

Historic Places Investigation Final Report



August 2016

VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL

The Victorian Environmental Assessment Council (VEAC) was established in 2001 under the *Victorian Environmental Assessment Council Act 2001*. It provides the State Government of Victoria with independent advice on protection and management of the environment and natural resources of public land.

The five Council members are:

Hon. Phil Honeywood (Chairperson)
Ms Joanne Duncan
Ms Anna Kilborn
Dr Charles Meredith
Dr Geoffrey Wescott

Community Reference Group

The Community Reference Group is independently chaired by Mr Robin Crocker.

The members are:

Ms Bonnie Chew	<i>Victorian Aboriginal Heritage Council</i> (until April 2015)
Ms Melissa Crane	<i>Municipal Association of Victoria</i>
Ms Judith Dwyer	<i>Mechanics' Institute of Victoria</i>
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31 August 2016

The Hon Lily D'Ambrosio MP
Minister for Energy, Environment and Climate Change
121 Exhibition Street
Melbourne VIC 3000

Dear Minister

HISTORIC PLACES INVESTIGATION

In accordance with the requirements of Section 23 of the *Victorian Environmental Assessment Council Act 2001*, the Victorian Environmental Assessment Council (VEAC) is pleased to submit to you the report on the Historic Places Investigation and copies of each submission received in relation to the investigation.

I extend my appreciation to my fellow Council members, past members and VEAC's staff for their contributions to this investigation. I would also like to acknowledge the assistance to the Council throughout the investigation from an active and knowledgeable Community Reference Group, heritage specialists, and representatives of local councils and government agencies.

Yours sincerely



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August 2016



The Victorian Environmental Assessment Council acknowledges and pays its respects to Victoria's Native Title Holders and Traditional Owners, and the rich cultural and intrinsic connection they have to Country. The Council also recognises and acknowledges the contribution and interest of other Aboriginal peoples and organisations in the management of land and natural resources.



Foreword



Historic places play a central role in Victoria's identity and are of major social and economic importance. Heritage is a significant but currently under-developed part of the state's tourism sector, and is seen as a key way of encouraging dispersal of visitors to regional areas.

Visitor impressions tend to focus on the grand buildings, gardens and streetscapes. Residents typically have a deeper relationship with historic places especially those that evoke and illustrate the most distinctive features in the development of our modern society, such as the goldfields landscapes left by the diggers, avenues of honour and war memorials, mechanics institutes, and migrant camps. A significant proportion of these places are on public land.

However, the importance of historic places to Victorians and the state's economy is not reflected in the management of those places on public land. Over the course of this investigation, Council has seen many examples that clearly indicate a systemic problem. As documented in the draft proposals paper, limited resourcing is compounded by the absence of system-wide long-term planning and significant historic assets have deteriorated through neglect necessitating costly repairs. As a result, it is not possible to be confident that scarce funds are being spent as effectively as possible and that serious unfunded maintenance liabilities are not on the horizon. Most ordinary Victorians would be dismayed at this state of affairs.

The positive side to this story is that reform of the system is relatively inexpensive, especially compared to some of the costly restoration projects that have been required when buildings have been allowed to deteriorate for too long. For a modest initial investment, Council is confident its recommendations will improve the effectiveness of the management of historic places on public land with minimal increase in the long-term recurrent funding from government.

These recommendations have benefited from some strong scrutiny of the draft recommendations during the public consultation that VEAC undertook in the last 12 months. As a result the final recommendations comprise a simpler, clearer and therefore more achievable set of reforms. The potential for overlap and duplication with existing agencies that some saw in the draft recommendations has been removed.

Nonetheless the reforms remain ambitious, and Council has therefore limited the number of new recommendations. Council agrees that many new proposals put to it by stakeholders are worthwhile, innovative and exciting but wants to achieve a realistic balance between ambition and achievability. Council sees its recommendations in the long term as enabling a brighter future in which government is clearly seen as leading the way in its management of historic places. Council does not see a future in any version of 'business as usual': limited strategic planning, continuing deferred maintenance, costly emergency repairs and ongoing scepticism in the community and potential funding sources about the effectiveness of investment in historic place management.

On behalf of the Council, thank you to everyone who engaged in the public consultation process and shared their knowledge and insights. There is no doubt that the final recommendations are improved as a result of these contributions. Fourteen months after the commencement of the investigation the membership of the Council changed, and the current members also gratefully acknowledge the firm foundation established by their predecessors. Finally, the Council extends its appreciation to VEAC staff and consultants, and to members of the Community Reference Group for their guidance and advice throughout the investigation.

Council members
(left to right):
*Geoffrey Wescott,
Anna Kilborn,
Phil Honeywood
(Chairperson),
Joanne Duncan and
Charles Meredith*

Phil Honeywood
Chairperson



Structure of this report

This is the second and final report for the Historic Places Investigation. The draft proposals paper was the first report for this investigation and contains additional background material. Readers seeking more detailed information related to public land use and values in Victoria are directed to the VEAC website at www.veac.vic.gov.au and VEAC's current Statewide Assessment of Public Land.

There are three chapters:

Chapter 1

introduces the investigation and provides some context

Chapter 2

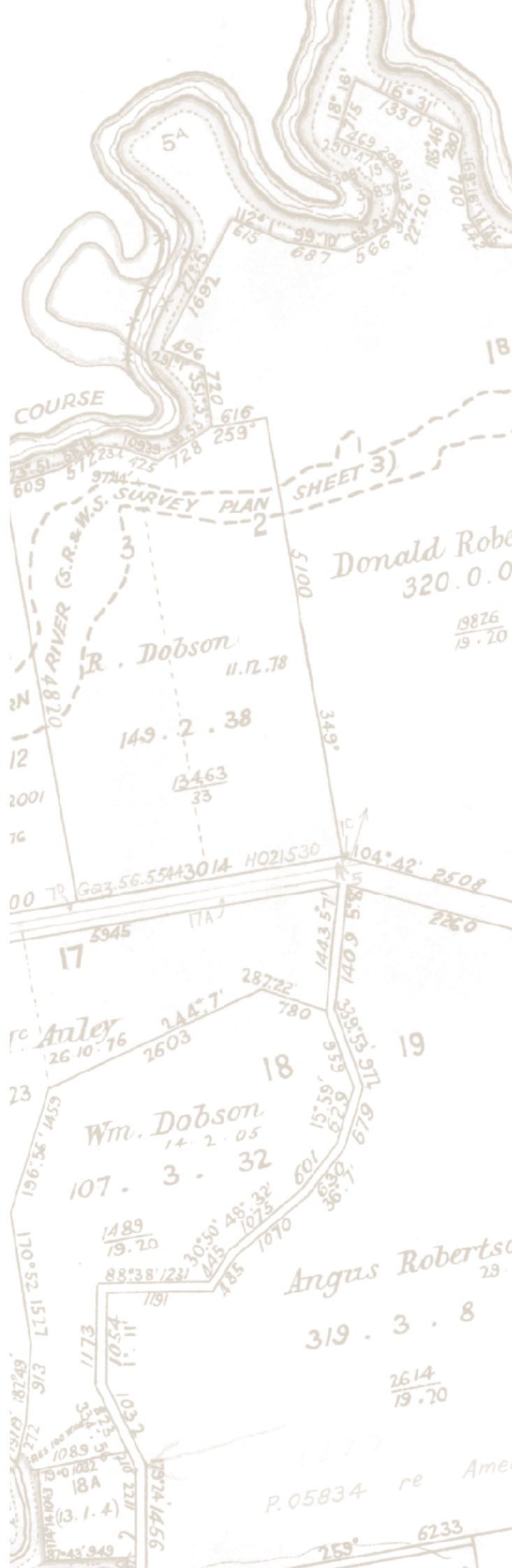
is a summary of the issues and proposals raised during public consultation and provides the rationale for the final recommendations

Chapter 3

introduces and presents the final recommendations.

Appendix

1. List of submissions received



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Woodlands Historic Park

Executive summary

In March 2014, the then Minister for Environment and Climate Change requested the Victorian Environmental Assessment Council (VEAC) to undertake an investigation into historic places on public land across Victoria. This final report completes VEAC's investigation.

Terms of reference

The purposes of this investigation are to:

- a** review current information and information sources on historic places on public land, including the representation of historical themes
- b** examine and provide an assessment of current information, management arrangements for historic places in Victoria and any issues and opportunities related to their future protection, use and sustainability
- c** make recommendations for opportunities to improve management arrangements to conserve, protect and enhance the historic, community and educational values of these places, including the potential for sustainable use and adaptive re-use of historic assets.

The full terms of reference are provided in section 1.3.

Scope of the investigation

The investigation is strategic in scope. Accordingly, while the Council has closely examined the management issues and visited many historic sites with land managers, the focus of the analyses and recommendations in this final report is on the setting and systems within which management of historic places on public land occurs. There are no recommendations for management of specific sites. Rather, there is a package of recommendations addressing the need to improve the overall management of historic places.

Consultation process

Thirty-one submissions were received in response to the notice of investigation published in June 2014. Fifty-eight submissions were received following release of the draft proposals paper in October 2015. These submissions can be viewed on VEAC's website.

A Community Reference Group was established for the investigation and met six times during the investigation. The membership of the group is listed on the inside front cover of this report.

During the course of this investigation VEAC was assisted by its Community Reference Group and many government agencies, community organisations and interested individuals. VEAC is very grateful for the assistance of all individuals and organisations who have contributed to the investigation. The public consultation process is described in more detail and the issues raised are discussed in chapter 2.

In February 2016 the then Minister for Environment, Climate Change and Water granted an extension of time to complete the Investigation to allow time for the Council to work through the range of comments and points of view in the submissions collaboratively with stakeholders. Community views specifically addressing the final recommendations and Council's response are provided at the relevant recommendation in chapter 3.

A need for reform to current management arrangements

In reviewing the current information and arrangements it is apparent that there are several major issues that threaten historic places on public land:

- ◆ an absence of oversight, no single point of accountability for public land heritage
- ◆ long-term under-resourcing and increasingly unreliable funding
- ◆ no consolidation of the relevant information necessary for coordinated strategic planning and insufficient information to inform decision making, poor data rigour
- ◆ administrative requirements that impede adaptive reuse and diminish income generating potential for some places.

Over time, this has led and will continue to lead to loss of heritage through deterioration and neglect. The absence of coordinated strategic planning across public land gives little confidence that the available funds are being applied to places of the most significance or to those most in need.

The Council has formulated a package of recommendations aimed at addressing these problems.

Final recommendations

Key features of the recommendations are the proposed improvements to accountability, and improved funding for historic places in public ownership. This is recommended to be achieved through improving both information management and site management standards, and by providing a central point of accountability. The Council has also recommended that opportunities for new funding sources and cost-effective coordinated use of resources be explored to achieve better overall outcomes. This approach will provide greater transparency giving the public greater confidence that the limited resources available for heritage management are being used to the maximum effect at the most important places, including but not limited to those of state significance on the Victorian Heritage Register.

In total, the recommendations presented in chapter 3 address five broad issues:

- ◆ establishing a clear point of accountability, providing opportunities for coordination and improving the standard of management at the most important places
- ◆ reforming and broadening the funding base for public land heritage
- ◆ supporting strategic planning with more reliable data, particularly identification of important values, monitoring threat and condition of historic places and greater consistency in assessment of significance at the local level
- ◆ recognising Aboriginal cultural heritage values and linkages with historic places
- ◆ improving arrangements for government leaseholds and Crown land committees of management.

List of recommendations

Recommendations for management accountability and transforming resources for management	
R1	Resources for implementation and for ongoing management
R2	Accountability for public land historic places
R3	A trust for historic places on public land
R4	Minimum standards for management of Victorian Heritage Register Places on public land
R5	Summary heritage action statement and condition reporting
Recommendations for reform to administration and information management	
R6	Reliable well-managed data to inform strategic planning
R7	Improving arrangements and support for community-based committees of management
R8	Continuing work to recognise and protect shared values
R9	Criteria for identifying historic places of local significance
R10	Improving government leasehold arrangements
R11	Identifying historic places on public land to address under-representation of some place types on the Victorian Heritage Register

1 Introduction

1.1 Background

Victorians today are fortunate to live and work in a state that has strongly shaped the history of the nation. Pivotal moments include the discovery of gold, and the social change it brought through mass migration, struggle and success. Across the state there remains a legacy of places and objects that illustrate this diverse history and provide an opportunity to explore stories of the past. Numerous impressive places cover the broad range of themes in Victoria's and Australia's history:

- ◆ early white settlement and those places that mark the irreversible change to the lives of Aboriginal peoples, such as Convincing Ground at Allestree, near Portland
- ◆ early pastoral history, seen today at places such as Woodlands Historic Park
- ◆ the discovery of gold in 1851 and the mass migration of thousands of people hoping to share in the riches, reflected in Castlemaine Diggings National Heritage Park, and the grand streetscapes in the gold mining centres of Bendigo, Ballarat, Castlemaine and Beechworth
- ◆ post-gold rush optimism and nation building epitomised by the 'marvellous Melbourne' period during which Victoria grew to comprise half of Australia's population (and one of the world's great cities of the era) culminating in Melbourne hosting the eighth world fair
- ◆ social uprisings from the Eureka Stockade rebellion to the Ned Kelly Gang, playing host to the nation's first capital, and the reforms promoting the eight hour day
- ◆ innovative and progressive social changes, particularly recreation pursuits supported by protection of parklands and botanic gardens, and providing greater education opportunities (mechanics' institutes)
- ◆ trade and commerce, including the many hundreds of shipwrecks that lie off the windswept coasts and the navigable inland rivers
- ◆ commemorating and remembering people and achievements, notably memorials, avenues of honour, and the Shrine of Remembrance.

Today many of Victoria's most significant historic places are located on public land, including the only UNESCO world heritage site in Victoria – Royal Exhibition Buildings and Carlton Gardens – and the majority of nationally significant places. The existence of these places owes much to community work in the past. The ongoing protection and maintenance of these places continues to present a challenge particularly with government reorganisation and privatisation of government services.

Many disparate government agencies continue to manage heritage places such as schools, hospitals, police stations, bridges and railway stations. Local councils and local volunteer-based community groups are also managers of many historic places on public land, particularly former government buildings adapted to a new community use in regional townships. This VEAC investigation does not include the many local council owned historic places, and does not include Aboriginal cultural heritage places on public land from the period prior to contact with non-Aboriginal people.

Victoria led the nation with specific legislated protection for historic places starting in the early 1970s. Further reforms in the 1990s led to an integrated framework for protection of historic values across both private and public land, on both land and for maritime heritage, and embedded in planning procedures. A review and modernisation of the existing heritage legislation is occurring concurrent to VEAC's investigation and progress to date is summarised in section 2.3.

This robust legislative framework currently affords advice to both private and government owners on historic place management. However, in recent years a significant increase in permit applications, particularly during a period of government contraction, has shifted focus largely to administering the statutory requirements for privately owned heritage. There has been little opportunity to 'take stock' or plan for the future.

During its investigation VEAC found that collectively historic places on public land have been neglected for many years, leaving the state with significant potential financial liabilities. Within the existing system government agencies have insufficient resources and expertise and historic places continue to suffer severe deterioration,

mostly through neglect. VEAC's inquiry has found that even where resources are available much is being wasted through ineffective management. Scarce funds are allocated to sites without an ongoing strategy, and often only enough funding is provided for an immediate repair that serves simply to slow decline.

There is substantial support for a new approach to heritage management. Communities feel overwhelmed in caring for historic buildings with inadequate resources, and increasingly find it harder to access grants programs. VEAC has also heard how vital buildings such as mechanics institute halls and old court houses are to communities. They provide a home for organisations and services such as historic societies, libraries and adult education, as well as meeting places for social groups.

Opportunities to unlock a wider potential within heritage properties do exist, but require effective planning within a broader public land strategy for adaptive reuse, and input from practitioners with expertise or experience. Importantly, adequate seed funding is required if projects are to succeed.

In this setting, VEAC is tasked with making recommendations for future management of historic places on public land (excluding pre-contact places of Aboriginal cultural heritage) that both modernise the existing arrangements, and provide a sustainable platform for the management of historic places in the coming decades.

1.2 Victorian Environmental Assessment Council

The *Victorian Environmental Assessment Council Act 2001* (VEAC Act) came into effect in 2001. This Act repealed the *Environment Conservation Council Act 1997* and established the Victorian Environmental Assessment Council (VEAC) to conduct investigations and make recommendations relating to the protection and ecologically sustainable management of the environment and natural resources of public land.

The current five members appointed to VEAC are the Hon Phil Honeywood (Chairperson), Ms Joanne Duncan, Ms Anna Kilborn, Dr Charles Meredith and Dr Geoffrey Wescott. During the course of this investigation the term of three VEAC members expired: Mr Ian Harris, Mr Ian Munro and Ms Angela Reidy. The current Councillors thank these past members for their significant contribution to this investigation. A brief biography of each of the current Council members can be found on VEAC's website at www.veac.vic.gov.au.

The Council conducts investigations in accordance with the VEAC Act. In particular, section 18 specifies that 'Council must have regard to the following considerations in carrying out an investigation and in making recommendations to the Minister -

- a the principles of ecologically sustainable development;
- b the need to conserve and protect biological diversity;
- c the need to conserve and protect any areas which have ecological, natural, landscape or cultural interest or significance, recreational value or geological or geomorphological significance;
- d the need to provide for the creation and preservation of a comprehensive, adequate and representative system of parks and reserves within Victoria;
- e the existence of any international treaty ratified by the Commonwealth of Australia which is relevant to the investigation;
- f any agreement at a national, interstate or local government level into which the Government of Victoria has entered, or under which the Government of Victoria has undertaken any obligation in conjunction with the Commonwealth, a State, Territory or municipal council, which relates to the subject matter of the investigation;
- g the potential environmental, social and economic consequences of implementing the proposed recommendations;
- h any existing or proposed use of the environment or natural resources.'

The VEAC Act requires VEAC to consult with government departments and public authorities, and requires departments and public authorities to give practicable assistance to the Council in carrying out investigations. However, VEAC papers and reports are prepared independently.

1.3 Terms of reference for the investigation

In March 2014, the then Minister for Environment and Climate Change requested that VEAC undertake an investigation into historic places on public land across Victoria. The terms of reference are presented below and specify three investigation purposes.

TERMS OF REFERENCE

This notice is made pursuant to section 15 of the *Victorian Environmental Assessment Council Act 2001*.

The Minister for Environment and Climate Change hereby requests the Victorian Environmental Assessment Council (the Council) to carry out a statewide investigation into historic places¹ on public land in Victoria.

The purpose of the Historic Places Investigation is to:

- a. review current information and information sources on historic places on public land, including the representation of historical themes;
- b. examine and provide an assessment of current information, management arrangements for historic places in Victoria and any issues and opportunities related to their future protection, use and sustainability; and
- c. make recommendations for opportunities to improve management arrangements to conserve, protect and enhance the historic, community and educational values of these places, including the potential for sustainable use and adaptive re-use of historic assets.

In undertaking the investigation, the Council is requested to consider how best to manage and conserve the wide diversity of historic places on public land in the context of available resources,

pressures on heritage places and emerging trends in heritage conservation. In particular, the investigation should focus on options for managing historic places that are currently difficult to manage.

In addition to the considerations in section 18 of the *Victorian Environmental Assessment Council Act 2001*, the Council must take into account the following matters:

- i. relevant State Government legislation, policies and strategies, Ministerial statements and reports by the Victorian Auditor-General;
- ii. agency databases for historic places assets;
- iii. relevant regional programs, strategies and plans; and
- iv. relevant agreements under the *Traditional Owner Settlement Act 2010* and the *Conservation, Forests and Lands Act 1987*.

A draft proposals paper and a final report are to be prepared, allowing two public submission periods. A separate discussion paper is not to be prepared.

The Council must report on the completed investigation by 31 August 2016*.

1. For the purposes of this investigation, the term 'historic places' includes historic sites, buildings and associated objects. It does not include places associated with Aboriginal cultural heritage prior to contact with non-Aboriginal people (these are addressed by the *Aboriginal Heritage Act 2006*). It may include places relating to the post-contact period such as Aboriginal mission buildings.

* The date for completion of the investigation was extended from 31 March 2016 to 31 August 2016.

1.4 Scope of the investigation

The Historic Places Investigation is a strategic level investigation and includes all public land across the state with a focus on historic places. Rather than individually considering the thousands of historic places on public land, the investigation looks at the overall arrangements for the management of information, the management of places and the opportunities to improve the current arrangements. Management responsibilities for historic places and assets may encompass minimal intervention for ruins, archaeological sites or objects housed in museum collections, through to complex engineering or restoration works for substantial buildings or complex infrastructure. Visitor access, risk management and interpretation may also be required for management of places open to the public. As with other assets, all historic places require management planning.

VEAC's recommendations are therefore strategic in approach. In addition, the terms of reference specify a particular focus on historic places that are currently difficult to manage, and these have been prominent in the development of the recommendations.

What is public land?

The VEAC Act defines public land broadly as Crown land and freehold land owned by public authorities (i.e. state government departments, agencies and bodies). It does not include local government-owned land, privately owned freehold land or Commonwealth-owned land.

Defining historic places

The terms of reference for the investigation (in footnote 1) specify that:

the term 'historic places' includes historic sites, buildings and associated objects. It does not include places associated with Aboriginal cultural heritage prior to contact with non-Aboriginal people (these are addressed by the *Aboriginal Heritage Act 2006*). It may include places related to the post-contact period such as Aboriginal mission buildings.

Note that some listings of heritage places, such as the National Heritage List, include natural values. However VEAC's investigation focuses on historic and cultural heritage. In summary, historic places include

- ◆ historic sites, landscapes or areas
- ◆ historic buildings or groups of buildings
- ◆ historic objects
- ◆ post-contact Aboriginal Cultural Heritage places, sites or objects.

To better illustrate the range of historic places included under this definition, a typology of historic groups based on those developed by the former Australian Heritage Commission and those used in a report to Heritage Victoria on *Victorian State of the Historic Environment* (2008), is provided below.

- ◆ Aboriginal association
- ◆ cemeteries and burial sites
- ◆ commercial
- ◆ community facilities
- ◆ education
- ◆ event or association with a famous person
- ◆ exploration, survey and places of historical events
- ◆ farming and grazing
- ◆ forestry and timber industry
- ◆ government and administration
- ◆ health services
- ◆ institutional places
- ◆ landscape area
- ◆ law and enforcement (justice)
- ◆ manufacturing and processing (industrial)
- ◆ maritime industry (e.g. lighthouse and beacons)
- ◆ military
- ◆ mining and mineral processing
- ◆ monuments and memorial
- ◆ parks, gardens and trees
- ◆ postal and communications
- ◆ public art
- ◆ public utilities ((infrastructure, services and utilities)
- ◆ recreation and entertainment
- ◆ religion
- ◆ residential buildings
- ◆ retail and wholesale
- ◆ scientific research and facilities
- ◆ shipwrecks
- ◆ transport (infrastructure, services and utilities)
- ◆ water transport and supply (infrastructure, services and utilities).

Victoria's historical themes

One of the purposes of the investigation is a review of current information including the representation of historic themes. Historical themes were developed as a methodology to assist with understanding and interpreting heritage values or representation, particularly when comparing places or objects. This approach includes non-physical aspects such as culture and identity as well as multiple layers of history. It can provide a context or linkage between sites and reflects human experience, events and activities rather than being a chronological treatment.

In 2000 the Australian Heritage Commission developed a national framework – the Australian Historic Themes Framework. In 2010 the Heritage Council of Victoria and Heritage Victoria built on this national work and published a framework specifically for Victoria comprising nine historical themes. The framework recognises that all places in Victoria have associations for Aboriginal people.

The framework is not designed to be comprehensive and is deliberately broad. There are several notable types of historic places on public land in Victoria that are not afforded a high prominence, such as mechanics' institutes, war memorial avenues of honour, and green heritage including botanic gardens. This methodology does however allow representatives of modest places to be valued and appreciated alongside grand and unique places. Reflecting the complexity of cultural landscapes, one place or object may embody several themes and be valued differently across society, both now and into the future. This approach has the potential to provide a powerful analysis of heritage assets, but has not been applied comprehensively across the state.

1.5 Matters to take into account

The terms of reference require the following matters to be taken into account: relevant State Government policies and strategies, Ministerial statements and reports by the Victorian Auditor-General, and relevant regional programs, strategies and plans. These matters were considered in preparation of the final recommendations presented in chapter 3.

1.6 The investigation process

The process for the Historic Places Investigation is formally specified in the VEAC Act and the terms of reference for the investigation. The investigation process is shown schematically in figure 1.1.

During the investigation there were two submission periods each for a minimum of 60 days. Thirty-one submissions were received in response to publication of the notice of investigation and fifty-eight submissions were received responding to the draft proposals paper.

Submissions can be viewed on VEAC's website and are listed in appendix 1. These submissions contain valuable information and perspectives on the investigation, and have formed a major input to the investigation as a whole.

In addition, VEAC established a Community Reference Group which met six times. The membership is listed on the inside front cover of this report. A summary of consultation is provided in chapter 2 together with a description of the main issues and proposals raised.

In February 2016 the then Minister for Environment, Climate Change and Water granted a five month extension to 31 August 2016 for completion of the investigation. The extension allowed time for the Council to work through the range of comments and points of view in the submissions collaboratively with stakeholders. Community views specifically addressing the recommendations and Council's response are provided at the relevant recommendation in chapter 3.

Figure 1.1
Historic Places investigation process and timeline





Public consultation and updated information

2.1 Consultation and community views

Community consultation is a key part of VEAC's investigations, and the written submission process is one of the main methods by which VEAC hears community views. During the course of the Historic Places Investigation 31 and 58 written submissions were received following publication of the notice of investigation and draft proposals paper respectively. All submitters are listed in appendix 1 and the submissions can be viewed on VEAC's website at www.veac.vic.gov.au.

Following release of the draft proposals paper in October 2015, VEAC held three information sessions, five community and stakeholder forums, attended many meetings and met with relevant government departments and other bodies. VEAC also employed several consultants with extensive heritage experience to provide specific advice and worked closely with key government agencies.

Written submissions

Submissions were received from individuals, statewide and local heritage groups, State government agencies, local government and many involved in the management of historic places on public land. Submissions are an invaluable resource and Council is very grateful for the effort that was taken in preparing them. Council members and staff have read and considered every submission.

Community reference group

In addition to the public consultation outlined above, section 13 of the VEAC Act requires a Community Reference Group to be established for each VEAC investigation. A broad range of relevant interests and expertise was represented on the Community Reference Group for this investigation; the membership is listed on the inside front cover of this final report. Over the course of its six meetings, the group provided advice and input to VEAC on many aspects of the investigation. Discussion with members comprising such a broad range of expertise as well as many years of experience has been particularly valuable.

Overview of matters raised in public consultation

A summary of the matters raised and key issues or proposals made in public consultation throughout the investigation is presented below. Council has taken the issues raised in public consultation very seriously and has made changes to its draft recommendations as a result. Even where there has been no or minor changes to draft recommendations, Council has looked closely at alternatives as a result of public input as described for relevant recommendations in chapter 3.

The following overview documents the many issues raised and comments made in submissions, during public forums and meetings. The comments address the draft recommendations at three levels:

- ◆ high-level strategic or overarching comments or issues
- ◆ those specifically relating to the draft recommendations
- ◆ those related to the documentation of historic places and management arrangements (largely addressed in this chapter).

Overall, there were few wholly negative comments about the draft recommendations generally, with most stakeholders broadly supportive of the proposed reforms and the objectives behind them, with many suggesting some modifications or additional components.

Most apparent has been a divergence in responses from community-based stakeholders and those from heritage practitioners, both overall and for individual issues. Many heritage practitioners have been lukewarm, sceptical or mildly negative, with an underlying view that the proposed strategic planning and commissioner role is too ambitious, unnecessary, or a duplication of some existing roles. However, there has been enthusiasm from some government managers of historic places on public land who see benefits flowing from strategic management planning and more reliable funding.

Many community-based stakeholders were focused on management issues at local historic places; however the potential benefits of the draft recommendations and enhanced strategic planning were appreciated and the outlook from these submissions was generally supportive and optimistic.

Throughout the investigation issues have been raised about specific locations or groups of sites and their heritage values. Some submitters proposed that particular sites be added to the Victorian Heritage Register (VHR) or be included in a particular public land use category to recognise the importance of these historic values. In some cases these measures were seen as avenues for protection from what is viewed as inappropriate development.

Assessment of current management arrangements

There was general agreement with the key issues and problems identified by VEAC in the draft proposals paper i.e. the current fragmented approach to management of historic places with multiple government agencies and local community groups involved, and a lack of resources, responsibility for, knowledge about, or accountability for heritage. For many, the most important issues are a lack of both expertise and resourcing for historic place management, uncertainty and inconsistency of resourcing described as both financial and human (partly related to the older volunteers in local historical societies and committees of management), and little ability to enforce existing legal obligations or heritage management and protection.

Most people agreed that there is an urgent need for more effective management and that a clear decline in the overall condition of historic places on public land has occurred over the last two or three decades under the current heritage and administrative framework. There was nothing in the input to the draft proposals paper to challenge VEAC's view that the scarce resources available in recent years for historic places on public land were not being spent as effectively as possible. While it was often stated that historic place management is not core business for many government agencies, it was also argued that other non-core values are routinely included in planning processes and management decision making (e.g. endangered species protection, occupational health and safety, and Aboriginal cultural heritage protection), and heritage protection can also be accommodated within sound asset management frameworks.

Opportunities to improve current management arrangements

Many people recognised the need for significant reform and supported VEAC's approach. Some others were not persuaded that there is a need for change to the current system, but put the view that simply more resources are required, sometimes nominating recipients for additional funding such as local government. For a few submitters an immediate threat to historic places had not been adequately demonstrated, or they believed that there

would be few consequences from continued inaction or delay.

Some key state government bodies disagreed with the draft recommendations and instead suggested that the best way to address the issues and problems identified by VEAC was through strengthening existing heritage agencies and improving support for public land managers. Heritage agencies generally agreed with VEAC's identification of the required tasks and suggested that many of the tasks could be undertaken within existing agencies through additional resourcing and advisory groups while also proposing to broaden the approach to include all historic places on public land. In the current setting of scarce resources for heritage management, it was argued that the costs of establishing new strategic planning processes, prioritisation of effort and proactive management was not the best way forward.

It was widely recognised that funding for heritage management had been significantly reduced in recent decades, and some stakeholders identified a trend to alternative funding models such as lotteries and revolving funds as a means to supplement heritage funding. It was pointed out that these funding models have been very successful overseas and have some support in Australia, including a discussion of the potential for a national lottery in the Australian Heritage Strategy that was released in 2015 during VEAC's public consultation period. Stakeholders commented positively on the recent launch of the Heritage Works revolving fund in Western Australia and Sydney Living Museum's fundraising activities. Several people noted that Working Heritage (the committee of management formerly known as Mint Inc) was an example of a successful cross-subsidy model currently operating in Victoria. Some suggested that the current role of Working Heritage could be expanded to take on a more active role in managing historic places on public land and be supported by a revolving fund.

Extending the scope

Some key stakeholders requested that additional supporting information be provided such as a discussion of the importance of historic places to the community, the extent and documentation of the entire historic estate on public land including shipwrecks and historic landscapes, and specifically how to manage heritage places on public land—including scattered artefacts and industrial sites—and balance conflicts with other management values. For example, VEAC was asked to provide additional information to demonstrate the benefits of good asset management and maintenance, and advice on how to prioritise on-ground works where there are competing demands for resources.

The draft recommendations were considered by some submitters to focus too strongly on VHR places.

Many people interpreted all draft recommendations as applying only to VHR places rather than just the two recommendations addressing VHR representativeness and minimum standards of maintenance and repair. Notably the draft recommendations to broaden the funding base were interpreted as applying only to VHR places, although this was not Council's intention. In response to this perception, some heritage professionals stated that historic places of local significance are of equal value to the community as those of state historical significance. These stakeholders did not want VHR listing to be used exclusively as the measure of importance to the community, particularly for allocation of management resources.

Appreciation and information

Some specific types of places or heritage items were identified for greater attention such as pioneer cemeteries isolated from towns, and museum photographic or document collections. These places and items were thought likely to benefit from more active involvement by government to assist local groups with conservation works. Other issues raised included the balance of information provided by VEAC, and general discussion of certain types of historic places such as shipwrecks, landscapes, and places significant to local communities more generally.

A perceived paucity of communications or interpretive materials was also raised, with some people wanting more information to encourage heritage tourism, while others noted that information held by government agencies on history and heritage is often not readily accessible to the community. Beyond historic sites, heritage landscapes were also considered important, particularly where the current land use does not directly reflect that of the past. Some people noted that an absence of information sharing can also unwittingly lead to a loss of heritage, particularly in circumstances where heritage values may not be readily apparent.

There were several instances where community and other stakeholders did not have a clear understanding of the existing roles and responsibilities of Heritage Victoria and the Heritage Council of Victoria, and for them the state's role in promotion and appreciation of heritage is perceived to be largely absent. Community stakeholders asked VEAC to take on the heritage promotion and appreciation role to engage a wider audience, or for these tasks to be allocated to the proposed commissioner and office for public land heritage.

Some people considered that the government should give heritage more status through heritage tourism strategies linked to the state's economy. However there was also caution expressed about the commodification of heritage given it is a non-renewable resource.

Summary of comments for each draft recommendation

Following is a summary of the comments received and issues raised for each of the draft recommendations. A more detailed discussion and response is provided in chapter 3 before each of Council's final recommendations.

Draft recommendation R1: *Accountability for public land heritage*

- ◆ A body or central point of accountability was seen by community-based stakeholders as an important role currently missing. At present, sites and issues fall between responsibilities of agencies and where there is a lack of communication, delay or inaction is often the outcome.
- ◆ There was strong community support for a partner organisation to support management and centrally coordinate and integrate information across all public land.
- ◆ Some submitters were opposed to the recommended new strategic planning role on the basis of the cost of establishment; it was argued that resources should be directed to on-ground management and not to planning, or more bureaucracy. In particular, some tasks were seen as the responsibility of existing bodies and it was thought to be a duplication and waste of resources to establish a new body to undertake these tasks. Some who did not see it as duplication nonetheless opposed the draft recommendation and sought to have the identified tasks and responsibilities allocated to existing bodies subject to provision of more resources.
- ◆ Many people wanted more clarity regarding this recommendation, especially for roles and tasks where there is potential for confusion or crossover with existing and proposed new roles such as the proposed trust for public land heritage in draft recommendation R8.
- ◆ Some asked that the proposal be further developed with greater detail on how it would be implemented and on the resultant arrangements with existing agencies and other recommendations.

Draft recommendation R2:

Minimum standards for management of historic places on public land

- ◆ There was broad community support for improved management and stronger protection of historic places through existing legal provisions with more detailed minimum standards.
- ◆ Some stakeholders requested additional clarification of the minimum standards in order to assess any potential impact on their specific management circumstances. In particular there was uncertainty as to who would determine the standard of management required for each place.
- ◆ Best practice management was a preferred approach proposed by some public land managers to more closely align with budget decision-making.
- ◆ Some submitters proposed extending minimum standards to all historic places, or specific types of heritage such as buildings older than 50 years.
- ◆ The Asset Management Accountability Framework recently developed by Department of Treasury and Finance for all government assets was suggested as a potential mechanism to improve heritage asset management and reporting.
- ◆ It was noted that government's 2015 review of the *Heritage Act 1995* also elicited strong support for minimum standards of maintenance.
- ◆ The Heritage Council proposed specific mechanisms to achieve minimum standards within the heritage regulations, and by preparation of an action plan or statement as a necessary precursor to define heritage values, condition and threats.

Draft recommendation R3:

Reliable well-managed data to inform strategic management planning

- ◆ There was broad support for better information collection to support strategic planning.
- ◆ Some stakeholders were concerned with potential duplication and confusion with existing statutory registers, especially in light of the additional resources required to compile and maintain the data set.
- ◆ A strong community desire was expressed for access to more information on historic places, and for additional information to be collected and made publicly available.
- ◆ Some stakeholders contended that information of this type is currently available, although not in a form suitable for publication or analysis, and also pointed out that some information must remain confidential to protect sensitive sites.

Draft recommendation R4:

Review of VHR representativeness

- ◆ While there was some support for this proposal, it was largely viewed as a long-term project of less importance than immediate management issues for historic places. It was noted that this task could not be readily completed in the proposed timeframes and would require significant resources.
- ◆ Some submissions nominated specific place types or suggested that the review of historic place types be extended to all historic places on the VHR, including those on private land.
- ◆ Some, including the Heritage Council, stated that the proposal was at odds with the intention and current operation of the VHR.
- ◆ Stakeholders commented that this type of review and curation of the VHR is the role of the Heritage Council, and that VEAC did not identify who would undertake this task.



Draft recommendation R5:

Continuing work to recognise and protect shared values

- ◆ There was overwhelming support for continuation of the work commenced with the pilot project established by the Joint Working Group of the Heritage Council of Victoria and the Victoria Aboriginal Heritage Council.
- ◆ Key stakeholders proposed an extension of the project statewide and to all historic places e.g. places on the planning scheme heritage overlay. It was noted that additional resources are required to continue and expand this project.

Draft recommendation R6:

Improving government leasehold arrangements

- ◆ There was general agreement that currently leasehold arrangements at historic places on public land are managed inconsistently and, in some cases, there is a lack of clarity about management responsibilities.
- ◆ Opportunities to streamline administrative processes, clarify responsibilities for maintenance, encourage greater use of assets and achieve better returns on public investment were considered high priorities.
- ◆ The recommended policy and strategy for adaptive reuse of historic places was considered highly desirable by many stakeholders.
- ◆ Additional detail about leasing and reuse was requested, and it was noted that many currently successful leases were established where prior investment supported adaptation to a new use and that there will not be options for reuse for some historic places.

Draft recommendation R7:

Support for committees of management

- ◆ Committees of management and other local volunteer groups welcomed the recommended extra support from the government in carrying out their roles.
- ◆ Local councils were also supportive of the draft recommendation and felt that their role as committees of management for historic places on public land was not adequately recognised or supported, with many government initiatives that previously assisted local councils being wound back or discontinued in recent years.
- ◆ Committees of management expressed concerns that the business plan in draft recommendation R7(a) would be an additional requirement and increase the workload of volunteer committees. They were also unclear on the scope and role of the proposed business plan and sought clarification.
- ◆ Committee of management members reported that administrative arrangements such as the maximum three year term sometimes made it difficult to retain expertise and maintain continuity. It was suggested that staggering reappointment of members or extending the appointment term beyond three years would assist volunteer committees to retain members in some circumstances.
- ◆ Many felt that the proposal for separate awards for committees managing historic places was unnecessary and that it duplicated current awards programs.
- ◆ Council also heard from cemetery trusts which are often run by volunteer groups on behalf of the community. Several cemetery trusts reported that they were unable to restore historic monuments as a result of legislation preventing them from using cemetery trust funds for this purpose.

Draft recommendation R8:
A trust for public land heritage

- ◆ There was widespread in-principle support for a public land heritage trust, but many stakeholders wanted to see greater detail on how a trust would operate.
- ◆ In particular people wanted to know who could access the funds—community groups, local government, state government agencies, or all managers of historic places on public land. Clarification was also sought as to whether funds would potentially be available for all places or just those on the VHR.
- ◆ Many people saw that tax deductible gift recipient status would be critical for the future success of the proposed trust in attracting philanthropic funds.
- ◆ Stakeholders highlighted examples of successful trusts elsewhere, for example the Endangered Houses Fund (NSW), Heritage Works (WA) and Trust for Nature (Vic).
- ◆ It was suggested that Working Heritage, which currently operates as a Crown land committee of management, could expand to fill the role of the proposed trust rather than create a new body.

Draft recommendation R9:
A revolving fund for public land heritage

- ◆ Many people commented on the success of revolving funds overseas and agreed that this model could be beneficial to Victoria if it was managed under clear legislation and with Ministerial oversight of any proposed sales.
- ◆ There were some concerns from government agencies and other stakeholders that it might be risky to set up a revolving fund without further consideration of its feasibility and financial viability.
- ◆ The ability to retain money raised from heritage places for future heritage conservation was considered vital to the revolving fund's success. Many sought further clarification on how this might be achieved within current frameworks.



Bright Courthouse Lockup



Split Point Lighthouse

2.2 Response to major issues or proposals raised during consultation

There were a number of comments regarding the background information provided in chapter 2 of the draft proposals paper, with many suggesting more discussion or information be provided. In summary, these comments or suggestions were:

- ◆ the draft proposals paper framed heritage as a burden and there were insufficient balancing arguments addressing the importance of heritage to the community
- ◆ the role of local government was inadequately acknowledged
- ◆ the importance of locally significant places to the community required more discussion and analysis, and there was a perceived over-emphasis on places listed on the VHR
- ◆ clarification and examples be provided of some of the management approaches discussed
- ◆ an outline should be provided of available resources to support strategic planning and decision-making for management of specific types of historic places such as ruins.

These issues are discussed further in the following sections, with additional material as relevant.



Moyston Avenue of Honour

The importance of historic places to the community

Historic places help tell a story of a place and its people. They may be striking physical structures or subtle changes to the landscape. The fabric of the places document and celebrate past and ongoing human endeavour and activity, provide a sense of community identity, and reflect a diversity of values and experiences. Loss of these places diminishes communities.

Communities decide what constitutes significance and these views change over time. This poses problems for the identification of heritage, particularly in urban contexts where a balance must be struck between the competing demands of growth for future needs and retaining historical values or evidence of past use which are strongly tied to identity and distinctiveness. In this setting importance and significance are disputed and regularly tested in both planning processes and public discourse.

Many historic places help define community identity and its stories. The very appeal of many places across the state is the inherited fabric of the past. Historic places have a complex layered social and economic value, by making a positive contribution to wellbeing and an important context for contemporary life. Many regional towns and cities derive a significant economic return from visitation or heritage tourism inspired by stories of past endeavours and attractive ornate buildings from boom periods such as Victoria's nineteenth-century gold rush.

Heritage tourism on public land has a significant economic value. In a 2009 survey of visitors to Parks Victoria managed reserves, around 55 per cent choose to visit places with heritage values.* The 2015 *Australian Heritage Strategy* cited a study of 15 UNESCO World Heritage sites in Australia—comprising natural, historic and Indigenous heritage—that estimated the economic benefit from these sites to be \$15.4 billion in annual turnover and more than 79,000 direct and indirect jobs.

There is no doubt that the high public profile of World Heritage listing leads to an associated increase in awareness and understanding of the importance of values, thereby attracting greater visitation. Effective heritage tourism or visitation programs have generally been achieved where appropriate pre-planning and investment supports increased tourism.** In these cases, significant benefits have flowed to local economies. In Victoria substantial investment has been made in the development of the next world heritage bid; the *Victorian Budget 2016/17* provides \$8 million over four years to the Gundij Mirring Traditional Owners to implement stages one and two of the Budj Bim Master Plan, to support the Budj Bim World Heritage List nomination and to develop visitor opportunities.

*Valuing Victoria's Parks, PV and DELWP 2015 pages 119-120

** Environment and Natural Resources Committee 2014

Recently government supported the possibility of nominating the Victorian Goldfields for World Heritage listing. The government believes that restoring and capturing Victoria's rural heritage will bring quantifiable benefits to rural Victoria.

The role of local government

Many stakeholders thought that the role of local government was insufficiently acknowledged by VEAC in the draft proposals paper. It was argued that the multiple roles and responsibilities of local government warranted more discussion and support. However there were few specific suggestions of ways to increase support other than more funding or the reinstatement of discontinued support programs, again requiring more funding. Some proposed extending VEAC's draft recommendations for VHR representativeness and minimum standards for maintenance to encompass places on the planning scheme heritage overlay, with a view to improving both attention to places beyond the VHR and assistance to local government.

VEAC is very aware of and acknowledges the critical role of local government in heritage in Victoria, and especially in the management of historic places, including:

- ◆ as manager of Crown land reserves with historic values
- ◆ as manager of roads (in conjunction with VicRoads)
- ◆ as owner of historic places (noting that municipal freehold land is not classed as public land under the VEAC Act)
- ◆ as planning authority for historic places of local significance listed on the heritage overlay
- ◆ as community liaison and advocate for historic place management, and often the first contact point for information and advice on historic places including, significantly, for community-based managers such as volunteer committees of management and some state government agencies.

Over the course of this investigation, VEAC encountered many examples of the outstanding contribution of local government to historic place management from all parts of Victoria. A striking example is that of Moorabool Shire's management of the Bacchus Marsh Avenue of Honour, with its combination of a highly significant asset, the high costs of management, the high risks to the asset, the difficult location, and very limited outside assistance.

In the past, local government has had access to significant state government support such as municipal heritage assessments grants from Heritage Victoria and the Rural Council Planning Flying Squad of planning (including heritage) advisers supported through Regional Development Victoria. Combined with the introduction of rate capping, local government potentially faces significant

difficulties in performing the roles outlined above, and this is particularly the case for municipalities where heritage appreciation may have a low community profile.

VEAC met with several local councils to discuss options for support. However no specific actions were identified that would be effective when applied across all municipalities, and without diverting significant resources away from VEAC's key recommended reforms. While there are no final recommendations specifically for local government, the broader package of reforms is designed to assist local government. The roles of the recommended commissioner and supporting office will result in additional support for local councils. In particular the recommended Public Historic Places Commissioner includes a reference panel with local government representation, and the commissioner's brokering role assists all managers of historic places on public land. Improved information will also aid local councils which are often the first contact point for community enquiries.


Historic places of local importance or significance

There are three closely related but different aspects to the view of some stakeholders that the draft proposals paper paid insufficient attention to historic places of 'local significance' — the term is shorthand for places not on the VHR, which is not the same thing. The three aspects are:

- ◆ the desire for more information and analyses about places not on the VHR
- ◆ the applicability of the draft recommendations to these places
- ◆ the resultant impression that VEAC views these places as of lesser importance.

The second and third of these aspects are discussed in the following two paragraphs and the first is explored in the remainder of this section, where some analysis of places not on the VHR is provided.

Some of the views regarding the applicability of the draft recommendations were a result of VEAC not being clear enough that the draft recommendations (other than R2 and R4) applied to all historic places on public land, not just VHR places. It was Council's view that their implementation would greatly benefit many places not on the VHR. The two draft recommendations that applied only to VHR places were those regarding minimum standards for maintenance and representativeness of the VHR. The second of these is focused on the VHR by definition — although its implementation would assist in the management of many places not currently on the register. This recommendation has now been significantly modified in its final form (see R11 in chapter 3). The minimum standards draft recommendation involved a statutory obligation, which required a clear definition of which places



it applies to. VHR listing delivers that clarity and vigour, as well as generally prioritising places assessed as highly significant. Any broader applicability would require clarity as to what is and is not an 'historic place'—no easy task as shown in the analysis below of places identified in the planning scheme heritage overlay.

In putting the view that VEAC had not given sufficient consideration to places of local significance, some said that local historic places are as important as state-significant places, either collectively (all local places as a group) or in their importance to their particular local communities. Without necessarily disagreeing with these propositions, it is important to note that one of VEAC's central themes in these recommendations is the importance of maximising the value of the limited resources available to invest in historic place management. One of the factors in prioritising investment must be the level of significance of candidate places, or it is almost inevitable that high value places will be lost while resources were spent on lower value sites. At the same time, there is nothing in VEAC's recommendations that negatively impact on local communities working for their treasured local places, and many recommendations that should have positive impacts.

In relation to the community desire for more information, during consultation it became apparent that overall there is a poor understanding across government agencies of how heritage values are determined and the governance arrangements for each tier or level of significance. There is an unsophisticated understanding of significance as being generally related to age particularly for buildings.

To address some of these concerns, analysis and discussion of the current planning and identification protocols for places of local significance is presented below.

Local significance place identification

Many thousands of places of local significance have been identified through regional, thematic and municipal heritage studies across the state. Most of these studies include a thematic environmental history which provides a contextual basis for historic places. Places identified in heritage studies as achieving thresholds for local significance are typically included on the municipal planning scheme heritage overlay. However many of these studies are focused on townships or developed areas, and some historic themes are therefore more prevalent. Historic themes or places found mostly on public land or those in remote locations such as timber harvesting, transport, water and infrastructure themes, and Aboriginal associations, are often poorly represented.

Currently in Victoria there is no single register or statewide listing of historic places of local significance. Statewide listings are only available for historic shipwrecks,

archaeological sites and places or objects of state significance, which are identified generally for protection under the *Heritage Act 1995* and the *Aboriginal Heritage Act 2006*.

Municipal planning scheme heritage overlays

Municipal planning scheme heritage overlays largely identify sites, objects and precincts of significance to the local community, but also encompass places of value across the region and state; VHR places are included in heritage overlays as well as some places of Aboriginal cultural heritage and historic archaeological sites listed on the Victorian Heritage Inventory. The draft proposals paper for this investigation provided some additional information including a figure mapping the statewide distribution of places and precincts included on heritage overlays at that time.

Currently nearly 20,000 places and precincts of local significance have been included on heritage overlay schedules across the state. However, there is much variability in approach, and geographic coverage is patchy and complicated by issues such as local government area mergers in 1996. Figure 2.1 shows the number of places listed on the heritage overlay for each municipality and illustrates the variability in numbers of places identified for protection, even between municipalities that share a similar history—such as the goldfields municipalities of Central Goldfields, Mount Alexander, Ballarat, Greater Bendigo and Hepburn.

Heritage Victoria and the Heritage Council have provided additional resources to support local municipal heritage studies. The task of including places of historic significance on the heritage overlay has progressed to varying degrees across the state, largely due to limits on resourcing and varying levels of capacity or enthusiasm. For example, in a 2007 study by Heritage Intelligence Pty Ltd for the Shire of Moira, consultants identified 126 individual places and fifteen precincts (comprising 475 places) of historic significance for protection from an initial 1001 potential heritage places and 18 precincts. The Moira Shire heritage overlay schedule currently includes seven VHR and 28 local significance places, the same as at the time the study was being undertaken.

Protection and management of historic places of local significance

The local council (or the Minister for Planning in some locations) is the authority responsible for operation of the planning scheme and for the protection of places listed on the heritage overlay schedule. Management requirements flow from listing including protection of heritage values and permit requirements for substantial alterations.

However, of relevance is section 16 of the *Planning and Environment Act 1987* that enables some exemptions from the legal need to comply with planning scheme

requirements. In 1988 a general exemption under this section was granted—a companion ministerial direction to consult with responsible authorities was also issued—to the Minister administering the *Conservation, Forests and Lands Act 1987*, the Minister for Health and the Minister for Education (see *Using Victoria's Planning System* available from www.delwp.vic.gov.au/planning). Exemptions may also be issued from time to time for specific sites and projects by a Governor in Council order published in the Government Gazette.

Assessment criteria

At a national level, criteria developed by the former Australian Heritage Commission form the basis for detailed assessments and use of the three levels of cultural heritage significance—national, state and local—each administered by the corresponding level of government.

In 1998 eight criteria and thresholds, known collectively as HERCON were broadly adopted by national and state governments as the model for assessment of cultural heritage significance (see box 1). In Victoria the criteria and thresholds for assessment of places for state significance used by the Heritage Council are currently described in guidelines, while in some other jurisdictions the criteria are established in legislation. As specified in the *Heritage Act 1995* the Heritage Council undertakes assessment for listing of places of state significance on the Victorian Heritage Register. There are no prescribed criteria to assess local significance; however the HERCON criteria and earlier versions of these have been used in guidelines as model assessment criteria for inclusion of places on the heritage overlay. These criteria are provided in DELWP's *Planning Practice Note 1: Applying the Heritage Overlay* (2015).

Summary of issues

Currently the principle means for identification and statutory protection available for places of local significance is listing on the municipal heritage overlay schedule. While formal recognition in the planning scheme affords some protection to sites of local significance, there are limitations to this approach including:

- ◆ the use of the heritage overlay for protection of historic places has varied between municipalities across the state
- ◆ the scope of investigations in terms of both geographic extent and thematic representation is highly variable, and many places identified in heritage studies as achieving local significance have yet to be included on the heritage overlay
- ◆ local government may have limited access to professional heritage advice and expertise
- ◆ local government, based on advice from heritage consultants and not the Heritage Council, assess local significance values for inclusion in the heritage overlay

- ◆ many heritage assessments are several decades old, raising questions about the currency of the heritage overlay schedule
- ◆ in some instances places are included on the heritage overlay only where (private) owners consent to listing, and may not include historic places on public land
- ◆ development and permit decisions for heritage overlay places are made in a formal planning framework that is often unsympathetic to heritage considerations
- ◆ little comparative work has been undertaken between municipalities and in some cases, not within an entire municipality.

Overall, at the statewide level there are substantial gaps in the coverage of the heritage overlay which compromises analyses by VEAC and others such as those for figure 2.1.

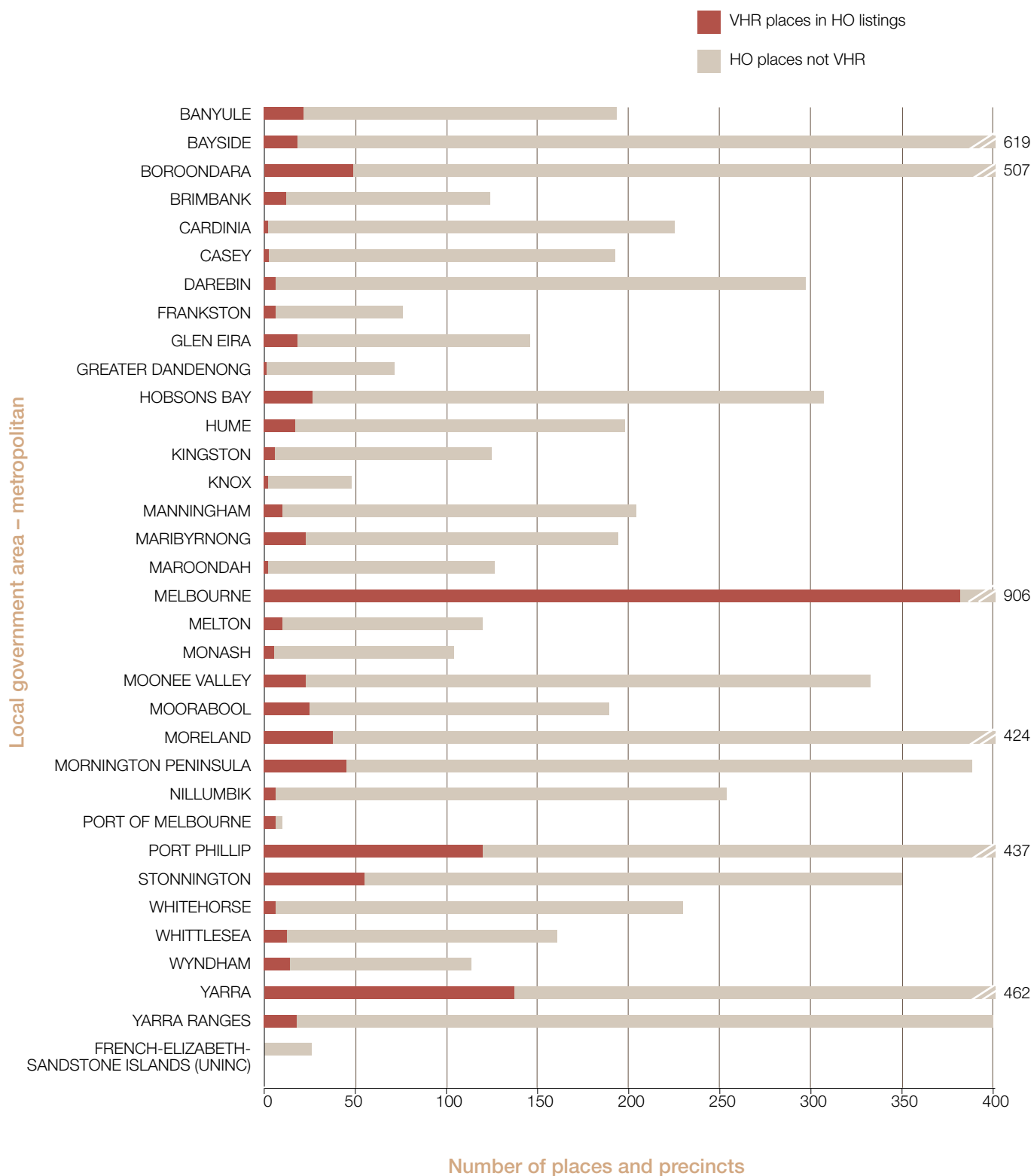
Box 1

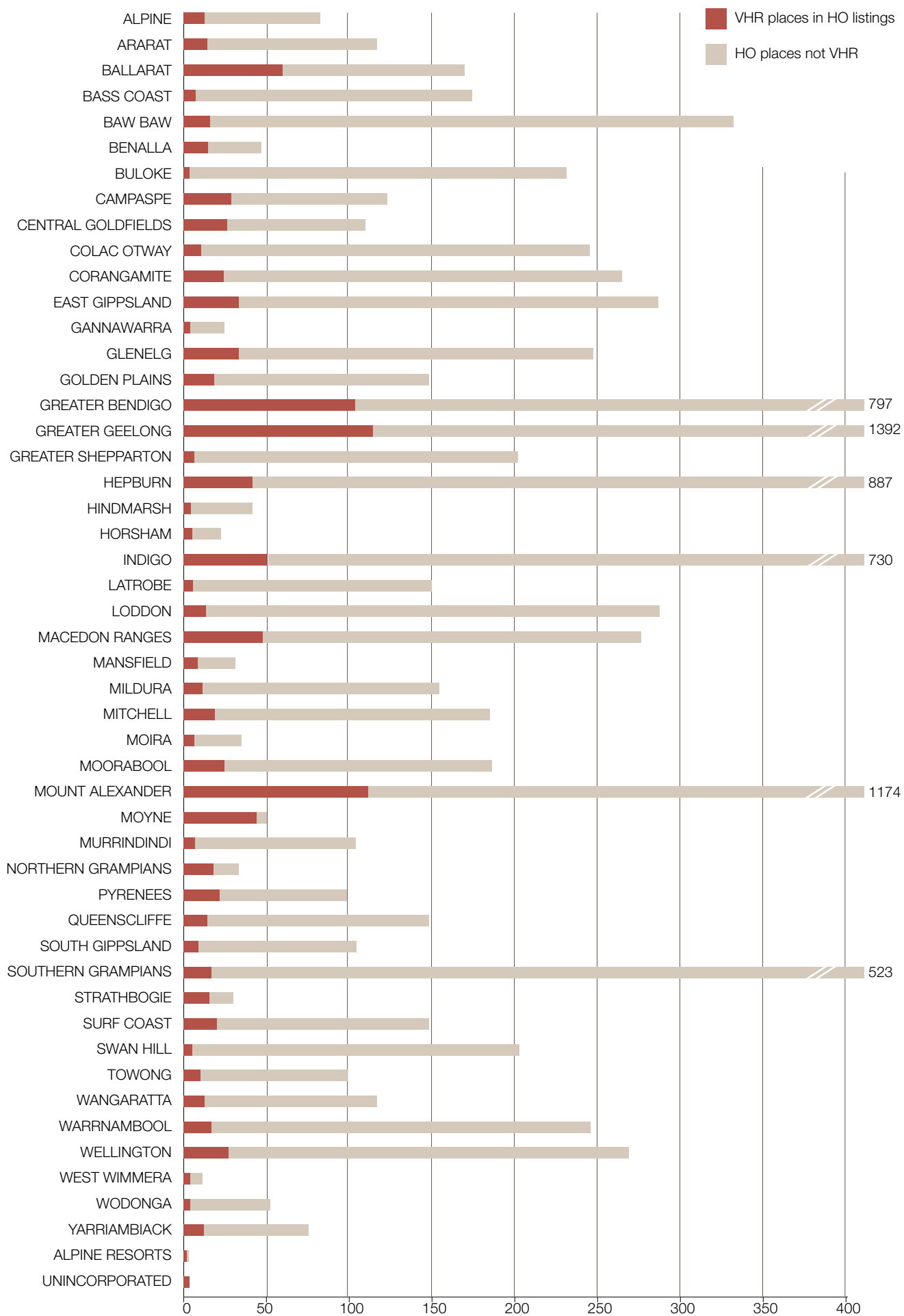
HERCON criteria

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

Source: *Common Criteria* adopted by the Environment Protection and Heritage Council of the Australian and State/Territory Governments in April 2008 comprising the model criteria developed at the National Heritage Convention (HERCON) in Canberra, 1998

Figure 2.1 Planning scheme heritage overlay (HO) schedule places for rural and metropolitan municipalities showing the total number of places including VHR and local significance places or precincts (public and private land)





Number of places and precincts

Clarification of adaptive reuse approaches

There were some concerns expressed that VEAC had proposed leasing and adaptive reuse for all historic places which is potentially to the detriment of historic values. This was not Council's intention: adaptive reuse is not suitable for many historic places on public land, for reasons such as incompatibility with the values, geographic remoteness, current condition and fragility of heritage values. However it was noted that for historic buildings, retaining a use is the best way to ensure the longevity of the site and, in addition, can revitalise communities. Vacant buildings are vulnerable to decay and vandalism and can have negative social impacts on communities. The importance of this issue is reflected in Council's recommendations for the preparation of an adaptive reuse strategy and guidelines.

In its issues paper *Adaptive Re-use of Industrial Heritage: Opportunities and Challenges (2015)*, the Heritage Council of Victoria addressed many issues associated with adapting industrial heritage to new uses and presents 12 case studies. The Burra Charter also outlines the basic principles in relation to the management and development of heritage places as:

- ◆ maintenance is an integral part of conserving heritage places
- ◆ places should reflect their original uses or otherwise have compatible uses
- ◆ demolition of significant parts of heritage places is generally not acceptable
- ◆ new work should be readily identifiable as such and the imitation of significant aspects of the place should be avoided
- ◆ development of a heritage place should be guided by its significance
- ◆ changes that reduce the cultural significance of a place should be reversible, and be reversed where possible.

Resources for management and support for decision-making

VEAC received numerous comments about management of historic places. Some of these relate to committees of management or local government and are addressed in the relevant parts of chapter 3. Others relate to support for public land managers and specifically around decision-making where difficulties exist such as the level of resources required or conflicting priorities. Some management problems arise where the extent or identification of heritage values is unclear, and these may be readily addressed with improved heritage information management.

Council has not attempted to address issues related to individual historic places. Instead the recommendations address areas where improvements to current arrangements will provide assistance and support for historic place managers.

However, there are a number of existing resources available to support decision-making across the diversity of management issues and places. These are well-known to heritage practitioners and include:

- ◆ Australia ICOMOS (2013) *The Burra charter: the Australia ICOMOS charter for places of cultural significance* and the associated series of Practice Notes provide the standards for managing heritage places (available at australia.icomos.org)
- ◆ Heritage Council of Victoria (2010) *Conservation management plans: managing heritage places – a guide*
- ◆ DELWP (2015) *Toolkit, Victorian government asset management: conducting a heritage audit*
- ◆ *Victorian government cultural heritage asset management principles* endorsed by the Victorian government in December 2009
- ◆ Heritage places and sustainability guidance sheets, technical notes and workshop presentations created from a study by RMIT. Published by the Heritage Council of Victoria and the Building Commission, 2012
- ◆ Australian Heritage Council (2013) *Ruins: a guide to conservation and management*
- ◆ Heritage Victoria (2009) *Protecting local heritage places: a guide for local government and communities*. Revised edition March 2009 prepared with permission by Heritage Victoria based on report of same name by Australian Heritage Commission, 1998
- ◆ Heritage Council of New South Wales and New South Wales Heritage Office (2005) *State agency heritage guide management of heritage assets by New South Wales government agencies*



- ◆ Heritage Council of Victoria (2013) *Adaptive reuse of industrial heritage: opportunities and challenges*
- ◆ New Zealand Historic Places Trust (2011) *Heritage redesigned: adapting historic places for contemporary New Zealand*
- ◆ Western Australia's Heritage Council and State Heritage Office (2014) *Guide to developing heritage places: an owner's guide to conservation, alterations and compatible development for places entered in the state register of heritage places.*

2.3 Recent changes in heritage asset management

In the period since publication of the draft proposals paper there have been several government initiatives of relevance to management of historic places on public land. Each of these is outlined below, together with a summary of emerging trends in heritage conservation.

Asset management accountability framework

In February 2016 the Department of Treasury and Finance (DTF) released the *Asset management accountability framework*, replacing *Sustaining our assets: government asset management policy statement (2000)*. The framework does not introduce any new asset management requirements compared to the previous policy but instead aims to improve transparency and accountability through the attestation process and by encouraging departments to continue:

- ◆ prioritising asset management needs within their resource budget
- ◆ determining if existing funds are adequate
- ◆ making the case for additional funds, when existing funds are not adequate.

The framework states that the delivery of government services—including preserving cultural and heritage assets with unique historical, cultural or environmental attributes—is important to the community. Agencies are required to identify accountable officers to safeguard Victoria's sizeable portfolio of assets and ensure these are managed efficiently and effectively.

Under the framework, the respective departmental Secretary or agency head is required to attest to management and 20 mandatory requirements in annual reports from 2017-18 and, every three years, self-assess their organisation's asset management maturity. For some of the 250 state agencies and departments, the new asset reporting requirement has elevated the importance of identifying assets and highlighted that asset management should form a routine part of their work. To support this new approach DTF will establish an asset managers'

network to facilitate the sharing of information across government. This network will also provide public land managers with opportunities for heritage skills training particularly through knowledge sharing and discussion of successful adaptive reuse case studies.

Review of the *Heritage Act 1995*

The state government committed to a review of the *Heritage Act 1995* in Keeping it liveable, Labor's plan for your community before the 2014 state election. In June 2015 Heritage Victoria released a discussion paper identifying proposed changes to the Act and undertook consultation from July to August 2015. The key proposals in the discussion paper can be summarised as:

- ◆ improving heritage registration processes
- ◆ simplifying heritage permit and consent procedures
- ◆ strengthening compliance and enforcement measures
- ◆ providing clarity around other issues and provisions.

Approximately 120 submissions and online survey responses were received during the public consultation period and a summary of submissions was published in December 2015. The majority of issues and views were related to VHR listed places, mostly on private land, and particularly heritage permit application processes and administration.



Ballan Court House

New state government funding initiatives

Recent announcements associated with the 2016 state budget have provided a significant boost to the resources available in the short term for management of historic places. An allocation of \$30 million over four years was made for *Living Heritage Grants* available for restoration of heritage buildings, conservation works and for community heritage grants. The first round of the \$7 million competitive community heritage grants program (targeting 'at risk' State-listed heritage places) is to open for applications from early August 2016 with subsequent grant rounds in 2017, 2018 and 2019. Funds of up to \$200,000 per project will be available for places and objects included on the VHR. Initiatives announced under the *Living Heritage Grants* include:

- ◆ \$7 million for repair and restoration works for a number of 'at risk' State significance heritage places through contestable grants of up to \$200,000 to owners and managers of heritage places for conservation
- ◆ \$22 million for up to a dozen places identified in the 2015 Living Heritage Audit in which Heritage Victoria examined 150 VHR places selected from those identified as at risk in the 2008 State of Historic Environment Report. The following have been announced to date:
 - Trades Hall Melbourne refurbishment: \$10 million contribution to an estimated \$28 million restoration including repairs to the roof and cracked concrete and asbestos removal
 - Her Majesty's Theatre, Ballarat: \$3 million grant for conservation and upgrade works, including waterproofing, drainage and structural repairs and upgrades to doors and windows
 - Geelong's Sunnyside Wool Scour: \$1 million grant for bracing works, roof repairs and removal of hazardous materials which will ensure the wool scour is safe to access
 - Bendigo Soldiers Memorial and RSL Hall: \$1.5 million grant for conservation and activation works.

An additional budget announcement was \$8 million for the Gundij Mirring Traditional Owners to implement stages one and two of the Budj Bim Master Plan and support a bid for UNESCO World Heritage listing. Other recent funding announcements that encompass heritage values include:

- ◆ \$1 million for a Veterans Heritage and History Strategy, as well as conservation and preservation activities for war heritage
- ◆ \$55.4 million towards the \$83.1 million State Library Victoria Vision 2020 redevelopment project including restoration of the historic Queen's Hall, reopening of the library's Russell Street entrance, an e-Town Hall and new spaces for early learning, digital media, entrepreneurship and exhibitions.

New Australian Heritage Strategy

The *Australian Heritage Strategy* was published in December 2015 and, together with supporting information including a range of commissioned essays, provides a summary of current views and issues for heritage management, recognition and protection. The vision for the strategy is that 'our natural, historic and Indigenous heritage places are valued by Australians, protected for future generations and cared for by the community'.

The strategy is necessarily focused on places of significance to all Australians and encompasses facets of heritage that are not within VEAC's terms of reference or the VEAC Act. However, many of the issues and solutions raised are relevant to historic places on public land in Victoria. Specifically, two of the three high level outcomes are Outcome 2: Strong partnerships and Outcome 3: Engaged communities.

Outcome 2 acknowledges the need for government to work cooperatively with a range of stakeholders to effectively manage heritage. Apart from clarification and modernisation of legislation across jurisdictions, new funding options are explored including the potential for a national heritage lottery, and philanthropic partnerships along the lines of those that are successful in the arts sector. Collaboration and partnerships with tourism are also examined and it is observed that cultural tourism visitors typically spend more and stay longer than other tourism sectors.

Outcome 3 recognises the desire of community to have greater access to information on heritage and to build broader appreciation and awareness of heritage places and stories. A new 'Australia's Community Heritage' website reflects the emerging trend of communities wanting a digital space to share information and source information. Additionally, digital provision of best practice standards and guidelines for heritage conservation and management is considered an important way to provide expert advice to managers, many of which are local governments and community groups or individuals.

Emerging trends in heritage management and appreciation

Modernising legal and administrative arrangements

Victoria's current review of the *Heritage Act 1995* (see above) is part of a wider trend, with other states having reviewed their heritage legislation and policy over the past decade (e.g. New South Wales in 2007, Western Australia in 2011). This mostly reflects the need to modernise processes and administrative arrangements established when the relevant heritage legislation was enacted (10-20 years ago in most states) and focus has shifted away from the need at that time to legislate protection towards an approach that encourages sustainable and adaptable uses of historic places.

Access to digital information

The Australian government's 2015 *Australian Heritage Strategy* (see above) and other recent programs reflect a strong community desire for greater digital access to information about cultural heritage. While many resources exist such as websites and online databases, communities are seeking access to online platforms that are interactive and can be used as a repository for a wide variety of past and present information, as well as to enhance links between groups or individuals with similar interests.

A recent example is the Historic Urban Landscape project in Ballarat East (see www.hulballarat.org.au). This award-winning initiative is a pilot program of UNESCO's historic urban landscape approach and, among its many elements, has been the development of a mapping interface called *VisualisingBallarat*, which brings together historic and new data incorporating extensive community input. The project is the collaboration of a number of institutions—including Federation University and the Public Record Office Victoria—led by the City of Ballarat.

Another interesting example of digital access is the Vic-Heritage smartphone app that enables users to locate and access information on places on the VHR. The app won Best Government App at the 2013 AIMIA Awards. The Vic-Heritage app provides access to heritage information such as architectural and historical details of VHR places, and enables users to add their own content stored locally on their smartphone.

Specific heritage types and landscapes

Recent trends in heritage appreciation have focused on movable heritage objects, shipwrecks, cultural landscapes and streetscapes. Recognition of cultural landscape and streetscape allows cultural significance to be considered as part of a broader context. In so doing, the range of stakeholders and landowners engaged is expanded and in many cases there will be a strong focus on private land. In February 2015 Heritage Council of Victoria and Heritage Victoria endorsed *Landscapes of cultural heritage significance: assessment guidelines* to support identification, documentation and assessment of landscape values. This document is to be used in conjunction with *The Victorian Heritage Register criteria and threshold guidelines: assessing the cultural heritage significance of places and objects for possible state heritage listing*, endorsed by the Heritage Council of Victoria in December 2012. Castlemaine Diggings is an unusual example of a cultural landscape in that it is largely located on public land, protected within Castlemaine Diggings National Heritage Park and listed on both state and national heritage registers or lists. In general, this emerging trend is less applicable to public land, with the exceptions of historic government building precincts or clusters of government facilities.

The special values associated with moveable objects and the need for preservation and protection are also part of recent discussions. The portability of heritage objects makes them vulnerable to loss through theft, damage or removal. Documentation is important for objects and helps ensure that the importance and context are recorded for future reference. A review of shipwreck legislation is proposed as part of the Australian Heritage Strategy acknowledging the special management requirements and the importance of objects for maritime heritage.

Heritage tourism

In 2014 the Environment and Natural Resources Parliamentary Committee reported on its *Inquiry into heritage tourism and ecotourism in Victoria*. The inquiry recommended that, among other things, the Victorian government's cultural tourism strategy requires renewal, and should include a stronger focus on heritage tourism. Currently the needs of arts and heritage-based tourism are not differentiated and therefore there is no clear direction for heritage tourism. Many key groups, including the National Trust and the Heritage Council of Victoria, emphasised the importance of interpretation and storytelling to the success of heritage tourism. The majority of stakeholders felt that the quality of visitor experience at heritage sites could be improved through better use of technology, including the development of smartphone apps.

Adaptive reuse was seen as crucial to the survival of historic buildings, although there are unique challenges associated with businesses operating in historic buildings. Many heritage tour operators felt overlooked by the current tourism policy and are unsure which government department to turn to for advice and assistance.

The government response to the report was tabled in October 2015 and acknowledges the tasks recognised in many of the recommendations. The response identifies current initiatives and reviews that address many of the committee's findings, and highlights the \$100 million provided in the 2015-16 state budget for conservation and other works to Flinders Street Railway Station and other funding for government-owned historic places.

2.4 The case for reform

One of the most well-received parts of VEAC's draft proposals paper was the short history of the management of historic places in Victoria. This account culminated with the characterisation of the last two decades as a period when the management of historic places on public land had failed to adapt to modern arrangements and expectations for government management of community assets.

While this characterisation was generally accepted, quite a number of submitters were unenthusiastic about VEAC's central objective of modernising the management of historic places on public land to ensure that the limited resources available are invested as wisely as possible. Instead, some preferred to spend whatever resources become available directly on management rather than on strategic planning to guide that investment. Essentially, this is the 'business as usual' model of the last two decades.

Business as usual

The results of this 'business as usual' approach are predictable, drawing on the history of the last 20 years. Under this scenario future management of historic places on public land would continue to be characterised by:

- ◆ low investment in the collection and analysis of data on management needs of historic places resulting in little planning for timely maintenance
- ◆ the continued build-up of significant deferred unfunded maintenance and repair liabilities, as a potentially large number of historic places continue to decline unknown, ignored or under-prioritised by the public agencies responsible for their upkeep
- ◆ high-profile historic places in need of costly emergency repairs continuing to arise without warning, drawing funds away from more cost-effective maintenance that has been planned and scheduled to avert significant deterioration
- ◆ ongoing scepticism amongst the community and potential funding sources about the effectiveness of investment in historic place management
- ◆ large variations in year-to-year funding masking a long-term overall decline in the resources allocated to historic places management.

A brighter future

As well as the more general doubts referred to above, there was scepticism that reforms recommended by VEAC were too ambitious and not easily achieved. On the other hand, there was also criticism about the lack of ambition in VEAC's reforms. Sometimes these views were held simultaneously, the contention being that by investing

directly in management or in publicity programs, more ambitious outcomes could be achieved than could be achieved through planning and reforming arrangements.

VEAC has considered these viewpoints in some detail and, broadly, has retained the direction of the draft recommendations. However, some of the adjustments VEAC has made to its draft recommendations reduce the complexity and potential difficulties of the proposed reforms and Council is confident that now the package of reforms is realistic in its balance of ambition and achievability.

Having achieved a realistic balance, Council decided not to add further worthwhile but additional elements to its recommendations, as proposed by some stakeholders. In the medium to long term, Council expects that implementation of VEAC's recommendations would enable initiatives proposed by stakeholders to be taken up, by providing a stable and strategic base from which to expand.

In several years, when the orderly and cost-effective planning and funding of maintenance and restoration of historic places is bedded down, there will be scope to expand into new initiatives such as:

- ◆ education, promotion and awareness raising around heritage—a very strongly supported area in public consultation both in general and with specific examples such as greater promotion of community museums, better public access and interpretation (in addition to work on heritage 'fabric')
- ◆ use the improved data resulting from VEAC's recommendations to make information readily available to the public as the 'eyes and ears' of heritage protection and monitoring, and use digital technologies and social media to transform public appreciation and engagement in heritage
- ◆ engagement with trends emerging internationally around cultural landscapes e.g. Ballarat's Historic Urban Landscape and the USA's National Heritage Areas
- ◆ further streamlining of processes (such as management planning and heritage and business expertise) and other assistance to community groups and local government managers of historic place
- ◆ innovative and ambitious new projects such as the 'regional agricultural museum' proposed by one stakeholder, or the Goldfields World Heritage List proposal
- ◆ greater consideration of aspects of heritage that some stakeholders felt were not well covered by VEAC such as shipwrecks and objects, cattlemen's huts, places of local significance, implications of climate change especially for horticultural heritage, historic landscapes, and scattered cultural and industrial sites.

2.5 Changes to the draft recommendations

Many discussions with stakeholders and input from community consultation have informed the final recommendations in this report. Several draft recommendations have been recast reflecting the views of stakeholders, while the overall approach for reform is

retained. The recommendations in chapter 3 have been reordered since the draft proposals paper to provide a greater prominence for the first three recommendations. A summary of final recommendations correlated with the draft recommendations is provided in table 2.1 including a brief rationale for any changes.

Table 2.1
Summary of changes to recommendations since the draft proposals paper

Final recommendation	Draft recommendation	Rationale
Recommendations for management accountability and transforming resources for management		
R1 Resources for implementation and for ongoing management	New recommendation	Reflecting strong stakeholder views to ensure additional resources are provided and be clear that the recommended structural reforms do not come at the expense of current funding for actual historic place management.
R2 Accountability for public land historic places	R1 Accountability for public land heritage	Significant clarification (e.g. around positioning and roles) and addition of a reference panel to support the work of the recommended public land historic places commissioner.
R3 A trust for historic places on public land	R8 A trust for public land heritage R9 A revolving fund for public land heritage	Some clarification; amalgamation of the recommended trust and revolving fund with Working Heritage – no new entities. Feasibility of recommendation tested.
R4 Minimum standards for management of Victorian Heritage Register Places on public land	R2 Minimum standards for management of historic places on public land	Implementation by legislative amendment replaced with regulations or policy; more detailed specification of values to be protected.
R5 Summary heritage action statement and condition reporting	New recommendation	Reflects a need to clearly define heritage fabric and the condition of and threats to values.
Recommendations for reform to administration and information management		
R6 Reliable well-managed data to inform strategic planning	R3 Reliable well-managed data to inform strategic management planning	Relatively minor clarifications in response to stakeholder queries and comments.
R7 Improving arrangements and support for community-based committees of management	R7 Improving arrangements and support for community-based committees of management	Requirement for business plan replaced by more information in annual returns; new option for longer terms for committee members; clarification around issuing of permits and licences.
R8 Continuing work to recognise and protect shared values	R5 Continuing work to recognise and protect shared values	Updated to reflect advances in the pilot project.
R9 Criteria for identifying historic places of local significance	New recommendation	Response to stakeholder concerns that local significance places were not adequately addressed.
R10 Improving government leasehold arrangements	R6 Improving government leasehold arrangements	No change
R11 Identifying historic places on public land to address under-representation of some place types on the Victorian Heritage Register	R4 Identifying heritage places on public land to address under-representation of some place types on the Victorian Heritage Register	Reduced emphasis on VHR listing in strategic planning – recommendation is now enabling the filling of gaps rather than compelling improved representativeness as such.

2.6 Addressing the terms of reference

The terms of reference for the Historic Places Investigation is provided in section 1.3. In summary there are two main components:

Review and assess:

- ◆ current information and information sources on historic places on public land, including the representation of historical themes
- ◆ current management arrangements
- ◆ any issues and opportunities related to the future protection, use and sustainability of historic places.

Make recommendations for:

- ◆ opportunities to improve management arrangements to conserve, protect and enhance the historic, community and educational values of these places
- ◆ the potential for sustainable use and adaptive reuse of historic assets
- ◆ options for managing historic places that are currently difficult to manage
- ◆ how best to manage and conserve the wide diversity of historic places on public land in the context of available resources, pressures on heritage places and emerging trends in heritage conservation.

Discussion of the current management arrangements for historic places and information sources is presented in chapter 2 of the draft proposals paper. A detailed examination of the representation of historic themes was undertaken using an historic group typology assessment of VHR places on public land and objects owned by government agencies or departments. Examples of historic places on public land for each of historic group was provided in appendix 2 of the draft proposals paper.

Section 2.7 of the draft proposals paper discussed the issues associated with current management arrangements and resources as well as identifying the likely impact of the current approach continuing on the protection and sustainable use of historic places.

Council's recommendations to improve management arrangements are addressed in sections 3.2 and 3.3 of this final report. Council heard from many stakeholders that the available resources are insufficient to ensure historic places and heritage values are not lost in the future. Accordingly neglect and deterioration are the greatest threats to historic places on public land. Recommendation R1 specifically acknowledges the need for increased funding and subsequent recommendations identify ways to ensure that the finite resources available are effectively utilised.

A new Public Historic Places Commissioner is recommended (recommendation R2) to deliver the currently missing oversight of management and advocacy within government, to undertake a partner and brokering role, and work collaboratively to deliver accountability for management across the broad range of existing agencies and bodies who are custodians for our most important historic places. By bringing expertise, knowledge and proficiency this new body will be the best placed to work closely with land managers and resolve difficult issues. Important task of this office include preparing a strategic plan and adaptive reuse policy and planning. The role will be supported by expert advice from a reference panel and work closely with and support existing heritage agencies.

Improved funding arrangements are provided in recommendation R3 through transformation of existing heritage management models. The resulting dedicated resources can be applied across a range of historic places and new opportunities explored for adaptive reuse of redundant government-owned heritage assets.

Additionally, changes to support improved asset management are presented through strengthening and clarifying current requirements under the *Heritage Act 1995* with a detailed focus on maintaining heritage values for VHR places of state significance (recommendations R4 and R5).

VEAC has found that there are a range of administrative reforms that will benefit public land managers of historic places and particularly volunteer community groups by:

- ◆ maintaining a linked data set dedicated to public land historic place asset management and available to support strategic planning (recommendation R6).
- ◆ improving support for and clarifying roles and responsibilities for volunteer committees of management (recommendation R7)
- ◆ improving working relationships for leased historic places (recommendation R10), and
- ◆ improving the identification of places of historic significance, including those with shared Aboriginal and non-Aboriginal heritage values (recommendations R8, R9 and R11).

Council examined emerging trends and recent developments in historic place management and these are outlined in section 2.3 of this report.



3 Recommendations

This chapter presents a set of recommendations which Council considers will address the range of issues confronting the management of historic places on public land. Public land hosts an outstanding range of historic places covering the breadth of Victoria's remarkable history. Council's recommendations acknowledge the achievements to date in maintaining these places and focus on modernising the current arrangements to set up sustainable historic place management on public land for the coming decades.

In response to community feedback, Council has re-examined and revised the draft recommendations although the key elements remain: improved strategic planning, accountability and resourcing for historic places in public ownership. However, there have been significant modifications to address many of the specific matters raised in public consultation as well as many of the more general concerns, notably the importance of:

- ◆ clarity, simplicity and avoiding duplication in the roles and positioning of recommended new entities
- ◆ adequately resourcing the recommendations with new funding, so that implementation is not at the expense of current resourcing for ongoing management of historic places
- ◆ reducing the emphasis on places on the Victorian Heritage Register (VHR)
- ◆ increasing assistance to managers of historic places on public land, including committees of management.

The Council is indebted to the many groups and individuals who went to considerable effort to provide VEAC with their views during the public consultation process. The final recommendations are substantially improved as a result, and Council is now confident of the achievability and benefits of its goals for the management of historic places on public land in Victoria. These goals include management that leads by example for historic places, underpinned by a more sustainable funding base resulting from the increased confidence of the public and funding bodies that planning is in place to ensure their investment is as effective as possible.

The following recommendations apply to all public land places, sites and objects of historic significance, except for recommendations R4, R5 and R11 which are focused on places on the VHR. Council recognises the social and community values of historic places for local communities; the framework resulting from these recommendations should benefit all historic places on public land.

The recommendations address five broad issues:

- ◆ **funding:** new funding to undertake identified tasks (R1) and transforming the ongoing funding base for management of historic places on public land (R3)
- ◆ **accountability and coordination:** establishing a clear point of accountability, providing opportunities for coordination (R2) and improving the standard of management for VHR places (R4 and R5)
- ◆ **data and reporting:** supporting strategic planning with more reliable data (R6) particularly up to date asset condition and threat reporting
- ◆ **Aboriginal cultural heritage:** recognising Aboriginal cultural heritage values and linkages with historic places (R8)
- ◆ **administration and information:** improving administration and information management by streamlining processes and increasing support for Crown land committees of management (R7), improving the rigour of assessment of places of local significance (R9), improving arrangements for government leaseholds (R10) and addressing under-representation of some historic themes on the VHR (R11).

3.1 Resourcing implementation of these recommendations

During this investigation VEAC found that numerous historic places on public land have been neglected for many years, leaving the state with an unknown but certainly significant and unfunded maintenance liability, and few government agencies with the resources and expertise to prevent avoidable and sometimes irreparable deterioration. When resources are allocated, it is often without an overall strategy, leading to significant resources being expended on costly 'emergency' repairs.

In response, the main thrust of VEAC's draft recommendations was to changes to the system within which historic places on public land are managed: strategic planning, accountability, the funding base, the usefulness of data, and support for land managers.

Community views

Stakeholders from all perspectives clearly stated that funding for planning and management of historic places is limited and any additional tasks proposed by VEAC could not be accommodated without diverting resources from other functions, many of which are statutory requirements. There was strong opposition to diverting funds from on-ground management of historic places to planning and the other related initiatives proposed by VEAC. Council was requested to make a statement about the resourcing needed to achieve the recommended reforms.

Response

Improving clarity has been a key consideration in finalising Council's recommendations. Accordingly a new first recommendation has been added to clearly articulate the need for additional new resources to establish and support the tasks and programs recommended in this final report. The initial funding required to establish a trust and revolving fund is specifically discussed in section 3.3. The recommended commissioner and new data management system will also require initial funding.

Recent announcements of increased heritage resourcing help to put the funding of VEAC's recommendations in perspective. The *Living Heritage Grant* program announced in the 2016-17 state budget will provide \$30 million over four years. Over a comparable period, initial funding of recommendations would be considerably less than this amount. The grant program has the potential to be largely consumed at a small number of places—announcements to date include \$10 million for Trades Hall in Carlton and \$3 million for Her Majesty's Theatre in Ballarat. While costly restoration projects will continue to be required at some sites, the size and number of such projects could be reduced by timely and cost-effective maintenance resulting from the implementing these recommendations.

RECOMMENDATION

R1

Resources for implementation and for ongoing management

- a Adequate resources be allocated for implementation of these recommendations, to ensure that the objectives of the report and recommendations are achieved, and to address deficits and future management needs
- and
- b adequate initial funding be allocated to establish the recommended trust (recommendation R3).

3.2 Accountability for management

Accountability was a key element of VEAC's draft recommendations in the draft proposals paper and Council was pleased at the feedback it attracted during public consultation. As demonstrated in the draft proposals paper, the management of historic places on public land is highly variable with different managers having widely different approaches and levels of engagement. Issues identified were:

- ◆ the need for a clear single point of **accountability** for management of historic places on public land rather than the current long list of responsible organisations, with many places having several potential points of accountability but none that are actually specified
- ◆ **transparency** is poor because of the diversity of managers, making it difficult to be confident that heritage is being adequately protected, and that costly deferred maintenance liabilities are not accumulating
- ◆ there is no overall **strategic planning** to ensure that the limited available resources are invested as wisely as possible; there have been several examples of historic places transitioning from one management arrangement to another at great cost that could have been avoided with better planning
- ◆ as a result there is little overall **coordination** of management of historic places on public land between organisations, particularly those with divergent objectives
- ◆ **knowledge** about the future management requirements of historic places is insufficient to support comprehensive strategic planning.

As a result, management of historic places on public land overall is not as effective, and certainly not as cost-effective, as it should be and there continues to be avoidable deterioration that will be costly to redress in the future. This is likely to continue and is at risk of worsening without significant measures to change existing arrangements.

A single point of accountability is required with responsibility for transparent strategic planning and coordination based on reliable information about management requirements. VEAC is recommending a Public Historic Places Commissioner, supported by an Office for Public Land Historic Places, as a key point charged with meeting these obligations, additional to the roles of existing heritage agencies.

In response to stakeholder input, the commissioner is recommended as a non-statutory office, separate from but supporting existing agencies with heritage responsibilities. The commissioner will publish regular strategic plans that document the management needs of historic places on public land along with proposed measures

to meet these needs, and report on the performance of previous such measures. These plans will be based on reliable systematic data on the management needs of individual places collected specifically for this purpose (see recommendation R6). This systematic strategic planning enables the commissioner to inform the allocation of resources in accordance with recommendation R3 and manage or support any transition in management arrangements for places where that is likely to be a difficult process. As a result, the community and government will have a clear point of contact for information on the management of historic places on public land, and be confident that management of historic places is as effective as possible and that there is no unplanned, avoidable loss of heritage.

The commissioner will not take over existing asset management systems that have been set up by some agencies. Instead the role links the necessary elements of those systems to a consolidated data base for incorporation into statewide analyses and planning. The commissioner will not have land management responsibilities.

VEAC is recommending a new policy be documented, drawing on existing policies, for adaptive reuse of historic assets on public land together with clear implementation guidelines. The policy will define when and how adaptive reuse can achieve the best outcomes for heritage significance, so that there is a balance between providing community access and sustainable historic place management. The guidelines will support decision-making on when and how flexible arrangements can improve relationships with tenants, as well as clarify responsibilities for ongoing maintenance and management. Including the commissioner in this process will provide for consistency and oversight while allowing for the application of specific expertise and resources across a range of public land sites.

The recommendation can be summarised as establishing a commissioner to:

- ◆ undertake strategic cross-agency planning and associated reporting
- ◆ drive data reforms to inform strategic decision-making
- ◆ establish programs and policies to meet management needs (e.g. for adaptive reuse) and work in partnership with public land managers to achieve better on-ground outcomes
- ◆ report on and oversee implementation of VEAC's recommendations.

Community views

There was strong agreement with VEAC's analysis of the problems associated with accountability for the management of historic places on public land, including the missing elements needed in order to address the problem. However, responses to the draft recommendation for an independent commissioner reflected a divide between government policy makers and on-ground practitioners, particularly local government and community managers of historic places on public land.

Many community groups and other key organisations, such as National Trust of Australia (Victoria) and Working Heritage, broadly supported the recommendation with modifications suggested to improve its operation and function. Several government agencies welcomed a new partnership or brokering approach to support and improve their on-ground management decisions, particularly through providing cross-agency planning and management support tools. The proposed modifications can be summarised as:

- ◆ include a reference panel or advisory committee to assist the commissioner, to broaden support and to draw on a wider knowledge base
- ◆ further develop the organisational and governance arrangements for this recommendation and describe how a new office would influence the management decisions of public land managers
- ◆ resolve the recommendation into specific and achievable actions
- ◆ include management of all places of historic significance on public land, not just 'the most important places'
- ◆ ensure any new office is appropriately resourced
- ◆ provide a community contact point and access to more information on historic places on public land.

Details were requested about the working and governance relationships between the proposed commissioner and office, the proposed trust and existing heritage organisations, particularly the Heritage Council of Victoria and Heritage Victoria. The existing functions of these bodies were preferred where potential overlaps were identified. Differing views were also presented regarding the positioning of the commissioner within or in relation to the heritage or land management agencies—currently divisions within the Department of Environment, Land, Water and Planning. Many submitters made clear that the tasks of the proposed commissioner and office cannot be achieved with current resources.

Few alternative proposals for reform were offered. Alternatives generally identified the Heritage Council as currently having responsibility for many functions of the proposed new office, or as an organisation that could

undertake some of the additional tasks with appropriate resourcing and, in some cases, with amendments to the *Heritage Act 1995*. Potential conflicts of interest with other functions of the Heritage Council were generally not acknowledged.

The main concerns with the draft recommendation can be summarised as:

- ◆ creating unnecessary additional complexity in administration or an additional layer of bureaucracy without demonstrating the benefits of change
- ◆ wasting resources on administration, such as documentation for strategic management planning and reporting, that could be better spent on ground now
- ◆ creating confusion, overlap or duplication of current roles, especially those of the Heritage Council
- ◆ the new office would have no power to require action from, or incentivise public land managers, particularly government departments, to achieve improved management outcomes
- ◆ the current system could achieve the same goals more cost-effectively and with less confusion.

Response

Council exhaustively reviewed all elements of this draft recommendation and options for amendment. Throughout this process VEAC worked closely with several key stakeholders, including heritage agencies. As described below, several changes to the draft recommendation have resulted from this scrutiny.

VEAC has retained the key element of the recommendation with the creation of a new role of Public Historic Places Commissioner. After thorough consideration, Council is convinced of the need for an independent champion to advocate within government for historic places on public land. Alternative options limited to existing entities or responsibilities fail to satisfactorily address why there has been little work and negligible success under existing arrangements. It is also recommended that an Office for Public Land Historic Places be established to support and be led by the commissioner. Council considered it more appropriate for the commissioner to operate close to (but separate from) the heritage portfolio rather than public land management, particularly to align with rather than duplicate existing functions and operation of the *Heritage Act 1995*.

Council also debated alternative names for the new position before returning to 'commissioner', as all alternatives carried other meanings that would be less clear or misleading. To improve clarity, 'Public Land Heritage' has been replaced by 'Public Historic Places' in the title, as 'heritage' indicates a much broader remit for the commissioner than intended, and gives rise to

potential confusion with the Heritage Council and Heritage Victoria.

As indicated above, the tasks Council proposed for the commissioner in the draft recommendation attracted little adverse comment and so remain largely unchanged in the final recommendation. The development and regular publication of a strategic plan to inform priorities for management action for historic places on public land was a widely supported component of the draft recommendation. This part of the recommendation now specifies integrating the development of the plan with the commissioner's brokering work with managers of public land historic places to develop strategic targets for management intervention in the five-year period to which the plan applies. Council's intention here is for a plan that leads directly to action as opposed to a stocktake style 'State of Heritage' report.

The changes that Council has made are intended to clarify the positioning and working of the role of the commissioner in order to reduce confusion or the perception of overlap and duplication that was apparent in public consultation. Some of these changes are reflected in the final recommendation itself while a summary of roles, tasks and positions is also provided for additional clarification (see box 2).

The key change here comes from recognition that some of the commissioner's work falls within the ambit of the Heritage Council and the Executive Director, Heritage Victoria under the *Heritage Act 1995*. However, important roles identified for the commissioner as a broker working with public land managers to improve outcomes for their historic places and as an advocate for those places potentially conflict with statutory roles of the Heritage Council and Executive Director, for example in relation to nominations to the Victorian Heritage Register and determinations on permit applications.

Accordingly the recommendation now establishes the commissioner's role in supporting the Heritage Council and Heritage Victoria in their functions relating to public land. In addition, the part of the draft recommendation to establish the commissioner through the *Heritage Act 1995* has been removed to avoid potential overlaps and conflicts of interest, and there is now a new specification for the commissioner to set up a reference panel to facilitate the brokering role more generally. The recommended reference panel provides a means to enhance the exchange of information and expertise, and for on-ground managers of historic places to contribute to policy development.

However, it will be important to maintain a clear level and perception of independence from the heritage bodies, so there is no competition for resources or probity issues, and stakeholders are not confused about roles and responsibilities.

There are two key components to this recommendation for reform: firstly, those brokering tasks that directly support and work in partnership with public land historic place managers, and secondly, those tasks that deliver increased transparency and accountability through reporting to government and the public, including the publication of a strategic plan every five years. Council acknowledges that these reforms cannot be undertaken without additional resources.



Box 2

Public Historic Places Commissioner: summary of roles, tasks and positioning

Roles

- ◆ To be a **champion** for historic places on public land, advocating within government to bring a new focus and effort so that the state leads by example in its management of historic places.
- ◆ To be a **broker** of solutions at historic places where delivering effective management outcomes may be challenging.
- ◆ To be **accountable** for bringing a transparent and contemporary asset management approach to the management of historic places on public land.
- ◆ To be the key **coordinator of collaborative efforts** to improve management of historic places on public land, bringing together the data and information, experience and expertise of skilled heritage and public land managers, potential fund sources, government policy and other inputs.
- ◆ To **lead reporting** on progress and outcomes of actions to improve management of historic places on public land.
- ◆ To be the initial **contact point** for government and the public for information about historic places on public land.

Tasks

- ◆ Every five years and in partnership with relevant agencies, develop and publish a strategic plan identifying priorities and targets for cost-effective investment in historic places.
- ◆ Provide an informal forum for representatives from each government agency managing historic places to coordinate the development and implementation of the five-year strategic plan.
- ◆ Drive reform in the collection and collation of data on historic place management as outlined in recommendation R6.
- ◆ Document a policy and process for adaptive reuse of historic places and assist with transition of specific places where appropriate.
- ◆ Establish a framework for lease of historic places as outlined in recommendation R10.
- ◆ Oversee and report on the implementation of these recommendations.
- ◆ Advise ministers on the management of specific historic places as required.
- ◆ Establish a reference panel to draw upon a wider range of expertise and provide opportunities for key organisations to be engaged in strategic planning.

Positioning

- ◆ The commissioner supports and complements but does not duplicate or override the Heritage Council of Victoria and the Executive Director of Heritage Victoria in their functions related to the management of historic places on public land.
- ◆ The commissioner will operate at the centre of an informal forum of government managers of historic places and draws on the advice of a formal reference panel.
- ◆ The commissioner has dual reporting lines to the ministers responsible for heritage and public land.

RECOMMENDATION

R2

Accountability for public land historic places

A Public Historic Places Commissioner, supported by an Office for Public Land Historic Places, be established to:

- a** support the Heritage Council of Victoria and Executive Director Heritage Victoria in their functions related to the management of historic places on public land
 - b** be responsible for strategic cross-agency planning for management of historic places on public land and provide a forum to coordinate implementation of strategic planning with public land managers
 - c** within 18 months of appointment of the commissioner, prepare and publish a strategic plan to document the management needs of historic places on public land, identify priorities and targets, and develop programs to address the targets
 - d** produce and publish an updated strategic plan every five years thereafter and report on the performance of programs in previous strategic plans
 - e** as detailed in recommendation R6, develop and drive reform towards an historic places data set to inform and support management decisions
 - f** establish a process for managing the efficient transition of suitable historic places to adaptive reuse where the transition is likely to be difficult and, where appropriate, manage such transitions when identified in strategic planning (see note 1)
 - g** work with key government agencies that manage historic places on public land to document a policy for adaptive reuse of heritage assets, drawing on existing policies
 - h** as detailed in recommendation R10, establish a framework for lease of historic places
 - i** oversee and report to ministers on the implementation of these recommendations
 - j** advise the government on management of specific historic places on public land, as required
 - k** establish a reference panel to provide advice to the commissioner, including but not limited to representatives from the Department of Environment, Land, Water and Planning, Parks Victoria, local government, government departments and agencies that manage public land historic places and the Heritage Council of Victoria
- and
- l** the commissioner report to the Minister for Energy, Environment and Climate Change, and the Minister for Planning.
- Note:**
- 1** It is not envisaged that the Public Historic Places Commissioner or the Office for Public Land Historic Places be a manager of any historic places.

3.3 Transforming resources for management

Victoria's rich estate of historic places on public land requires significant funding to manage. The current level of resourcing is well below what is needed to prevent otherwise avoidable loss of heritage values in the next decade. There is now a significant backlog of unfunded maintenance and repairs for government-owned historic places.

The current funding arrangements for historic places on public land reflect the broad range of approaches adopted by the various owners and managers, and new arrangements are required to address overall funding in a systematic statewide manner. The current resourcing shortfall arises from the following:

- ◆ public land heritage is almost entirely reliant on government agencies for resourcing with limited scope to raise funds from a more diverse range of sources, meaning that opportunities for funding through philanthropy, the business sector, the Australian government or other potential partners are being missed
- ◆ available resources are not always used as effectively as possible. There are many elements to this problem, several of which are dealt with through recommendations elsewhere in this report, but a key factor is the uncertainty of medium-term funding
- ◆ the practice until the 1990s of acquiring and retaining historic places in public ownership has resulted in more places competing for public funds than may be optimal.

The uncertainty over consistent longer-term funding is a particular problem. In the first instance, it leads to resources being wasted on the early stages of projects that require subsequent work which may not eventuate through lack of funding. It also leads to the more fundamental problem of managers choosing not to undertake longer-term planning because the prospect of sufficient funding is too low.

Additional arrangements are required to expand the range of potential funding sources, reduce the uncertainty of longer-term funding, rationalise the number of historic places on public land to be managed, and improve the cost-effectiveness of historic place management.

As mentioned above, many of the recommendations to improve cost-effectiveness are in other sections of this chapter, notably for accountability and longer-term strategic planning, reform of various management arrangements including enhancing the contribution of volunteers, and identifying the best arrangements for each historic place.

In this section, VEAC is recommending a trust for public land heritage to broaden the range of potential funding sources and coordinate financial support from government, business and the community. It is also recommended that the trust operate a revolving fund to further broaden those opportunities and to improve the sustainability of funding for longer-term heritage protection.

Around the world there are many different models to mobilise business, philanthropic and community support to assist government in sustaining public benefits and values, not only for heritage protection but in many areas of endeavour including the arts, health and nature conservation.

Similarly, revolving funds have proved to be successful in several jurisdictions overseas and in Western Australia and New South Wales as a means to provide an economically sustainable basis for funding heritage management and protection.

Revolving funds

For some time revolving funds have been successfully used in many parts of the world as a tool for conserving heritage. In 2005, a joint taskforce of commonwealth, state and territory heritage officials prepared an information paper on revolving funds for historic heritage. In this paper, a revolving fund is defined as a pool of capital created and used for heritage conservation, typically for the conservation of at-risk heritage properties that, for various reasons, cannot otherwise attract investment. In its broadest sense, a revolving fund caters for the transfer of heritage properties from owners unwilling or unable to conserve their properties, to people with a track record of experience and specialist knowledge in the field.

In the United Kingdom and the United States revolving funds play an important role in heritage management. In the UK there are approximately 300 Building Preservation Trusts which work on the revolving fund model to conserve historic places through restoration and then find suitable alternative uses or owners for sites. In the US the National Trust for Historic Preservation has been operating since 1949, has two revolving funds, and assists other organisations to establish their own revolving funds. There are currently two operating revolving funds for historic heritage in Australia, the Heritage Works Fund in Western Australia (see box 3) and the Endangered Houses Fund in New South Wales, a program of Sydney Living Museums.

In Victoria, Trust for Nature Victoria illustrates how these additional funding sources can contribute to conservation of the natural environment. Trust for Nature was established under the *Victorian Conservation Trust Act 1972* as a not-for-profit body that enables people to contribute to the permanent protection of native plants and wildlife. The trust receives some funding from the state government as well as philanthropy and corporate

partnerships but also operates a revolving fund to protect natural values on private land.

Revolving funds for historic heritage typically operate similarly to the Trust for Nature on an acquisition and re-sale basis, involving re-selling properties with protection covenants to sympathetic buyers. However, divestment options for revolving fund properties include retention and lease. Working Heritage (formerly Mint Inc) has been operating in Victoria for 18 years and over this time has developed its operating model such that now it is akin to a revolving fund. The proceeds of leasing heritage assets together with other revenue are invested into restoration and adaptation projects for sites which in turn provide revenue when leased.



Box 3

Revolving funds

Heritage Works – Western Australia's revolving fund

The Heritage Works Revolving Fund was established in May 2014 to revitalise under-utilised publicly-owned historic buildings through first restoring and then leasing or selling, with protective covenants, into private ownership. The fund was launched in May 2014 with an initial allocation from the state government of \$4 million over two years.

This model achieves three key outcomes. Firstly, through the restoration process the fund is able to increase the market value of the properties. Secondly, the fund streamlines the process for disposing of assets and so eases the fiscal and administrative responsibilities of the organisation holding the property. Finally, the fund restores and conserves buildings and so ensures they remain as significant historic and cultural places.

Working Heritage

In Victoria, Working Heritage (formerly Mint Inc) has been operating as a committee of management since 1998 and now manages 15 historic places leasing them to community groups and local businesses. Working Heritage is able to support small-scale buildings in rural communities through a cross subsidy model whereby revenue collected from more commercially viable sites helps to pay for those producing little or no income. In addition to revenue from the city centre carpark behind the former Royal Mint supporting its portfolio,

Working Heritage has developed a business model that concentrates on breathing new life into places through major conservation works and through development of a successful leasing strategy.

Farm Vigano

Farm Vigano, overlooking the Plenty River, is a link to the emergence of Italian culture in Melbourne. When Working Heritage began managing Farm Vigano in 2005, the property had been seriously neglected and was being considered for demolition. Working Heritage worked with the local friends group and local government along with other members of the community to ensure the future of the site. Having been brought back to life, Farm Vigano now has a valuable place in the community and helps Working Heritage invest back into other properties in its portfolio.



Farm Vigano (photo courtesy of Working Heritage)

Community views

Many government agencies and community members welcomed the draft recommendations to broaden the funding base for historic places. Several people pointed to similar systems operating in Victoria, interstate and overseas that successfully operate on a cross-subsidy model. In particular many identified Working Heritage as a success story in Victoria and suggested that its operations could be extended to encompass the recommended trust.

While stakeholders recognised a need for additional sources of funding for historic places on public land, some were concerned that a public land heritage trust and revolving fund was untested and success was not guaranteed. These people felt that funds would be better directed to current restoration needs. Some submitters thought that it was unnecessary to create an additional public entity in the form of the trust operating a revolving fund when there are existing bodies, such as the National Trust and Working Heritage, who fulfil similar roles. Both government and community stakeholders voiced concerns that additional government entities were being created without clear responsibilities or oversight.

Some stakeholders responded that there was insufficient detail to understand how the trust and revolving fund would operate. For example, clarity was sought on whether or not the trust would only support sites on the Victorian Heritage Register. Others raised concerns about whether the trust would be eligible for Deductible Gift Recipient (DGR) status as tax deductibility of donations was seen as a prerequisite for successful fundraising. Clarification was also sought on what a revolving fund was and Council was asked to define what types of income would be supporting the fund, for example whether it included leases in addition to sale, and whether it included small loans.

Some people were concerned that the option of sale of suitable properties from the revolving fund would downgrade the heritage integrity of sites and would lead to eventual loss of heritage. There were also concerns that transferring public sites into private ownership results in a loss in public access and in the eventual loss of cultural and historic knowledge. It was felt that the option to sell public land should be closely regulated to alleviate concerns that public heritage will be sold by 'stealth'.

Response

Council has investigated cross-subsidy models both interstate and in Victoria, including looking carefully at the recent success of Working Heritage.

VEAC's view is that with the appropriate legislative underpinning and modest additional start-up funding Working Heritage could gradually expand on its current model to take on the functions of the recommended trust. One aspect of an expanded Working Heritage trust would be to operate a revolving fund using a combination of revenue from donations, leasing, permits and occasional sale to raise revenue that can be put back into heritage protection. The trust operating the fund would aim to grow the capital base over time, and eventually become self-funding.

The choice of assets for investment and their eventual management and ownership arrangements would be assisted by the strategic planning process outlined in recommendation R2. Council considers that concerns about sale of public heritage assets are manageable, given that sales would be rare, properties would be sold with heritage protections in place, disposal would operate within the government's asset disposal guidelines accompanied by appropriate Ministerial approvals, and the proceeds of any sales would be being reinvested into the recommended trust thereby sustaining the fund for future heritage protection.

The trust and the fund would augment rather than replace other existing fund sources such as individual agency allocations and the various, generally modest grant schemes. It is envisaged that all income to the revolving fund would be reserved for future investment in places that would subsequently deliver returns to the fund.

Council is confident that the approach of building on Working Heritage so that it becomes the recommended trust and administers the recommended revolving fund is achievable and is the most likely approach to be successful in sustainably broadening the funding base for public land historic place management. The draft recommendations have been reshaped accordingly.

Building on Working Heritage to form the recommended trust has several advantages: it reduces difficulties, costs and risks of setting up a new organisation, it brings Working Heritage's acumen and experience to the trust, and it does not increase the number of organisations working in this area; reducing potential stakeholder confusion and the risk of duplication or overlapping of roles.

Council agrees with submitters that DGR status should be sought by the new Working Heritage trust and, if necessary, opportunities to work in partnership on appeals with like-minded organisations that have DGR status should be explored.

The operation of the recommended trust, built on Working Heritage, may be summarised as follows:

- ◆ continue to conserve and manage historic places on public land, as in the current Working Heritage model
- ◆ expand the current operations to include fundraising and occasional sale of properties to support a revolving fund model
- ◆ use revenue from these activities to conserve or restore at-risk historic places on public land, informed in part by the strategic planning of recommendation R2 (not restricted to VHR sites)
- ◆ contribute to the sale of suitable identified properties in the context of the government's asset disposal framework and with the relevant Ministerial consents, with proceeds of sale returning to the Working Heritage trust
- ◆ ensure properties that are sold into private ownership are protected by either heritage overlays, the VHR or through entering into a covenant with the Victorian Heritage Council.

RECOMMENDATION

R3

A trust for historic places on public land

The current committee of management Working Heritage be re-established as a trust for public land historic places under new or amended legislation and the roles of the trust be to:

- a manage a portfolio of historic places on public land including properties currently under the care of Working Heritage
- b establish a revolving fund to assist in the rejuvenation of historic places and properties on public land through repair, restoration and reuse, with the proceeds from leases and other revenue including sale of properties to be retained by the trust for the purposes of the trust
- c in consultation with the public historic places commissioner (recommendation R2) and government agencies, identify public land with heritage values suitable for adaptive reuse and transition to lease, sale or other appropriate management arrangements
- d create opportunities for self-generating income through:
 - i. accepting gifts and bequests made to the trust
 - ii. working collaboratively with other organisations or agencies to operate fundraising campaigns
 - iii. inviting sponsorship from local and national businesses
- e assist government departments and agencies responsible for the management of historic places on public land by providing specialist advice on topics including restoration and leasing and financial support, if appropriate.



3.4 Maintaining heritage values

As identified in the draft proposals paper, under the current management approach the community or government cannot be confident that significant heritage values on public land are not being lost through neglect or indecision. VEAC is recommending measures to engage early with managers of historic places on public land and facilitate timely intervention to arrest deterioration when it is most cost-effective. These measures will be most successful in tandem with measures which place an obligation on managers to prevent terminal deterioration, should earlier endeavours have failed and a place has further deteriorated to the point where loss of values is imminent.

Accordingly draft recommendation R2 was to establish minimum standards for public land managers to prevent deterioration for places on the Victorian Heritage Register (VHR) i.e. those with cultural heritage values of significance to all Victorians. The emphasis was on minimum standards which provide basic protection from:

- ◆ deterioration due to weather (particularly water), plants or animals
- ◆ fire or inadequate site security (e.g. vandalism)
- ◆ essential maintenance and repair to prevent deterioration and irreparable damage.

In both its draft and now final form this recommendation is not intended to be a mechanism to initiate works to reinstate or upgrade heritage values, for which the improved funding model of recommendation R3 is the key instrument.

Community views

Submissions generally supported the draft recommendation for minimum standards of maintenance and repair for VHR places on public land, with some stakeholders suggesting it be extended to all historic places on public land, or to other specified places such as buildings older than 50 years.

Reservations were expressed by some public land managers about the draft recommendation, generally related to a desire to understand the implications for achieving minimum standards, particularly the budgetary impacts. In fact, management of most VHR places currently exceed the proposed minimum requirements, and this was not clear in the draft proposals paper. It was also unclear to submitters how such standards would apply to certain types of assets such as infrastructure (e.g. bridges), archaeological places, and objects. Clarification was sought that the proposed minimum standards were intended to stop decline, not to require full restoration, and acknowledgement was sought of the need for flexibility to accommodate operational assets. In particular there was uncertainty as to who will make the decision on what standard or management is required for each place. The 2016 Department of Treasury and Finance (DTF) *Asset Management Accountability Framework* was proposed as a parallel or alternative mechanism for improved asset management and reporting that will encompass historic places on public land (see section 2.3).

The Heritage Council broadly supported this draft recommendation and suggested specific mechanisms to achieve minimum standards such as adoption of a policy statement to this effect, implementation through the Heritage (General) Regulations, or incorporation into periodic 'statements of expectation' or 'statements of obligation' to agencies from the relevant Minister. The Heritage Council commented that a necessary precursor is to define the values and conditions of, or threats to, VHR places and this can be undertaken through preparation of Conservation Management Plan or a summary heritage action plan or statement. It was acknowledged that preparation of full Conservation Management Plan for each place is likely to be a costly and time-consuming task.

The 2015 *Heritage Act Review* also received community input supporting minimum standards of maintenance, and a proposal to empower the Heritage Council to issue directions for all VHR places, based on similar provisions in the New South Wales heritage legislation.

Response

Existing provisions in the *Heritage Act 1995* support good heritage asset management and provide enforcement provisions, but in practice do not achieve the desired prevention. Section 160 of the Act requires that property owners of a VHR registered place or object (both private land and public land) 'must not allow that place or object to fall into disrepair; or fail to maintain that place or object to the extent that its conservation is threatened'.

However, there is little supporting material or guidance for this provision, and 'demolition by neglect', the major threat to historic places on public land, seems very difficult to prevent under the current legislation.

VEAC's recommendations provide for a more robust framework to ensure minimum standards of maintenance and repair and, as proposed by the Heritage Council, relevant guidelines are recommended here for inclusion via a Heritage Council policy or the Heritage (General) Regulations. Within such guidelines, there is an opportunity for the Heritage Council to specify basic minimum standards for different types of assets. This approach may be based on the existing category of registration for VHR listings (e.g. heritage places, archaeological places, historic shipwrecks, heritage objects) or other asset classifications. Previous permit exemptions—typically granted at the time of registration—provide an additional input to assist in establishing asset management requirements and categorisation, including for objects and collections.

In making these recommendations, the Council's intention is that the existence of the provisions will be sufficient incentive for managers to maintain assets to an appropriate standard, particularly those managers that otherwise would be least inclined to do so. Minimum standards do not require restoration, but will ensure heritage values are not lost due to neglect or inaction.

VEAC examined opportunities to improve maintenance of historic values through DTF's *Asset Management Accountability Framework*. The framework provides some strengthened asset reporting requirements for government agencies but is not amenable to modifications that would lead to significant improvements in historic place maintenance directly and so no consequent changes have been included in VEAC's recommendations.

RECOMMENDATION

R4

Minimum standards for management of Victorian Heritage Register places on public land

Minimum standards be implemented through a policy of the Heritage Council of Victoria or through the Heritage (General) Regulations to:

- a stipulate that minimum standards of maintenance and repair be sufficient to maintain the values for which each place or object was listed on the Victorian Heritage Register, according to its specific fabric or asset character, or category of registration, as documented in its Victorian Heritage Register statement of significance and
- b include general guidelines establishing the minimum standards of maintenance and repair required for each type or class of heritage asset, place or object, or category of registration.

RECOMMENDATION

R5

Summary heritage action statement and condition reporting

- a a project be undertaken by the Heritage Council to establish a concise significance statement that identifies the heritage fabric of importance to be retained for each place on the Victorian Heritage Register
- b in the interim, urgent assessments may be undertaken by the land manager in consultation with a heritage professional with appropriate expertise and
- c strategic plan reporting (identified in recommendation R2) include a statement of the condition of values identified in **a**, above.

3.5 Reforms to administration and information management

Rigour and utility of data on historic places

In general, current data collection on most historic places is inadequate to support analysis across the portfolio of assets, especially at the statewide cross-agency level. Some government agencies have relatively sophisticated asset management systems capable of supporting systematic asset management planning. More generally, improvement in asset management and reporting across government is planned through the Department of Treasury and Finance's new *Asset Management Accountability Framework* (see section 2.3) that requires reporting on asset management, including appropriate asset information management systems.

Without sound data it is not possible to properly prioritise actions or be confident that the use of limited resources is as effective as possible and that significant unfunded liabilities will not continue to emerge. Under the existing system there have been several examples of emergency works significantly exceeding the costs of the deferred maintenance.

Council has identified that an historic place data management approach is required that:

- ◆ provides clarity and certainty about the information it contains, and about custodial and ownership responsibilities and protocols
- ◆ reduces duplication of effort and maximises the use of limited resources
- ◆ identifies places currently at risk and those that do not meet the minimum required standard
- ◆ highlights future threats
- ◆ provides public land managers with information to support management decision-making, and
- ◆ provides information to support statewide cross-agency planning, monitoring and reporting of management of historic places on public land.

Often much of the required information is known and even recorded but is not compiled in a central location. Indeed several government agencies have advised VEAC that they routinely collect this type of information as a part of their asset management responsibilities. The recommendations here are intended to align with rather than duplicate this effort, and bring other agencies up to a comparable standard.

Community views

Many people supported establishment of a statewide data set that can inform strategic planning for historic places on public land. It was seen as a logical approach to help prioritise and determine the places most at risk and in need of conservation measures. Integration of threat, monitoring and condition reporting into the existing systems such as the HERMES database was proposed rather than creating a new system. It was argued a new system has the potential to fragment existing information sources, may lead to inefficiencies or duplication of effort, has potential for confusion with existing statutory registers, and may require significant resources better spent on on-ground management of historic places.

It was noted that existing threat and condition information is available for places on the Victorian Aboriginal Heritage Register (VAHR) and this information is available to land owners by request. Some government land managers outlined information they could readily provide on threat and condition to inform strategic planning and help prioritise actions.

Some stakeholders noted that the proposed approach requires extensive collaboration between the proposed office for public land heritage, government land managers and Heritage Victoria, and that past attempts to establish similar voluntary forums have largely not succeeded.

There were concerns expressed that parts of the proposed data set should not be accessible to the public. However there was also a strong community interest in greater access to information on historic places. The data set was also proposed as a repository for additional material, such as details of friends groups, and as an information source to help foster community understanding and appreciation of historic places. It was noted that the draft proposal did not specify a level of heritage significance and that no reporting timeframes were proposed.

Response

Council's recommendation is a new approach that, when fully operational, will be a single statewide data set of historic places on public land drawn from and linked to other data sets maintained independently by respective government land managers. The statewide data set will be reliable, up to date (refreshed annually), with minimal ambiguity of information and records, and using GIS-compatible spatial precision and accuracy. The new data set will:

- ◆ draw on information in the current HERMES data set, VHR and VAHR statutory registers, and will not seek to replicate or supplant this information
- ◆ contain sufficient information on key management variables to form the basis for statewide cross-agency planning and priority-setting for historic place management, monitoring and reporting (see recommendation R2).

Unlike the existing information repositories and statutory registers, this asset management data set will be focused on informing statewide strategic planning, threat abatement and allow monitoring of site condition across all public land. This information will assist managers with decisions about funding for maintenance works, including those historic places suitable for adaptive reuse and of interest to the recommended trust (recommendation R3).

Some additional resources will be required to establish and maintain the new data set; however much of the information is currently available, particularly in the VAHR, or is likely to be required when DTF's new asset management reporting policy is fully operational (i.e. for 2017-18 annual reports). Efficiencies can be achieved through a more coordinated approach. For example, reporting of historic places asset information can potentially be undertaken as a module or subset of the broader attestation requirements for the Asset Management Accountability Framework.

RECOMMENDATION

R6

Reliable well-managed data to inform strategic management planning

Information from existing heritage data sets:

- a be linked into a single comprehensive statewide data set for Victoria's historic places on public land that is:
 - i. reliable and authoritative, with minimal ambiguity and duplication of information and records
 - ii. responsive and up-to-date, and continues to be so
 - iii. spatially precise and accurate
- b supported by the recommended public historic places commissioner (recommendation R2), be augmented with standardised information on key variables to inform management planning, monitoring and reporting, including:
 - i. the spatial extent of each place including accurate boundaries, land tenure (e.g. title reference, Crown land parcel and reservation or vesting information)
 - ii. public land or object ownership and manager (e.g. responsible government agency or department, Crown land committee of management¹)
 - iii. current use and whether the site is occupied for a specific purpose
 - iv. site or object condition, threats and planned monitoring where significant threats are identified and the site or object is considered at risk, and
 - v. details of any conservation management plans
- c the structural, custodial and ownership relationships of this data set to other statutory registers and heritage data sets held by public land managers and owners be clearly documented
- d sensitive site information and confidentiality be managed as required under existing protocols
- e this information be accessible, as appropriate, to owners and managers of historic places on public land and to the public
- f the above information be reported annually or supplied as an adjunct to other government asset management reporting requirements.

Note:

- 1 The Council's intention is for the Department of Environment, Land, Water and Planning to develop and maintain the data set and information outlined above for Crown land reserves managed by community-based committees of management.

Support for committees of management

Community-based committees manage important historic assets on behalf of the broader community in a very cost-effective way that can also play a major role in connecting local communities with their heritage. This recommendation acknowledges the obligation of the state to assist community-based committees in maintaining significant community facilities and aims to provide committees of management with greater assistance and resources in this role. Examples are assistance in the preparation of business plans (where appropriate) and conservation management plans and to help integrate these with financial and management planning.

The Council's recommendations here are intended to assist Crown land committees of management by:

- ◆ simplifying and clarifying administrative requirements for leases, permits or licences at historic places
- ◆ improving the workability, transparency and effectiveness of permits or licences that are for short-term, low value and low risk compatible uses of Crown land reserves in consultation with the Department of Environment, Land, Water and Planning (DELWP)
- ◆ enhancing opportunities to generate income through adaptive reuse by reducing administrative requirements for the issuing of short-term licences and permits.

To support committees of management in accessing these opportunities, additional resources, information and training should be provided, particularly:

- ◆ professional advice for historic place management and conservation management planning
- ◆ support in creating opportunities to generate income, and assistance with administrative processes for issuing leases, licences and permits, including guidelines for insurance and health and safety requirements
- ◆ assistance with strategic and financial planning.

Many of the impediments to issuing leases, licences and permits are attributable to the requirement for Ministerial approval for some licences or leases for historic reserves. The time required to undertake the associated administrative processes and the insurance requirements are clearly difficult for both the committee of management and prospective tenants. Similar concerns have also been expressed to VEAC for Crown land reserves in general in the context of the current Statewide Assessment of Public Land.

An alternative approach is the establishment of approved criteria or guidelines for the issue of small low-risk licences and permits directly by committees of management in consultation with DELWP. Higher levels of scrutiny and approval should be retained for licences and permits outside the specified criteria and for longer terms. Such an approach could be tailored to match the risk profile of the reserve type, the categorisation of the committee and include a range of values comprising heritage, biodiversity, community or social values, and not be strictly limited to financial risk or asset valuation.

Community views

The draft recommendation for more support for committees of management was welcomed by both community groups and local government. VEAC heard from community groups that they struggle with complex governance requirements and there is a lack of support and oversight. Their key areas of concern were:

- ◆ complex procedures for granting leases, licences and permits
- ◆ increasing amounts of administrative paperwork
- ◆ a lack of consistency in support and information for key issues such as insurance and other requirements
- ◆ a lack of access to training or heritage expertise that could assist in managing sites, and
- ◆ a maximum term of three years for committee members often resulted in a loss of expertise and continuity.

Of particular concern to community members was the proposed business plan; many people sought clarification on the scope and intent of the business plan and there were concerns that it would place additional pressure on committees with no clear benefits. However, it was also suggested that demonstrating a more strategic approach to planning would be beneficial for committees when applying for grants and other assistance.

Council also heard from cemetery trusts, which are similar to committees of management and are often run by volunteers on behalf of the community. Several cemetery trusts reported that there can be significant historical monuments in cemeteries but that they are unable to maintain or restore them using cemetery trust funds due to restrictions in the *Cemeteries and Crematoria Act 2003*.

Response

Council has responded to the concerns that a business plan be developed and has amended this recommendation to remove this as a requirement. Council does feel however that good management practices require some planning and proposes that the Department of Environment, Land, Water and Planning provide assistance to committees in developing strategic plans and financial plans. This type of forward planning will help to connect committees to other networks offering opportunities for grants and community development.

Council also noted that the requirement for building insurance was not clearly communicated and that many Crown land reserves managed by committees of management may be under-insured. As it is not clear how many of these sites are adequately insured, Council proposes that this information be collected via the existing 'Committee of Management Annual Return'. In addition Council sees benefits in collecting information on the condition of structures and reporting via the annual returns to assist the Department of Environment, Land, Water and Planning in future planning activities; these new elements are reflected in recommendation R7f.

In addition to the removal of the requirement for a business plan, Council has also removed the draft recommendation to establish a rewards program. This responds to feedback that the Department of Environment, Land, Water and Planning currently recognises the excellent work of committees through the Committee of Management Awards and the Victorian Premier's Volunteer Champions Awards which celebrates all volunteers in Victoria.

Council considered the implications of proposed changes to the *Cemeteries and Crematoria Act 2003* to allow cemetery trusts to use trust funds for restoring historical monuments. As the required legislative changes to the Act would have broader implications, Council is not making any recommendations to this effect. Cemetery trusts are able to raise funds additional to those raised from internments and, with approval, these funds can be applied to the maintenance and restoration of historical monuments. Recommendations to increase the funding available for historic places (R3) should also assist where historic monuments are found to be a high priority for intervention.

RECOMMENDATION

R7

Improving arrangements and support for community-based committees of management

- a Ensure that legislation can provide simply and efficiently for the issue of short-term licences and permits for up to 3 years directly by committees of management for uses that are not inconsistent with the purpose of the reserve or to the detriment of the reserve
- b templates or guidelines be developed to assist committees of management with the negotiation and issue of licences and permits described in a above
- c a program be established for the Department of Environment, Land, Water and Planning to work with community-based committees of management to document risks to heritage values as described in recommendation R6
- d the *Crown Land (Reserves) Act 1978* be amended to remove the three year limit to appointment terms for committees of management incorporated under section 14A of the Act
- e committees of management managing historic buildings and historic places be provided with:
 - i. ongoing access to technical heritage expertise
 - ii. assistance in preparing strategic plans, business plans (where appropriate) and financial plans
 - iii. assistance in the production of conservation management plans or statements
 - iv. support with maintenance and adaptation for complementary reuse
- f information on the following matters be included in annual returns of committees:
 - i. the condition of any on-site structures
 - ii. certificate of currency of all insurances
 - iii. connection of utilities and services.

Recognising and protecting shared values

Many Victorian historic places share Aboriginal and non-Aboriginal significance, but currently the two systems used to record and manage these two aspects of heritage operate almost completely independently of one another. While this dual approach has helped Traditional Owners retain ownership of Aboriginal heritage, it also diminishes appreciation of the complexities and potential insights to be gained at sites where Aboriginal and non-Aboriginal cultural heritage values sit side by side ('shared values').

The Victorian Aboriginal Heritage Council and the Heritage Council of Victoria have been working together through their Joint Working Group since 2013 on a project that seeks to enhance the recognition of Aboriginal and shared cultural heritage values under the *Heritage Act 1995* (i.e. those values of contact, exchange, conflict and interaction between Aboriginal and non-Aboriginal people) and to ensure values of significance to Aboriginal people are accurately described.

The Joint Working Group has consulted extensively and developed a methodology that can be used in the assessment of places where shared values may be present and applied to sites across Victoria. This project may be just the first step towards a longer-term more inclusive approach to the recognition of shared cultural heritage, which has not previously received the attention that its importance warrants.

Community views

Stakeholders overwhelmingly supported the work that has been carried out by the Joint Working Group and VEAC's draft recommendation to support this recognition of Aboriginal and non-Aboriginal cultural heritage values. Some proposed that the project could be expanded in the future to encompass all heritage documentation, and in particular include descriptions of Aboriginal cultural heritage values in local government heritage overlays.

Response

VEAC has liaised with the Joint Working Group about the shared values project. Council sees this work as essential to the understanding and management of Victoria's shared cultural heritage and believes as a general principle that public land management should incorporate the recognition of shared cultural heritage values.

In response to the positive feedback the draft recommendation has been retained with minimal changes. Council supports the Joint Working Group's role in ensuring that Aboriginal and shared values are fully recognised in all future cultural heritage documentation.

RECOMMENDATION

R8

Continuing work to recognise and protect shared values

The continuation and expansion of the work of the Joint Working Group of the Victorian Aboriginal Heritage Council and the Heritage Council of Victoria be supported, and the recognition of Aboriginal and non-Aboriginal cultural heritage values ('shared values') be supported as an essential element in the management of public land in Victoria.

Assessment of places of local significance

Many stakeholders felt that there was too much emphasis in the draft proposals paper on the Victorian Heritage Register and places listed on the register, either in general or from particular perspectives. Most of this input is discussed in section 2.2. The following section addresses the issue from the perspective of more consideration and protection for places of local historic significance.

Significance is prescribed by each state in relevant heritage legislation; places and objects of state significance are recorded on a state-specific statutory register. In Victoria there is no specification of heritage thresholds, however the established practice is to register places only of state significance. In 2015 the Heritage Act Review explored a proposal for the Heritage Council of Victoria to specify significance thresholds for inclusion of state-level places and objects on the register.

Historic places and objects of local significance are identified and protected variously across jurisdictions. In 1998 national and state governments adopted a single model for assessment of significance to establish greater consistency, namely the eight HERCON criteria and thresholds (see box 1). In other Australian jurisdictions there are various approaches to the listing and assessment of places of local cultural heritage significance. In some states, local government or land managers must maintain an inventory or non-statutory listing of places of local significance in addition to planning scheme provisions similar to those in Victoria.

In Victoria, inclusion of places on the municipal planning scheme heritage overlay is the only formal recognition of local historic significance. Through the operation

of planning schemes local government protect local significance places entered on the heritage overlay schedule. However, there are many historic places identified as achieving the threshold for local significance that are not included in the heritage overlay and some themes unique to public land are poorly represented. On public land, some of these places are included in historic and cultural features reserves or historic reserves, elevating the importance of heritage values for management.

Community views

In terms of practical suggestions to improve the recognition or protection of places of local significance, there were a number of proposals offered during VEAC's public consultation. These ranged from VEAC seeking out or compiling a list of all such places itself (or recommending that local government do so), to being clear that other recommendations covered places of local significance, to options for making a start towards a list such as compiling information currently to hand or establishing criteria for doing so.

Response

As described above there is no single statewide inventory of places of local significance, and no single organisation responsible for administering or collating this information. In summary, there is no state government champion for local heritage places, and local government executes a statutory responsibility only where sites have been included on the heritage overlay (noting planning scheme exemptions exist for certain types of public land).

Opportunities to enhance recognition and identification of places of local significance were explored. A key consideration was the ambition of such proposals and the potential to detract from other important reforms recommended by VEAC, particularly given the large number of places of local significance.

Council is keen to ensure that a balance is struck between community expectations and the ongoing capacity of local government—taking into account the amount of additional work and resources a more thorough assessment and documentation of local heritage places would entail.

Consequently, there are no additional requirements for local government recommended here beyond those applicable to all public land managers. However, many of the reforms recommended by VEAC will indirectly benefit local government, particularly the partnership approach proposed between the recommended commissioner (recommendation R2) and public land managers. The commissioner's information management role also encompasses the compilation of data (recommendation R6) including places on public land where the heritage

overlay applies and, more generally, places identified as being of historical significance.

To ensure consistency in approach across jurisdictions VEAC is recommending the criteria for assessment of local significance be formally established. It is envisaged that the criteria will not greatly differ from the existing guidelines, but that discussions with local government to formalise this process will provide opportunities to enhance knowledge and appreciation of historic places more generally as well as deliver greater support to local government.

RECOMMENDATION

R9

Criteria for identifying historic places of local significance

Criteria for assessment of local cultural heritage significance be formally established and published noting:

- a the current nationally agreed criteria (referred to as the HERCON criteria)
- b the existing guidelines for the assessment of heritage significance and inclusion of places on the Schedule to the municipal Planning Scheme Heritage Overlay.

Improving government leasehold arrangements

Reuse is seen as the optimal approach to retaining values and maintaining social relevance of historic buildings into the future once no longer required for their original purpose. Many such places are leased, the majority of which operate without major problems and successfully balance the preservation of heritage values with ongoing use. However, Council encountered a proportion of difficult to manage historic places where there are or have been problems with tenancies. While such problems may occur at any leased public asset, those that arise at historic places can be particularly problematic and costly. The problems reported included:

- ◆ inadequate maintenance of heritage values and other fabric
- ◆ poor visitor experience and minimal heritage interpretation
- ◆ loss of sense of public land place or public land manager/management involvement
- ◆ squeezing out volunteers—eliminating or reducing their valuable contribution
- ◆ disaffected lessees.

The inadequate maintenance of sites and the resulting loss to heritage can be the most significant challenge when leasing historic places on public land. However Council noted that when places received considerable initial funding to adapt the site to a new or commercial use there were significantly fewer problems with securing tenants or ongoing maintenance. For example, VicTrack recently spent \$505,000 on the repair and refurbishment of VHR listed Castlemaine railway precinct goods shed which is now leased to the Castlemaine State Festival, and even the former city Mint site required initial spending before operating successfully as a museum, café, car park and offices. While there is no way of completely eliminating issues that will arise between public land managers and tenants, the current situation can be improved by public land owners ensuring sites are up to standard before leasing and with realistic expectations for the management of historic assets.

Other problems such as unsatisfactory use of public land with losses to the community and poor visitor experiences are exacerbated by the absence of a formal structure that guides decision-making, delivers clarity, accountability and some certainty for both public land managers and tenants. These issues are partly addressed by the strategic planning role for the recommended public historic places commissioner (recommendation R2). If leasehold is identified as the best arrangement for a site, it is recommended that a business plan based on a standard template be developed and approved for the site

to clearly identify the key parameters of the operation of the lease and the expectations on public land managers and lessees. Funding from the recommended trust (recommendation R3) may also be applicable.

Community views

The draft recommendation to improve lease arrangements was generally well received. Community groups and local government felt that the recommendation was a welcome step in assisting with the management of leases. There was agreement that currently leasehold arrangements at historic places on public land are managed inconsistently and, in some cases, there is a lack of clarity and accountability for management. In particular:

- ◆ it was strongly expressed that tenants should not be solely responsible for costly heritage restoration works and that any responsibilities for maintenance should be clearly stated in the lease
- ◆ lease applications could become more streamlined and be dealt with more efficiently if government policies regarding the creation of leases were clearer
- ◆ adaptive reuse can be encouraged by making it easier for leaseholders to grant event-based licences and to arrange sub-leases, and with a policy and strategy in place for adaptive reuse of historic places.

It was noted that leasing policies have not been designed to accommodate the specific requirements of historic place management, and that not all historic places are suitable for adaptive reuse and leasing. Additional detail about leasing and reuse was requested by some stakeholders concerned about inappropriate development or changes to heritage fabric. It was noted that many currently successful leases at historic places were established where prior investment was sufficient to support adaptation to a new use. Many stakeholders stressed both the social and economic benefits that successful leasing of historic places on public land can have, for example:

- ◆ unoccupied buildings are at greater risk of deterioration and vandalism and detract from the streetscape
- ◆ leased places can become important components of the community serving as local amenities or as community meeting places
- ◆ some financial return can help to recover refurbishment or management costs, although will not necessarily recover all costs
- ◆ leased places can provide opportunities for local businesses that in turn contribute to the local economy.

Response

In light of the positive feedback received, the draft recommendation has been retained unchanged. However, both stakeholder feedback and VEAC's research shows that initial capital investment for adaptation to be one of the main factors leading to a successful leasehold arrangement. It is clear that many public land managers, and in particular Parks Victoria, do not have the necessary resources to carry out significant refurbishment works to prepare heritage properties for lease or the capacity to work closely with tenants of historic places.

As issues with leases at historic sites have been problematic, Council has specifically addressed, as a high priority, the need for a policy, framework and criteria for adaptive reuse. A new policy is recommended to be established for adaptive reuse of heritage assets together with a framework with clear criteria that guides decision-making and delivers clarity, accountability and some certainty (see recommendation R2). The extent to which the tenant is responsible for maintenance should be clearly articulated in any agreement, as well as the role of the public land manager. By including the recommended public historic places commissioner in this process, a broad range of expertise and resources can be applied to the decision-making and inform relationships with tenants. The recommended trust (recommendation R3) may collaborate with public land managers to bring properties up to a standard appropriate for a successful leasehold.

RECOMMENDATION

R10

Improving government leasehold arrangements

The public historic places commissioner (recommendation R2) work with key government agencies leasing heritage assets on public land to:

- a assist in developing business plans for potential leasehold sites that articulate realistic parameters for the successful establishment and operation of each site under lease
- b create guidelines or a framework that provide for lease conditions for heritage assets that acknowledges the lessee has increased costs of adapting and maintaining heritage assets and ongoing maintenance responsibilities
- c facilitate mid-term negotiations with lessees to maintain heritage assets up to the end of any current lease agreement
- d amend any existing policy or regulations restricting commercial arrangements to provide for the above e.g. *Retail Leases Act 2003*, Leasing Policy for Crown Land in Victoria 2010, noting that maintaining a heritage asset can be measured as both an economic and social benefit to the public.

Representativeness of the Victorian Heritage Register

The Victorian Heritage Register was developed from pre-existing lists, notably the Historic Building Register. Additional places have been added over the years through theme-based studies as well as ad-hoc nominations and 'emergency' listings. The heritage register currently has a strong focus on historic buildings, bridges and gold mining sites while some themes, such as industrial and manufacturing, are not covered as comprehensively.

There have been a series of strategies and programs to address the representativeness of the VHR, the first *Victorian Heritage Strategy* (2000) reflected a desire to address under-represented items and poorly represented themes. Victoria's second Heritage Strategy *Victoria's Heritage: Strengthening our communities* (2006) identified a specific action to ensure the VHR is reflective of the state's diverse heritage places and objects. Heritage Victoria subsequently commissioned a survey of places and objects listed on the VHR with a particular emphasis on site condition and integrity.

While this work has successfully addressed some gaps in the register, the *Victorian State of the Historic Environment Survey, analysis and report* (2008) commented that some heritage values or places are under-represented on the VHR as a whole. Additionally, there were a number of apparently significant heritage places not included and, for some registrations, not all important features or elements are included. This means that some significant heritage that should be protected is vulnerable to threats; furthermore it can lead to uncertainty and a lack of confidence in heritage protections through last minute 'emergency' listings generating avoidable disruptions.

Community views

Comments from the community tended to support the draft recommendation proposing to improve the representativeness of place types in the VHR. Many people agreed that a review to address the representation of place types and geographic distribution would be desirable, although many thought it would be unlikely to receive appropriate resourcing. Many comments disagreed with any proposed removal of over-represented place types, stating that a perceived over-representation is not grounds for removal of registered places.

The proposed timeframes for both the review of the VHR and implementation of recommendations of the review were widely considered to be unrealistic. It was noted that currently some 45-50 places are assessed annually for inclusion on the VHR and that the proposed tasks to achieve a more representative register would add a considerable administrative burden to Heritage Victoria and the Heritage Council. It was argued that the proposed review would require considerable resources that could be better spent on the management of currently identified places, particularly those at risk.

The Heritage Council noted that a backlog of assessments already exists, particularly for places identified in municipal heritage studies as potentially meeting state significance thresholds, and contended that these candidate sites should be assessed as a high priority to address under-representation instead of conducting the proposed review.

This draft proposal was not strongly supported by the Heritage Council who has responsibility for listing and removal of places based on the recommendation of the Executive Director Heritage Victoria. Specific alternative proposals by the Heritage Council were to:

- ◆ prioritise additional resources to assess the current backlog of VHR nominations, particularly those on public land, to address place type gaps
- ◆ support other government agencies to ensure historic places that have been assessed as being possibly of state significance are nominated to the VHR
- ◆ undertake a longer-term broad review of VHR thematic representativeness as an action flowing from a future Victorian Heritage Strategy (e.g. undertake thematic studies to address gaps and nominate suitable public land places to the register).

Response

VEAC's proposed review of place type representation of the VHR would have required significant new resources, particularly to meet the proposed timelines. While the draft recommendation sought an improved diversity of places on the VHR, Council believe that this is not more important than the proposed key reforms to strategic planning, management accountability and funding sources for existing historic places. Council also recognises that the removal of places already listed on the VHR is not the most effective way forward in addressing the balance of sites. In addition, the draft recommendation contributed to an overall perception that VEAC was too strongly focused on the VHR and places of state significance.

Council has chosen to retain the strategic aspects of the draft recommendation and supports a future review of VHR representativeness. Council believes that this review could draw on information prepared for strategic planning undertaken by the recommended public historic places commissioner and office for public land historic places. Council's revised recommendation:

- ◆ responds to community desires to increase emphasis on places of local significance
- ◆ ensures that, in the short term, resources are not drawn away from the important reforms for management accountability and broadening the funding base
- ◆ acknowledges the Heritage Council's preferred approach to undertake a gap analysis of historic themes and nomination of suitable places on public land to the VHR as actions flowing from a future Victorian Heritage Strategy.

The following recommendation is intended to address the under-representation of some place types on the VHR, noting that VEAC's scope is restricted to sites and themes of relevance to public land.

RECOMMENDATION

R11

Identifying heritage places on public land to address under-representation of some place types on the Victorian Heritage Register

As part of planning for a future Victorian Heritage Strategy, under-representation of some place types on public land on the Victorian Heritage Register be addressed by:

- a conducting a review to identify thematic gaps and identify suitable candidate places
- b as applicable, establish a project to nominate suitable places to the Victorian Heritage Register.

Appendix 1 List of submissions received

Notice of Investigation Submission Period	
Sub No	Individual/Organisation
1	Mr Bob McIlvena
2	East Gippsland Rail Trail Committee of Management
3	Talbot Action Inc.
4	Friends of the Box-Ironbark Forests (Mount Alexander Region)
5	The Friends of the Horseshoe Bend Tunnel
6	Cohuna & District Historical Society Inc.
7	Ms Joy Burchell
8	Heritage Victoria
9	Friends of the State Coal Mine Wonthaggi
10	Ms Belinda Rickard
11	Mr Rob Shackleton
12	Mr James Mawdsley
13	Walhalla Board of Management
14	National Trust of Australia (Port Fairy Branch)
15	Engineering Heritage Victoria
16	Mt Evelyn History Group Inc.
17	Point Lonsdale Civic Association
18	Mr Doug Ralph
19	Prospectors and Miners Association of Victoria
20	Mr Paul Balassone, Melbourne Water
21	Mr Andrew Sutherland
22	Mechanics' Institute of Victoria Inc.
23	Heritage Council of Victoria
24	Rye Historical Society Inc.
25	Central Coastal Board
26	Ms Eliza Tree
27	Forrest and District Historical Society
28	National Trust of Australia (Victoria)
29	Victorian Aboriginal Heritage Council
30	City of Greater Bendigo Council
31	Heritage Network East Gippsland Inc.

Draft Proposals Paper Submission Period

Sub No	Individual/Organisation
1	Mr Brian Stant
2	Friends of Caulfield Park
3	Mrs Elaine Brogan
4	Friends and relations of Gulf Station
5	Dr Jan Penney
6	Central Highlands Historical Association
7	Walhalla Board of Management Inc.
8	Association for Preservation Technology – Australasia Chapter
9	Friends of the Box-Ironbark Forest – Mount Alexander region
10	Back to Steiglitz Association
11	VicTrack
12	Nepean Historical Society Inc.
13	Banyule City Council
14	Ballarat General Cemetery Trust
15	Heritage Network East Gippsland Inc.
16	Cemeteries and Crematoria Association of Victoria
17	Post Office Hill Action Group
18	Mr Raymond Supple
19	Malvern Historical Society Inc.
20	Yarra Ranges Council
21	Australia International Council for Monuments and Sites (ICOMOS)
22	Mrs Nina Earl
23	Greater Bendigo City Council
24	Friends of Alphington Railway Reserve
25	History Council of Victoria Inc.
26	Western Region Group of Historical Societies
27	Royal Historical Society of Victoria
28	Southern Metropolitan Cemeteries Trust
29	Glen Eira Environment Group Inc.

Draft Proposals Paper Submission Period

Sub No	Individual/Organisation
30	Hepburn Shire Council
31	Mr Norm Stimson
32	Dr Jane Lennon
33	Mrs Gweneth Myers
34	Engineering Heritage Victoria
35	Phillip Island Nature Parks
36	Victorian Goldfields Tourism Executive
37	Heritage Council of Victoria
38	Upper Yarra Valley Historical Society
39	Queenscliffe Community Organisation Inc.
40	National Trust of Australia (Victoria) Geelong and Region Branch
41	National Trust of Australia (Victoria)
42	Dr Lesley Hodgson and Ms Deirdre Slattery
43	Moorabool Shire Council
44	Friends of the State Coal mine Wonthaggi
45	National Trust of Australia (Victoria) – Port Fairy Branch
46	Ms Julie Ballard
47	Working Heritage
48	Committee of Management of the Old Treasury Building
49	City of Melton
50	South Gippsland Shire Council
51	Friends of Cheltenham and Regional Cemeteries Inc.
52	Mr Ken McInnes
53	Mountain Cattlemen's Association of Victoria
54	Mount Alexander Shire Council
55	Historic Buildings Restoration Committee Inc.
56	East Gippsland Shire Council
57	Victorian Aboriginal Heritage Council
58	Parks Victoria



