

# Historic Places Investigation Draft Proposals Paper

FOR PUBLIC COMMENT



October 2015



## 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.

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Ms Joanne Duncan  
Ms Anna Kilborn  
Dr Charles Meredith  
Dr Geoffrey Wescott

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## HOW TO MAKE A SUBMISSION

Written submissions are invited on this Draft Proposals Paper.

The closing date for submissions is **Tuesday 22 December 2015**.

You may make an online submission via VEAC's website at [www.veac.vic.gov.au](http://www.veac.vic.gov.au) or send your written submission by post or by email (see contact details). Only submissions sent directly to VEAC will be treated as submissions.

There is no required format for submissions, except that you must provide your name and your contact details, including an email address if you have one. All submissions will be treated as public documents and will be published on VEAC's website. The name of each submitter will be identified as part of each published submission, but personal contact details will be removed before publishing. Confidential submissions are discouraged. If there are exceptional circumstances that require confidentiality, please contact VEAC before making your submission.

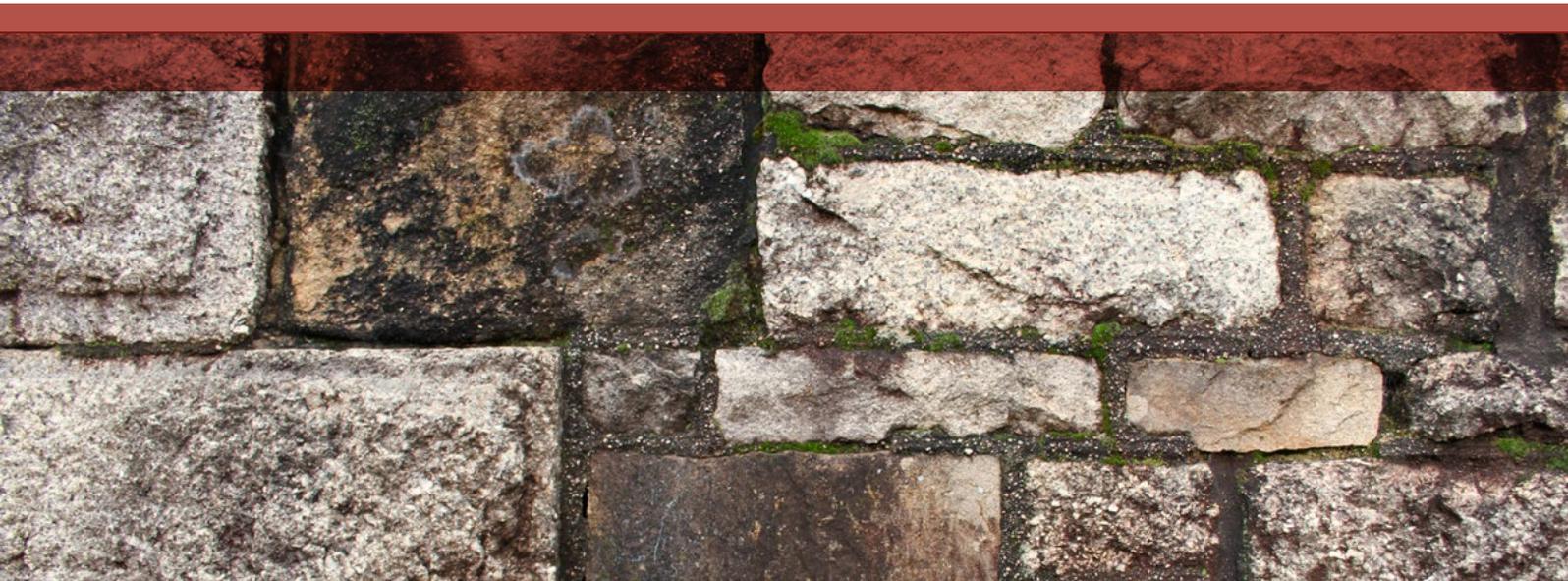
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## Acknowledgment of Country

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.

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## Foreword



Historic places on public land encompass an extensive range of themes and places from remote forest sawmill sites to the grandeur of the Royal Exhibition Buildings and Carlton Gardens. Through this rich array of places and objects we can explore the stories of the past and deepen our understanding of how history has shaped our communities today.

The Victorian government is custodian for around a third of the objects and places currently recorded on the Victorian Heritage Register and most nationally significant historic places across the state. There are also thousands of locally significant places on public land. Together these historic places are managed by a diverse range of government agencies and community volunteers, with widely differing approaches and resources at their disposal. Rather than considering these places individually in this investigation, the Victorian Environmental Assessment Council (VEAC) has focused on the overall arrangements for the management of places. There has been a particular focus on historic places that are currently difficult to manage. During our Council field trips, we have been grateful for the opportunities provided to explore these issues with land managers at many key sites.

In assessing the current situation, the Council found that the period leading up to the mid 1990s — embodied by enthusiasm and an enhanced role of government through new legislation, robust resourcing and public acquisition of historic places — was followed by major government restructuring and a tightening of budgets. This has created the current cycle of short-term planning and unreliable funding. While the importance of heritage to the community has not wavered over this period, a variety of problems have arisen from this change in government structures and organisational settings.

For heritage assets, short-term or project-based management is often inefficient, not cost-effective, and there has been some avoidable loss of heritage buildings and other structures. Timely maintenance is often deferred, and the extent of the resultant unfunded liability is unknown and potentially serious. This pattern is likely to continue and is at risk of worsening without new arrangements. Furthermore, the diversity of managers has led to a situation where there is currently no single point of coordination covering all historic places on public

land or their management, and both information and resources are fragmented. As a result there has been little opportunity to 'take stock' or plan for the future; in fact there is no clear responsibility or authority for strategic and long-term planning. Now is the time to consider new approaches, as the government undertakes reform and modernisation of the *Heritage Act 1995*.

The draft recommendations presented here are designed to address these problems, with a new commissioner for public land heritage or similar office as the key point of accountability charged with meeting these obligations. This role would be independent of the responsibilities of existing government heritage agencies. This new approach will modernise arrangements to reflect the changes of the last two decades and to set up management of historic places on public land for the decades ahead.

Reforms to funding arrangements and transparency in decision-making will also bring together existing and new opportunities in a coordinated way to ensure that the limited resources available are invested as wisely as possible. The community and government will then have a clear point of contact for information on the management of historic places on public land and be confident that management is as effective as possible. A necessary precursor is improved information collection to support comprehensive statewide strategic analyses and planning, and mitigate the unplanned avoidable loss of heritage. Crucial to the effectiveness of these proposed reforms will be the willing and active participation of relevant government agencies.

Release of this draft proposals paper signals the beginning of the second period of VEAC's public consultation. The Council keenly anticipates hearing from interested stakeholders on how to best protect and manage the valuable and irreplaceable resource of historic places on Victoria's public land.

Phil Honeywood  
Chairperson

## Council members (left to right):

Geoffrey Wescott,  
Anna Kilborn,  
Phil Honeywood  
(Chairperson),  
Joanne Duncan and  
Charles Meredith



## Structure of this draft proposals paper

This draft proposals paper is the first report for the Historic Places Investigation. For this investigation there is no separate discussion paper required. The investigation is tightly focused and preparation of comprehensive background information is not required. Sufficient information is provided to set the context for and underpin or support the draft recommendations. 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](http://www.veac.vic.gov.au) and VEAC's current Statewide Assessment of Public Land.

In this report, historic places and heritage values are documented for the investigation, major issues and future threats to those values are identified, and draft recommendations for appropriate future management arrangements are presented for public comment. There are three chapters:

### Chapter 1

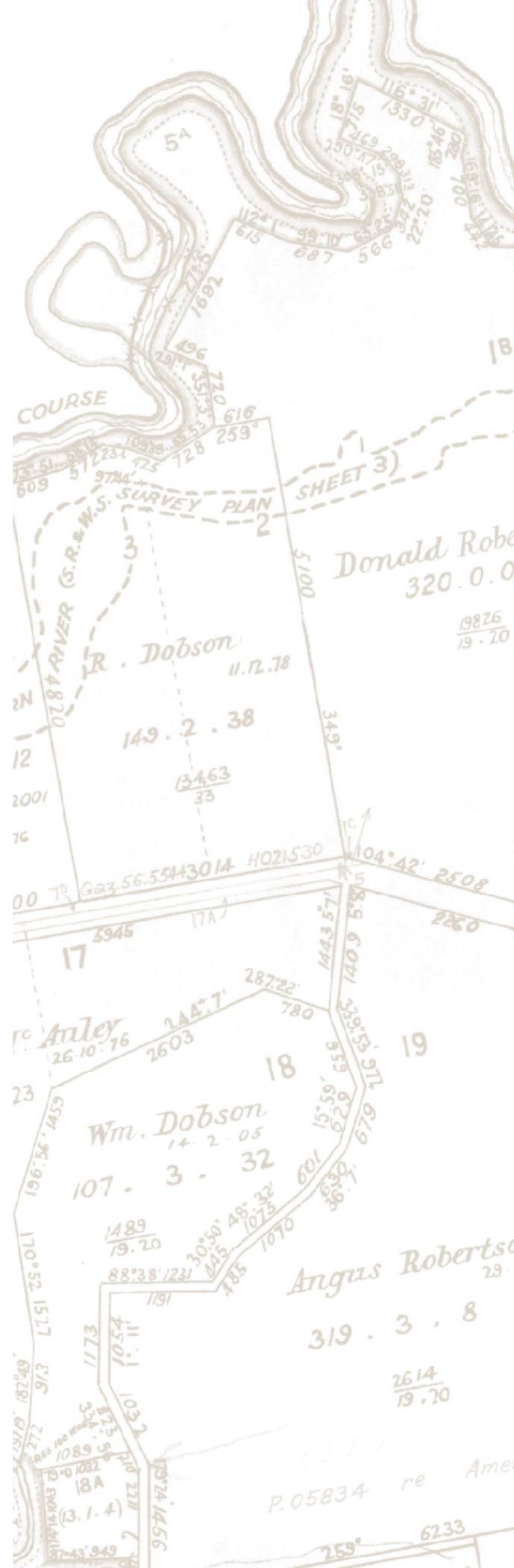
introduces the investigation, providing some context and a summary of the issues raised during public consultation

### Chapter 2

provides background on the major issues that form the rationale for the draft recommendations

### Chapter 3

introduces and presents the draft recommendations.



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Wallaby Mine gold battery site, Stanley

## 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.

The publication of this draft proposals paper initiates a 60-day period of public consultation, after which VEAC will prepare a final report for the Minister for Environment, Climate Change and Water by 31 March 2016.

### 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, the focus of the analyses and draft recommendations in this draft proposals paper is on the setting and systems within which management of historic places on public land occurs. There are no draft recommendations for management of specific sites. Rather, there is a package of draft 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. These submissions can be viewed on VEAC's website.

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

The public consultation process is described in more detail and the issues raised to date are discussed in section 1.7.

In preparing this draft proposals paper, 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.

### Current management arrangements for historic places on public land

Many thousands of historic places are located on public land in Victoria, from the World Heritage listed Royal Exhibition Buildings and Carlton Gardens to numerous sites included on local government heritage overlays. Many are significant objects or archaeological ruins. More than one third of the total number of places and objects of state significance included on the Victorian Heritage Register are on public land. Historic places may be in use for their original purpose, such as schools, or adapted for another use including solely for heritage preservation or interpretation. Few courthouses outside major cities and towns, for example, remain in use as courthouses. Some historic places are partly in use for their original purpose and partly adapted for another use - for example several of the larger operational railway station buildings.

The current arrangements and setting for the management of historic places on public land are examined and reviewed in chapter 2, beginning with an account of the development of heritage appreciation in Victoria and administrative frameworks. Current heritage protection and management is described, including the roles of the leading organisations, the available statutory instruments, the nature of the supporting information base, the relationship between Indigenous and non-Indigenous

values, the arrangements for management, and the funding base. This provides an important context in which to consider future arrangements.

The current heritage protection framework is the result of legislative and administrative reforms in the 1980s leading to the *Heritage Act 1995*. Subsequently there has been a trend towards corporatisation of some government functions and tightening budgets. As a result agencies are focused on the cost-effective delivery of their core functions which, for some, makes it more difficult to manage heritage assets. Even those agencies that view heritage management as part of their core business typically have fewer resources available. The budgetary issues also extend to Heritage Victoria and the Heritage Council which, although not land managers, have generally had fewer resources in the form of grants, advice, planning and information management to assist land managers. At the same time, the demands of their statutory heritage functions – which largely centre on permit applications for activities mostly affecting historic places on private land – have not eased, and have further shifted focus away from historic places on public land.

The Council consulted widely with public land managers, including committees of management, and met on site with many to see at first hand the challenges they face in managing historic places. Land managers overwhelmingly reported funding uncertainty and constraints as the major issue with historic places management. The Council has noted a pattern of deferred and unfunded maintenance liabilities across the portfolio of historic places on public land. However, there is no information currently available on which to estimate the extent of the problem, which is likely to be significant.

There has been little change in the heritage protection system, since it was consolidated in the mid 1990s, to reflect the changed operating environment.

VEAC has collated information to obtain a snapshot of historic place sites and objects of state significance listed on the Victorian Heritage Register (excluding shipwrecks). Section 2.4 provides an analysis using historic groups for all listed places and objects. Of the total 2310 places and objects listed, there are some 848 (37 per cent) located at least partly on public land or owned by the state government. Management arrangements for historic places on public land are described in section 2.6.

# 1 Introduction

In reviewing the current information and arrangements it is apparent that there are several major issues that threaten heritage 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 re-use 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 what funds are available, are being applied to places of the most significance or to those most in need.

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

## Draft recommendations

Key features of the draft recommendations are the proposed improvements to accountability, and improved access to and use of resources for historic places in public ownership. This is proposed 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, particularly those of state significance on the Victorian Heritage Register.

In total, the draft 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
- ◆ supporting strategic planning with more reliable data and addressing under-representation of some historic places
- ◆ recognising Indigenous values and linkages with historic places
- ◆ improving arrangements for government leaseholds and Crown land committees of management
- ◆ broadening the funding base for public land heritage.

## Summary list of draft recommendations

Recommendations for management accountability and strategic planning	
R1	Accountability for public land heritage
R2	Minimum standards for management of historic places on public land
R3	Reliable well-managed data to inform strategic management planning
R4	Identifying heritage places on public land to address under-representation of some place types on the Victorian Heritage Register
Recommendation for acknowledging shared values	
R5	Continuing work to recognise and protect shared values
Recommendations for improving management arrangements	
R6	Improving government leasehold arrangements
R7	Improving arrangements and support for community-based committees of management
Recommendations for broadening the funding base	
R8	A trust for public land heritage
R9	A revolving fund for public land heritage

## 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 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 clearly embedded in planning procedures. A review and modernisation of the existing heritage legislation is occurring concurrent to VEAC's investigation.

The 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.

In this setting, VEAC's Historic Places Investigation 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](http://www.veac.vic.gov.au).



Bacchus Marsh Avenue of Honour

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. VEAC is also required to take into account relevant government policies, strategies, programs and plans, as well as those matters described in the VEAC Act listed in section 1.2.

### 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 places<sup>1</sup> 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 March 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.

## 1.4 Scope of the investigation

Many investigations completed by VEAC and its predecessors have focused on assigning public land to various categories such as national parks and state forests. However several recent investigations have been more strategic in nature. The Historic Places Investigation is another strategic 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 will look 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 draft 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 draft 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 include natural values such as the National Heritage List (see section 2.3). VEAC's investigation focuses on historic and cultural heritage. Specific details of thresholds and requirements for listing and identification of historic places and objects are outlined in chapter 2.

In summary, historic places include:

- ◆ historic sites 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 and described in more detail in appendix 2.

- ◆ 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 (services and utilities)
- ◆ recreation and entertainment
- ◆ religion
- ◆ residential buildings
- ◆ retail and wholesale
- ◆ scientific research and facilities
- ◆ shipwrecks
- ◆ transport
- ◆ water transport and supply.

## 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'). The framework recognises that all places in Victoria have associations for Aboriginal people. Appendix 3 lists Victoria's nine themes and 60 sub-themes and provides a table linking the two frameworks.

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 yet to be applied comprehensively across the state.

## 1.5 Matters to take into account

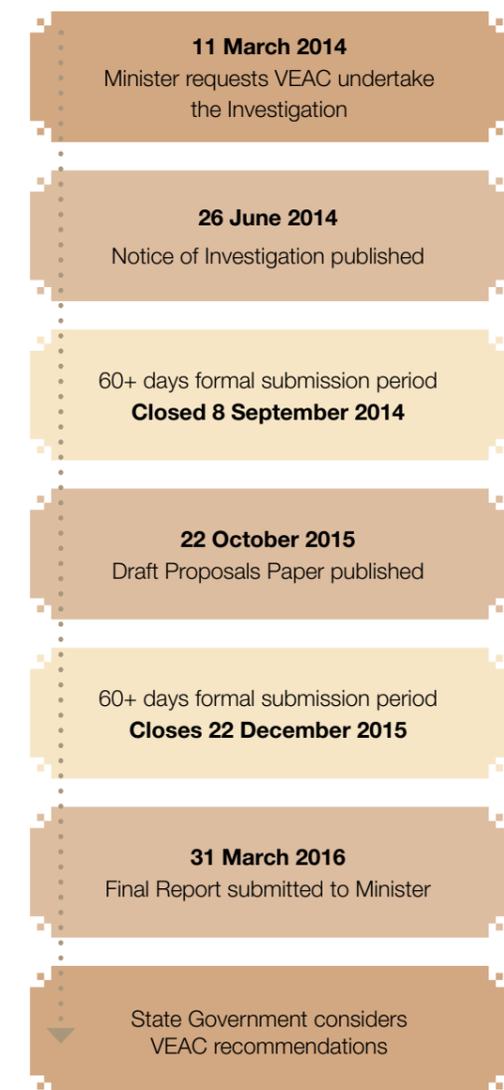
The terms of reference require the following matters to be taken into account: relevant State government policies and strategies, Ministerial statements and reports by the Victorian Auditor-General, and relevant regional programs, strategies and plans. These matters are discussed in detail where relevant in the following chapters.

## 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. There are two submission periods in total (each a minimum of 60 days), the second commencing with the publication of this draft proposals paper.

Thirty one submissions were received in response to publication of the Notice of Investigation and they can be viewed on VEAC's website (see appendix 1). These submissions contain valuable information and perspectives on the investigation, and have formed a major input to this draft proposals paper and the investigation as a whole. In addition, VEAC has established a Community Reference Group which has met three times. The membership is listed on the inside front cover of this draft proposals paper. A summary of consultation is provided in section 1.7 overleaf.

**Figure 1.1**  
Historic Places investigation process and timeline



## 1.7 Community and stakeholder consultation

Community consultation is a key part of VEAC's investigation process. In June 2014 following publication of the Notice of Investigation, VEAC sought input from community organisations, government departments and agencies, landholders and interested individuals.

Section 13 of the VEAC Act requires a Community Reference Group to be established for each VEAC investigation. A broad range of relevant interests are represented on the Community Reference Group for this investigation; the membership is listed on the inside front cover of this draft proposals paper. Over the course of its three meetings to date, the group has 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.

### Written submissions

The written submissions process is one of the key methods by which VEAC hears community views on an investigation. The first submission period was open from 26 June 2014 until 8 September 2014, following publication of the Notice of Investigation. VEAC received 31 written submissions with several late submissions accepted. To publicise the investigation, VEAC prepared an associated brochure which was posted or emailed to over 1100 contacts for the investigation. The brochure included discussion points to assist submitters who were unsure of the sorts of issues on which to comment.

Submissions were received from individuals, statewide and local conservation groups, government agencies, recreational user groups, industry groups, local government and landholders. Submissions are a valuable resource and Council is very grateful for the effort that many people have gone to in preparing them. Council members and staff have read and analysed each submission. Submissions can be viewed at VEAC's website [www.veac.vic.gov.au](http://www.veac.vic.gov.au) and are listed in appendix 1.

Submissions can be broadly summarised as follows:

- ◆ 8 individuals
- ◆ 11 community groups or friends groups
- ◆ 4 heritage organisations or public land special interest groups
- ◆ 8 public land managers, Crown land reserve committees of management, local councils and state government departments or agencies.

Each submission has been read and analysed to distil key points. A summary of the matters raised and key points follows.

### Specific historic places

Several submissions addressed specific locations or groups of sites, and the heritage values of these sites. Some submitters proposed that 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 values. In some cases these measures were seen as avenues for protection from what is viewed as inappropriate development.

Specific sites or places mentioned include:

- ◆ Castlemaine Diggings National Heritage Park
- ◆ Point Lonsdale Lighthouse Reserve
- ◆ Horseshoe Bend Tunnel, Walhalla
- ◆ Linay Pavilion, Ward 7 and Ward 9, Alfred Hospital, Melbourne (South Yarra)
- ◆ former Christmas Hills post office and residence
- ◆ the Big Culvert near Marysville
- ◆ Cohuna Headworks and related channel sites (Deep Creek), Gunbower National Park
- ◆ fetter hut to be used as a railway heritage museum, Bruthen
- ◆ Wimmera water supply infrastructure near Horsham
- ◆ sites of former bush mill communities associated with past Otways timber harvesting

and multiple historic places at each of:

- ◆ Mt Evelyn
- ◆ Talbot township
- ◆ Rye
- ◆ Port Fairy and Moyne shire
- ◆ Bendigo.

Types of historic places specifically addressed include:

- ◆ engineering heritage
- ◆ water supply and industrial heritage
- ◆ mechanics' institutes
- ◆ gold mining historic places.

### Resourcing and accountability

Some submitters addressed the five questions provided in VEAC's Notice of Investigation brochure and discussed issues of use and management of historic places. For many people the most important issue is a lack of both expertise and resourcing for heritage site management.

Both public land managers and community groups identified the uncertainty and inconsistency of resourcing as a management problem. The shortage of resources was described as both human (partly related to the older volunteers in local historical societies) and financial, with few paid positions in this area, little communication between land managers and the community, and little ability to enforce existing legal obligations or requirements for heritage management and protection.

For some submitters there needs to be a stronger commitment from government to champion heritage conservation and protection of historic buildings, sites and artefacts. The current fragmented approach to management with multiple government agencies and local community groups has also led to difficulties and a lack of responsibility for, knowledge about, or accountability for heritage. Current approaches were said to rely too heavily on volunteers and good will. This is captured in the comment '*whose heritage is it to manage?*'

It was noted that it is very difficult to obtain grants and support for management of places that are not listed on the Victorian Heritage Register (VHR). There is also considered to be little financial support for committees of management and, in particular, it is hard to obtain technical expertise or advice to assist with management of heritage buildings. Local government was seen as lacking powers and resources to deal with 'demolition by neglect issues'.

It was noted that few grants are available to community groups for heritage management. Other financial sources were proposed such as philanthropic organisations, trust funds, Magistrates Court Fund, and options to increase human resources by involving younger volunteers through school activities or excursions.

### Appreciation and information

The importance and value of historic places to the community was highlighted. An absence of communications or interpretive materials was also raised, with some people wanting more information available 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 places alone, heritage landscapes are also considered important, particularly where the current land use does not directly reflect that of the past (e.g. cultural layers, recovery of the natural environment from past use). 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.

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 to benefit from more active involvement by government to assist local groups with conservation works.

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 as it is a non-renewable resource.

For some government agencies, being the custodian of heritage is viewed as an opportunity to demonstrate to the community the long-term importance of their role. For example Melbourne Water promotes heritage infrastructure as setting the long-term context of their critical water supply operations. It also acknowledges that there is a need to build community capacity and greater appreciation of the active operational environment managed by Melbourne Water. Through community engagement, the balance between current service delivery and heritage conservation outcomes has been discussed, and within the organisation there has been a greater sense of pride and ownership of heritage assets.

Some submitters proposed that a baseline inventory of historic places should be established. The reason this has not already been completed is suggested to be a lack of capacity among many government agencies that are responsible for heritage on public land, and no centralised collation of information. From an inventory of baseline information, a more integrated asset management of historic places across agencies could be achieved. In particular the requirement for heritage management can be made more apparent to government heritage managers and factored into the operational context of routine asset management. This approach allows for heritage resources to be considered in a broader asset context and not triggered by smaller project level operations. Integrating heritage into asset management is seen as a way to reduce potential for conflicts between ongoing service delivery and heritage conservation.

In addition, it was considered that a wider review of VHR listings and heritage overlays may provide an opportunity to address any gaps or deficiencies in heritage place representation, and guide future management. Such information could then be utilised to ensure that where possible, the best heritage examples currently identified are retained. Where sites may be lost over time, the best replacements can then be readily identified.



## The management of historic places on public land

This chapter describes the current arrangements and setting for the management of historic places on public land in Victoria. The chapter begins with a brief account of the evolution of heritage appreciation and management in the state; knowing how the current setting came about greatly assists in understanding existing arrangements, and provides lessons from the past when framing recommendations for future arrangements.

This account is followed by sections explaining the key elements in the current protection and management of heritage in Victoria: the roles of the leading organisations, the available statutory instruments, the nature of the supporting information base, the relationship between Indigenous and non-Indigenous values, the arrangements for management, and the funding base.

### 2.1 The evolution of heritage appreciation and protection

#### The beginnings of heritage appreciation in Victoria

An early indication of an emerging interest was the formation of the Royal Historical Society in 1909 to promote the research and sharing of the history of Victoria. The first legislated protection specifically for historic values occurred when 'the preservation of objects of historic interest and natural beauty' was included in the provisions of the *Town and Country Planning Act 1944*. In 1949 metropolitan planning powers were granted to the Melbourne Metropolitan Board of Works (MMBW) which retained this broad-based role encompassing urban heritage until the mid-1980s.

During the 1940s Australia's National Trust movement began with the New South Wales branch established in 1945 by citizens concerned with widespread destruction of built and natural heritage in Sydney. In 1956 the National Trust of Australia (Victoria) was formally established to promote the preservation of places and things of natural, historic and aesthetic importance. Negotiations to purchase Como House began in the same year and it was opened to the public in 1958. During its first decade the National Trust in Victoria expanded to meet a growing community appetite for history and heritage. It classified 1400 buildings, accumulated assets worth millions of dollars and established four regional branches across the State.

#### Heritage legislation and acquisitions

In 1956 the first National Parks Act was proclaimed in Victoria. National parks were to be set aside 'to protect and preserve indigenous plant and animal wild life and features of special scenic, scientific or historical interest' to be overseen by a Director of National Parks and a National Parks Authority. Thirteen parks were named in the schedule to the 1956 Act, many of which had been established much earlier on a case by case basis (e.g. at Mount Buffalo, Wilsons Promontory, Wyperfeld).

By the 1960s and 70s there was significant impetus to increase the preservation and protection of heritage through acquisition, heritage legislation and heritage management standards. Both natural and cultural heritage were elevated to important political issues and became closely linked to protest movements and social justice issues during this time. Public protest rallies were held when Melbourne's 19th century mansions were slated for demolition to make way for new high rise developments, notably along St Kilda Road, known as Melbourne's grand boulevard. In 1963 a preservation rally led by the National Trust at Rippon Lea Estate attracted an estimated 10,000 people.

In 1971 the Land Conservation Council (LCC) was established to make recommendations for the balanced use of public land including to conserve areas of natural interest, beauty or of historical interest. In 1972 an Advisory Committee on historic government owned buildings was constituted through the *Government Buildings Advisory Council Act 1972*. However, it was not only built heritage that was identified for protection. The *Aboriginal and Aboriginal Relics Preservation Act 1972* was also proclaimed to protect sites and materials relating to Indigenous cultural heritage, including post-contact sites such as those associated with Aboriginal missions or protectorate reserves.

Also in 1972 Rippon Lea Estate in Elsternwick was bequeathed to the National Trust, which was also appointed committee of management for the Old Melbourne Gaol Crown Reserve. The following year Werribee Park was purchased by the state government, followed by purchases of Gulf Station in 1976, Point Cook Homestead in 1978, Woodlands Homestead in 1981, and Andersons and Days Mills among other historic places later in the 1980s. Gulf Station was delegated to the National Trust to manage as committee of management together with twelve other Crown reserves, augmenting the much larger portfolio of properties owned by the trust.

The *Historic Buildings Act 1974* followed, making Victoria the first state or territory to enact heritage legislation specifically protecting historic places on both private and public land. This Act established the Historic Buildings Preservation Council to oversee the protection of historic places listed on the Historic Buildings Register, many of which were on public land.

The Australian Heritage Commission was established in 1975 and became an important catalyst for heritage protection at the state and local government levels. The commission took on the role of establishing guidelines, standards and criteria for the assessment and management of places of heritage significance. It also ran the National Estate Grants Program which funded research, assessment, and conservation and restoration work. More than 13,000 places across Australia were listed on the Register of the National Estate.

Additional heritage legislation followed with the *Commonwealth Historic Shipwrecks Act 1976* and *Victoria's Crown Land (Reserves) Act 1978* which contained specific provisions for creation of reserves for historic or archaeological interest. The formation of Australia ICOMOS (the International Council on Monuments and Sites) in 1976 and the development in 1979 of the Burra Charter guidelines for the conservation of places of cultural significance established a consistent and professional national approach to heritage place conservation.

Victoria's *Historic Shipwrecks Act 1981* reflected existing Commonwealth legislation, and appointed the Director of Conservation to be the *Protector of Historic Shipwrecks*. An advisory committee was established to report to the Minister on historic shipwrecks and relics, and their preservation. By this time many legislative avenues were available for the protection of historic places and values. In addition, the *Planning and Environment Act 1987* provided for heritage to now be considered in planning decisions, and specific protection to be established using heritage overlays under the planning scheme.



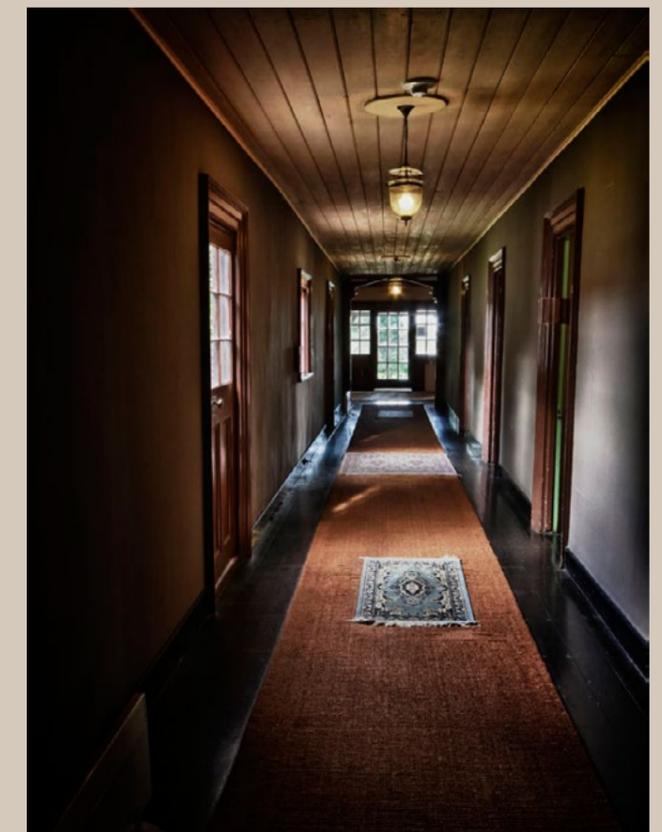
#### Box 2.1

### WOODLANDS HISTORIC PARK

Between 1834 and 1837, a large area surrounding Port Phillip Bay was licensed to pastoralists. This early settled district took advantage of the landscape, and areas were occupied along the grassy plains, river valleys and coastal areas. Pastoral runs included the large holdings of the Chirnside Brothers around Point Cook and Werribee, Laverton Station (Altona), Woodlands station, and to the east large stations at Mordialloc, Moorabbin and Bushy Park (Jells Park). Few examples of this early pastoral history remain. Most that do have been acquired by the state government including the land making up Woodlands Historic Park.

In the 1960s the Shire of Bulla made a commitment to lobby the state government to preserve Gellibrand Hill and the 'Woodlands' property as parkland. In 1972, the shire proposed that this area be acquired by the state government and developed as metropolitan parkland. The government agreed to acquire two separate blocks comprising the 'Woodlands' property and Gellibrand Hill. Other public land has been added to the park since then. Woodlands Historic Park was progressively established between 1975 and 1983.

In 1981 an initial 265 hectares including 'Woodlands' homestead was proclaimed as Gellibrand Hill Park under Schedule 3 of the *National Parks Act 1975*.



### Modernising legislative approaches

In the mid-1990s many legislative mechanisms were unified under the current *Heritage Act 1995*. This broadened statutory heritage controls from protection of buildings and sites of archaeological and historical significance to protection of places with cultural heritage significance, encompassing archaeological, aesthetic, historical, social or technical (scientific) values. The Act also established the Heritage Council as the statutory body to succeed the Historic Buildings Council (successor to the Historic Buildings Preservation Council) as the main decision-making body on heritage matters. The Heritage Council continues to administer the Heritage Fund and the Victorian Heritage Register, with the assistance of Heritage Victoria (see section 2.2). The state government, through Heritage Victoria, is currently running a process to modernise, strengthen and simplify the Act.

### Government heritage services

By 1979 the LCC had completed investigations and made recommendations for the management of public land in a number of study areas across the state. It had also commissioned historic site surveys as part of its investigations in some study areas. In response to the identification of historic parks and reserves, the then National Parks Service established a Historic Services Branch to support the management of new historic parks and reserves such as those at Steiglitz and Beechworth.

The early 1980s saw the publication of *Victoria's Heritage – A Future for the Past*, a holistic assessment of the state's heritage, which introduced the concept of a State Heritage Strategy.

A major reorganisation of government departments during this period provided the opportunity for the expansion of the National Park Service's Historic Services Branch to provide professional heritage advice and services across all categories of public land within the newly formed Department of Conservation, Forests and Lands (DCFL). The Public Works Department (Department of Infrastructure) also provided heritage advice and services to government departments such as Transport and Education with operational historic places. This branch was responsible for overseeing works and providing heritage and technical advice for a diverse range of places from major 19th century government buildings to smaller historic public buildings throughout the state. This expertise was eventually diluted and dispersed through various government agencies.

By the mid-1980s changes in the provision of government services across the state had resulted in an upsurge in the number of redundant historic schools, court houses and halls, and the newly formed Historic Places Section within DCFL utilised the Crown Land (Reserves) Act to establish

a committee of management to strategically manage nineteen historic buildings across the state. This Historic Buildings Management Committee was given a \$100,000 revolving fund, and received technical support from the Historic Places Section. A revolving fund creates a pool of capital from assets (e.g. from entrance fees, leasing or sale) and reinvests this capital into other assets (see section 2.7).

The mid-1980s to the late-1990s saw the completion of a number of important statewide typological heritage studies for places occurring predominantly on public land. The Historic Services Branch (Department of Infrastructure) undertook a survey of state government schools. The Historic Places Section (DCFL) managed a survey of historic mining sites and played a major role in surveys of forest industry sites undertaken for the Regional Forest Agreements with the Commonwealth.

### Bicentennial and other acquisitions

Australia's Bicentenary in 1988 provided the opportunity to acquire and open to the public two very important heritage places: Andersons Mill at Smeaton and the Forts at Point Nepean. While initial funding was provided for the conservation works necessary to open these places to the public, the challenge for the Department of Natural Resources and Environment (DNRE) and later Parks Victoria was to provide for ongoing maintenance, repairs, interpretation and visitor access. About the same time the government, via the Historic Buildings Council and the National Estate Grants Program, purchased Days Mill at Murchison. This was another very significant, but also fragile and rare, historic place which was passed to DNRE and subsequently to Parks Victoria to manage pending a transfer to the Museum of Victoria to establish a regional agricultural museum (that has not eventuated).

A significant addition to the state's heritage portfolio occurred in the mid to late-1990s when most of the light stations along the Victorian coast were decommissioned and transferred from the Commonwealth to the State of Victoria. At this time there was a stream of such historic government buildings transfers, as many government agencies changed functions and operational requirements. While the iconic lighthouses were added to Victoria's public land heritage portfolio, the approach for many unused historic schools, court houses and halls was to find new uses and managers. For many redundant government buildings, sale with adequate statutory protection was the preferred option for protecting heritage values. Continued use, in whatever form that re-use may take, was preferred to leaving buildings vacant and subject to neglect, decay and vandalism.

In 1999, ongoing evolution in heritage management philosophy led to a revision of the Burra Charter. This revision included a broadening of the concept of cultural

significance to include not only tangible fabric but also intangible aspects of use, association and meaning.

### State government grant program

In 1993 the Victorian Commission of Audit investigated a backlog of maintenance and repairs to government-owned historic buildings. The findings of this audit led to the establishment of the Government Heritage Restoration Program which operated from 1994 to 1998 administered by Heritage Victoria. This \$16 million grant program improved the physical condition of government-owned buildings and structures, increased awareness of heritage conservation, and encouraged government departments to conserve and sustainably manage historic buildings and places. Agencies with 'non-operational' heritage properties also obtained funding from the program, acknowledging the importance of heritage interpretation and awareness raising. These types of places are managed largely to conserve their heritage values, but without a commercial or business use there are few additional revenue sources available to support maintenance or provide for visitor access costs.

### Government re-organisation – separation of policy from operations

During the late 1990s a major program of government re-organisation led to the separation of service delivery and policy functions with the formation of Parks Victoria and Melbourne Water from the DCFL and MMBW. Parks Victoria was established in 1998 to manage parks and reserves and the heritage assets they contain. From the mid-1980s MMBW was recast as Melbourne Water and the planning functions established in the 1940s allocated to the Ministry for Planning and local municipalities. Many other state government instrumentalities were also restructured around this time, with a trend towards corporatisation and privatisation (e.g. water authorities and electricity providers). While heritage management is not the primary role of these new entities many of them are responsible for historic places, including some well-known and highly significant places such as Flinders Street Railway Station (Public Transport Victoria and Metro Trains) and Station Pier (Port of Melbourne Corporation).

The Historic Buildings Management Committee passed management of its group of historic schools, court houses and halls to Parks Victoria, who then found more appropriate managers for nearly all of these buildings. The use of the committee of management provisions to strategically manage a group of historic buildings was utilised once again with the establishment of The Mint Inc, a committee of management whose principal property and main source of income is the Royal Mint Building on William Street in the centre of Melbourne. Having a secure source of income, a more limited portfolio, and well

defined goals and objectives allowed Mint Inc to operate more effectively than predecessors such as the Historic Buildings Management Committee. In fact Mint Inc assumed responsibility for several of the historic buildings previously managed by the Historic Buildings Management Committee. Recently, Mint Inc has re-branded as Working Heritage.

Parks Victoria, as the new incarnation of the National Parks Service, assumed on-ground management responsibility for a diverse range of historic places across the state while DNRE, and specifically its Historic Places Section, developed a framework aimed at conserving a representative sample of historic places on public land. The framework or Cultural Sites Network was thematically based and proposed conservation of a percentage of places reflecting historic themes that tell the story of public land in Victoria.

Also in the late 1990s, the phase of government acquisition of historic places as a means for their protection ended definitively when the then Premier declined the gifting to the state of Raheen – a mansion in Kew of great heritage significance and one of the most valuable properties in Victoria – on the basis that it would be too expensive to manage.

### An increased role for local government

Local government has played a major role in managing public heritage places in cities and towns across Victoria. Historic former government buildings make an important contribution to the character and sense of place of a community as well as being a focus for community activity. The management of heritage buildings can also place a heavy burden directly on local community volunteers or on volunteers who partner with local government. As well as taking over the management of former state government buildings, amalgamations of local councils in the 1990s resulted in additional redundant municipal heritage buildings. Council amalgamations also necessitated review and revision of planning schemes and the associated municipal heritage studies.

### Public heritage grants program

With the completion of the Government Heritage Restoration Program, 1999 marked the commencement of the new Public Heritage Program – a three year \$15 million program which funded conservation works as well as local heritage advisory services and the preparation of municipal heritage studies. The program of works was directed largely toward local government and local communities rather than state government agencies. Parks Victoria received a small percentage of the conservation works funding. Some other government agencies had by this time begun to routinely allocate funding for heritage management from their own asset



management budgets. Indeed the Victorian Government's Asset Management Policy of December 2000 required departments and agencies to protect heritage values and, by implication, to budget appropriately for their maintenance and protection.

### Heritage strategies, financial difficulties and Australia's National Heritage List

In 2000 the *Victorian Heritage Strategy* was launched, a first for Victoria. Another first was the declaration of the Castlemaine Diggings National Heritage Park in 2002 following the ECC's Box Ironbark Forests and Woodlands Investigation – a new land use category created principally to recognise and protect an outstanding cultural landscape using the *National Parks Act 1975*. This park has subsequently also achieved recognition on the Commonwealth's National Heritage List (see section 2.3).

An extension of the heritage grants program, again predominantly for local government and community groups, was also announced.

The National Trust (Vic), which for some time had been having difficulties managing its property portfolio, undertook a well-publicised media campaign highlighting the lack of resources for heritage. In 2003 this led to the Heritage Council of Victoria producing the *Managing Our Heritage Report: a review of heritage place management in Victoria*. The report recommended a range of options for making heritage management more sustainable, but little effective change was achieved.

Parks Victoria released its heritage management strategy in 2003, the same year that the Commonwealth passed legislation that created the National Heritage List. The National List completed a hierarchy of statutory protection for heritage places across the three levels of government: the Commonwealth government for national listing, the state governments for state listing and local government for local listing. This hierarchy also applies to grants for heritage protection, with Commonwealth heritage grants only available for places on the National Heritage List.

The devastating Alpine bushfires of 2003 had severe impacts on Victoria's heritage. Fire destroyed numerous heritage places, particularly huts and mining sites, and also necessitated a redistribution of government resources to both fight the fires and to fund rehabilitation works. The loss of a large number of alpine huts in the fires prompted a strong community response and led to the formation of the Victorian High Country Huts Association. The association rebuilt several huts and continues to assist with annual maintenance and repair work on huts throughout the Victorian Alps. This strong community interest in protecting heritage is captured in the 2005 report *Valuing the Priceless: The value of historic heritage conservation in Australia*. The report found that 92 per cent of people believe heritage contributes to Australian

identity; 93 per cent of people believe that it is important to protect heritage places even though they may never visit them; and 80 per cent of Australians believe the historic houses in their area are an important part of the character and identity of their local neighbourhood.

### New strategies, another acquisition and a more targeted grant program

In 2006 Heritage Victoria released the second Victorian heritage strategy, *Victoria's Heritage: strengthening our communities*. The strategy included directions for recognising Victoria's rich and diverse heritage, using heritage for a sustainable future, managing growth, telling Victoria's story, building networks and partnerships, and resourcing the community. The directions were supported by a grant program from 2006 to 2012, which provided funding not only for works but also for collections, objects and heritage interpretation. Grants were directed to local community groups rather than government agencies.

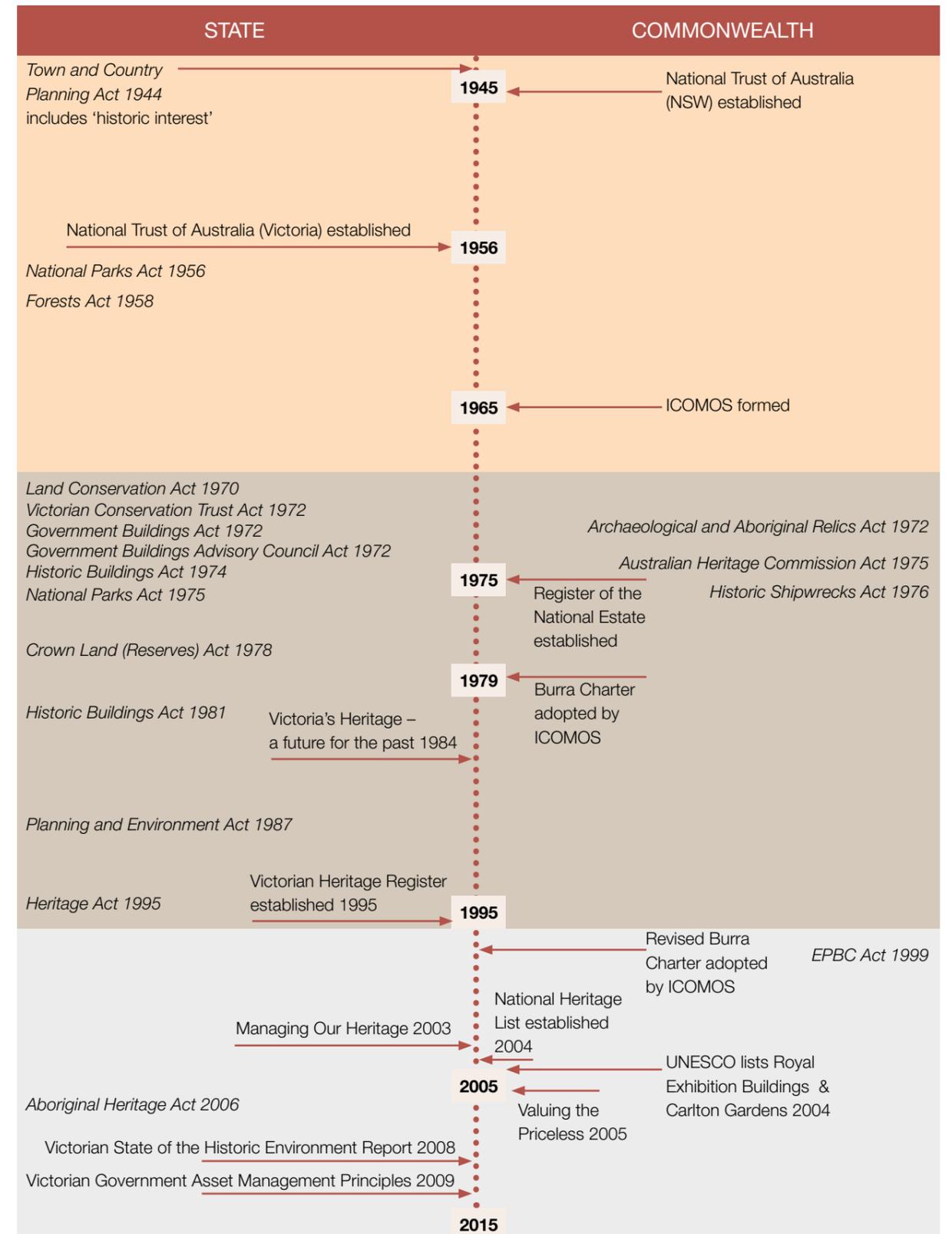
Reflecting its need to become more sustainable, the National Trust (Vic) released a strategy in 2008 in which new directions were set. The strategy outlined the change in approach from its expert committee and registration system role to concentrate on financial issues and rationalising its property portfolio. At the same time an innovative management and promotion approach, celebrating and promoting heritage, was introduced. The annual Heritage Festival and a more strategic approach to advocacy, including developing an Indigenous Action Plan, are evidence of the new approach of the organisation.

### Management principles for government agencies

In 2007 the Heritage Council established the *Cultural Heritage Asset Management Principles for Victorian Government Departments* to assist the management of heritage places with various government agencies. These principles set standards for heritage management and were endorsed by the state government in 2009. Heritage Victoria has set up a voluntary government agency network to improve coordination and encourage wider use of the principles by public land managers with responsibility for historic places and objects. An increasing number of government agencies, such as Melbourne Water, VicTrack and Arts Victoria, have taken greater responsibility for managing heritage places and allocated budgets accordingly.

Recently Heritage Victoria has released a discussion paper as part of a review of the Heritage Act. A series of proposed changes focus on streamlining registration processes and reducing regulatory burden, as well as strengthening compliance and enforcement measures. Public consultation for the review occurred between June and August 2015.

**Figure 2.1**  
Timeline showing major heritage milestones and key legislation at both a state and national level. The colour bands relate to three major stages of heritage appreciation and protection



### In summary: three stages

The history of heritage appreciation and protection in Victoria can be summarised as a sequence of three stages as represented in the timeline at figure 2.1:

- 1 the gradual awakening of interest and modest measures for protection from around the start of the 20<sup>th</sup> century (shaded peach)
- 2 the flourishing of enthusiasm and an expansion of the role of government from the 1960s to the early 1990s, characterised by new legislation, programs, resourcing and acquisition of historic places by government (shaded mushroom)
- 3 the struggle for sustainability and to adapt in the face of significant restructuring of government instrumentalities and continually tightening budgets, characterised by short-term plans and funding initiatives, and an increasing backlog of underfunded maintenance repair work (shaded light grey).

VEAC's Historic Places Investigation comes at a time when there is a need to modernise arrangements for the sustainable management of historic places on public land to take stock and reflect the changes of the last two decades, and to set it up for the decades ahead.

## 2.2 Heritage roles and responsibilities

Responsibilities for the protection of heritage places and objects are governed by a range of legal instruments at all levels of government. Principally these are Victoria's Heritage Act and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The management of heritage sites is undertaken using the best practice notes of Australia ICOMOS Burra Charter and as outlined in the policy note *Victorian Government Cultural Heritage Asset Management Principles* (2009). Heritage strategies exist for both the Commonwealth and state levels, and many government agencies have specific heritage guidelines or strategies, or have included cultural heritage in strategic plans. Examples include Parks Victoria's *Heritage Management Strategy* (June 2003), Melbourne Water's *Cultural Heritage Strategy 2008-2011 Preserving and promoting our cultural heritage* (2008), and VicRoads' *Cultural Heritage Guidelines* (2007).

On public land, historic places may also be subject to specific legislation including the National Parks Act, *Forests Act 1958* and Crown Land (Reserves) Act, and planning provisions under the Planning and Environment Act notably those relating to municipal planning schemes and heritage or environmental overlays administered by local government.

Table 2.1 outlines the various heritage significance levels and registers, the jurisdiction or governing legislation

under which these sites are identified and the responsible agencies or bodies. A more detailed description of the roles and responsibilities of key agencies and bodies is provided below.

### Heritage Council of Victoria

The Heritage Council of Victoria is an independent statutory authority established under Victoria's Heritage Act comprising 10 members appointed by the Governor in Council on the recommendation of the Minister for Planning. The Heritage Council is Victoria's main decision-making body for the conservation and protection of historically important objects or places, and is the primary source of advice to the Minister for Planning on heritage issues.

The Heritage Council is supported by a secretariat, from which it receives both professional advice and administrative support from Heritage Victoria.

The Heritage Council's functions include the following; it:

- ◆ decides which places and objects are added to the Victorian Heritage Register (described below), and operates in accordance with the Heritage Act
- ◆ hears appeals on permit applications determined by Executive Director Heritage, and
- ◆ promotes public understanding of Victoria's cultural heritage and conducts community education and information programs.

### Heritage Victoria

Heritage Victoria is the state government's principal cultural (non-Indigenous) heritage agency and is currently part of the Department of Environment, Land, Water and Planning (DELWP).

Heritage Victoria identifies, protects, promotes appreciation of and interprets Victoria's most significant cultural heritage resources on both private and public land. It advises private owners, local and state government, industry and the general community on heritage matters. Heritage Victoria administers the Heritage Act and maintains the Victorian Heritage Register (VHR) and Heritage Inventory as well as:

- ◆ recommending to the Heritage Council places and objects for inclusion in the Victorian Heritage Register as part of the assessment and registration processes
- ◆ issuing permits or consents to alter or make other changes to heritage places and objects listed in the VHR or the Heritage Inventory
- ◆ protecting Victoria's archaeological heritage
- ◆ managing historic shipwrecks and relics, administering the related provisions of the Heritage Act and acting

as the delegate for the Commonwealth Historic Shipwrecks Act, and

- ◆ coordinating the conservation of significant objects and collections.

In recent years, as budgets have tightened and the volume of work associated with the permit system and the VHR has increased, the potential for both the Heritage Council and Heritage Victoria to cover areas beyond these obligatory statutory responsibilities – including areas specified in the Heritage Act such as promotion and education, and expansion of the heritage fund – has been reduced. Focusing on the obligatory statutory responsibilities, where heritage protection centres on applications to actively modify or even demolish heritage fabric on private land, also has the effect of reducing the attention on historic places on public land where the predominant threat to heritage is neglect and deterioration.

### Victorian Aboriginal Heritage Council

The *Aboriginal Heritage Act 2006* commenced operation on 28 May 2007. It is Victoria's principal legislation for protecting Aboriginal cultural heritage and is linked to Victoria's planning scheme through cultural heritage management plans. Large developments and other high impact activities in culturally sensitive landscapes can cause significant harm to Aboriginal cultural heritage. In these cases a cultural heritage management plan, prepared by a cultural heritage advisor and approved by the relevant Registered Aboriginal Party, is required for developments that may have an effect on culturally sensitive landscapes.

Areas of cultural heritage sensitivity are registered Aboriginal cultural heritage places, as well as landforms and land categories that are generally regarded as more likely to contain Aboriginal cultural heritage. Indicative maps of these areas – as specified in the *Aboriginal Heritage Regulations 2007* – are available from the Office of Aboriginal Affairs Victoria and in municipal planning scheme overlays.

The Victorian Aboriginal Heritage Council was created as a statutory body under the Aboriginal Heritage Act to ensure that Aboriginal people throughout Victoria play a central role in the protection and management of their heritage.

The Aboriginal Heritage Council comprises eleven Traditional Owners appointed by the Minister for Aboriginal Affairs and the principal functions are:

- ◆ making decisions on Registered Aboriginal Party (RAP) applications
- ◆ providing advice to the Minister for Aboriginal Affairs and others about the protection and management of Aboriginal cultural heritage, and
- ◆ promoting public awareness and understanding of Aboriginal cultural heritage.

### Office of Aboriginal Affairs Victoria (OAAV)

The Office of Aboriginal Affairs Victoria (OAAV) in the Department of Premier and Cabinet provides advice to government on Aboriginal policy and planning, and delivers key programs. OAAV works in partnership with Aboriginal communities, and government departments and agencies to promote knowledge, leadership and understanding about Victoria's Aboriginal people. The OAAV provides management of, and access to, Aboriginal cultural heritage records across the state and maintains the Victorian Aboriginal Heritage Register established under the Aboriginal Heritage Act.

### National Trusts of Australia

The National Trusts of Australia are community-based, non-government organisations, committed to promoting and conserving all aspects of Australia's Indigenous, natural and historic heritage through advocacy work and custodianship of heritage places and objects. As described in section 2.1, the Victorian branch was established in 1956 and has played a major long-term role promoting heritage appreciation and protection.

Across Australia National Trust branches own or manage over 300 heritage places with a volunteer workforce of 7000 and some 350 employees. The National Trust (Victoria) financially relies on membership subscriptions, sponsorship, donations and bequests, property admissions and retail sales; less than 10 per cent of operational revenue is sourced from government. As well as its own properties, the National Trust (Vic) currently manages eight Crown land reserves and public land historic places and objects, seven of which are listed on the Victorian Heritage Register (VHR):

- ◆ Old Melbourne Gaol, Melbourne [VHR H1553]
- ◆ Tasma Terrace, East Melbourne [VHR H1025]
- ◆ Rippon Lea (mostly private land but a small part is leased public land), Elsternwick [VHR H0614]
- ◆ Gulf Station, Yarra Glen [VHR H0384]
- ◆ Prefabricated Timber House, located at Gulf Station, Yarra Glen [VHR H2024]
- ◆ Captain John Mills Cottage, Port Fairy [VHR H0253]
- ◆ Old Duke and Orr's Dry Dock, hosting the VHR listed restored merchant ship *Polly Woodside* owned by the National Trust (Vic), Southbank [VHR H1096].

In 2014 National Trust of Australia (Victoria) released a Strategic Plan 2014-2018 outlining the vision 'for the Australian community to understand, value and enjoy the natural, cultural and Indigenous heritage that creates our national identity'

## Department of Environment, Land, Water and Planning (DELWP)

DELWP is responsible for management of nearly nine million hectares of public land and coastal waters including parks and reserves, state forest, alpine resorts, and catchments. The department directly and indirectly (e.g. with Parks Victoria and committees of management) manages a diverse collection of historic places, from historic mining and sawmill sites in state forest, to cattlemen's huts in national parks, and historic court houses in cities and towns. The department also has responsibility for Crown land forming the seabed and stream beds and banks.

DELWP assists and advises committees of management and Crown land managers of historic places by identifying statutory obligations. In the past it has prepared conservation plans and provided technical advice generally about managing historic places.

Cultural heritage sites in state forest are listed in forest management plans or regional inventories. Some sites are specifically identified in forest management area plans for protection from damaging activities (i.e. controlled burns, timber harvesting operations).

## Parks Victoria

Parks Victoria, as the land manager for parks and conservation reserves in Victoria, is responsible for many areas containing historic places such as lighthouses, shipwrecks, historic buildings and archaeological sites. More than 145 VHR listed sites are managed by Parks Victoria along with ten national heritage list sites, those with specific national historic values comprising:

- ◆ Point Nepean Defence Sites and Quarantine Station Area, Point Nepean National Park
- ◆ Castlemaine Diggings National Heritage Park, and
- ◆ Great Ocean Road (some areas adjoining the road reserve).

In 2003 Parks Victoria prepared a *Heritage Management Strategy* (2003) that set its direction for management of historic places. The strategy specifies management actions, priorities and standards. A number of goals and related actions and targets are established. The strategy also acknowledges that heritage is an important component of leisure activities and contributes to the economy through tourism and education. Plans to produce a new, more up to date strategy have been postponed until after the completion of VEAC's Historic Places Investigation.

## Other government departments and agencies

As outlined in the policy note issued by the *Heritage Council Victorian Government Cultural Heritage Asset Management Principles* (2009), public land managers are required to use the Burra Charter as the basis for best practice management of heritage places. Effective management is where an appropriate balance is achieved between the twin objectives of efficient provision of government services and the responsibility of conserving Victoria's heritage. The principles recommend each agency establish a heritage asset management strategy, a list of heritage assets and integrate cultural heritage assessment into routine planning and decision making. Principle 3 states:

*State agencies should lead by example by adopting appropriate heritage management strategies, processes and practices. The Victorian Government should set standards for the community in the management of heritage assets.*

Several government departments and agencies have commissioned expert heritage studies and prepared cultural heritage management strategies, conservation plans, heritage inventories or lists including:

- ◆ VicTrack's annual Heritage Program including the Heritage Review (2013) survey conducted for a sample of 45 heritage assets, and Community Use of Vacant Rail Buildings Program
- ◆ Port of Melbourne Corporation *Preserving our heritage* (2011) and *Heritage Strategy* (2011)
- ◆ Melbourne Water's *Cultural Heritage Strategy 2008-2011 Preserving and promoting our cultural heritage* (2008)
- ◆ Department of Human Services *Heritage Asset Management Strategy* (2014)
- ◆ Parks Victoria's *Heritage Management Strategy* (June 2003), and
- ◆ VicRoads' *Cultural Heritage Guidelines* (2007) and *Sustainability and Climate Change Strategy 2010-2015 - Direction 2 Protecting and Enhancing the Natural and Cultural Environment* (2010).

To support government agencies, Heritage Victoria has prepared a *Toolkit for Victorian Government Asset Management: Conducting a Heritage Audit* (draft 2015). This toolkit provides guidance on how to document condition and future maintenance needs for heritage assets including places and objects of historic, scientific, social, aesthetic and spiritual value. The toolkit contains resources such as document templates and identifies additional materials that may be useful for historic place management.

For some agencies, historic places that no longer serve the core purpose or function of the organisation are divested. The potential sale of assets no longer in use will trigger a review of public land values and identification of any heritage significance; some redundant assets have been subsequently included on the Victorian Heritage Register. In the case of the well-known Murtoa Grain Store No. 1 (the 'Stick Shed'), which is particularly difficult to manage and poorly suited to re-use, the ongoing responsibility for management has defaulted to the Department of Treasury and Finance. There is a widespread perception among government asset managers that the introduction of heritage protection measures may make it more difficult to find a new use or adaptive re-use for some sites in transition from public to private ownership. A similar perception surrounds heritage listing for assets required for ongoing use, e.g. bridges or water supply infrastructure, that listing will potentially conflict with the maintenance of safe operations. These issues are explored in more detail in section 2.6.

## Commonwealth Department of the Environment

The Department of the Environment develops and implements policies and programs to help identify, conserve and promote appreciation of Australia's natural and cultural heritage places and objects. The department is responsible for administering the key national heritage law the EPBC Act. National heritage is one of nine matters of national environmental significance protected by the Act.

The department is also handling the development of the *Australian Heritage Strategy* as one of Australia's key heritage priorities. A draft of the strategy was made available for public comment until 2014 and over 100 submissions were received (in addition to those in two earlier public consultation periods). The draft sets out the aim of the strategy as to provide a framework for leadership, partnerships and community engagement. The draft strategy attempts to include all aspects of heritage under one document — i.e. historic, Indigenous, natural and cultural heritage, although the focus is largely on heritage places, their identification and management and how the community shares and celebrates the stories these places represent.

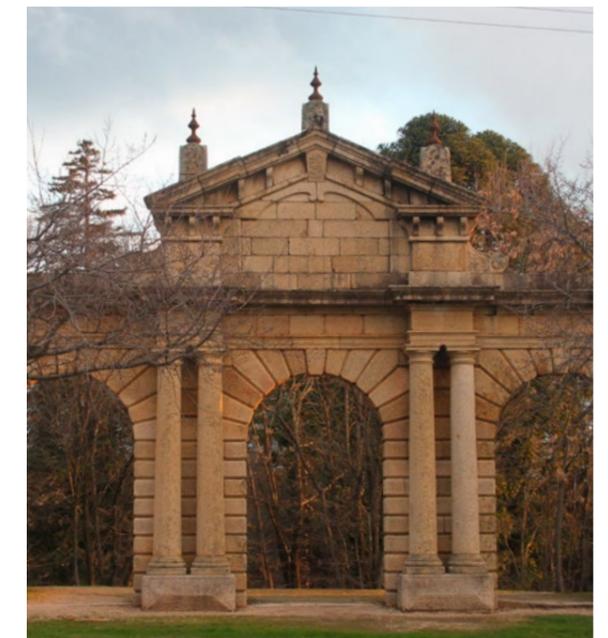
## Australian Heritage Council

The Australian Heritage Council is the principal adviser to the Australian Government on heritage matters. The Australian Heritage Council is a body comprising a chairperson and six heritage experts established by the *Australian Heritage Council Act 2003*. The Council replaced the Australian Heritage Commission (1975-2004) which was the Australian Government's independent expert advisory body on heritage matters, until amendments to the EPBC Act in 2004.

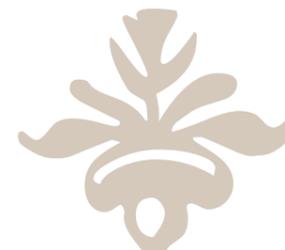
The Australian Heritage Council assesses nominations for the National Heritage List, and the Commonwealth Heritage List (for places on Commonwealth-owned land) and may also nominate places for inclusion in these lists. The council plays a key role in assessment, advice and policy formulation and support of major heritage programs as well as promoting the identification, assessment, conservation and monitoring of heritage.

## Australia ICOMOS (International Council on Monuments and Sites)

Australia ICOMOS is a professional non-government conservation organisation concerned with the care of places of cultural significance. ICOMOS (International) is affiliated to UNESCO, and advises it on World Heritage matters. Australia ICOMOS has produced the Burra Charter and associated guidelines, which is a voluntary charter first published in 1979 that sets out principles, processes and standards for the conservation of the cultural environment. The charter underpins much of Australia's heritage legislation and management practice. The most recent version of the charter dates from 2013.



The former Ovens Goldfields Hospital (1857–1940), Beechworth



## HISTORIC SHIPWRECKS AND OTHER MARITIME CULTURAL HERITAGE

There are believed to be around 780 shipwrecks along the Victorian coastline, most of which are undiscovered. In Victoria's territorial waters — within 3 nautical miles of the coastline — historic shipwrecks and associated items (older than 75 years or by special declaration) are protected under Part 5 of the *Heritage Act 1995* and listed on the Victoria Heritage Register (VHR). Historic shipwrecks and relics can be declared vested in the Crown if they are under threat and can also be secured within a no-entry protected zone listed on the VHR (not exceeding 100 hectares or a 500 metre maximum radius around the wreck site). The Act applies to all shipwrecks and relics in Victorian state waters including bays, harbours and rivers such as Port Phillip Bay, Gippsland Lakes and the Goulburn River. A 16-member Maritime Heritage Advisory Committee provides advice to the Heritage Council on maritime heritage including historic shipwrecks, lighthouses, pier and jetties.

Nine shipwrecks have been listed in a declared Protected Zone and these are marked on navigational charts. It is an offence to enter, anchor, fish, trawl or dive in a protected zone without a permit. Heritage Victoria encourages access for recreational diving on shipwrecks and issues permits for some but not all protected wrecks, depending upon the heritage values and the fragility of the site.

The Commonwealth *Historic Shipwrecks Act 1976* also provides protection for all Australian waters below low tide mark, including state waters. Most historic shipwrecks and relics are Commonwealth owned (as a result of the *Navigation Act 2012*). The Historic Shipwrecks Program operates under the Commonwealth Act with objectives to research, explore, document and protect Australia's historic shipwreck heritage. The Commonwealth Department of the Environment provides funding to state and territory agencies to help protect shipwrecks and their relics and to promote a better understanding



Wreck of the S.S. Speke, Watt Point, Phillip Island

of their stories. Responsibility for maritime heritage management is delegated to Heritage Victoria for those shipwrecks in Commonwealth waters off the Victorian coast. Heritage Victoria also administers the provisions of Victoria's Heritage Act for underwater aircraft crash sites and other maritime heritage.

The *Heritage (Historic Shipwrecks) Regulations 2007* outline the offences and relevant fines applicable under the Heritage Act. It is an offence to interfere with, damage or disturb historic shipwreck sites, or to take relics from them, and heavy penalties apply.

### 2.3 Statutory protection of heritage

In Australia heritage is protected under a three-tier system based on the level of cultural significance: national (and world), state and local significance. Historic places of significance may be recorded in one of several complementary but overlapping heritage registers, lists, and inventories, each established in accordance with the specific requirements of relevant government agencies and custodians. Protection of places of heritage significance and management of information as it relates to historic places on public land is described below together with the management implications of each listing.

#### World Heritage

As of July 2015, UNESCO's World Heritage List has 1007 places of outstanding cultural and natural heritage that are considered to have importance for all humankind. The list is established under the *Convention for the Protection of the World Cultural and Natural Heritage*, which was adopted by UNESCO in November 1972 and now includes 185 signatory countries. Member countries have an obligation to regularly prepare reports about the state of conservation and the various protection measures put in place at their World Heritage List sites.

In June 2004, Victoria's Royal Exhibition Building and Carlton Gardens — located on Crown land in Melbourne — was added to the World Heritage List as Australia's first built heritage site of outstanding universal value. The place

description for the World Heritage List is summarised in box 2.3. Currently this is the only World Heritage List site in Victoria and one of three places included for cultural values exclusively. The others are the Australian Convict Sites, comprising 11 penal sites across the country, and the Sydney Opera House.

Management arrangements for world heritage sites in Australia vary from place to place. Many are managed by government agencies in their respective states and, of the current 19 Australian sites, 12 are listed for natural values, and four for mixed natural and cultural values. The Royal Exhibition Building is managed by Museum Victoria (as a committee reporting to Arts Victoria) and Carlton Gardens is managed by the City of Melbourne. The site was included in the National Heritage List in 2004 under the Commonwealth EPBC Act and on the VHR in 1998 under Victoria's Heritage Act. Inclusion in the National Heritage List requires that any proposed action that may have a significant impact on heritage values is prohibited without the approval of the federal Minister for Environment. Inclusion in the VHR also means that works inside the site boundaries require prior approval under the Heritage Act.

A Conservation Management Plan was prepared in 2009 and the provisions of the EPBC Act limit any developments in adjoining areas which are likely to have a significant impact on the world heritage values. A buffer zone covering an additional 55.26 hectares was established in 2010 and a World Heritage Environs Area Strategy Plan has been prepared.

## VICTORIA'S WORLD HERITAGE PLACE: ROYAL EXHIBITION BUILDING AND CARLTON GARDENS



The Royal Exhibition Building and its surrounding Carlton Gardens were designed for the great international exhibitions of 1880 and 1888 in Melbourne. The building and grounds were designed by Joseph Reed. The building is constructed of brick and timber, steel and slate. It combines elements from the Byzantine, Romanesque, Lombardic and Italian Renaissance styles. The property is typical of the international exhibition movement which saw more than 50 exhibitions staged between 1851 and 1915 in venues including Paris, New York, Vienna, Calcutta, Kingston (Jamaica) and Santiago (Chile). All shared a common theme and aims: to chart material and moral progress through displays of industry from all nations.

## National significance

Heritage places of national significance can be on one or both of the National and Commonwealth Heritage Lists. Australia's National and Commonwealth Heritage Lists were formally established in January 2004 with amendments to the EPBC Act. Information about sites and places can be accessed via the Australian Heritage Database which currently contains more than 5,100 records for Victoria. This database also hosts an archive of information from the Register of the National Estate and details of Australia's World Heritage Listings (see below).

The Commonwealth Heritage List is a list of natural and Indigenous and historic heritage places owned or controlled by the Australian Government. The list includes places connected to defence, communications, customs and other government activities that also reflect Australia's development as a nation. Under the VEAC Act Commonwealth-owned land is not considered public land. Some former Commonwealth owned places such as light stations have been surrendered to Victoria and are now Crown land (e.g. Gabo Island).

Australia's National Heritage List (NHL) is a register of places of outstanding Indigenous, historic and/or natural heritage values. Listing a place ensures that the national heritage values recorded are protected by Australian federal law and through special arrangements with state and territory governments, and with Indigenous and private owners. Some places may have significance for more than one value or a multi-layered history (e.g. Australia's Alps National Parks and Reserves, Castlemaine Diggings National Heritage Park). Victoria has 24 places listed on the NHL of which 19 are partly or wholly on public land (see figure 2.2 and appendix 4). Historic or cultural values are the primary reason for listing of 15 places on public land, although many other natural or Indigenous sites also have historic values.

The EPBC Act requires prior approval for any action that is likely to have a significant impact on any of the nine matters of national environmental significance which includes national heritage places. There are penalties for those who do not seek approval. An action includes a project, development, undertaking, an activity or series of activities. The nine matters of national environmental significance identified in the EPBC Act are:

- ◆ Australia's world heritage properties
- ◆ national heritage places
- ◆ wetlands of international importance (listed under the Ramsar Convention)
- ◆ migratory species
- ◆ listed threatened and ecological communities
- ◆ Commonwealth marine areas

- ◆ the Great Barrier Reef Marine Park
- ◆ nuclear actions, including uranium mining, and
- ◆ a water resource, in relation to coal seam gas or large coal mining development.

The Register of the National Estate (RNE) was established under the *Australian Heritage Commission Act 1975* and closed in 2007. While no longer a statutory list, the information is maintained as a publicly available archive of more than 13,000 records covering sites of both cultural and environmental heritage significance. The intention of the RNE was 'to represent places we wanted to keep' based on UNESCO's International Estate approach. The RNE's former statutory role was limited to actions of the Commonwealth and has been transferred and enhanced in the current National Heritage List and state heritage registers, although for some values there is no comparable state listing mechanisms or statutory protections available. The archived register contains a large amount of information that may not be readily available elsewhere.

## Victorian Heritage Register - state significance

The Victorian Heritage Register (VHR) details the state's most significant heritage places and objects. As stated above, the Heritage Council decides on recommendations for VHR listing. Currently there are some 2310 items listed on the VHR, comprising:

### heritage places:

buildings, trees, parks and gardens, streetscapes, archaeological sites, cemeteries, precincts, shipwrecks and structures such as bandstands

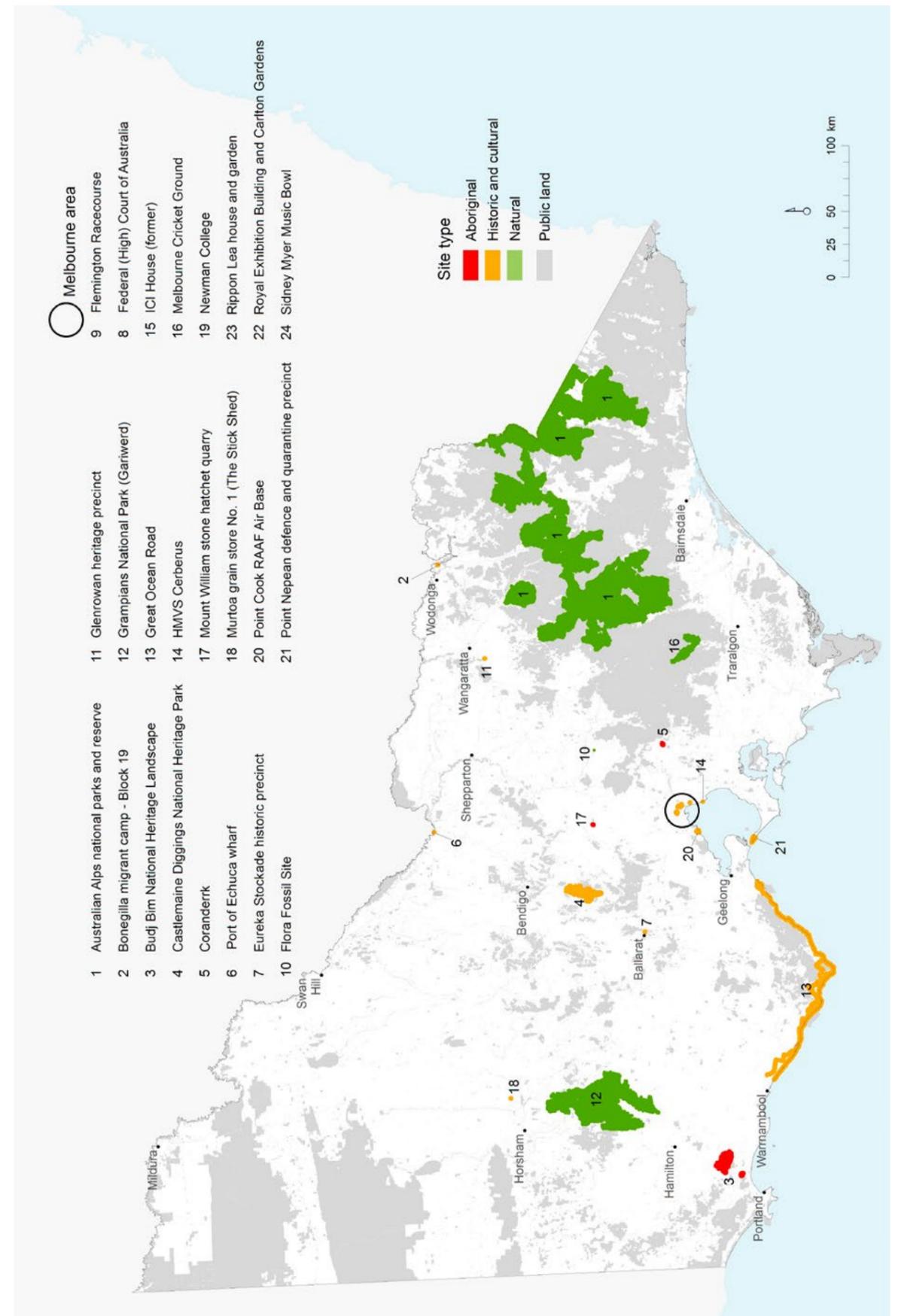
### heritage objects:

furniture, shipwrecks, relics, documents, archaeological artefacts, equipment, transport vehicles and everyday articles that contribute to an understanding of Victoria's history.

It is illegal to alter a VHR site or object without a permit from Heritage Victoria. Permit exemptions are issued for normal maintenance and upkeep. All applications are referred to the relevant municipality (local council) for comment and consultation. Where a conservation or master plan has been prepared, more extensive changes may be exempt from permit; however Heritage Victoria should be consulted to determine if a permit is required.

The Heritage Council may make a determination that certain works and activities may be carried out to a registered place or registered object without a permit.

Figure 2.2 National Heritage List sites in Victoria (also see appendix 4)



### Municipal planning scheme heritage overlays

Local government manages the identification and protection of heritage places or precincts of local heritage significance using the planning provisions of the Planning and Environment Act. Heritage overlays are used to identify sites of local historical significance and apply certain land use planning controls. A heritage place may be an individual site or a precinct area of several sites and may be of cultural significance such as buildings or archaeological sites, or of natural significance such as trees, gardens or habitat.

Most municipalities have prepared a heritage assessment and, collectively, a large number of places of local significance have been identified. Figure 2.3 shows the statewide distribution of 19,365 heritage overlay places and precincts comprising some 131,530 hectares. Local councils, in consultation with Heritage Victoria for VHR listed sites, are responsible for issuing planning permits for

the use and development of heritage places. While there are numerous places of local significance on public land, the majority of sites identified in local heritage overlays are historic places on private land, and the heritage controls largely relate to external alterations or changes to the built environment.

Heritage Victoria and the Heritage Council of Victoria have prepared guides to assist local councils with heritage permit assessments and planning decisions. For example *Applying the Heritage Overlay Practice Note* provides direction on the use of the heritage overlay such as the places to include, and the criteria used to assess significance.

The *Heritage Overlay Guidelines* assist in the assessment of planning permit applications relating to development of heritage places and are used in conjunction with local council heritage guidelines.

### Heritage inventory

All archaeological sites are protected in Victoria under the Heritage Act which specifies that an archaeological place or relic must be at least 50 years old. Heritage Victoria maintains a Heritage Inventory listing all known historical or non-Aboriginal archaeological sites and artefacts, regardless of their level of significance. An archaeological site may include below-ground remains such as building foundations and buried objects, and above-ground features such as ruins. Activities such as digging for bottles, coins or other artefacts that involve the disturbance of archaeological sites constitute a breach of the Heritage Act, regardless of the land ownership.

There are some 6800 sites listed on the heritage inventory, although many parts of the state have not been surveyed. A consent to undertake works or other activities is required from Heritage Victoria where activities may affect the archaeology on a property that is included on the heritage inventory.

### Aboriginal heritage places

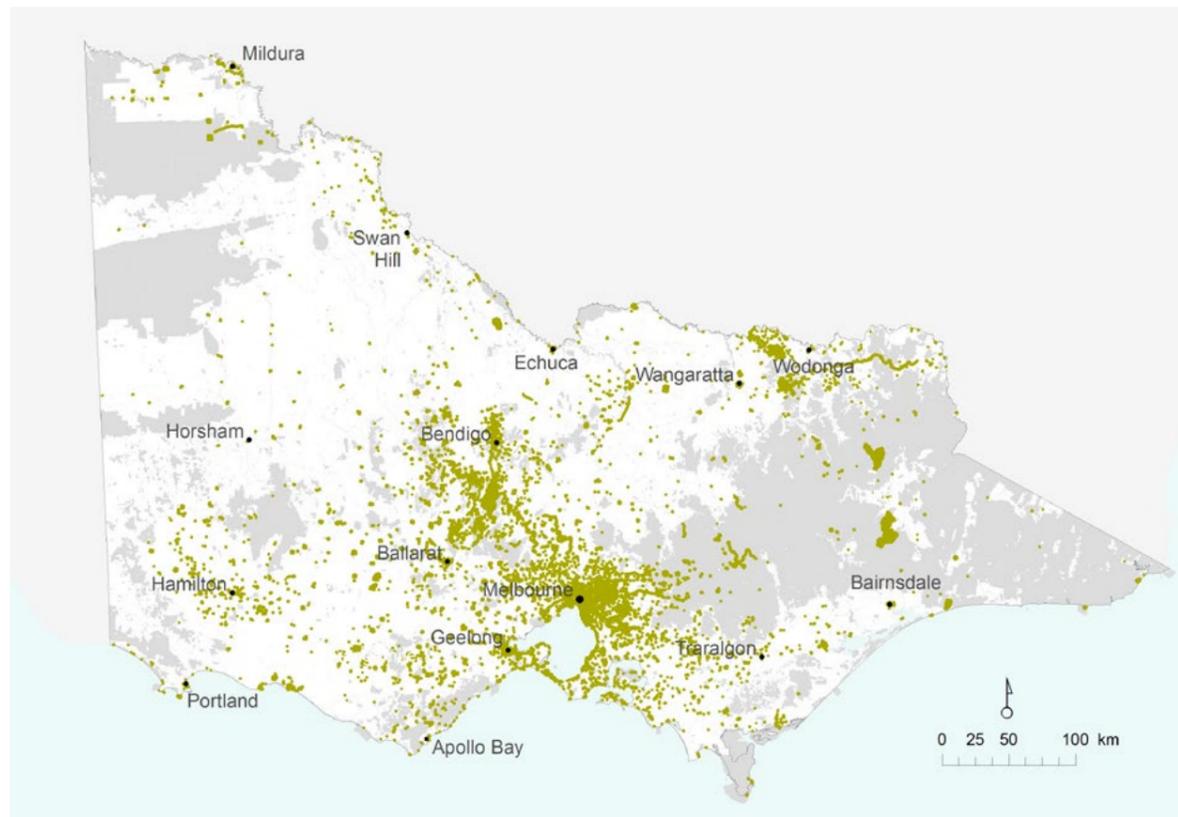
VEAC's Historic Places Investigation excludes places associated with Aboriginal cultural heritage prior to contact with non-Aboriginal people. Even with that exclusion, there are still many places of great importance to Aboriginal people within the investigation's scope, and statutory protection of these places is an important component of the investigation.

While some Aboriginal heritage places are included in the listings above, particularly those with shared values or historic components, none of these lists contains comprehensive information about the existence of places of Aboriginal heritage value. The Victorian Aboriginal Heritage Register was established under the Aboriginal Heritage Act to document cultural heritage records across Victoria and provide broad protection of Aboriginal heritage. All known Aboriginal places in Victoria are to be included on the register as well as private collections of Aboriginal objects, the details of Registered Aboriginal Parties (RAPs), cultural heritage permits, management plans, protection and stop orders, and ongoing declarations.

The Aboriginal Heritage Regulations also specify areas of cultural heritage sensitivity which may include registered Aboriginal cultural heritage places, as well as landforms and land types (e.g. river frontages, the coastline). Indicative maps of these specified areas are available from the Office of Aboriginal Affairs Victoria and included in planning scheme overlays.

Archaeological sites and artefacts that relate to contact and shared activity between Aboriginal and non-Aboriginal people (such as mission sites) are regarded as both Aboriginal sites and historical archaeological sites and are protected by both the Aboriginal Heritage Act and the Heritage Act. A joint working group with members from both the Victorian Aboriginal Heritage Council and the Heritage Council has undertaken a pilot project focusing on such locations to initiate a better understanding of places and objects with shared values (see section 2.5).

**Figure 2.3**  
The statewide distribution of some 19,365 heritage overlay places and precincts identified under the municipal planning scheme for each local government area (information compiled from the Victorian Planning schemes online and Heritage Victoria's HERMES database)



Toombullup Historic Area, near Mansfield

**Table 2.1**  
Summary of heritage registers, inventories and lists

Register or list	Jurisdiction and governing legislation	Types of places included		Significance levels	Examples of sites listed in Victoria
<b>World Heritage List</b>	<i>Convention concerning the Protection of the World Cultural and Natural Heritage and Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	Places of World Cultural and Natural Heritage that are outstanding and universal, nominated by each nation and assessed by UNESCO		International	Royal Exhibition Building and Gardens, Carlton: the only site in Victoria. Australia has 19 of 1007 World heritage sites of 'outstanding universal value'.
<b>National Heritage List</b>	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	Exceptional natural and cultural places including indigenous and non-indigenous sites that contribute to Australia's national identity, or define critical moments in Australia's development as a nation		National	Royal Exhibition Building; Melbourne Cricket Ground; Flemington Racecourse; HMVS Cerberus, Black Rock  18 of 24 sites in Victoria are at least partly on public land.  A place must have nationally 'significant' heritage value to be listed and may have multiple types of values.
<b>Commonwealth Heritage List</b>	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	Comprises natural, Indigenous and historic heritage places that are either entirely within a Commonwealth area, or outside the Australian jurisdiction and owned or leased by the Commonwealth or a Commonwealth Authority		Significant values (local to State level)*	Commonwealth land sites: e.g. Victoria Barracks at Southbank, Melbourne; Fort Gellibrand at Williamstown; and Point Cook Air Base. Commonwealth land is not public land as defined in the <i>VEAC Act 2001</i> and therefore no places on this list are subject to this investigation.
<b>Register of the National Estate</b> (discontinued)	<i>Commonwealth Australian Heritage Commission Act 1975</i> repealed in 2006, and statutory powers removed in 2011.	Natural, Indigenous and historic places throughout Australia		Local, state and national	Although discontinued this remains a very important information source, much of which is not held elsewhere or readily accessible. Some 13,000 sites around Australia were listed on the Register.
<b>Victorian Heritage Register (VHR)</b>	<i>Victoria's Heritage Act 1995</i> <i>Commonwealth Historic Shipwrecks Act 1976</i> <i>Heritage (Historic Shipwreck) Regulations 2007</i>	Significant places and objects including extensive land areas, buildings, gardens and trees, and archaeological sites/remains; also shipwrecks, collections and objects		State	Public and private land sites are listed. Listed public land heritage places include Flagstaff Gardens - Melbourne; Bonegilla Block 19 - Wodonga; Echuca Wharf.
<b>Heritage Inventory (HI)</b>	<i>Victoria's Heritage Act 1995</i>	Historic archaeological sites and relics		Archaeological values **	View Street Bendigo archaeological precinct; Buckland Chinese cemetery; Steampacket Reserve archaeological precinct, Geelong.
<b>Planning Scheme Heritage Overlay</b>	Victoria: local government <i>Planning and Environment Act 1987</i>	Places and precincts of local heritage significance as well as places included in state and national registers		Local, state and national	Large number of sites; many municipal heritage assessments have been undertaken. There are numerous places of local significance in heritage overlays located on public land, e.g. Fairfield Boathouse on the Yarra River in the City of Yarra.
<b>Aboriginal Heritage Register</b>	<i>Aboriginal Heritage Act 2006</i> <i>Aboriginal Heritage Regulations 2007</i>	All known Aboriginal cultural heritage places and objects, including their location and a detailed description.  Also operates as an administrative tool for Aboriginal cultural heritage management.		Of Aboriginal cultural significance	Over 30,000 Aboriginal objects and places have been recorded including places with shared and historic values such as Coranderrk Mission and Ebenezer Mission (both largely on private land).
<b>National Trust Register</b>	Non statutory register. Established by the National Trust of Australia (Victoria) to identify significant heritage sites and seek their formal protection.	Places of cultural and landscape heritage significance that includes buildings, trees, landscapes, gardens public art and objects. Now includes the Significant Tree Register.		Local, state and national	Many heritage sites, including places owned by the National Trust such as Rippon Lea Estate, those on Crown land (Old Melbourne Gaol) and places in private ownership.

\* 'Commonwealth heritage value': thresholds for the National Heritage List are different to those used for the Commonwealth Heritage List and the Register of the National Estate; most of the places on the latter lists may be of local or state-level significance.

\*\* includes potential archaeological values as well as known sites.

## 2.4 Heritage data management and use

As indicated in section 2.3, there is a substantial body of information available on heritage and historic sites, objects and places. In many of these information sources there are clear linkages across datasets and in some cases there is also duplication. This section describes the main information repositories and the types of information they house. The rigour and utility of the existing heritage data is discussed as well as the representation of types of historic places.

### Information sources

There are two comprehensive datasets that include both statewide statutory registers and extensive coverage of historic places and objects. These are Victoria's HERMES database, and the Commonwealth's Australian Heritage Database for sites of international and national significance or places listed on the former Register of the National Estate.

For Victoria, the HERMES database operated by Heritage Victoria contains the most extensive compilation of information. HERMES contains approximately 120,000 records for Victoria although there are many instances of multiple records for one site or object, as well as delisted or destroyed places. The records comprise information entered by various individuals and organisations, and include planning issues associated with places listed on municipal planning scheme heritage overlays. A public version of selected parts of the HERMES database can be accessed online as the 'Victorian Heritage Database'. The database primarily contains information that describes a place, its history, level of cultural significance and heritage status from the following sources:

- ◆ Victorian Heritage Register (VHR)
- ◆ Heritage Inventory
- ◆ Victorian War Heritage inventory
- ◆ Heritage Planning overlays: local councils may provide records for planning scheme overlays and heritage consultant reports
- ◆ public land heritage sites, prepared by DELWP (and predecessors)
- ◆ other site information provided by government agencies (e.g. Melbourne Water), non-government organisations such as the National Trust (Victoria), heritage consultants and other registered users.

The Australian Heritage Database contains information for more than 20,000 natural, historic and Indigenous places. The database includes:

- ◆ places on the World Heritage List
- ◆ places on the National Heritage List
- ◆ places on the Commonwealth Heritage List
- ◆ places in the (former) Register of the National Estate
- ◆ places on the List of Overseas Places of Historic Significance to Australia
- ◆ places under consideration, or that may have been considered for, any one of these lists.

The non-statutory National Trust Register provides statewide coverage, but is not comprehensive and is designed to meet the specific requirements of the National Trust of Australia (Victoria). For example the former Register of Significant Trees has been incorporated into this register. Assessment of places for inclusion in this register are made by the National Trust. Many records are also included in HERMES.

The Victorian Aboriginal Heritage Register was established under the Aboriginal Heritage Act to document Aboriginal cultural heritage places or objects and areas of Aboriginal cultural heritage sensitivity. The Aboriginal Cultural Heritage Register and Information System (ACHRIS) is the computerised system maintained by the Office of Aboriginal Affairs Victoria to provide for the management of, and access to, Aboriginal cultural heritage records across the state. The Victorian Aboriginal Heritage Register can be publicly accessed by application only because it contains culturally sensitive information.

The Australian National Shipwrecks Database was launched in December 2009 and includes all known shipwrecks in Australian waters as well as aircraft wrecks and other marine cultural heritage including associated relics. Each state and territory has provided the historic shipwreck information, and for Victoria the information is also reflected in the VHR listings of historic shipwrecks.

### A strategic assessment of historic places of state significance

There is a need for a detailed survey of the heritage of Victoria's public estate to inform more strategic and cost effective management and planning processes. As part of the terms of reference for this Investigation into Historic Places, VEAC was requested to:

- review current information and information sources on historic places on public land, including representation of historical themes;
- examine and provide an assessment of current information, ...

As described in the preceding section, prior to this investigation there was no centralised collation of information of Victoria's significant historic places on public land. VEAC has collated information provided by public land managers, Heritage Victoria and other sources to obtain a snapshot of the types of places and management arrangements for all historic place sites and objects (assets) on the VHR (excluding some 600 listed shipwrecks). In undertaking this task, VEAC has not made a new assessment of significance or values, but instead utilised existing material and catalogued it in a format which can be more readily analysed. While the examination and assessment of information has been limited to places on the VHR, the recommendations of this investigation are not limited to places of state heritage significance but also apply to places of local heritage significance unless otherwise specified.

Of the 2310 places and objects listed on the VHR, there are around 848 (some 36 per cent) located at least partly on public land or owned by the State of Victoria, including some 17 moveable objects located on display, in museum or archive collection. A breakdown of management responsibilities for these assets on public land is provided

in section 2.6. It should be noted that there are many additional assets owned by local councils; however land owned by municipalities is not included in the definition of 'public land' in the VEAC Act.

VEAC has undertaken an assessment of the types of places and objects listed on the VHR using 'Historic Groups' as defined by Heritage Victoria (see appendix 2). Each VHR asset has been assessed to determine the primary historic group and determine if it is located on public land. There are many cases where historic places represent multiple historic groups. For this analysis, a judgement has been made as to which historic group is predominant for each registration. The outcomes are therefore indicative. While the assignment of historic themes to each site would also be useful, the complex overlapping and multi-layered results of this approach are unlikely to provide succinct and accessible information. Additionally, a detailed understanding is required for each place to assign historic themes.

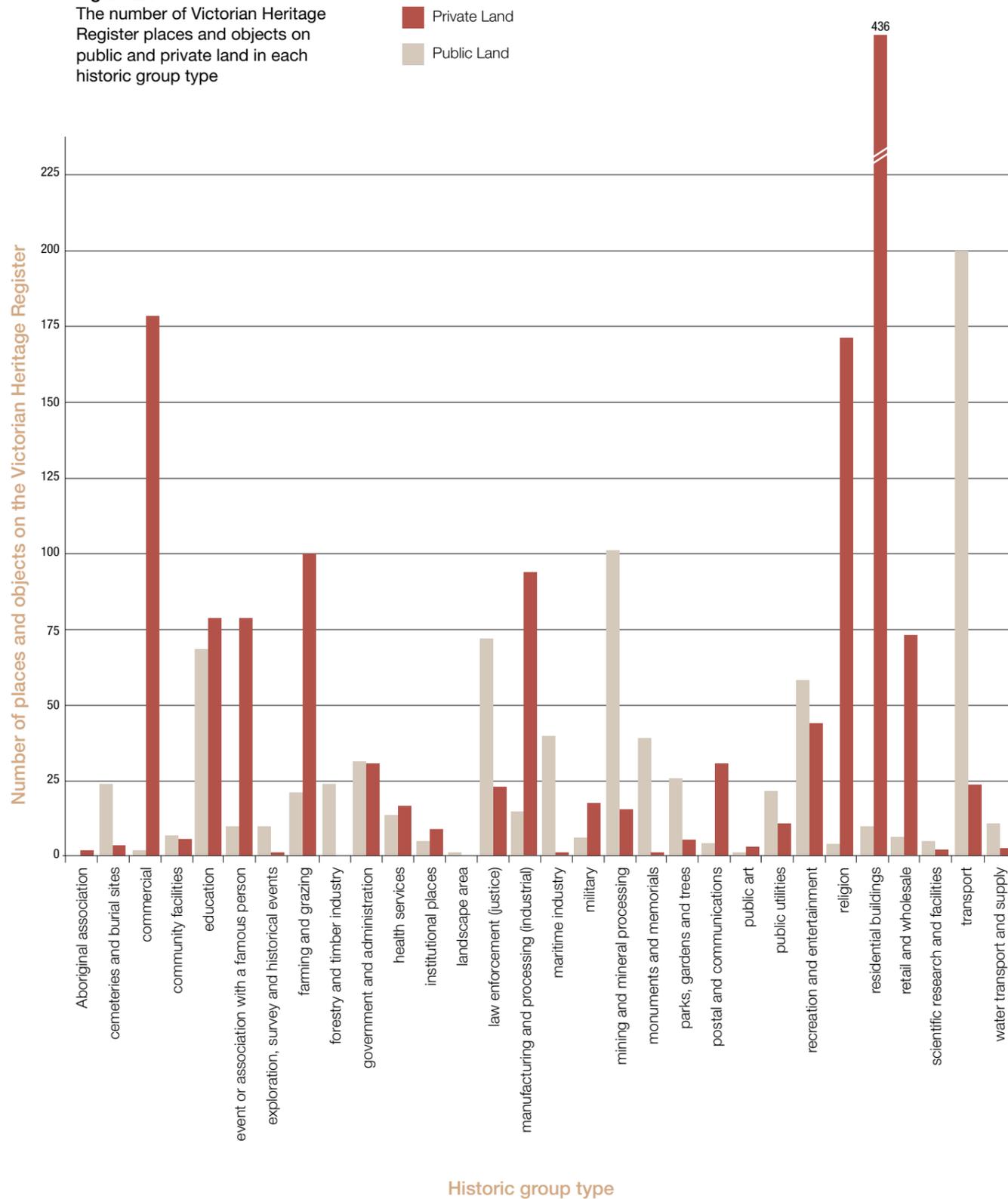
A summary of the spread of historic groups for the entire VHR as well as for public and private land separately is shown in table 2.2 and figure 2.4. Unsurprisingly, these data show that public land is particularly important for forestry, law enforcement, maritime, mining, monuments, parks and gardens, public utility, transport and water supply places. Representation of agriculture, commercial, manufacturing, postal, religious, residential and retail places is skewed to a similar degree, but towards private land. High percentages of VHR places on public land are in the transport (25 per cent), mining (12 per cent), law enforcement (8 per cent) and education (8 per cent) groups, while the predominant groups overall are residential (10 per cent), transport (10 per cent), commercial (8 per cent) and religion (8 per cent).



Eureka Reef, Castlemaine Diggings National Heritage Park



**Figure 2.4**  
The number of Victorian Heritage Register places and objects on public and private land in each historic group type



**Table 2.2**  
The number of Victorian Heritage Register places and objects on public land, private land and overall in each historic group type

Historic group type	Public land	Private land	Total
Aboriginal association	0	2	<b>2</b>
cemeteries and burial sites	21	4	<b>25</b>
commercial	2	180	<b>182</b>
community facilities	7	6	<b>13</b>
education	68	79	<b>147</b>
event or association with a famous person	10	78	<b>88</b>
exploration, survey and historical events	10	1	<b>11</b>
farming and grazing	21	100	<b>121</b>
forestry and timber industry	24	0	<b>24</b>
government and administration	32	31	<b>63</b>
health services	14	17	<b>31</b>
institutional places	5	9	<b>14</b>
landscape area	1	0	<b>1</b>
law enforcement (justice)	72	23	<b>95</b>
manufacturing and processing (industrial)	15	92	<b>107</b>
maritime industry	40	1	<b>41</b>
military	7	18	<b>25</b>
mining and mineral processing	102	16	<b>118</b>
monuments and memorials	38	1	<b>39</b>
parks, gardens and trees	26	6	<b>32</b>
postal and communications	4	31	<b>35</b>
public art	1	3	<b>4</b>
public utilities	22	11	<b>33</b>
recreation and entertainment	58	44	<b>102</b>
religion	4	171	<b>175</b>
residential buildings	10	436	<b>446</b>
retail and wholesale	7	73	<b>80</b>
scientific research and facilities	5	2	<b>7</b>
transport	210	24	<b>234</b>
water transport and supply	12	3	<b>15</b>
<b>TOTALS</b>	<b>848</b>	<b>1462</b>	<b>2310</b>

### Representation and replication

Several stakeholders suggested to VEAC that some components of Victoria's heritage are well (or over) represented on the VHR and heritage overlays (e.g. historic buildings) while others places are poorly represented or absent. Pre-existing heritage datasets, notably the Historic Buildings Register, were utilised to establish the VHR some 20 years ago, inheriting a range of objectives or purposes. Since this time the register has been expanded by both ad hoc or theme-specific nominations from a range of proponents. One outcome of this approach is a skewed representation and distribution of heritage across public and private land. This is demonstrated by a strong focus on, for example, historic buildings, bridges, and gold mining sites because of strategic decisions to systematically study these place types. In some cases multiple examples of a theme or place type are state-listed (e.g. historic court houses) while there are relatively few examples of some other themes such as industrial and manufacturing heritage.

An outcome of *Victoria's Heritage Strategy* (2006) was to commission a survey of the state of the historic environment with a focus on the sites recorded on the VHR. The resulting *Victorian State of the Historic Environment Survey, analysis and report* (2008) commented, without differentiating between public and private land, that some heritage values or places are well (or over) represented while others are considered under-represented on the VHR. Additionally, there are a number of apparently significant heritage places not included and, for some registrations, not all important heritage features or elements are included.

Currently, inclusion of a place in the VHR is driven by external processes such as nominations resulting from perceived and actual threats from urban renewal or planning processes (e.g. in recent years Royal Park and Gough Whitlam's birthplace in Kew). There is no strategy to achieve protection of a comprehensive representative sample of Victoria's important heritage.

Public land hosts around one-third of places and objects listed on the VHR, and up to 50 per cent of archaeological sites and relics listed on the Heritage Inventory (Heritage Council submission to VEAC 2014). Public land managers largely manage the most outstanding heritage places, with 19 of the 24 National Heritage List sites in Victoria (noting that not all these sites are historic places) either wholly or mostly located on public land. The only World Heritage site in the state is also located on Crown land (see section 2.3).

In relation to the VHR there is great variation in the heritage assets of different government agencies. While some have no assets listed in the VHR, others manage a high proportion of places exemplifying an historic theme that is well represented on the VHR – e.g. VicTrack's portfolio



*Ballan Court House (former)*

of historic railway structures. Where there are multiple examples of heritage themes or place types listed on the VHR, there is currently no guidance for land managers to determine which registered place is the most outstanding, rare or most valued by the community. For example, there are 57 historic court houses (47 of which are located on public land) and 88 historic bridges (all on public land) listed on the VHR. In summary, assessing, identifying and therefore managing historic places on public land is not currently strategic or standardised across government, and does not allow for decisions about a representative collection of historic places in public ownership.

### Poor rigour and utility of data on historic places

As noted above, Heritage Victoria's HERMES database is the repository of information on historic places and objects in Victoria, with input from a wide variety of sources reflecting the diversity of land managers and responsible agencies both currently and historically (as described in sections 2.1. and 2.2). This history has led to a large dataset but few constraints on the data being stored and very little proactive seeking of data to fill gaps. HERMES has been intended as a more or less comprehensive repository rather than an authoritative reference point.

As a result, in compiling information on the occurrence of VHR sites on public land, VEAC has found many instances of poor data standards and very few data in some key areas for management planning, both for specific assets and especially for places overall, i.e. at the strategic level.

Examples of poor data standards include: many places for which there are multiple records often with contradictory

information, poor spatial precision such that it is difficult to identify the boundaries of places and the owner and manager of the land, and significantly out-of-date information. Examples of the types of information that are needed to inform management planning but are generally not collected include: current and intended site condition and threats to it, the identity of the land manager and owner, proposed management actions and the estimated timing and resources required to implement them. Questions about where responsibility lies for appropriate management of heritage and identification of historic assets were key issues raised during VEAC's consultation.

As a result the existing approach defaults to reliance on individual agencies to compile their own registers, and undertake their own reviews, audits, and monitoring of heritage assets. Some agencies have made a substantial effort and have a high level of detail and documentation for their heritage sites, while others are largely unaware of their heritage assets or their legal responsibilities to maintain these values. Often where heritage management is not considered 'core business' for an agency, the data available is of variable quality, with much of it incomplete and lacking detail.

The situation where public land heritage information is not consolidated in a way that permits strategic analysis has been a major impediment to strategic cross-agency planning, and allowed some agencies to give much less attention to heritage than others. Having this information in a consolidated form permits more cost-effective strategic planning. This information is a key factor in allocation of resources, reducing duplication of effort, and assisting in early interventions which could protect site condition and maximise the cost-effectiveness of resource allocation.

As a result, efforts to deal with historic places on public land by Heritage Victoria or DELWP's predecessors have relied on the goodwill of organisations, and tended to be successful with those that were already managing their heritage strategically – 'preaching to the converted'. So, for example, the *Victorian Government Cultural Heritage Asset Management Principles* (December 2009) was intended to direct government agencies and bodies to improve management of heritage assets on public land but met with little success in the absence of both instruments to compel involvement, and reliable information with which to identify where efforts should be focused.

Prior to this investigation the number of heritage assets of state significance (VHR) located on public land was not accurately known. There was limited or disparate information identifying the specific public land owner and manager for VHR sites, and in many instances little is known of condition and threats to heritage values. Table 2.2 catalogues by historic group some 848 VHR objects or places on public land managed by a state government agency, body or delegate.

## 2.5 Shared heritage values

Victorian heritage legislation is divided into two areas, each with its own Act. The Victorian Aboriginal Heritage Council under the Aboriginal Heritage Act is responsible for Aboriginal heritage both pre- and post-contact, and the Heritage Council of Victoria under the Heritage Act covers non-Aboriginal heritage.

The Victorian Aboriginal Heritage Council was created in 2006 as an independent decision maker and advisory body. In addition to advising the government on Victorian Aboriginal heritage policy the council also appoints Registered Aboriginal Parties (RAPs) with responsibility for Aboriginal heritage in for their appointed area. The council is the first of its kind in Australia to be made up entirely of Traditional Owners. Traditional Owners have roles and responsibilities over their Country recognised by state, federal and international law, and the council and RAP system ensure that they are the rightful decision makers for their Country.

Many sites in Victoria that are rich in European heritage are also sites of significance to Traditional Owners. This is not surprising since many of the values that attracted Aboriginal people – such as proximity to water, elevated views and shelter – are factors that also attracted early European settlers to sites. It is important to note that although VEAC's focus is on the management of specific places on public land, Traditional Owners customarily have a broader view that every part of the landscape is of significance, including landforms and the whole landscape itself, not only those places where associations are evident or documented. As well places may be significant to other Aboriginal and Torres Strait Islander people because of historical and contemporary connections with that place.

While a dual system of heritage management has given Traditional Owners powers to determine what happens to their cultural heritage, it has created a disconnection between Aboriginal and non-Aboriginal histories. In other places – typically 'treaty nations' such as New Zealand and Canada – indigenous and colonist heritage are integrated in a single system with no distinction in the consideration and treatment of places and objects of the two types. While such a system may or may not be desirable for Victoria, it is clearly well into the future and beyond VEAC's scope for this investigation. In the meantime, there is considerable room to address the problems with the current situation.

There are several striking manifestations of this disconnection, from the broadest level – the Aboriginal Heritage Act and the Heritage Act work independently of each other, with neither referencing the other Act – to issues relating to specific places. Examples of the latter include many places on the Victorian Heritage Register that are known to have Aboriginal heritage values, but those values are understated or not mentioned at all in

the Register's statement of significance for the respective sites. This shortcoming is particularly evident regarding pre-contact history of the sites. The layers of experiences at sites that are rich with Aboriginal heritage are not being effectively communicated through the Victorian Heritage Register. Opportunities for the appreciation of this shared history – an important additional element in its own right – are being lost and the overall situation is out of step with modern community attitudes and expectations.

The Victorian Aboriginal Heritage Council and the Heritage Council of Victoria have been working jointly on a project to develop a set of procedures that will assist in developing a framework for including shared values within the statement of significance on the Victorian Heritage Register. The project is initially focusing on nine pilot sites: the Burke Museum in Beechworth, the Convincing Ground near Portland, Coranderrk Mission Station, Ebenezer Mission Station, Castlemaine Diggings National Heritage Park, Hepburn Springs near Daylesford, Melbourne Cricket Ground, the Shrine of Remembrance and Tower Hill near Warrnambool.

Seven of the nine pilot sites included in the study are on public land (Coranderrk Mission Station and Ebenezer Mission Station are almost completely on private land). The Victorian Aboriginal Heritage Council and the Heritage Council of Victoria have indicated that there are many more sites on public land with shared values, and their intention is to finalise the pilot project in 2015 and use it as a basis for working towards a framework that covers all appropriate sites.



## 2.6 Management arrangements

As described in section 1.4, public land as defined in the VEAC Act comprises Crown land (including government road reserves, seabed and river beds) and freehold land owned by state government departments, agencies and bodies. Public land does not include land owned by local government; however it does include Crown land managed by local government (e.g. Crown land reserves and government road reserves). Freehold title land owned by state government agencies, departments or bodies, including land held in the name of a Minister of the Crown, is described here as freehold public land. For objects, ownership is more problematic to resolve. Where heritage objects are clearly owned by the state, i.e. housed in state museums or galleries, these have been included as a public asset in the assessment of the VHR.

For some of these assets, determining the specific management agency is difficult. For example, many monuments and museum objects are located on Crown land or government roads. Avenues of Honour is a specific example of a living memorial planted by the community on government road reserves and mostly managed by local government. Where this road reserve is a major arterial road, VicRoads is the delegated manager (under the *Road Management Act 2004*), but on-ground responsibilities may have been agreed to be undertaken by local councils.

Similarly ownership may not relate to land tenure for moveable objects. An example is the heritage-listed Portland Battery located on local council owned land at Battery Hill Portland (VHR H2281), which also hosts two separately VHR listed guns (32 and 80 pounder). The nearby Memorial Triangle (Soldiers Memorial) Crown reserve on Cliff St is managed by Moyne Shire Council as committee of management and also displays a heritage-listed gun (68 pounder, VHR H2291). All these objects may have been donated to the local council or the community. Investigation of specific ownership of objects and infrastructure located on government roads has been attributed to the most appropriate government manager; specific conditions may be in place.

Public land management arrangements can be more simply summarised as either managed directly or delegated. Land directly managed refers to government bodies having direct responsibility for all decision-making. Freehold public land is directly managed by the relevant agency or government department in accordance with its charter and responsibilities. DELWP is the government agency directly responsible for Crown land. Parks Victoria operates as a Crown land manager on behalf of DELWP and is assigned management responsibility under a Management Services Agreement for land that is mostly reserved under the Crown Land (Reserves) Act or the National Parks Act. Arrangements are in place to provide for some other departments to act as the direct

manager or oversee management of Crown land. For example, provisions exist for the Department of Health and Human Services to oversee cemetery trusts and hospital boards directly. When Crown land is directly managed, this typically refers to situations where the reservation purpose implies management by a specific government department, agency or body. Examples include:

- ◆ Crown land reserved for water supply purposes is managed by the relevant water authority
- ◆ government road reserve is managed by VicRoads (state roads declared arterial roads and freeways), local government or other government bodies (local public roads). Note that VicRoads, municipalities and other road authorities may enter into arrangements to transfer or delegate from one authority to another, responsibility for any operational or coordinating functions.

Indirect arrangements for Crown land are where management responsibility is delegated through legal mechanisms such as by appointment of a committee of management under the Crown Land (Reserves) Act, or the issue of a Crown Grant for a specific purpose to a board of trustees. In some instances government agencies have been appointed as a committee of management. Here this is considered another form of direct management arrangements.

Delegated management of Crown land is discussed in more detail below.

Table 2.3 summarises the types of public land with historic places or objects listed on the VHR and the current management arrangements. However many heritage sites have a range of land managers and land tenures, including arrangements across public and private land. In many cases, small portions of government road have been included in adjoining historic places. The analysis presented here is intended to provide a summary of the majority land tenure and manager for heritage assets, or where a mixture of public land tenures occurs, the predominant tenure only.



**Table 2.3**  
Number of VHR sites on public land (excluding shipwrecks) grouped according to management arrangements

Land manager <sup>1</sup>	Freehold public land	Crown land <sup>2</sup>	Government road	Seabed
DELWP	1 <sup>3</sup>	80		1
Parks Victoria	1 <sup>3</sup>	148		1
Government departments, agencies	104	219	27	2
Committees of management, trustees, cemetery trusts	not applicable	81	not applicable	not applicable
Local government (including as CoM)	not applicable	160	67	not applicable
<b>Total</b>	<b>106</b>	<b>688</b>	<b>94</b>	<b>3</b>

Notes:

- 1 Some figures in this table are provisional because management responsibilities are unclear for many places, notably government roads, and in some instances there are multiple land managers for a single place.
- 2 Crown land reservation status has not been investigated in detail, but in the order of 90 per cent of sites in this column are on reserved Crown land.
- 3 Glenample homestead near Princetown is privately owned and managed by Parks Victoria under a long-term lease agreement. A part of Rippon Lea house and garden is held in title by the Minister for Planning.

### Delegated management arrangements for Crown land reserves

For many Crown land reserves a committee of management is delegated the responsibility to manage and develop the site on behalf of the state under the Crown Land (Reserves) Act. Statewide, there are more than 1200 community-based committees of management for about 1500 reserves. Committees of management may also include state and local government agencies and departments, with local councils managing some 2900 reserves and Parks Victoria a further 90 or so reserves as a committee of management. Many of these reserves have historic values.

Historic places and sites on public land comprise a diversity of types from substantial buildings or complexes to ruins, most with specific management requirements that may influence management arrangements. Funding of historic place management is largely undertaken as part of routine asset management by public authorities and delegated managers. Depending upon the type of heritage values, the cost of management may vary considerably, as does the potential for income generation.

In many instances historic places with potential to generate commercial returns are managed by government agencies (e.g. Parks Victoria and local councils). Other historic places with an ongoing operational use are better resourced, and are retained and directly managed by

the relevant department or agency (for example historic schools, public housing or railway stations). Notable high profile locations with high visitation or ability to generate good commercial returns on Crown land reserves with committees of management are:

- ◆ Working Heritage (formerly known as Mint Inc) which generates revenue from the car park on the grounds of the Mint heritage complex in Melbourne and from other property leases, and
- ◆ the National Trust of Australia (Vic), operator of the Old Melbourne Goal museum with more than 174,000 visitors in the 2013-14 financial year.

Some specialised heritage maintenance is expensive and, with few exceptions, historic places seldom generate sufficient income to meet those costs. For many government agencies, heritage-listed assets are managed through operational asset budgets. Typically no additional financial support is provided to maintain a redundant asset when a heritage listing is applied and it ceases to serve its original purpose. While the heritage values are important for government agencies, the responsibility to manage places with these values alone is generally not considered part of the organisation's core business. This is particularly problematic where redundant assets no longer meet safety requirements, and modification to meet these requirements would substantially alter the heritage fabric. A typical infrastructure asset management approach

is to continue operation until the 'end of asset life' or effectiveness, and then rebuild. Interruption of this long-term planning with a heritage listing or order that prevents demolition or major changes can come at a significant cost, particularly when imposed at or near the end of the asset life.

Similar to some government agencies, community-based committees of management are asked to undertake heritage management responsibility largely without the certainty of a revenue stream and for places typically unlikely to generate any substantial income. Many places managed by community-based committees are buildings such as redundant court houses, schools, or hospitals and are adapted to a new use beyond the asset's functional life.

Most volunteer-based local committees of management achieve base funding via grant applications, extensive volunteer commitments (estimated at more than 8000 volunteers) and donations. In some cases where little asset or infrastructure management is required this is an adequate approach. For community-based committees of management responsible for historic buildings, grant funding is usually insufficient to meet long-term maintenance costs. Those committees with responsibility for public assets such as disused court houses, mechanics' institutes and halls confront expensive maintenance and public access and safety issues, many of which were apparent prior to their appointment as the land manager.

In addition volunteers are required to undertake often specialised heritage management responsibilities for many historic places, including more than 80 places listed on the VHR, without the necessary technical expertise or adequate financial support, although this has not always been the case. For example, in the 1980s the Historic Places Section in the then Department of Conservation, Forests and Lands (see section 2.1) was able to provide technical expertise to assist community-based committees of management. Some of these changes to funding and resource issues are explored in section 2.7.

Where delegated management is via a commercial leasing arrangement, intended to provide additional funding to the responsible land manager, there have been significant failures because of the additional expense associated with adaptive re-use of heritage assets and insufficient expenditure on maintenance. Where the lessee or indeed a committee of management relinquishes responsibility, the deferred liability returns to the government often at significantly greater cost than if early maintenance or management intervention had been achieved.

These situations may have been averted (and have been in the past) if early advice was provided, or if preparation of a detailed asset management plan was undertaken when the community-based committee was appointed, or the lease negotiated. While the deferred maintenance liability is not unique to delegated managers of historic buildings, in these locations the option to demolish and rebuild the asset is not available and the range of financial resources is limited.

### Administrative obstacles for delegated managers

The importance of historic places to communities is substantial. Historic places are often a focus for various community activities, particularly in regional centres and smaller towns. Use and re-use allows committees to derive a small but important income stream from complementary user groups or tenants. However, additional or novel opportunities for revenue from new or other community users and adaptive re-use of Crown land reserves appears to be hampered by significant administrative, insurance and occupational health and safety requirements, and complex tenure approval processes.

For example, a committee managing a historic reserve is required to seek Ministerial approval twice when proposing to issue a lease or licence. The first Ministerial approval is in principle (or grant and purpose) approval. Depending on the Crown land reserve purpose, the in principle approval may also need to be tabled in both houses of parliament; historic purposes trigger the tabling provision. After the in principle requirements are met, the committee can begin negotiation with the proposed lessee or licensee. Once negotiations are complete the committee needs to again seek Ministerial approval for the lease or licence terms and conditions. For Crown land reserves the maximum term for a lease is 21 years and a licence 10 years; however in special circumstances the Minister can grant leases for longer terms of between 21 and 65 years.

There are additional provisions for retail leases and the *Retail Leases Act 2003* applies to services such

as caravan parks, kiosks or shops. This information is outlined in the *Committees of Management Responsibilities and Good Practice Guidelines* (published by the then Department of Environment and Primary Industries in May 2014). Details on short-term or 'one-off uses' for casual hirers or users that require a permit are not covered in this document, although issues relating to purchasing casual hirer's public liability insurance by the committee are briefly discussed.

Some committees seem able to negotiate these labyrinthine obligations while others – mostly small local community-based committees – may operate outside the legal requirements in order to get things done as revealed in the 2014 Victoria Auditor General's Office (VAGO) report on community-based committees of management. Some committees utilise local government procedures and local laws to operate rather than liaising with DELWP.

Additionally, where local government is the committee of management there is also confusion about which legal instrument is to be used to issue a licence, lease or permit (i.e. *Crown Land (Reserves) Act* and/or regulations or the *Local Government Act 1989*).



Day's Flour Mill Historic Reserve, Murchison East



Ballan Mechanics' Institute

## 2.7 Resourcing public land heritage management

By far the major issue raised in VEAC's public consultation (see section 1.7) was the large overall shortfall between the level of funding available in recent years for managing historic places on public land and that required to prevent significant deterioration of these places. Accordingly, VEAC examined this issue in some depth, talking to and visiting many land managers, community groups, heritage professionals and government agencies in Victoria and interstate, and collating information from around the world.

The perspectives and information gathered revealed many aspects to this issue beyond the simple funding shortfall, and the correspondingly simple solution of increasing funding from the current sources. Other important factors include consideration of the full range of funding sources, the reliability of funding beyond the short term, and the sustainability of maintaining the current public land heritage portfolio. This section begins with a brief overview of the current resourcing of public land heritage management.

### Overview of current resourcing

Resources for the management of public land historic places come from four main sources:

#### ◆ Grants and other fluctuating funds

The state government provides funding for a range of grant schemes. For heritage the most significant is managed through the Heritage Council of Victoria, and is delivered by Victoria's Heritage Restoration Fund (VHRF). Public land managers also utilise other grant funds, e.g. grants for arts or rural communities may effectively supplement the costs of maintaining an historic place where relevant. The state government also provides 'one off' allocations to assist in the restoration of an historic place; often these grants are assigned to places on the Heritage Register that have a high profile and are valued by the community, e.g. the St Kilda Palais Theatre in recent months – noting that not all of that allocation pertains to heritage.

#### ◆ Operating budgets

Many historic places have current uses, i.e. schools, railway stations, courts and some police stations, and are maintained as part of an agency's core operating costs. The approach taken to heritage management varies between organisations, from being fully integrated into the overall asset or property management system and viewed as an important part of the agency's operation, to attention only when an issue arises. Perhaps understandably many view heritage management as an additional expense diverting resources from the 'core business' of, for example, health care, transport, education and so

on. In addition to grants (see above), local councils also provide some resources for management of historic places on public land including expertise from heritage officers and contributions to promotional and interpretative materials and works, particularly in municipalities with a strong heritage identity, e.g. Indigo Shire, Mt Alexander Shire.

#### ◆ Community-based committees of management

As detailed in section 2.6, community volunteers, particularly at places managed by a committee of management, provide a vital contribution to the management of historic places that might otherwise remain vacant and unmanaged. While some historic places might attract ad hoc grants or generate a modest revenue to help towards management costs, the overwhelming contribution comes from the volunteer time and expertise that committees bring to bear.

#### ◆ Income generated from assets

The majority of historic places on public land do not generate sufficient income to cover operating and maintenance costs. Many iconic sites that appear popular with paying visitors do not in fact generate sufficient returns to cover maintenance and repair. For example, of the eight public land sites for which the National Trust is committee of management, only the Old Melbourne Gaol is successful in returning a profit. The popular Rippon Lea house and gardens – almost entirely on land owned by the trust – operated at a profit in 2014-15 for the first time in many years.

In other jurisdictions funding is sometimes sourced from the re-use and on-selling of historic places. The property continues to be protected through legislation applicable to private ownership and released funds are used to resource new heritage projects within the state government portfolio. Currently in Victoria profits from asset sales return to consolidated revenue.

Although the majority of funding for historic places on public land comes from the state government, some funding is made available from other levels of government. There are limited grant and funding options available from the federal government (with grants specifically for heritage limited to National Heritage List sites), and some local councils have established their own grant programs; both Melbourne and Yarra City Councils provide funds that form part of Victoria's Heritage Restoration Fund. The Victorian Property Fund (VPF) has in recent years also allocated funding to the Heritage Council of Victoria as a contribution to the grants program, although the most recent round of funding concluded last year.

### Funding shortfall

VEAC consulted widely with public land managers, including committees of management, and met on site with many to see at first hand the challenges they faced in managing historic places. Confirming the common view from other stakeholders, the land managers overwhelmingly reported funding constraints as the major issue with historic place management, and the results of this were manifest at many sites. To give an idea of the dimensions of the issue, Parks Victoria reported that in recent years an operating budget of around \$200,000 per annum had been allocated to manage some 3000 historic places for which the agency has responsibility – albeit including some places such as ruins which cost little to manage. Several of these historic places are buildings thought to need repairs in the next few years, each of which would cost more than the entire annual allocation for all places. This scenario of unfunded deferred maintenance is common to many agencies and there is no information currently available on which to realistically estimate the overall extent of the liability.

### Little diversity in funding sources

Excluding the in-kind resourcing from volunteers in the sources listed above, it becomes apparent that almost all money for historic places on public land currently comes from state government sources. This limited diversity in funding sources leaves land managers highly vulnerable to changing circumstances such as economic cycles, natural disasters and political priorities. While a certain amount of variability in the funding base is inevitable, the situation in Victoria is especially precarious. In other jurisdictions, both interstate and overseas, there are additional funding streams that complement and buffer state funding to provide a greater degree of continuity and certainty, which in turn enables much more cost-effective management planning, as shown in the following examples.

#### Self-generating revenue

Worldwide, the ability to retain self-generated income is seen as an important component of the successful management of historic places, yet in Victoria this is an area that is under developed. Under current arrangements, sites that are managed by government agencies are generally unable to retain any revenue raised by the site. In VEAC's consultation with public land managers, Parks Victoria was identified as an organisation that would benefit from being able to retain funds raised through leasing and other revenue generating activities. Parks Victoria manages approximately 40 major historic buildings (*Parks Victoria Heritage Strategy 2003*) many of which, such as Werribee Park and Coolart Homestead, generate some income through events and admission prices. This income, generated by heritage, is not reinvested back into those historic places, which not only reduces the incentive

to generate income but also removes a reasonably reliable source of base level funding for heritage. Successful management of historic places is often achieved in instances where there is the capacity for managers to retain any revenue raised for use at the site.

For example, Working Heritage (formerly known as The Mint Inc.) is committee of management for a portfolio of around 14 sites. Working Heritage has been successful in generating a profitable income from some of these sites, which it then re-invested into other properties in the portfolio requiring maintenance or repair.

#### Charitable trusts

Charitable trusts are generally non-profit bodies run for the benefit of the public and rely on donations of funds and properties, time, skills and bequests. They may also receive additional income through membership fees and government grants, as well as corporate promotion and partnerships with business.

Trusts have the power to own property inalienably that cannot be sold or transferred by the government except by legislation. In some places they can also protect heritage through covenants attached to property titles to ensure a property continues to be protected regardless of future ownership.

It is important that trusts are granted a non-profit charitable status; this helps to encourage the public to donate money or property with the benefit of tax-deductible donations. With the consent of revenue authorities, a trust can also be exempt from certain taxes including stamp duty.

A successful example of self-generating revenue and attracting funds from outside government is in New South Wales where the Sydney Living Museums generated around \$9 million in such income in 2014, allowing the funding of and planning for longer-term works.



## SYDNEY LIVING MUSEUMS, NEW SOUTH WALES

Originally established in 1980 with two properties (Vaucluse House and Elizabeth Bay House), as the Historic Houses Trust of New South Wales, this government agency now manages 12 historic houses, gardens and museums in Sydney. All properties are listed on the state heritage register, and the Hyde Park Barracks are also on the National Heritage List and are part of the World Heritage property, Australian convict heritage sites. It is the only government agency in Australia with the specific role of conserving, managing and interpreting house museums and was recently rebranded as Sydney Living Museums (SLM).

Most sites are accessible to the public through a diverse range of programs, exhibitions and events. The organisation also works with business partners to develop a range of commercial services including venue-hire and exclusive hospitality events. A key difference with many other government agencies is the operation of a non-profit entity as the Foundation for Historic Houses Trust. This public ancillary fund has deductible gift recipient status and charitable tax concessions and exists solely to support the Historic Houses Trust.

The foundation also supports the Endangered Houses Fund (EHF), a revolving fund that purchases 'at risk' properties, restores them and sells them on, retaining the funds for other projects.

Through donations to the Governors' program and special appeals, the foundation helps the Historic Houses Trust to achieve education, public engagement, acquisitions and conservation goals.

The SLM annual report 2013-14 records more than \$8.3 million received from other institutions and individuals, and in-kind support.



Beulah Homestead (c.1830), near Campbelltown, an EHF project

### Revolving funds

A revolving fund creates a pool of capital from assets (e.g. from entrance fees, leasing or sale) and reinvests this capital into other assets. Revolving funds have been successfully used worldwide as a tool for conserving heritage values for some time and have made a significant contribution to historic places. In the United Kingdom 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 United States 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 in Australia, the Heritage Works Fund in Western Australia (see box 2.5) and the Endangered Houses Fund in New South Wales, a program of Sydney Living Museums.

A Victorian example that illustrates how these additional funding sources can contribute to conservation (in relation to natural heritage) is the Trust for Nature Victoria. This organisation 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 but also operates a revolving fund and benefits from private philanthropy and corporate partnerships.

### Box 2.5

## HERITAGE WORKS REVOLVING FUND, WESTERN AUSTRALIA

### Fremantle's Warders Cottages

An example of historic buildings benefiting from a heritage revolving fund. The project comprises:

- ◆ a row of heritage cottages transferred from Department of Housing (WA) to Heritage Works in March 2015
- ◆ restoration of the cottages to the best possible condition to optimise the sale and protect their heritage in the long term
- ◆ consideration of several options for future use, including residential use and commercial uses such as short-stay accommodation, small offices, or bar/restaurant
- ◆ completion and ready for sale in 2016.

### Fluctuating funding

There is little dedicated funding being assigned for historic places on public land, and land managers are increasingly relying on ad hoc grants or other irregular means such as insurance payouts after fire or flood damages. VEAC spoke with public land managers who expressed concern that funding had become increasingly unreliable and this was impacting their ability to plan and manage effectively.

Government agencies rely heavily on government's discretionary grants to supplement their operating budgets to carry out large-scale works on heritage buildings. In the past, government agencies were entitled to access the grants program run by the Heritage Council of Victoria, but this is no longer open to government agencies, including Parks Victoria.

For community groups that manage historic places as committees of management there are grant schemes via the Heritage Council of Victoria and available through Victoria's Heritage Restoration Program. When the Heritage Council established the Government Heritage Restoration Program in 1994, a total of almost \$4 million was distributed to assist with the costs of restoring a total of 42 historic places on public land. During the last 20 years the availability of grants from the Heritage Council from the Restoration Program has varied greatly and unpredictably, from zero in both 1998-99 and 2011-12, to \$10 million in 1995 (see figure 2.5, for example). There has also been an increasing emphasis on places owned by the community or local councils, with places owned by state agencies receiving fewer grants.

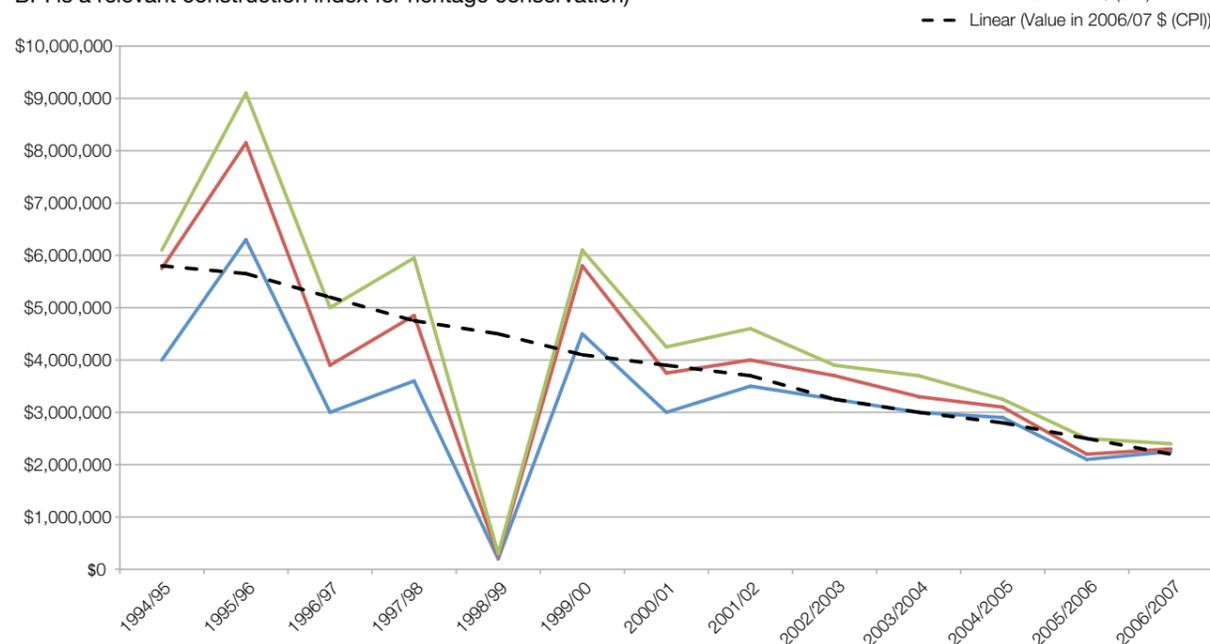
In 2007 Heritage Victoria undertook a review of heritage grants to help develop future criteria and identify priorities for grant funding schemes. The review concluded that while it was desirable to extend the coverage of the grant schemes to include local government and in some cases private ownership, the grant schemes were in danger of spreading the funding too thinly. The review also found that the total value of grant funding had fallen in real terms over time and that the average value of the grants had fallen to less than a third, resulting in larger 'iconic' places not receiving grants.

### Several dimensions to the resourcing shortfall

In summary, it is clear that there is insufficient funding for historic places on public land in Victoria. More particularly, in contrast to other jurisdictions, heritage funding comes almost exclusively from government and, of this, only a very small proportion is reliable in the medium term. Funding mostly comes from discretionary or 'non-core' allocations by agencies, or grants that vary greatly and unpredictably in their availability from year to year. As a result the ability of managers to plan effectively is heavily compromised, reducing cost-effectiveness and further eroding available funds.

Figure 2.5

Comparison of total grant approvals 1994 to 2007 (nominal value and in 2006/07 dollars; BPI is a relevant construction index for heritage conservation)



Reproduced from: Sinclair Knight Merz Heritage Grant Review 2007 for Heritage Victoria



## Draft recommendations

This chapter presents a set of draft recommendations which the Council believes will, collectively, address the range of issues confronting the management of historic places on public land. As described in chapter 2, there is currently an outstanding range of historic places found on public land representing the breadth of Victoria's — and indeed Australia's — remarkable history. The recommendations acknowledge the achievements to date in maintaining these places and focus on modernising the current arrangements to set up sustainable historic place management for the coming decades.

Key features of the draft recommendations are the proposed improvements to accountability, and access to and use of resources for historic places in public ownership. This will 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 maximum effect at the most important places. While much of the analysis in chapter 2 focused on places on the Victorian Heritage Register, unless specified otherwise the following draft recommendations apply to all historic places on public land.

In total, the draft recommendations address five broad issues:

- ◆ establishing a clear point of accountability, providing opportunities for coordination (R1) and improving the standard of management for sites of state significance (R2)
- ◆ supporting strategic planning with more reliable data (R3) and addressing under-representation of some historic places (R4)
- ◆ recognising indigenous values and linkages with historic places (R5)
- ◆ improving arrangements for government leaseholds (R6) and Crown land committees of management (R7)
- ◆ broadening the funding base for public land heritage (R8 and R9).

### 3.1 Accountability for the management of historic places on public land

As detailed in sections 2.2 and 2.6, 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:

- ◆ there is a 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 for there to be confidence 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 has been some avoidable loss of heritage. 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 commissioner for public land heritage or similar office as a key point charged with meeting these obligations, additional to and independent of the responsibilities of existing government heritage agencies.

The commissioner for public land heritage is proposed to be a statutory office, independent of existing agencies with heritage responsibilities, with enabling legislation under the Heritage Act. The commissioner would publish regular strategic plans that document the management needs of historic places on public land and proposed programs to meet these needs, and report on the performance of previous such programs. These plans would be based on reliable systematic data on the management needs of individual places collected specifically for this purpose. This systematic strategic planning would enable the commissioner to oversee the allocation of resources in accordance with draft recommendation R8 and manage any transition in management arrangements for places where that is likely to be a difficult process. As a result, the community and government would 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 would not take over existing asset management systems that have been set up by some agencies. Instead the role would link the necessary elements of those systems to its consolidated database for incorporation into statewide analyses and planning. Similarly, except in rare short-term exigencies, the commissioner would not have land management responsibilities.

VEAC is recommending a new policy be established for adaptive re-use of heritage assets on public land together with clear implementation guidelines. The policy aims to define when and how adaptive re-use 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 role of the commissioner in this process will bring a consistent approach and allow application of specific expertise and resources as well as oversight, across a range of public land sites.

## DRAFT RECOMMENDATION

### R1

#### Accountability for public land heritage

That a commissioner for public land heritage or similar office be established to:

- a 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 managers of historic places on public land
  - b produce a strategic plan to document the management needs of historic places on public land and proposed programs to meet these needs, and report on the performance of previous such programs within 18 months of establishment of the commissioner
  - c produce an updated strategic plan every five years thereafter
  - d as detailed in draft recommendation R3, develop and drive reform towards an historic places dataset to inform and support management decisions
  - e establish a process for managing the efficient transition of suitable historic places to adaptive re-use where the transition is likely to be difficult, and where appropriate, manage such transitions when identified in strategic planning (see note 1)
  - f work with key government agencies that lease heritage assets on public land to establish a policy specifically for adaptive re-use of heritage assets
  - g oversee and report to the Government on the implementation of these recommendations, and
  - h advise the Government on management of historic places on public land, as required
- and that:
- i the establishment and operation of the commissioner be enabled through new provisions in the *Heritage Act 1995*, and
  - j the commissioner report to the Minister for Planning.

#### Note:

- 1 It is not envisaged that the commissioner be a long-term or ongoing manager of any historic places.

### Minimum standards for management of historic places on public land

Several attempts by Heritage Victoria and others to establish an informal voluntary forum of government heritage managers to facilitate improved management of historic places on public land have not endured, primarily because they have attracted only the small number of managers that are already managing heritage to the highest standards (see section 2.2 for details). With the current approach the community or government cannot be confident that significant heritage values on public land are not being lost through avoidable neglect or indecision. Accordingly VEAC is recommending that provisions be made through amendments to the Heritage Act to place an obligation on public land managers of places on the Victorian Heritage Register to maintain the significant values of those places to defined standards – that is, beyond the provisions currently in section 160 of the Act.

In making this recommendation, 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. The emphasis is on minimum standards: protection from deterioration due to weather (particularly water), fire or inadequate site security (e.g. vandalism); and essential maintenance and repair to prevent deterioration and irreparable damage. It is not intended as a mechanism to initiate works to reinstate or upgrade heritage values, for which the improved funding model of draft recommendation R8 is the key instrument. The provisions would apply only to places on the Victorian Heritage Register.

Such provisions have been established in other jurisdictions. In the New South Wales *Heritage Act 1977*, the provisions even extend to privately-owned places on the state's heritage register but that is beyond VEAC's scope and not the intention here.

## DRAFT RECOMMENDATION

### R2

#### Minimum standards for management of historic places on public land

That the *Heritage Act 1995* be amended to place an obligation on public land managers of places on the Victorian Heritage Register to manage those places to a minimum standard sufficient to maintain the values for which they have been listed, as documented in their respective statements of significance, noting that this obligation should apply to the Department of Environment, Land, Water and Planning for places with a community-based committee of management.

### 3.2 Rigour and utility of data on historic places

The management of information or data on historic places on public land is documented in section 2.4, including identification of a number of problems and the implications for historic place management. Some agencies have relatively sophisticated asset management systems based on data sets that are comprehensive in terms of the coverage of both assets and the types of information required to support systematic asset management planning. However, data on most historic places are inadequate to support such an approach by their respective agencies, and certainly not at the statewide cross-agency level.

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

A heritage 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 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.

VEAC is proposing a new approach that, when fully operational, would be a single statewide data set of historic places on public land, with clearly defined relationships – including custodial responsibilities – to other data sets maintained by respective government land managers to minimise duplication of effort. The statewide data set would be reliable, up to date, with minimal ambiguity of information and records, and GIS-compatible spatial precision and accuracy. In addition to the extensive historical information in the current HERMES data set it will contain sufficient information on key variables for management to form the basis for statewide cross-agency planning and priority-setting for historic place management, monitoring and reporting (see draft recommendation R1).

## DRAFT RECOMMENDATION

### R3

#### Reliable well-managed data to inform strategic management planning

That information from all existing heritage data sets:

- a be consolidated into a single 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 under direction and supported by the recommended commissioner for public land heritage (draft recommendation R1), 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 management; see note 1)
    - iii. current use and whether the site is occupied for a specific purpose
    - iv. site or object condition, threats and ongoing monitoring functions where significant threats are identified and the site or object is considered at risk, and
    - v. details of any conservation management plans
- and that:

- c the structural, custodial and ownership relationships of this data set to other heritage data sets held by public land managers and owners be clearly documented (see note 1), and
- d this information be accessible, as appropriate, to owners and managers of historic places on public land and to the public.

#### Note:

- 1 The Council's intention is for DELWP to maintain the data set and information outlined above for Crown land reserves managed by community-based committees of management. Parks Victoria would continue to maintain the data set for heritage assets it manages. Both of these would link to the recommended consolidated statewide data set.

### Under-representation of places on the Victorian Heritage Register

A key objective of VEAC's recommendations for this investigation is to maximise the effectiveness of the limited resources available for historic places management, particularly through administrative arrangements to improve accountability for heritage protection (draft recommendations R1 and R2) and the provision of sound information upon which to base planning (draft recommendation R3). The process of identifying statewide management priorities from a list of historic places will be compromised, for example, if the list has many key places missing.

One of the key factors in identifying management priorities and strategic planning (recommendation R1) is the significance of candidate places and consistency with existing protective instruments such as the Victorian Heritage Register (VHR). The register is intended to be a comprehensive list of historic places and objects of state significance. As shown in section 2.4 and publications such as the *Victorian State of the Historic Environment Survey, Analysis and Report (2008)* and the *Victorian Heritage Strategy (2000)*, there is merit in reviewing the VHR to identify types of historic places that are under-represented and the extent to which they are under-represented.

Aside from underpinning management priorities, improving comprehensiveness and representativeness is also important in building public confidence in the VHR. While a certain level of unpredictability is inevitable with continual evolution in community perceptions of which heritage is important (acknowledging that heritage encompasses more than just historic values, e.g. social and aesthetic values), minimising unnecessary instability would improve confidence in the VHR and the heritage protection regime more generally.

In addition to places of state significance, there are thousands of historic places on public land of lesser significance such as the locally significant places identified in many municipal assessments. These places are also candidates for investment but there has been no systematic assessment of their importance relative to each other, which would assist in the identification of management priorities. While a comprehensive assessment of such places would be a major undertaking and is not currently a high priority, many of these places would be appraised in the process of reviewing under-representation in the VHR. If the information and analysis on which these appraisals were based was compiled and retained it could be used for future strategic planning and may help identify candidate places for inclusion on the VHR should the need arise in the future – if places currently on the register were lost, for example.

The following recommendations are 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.

## DRAFT RECOMMENDATION

### R4 Identifying heritage places on public land to address under- representation of some place types on the Victorian Heritage Register

That:

- a a review be conducted into the representativeness of the list of places on the Victorian Heritage Register, with recommendations on:
  - i. types of places on public land that are under-represented, the extent to which they are under-represented and a process to identify suitable places for nomination to the register to address this under-representation, and
  - ii. any places to be removed from the register to reduce over-representation

and that:

- b information on places not added to or retained on the Victorian Heritage Register be retained and used to inform strategic planning (draft recommendation R1)
- c this review be completed within one year of the government response to these recommendations, and
- d its recommendations be fully implemented within a further two years.

### 3.3 Recognising and protecting shared values

As outlined in section 2.5, many Victorian historic places share European and Aboriginal significance, but currently the two systems used to record and manage the two types 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 European histories sit side by side.

The Victorian Aboriginal Heritage Council and the Heritage Council of Victoria have been working jointly on a pilot study to develop statements of shared heritage values for inclusion on the Victorian Heritage Register. The pilot study will help to create a framework that can be applied to any sites in Victoria with shared Aboriginal and European heritage values.

VEAC has been liaising with the Victorian Aboriginal Heritage Council and the Heritage Council of Victoria on the shared values project. The pilot study is nearing completion, at which point options for further work will be considered. There are many possibilities from focusing on the collection and documentation of information on specific places, to expanding that to a statewide framework for all such places with attendant details such as protocols for consultation and management. The project may be just the first step towards a longer-term more inclusive and shared heritage.

VEAC sees this work as an important contribution to a key aspect of Victoria's heritage that has previously not received the attention that its importance warrants.

## DRAFT RECOMMENDATION

### R5 Continuing work to recognise and protect shared values

That Government support the continuation and expansion of recent work by the Victorian Aboriginal Heritage Council and the Heritage Council of Victoria to improve the documentation, management and appreciation of historic places with shared Aboriginal and non-Aboriginal values.

### 3.4 Improving government leasehold arrangements

Re-use of historic buildings is seen as the optimal approach to retaining values and maintaining social relevance into the future. As noted in section 2.6, the majority of leases over historic places on public land operate without major issues. However, at a relatively high proportion of difficult to manage places there are or have been problems with tenancies. These issues principally apply to places that retain some degree of public access, and the problems reported include:

- ◆ inadequate maintenance of heritage values and other fabric
- ◆ poor visitor experience/poor 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.

While such problems may occur at any leased public asset, those that arise at historic places can be particularly problematic and costly. To resolve these problems requires a different approach. For example, some people have suggested that tenants could be paid to undertake routine and preventative maintenance, rather than be seen as a source of income for the land manager. Such an approach would allow a clear asset management schedule and budget allocation for works consistent with a conservation management plan.

However, there also seems to be problems in situations where the public land manager has devolved maintenance and management fully or largely to the tenant, or where the existing infrastructure or site is not suitable to support the proposed business model.

Issues include the building suitability or restrictions on adaptability, increased or unexpected maintenance costs associated with aging buildings or infrastructure, and often a significant community interest in heritage values of the place. At the same time a tightening of public land management and maintenance budgets has led to cases where lease arrangements have been utilised as a cost shifting measure, with long-term implications for heritage values when the tenant's business fails and the asset is returned to government with a substantial maintenance deficit.

Compounding these problems is a perception in the wider community and to a much lesser extent in parts of some management agencies that historic places are well suited to leasing as a management option, presumably based on their experience with places where leases are working well. Such examples have nearly all received

considerable injections of funds to adapt the site to a new or commercial use at or soon before the successful lease was established. In reality, while heritage places may attract more visitors than similar newer places, the additional expenses of managing heritage places almost invariably outweigh (and often greatly) the financial benefits. This is rarely acknowledged when high profile public historic sites are proposed for redevelopment, and expectations are set very high for a commercial return to the public, with little recognition of the cost to restore and adapt the site to a new use, or the necessary ongoing long-term contribution to maintenance. Often the problem is not so much that a site does not make a net return to the Crown (few historic places do) but insufficient clarity as to what levels of return would be good, satisfactory and poor outcomes. That is, what is lacking is realistic key parameters, that are clearly articulated in an approved business plan.

The Council does not consider it feasible to adapt all disused heritage-listed buildings to a new community or commercial use, because of location, ability to reuse the space, or prohibitive costs. Significant costs are incurred when historic buildings or sites are adapted to a new use, particularly when modernising to meet current safety requirements for public access or including new facilities, while maintaining the heritage fabric. Providing for safe visitor access, for example disability access, and meeting food preparation and service expectations are substantial costs. Additionally major improvements typically become the property of the Crown at the end of the lease term, and there is little financial incentive for tenants to make major or costly changes under most leasing arrangements. For some heritage-listed buildings, repairs or renovation will require specialist tradespeople, and permits are needed to make any significant changes, adding both time and cost to alterations or maintenance.

While there is no way of completely eliminating issues that will arise between public land managers and tenants, there is an opportunity to improve the current situation and create realistic expectations for the management of historic assets. The absence of a formal structure that guides decision-making, delivers clarity, accountability and some certainty for both public land managers and tenants, is partly addressed in the strategic planning recommendations for the commissioner for public land heritage. As outlined in draft recommendation R1 the commissioner is proposed to work with managers to determine the best arrangement for each place (lease, committee of management, sale, direct management, decline to ruins, etc.) and facilitate this outcome. 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. Minimum management standards are also required for a historic site listed on the Victorian Heritage Register (see draft recommendation R2). The use of funding from the recommended trust for public land heritage (see draft recommendation R8) may also be applicable.

As issues with leases at historic sites have been problematic, the Council has specifically addressed, as a high priority, the need for a policy, criteria and a framework for adaptive re-use. A new policy is recommended to be established for adaptive re-use of heritage assets together with a framework with clear criteria that guides decision-making, delivers clarity, accountability and some certainty (see draft recommendation R1). 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. Opportunities for a long-term partnership approach should be fully explored. By including the recommended commissioner for public land heritage in this process, a broad range of expertise and resources can be applied to the decision-making and inform relationships with tenants.

## DRAFT RECOMMENDATION

### R6 Improving government leasehold arrangements

That the commissioner for public land heritage (see draft recommendation R1) 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.

### 3.5 Support for committees of management

As outlined in section 2.6, a more streamlined approach to revenue raising would assist committees of management responsible for managing heritage assets, noting that an obligation remains for the state to assist with maintaining significant community facilities, even where the reserve is delegated to a committee of management. The recommended approach acknowledges the work undertaken by community-based committees in particular to manage important heritage assets on behalf of the broader community, and aims to provide them with greater assistance and resources. Examples are assistance in the preparation of a business plan and a conservation management plan (documented advice to assist with the identification of heritage values and maintenance requirements), and to help integrate this 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 DELWP, and
- ◆ enhancing opportunities to generate income through increased access to adaptive re-use by reducing administrative requirements for the issuing of 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, and including guidelines for insurance and OH&S requirements, and
- ◆ business and financial planning.

Much of the non-compliance and the main impediments to issuing leases, licences and permits is attributable to the requirement for Ministerial approval for each licence or lease for historic reserves. The time required to undertake this administrative process and the insurance requirements are clearly difficult for both the committee of management and the prospective tenant.

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 Ministerial approval should be retained for licences and permits outside the specified criteria and for long 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.

## DRAFT RECOMMENDATION

### R7

#### Improving arrangements and support for community-based committees of management

That:

- a a standard-form business plan be developed, and be used to produce a business plan for each historic place managed by a community-based committee of management
- b the *Crown Land (Reserves) Act 1978* be amended to provide for committees of management to issue licences and permits with approval of the Minister's delegate or the Department of Environment, Land, Water and Planning, including for reserves set aside for historic purposes, where:
  - i. the licence or permit is short-term (3 years or less) non-exclusive use, and
  - ii. the use is compatible with the reserve purpose and in the public interest
- c the Department of Environment, Land, Water and Planning develop templates or guidelines to assist committees of management with the negotiation of licences and permits described in (a) above
- d 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 draft recommendation R3
- e that the recommended commissioner for public land heritage work with Department of Environment, Land, Water and Planning to establish an awards program to recognise works undertaken by committees of management at heritage places on Crown land reserves and
- f the Department of Environment, Land, Water and Planning provide committees of management who are managing historic buildings and historic places listed on either the Victorian Heritage Register or a heritage overlay of the local planning scheme with:
  - i. ongoing access to technical heritage expertise
  - ii. training opportunities and assistance with financial planning
  - iii. support with maintenance and adaptation for complementary re-use, and
  - iv. assistance to streamline the production of conservation management plans and business plans for heritage assets.

### 3.6 Resourcing management of historic places on public land

As described in section 2.7, Victoria's rich estate of historic places on public land means that there are significant management costs in maintaining the large number of such places. The current level of resourcing is well below what is needed to prevent otherwise avoidable loss of heritage values in at least some places in the next decade or so. There is now a significant backlog of deferred unfunded maintenance and repairs for historic places managed by some agencies. The current funding arrangements for historic places on public land reflect the broad range of approaches adopted by the various responsible authorities, 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 and lacks scope to raise funds from a more diverse range of sources, meaning that opportunities for funding through philanthropy, the Commonwealth 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 longer-term funding (for example, over three to eight years)
- ◆ 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. It also leads to the more fundamental problem of managers choosing not to undertake longer-term planning because the chances of sufficiently enduring support are 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, and a revolving fund to further broaden those opportunities and to improve the certainty of funding for longer-term heritage protection.

Around the world there are many different models to enable business, philanthropic and community support to be mobilised 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. In Victoria, there are several institutions working to these ends but for heritage protection there is no existing avenue to readily enable people or organisations to contribute to resourcing management of historic places on public land. The recommended trust for public land heritage would provide such an opportunity. The trust is also recommended as the manager of the revolving fund recommended below (draft recommendation R9).

## DRAFT RECOMMENDATION

### R8

#### A trust for public land heritage

That a trust for public land heritage be established to:

- a create opportunities for self-generating income through establishing interest in the community for supporting public land heritage
- b in consultation with the commissioner for public land heritage, identify vacant public land heritage that is suitable for adaptive re-use and potentially for transition to lease or sale
- c establish a revolving fund to be used to restore historic places on public land that are at risk and to transfer them to appropriate ownership (see draft recommendation R9)
- d distribute monies from the fund to public land heritage managers for the purpose of conservation of heritage assets.

As detailed in section 2.7, revolving funds have proven 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. Essentially, the model involves using the proceeds of leasing or sale of heritage assets (in an appropriately robust condition and with provision for ongoing protection in place) to invest in works on other assets, some of which might then be sold or leased in the future and thereby sustain the fund. After start-up, the proposed fund would not require ongoing government input other than for administration and staff costs. It is recommended that the fund be managed by the recommended trust for public land heritage (draft recommendation R8). The choice of assets for investment and their eventual management and ownership arrangements would be determined as part of the strategic planning process of draft recommendation R1, undertaken by the recommended commissioner for public land heritage.

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 or nearly all income to the revolving fund is reserved for future investment in places that will subsequently deliver returns to the fund.

## DRAFT RECOMMENDATION

### R9

#### A revolving fund for public land heritage

That the trust for public land heritage establish a revolving fund to assist in the rejuvenation of historic places and properties on public land through repair, restoration and re-use.

## Acronyms and selected glossary

<b>Australia ICOMOS</b>	International Council on Monuments and Sites	Australia ICOMOS was established in 1976 as a non-government, not-for-profit organisation of cultural heritage professionals. The organisation prepared the first Burra Charter in 1979 outlining best practice for heritage place conservation.
<b>Burra Charter</b>	Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter	first adopted in 1979 and provides a best practice standard for managing cultural heritage places in Australia. The current Burra Charter was updated in 2013.
<b>EPBC Act</b>	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	recognises heritage as one of the nine matters of national significance, establishes the Australian Heritage Council and the National Heritage List, and the Commonwealth Heritage List
<b>DCFL</b>	Department of Conservation, Forests and Lands (former)	former State government now Department of Environment, Land, Water and Planning (1893 – 1990)
<b>DELWP</b>	State government Department of Environment, Land, Water and Planning	established in 2015
<b>DNRE</b>	State government Department of Natural Resources and Environment (former)	established in 1996 and succeeded by Department of Sustainability and Environment and Department of Primary Industries in 2002
<b>ECC</b>	Environment Conservation Council (former)	established in 1997 and replaced by VEAC in 2001
<b>LCC</b>	Land Conservation Council (former)	established in 1971 and succeeded by Environment Conservation Council in 1997 and then subsequently replaced by VEAC in 2001
<b>MMBW</b>	Melbourne Metropolitan Board of Works (former)	non-planning functions succeeded in the mid-1980s largely by Melbourne Water and Parks Victoria.
<b>RNE</b>	Register of the National Estate (former)	the archived Register of the National Estate includes some 13,000 records for places of cultural and environmental significance. The register closed in 2007 and no longer has a statutory role
<b>RAPs</b>	Registered Aboriginal Party	defined by the <i>Aboriginal Heritage Act 2006</i> , RAPs are bodies appointed by the Victorian Aboriginal Heritage Council to be responsible for Aboriginal heritage in specific regions
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organisation	the World Heritage Committee of UNESCO identifies sites cooperatively with ratified nations for the World Heritage List. The 1972 Convention concerning the Protection of the World Cultural and Natural Heritage recognises that certain places on Earth are of 'outstanding universal value' and should form part of the common heritage of humankind. The convention uniquely links nature conservation and the preservation of culture. In 1994, the World Heritage Committee launched the Global Strategy for a Representative, Balanced and Credible World Heritage List. It aims to ensure that the list reflects the world's cultural and natural diversity of outstanding universal value.
<b>VAGO</b>	Victorian Auditor-General Office	an independent office of the Victorian Parliament, appointed to examine the management of resources within the public sector on behalf of Parliament and Victorians
<b>VEAC</b>	Victorian Environmental Assessment Council	established in 2001 as successor to Environment Conservation Council
<b>VHR</b>	Victorian Heritage Register	established under <i>Victoria's Heritage Act 1995</i> , the Victorian Heritage Register lists the state's most significant heritage places and objects
<b>VHRF</b>	Victoria's Heritage Restoration Fund	managed by the Heritage Council of Victoria

## Appendix 1 Submissions received

Sub #	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.

## Appendix 2 Historic groups or typology

Historic groups	Group description	Examples on public land (where available)
<b>Aboriginal association</b>	Mission stations, conflict and massacre sites, post-contact sites (archaeological sites are listed on the Aboriginal Heritage Register)	The Convincing Ground, Portland (shared history place). Maritime industry is the primary listing group for this VHR record.  A very small area of Coranderrk Mission at Healesville is located on public land
<b>Cemeteries and burial sites</b>	Cemetery, burial sites, grave sites	Melbourne General Cemetery; Box Hill Cemetery; Collins Settlement Graves site, Sorrento; Deadmans Gully Burial Ground, Irishtown; Eureka Memorials, Ballarat 'Old' Cemetery
<b>Commercial</b>	Hotels, motels and inns, resorts, finance, bank, insurance; boarding house and shelters (philanthropic housing), office towers	Newmarket Saleyards & Abattoirs; Princes Walk Vaults, Yarra River Frontage, Birrarung Marr
<b>Community facilities</b>	Public halls (not associated with municipal offices or mechanics' institutes), trades hall	Tarnagulla Public Hall; Bendigo Temperance Hall; Melbourne Trades Hall
<b>Education</b>	Education facilities, both public and private including mechanics' institutes and free libraries	Leongatha Secondary College; Ballarat Mechanics Institute; Gordon Technical College, Geelong; State Library of Victoria, La Trobe Street; Victorian School of Forestry, Creswick; Beaufort Centre, The University of Melbourne
<b>Event or association with a famous person</b>	places or objects included on the register because of a close association with a famous person or clubs and societies (Masonic lodge, scouts, old colonists), historic event, well known or important groups, or the location of a famous historical event	Napier Waller House, Ivanhoe; Heide I & II, Heide Museum of Modern Art, Bulleen; Mackenzie Cottage Healesville Sanctuary
<b>Exploration, survey and places of historical events</b>	historic sites, places, events and objects associated with historic events, survey markers	Collins Settlement Site; Eureka Stockade Historic Precinct, Ballarat East; Stringybark Creek and Kelly Tree; Corinella Settlement Site; Kelly Papers; Women's Suffrage Petition; Eight Hour Day Trade Union Banners; Ballarat Reform League Charter (November 1854); Geodetic Survey Baseline
<b>Farming and grazing</b>	Agriculture places and objects, pastoral settlements or homesteads, sheep station	Woodlands Historic Park, Big Lizzie at Red Cliffs; Murtoa Grain Store No.1 (The Stick Shed); Gulf Station, Yarra Glen; Point Cook Homestead and Stables
<b>Forestry and timber industry</b>	timber mills, tramways and associated site, timber harvesting	Old Federal mill, Yarra State Forest; Graves and Fraser sawmill, Wombat State Forest; Glut Escarpment Log Chute, Mount Cole; Henry's tramway tunnel, Barwon Forest - Great Otway National Park, Barramunga
<b>Government and administration</b>	town hall, government buildings, powder magazine	Beechworth powder magazine; Dunolly town hall; Geelong first customs house; Creswick gold office
<b>Health services</b>	baby health centre, hospital	Ararat and District Hospital; Beechworth Old Hospital Ruins; Echuca Baby Health Centre; Linay Pavilion, Wards 7 and 9, Alfred Hospital

Historic groups	Group description	Examples on public land (where available)
<b>Institutional places</b>	Asylum or psychiatric hospital, orphanages, disability institutions	Royal Park Psychiatric Hospital (former); Ararat Ward J; Anne Caudle Centre (former benevolent asylum), Bendigo
<b>Landscape area</b>	natural and cultural/ historic landscapes	Tower Hill State Game Reserve
<b>Law and enforcement (justice)</b>	court houses, police stations, police stables, lock-ups, gaols	Echuca Police Station (former); Eaglehawk Court House and lock-up; Library of The Supreme Court, William St; Mansfield Police Stables (former); Old Melbourne Gaol, Russell St, Melbourne
<b>Manufacturing and processing (Industrial)</b>	industrial sites, eucalyptus distillery, winery, lime kiln, printing, flour mill, brick manufacture, gas works, brewery	Kurth Kiln, Charcoal Kiln; Clifton Hill Porter Prefabricated Iron Store; Dights Falls Flour Mill Site (part), Lime Kiln Complex, Limeburners Point; Anderson's Mill Complex
<b>Maritime industry</b>	whaling, sealing, lighthouses, piers, jetties, docks, beacon, navigation markers, navigation station	Churchill Island Sealing Site; Port Fairy Lifeboat Station; Warrnambool Breakwater, Lady Bay; Refuge Cove (Whaling Station); Loch Ard Peacock, Warrnambool
<b>Monuments and memorial</b>	statues, avenue of honour	Eight Hour Monument, Melbourne; Shrine Of Remembrance, Birdwood Ave, Melbourne; Women's Christian Temperance Union Drinking Fountain, Elizabeth Street; Discovery Of Gold Monument; Bacchus Marsh Avenue of Honour; Thomas Bent Statue, Nepean Highway, Brighton; Burke & Wills Memorial Obelisk, Moyston St, Castlemaine
<b>Military</b>	drill hall, guns and emplacements, border protection, migrant processing, barracks	Port Melbourne Naval Drill & Former Post Office; Fort Gellibrand, Williamstown; Point Nepean Defence and Quarantine Precinct; Portland Battery and gun (80 pounder)
<b>Mining and mineral processing</b>	principally gold mining sites	Wonthaggi State Coal Mine Eastern Area; Cocks Eldorado Dredge; Eureka Reef Gold Mining Precinct; Maldon State Battery; Deborah Company Quartz Gold Mine, Bendigo; Lal Lal Iron Mine Blast Furnace; Fossil Beach Cement Works, Mornington; Miners Rights Collection, Sovereign Hill Historic Park
<b>Parks, gardens and trees</b>	Garden or park (or street trees etc)	Koroit Botanic Gardens (Victoria Park); Federal Oak, Parliament House grounds
<b>Postal and communications</b>	Post office, telegraph station, newspapers	Port Melbourne Naval Drill and former Post Office; Walhalla Post Office and residence; Ballarat Old Post Office (former)
<b>Public art</b>	works of art located in public places	History Of Transport Mural, Southern Cross Station; Keith Haring Mural (private land)
<b>Public utilities (services and utilities)</b>	services and utilities; water, electricity, CFA, fire brigade, underground toilets, sewerage systems	Rubicon Power Station; Stringers Knob Fire Spotting Tower, Monument Track

## Appendix 2 Historic groups or typology continued

Historic groups	Group description	Examples on public land (where available)
<b>Recreation and entertainment</b>	park, recreation, art gallery, museum, cinema, royal exhibition buildings, mineral springs, swimming pool	Hamilton Racing Club Grandstand; Victorian Artists Society, Albert Street; Vallejo Gantner Hut, Alpine National Park; Luna Park, St Kilda; Royal Exhibition Building and Carlton Gardens; Sidney Myer Music Bowl
<b>Religion</b>	Church or religious building or object (organ), Bishops Palace, place of worship	Coleraine Holy Trinity Church Complex; Warrnambool Christ Church Complex; St Pauls Church Of England (former), Clunes
<b>Residential buildings</b>	Residential house in town or suburb (or a residential precinct, flats, terrace etc), country houses and holiday houses, terrace, mansion, villa, miners cottage	Captain John Mills Cottage, Port Fairy; Tute's Cottage, Greenhill Ave, Castlemaine; Walmsley House, Royal Park, Parkville; Coolart Homestead, Somers; St Vincent Place Precinct, Albert Park
<b>Retail and wholesale</b>	warehouse, shop, pharmacy	Ogg and Company pharmacy (internal fixtures and fittings); Metropolitan Meat Market (former), Courtney Street; Castlemaine Market
<b>Scientific research and facilities</b>	observatory, institute, technology object (CSIRAC)	CSIRAC (Commonwealth Scientific and Industrial Research Organisation Computer); Ballarat Municipal Observatory; Rutherglen Research Institute; State Research Farm (former), Werribee
<b>Transport</b>	railway station, wharf, bridge, road, air transport, paddlesteamer	Great Ocean Road; Glenrowan Heritage Precinct; Preston Tramway Workshops; Timber Bridge at Crossover; Ornamental Tramway Overhead Poles; Princes Pier, Port Melbourne; Strathbogie Aerial Navaid, McQuinns Road, Strathbogie; Flinders Street Railway Station Complex; Duke & Orrs Dry Dock, South Wharf Promenade; Paddlesteamer 'Gem', Swan Hill Pioneer Settlement
<b>Water transport and supply</b>	Water supply infrastructure, sewerage services, aqueduct, tank or water tower, pumping station	Psyche Bend Pumping Station; Wangaratta Water Tower & Tank; Ovoid Sewer Aqueduct over Barwon River, Breakwater; Coliban Water Supply; Yan Yean Reservoir, Yan Yean Water Supply System
<b>Shipwrecks</b>	Historic shipwrecks, relics, underwater aircraft crash sites	HMVS Cerberus, Black Rock; S.S. Speke, Phillip Island

## Appendix 3 Correlating Australian historic themes and Victoria's framework of nine historical themes

Australian historic theme	Victorian theme
1. Tracing the evolution of the Australian Environment	1. Shaping Victoria's environment
2. Peopling Australia	2. Peopling Victoria's places and landscapes
3. Developing local, regional and national economies	3. Connecting Victorians by transport and communication 4. Transforming the land 5. Building Victoria's industries and workforce
4. Building settlements, town and cities	6. Building towns, cities and the garden state
5. Working	Covered in 3, 4 and 5
6. Educating	8. Building community life
7. Governing	7. Governing Victorians
8. Developing Australia's cultural life	9. Shaping cultural and creative life
9. Marking the phases of life	Included in 8. Building community life

Source: Heritage Council of Victoria 2010

### Victoria's Framework of Nine Historical Themes (Heritage Council of Victoria 2010)

#### 1. Shaping Victoria's environment...

covers how Victoria's distinctive geology, landscapes, flora and fauna have evolved over millions of years. It traces the factors that have made Victoria's natural variety an important part of Australia's biodiversity, and includes Aboriginal people's traditions about how the land and its features were created.

- 1.1 Tracing climate and topographical change
- 1.2 Tracing the emergence of Victoria's plants and animals
- 1.3 Understanding scientifically diverse environments
- 1.4 Creation stories and defining country
- 1.5 Living with natural processes
- 1.6 Appreciating and protecting Victoria's natural wonders

#### 2. Peopling Victoria's places and landscapes...

is a key theme for understanding the many ways in which people have arrived and settled in Victoria, and the successive waves of migration that have created a multicultural society expressed in the built fabric of our towns and cities. These have had an enormous influence on the state's, and also the nation's economic, social and political development.

- 2.1 Living as Victoria's original inhabitants
- 2.2 Exploring, surveying and mapping
- 2.3 Adapting to diverse environments
- 2.4 Arriving in a new land
- 2.5 Migrating and making a home
- 2.6 Maintaining distinctive cultures
- 2.7 Promoting settlement
- 2.8 Fighting for identity

### 3. Connecting Victorians by transport and communications...

early European routes often followed the pathways by which Aboriginal people moved through country over thousands of years. This theme traces the networks of routes and connections by which goods and people were moved and linked including an ambitious state-wide rail system and the impact of cars and road transport.

- 3.1 Establishing pathways
  - 3.2 Travelling by water
  - 3.3 Linking Victorians by rail
  - 3.4 Linking Victorians by road in the 20th century
  - 3.5 Travelling by tram
  - 3.6 Linking Victorians by air
  - 3.7 Establishing and maintaining communications
- 

### 4. Transforming and managing the land...

is critical to understanding how occupation and use of the land, and exploitation of its natural resources, have changed Victoria and produced its varied cultural landscapes. Important aspects are the evidence of a continuing Aboriginal occupation across the state, and the European exploitation of grasslands, minerals and forests, a source of wealth reflected in Victoria's colonial and post-Federation heritage.

- 4.1 Living off the land
  - 4.2 Living from the sea
  - 4.3 Grazing and raising livestock
  - 4.4 Farming
  - 4.5 Gold mining
  - 4.6 Exploiting other mineral, forest and water resources
  - 4.7 Transforming the land and waterways
- 

### 5. Building Victoria's industries and workforce...

embraces the development of Victoria's industrial and manufacturing base, and the development of service industries such as banking and finance. This has left a rich architectural and historical legacy, for example banks in every Victorian town and in Melbourne, and also the industrial complexes, large and small, throughout Victoria.

- 5.1 Processing raw materials
  - 5.2 Developing a manufacturing capacity
  - 5.3 Marketing and retailing
  - 5.4 Exhibiting Victoria's innovation and products
  - 5.5 Banking and finance
  - 5.6 Entertaining and socialising
  - 5.7 Catering for tourists
  - 5.8 Working
- 

### 6. Building towns, cities and the garden state...

covers the development of goldrush cities and agricultural service centres, as well as the emergence of Melbourne as a world leader in suburban development and the expression of this in the range and variety of Melbourne's suburbs. Victoria's areas of ethnic and cultural diversity, and the distinctive heritage of our country towns, are also important under this theme.

- 6.1 Establishing Melbourne Town, Port Phillip District
  - 6.2 Creating Melbourne
  - 6.3 Shaping the suburbs
  - 6.4 Making regional centres
  - 6.5 Living in country towns
  - 6.6 Marking significant phases in development of Victoria's settlements, towns and cities
  - 6.7 Making homes for Victorians
  - 6.8 Living on the fringes
- 

### 7. Governing Victorians...

covers the phases of government in Victoria's history, as well as the varied heritage associated with defence, law and order and local government. It features the role Victoria played as a centre for reform campaigns, including reform of Aboriginal policies in the 20th century.

- 7.1 Developing institutions of self-government and democracy
  - 7.2 Struggling for political rights
  - 7.3 Maintaining law and order
  - 7.4 Defending Victoria and Australia
  - 7.5 Protecting Victoria's heritage
- 

### 8. Building community life...

highlights the role of churches, schools, hospitals and community halls in transferring old-world belief systems, ideals and institutions to the new colonial offshoot. This includes the range and influence of women's organisations, and Victoria's pioneering role in providing for women's secondary school education.

- 8.1 Maintaining spiritual life
  - 8.2 Educating people
  - 8.3 Providing health and welfare services
  - 8.4 Forming community organisations
  - 8.5 Preserving traditions and commemorating
  - 8.6 Marking the phases of life
- 

### 9. Shaping cultural and creative life...

covers the rich legacy of places and strong interconnecting creative culture, supported locally, which is highly valued by the community as part of its history and identity. Victoria's cultural life in its many facets: sport, arts, popular culture and science.

- 9.1 Participating in sport and recreation
  - 9.2 Nurturing a vibrant arts scene
  - 9.3 Achieving distinction in the arts
  - 9.4 Creating popular culture
  - 9.5 Advancing knowledge
-

## Appendix 4 National Heritage List sites in Victoria

The National Heritage List currently has 24 sites for Victoria. Some places have multiple values contributing to national heritage listing, particularly those areas in the Australian Alps National Parks and Reserves group. Of the Victorian sites, 18 are of primarily historic or cultural value and 15 of these are on public land. Some places such as Glenrowan heritage precinct contain a mixture of public land and private land. The Great Ocean Road, comprising some 13,400 hectares between Torquay and Allansford, is largely government road reserve, but includes portions of some adjoining parks, reserves and private land in some places. In some other cases, small areas of government road or reserve are included in largely private land sites (e.g. Coranderrk near Healesville).

#	Place	Site type	Victorian Heritage Register	Heritage overlay of municipal planning schemes	Historic place typology	Land tenure
1	Australian Alps national parks and reserve	natural				National parks and Crown land reserves
2	Bonegilla migrant camp - Block 19	historic	H1835	HO7	Military	Crown land reserve
3	Budj Bim National Heritage Landscape, Portland	indigenous			Aboriginal association	Part Crown land reserve, part freehold land
4	Castlemaine Diggings National Heritage Park	historic	H2047	multiple listings and municipalities	Mining and mineral processing	National park
5	Coranderrk, Healesville	indigenous		HO80	Aboriginal association	Private freehold land, small part Crown land
6	Port of Echuca wharf	historic	H2168	HO7	Transport	Crown land reserve
7	Eureka Stockade historic precinct, Ballarat East	historic	H1874	HO160	Event or association with a famous person	Crown land reserve
8	Federal (High) Court of Australia, William St, Melbourne	historic	H1476	HO698	Law and enforcement	Crown land reserve
9	Flemington Racecourse	historic	H2220	HO272	Recreation and entertainment	Crown land – lease
10	Flora fossil sites, Yea	natural				Crown land – road reserve
11	Glenrowan heritage precinct	historic	H2000	HO170	Transport	Part Crown land, part public freehold land
12	Grampians National Park (Gariwerd)	natural				National park
13	Great Ocean Road, Torquay to Allansford	historic	H2261	multiple listings and municipalities	Transport	Crown land reserve, government road, some private freehold land
14	HMVS Cerberus, Black Rock	historic	S0117	HO186	Military	local government owned wreck, located on Crown land – seabed
15	ICI House (former), East Melbourne	historic	H0786	HO165	Commercial	Private freehold land
16	Melbourne Cricket Ground	historic	H1928	HO890	Recreation and entertainment	Crown land reserve
17	Mount William stone hatchet quarry, Lancefield	indigenous			Aboriginal association	Private freehold land
18	Murtoa grain store No. 1 (The Stick Shed)	historic	H0791	HO39	Farming and grazing	Crown land
19	Newman College, Parkville	historic	H0021	HO344	Education	Private freehold land
20	Point Cook RAAF Air Base	historic			Military	Private freehold land - Commonwealth
21	Point Nepean defence and quarantine precinct	historic	H2030	HO165	Military	National park
22	Royal Exhibition Building and Carlton Gardens	cultural	H1501	HO69	Recreation and entertainment	Crown land reserve
23	Rippon Lea house and garden, Elsternwick	historic	H0614	HO36	Residential buildings	Private freehold land and small part public freehold land
24	Sidney Myer Music Bowl, Melbourne	historic	H1772	HO908	Recreation and entertainment	Crown land reserve





