

Statement of recommendation from the Executive Director, Heritage Victoria

UL Daly Reserve
86 Aitken Street and 63 Howey Street Gisborne
Macedon Ranges Shire
Wurundjeri Country



Executive Director recommendation

Under section 37 of the *Heritage Act 2017* (the Act) I recommend to the Heritage Council of Victoria (Heritage Council) that UL Daly Reserve, located at 86 Aitken Street and 63 Howey Street, Gisborne is not of State-level cultural heritage significance and should not be included in the Victorian Heritage Register (VHR).



STEVEN AVERY
Executive Director, Heritage Victoria
Date of recommendation: 15/03/2023



Explanatory note to readers

The system of heritage protection in Victoria essentially operates at two levels.

Most heritage places in Victoria will be important at a local level to particular communities. These heritage places may be appropriate for protection by local government by means of a Heritage Overlay under the local planning scheme.

A much smaller percentage of places and objects will be important at a State level. This means that they tell an important story in the history of Victoria, rather than the history of their local area or region. Places and objects of State-level cultural heritage significance may be considered for inclusion in the VHR under the Act.

The very high benchmark or 'threshold' for inclusion in the VHR is demonstrated by the fact that as of 2022, there were just over 2,330 places of State-level significance which were included in the VHR. This compares to over 19,000 places of local-level importance protected by Victoria's 79 councils in Heritage Overlays. In other words, roughly 10% of Victoria heritage places were protected at a State-level by inclusion in the VHR compared with 90% being protected by local government.

Heritage Victoria's responsibility is to assess whether a place or object is of cultural heritage significance at the State level. Heritage Victoria cannot assess or advise as to whether a place is of local-level significance, this being a matter for local government.

This current process under the Act has been initiated to establish whether the place or object is of cultural heritage significance to the State of Victoria. Any recommendation or finding should not be seen to overshadow or outweigh any significance that the place or object may otherwise retain, particularly at the local level.

More information about heritage protection in Victoria can be found on the [Heritage Council website](#).

Rationale for assessment

Why is this place being assessed now?

Each year Heritage Victoria receives more nominations for the VHR that it can assess. This means that not all nominations can be assessed in timely manner. Currently there is a backlog of over 250 nominations most of which were accepted under the *Historic Buildings Act 1974*, *Heritage Act 1981* or *Heritage Act 1995*.

The Executive Director is of the view that around 25 per cent of these nominations would not now be accepted under the *Heritage Act 2017*. The Executive Director is currently prioritising this group of nominations to reduce the backlog and provide certainty for owners.

Why were nominations lodged prior to 1 November 2017 accepted?

Prior to the enactment of the *Heritage Act 2017* on 1 November 2017 the Executive Director was obliged to accept all administratively complete nominations if they provided 'reasons as to why the place or object warrants inclusion in the Heritage Register' [*Heritage Act 1995* s.23(4)(a)]. There was no mechanism for the Executive Director to refuse nominations even if the place or object had no reasonable prospect of inclusion in the VHR.

Why have some nominations been refused after 1 November 2017?

Since 1 November 2017, the Executive Director under the *Heritage Act 2017*, has been able to refuse nominations where there is 'no reasonable prospect of inclusion' in the VHR.



The process from here

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.

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](#).

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. The Heritage Council must conduct a hearing if the submission is made by a person or body with a real or substantial interest in the place or object. If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

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 or object.

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.

Further information

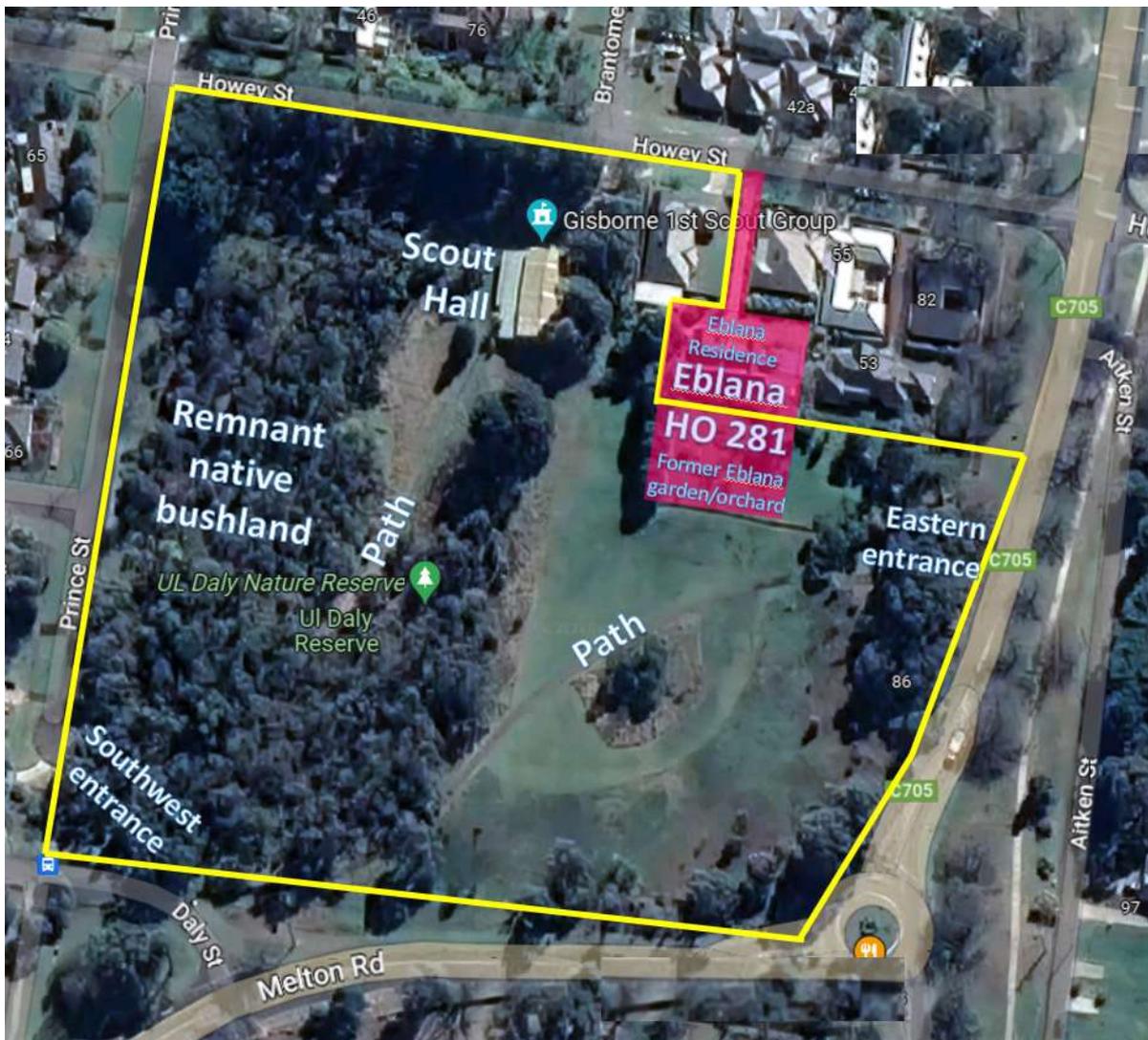
The relevant sections of the Act are provided at Appendix 1.

Description

The following is a description of UL Daly Reserve at the time of the site inspection by Heritage Victoria in January 2023.

UL Daly Reserve is located on the traditional land of the Wurundjeri People. It is a rectilinear shaped reserve of approximately 4 hectares (10 acres). The eastern entrance on Melton Road is marked with a vertical timber signpost reading 'UL DALY RESERVE' and opens onto an area of grassland. A walking path extends towards the southwest leading towards an area of native vegetation which comprises the western part of the place. The southern entrance is marked with a timber signpost reading 'UL DALY RESERVE' and opens onto the area of native vegetation, leading in a northerly direction towards cleared land fronting Howey Street. The 1st Gisborne Scout Hall is located on that land and set back from a circular driveway. The Scout Hall (1986) is a utilitarian building of cement blocks and khaki coloured Colorbond corrugated cladding. In the northeast corner of the there is a remnant orchard with fruit trees and Italian cypresses. This is associated with the adjacent residence 'Eblana'. The nominated extent for assessment does not include the Eblana residence.

Description images



Schematic diagram of the place showing the Eblana Heritage Overlay (HO281 shaded in pink), extent of the VHR Nomination (outlined in yellow) with main elements labelled.



Oblique view (Google Earth)



2023, Southwest entrance on the corner of Daly and Prince Streets



2023, Track leading from southwest entrance towards the Scout Hall



2023, Scout Hall view from Howey Street

History

Gisborne

The first inhabitants of the Gisborne region were the Wurundjeri people who retain strong ties to the location today. In 1837 Europeans first arrived and the township of Gisborne was first surveyed in 1851. It lay on the main route to the Mount Alexander goldfields and became a thriving stopover town. At the end of the gold rush, Gisborne continued to prosper, and agriculture was assured thanks to the water from Jackson's Creek. The construction of a railway in 1861 ensured that the town became an important link between Melbourne, Geelong and Bendigo.

The Daly Family and Eblana

The UL Daly Reserve was once part of a larger property comprising an eleven-acre site granted to James Cavanagh who erected a small cottage. Cavanagh sold the property in 1895 to the local Irish-born Doctor Ulick Arthur William (UAW) Daly (c.1854-1933). In 1896 Daly commissioned a timber bungalow style house which he called 'Eblana' and used as a both a residence and surgery.¹ As a doctor in a large country town, UAW Daly would have been one of the pillars of the community, and his new house was a demonstration of his wealth and position in the district.

The historical values of the UL Daly Reserve relate to the history of 'Eblana' and the Daly family. After UAW Daly's death in 1933, the property passed to his wife Laura May and later to a son Ulick Lord (UL) Daly (1891-1976). Neither UAW Daly nor his son UL Daly relied on the land for an income and so were able to preserve the property, its garden, orchard and larger setting. UL Daly was an avid conservationist and a leader in the local Gisborne community. He was a Shire Councillor for 27 years, Shire President, and long-serving member of the Gisborne Hospital committee and the bush fire brigade. In 1968 he was awarded an MBE for 'services to local government'.²

The UL Daly Reserve

After UL Daly's death in 1976, Gisborne Shire became the owner of Eblana in 1978 and transformed the land into a 'passive recreation space'. In 1980, the land was named 'UL Daly Park' and subsequently signposted as a 'UL Daly Reserve'. A Scout Hall was built in 1986. In or before 2008, the Shire sold 0.6 hectares (1.5 acres) of the land fronting Howey Street, including the residence Eblana, to a private owner.³ This effectively separated the northeast corner off the Eblana estate. In 2009 this 0.6 hectares was subdivided into six residential blocks. The Eblana residence was left with a small amount of land and a narrow, non-original driveway location. The larger 4.02 hectare (9.92 acre) portion containing the native bushland and Eblana's remnant orchard remained the 'UL Daly Reserve'.

A 'Bushland Reserve'

The transformation of the Eblana land into a 'Bushland Reserve' occurred at a time when the conservation movement in Victoria was growing. The ecological value of native vegetation and forests was increasing in public awareness. From that time, many 'Bushland Reserves' were created across Victoria, on undeveloped or gifted land. In 2023 Knox City has over 70 bushland reserves, Maroondah City has around 44 bushland reserves and the UL Daly Reserve is one of 13 bushland reserves in the Macedon Shire. Today, the UL Daly Reserve is used by walkers, cyclists and as a quiet retreat from Gisborne. The remnant orchard of Eblana is part of the reserve. While it has some capacity to demonstrate an orchard and retains some older trees, it is a remnant, and some recent plantings have no connection to the Daly family.⁴

¹ See Ivar Nelson, *Gisborne and Kyneton Heritage Study*, Macedon Ranges Shire Council (2017). The architectural style of Eblana could be described as Federation Bungalow c.1890-1915, see Richard Apperly et al, *A Pictorial Guide to Identifying Australian Architecture*, p. 144-147.

² 'The Commonwealth and States List in Full', *Canberra Times*, 1 January 1968, p. 7.

³ Biosis, *UL Daly Reserve, Gisborne, Victoria: Preliminary Cultural Heritage Assessment*, Prepared for Macedon Ranges Shire (2013), p. 20. Ivar Nelson, *Gisborne and Kyneton Heritage Study*, p. 17.

⁴ Ivar Nelson, *Gisborne and Kyneton Heritage Study*, p. 17.

History images



*2012 Aerial photograph provided by nominator
Note: The proposed northwest development did not occur.
The northeast Eblana homestead block was subdivided after this photograph was taken.*



*2012 Aerial photograph provided by nominator
Note: The proposed northwest development did not occur.
The northeast Eblana homestead block was subdivided after this photograph was taken.*



Selected bibliography

Biosis, *UL Daly Reserve, Gisborne, Victoria: Preliminary Cultural Heritage Assessment*, Prepared for Macedon Ranges Shire (2013).

Ivar Nelson, *Gisborne and Kyneton Heritage Study*, Macedon Ranges Shire Council (2017).

Nomination for the Victorian Heritage Register, UL Daly Reserve (2012).



Nominator's reasons for inclusion in the VHR (2012)

In 2012 the nominator provided these reasons for the inclusion of the UL Daly Reserve in the Victorian Heritage Register.

Heritage Council Criteria

The nominator is of the view that this place meets Criteria E, A and H.

Criteria E: The aesthetic properties of UL Daly reserve are unique in that they take in scenic views of indigenous remnant bush, exotic specimens and the Eblana homestead in the foreground and the magnificent spectacle of the Mt Macedon range to the north.

Criteria G: The cultural heritage of the remnant bush, a refuge for native fauna and stone relics that it contains are relatively untouched since European settlement. The co-location of these features of the site bear witness to the historical aspects of the property that was preserved in virtually the same state by the Daly family from the late 19th century until today - the latter period of which is due to the having been 'bequeathed' to the ratepayers of Gisborne by UL Daly, for whom the park is named.

Criteria H: The retention of the rural character of towns, like Gisborne, in Victoria owes a great deal to prominent local citizens like UL Daly that sought to preserve and retain critical visual reminders of the rural heritage.

Comparisons

The nominator provided this information to compare the place with similar places:

The main ridge of the Dandenong Ranges (National Trust State Significance) is of State Significance in part because of the 'remnant bush that provides movement corridors for native fauna and birds', private gardens and street plantings established prior to the second world war and 'scenic' views. All of these features are present in UL Daly Reserve and settlement of Gisborne pre-dates the Dandenong Ranges. The fact that no other reserve in a rural town is listed on the Heritage Victoria website is indicative of the uniqueness of UL Daly reserve.

Statement of Cultural Heritage Significance

The nominator provided this Statement of Significance:

What is significant?

UL Daly Reserve is a 10-acre park on the southern side of the township of Gisborne. The Reserve provides a rare example of indigenous bushland, remnants of early European settlement landscape with exotic plantings and orchard associated with the homestead Eblana and views to Mount Macedon, a landmark for those heading to the goldfields. The spectacular uninterrupted views of the entire Mount Macedon range with only the Eblana homestead (with its exotic plantings) and the indigenous bush in the foreground. This landscape represents a rare view that reflects life in a rural town in the Macedon Ranges and would not have changed greatly in the last century. The indigenous remnant bush centrally located on public land in a town the size of Gisborne is almost unknown, if not unique, anywhere in the state. Because it has been relatively untouched since European settlement, UL Daly Reserve contains stone relics that reflect the cultural heritage of the indigenous landowners. It also contains a diversity of remnant vegetation including an endangered wattle species and is a habitat corridor for a variety of birds and animals. The historic orchard that reflects the settlement by the Daly family and although it is now in private hands, the views of the homestead reflect early settlement in a typical rural village in the Macedon Ranges. The UL Daly reserve is a 10 acre site only 2 blocks from the centre of town in what is known as 'old Gisborne township'.

How is it significant?

UL Daly reserve is of aesthetic, cultural, historical and scientific (botanical) significance to the state of Victoria.

Why is it significant?

Gisborne was first settled as a pastoral district in the 1830s but flourished as an important stopover on the route to the central Victorian goldfields not long after. The Macedon Ranges are a historic area of Victoria including icons such as Hanging rock, Victorian era mansions and associated gardens on the mountain that served as summer retreats and the surrounding rural towns like Gisborne. Once renowned as a quiet rural village, in more recent times Gisborne has seen



rapid expansion with much of this rural character being lost. The UL Daly Reserve contains unique elements that reflect all aspects of the cultural heritage of this historically important part of Victoria. It is the combination of multiple historic aspects of the era that makes UL Daly Reserve an important heritage site.

The survival of these unique characteristics reflects the unusual circumstances of the Daly family, who contributed a great deal to the history of Gisborne. Neither Dr UA Daly nor his son UL Daly relied on the land for an income and so were able to preserve the property intact. UL Daly's contributions to the community over many years as a Councillor for 27 years, Shire President, founder and long-serving member of the Gisborne Hospital committee and the bush fire brigade and avid conservationist resulted in the awarding of an MBE in 1968.

In 1978 the Eblana property was purchased by the Shire of Gisborne as a 'passive recreation space'. Unfortunately, this purchase was partially offset by the sale of the Eblana homestead from the corner of the original property, but this has allowed the reserve to remain intact until today. The park was named UL Daly Park in 1980 and subsequently signed as a 'nature reserve' to reflect the wishes of UL Daly to leave the property and its cultural heritage to the people of Gisborne. The reserve is used today as UL Daly would have wished; people walk, often with their dogs and ride their bikes through the park, children wander home from school through this quiet retreat from the busy town - much as they would have nearly 120 years ago when Eblana was first purchased.

It is critical that UL Daly Reserve be protected to prevent the Macedon Ranges Shire Council from developing this site either now or in the future.

Threat

The nominator provided this information about a threat to the place:

The Macedon Ranges Shire Council passed a vote on the 29 August 2012 that designates UL Daly reserve as the preferred site for a \$4 million development of an early years hub that will destroy a large part of the remnant bush on the reserve and ominously 'allows room for expansion' which may result in the loss of the entire reserve over time. Construction was due to commence in 2013 but did not proceed.

Executive Director's view on the nominator's reasons

The Executive Director is of the view that the information above provided by the nominator demonstrates natural heritage, pre-contact Aboriginal values and local-level cultural heritage significance.



Further information

Relevant Authority	Macedon Range Shire
Heritage Overlay	The remnant orchard area of the Eblana residence is now part of the UL Daly Reserve. The Eblana residence and remnant orchard are included in Macedon Ranges HO281 (with tree controls).
Other Overlays	Vegetation Protection Overlay (applies to a very small fragment of land along the southern boundary). The reserve is Zoned 'Public Conservation and Resource Zone' (PCRZ) in the Macedon Ranges Planning Scheme.
Other Listings	There are no other listings for the place.
Other Names	There are no other names for the place.
Date of construction/creation	Eblana the adjacent residence was constructed in 1896. Some landscape elements date from that time (such as the remnant orchard) and others from its more recent use as a nature reserve c.1978. The Scout Hall dates from 1986.

Traditional Owner Information

The place is located on the traditional land of the Wurundjeri People. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

Victorian Aboriginal Heritage Register

The UL Daly Reserve contains two areas of Aboriginal cultural heritage sensitivity:

- The eastern edge is partly within a former water course of Aboriginal cultural heritage sensitivity.
- There are locations within the UL Daly Reserve included in the Victorian Aboriginal Heritage Register.⁵

Integrity

The integrity of the place is variable. The native bushland can be easily read in the extant fabric, the remnant orchard is less easy to read.

(January 2023).

Intactness

The intactness of the place is variable. It is uncertain how the native bushland has changed over time. The orchard has lost intactness. The Scout Hall is a later addition and was constructed in 1986.

(January 2023)

Condition

The condition of UL Daly Reserve is good.

(January 2023)

Note: The condition of a place or object does not influence the assessment of its cultural heritage significance. A place or object may be in very poor condition and still be of very high cultural heritage significance. Or a place or object may be in excellent condition but be of low cultural heritage significance.

⁵ See Biosis, *UL Daly Reserve, Gisborne, Victoria: Preliminary Cultural Heritage Assessment*, Prepared for Macedon Ranges Shire (2013); Aboriginal Cultural Heritage Register and Information System (ACHRIS).

Statutory requirements under section 40.

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

The Executive Director recommends that UL Daly Reserve is not included in the VHR.

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

Name: UL Daly Reserve

Location: 86 Aitken Street and 63 Howey Street Gisborne

Location diagram



Reasons for the recommendation, including an assessment of the State-level cultural heritage significance of the place(section 40(3)(c))

Following is the Executive Director's assessment of UL Daly Reserve against the tests set out in *The Victorian Heritage Register Criteria and Thresholds Guidelines (2022)*. A place or object must be found by the Heritage Council to meet Step 2 of at least one criterion to meet the State level threshold for inclusion in the VHR.

CRITERION A: Importance to the course, or pattern, of Victoria's cultural history.

Step 1 Test for Criterion A

No.	Test	Yes/No	Reason
A1)	Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	The place has a clear association with the following historical phases in Victoria's cultural history: a) The creation of bushland reserves. b) The creation of residential orchards.
A2)	Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria?	Yes	These phases are of historical importance having made a strong and influential contribution to Victoria.
A3)	Is there evidence of the association to the event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	There is evidence of the association between the place and historical phases a) and b).

If A1, A2 and A3 are all satisfied, then Criterion A is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion A is likely to be relevant
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Step 2 State-level test for Criterion A

No.	Test	Yes/No	Reason
SA1)	Does the place/object allow the clear association with the event, phase, period, process, function, movement, custom or way of life of historical importance to be understood better than most other places or objects in Victoria with substantially the same association?	No	a) The place does not allow the association with the creation of bushland reserves to be better understood than most other similar places in Victoria. From around the 1970s, many 'Bushland Reserves' were created across Victoria, particularly on the outskirts of Melbourne in areas with undeveloped land. In 2023 Knox City has over 70 bushland reserves , Maroondah City has around 44 bushland reserves and the UL Daly Reserve is one of 13 bushland reserves in the Macedon Shire . There is no historical association or feature that elevates the UL Daly Reserve above other local bushland reserves across the State. b) The place does not allow the association with the creation of residential orchards to be better understood than most other similar places in Victoria. Only a remnant of the former Eblana orchard is

included in the UL Daly Reserve. See Comparisons section for examples that can be better understood in this class.

If SA1 is satisfied, then Criterion A is likely to be relevant at the State level

Executive Director's Response:	No	Criterion A is not likely to be relevant at the State level.
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CRITERION B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

Step 1 Test for Criterion B

No.	Test	Yes/No	Reason
B1)	Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history?	Yes	The place has a clear association with the following historical phases which are of importance in Victoria's cultural history: a) The creation of bushland reserves. b) The creation of residential orchards.
B2)	Is there evidence of the association to the historical phases etc identified at B1)?	Yes	There is evidence of the association between the place and historical phases a) and b).
B3)	Is there evidence that place/object is rare or uncommon, <u>or</u> has rare or uncommon features?	No	B3(i) There is not evidence that the place is rare or uncommon with its class/historical theme. a) Bushland reserves and/or their creation b) Residential orchards and/or their creation B3(ii) There is not evidence that the place has rare or uncommon features (ie: in the fabric) for its class/historical theme: a) Bushland reserves and/or their creation b) Residential orchards and/or their creation The UL Daly Reserve is a typical late twentieth-century bushland reserve. The section which was the remnant orchard of Eblana does not display any rare or uncommon features.

If B1, B2 AND B3 are satisfied, then Criterion B is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion B is not likely to be relevant.
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CRITERION C: Potential to yield information that will contribute to an understanding of Victoria’s cultural history.

Step 1 Test for Criterion C

No.	Test	Yes/No	Reason
C1)	Does physical fabric and/or documentary evidence and/or associated oral history or cultural narratives relating to the place/object indicate a likelihood that the place/object contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources?	No	The: <ul style="list-style-type: none"> i. physical fabric and ii. documentary evidence and iii. associated oral history or cultural narratives relating to UL Daly Reserve do not indicate a likelihood that the place contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources. The UL Daly Reserve is a typical late twentieth-century bushland reserve. The remnant orchard of Eblana is typical. Any potential archaeology would not yield information that is not well understood or available from other sources related to reserves or orchards established around the same time.
C2)	And, from what we know of the place/object, is the physical evidence likely to be of an integrity and/or condition that it could yield information through detailed investigation?	N/A	The integrity and condition of the place may be good, but it is unlikely to yield information through investigation that is not currently visible and/or well understood or available from other sources (see C1).

If both C1 AND C2 are satisfied, then Criterion C is likely to be relevant (but not necessarily at the State level)

Executive Director’s Response:	No	Criterion C is not likely to be relevant.
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CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects

Step 1 Test for Criterion D

No.	Test	Yes/No	Reason
D1)	Is the place/object one of a class of places/objects that has a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria’s history?	Yes	The UL Daly Reserve is one of the classes: <ul style="list-style-type: none"> a) Bushland reserves. b) Residential orchards. These classes have a clear association with the following in Victoria’s history: <ul style="list-style-type: none"> a) The history of the environmental movement b) Making homes for Victorians (Establishing private gardens and backyards)



D2)	Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria?	Yes	a) and b) are historical processes which have made a strong and influential contribution to Victoria.
D3)	Are the principal characteristics of the class evident in the physical fabric of the place/object?	Yes	The principal characteristics of the classes are evident in the physical fabric of the place.

If D1, D2 AND D3 are satisfied, then Criterion D is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion D is likely to be relevant.
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Step 2 State-level test for Criterion D

No.	Test	Yes/No	Reason
SD1)	Is the place/object a notable (fine, influential or pivotal) example of the class in Victoria?	No	<p>UL Daly Reserve is not a notable example of a</p> <p>a) Bushland reserve</p> <p>b) Residential orchard.</p> <p>This place is typical in both classes. It does not exhibit any fine, influential or pivotal features for its classes. It has much in common with hundreds of similar bushland reserves and former remnant residential orchards.</p>

If SD1 is satisfied, then Criterion D is likely to be relevant at the State level

Executive Director's Response:	No	Criterion D is not likely to be relevant at the State level.
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CRITERION E: Importance in exhibiting particular aesthetic characteristics.

Step 1 Test for Criterion E

No.	Test	Yes/No	Reason
E1)	Does the physical fabric of the place/object clearly exhibit particular aesthetic characteristics?	Yes	The physical fabric of the place clearly exhibits aesthetic characteristics particular to bushland reserves and residential orchards.

If E1 is satisfied, then Criterion E is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion E is likely to be relevant.
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Step 2 State-level test for Criterion E

No.	Test	Yes/No	Reason
SE1)	<p>Are the aesthetic characteristics 'beyond the ordinary' or are outstanding as demonstrated by:</p> <ul style="list-style-type: none"> Evidence from within the relevant discipline (architecture, art, design or equivalent); and/or Critical recognition of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline within Victoria; and/or Wide public acknowledgement of exceptional aesthetic qualities of the place/object in Victoria expressed in publications, print or digital media, painting, sculpture, songs, poetry, literature, or other media? 	No	<p>There is no evidence that the aesthetic characteristics at the place are 'beyond the ordinary' or are outstanding.</p> <p>The bushland reserve and the remnant orchard are attractive and provide a pleasant local area for passive recreation. In comparison with other similar places in Victoria the UL Daly Reserve is typical and has not received 'critical recognition' or 'wide public acknowledgement' for its visual or other aesthetic qualities. The Scout Hall (1986) is a typical 1980s utilitarian building.</p>

If SE1 is satisfied, then Criterion E is likely to be relevant at the State level

Executive Director's Response: No Criterion E is not likely to be relevant at the State level.

CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Step 1 Test for Criterion F

No.	Test	Yes/No	Reason
F1)	Does the place/object contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created?	No	<p>There is no physical evidence that the UL Daly Reserve demonstrates creative or technical achievement for the time in which it was created.</p> <p>The place is a typical bushland reserve comprising a remnant residential orchard.</p>
F2)	Does the physical evidence demonstrate a high degree of integrity?	NA	Not relevant.

If **both** F1 and F2 are satisfied, then Criterion F is likely to be relevant (but not necessarily at the State level)

Executive Director's Response: No Criterion F is not likely to be relevant.



CRITERION G: Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons

Step 1 Test for Criterion G

No.	Test	Yes/No	Reason
G1)	Does the place/object demonstrate social value to a community or cultural group in the present day in the context of its cultural heritage significance? Evidence must be provided for all three facets of social value listed here:		
i)	Existence of a community or cultural group; <u>and</u>	Yes	This place is valued by local community groups interested in nature and conservation, as well as the 1st Gisborne Scouts whose hall is located at the UL Daly Reserve. The Scout Hall is used by community groups as well as the Scout troop.
ii)	Existence of a strong attachment of a community or cultural group to the place or object; <u>and</u>	Yes	There is evidence of the strong attachment of the these groups community to the place. There is some evidence of this on the Internet and in local newsletters.
iii)	Existence of a time depth to that attachment.	Yes	The UL Daly Park/Reserve was created around 1978 to 1980 and the 1st Gisborne Scout Hall was built in 1986. The time depth to these attachments is around 37 to 45 years.

If all facets of G1 are satisfied, then Criterion G is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion G is likely to be relevant.
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Step 2 State-level test for Criterion G

No.	Test	Yes/No	Reason
SG1)	Is there evidence that the social value resonates across the broader Victorian community as part of a story that contributes to Victoria's identity?	No	<p>The social value of social value of the UL Daly Reserve to the Gisborne conservation & nature community and 1st Gisborne Scouts is part of a story in Victoria's history which contribute to Victoria's identity, being the conservation movement and Scouting.</p> <p>There is no evidence that the social value of the UL Daly Reserve to the Gisborne conservation & nature community and 1st Gisborne Scouts resonates across the broader Victorian community. There is no evidence that people from around Victoria visit or take an interest in the UL Daly Reserve as a place they are strongly attached to.</p>

If all facets of SG1 are satisfied, then Criterion G is likely to be relevant at the State level

Executive Director's Response:	No	Criterion G is not likely to be relevant at the State level.
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CRITERION H: Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

Step 1 Test for Criterion H

No.	Test	Yes/No	Reason
H1)	Does the place/object have a direct association with a person, or group of persons who has made a strong or influential contribution in their field of endeavour?	Yes	<p>H1(i) There is a direct association between the UL Daly Reserve and Dr Ulick Arthur William (UAW) Daly (c.1854 - 1933) and his son Ulick Lord (UL) Daly (1891-1976).</p> <p>H1(ii) UAW Daly has made a strong or influential contribution in their field.</p> <p>UAW Daly was the local doctor in Gisborne. UL Daly made a strong and influential contribution to public life in the Gisborne area and received an MBE in 1968 for 'services to local government'.</p>
H2)	Is there evidence of the association between the place/object and the person(s)?	Yes	There is evidence of the association between the UL Daly Reserve and UL Daly and UAW Daly.
H3)	Does the association relate: <ul style="list-style-type: none"> • directly to achievements of the person(s); <u>and</u> • to an enduring and/or close interaction between the person(s) and the place/object? 	Yes	<p>H3(i) The association between UL Daly Reserve and UAW Daly and UL Daly relates directly to the achievements of these people.</p> <p>H3(ii) The association relates to a close and enduring interaction between these people and the place as the family home from the 1890s to the late 1970s.</p>

If all facets of H1, H2 AND H3 are satisfied, then Criterion H is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion H is likely to be relevant.
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Step 2 State-level test for Criterion H

No.	Test	Yes/No	Reason
SH1)	Are the life or works of the person/persons important to Victoria's history?	No	The life and works of UAW Daly and UL Daly are of importance to Gisborne's history. There is no evidence that their lives and works are of importance to the State of Victoria, beyond that of any person who makes a valuable contribution to civic life in their local town. The Executive Director notes that UL Daly's MBE (1968) was for 'services to local government'. Historians have written very little about the Dalys outside the context of Gisborne. There is no entry in the Australian Dictionary of Biography.
SH2)	Does this place/object allow the association between the person or group of persons and their importance in Victoria's history to be	Yes	The place does not allow a clear association with UL Daly to be readily appreciated more than most other places or objects in Victoria. The UL Daly Reserve is named after him, reflecting his passion for conservation and the

readily appreciated better than most other places or objects in Victoria?

environment. There are two signs at the Reserve with 'UL Daly' inscribed on them which confirms this association.

If both SH1 and SH2 are satisfied, then Criterion H is likely to be relevant at the State level

Executive Director's Response:

No

Criterion H is not likely to be relevant at the State level.



Comparisons

The following classes of place are useful as comparators to the UL Daly Reserve.

Bushland reserves

There are many 'Bushland Reserves' across Victoria created from the 1970s as part of local conservation and environment campaigns. Knox City has over 70 bushland reserves, Maroondah City has around 44 bushland reserves and the UL Daly Reserve is one of 13 bushland reserves in the Macedon Shire. Bushland reserves are often included in local planning schemes in the Significant Landscape Overlay (ESO) or Environmental Significance Overlay (ESO).

Public recreation reserves comprising native bushland (VHR)

Tower Hill State Game Reserve, Tower Hill And Crossley, Moyne Shire (VHR H2114)

Tower Hill State Game Reserve is of aesthetic, historic, scientific, social and architectural significance to the State of Victoria. It is of historical significance as an iconic and inspirational landscape, noted for its geological form and the beauty of its natural vegetation from first European exploration and settlement of the region, memorialised in Eugene von Guerard's 1855 painting of Tower Hill crater and island. It is of historical significance as the earliest and an outstanding example of community programs to reinstate native vegetation and re-create native habitat on cleared and degraded land. It is of architectural significance for the innovative design of the Natural History Centre now known as the Worn Gundidj Visitor Centre, designed by Robin Boyd in 1962 and completed in 1969.

Hanging Rock Reserve, South Rock Road Newham, Macedon Ranges Shire (VHR H2339)

The Hanging Rock Reserve is of historical, aesthetic and social significance to the State of Victoria. It is historically significant as an early and popular recreational destination and meeting place for Victorians, and for its long association with horse racing in Victoria from the 1860s to the present day. Of aesthetic significance, the unusual and distinctive physical features of the Hanging Rock formation have stimulated innumerable written and artistic responses, including sketches, paintings, photographs, writing, film and music from the 1850s. The place is socially significant for its continuous use and appreciation by the wider Victorian community as a popular gathering place for recreational purposes since the mid-1860s. This enduring association with tourists was reinforced by the production of the book (1967) and the film (1975) of *Picnic at Hanging Rock*.

Bells Beach Surfing Recreation Reserve, Coastal Reserve Bells Beach, Surf Coast Shire (VHR H2032)

Bells Beach Surfing Recreation Reserve is socially and historically significant as the location of the world's longest continuous running surf competition. Mainly comprising beach with dunes and some native bushland to the northwest, the place is socially significant as an international icon of Australian surfing culture and of historic significance to the development of surfboard and wetsuit technology. The Bells Beach Easter competition has world-renown and in terms of prestige.

Orchards associated with residences (VHR)

Gisborne Mains Homestead Site, Calder Freeway Gisborne, Macedon Ranges Shire (VHR H1889)

Gisborne Mains Homestead site is of historical, social and archaeological significance to the State of Victoria. It is historically important because its intact orchard contributes to a greater understanding of nineteenth century agricultural development and landscape design. Surviving trees include a pair of *Trachycarpus fortunei* (Chinese Windmill Palm) which framed the front entrance, *Cupressus torulosa* (Bhutan Cypress), *Cupressus macrocarpa* (Monterey Cypress) rows, *Pinus pinea* (Stone Pine) and *Crataegus monogyna* (English Hawthorn) hedges. North of the garden are remnants of the orchard comprising of a *Morus nigra* (Black Mulberry) and two *Pyrus communis* (Pear). Gisborne Mains Homestead site is of archaeological significance to the State of Victoria owing to the integrity and intactness of the extensive below ground remains and relics associated with the operation of the place as a stud farm under the management of Thomas and Agnes Watson.



Friedensruh, 10 Waldau Court Doncaster, Manningham City (VHR H0376)

Friedensruh is of historical and architectural significance to the State of Victoria. Dating from 1853, the place was created by Johann Gottlieb Thiele a German migrant, and the area became a centre for a German settlement. The family initially produced wheat and dairy products, and later developed an orchard, which became one of the first commercial orchards in the area and helped to establish it as the most important fruit-growing areas in Victoria. The gardens retain some of the early plantings, such as a Black Mulberry, *Morus niger*, and the remains of a very early dam, which once provided water for the orchard. Its outbuildings (which include a weatherboard barn or fruit packing shed, thought to have been built in the 1870s, with a stone lined fruit cellar at one end and storage loft in the roof) are significant as a very early orchard complex which grew over the years as the need arose. The outbuildings are also significant as a demonstration of early vernacular building techniques using readily available materials.

Karlsruhe, 1462 Byrneside-Kyabram Road Lancaster, Campaspe Shire (VHR H0581)

Built in 1893 for Baron Karl AF von Swain, Karlsruhe is of historical and architectural significance to the State of Victoria. Von Swaine was one of the first orchardists in the Lancaster area which was the first irrigation area based on the Goulburn Weir. In 1908 the property was described as having 72 acres of trees in the orchard and a private garden of great note, including a hedge of roses a mile long and a cypress hedge across the frontage three-quarters of a mile long. While only remnants of the garden remain, as a complex it is a survivor of one of the first and most colourful participants in the establishment of the stone-fruit industry in the Goulburn Valley and as an elaborate and unusual example of domestic Queen Anne architecture.

Summary of Comparisons

Public reserves comprising native bushland are common across Victoria. Many were created in response to the environmental movement of the 1970s and 80s and most are of significance to local communities as passive recreation spaces. The examples of public reserves comprising native bushland in the VHR have historical, cultural and social values that are strongly demonstrated and elevate them to State-level significance. The UL Daly Reserve has no history, features or associations that elevates it above other local bushland reserves.

Orchards associated with residences in the VHR have stronger historical, cultural and social values at the State level than the UL Daly Reserve. The Executive Director is of the view that the UL Daly Reserve is of local cultural significance and also has noteworthy environmental values.

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)

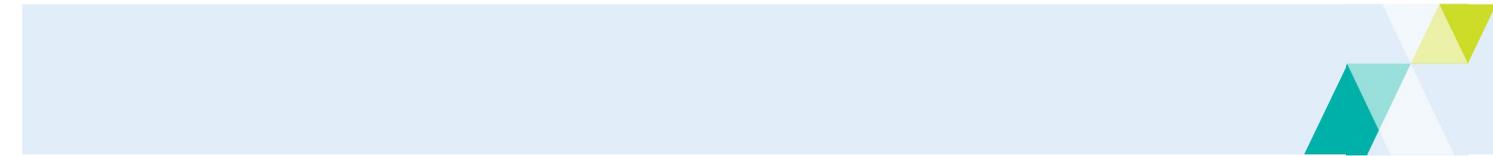
Within the period of 60 days, any person or body with a real and substantial interest in the place or object may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are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

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- (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.
- (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.