

22 January 2022

**Melbourne Maritime Heritage Network (MMHN)
Submission to Parliamentary Inquiry into Heritage Protections within
the Victorian Planning Framework**

Background

MMHN is a not-for-profit membership-based organisation. It has ASIC and ROCO registration. Its objectives include achieving due recognition of the rich, yet seldom acknowledged, maritime heritage of Melbourne and Victoria. This includes preservation of maritime heritage assets. Details of MMHN's structure, projects and governance etc. are on our website (www.mmhn.org.au)

Heritage Protection

This Submission addresses the items within the Inquiry Terms of Reference which relate to protection of heritage-listed sites and assets in Victoria.

Legislative Deficit

MMHN contends that in order to halt continued loss and degradation of heritage-listed infrastructure and sites in Victoria, legislative reform is necessary. Our maritime heritage is an important element of our cultural and tourism heritage. When heritage assets are lost, the cultural, social and economic impact is irrefutably adverse. Contrary to popular perception, academic research indicates that cultural tourism generates economic benefit which exceeds that generated by the event industry. Heritage assets should be acknowledged by the state government as 'public' assets of demonstrable value and worthy of investment and preservation into the future.

Case Study 1: Central Pier, Victoria Harbour, Docklands

Central Pier is a key state public heritage asset with very high economic value to the community which has not been adequately acknowledged or optimised. It is listed on the Victorian Heritage Register. The purpose and intention of this listing is, in theory, legislative protection to ensure that no significant alterations are made to the Pier without the permission of Heritage Victoria. Development Victoria (DV) is the assigned responsible authority for

this heritage asset. It has been negligent and this has resulted in demolition of the mid sections of the Pier without prior Heritage Victoria permission. In essence, a state government authority (DV) has ignored the legislation (the *Heritage Act 2017*) and acted contrary to that law. It is important to note dire the economic impact of DV long-term negligence of this heritage-listed infrastructure to the entire Docklands Precinct.

Following is an account of the incremental destruction of Central Pier and the futility of ineffectual recognition of heritage-listing as any kind of protection or preservation measure:

1. DV the state government appointed responsible authority for this heritage-listed maritime infrastructure, while presumably aware the continuous impact of tidal salt water, failed to adequately maintain this heritage-listed maritime infrastructure asset.
2. DV demolished the mid-section of the Pier, leaving the remaining end tip of the Pier destabilised and vulnerable to increased tidal challenges. Note: MMHN understands that this initial demolition took place without a Permit from Heritage Victoria.
3. Predictably structural damage to the end-tip of the pier continued apace. DV ignored the obvious need for stabilization and restoration works. Demolition was the DV preferred management option. In time DV applied for a Permit to demolish from Heritage Victoria. By this stage, the extent of the structural damage was considerable. Heritage Victoria had little option but to granted DV a conditional Permit for the demolition of the tip-section of the Pier.
4. Given this incremental destruction another Permit application to demolish the final remaining section of Central Pier abutting Harbour Esplanade Heritage Victoria is likely.

DV has failed to maintain Central Pier in a state that would allow its continued use by the community into posterity. The destruction of Central Pier is the result of conscious negligence and reflects a deliberate process of incremental *demolition by neglect*.

In summary, it is clear that in this Case, the protective legislation is deficient. It has failed in its stated purpose. There is no legislative requirement for publicly owned heritage assets to be maintained, preserved and protected. The consequence is that valuable public heritage assets like Central Pier have been *demolished by neglect by government*.

Case Study 2: Point Nepean Quarantine Station, Portsea

The Point Nepean Precinct has archaeological, aesthetic, architectural, historical, scientific and social significance, yet serious neglect by PV is evident throughout the site and, in particular, the former Quarantine Station.

When the Federal government transferred control of Point Nepean to the Victorian state government in 2009, \$20 million accompanied the transfer of. Transfer of funds as part of the devolution was presumably made as a contribution towards the on-going maintenance of this significant maritime heritage site infrastructure in an environmentally challenging location near to the water. The Victorian state government assigned Parks Victoria (PV) responsibility for this heritage-listed site and infrastructure. PV has failed to adequately maintain and preserve the structural elements of the Station.

Much of the paintwork is peeling, woodwork is rotting and there is termite damage. Parks Victoria has enabled this degradation of structures at Point Nepean in the absence of adequate maintenance. PV has allowed the heritage integrity of Point Nepean heritage-listed infrastructure to erode because irreplaceable and unique state maritime heritage asset have been neglected and have deteriorated. This is another example of heritage asset *destruction through neglect by government*.

In summary, it is clear that in this Case, the legislation is deficient. It has failed in its stated purpose. It offers no protection to the site or the structures. There is no legislative requirement for publicly-owned heritage listed assets to be maintained, preserved and protected. Significant heritage assets, Central Pier and the Point Nepean Quarantine Station, have been *subjected to neglect condoned by government*.

Planning Deficit

The two Cases cited above illustrate a key state planning deficit in relation to protecting publicly-owned heritage assets. In both Cases the state authority assigned responsibility by the state government for maintaining and preserving and heritage-listed assets has failed to do so. DV and PV have not complied with the legislation.

Any state authority assigned responsible by the state government for maintenance, preservation and management of heritage assets in Victoria should:

- Recognise the value of heritage assets – social, cultural and economic.
- Recognise that legislative compliance is a requirement, not merely option
- Provide in-house expertise or access to external expertise to undertake those works required for heritage asset maintenance and preservation

It is clear that the current Victorian state government process for determining where to assign responsibility for maritime heritage assets is flawed. Inappropriate state authorities have been assigned roles and responsibilities which beyond their competence. The self-evident result is that non-negligence occurs, non-compliance is condoned and ultimately heritage-listed

assets are lost. This points to there being serious heritage planning legislative deficiency in Victoria.

Planning related to heritage assets requires a comprehensive understanding of the value of any given heritage asset, whether structure or site.

- In relation to Central Pier, the responsible authority DV and, to a lesser extent, the Department of Transport, has scant expertise in preserving maritime sites, demonstrably zero understanding of the cultural and economic value or the preservation of heritage assets. DV has not demonstrated any understanding of the cultural value of this site, of the marine environment, of marine industry or of water-dependent tourism. DV is primarily a land-based real estate development authority which has failed to preserve or maintain key maritime heritage infrastructure.
- In relation to the Point Nepean Quarantine Station structures, the responsible authority PV, has scant expertise in preserving maritime sites and zero understanding of the cultural value or economic value of heritage assets. It is primarily concerned with developing land-based public tourism assets and with public safety. MMHN notes that PV is prioritizing investment in 'glamping' at this site while heritage structures are neglected and rot in this challenging location near the ocean.

In summary, MMHN fears that without legislative reform, heritage-listing of significant assets and sites will remain a futile and failed concept. Without legislative reform to support policy rigour and without genuine commitment to heritage asset preservation, the Victorian state government will be continue to be culpable of simply squandering valuable public heritage assets.

MMHN notes also that the federal government policy agenda in relation to heritage assets is a contributory and certainly a counter-productive factor contributing to Victorian heritage preservation difficulties. The Australian Heritage Strategy approach is to devolve responsibility for heritage asset preservation to the states. This is an exercise in cost-shifting. MMHN notes that the scheduled review of the Australian Heritage Strategy has been postponed but will occur in 2022.

MMHN recommends:

1. Policy reform to to ensure appropriate state authorities are assigned responsibility for heritage assets preservation and management.
2. Legislative reform to ensure that the state authorities assigned responsibility for heritage-listed assets are actually compelled to maintain and preserve heritage assets in perpetuity.

3. The Victorian state government acknowledges its role in condoning legislative non-compliance in its state authorities, the consequence of this lack of scrutiny directly impacts on degradation and loss of publicly-owned heritage assets.
4. The Victorian state government commits to providing adequate funding for the requisite maintenance of publicly-owned heritage assets.
5. During the forthcoming review of the Australian National Heritage Strategy, the Victorian state government expresses its opposition to the current flawed and deficient federal heritage policy agenda by rejecting further devolution of responsibility for national heritage assets to states. While ostensibly enabling greater state control of heritage assets, the federal government intent is cost-shifting. Such devolution inevitably leads to inconsistent standards and inequitable funding and is detrimental to the preservation of national heritage assets around the nation. It is, in effect, an abdication by the federal government of its nation-wide responsibility for the preservation of national heritage assets in the federation into the future.

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