

Land Conservation Act 1970

**HISTORIC PLACES SOUTH-WESTERN VICTORIA SPECIAL INVESTIGATION
NOTICE OF IMPLEMENTATION OF FINAL RECOMMENDATIONS**

EXPLANATORY MEMORANDUM

1. Background

The Land Conservation Council completed its Historic Places South-western Victoria Special Investigation and presented the recommendations to the Minister in November 1996.

The Land Conservation Council's recommendations provide for the protection, management and future use of more than 700 historic places. The places have been assigned to three categories representing State, regional and local levels of significance. Some recommendations relate to general historic places management, the processes available for protection of historic places on public land, and Aboriginal historic places.

Notices of intention to implement the recommendations were forwarded to Ministers on 5 June 1997.

Responses were received from the following Ministers:

Minister for Education

Minister responsible for Aboriginal Affairs (verbal response, amendments suggested)

Minister for Health, and Minister for Youth and Community Services

Minister for Planning and Local Government (verbal response from Heritage Victoria, no objections)

Minister for Roads and Ports

Minister for Transport (verbal - no objections)

Attorney-General

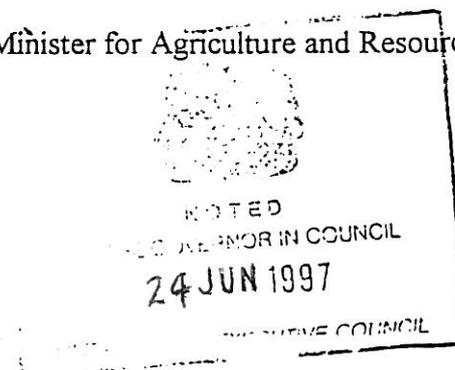
Minister for Police and Emergency Services

Minister for Conservation and Land Management, and Minister for Agriculture and Resources

Premier of Victoria

Minister for Finance

2. Statutory Power



Original on 2/5/4.2 #66

The attached Order is made under section 10(3) of the *Land Conservation Act* 1970 which provides that after the Minister has given not less than fourteen days notice of her intention to make a recommendation to the Minister administering a government department or responsible for a public authority then it may be recommended to the Governor in Council that notice of the recommendation be given to the affected government department or public authority. That section also provides that it is the duty of the government department or public authority to which notice is given, to give effect to the recommendation.

3. The Order

The attached Order provides for notice to be given by the Governor in Council to the relevant government departments of recommendations made by the Land Conservation Council. Attachment 2 lists the recommendations and Attachment 3 contains minor amendments to the recommendations included under the Order. Attachment 4 lists Government variations to the remaining recommendations.

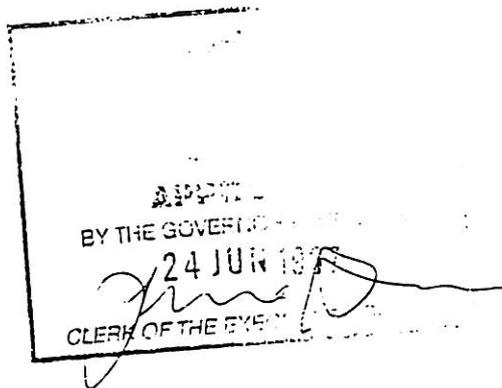
Land Conservation Act 1970

**HISTORIC PLACES SOUTH-WESTERN VICTORIA SPECIAL INVESTIGATION
NOTICE OF IMPLEMENTATION OF FINAL RECOMMENDATIONS**

It is recommended to His Excellency the Governor in Council that the attached draft Order giving notice of the implementation of the Final Recommendations of the Historic Places South-western Victoria Special Investigation, be approved.



Hon. Marie Tehan, MP
MINISTER FOR CONSERVATION
and LAND MANAGEMENT



APPROVED
BY THE GOVERNOR IN COUNCIL
24 JUN 1970
CLERK OF THE EXECUTIVE COUNCIL

Land Conservation Act 1970

**HISTORIC PLACES SOUTH-WESTERN VICTORIA SPECIAL INVESTIGATION
NOTICE OF IMPLEMENTATION OF FINAL RECOMMENDATIONS**

The Governor in Council, under Section 10(3) of the *Land Conservation Act 1970*, gives notice to the Government Departments listed in attachment 1, of recommendations made under Section 5(1)(a) of that Act by the Land Conservation Council in the *Historic Places South-Western Victoria Special Investigation Final Recommendations* and listed in attachment 2, including the amendments in attachment 3

and it is now the duty of those Government Departments to give effect to the recommendations.

Dated: 24 JUN 2007

Responsible Minister:

Hon Marie Tehan, MP
MINISTER FOR CONSERVATION
and LAND MANAGEMENT


Clerk of the Executive Council

ATTACHMENT 1

MINISTERS AND DEPARTMENTS NOTIFIED

Minister for Education (Department of Education)

Minister for Health (Department of Human Services)

Minister for Youth and Community Services (Department of Human Services)

Minister for Aboriginal Affairs (Department of Human Services)

Minister for Planning and Local Government (Department of Infrastructure)

Minister for Roads and Ports (Department of Infrastructure)

Minister for Transport (Department of Infrastructure)

Attorney General (Department of Justice)

Minister for Police and Emergency Services (Department of Justice)

Minister for Agriculture and Resources (Department of Natural Resources and Environment)

Minister for Conservation and Land Management (Department of Natural Resources and Environment)

Premier of Victoria (Department of Premier and Cabinet)

Minister for Finance (Department of Treasury and Finance)



ATTACHMENT 2

HISTORIC PLACES SOUTH-WESTERN VICTORIA SPECIAL INVESTIGATION
FINAL RECOMMENDATIONS

RECOMMENDATIONS FOR IMPLEMENTATION

General Recommendations: M1 to M34 inclusive.

Processes for Protection of Historic Places: P1 to P4 inclusive.

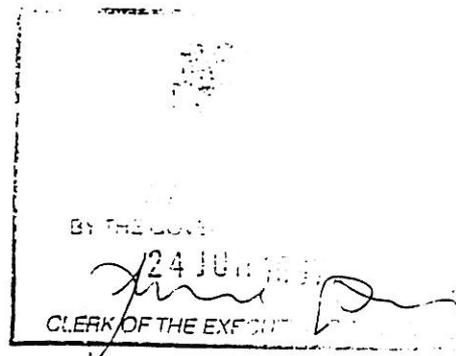
Highly Significant Places: A1—A19; A2 to A19 inclusive; A20—A64; A20 to A64 inclusive;
A65—A71; A65 to A71 inclusive; A72—A142; A72 to A81 inclusive; A83 to A142 inclusive;
A143—A187; A143 to A187 inclusive; A188

Significant Places: B1—B48; B1 to B48 inclusive; B49—B152; B49 to B93 inclusive; B95 to
B152 inclusive; B153—B164; B153 to B164 inclusive; B165—B166; B165, B166

Notable Places: C1—C400; C1—C290 inclusive; C292—C400 inclusive

Representation of Historic Themes: D1

Aboriginal Historic Places: E1 to E9 inclusive.



ATTACHMENT 3

AMENDMENTS ADVISED BY THE LAND CONSERVATION COUNCIL

Recommendation A7 (Maritime Complex, Port Fairy)

In the text for this recommendation, replace:

'Historic features in the Fishermen's Wharf area include stone retaining walls, some original wharf piles on the inner side of the existing jetty, a 'swinging basin', rocket shed (WR0079), fishermen's shed (WR0087), lifeboat (WR0088), lifeboat shed (WR0080) and groyne.'

with:

'Historic features in the Fishermen's Wharf area include a rocket shed (WR0079), fishermen's shed (WR0087), lifeboat (WR0088), lifeboat shed (WR0080) and groyne. Other significant historic features, which fall within the Port Fairy Coastal Reserve proposed Coastal Recreation Zone, include stone retaining walls, some original wharf piles on the inner side of the existing jetty, a 'swinging basin' and groyne.'

Also replace:

'The Moyne River 'training walls' and 'warping posts' are distinctive elements of the use of the river. The walls were designed by Sir John Coode to project the river's flow into Port Fairy Bay. A stone barrier was constructed early this century across another natural exit of the river to the ocean, known as the 'South West Passage'.'

with:

'Of interest, but not within the maritime complex reserve area, are the Moyne River 'training walls' and 'warping posts', which are distinctive elements of the use of the river. The walls were designed by Sir John Coode to project the river's flow into Port Fairy Bay. A stone barrier constructed early this century across another natural exit of the river to the ocean, known as the 'South West Passage', is also not within the reserve area.'

The text has been amended to delete references to features in the river and core port area, which are subject to the Marine and Coastal Special Investigation.

Recommendations C1—C400 Notable Places

Insert the following additional note at the end of Recommendations C1-C400 (a) to (e)

3. These recommendations do not necessarily require that the Notable Places be retained as public land.

BY THE COUNCIL
24 JUN 2007
SECRETARY OF THE ENVIRONMENT

ATTACHMENT 4

HISTORIC PLACES SOUTH-WESTERN VICTORIA SPECIAL INVESTIGATION
FINAL RECOMMENDATIONS

VARIATIONS AND EXCLUSIONS

Variations to recommendations

Recommendations A1—A19(d)(iv)

Replace:

'where proposed mining works would disturb or destroy historic features, the proponent be required to pay to the Department of Natural Resources and Environment an amount determined by NRE in consultation with Heritage Victoria sufficient

(A) to research and...'

with:

'where proposed mining works would disturb or destroy historic features, the proponent be required, to the satisfaction of the Department of Natural Resources and Environment in consultation with Heritage Victoria,

(A) to research and...'

Recommendations A1—A19(d)(iv)(B)

Replace:

'to fund heritage conservation works...'

with:

'where considered appropriate, to fund heritage conservation works...'

Recommendations A1—A19, A20—A64, A65—A71 (e) and B1—B48, B49—B152 (e)

Replace:

'(i) the historic features are not disturbed'

with:

'(i) the historic features are not disturbed, either directly or indirectly

BY THE GOVERNOR
BY THE GOVERNOR
24 JUN 1987
CLERK OF THE EXECUTIVE

replace:

'(ii) low impact methods are used'

with:

'(ii) methods used in close proximity to the features be low-impact (for example see Note...)'

Recommendations A1—A19(i) and B1—B48(i)(i)

Replace:

'the areas referred to in Recommendations...be permanently reserved under section 4 of the Crown Land (Reserves) Act 1978 or included on a schedule to the National Parks Act 1975, except where otherwise specified'

with:

'the areas referred to in Recommendations...be permanently reserved under section 4 of the Crown Land (Reserves) Act 1978, included on a schedule to the National Parks Act 1975, or made a reserve under the Forests Act 1958, except where otherwise specified'

Recommendations A20—A71(d)(i), and B49—B152(d)(i)

For Note 2, add the following sentence to the end of the note:

'Part (d)(i) does not apply to those places which are not subsequently accepted for the Register.'

Recommendations B1—B48(d)(iii)

Replace:

'where proposed mining works would disturb or destroy historic features, the proponent be required to pay to the Department of Natural Resources and Environment an amount determined by NRE in consultation with Heritage Victoria sufficient to research and record sites to be disturbed or destroyed.'

with:

'where proposed mining works would disturb or destroy historic features, the proponent be required, to the satisfaction of the Department of Natural Resources and Environment in consultation with Heritage Victoria, to research and record sites to be disturbed or destroyed.'

Recommendation E3

Replace:

'That a 'joint management' system between the Department of Natural Resources and Environment and Aboriginal communities, for public land areas...'

with:

'That a 'joint management' system between the Department of Natural Resources and Environment, Aboriginal communities and Aboriginal Affairs Victoria, for public land areas...'

Recommendation E5

Replace:

'That Aboriginal communities be provided with copies of...'

with:

'That Aboriginal Affairs Victoria continue to provide Aboriginal communities with copies of...'

Recommendation E6

Replace:

'That relevant Aboriginal communities or groups be consulted...'

with:

'That relevant Aboriginal communities or groups and Aboriginal Affairs Victoria be consulted...'

Recommendation E8

Replace:

'That

(a) a comprehensive and systematic study of Aboriginal contact and post-contact history places in South-western Victoria be undertaken, and

(b) relevant Aboriginal communities be fully involved in the study, including the identification and assessment of places.'

with

'That Aboriginal Affairs Victoria continue

(a) the comprehensive and systematic study of Aboriginal contact and post-contact history places in South-western Victoria, and

(b) to fully involve relevant Aboriginal communities in the study, including the identification and assessment of places.'

Recommendation E9

Replace:

'That consultation take place with the relevant Aboriginal communities...'

with:

'That the existing consultation process under the *Mineral Resources and Development Act 1990* continue with the relevant Aboriginal communities...'

Recommendations excluded from implementation

Recommendations A1 and A82 (Grain Store ('Stick Shed'), Murtoa): these recommendations are excluded from those for implementation. In March 1997, the Department of Infrastructure established an Advisory Committee to inquire into the physical condition, management arrangements and future use of this structure. The Committee's findings are yet to be tabled.

Recommendations B94 and C291 (relating to the Portland foreshore area): these recommendations were previously approved by Government, and the Orders in Council were signed on 11 June 1997. The relevant departments have also been notified.