



## **Heritage Council** Regulatory Committee

### **Maisie's Plots (H2424)**

2 Bogong High Plains Road, Bogong

**Members** – Prof Andrew May (Chair), Ms Margaret Baird, Ms Anna Foley.

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#### **DETERMINATION OF THE HERITAGE COUNCIL**

**Inclusion in the Victorian Heritage Register** – After considering the Executive Director's recommendation and all submissions and further information received, the Heritage Council has determined in accordance with section 49(1)(a) of the Act, that Maisie's Plots, located at 2 Bogong High Plains Road, Bogong, is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register.

**Prof Andrew May (Chair)**  
**Ms Margaret Baird**  
**Ms Anna Foley**

**Decision Date** – 25 August 2022

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## **ACKNOWLEDGEMENT**

As a peak heritage body, we acknowledge the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

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## **SUBMISSIONS RECEIVED**

### **NORTH EAST CATCHMENT MANAGEMENT AUTHORITY**

A submission was received from the North East Catchment Management Authority, in support of the Executive Director's recommendation.

### **NATIONAL TRUST**

A submission was received from the National Trust, in support of the Executive Director's recommendation.

### **DR EWEN SILVESTER**

A submission was received from Dr Ewen Silvester, providing additional information relevant to the Executive Director's recommendation.

### **PARKS VICTORIA**

A late submission was received from Parks Victoria, in support of the Executive Director's recommendation, and seeking additional permit exemptions. A letter of consent to the inclusion of additional land was also received.

## INTRODUCTION/BACKGROUND

### THE PLACE

1. On 18 May 2022, the Executive Director made a recommendation ('the Recommendation') to the Heritage Council pursuant to Part 3, Division 3 of the Heritage Act 2017 ('the Act') that the place Maisie's Plots, located at 2 Bogong High Plains Road, Bogong ('the Place') should be included in the Victorian Heritage Register ('the Register') in accordance with section 49 of the Act by determining:
  - *That Maisie's Plots is of State-level cultural heritage significance and should be included in the VHR in the category of registered place in accordance with section 49(1)(a) of the Act.*
  - *That the proposed categories of works or activities which may be carried out in relation to Maisie's Plots for which a permit under the Act is not required will not harm the cultural heritage significance of the place under section 49(3) of the Act.*
2. The Place is described on page 4 of the Recommendation, dated 18 May 2022 as follows:

*The following is a description of Maisie's Plots at the time of the site inspection by Heritage Victoria in April 2022.*

*Maisie's Plots are two non-contiguous areas of land about 1 km apart used for ecological monitoring experiments.*

*The Rocky Valley Plots are located on Alpine Peatland and consist of a fenced enclosure (7.50ha) and an unfenced control area (5ha). The Pretty Valley Plots are located on Alpine Grassland and consist of a fenced enclosure (0.102ha) and an unfenced control area (0.102ha).*

*At the Rocky Valley Plots, a seasonal temporary deer-proof fence is erected annually between October and May around the fenced enclosure at varying distances of up to 20 metres from the original plot fence line.*

### PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR

3. After the Recommendation, notice was published on 20 May 2022 in accordance with section 41 of the Act for a period of 60 days.
4. During the public advertisement of the Recommendation four (4) submissions, being three (3) conforming section 44 submissions and one (1) late submission, were received pursuant to section 44 of the Act. Submissions were received from the North East Catchment Management Authority and the National Trust in support of the Executive Director's recommendation. A submission was received from Dr Ewen Silvester, providing additional information relevant to the Executive Director's recommendation. A late submission was received from Parks Victoria, in support of the Executive Director's recommendation, and seeking additional permit exemptions.

### PRELIMINARY, PROCEDURAL AND OTHER MATTERS

5. On 4 August 2022, having received no requests to cause a hearing, the Heritage Council considered the Recommendation and resolved to establish a Committee to request additional information and determine the matter.

### **REQUEST FOR FURTHER INFORMATION**

6. On 10 August 2022, the Committee requested further information from the Executive Director.
7. On 18 August 2022, additional material was received from the Executive Director, including a letter from Parks Victoria.
8. The Committee met on 19 August 2022 to determine the matter.

### **CONFLICTS OF INTEREST**

9. The Chair invited Committee members to make declarations, written or otherwise, in relation to any matters that may potentially give rise to an actual, potential or perceived conflict of interest. The Committee members were satisfied that there were no relevant conflicts of interest and made no such declarations.

### **FUTURE USE, MAINTENANCE AND DEVELOPMENT OF THE PLACE**

10. It is not the role of the Committee to consider future proposals or to pre-empt any decisions regarding future permits under the Act. Pursuant to section 49(1) of the Act, the role of the Committee is to determine whether or not the Place, or part of it, is of State-level cultural heritage significance and whether or not the Place is, or is not, to be included in the Register.

### **ISSUES**

11. The following 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 position that the Committee takes on each key issue.

### **SUMMARY OF ISSUES**

12. The Executive Director recommended that the Place be included in the Register with associated permit exemptions.
13. A submission was received from Dr Silvester seeking an amended extent of registration, a change to the Place address, and the inclusion of additional information in the Place history and description.
14. Parks Victoria submitted in support of the Recommendation but requested amendments to the proposed permit exemptions and the inclusion of two additional exemptions.

### **REASONS FOR INCLUSION**

15. The Executive Director recommended that the Place be included in the Register for State-level cultural heritage significance in relation to Criteria A, F and G.
16. The Committee asked the Executive Director for additional information relating to the assessment of the Place against Criterion H. The Executive Director submitted that there is a direct association between Maisie's Plots and Maisie Fawcett and that this association is evident in the fabric as illustrated through the

name and historical resources. However, the Executive Director stated that Maisie Fawcett's contribution relates primarily to ecological sciences and is better covered under Criteria A, F and G.

17. Dr Silvester, while supporting the Recommendation, submitted a number of changes to the drafting of the Place history, Place description, image labels and statement of significance.

#### *Discussion and conclusion*

18. The Committee's reasons for including the Place in the Register are generally in accordance with the Executive Director's Recommendation with the exception of Criterion H. The Committee disagrees with the Executive Director's assessment that the Place does not meet the threshold for Criterion H.
19. The Committee determines that the Place should be included in the Register under Criterion H for its association with Maisie Fawcett, who made a strong and influential contribution to the course of Victoria's history. Ms Fawcett is recognised for the following reasons:
  - the pioneering role of Maisie Fawcett as a botanist and ecologist (summarised in her entry in the Australian Dictionary of Biography);
  - the impact of her research in better understanding the problem of soil erosion particularly in the High Country;
  - the status of Maisie's Plots within the field of ecology in Victoria, which as the Executive Director notes 'has made a strong and influential contribution to Victoria by providing information about how land, soil, water, animals, the natural environment and agriculture should be managed by people'; and
  - the clear association of Maisie's Plots to Maisie Fawcett's individual work and broad field of endeavor.
20. The Committee notes that the amendments submitted by Dr Silvester in relation to the Place history, description and statement of significance do not directly impact the decision before it. However, the Committee recommends that the Executive Director consider the amendments and, if appropriate, make the requested changes to the information published about the Place in the Victorian Heritage Database.

#### **EXTENT OF REGISTRATION**

21. Dr Silvester submitted that the extent of registration should be amended to include ancillary land being Area A in the description below:
  - Maisie's Plots are three non-contiguous areas: Area A (Pretty Valley, 0.9ha), Area B and Area C (Rocky Valley, 17.5ha in total).
  - Area A comprises two plots (one fenced and one unfenced) and land for 20m around their perimeter.
  - Area B comprises three plots (one fenced and two unfenced) and land for 20m around their perimeter.
  - Area C comprises an unfenced plot and land for 20m around its perimeter.

22. In response to a request for further information from the Committee, the Executive Director provided a revised written extent of registration and diagram (**Attachment 2**) including the ancillary land requested by Dr Silvester.
23. The Executive Director also provided, in accordance with section 49(4) of the Act, a letter from Parks Victoria, as the land manager, providing consent for the additional land to be included in the Registration.
24. The Committee, noting the agreement of the Executive Director and Parks Victoria, supports the inclusion of additional land and records its determination as to the extent of registration of the Place in **Attachment 2**.
25. The Committee notes that Dr Silvester suggested that 'High Plains' be included in the Place address after 'Bogong'. The Executive Director confirmed that the address should read 'Bogong' with no additions and the Committee accepts this.

### PERMIT EXEMPTIONS

26. In its submission and subsequent letter, Parks Victoria requested amendments to the proposed categories of works or activities which may be carried out in relation to Maisie's Plots for which a permit under the Act is not required and which will not harm the cultural heritage significance of the place under section 49(3) of the Act ('Permit Exemptions').
27. Parks Victoria requested that changes be made to the heading and permit exemption related to authorisation of research works to broaden the applicability to all Parks Victoria approved research institutions. In response, the Executive Director accepted the intention and provided amended wording.
28. Parks Victoria also requested an additional permit exemption to cover maintenance and repair of all cattle exclusion fences on the property and another to allow for the removal of weeds using herbicide.
29. It is the Executive Director's view that permit exemption 1, which allows for minor repairs and maintenance, is broad enough to include the cattle exclusion fence without the inclusion of a specific exemption in this area. The Executive Director did not object to the inclusion of a permit exemption to allow for weed removal

#### *Discussion and conclusion*

30. The Committee notes the high level of agreement between the Executive Director and Parks Victoria as to the wording of the permit exemptions. The Committee generally agrees with the amended permit exemptions provided by the Executive Director with two additions, being: the inclusion of an additional permit exemption allowing for the removal of weeds using herbicide; and making the word 'fence' plural in Permit Exemption 5 to note that there are multiple fences to which this exemption applies, as requested by Parks Victoria.
31. The Committee determines to include the categories of works or activities which may be carried out in relation to Maisie's Plots for which a permit under the Act is not required and which will not harm the cultural heritage significance of the place under section 49(3) of the Act ('Permit Exemptions') as drafted in **Attachment 3**.

### CONCLUSION

32. After considering the Executive Director's recommendation and all submissions received, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that Maisie's Plots, located at 2 Bogong High Plains Road,

Bogong is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register.

## 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 present-day community or cultural group for social, cultural or spiritual reasons.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

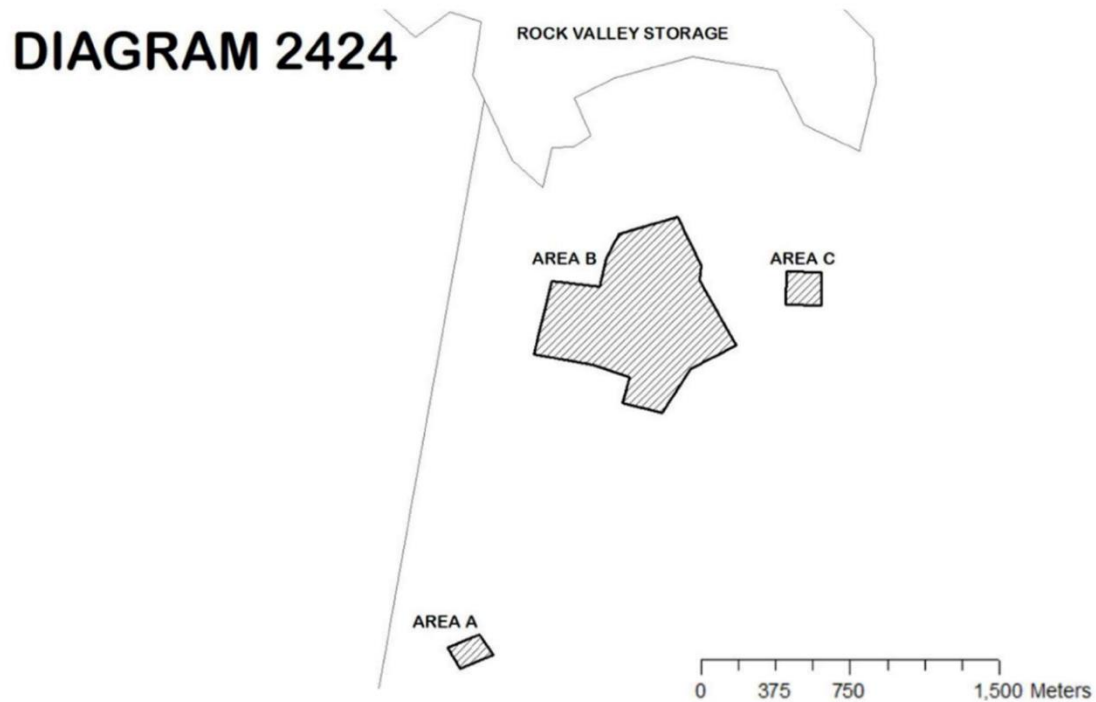
These were updated by the Heritage Council at its meeting on 4 April 2019, and replace the previous criteria adopted by the Heritage Council on 6 December 2012



## ATTACHMENT 2

### EXTENT OF REGISTRATION

All of the place shown hatched on Diagram 2424 encompassing part of Allotment 3 Parish of Nowyeo, consisting of three non-contiguous areas: Area A (Pretty Valley, 0.9ha), Area B and Area C (Rocky Valley, 17.5ha in total). Area A comprises two plots (one fenced and one unfenced) and land for 20m around their perimeter. Area B comprises three plots (one fenced and two unfenced) and land for 20m around their perimeter. Area C comprises an unfenced plot and land for 20m around its perimeter.



## ATTACHMENT 3

### CATEGORIES OF WORKS OR ACTIVITIES WHICH MAY BE CARRIED OUT IN RELATION TO THE PLACE FOR WHICH A PERMIT IS NOT REQUIRED PURSUANT TO SECTION 49(3) OF THE *HERITAGE ACT 2017* ('PERMIT EXEMPTIONS')

#### GENERAL

- 1 Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of 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.
- 2 Works or activities, including emergency stabilisation, necessary to secure safety in an emergency where a structure or part of a structure has been irreparably damaged or destabilised and poses a safety risk to its users or the public. The Executive Director must be notified within seven days of the commencement of these works or activities.
- 3 Removal of environmental and noxious weeds, as defined by the *Catchment and Land Protection Act 1994* (Vic), using chemical herbicide by spot application only.

#### ACTIVITIES BY PARKS VICTORIA AND THIRD-PARTY RESEARCH INSTITUTES AUTHORISED BY PARKS VICTORIA

- 4 All research, monitoring, security and educational activities undertaken by, authorised by and/or supervised by Parks Victoria.
- 5 Erection, maintenance, repair and removal of the deer-proof fences at the Rocky Valley site.