relocate or demolish, damage or despoil, develop or alter or excavate all or any part of any part of a registered place without approval. It should be noted that the definition of 'develop' in the Act includes any works on, over or under the place.

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 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 or works to the elements of the place or object that are not significant. They may include appropriate works that are specified in a conservation management plan. Permit exemptions can be granted at the time of registration (under section 38 of the Act) or after registration (under section 92 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.

Disrepair of registered place or registered object

Under section 152 of the Act, the owner of a registered place or registered object must not allow that place or object to fall into disrepair.

Failure to maintain registered place or registered object

Under section 153 of the Act, the owner of a registered place or registered object must not fail to maintain that place or object to the extent that its conservation is threatened.

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.

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Archaeology

There is no identified archaeology of State level significance at the place. However, any works that may affect historical archaeological features, deposits or artefacts at the place is likely to require a permit, permit exemption or consent. Advice should be sought from the Archaeology Team at Heritage Victoria.

Aboriginal cultural heritage

To establish whether this place is registered under the *Aboriginal Heritage Act 2006* please contact Aboriginal Victoria. The *Heritage Act 2017* and the *Aboriginal Heritage Act 2006* are separate pieces of legislation. Please be aware that both Acts are required to be satisfied and satisfying the requirements of one Act may not satisfy the requirements of the other.

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*. 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*.

Other approvals

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

Notes

- All works should ideally be informed by a Conservation Management Plan 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.
- Nothing in this determination prevents the Heritage Council from amending or rescinding all or any of the permit exemptions.
- Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits where applicable.

General Conditions

- All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place.
- Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place are revealed which relate to the significance of the place, then the exemption covering such works must cease and Heritage Victoria must be notified as soon as possible.

Permit Exemptions

The following permit exemptions are not considered to cause harm to the cultural heritage significance of the Rail Bridge (Albion Viaduct), Keilor East and Sunshine North.

Emergency works

- Temporary emergency works in the event of severe damage or failure of the structure which poses an immediate risk to the structure's conservation or to public safety. Where these works do not meet the requirements of other exemptions on this list, Heritage Victoria is to be notified within seven business days of the emergency works taking place and a long-term repair methodology is to be approved by the Executive Director. This exemption is to be used as a last resort option only and it is expected that those situations will be avoided via routine inspections and cyclical maintenance of the bridge or viaduct.

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Maintenance

- Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of significant fabric and include the conservation of existing details or elements. Any repairs and maintenance must not exacerbate the decay of fabric due to chemical incompatibility of new materials, obscure fabric or limit access to such fabric for future maintenance. NOTE: This exemption is not intended to allow for the cumulative replacement of large amounts of the fabric of an item. A permit will be required if the replacement of large amounts of fabric is necessary. If there is uncertainty about the requirement for a permit, advice should be sought from Heritage Victoria. Wherever possible, maintenance and repair works should use fixings methods and construction methodologies to match the original.
- Maintenance and repairs which allow for the safe operation of rail services to occur including:
 1. Works to the deck including rail track and sleepers, ballast and infrastructure works.
 2. Works to electric or electronic signalling equipment provided it does not exceed the footprint of existing signalling equipment.
 3. Works to stanchions, overhead wiring, power lines and other cables required for operational and safety purposes.
 4. Installation of electrical and fire services and security lighting.
 5. Removal, replacement, and installation of safety barriers.

Public safety and security

- The erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety which will not adversely affect the significant fabric of the place provided that temporary structures are removed within 30 days of erection.

Graffiti

- Works to manage and remove graffiti. Removal and management of graffiti will be undertaken in such a way as outlined below that it does not damage the fabric or aesthetics of the registered place.
- Steel. Application of fully sacrificial anti-graffiti coating systems such as saccharide or wax is permit-exempt. Solvent or caustic based paint strippers only may be used provided they are thoroughly rinsed off, and the rinse water does not flow over the abutments and concrete tower bases.
- Concrete abutments and tower bases. Application of fully sacrificial anti-graffiti coating systems such as saccharide or wax is permit-exempt. Solvent based paint strippers only may be used provided they are thoroughly rinsed off.
- Exempt cleaning works including the removal of light soiling and sacrificial graffiti barriers are limited to low pressure (below 300 psi) cold or hot water or steam and pH neutral detergents and brushing and scrubbing with non-metallic brushes. Note: Surface patina which has developed on the steel and concrete may be an important part of significance and if so needs to be preserved during maintenance and cleaning.

Signage

- Removal, installation, repair or replacement of non-commercial and non-illuminated signage including interpretative, directional, public safety and other signage, provided the works do not involve the removal or destruction of any significant fabric.
- Signage must be located and be of a modest size so as not to obscure or damage significant fabric of the place. It must be able to be later removed without causing damage to the significant fabric of the place.

Landscape around and below the bridge

The following permit exemptions are for existing landscape elements and also allow for some new landscape elements.

- Slashing, mowing, pruning, removal of shrubs and trees, disease and weed control, planting and replanting and maintenance to care for existing plants.



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- Emergency tree works to maintain public safety.
- Repair, maintenance and replacement of hard landscape elements such as steps, paths, gutters, drainage, edging, fences, barriers and gates. This includes work to the Shared User Path that extends along the north side of the river and to the existing unmade paths and roads on the south side of the river.
- Introduction of park furniture including seats, bins, fencing and the like as required, providing this does not directly interface with or obscure significant fabric of the place.
- Removal of environmental and noxious weeds.
- Vermin control activities.

Fire suppression duties

- Fire suppression and firefighting activities such as fuel reduction burns and fire control line construction, provided all heritage features and values of the place are identified and protected.

Existing utilities infrastructure within the registered land

- All works to maintain and manage the existing power poles and lines.

Riverbank and waterway management

- All works to manage the riverbank including remediation/stabilisation works as required, providing the works do not affect the heritage fabric.
- Waterway management works providing the works do not affect the heritage fabric.

JUHI (Joint User Hydrant Installation) Pipeline

- Repairs, maintenance and replacement.

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Appendix 1

Heritage Council determination (section 41)

The Heritage Council is an independent statutory body that will make a determination on this recommendation under section 49 of the Act. It will consider the recommendation after a period of 60 days from the date the notice of recommendation is published on its website under section 41.

Making a submission to the Heritage Council (section 44)

Within the period of 60 days, any person or body with a real and substantial interest in the place or object may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are available on the Heritage Council's website.

Consideration of submissions to the Heritage Council (section 46)

- (1) The Heritage Council must consider—
 - (a) any written submission made to it under section 44; and
 - (b) any further information provided to the Heritage Council in response to a request under section 45.
- (2) The Heritage Council must conduct a hearing in relation to a submission if—
 - (a) the submission includes a request for a hearing before the Heritage Council; and
 - (b) the submission is made by a person or body with a real or substantial interest in the place or object that is the subject of the submission.
- (3) Despite subsection (2), the Heritage Council may conduct a hearing in relation to a submission in any other circumstances the Heritage Council considers appropriate.

Determinations of the Heritage Council (section 49)

- (1) After considering a recommendation that a place or object should or should not be included in the Heritage Register, or should be amended in the Heritage Register, and any submissions in respect of the recommendation and conducting any hearing into the submissions, the Heritage Council may—
 - (a) determine that the place or part of the place, or object, is of State-level cultural heritage significance and is to be included in the Heritage Register; or
 - (b) determine that the place or part of the place, or object, is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
 - (c) in the case of a recommendation in respect of a place, determine that the place is not to be included in the Heritage Register but—
 - (i) refer the recommendation and any submissions to the relevant planning authority for consideration for an amendment to a planning scheme; or
 - (ii) determine that it is more appropriate for steps to be taken under the *Planning and Environment Act 1987* or by any other means to protect or conserve the place; or
 - (d) in the case of a recommendation in respect of additional land which has been nominated to be included in the Heritage Register as part of a registered place in accordance with section 32, determine that the land be included in the Heritage Register if—

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- (i) the State-level cultural heritage significance of the place would be substantially less if the land or any part of the land which is or has been used in conjunction with the place were developed; or
 - (ii) the land surrounding the place is important to the protection or conservation of the place or contributes to the understanding of the place; or
 - (e) determine that the object is integral to understanding the cultural heritage significance of a registered place or a place the Heritage Council has determined to be included in the Heritage Register.
- (2) The Heritage Council must make a determination under subsection (1)—
- (a) within 40 days after the date on which written submissions may be made under section 44; or
 - (b) if any hearing is conducted into the written submissions, within 90 days after the completion of the hearing.
- (3) A determination that a place or part of a place, or object, should be included in the Heritage Register may include categories of works or activities which may be carried out in relation to the place or object for which a permit under this Act is not required, if the Heritage Council considers that the works or activities would not harm the cultural heritage significance of the place or object.
- (4) If the Heritage Council determines to include a place in the Heritage Register, with the consent of the owner of the place, the Heritage Council may determine to include in the Heritage Register additional land of the owner that is ancillary to the place.
- (5) If a member of the Heritage Council makes a submission under section 44 in respect of a recommendation, the member must not take part in the consideration or determination of the Heritage Council.
- (6) The Heritage Council must notify the Executive Director of any determination under this section as soon as practicable after the determination.

Obligations of owners of places and objects (section 42)

- (1) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of—
- (a) any works or activities that are being carried out in relation to the place or object at the time the statement is given; and
 - (b) any application for a planning permit or a building permit, or for an amendment to that permit, that has been made in relation to the place but not determined at the time the statement is given; and
 - (c) any works or activities that are proposed to be carried out in relation to the place or object at the time the statement is given.
- (2) An advice under subsection (1) must be given within 10 days after the statement of recommendation is given under section 40.
- (3) The owner of a place to whom a statement of recommendation has been given must advise the Executive Director in writing of an application, permit or amendment if, before a determination under section 49 or 52 in respect of a place—
- (a) an application for a planning permit or a building permit or for an amendment to that permit in relation to the place is made; or
 - (b) a planning permit or building permit or an amendment to that permit in relation to the place is granted.

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- (4) An advice under subsection (3) must be given within 10 days after the making of the application or the grant of the permit or amendment.
- (5) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of the following activities or proposals if, before a determination is made under section 49 or 52 in respect of a place or object—
 - (a) any activities are carried out in relation to the place or object that could harm the place or object;
 - (b) any activities are proposed to be carried out in relation to the place or object that could harm the place or object.
- (6) An advice under subsection (5) must be given within 10 days after the owner becomes aware of the activity or the proposal, as the case requires.
- (7) If, before a determination is made under section 49 or 52 in respect of a place or object, a proposal is made to dispose of the whole or any part of the place or object, the owner of the place or object must advise the Executive Director in writing of that proposal.
- (8) An advice under subsection (7) must be given at least 10 days before entering into the contract for the disposal of the place or object.
- (9) The owner of a place or object who proposes to dispose of the whole or any part of the place or object before a determination is made under section 49 or 52 in respect of the place or object must, before entering into a contract for that disposal, give a copy of the statement of proposed contract, is to acquire the place or object or part of the place or object.

Owners of places and objects must comply with obligations (section 43)

An owner of a place or object to whom section 42 applies must comply with that section.

Penalty: In the case of a natural person, 120 penalty units;
In the case of a body corporate, 240 penalty units.

Appendix 2: Existing registration detail

Existing Category of Registration

Registered place.

Existing Extent of Registration

1. To the extent of all of the bridge structure, abutments associated works. [*Victoria Government Gazette* No. G37 19 September 1996 p.2472]

No extent diagram accompanies the registration.

Existing Statement of Significance

What is significant?

The "Albion viaduct" was constructed by the Victorian Railways in 1927-29 to carry a new double track goods line over the Maribyrnong River. The new line enabled trains from all parts of the state, except Gippsland, to have direct access to the Tottenham marshalling and sorting yards. The viaduct is 1,257 feet (383.13 metres) long between abutments and 180 feet (54.86 metres) above water level. The structure comprises two steel girders supported on twelve steel framed towers.

How is it significant?

The Albion viaduct is of scientific, architectural and historical importance to the State of Victoria.

Why is it significant?

The Albion viaduct is scientifically and architecturally important on account of its large size, and for the adoption of unusual cost effective design features such as the use of two girders per span to carry the double track, the use of K bracing in the towers, and the use of broad flange beams as columns. At the time of its construction it was the largest trestle bridge in Australia, and until the construction of the Sydney Harbour bridge was the highest railway bridge.

The Albion viaduct is historically important as part of the infrastructure associated with the development of the Melbourne railway marshalling yards at Tottenham in the 1920s. These yards were constructed to relieve congestion in the Melbourne Yard, located near the Spencer Street station, caused by the construction of suburban passenger platforms associated with the electrification of the suburban railway network.

Existing Permit Exemptions

- All works to the deck of the viaduct involving track and ballast repair or replacement.
- Repair, replacement or renewal of all wires and cables required for operational and safety purposes relating to the daily use of the bridge.
- Any emergency works relating to the substructure and the superstructure of the viaduct.