



LEGISLATIVE COUNCIL
Select Committee on Public Land Development

Submission No: 14

Received on: 28 August 2007

Beechworth Old Gaol Action Group

1

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Sunday, 10 June 2007

Dear Mr. Willis,

I am presenting this Submission on behalf of the Old Beechworth Gaol Action Group. This Group was established to represent the Beechworth community when it was discovered that a Melbourne developer had bought the gaol and intended to subdivide its grounds for luxury housing and convert the Old Gaol building into a luxury hotel.

Referring to the terms of reference of this enquiry, namely

- (a) the sale or alienation of public land for development;
- (b) the sale or alienation of public open space for the purposes of private development; and
- (c) the sale and development of public land and the relationship to the Melbourne 2030 policy and Green Wedges.

It is immediately glaringly obvious that nothing that has eventuated since this State Government put this site up for tender has been to the advantage of the town of Beechworth or indeed the public of Australia.

Beechworth's historic old Gaol was sold to a private developer in 2004 against the wishes of the community, removing a vital community amenities building as well as threatening the destruction of an Australian historic icon. The Bendigo Gaol is next on the list, with ill-considered proposals threatening to diminish its relevance as an integral part of Victoria and Australia's Penal History.

That this can be done by a Government making such an issue of "Strengthening Local Communities" is criminal.

Many members of this community have said they are depressed and despondent at their feelings of inadequacy about this issue. The general feeling is that this development will go ahead no matter what. We feel that the Indigo Shire Council is committed to the development and that even if it were to make a decision in the best interests of the community the developer would then appeal to VCAT and have it overturned. This community has lost its will to fight an opponent seemingly with all the power on his side. We feel powerless!

Australia's Heritage Icons are thin enough on the ground already and need better protection than that given by a shortsighted government bent on immediate profit. A private, for-profit developer is never going to be the ideal manager of such an important site.

Now the Government's heritage organ Heritage Victoria, has approved a development plan that flies in the face of the Beechworth Community's wishes and complaints and will destroy the fabric of this premier historic tourist town. That Heritage Victoria is the body assigned custody of Victoria's historic icons makes this decision laughable.

That the State Government and its chosen developer can shrug their shoulders and say it's now privately owned and nothing can be done anyway, begs the question, why was it sold in the first place?

Many other State Governments have shouldered the responsibility of administering similar sites around Australia. Consider Dubbo Gaol in NSW, Fremantle Gaol in WA, Port Arthur in Tasmania, Maitland in NSW, all these are showcases of what can be achieved by enlightened Governments intent on preserving our national heritage.

It is damning for HV to have caved in to the Government's requirements against the opposition of a vast number of Beechworth and other community members. They did not even give credibility to the logical request from Indigo Shire to ask the developer to submit a whole of site plan and not just an ad-hoc, quickie plan to gain profit from a development of open space whilst leaving the important heritage building to moulder.

Heritage Victoria has dismissed any references to Lower Levels in the gaol and bodies of hanged inmates but cover themselves by asking the developer's contractors to report any discoveries- very professional! There may well be remains of prisoners who died in custody buried in the gaol site; these could include Chinese and Aboriginal remains. I'm not sure a bulldozer is an accepted archaeological tool. Beechworth has a strong connection to the Chinese Community in Australia; we are not offering them much respect in this instance. A full and proper Archaeological survey must be done prior to any earthwork on this site, anything less than this is an insult to Australia's Heritage.

This State Government did not have the moral permission to deal with such an essential component of Australia's history in such a cavalier fashion. It appears this government doesn't consider any history prior to multiculturalism. Well we've got news for them, multiculturalism was alive and well in the 1860's in Australia. Beechworth itself had a vast Chinese community along with Scots, Irish and other European countries. Many of these immigrants could well be buried within the grounds of this historic site.

The tender process was compromised from the start. Sam Lawson was given a guided tour of the prison prior to its closure and well before the tender process commenced. He was eliminated from the first two rounds of the process, but was successful at the third. Is this standard procedure? The guidelines for the tenderers specified community friendly commitments. Each of the other tenderers offered the community benefits in the use of the site; both were unsuccessful but Sam Lawson did not and has not shown any desire to do so despite numerous attempts to contact him. At the closure of the gaol, it was arranged with the CORE and Heritage Victoria to allow public access to the gaol prior to the completion of the tender process. At the 13th hour Sam Lawson's solicitor cancelled the tours even though the tenderer hadn't been nominated, depriving the public of the opportunity to view the gaol as it was decommissioned.

This site should never have been sold, especially for its reputed \$1.8m. The site comprises a state of the art Amenities Building, previously used by many sporting groups and now abandoned by a State Government re-elected on a platform of "A Fairer Victoria – Creating Opportunity and addressing disadvantage"
([http://www.dpc.vic.gov.au/CA256D800027B102/Lookup/SocialPolicyActionPlan/\\$file/fairer%20vic.pdf](http://www.dpc.vic.gov.au/CA256D800027B102/Lookup/SocialPolicyActionPlan/$file/fairer%20vic.pdf))

Obviously they don't mean community disadvantage.

In an area where youth amenities are scarce, it is deplorable that a supposedly supportive government caves in to a quick buck.

The Conservation Management Plan prepared for the developer by Lovell Chen states in its Introduction "A condition of sale was that future proposals must be in line with the Beechworth Community's best interests and benefit because 'in a very real sense, Beechworth people have had a form of ownership of the gaol for 144 years.'" This plus many areas identified by Lovell Chen as being of "primary significance" mean that by his own report he shouldn't build on this site.

When the Amenities Building at the rear of the site was built, it was built for the joint use of the prison and community groups and has been in constant use from the 1970's until the gaol closed in 2004. Since then residents have had to make a 100km round trip to Albury for the same facilities. At an opening ceremony for the building many locals remember dignitaries stating that when the gaol no longer needed the building it would revert to the community. This Government hands it to a private developer.

An additional Prison Industries building was erected on Kars Street. This street was on the Council Plan going through the Gaol site. The then Office Of Corrections overruled the Shire Council's protests and annexed the street for development of prison facilities. The Community stomached this but is now upset that a current Government sells this same street to a private person for further profit instead of returning it to the community.

There is no doubt that this Prison Industries building will be demolished for future development. It is arguably the best workshop building in Indigo Shire.

In the event of fire the developer has the only key in Melbourne. A gaol is not the easiest building to access; a fire could totally destroy this important icon. Interestingly this could only work in the owner's favour.

When the new gaol outside Beechworth was first mooted, one of the conditions for its present location was that natural gas be connected to the Gaol and then be continued to nearby Beechworth. Neither eventuated, the new Gaol runs on expensive LPG, probably at a cost above \$1m pa as the old Gaol did.

The State Government's contemptuous treatment of Beechworth throughout this whole affair has flown in the face of all the community ethics they say they aspire to. With the Indigo Shire's blessing the site was given a "Mixed use "zoning to allow nearly any development to be built without the need for the owner to make his plans public. Theoretically, any owner of this site can put any building he likes without listening to a single community protest. This zoning disallows any Community representation to VCAT in the likely event of the developer taking the Indigo Shire Council to VCAT. Further disadvantage!

No one I have spoken to has had any reply from any Government Ministers contacted and Heritage Victoria has only sent "message received " replies to most people.

The Bracks' Government has also employed Lisa Mahood, the failed Labour Candidate in the Indi Electorate to a well-paid position as North East Victoria Advisor. I have talked to Lisa many times. Unfortunately to this point she has been unable to achieve any contact from the Government. We don't exist! So much for Bracks' Community Support standards.

The developer, Sam Lawson (Salmore Developments), who appears to have close personal ties to the State Labour Party, says that he will consider the heritage of the Building. If he read his own Conservation Management Plan submitted to

Heritage Victoria he would realise the whole site has items of “primary significance” – not to be touched.

At several meetings townspeople have been asked by Shire Councillors and Officers why we did not protest the sale of the Gaol at the time of tender. The answer is simple. No one believed the Government could or would sell it! We also believed the Indigo Shire Council had presented the Government with a reasonable plan for the ongoing use and upkeep of the Gaol.

The final decision over the fate of this threatened site lies with the Indigo Shire. We can only hope that it is up to the task. Reading Mayor Peter Graham’s recent comments we believe not.

In summary, yes, as in Terms of Reference (a) and (b), both the community of Beechworth and the Australian public have been alienated and disadvantaged by this sale of a public icon. We can no longer proclaim to visitors that this is “our” Gaol. Whilst clause (c) is not as relevant to a rural community, the proposed development will impact on public parkland situated beside the Gaol.

There is an enormous amount of information available within our community relevant to this historic site. We would welcome your intervention in this important issue and should you wish to visit us you will see for yourselves the relevance this site has to the future of Beechworth and the damage it will do to this town should private development be allowed to proceed as planned. All members of our Group would be happy to answer further questions in the forum of your choosing. We hope you find our cause as just as we do and look forward to your consideration in this matter.

Yours Faithfully

Mal Wilson
(On behalf of the Beechworth Old Gaol Action Group)

Beechworth Old Gaol Action Group Members;

- Gary Jarvis, 10 Last Street Beechworth -----
- Jill Jarvis Wills, 10 Last Street Beechworth -----
- Anne Wilson, 92 High Street Beechworth -----
- Pam Thomas, 10 Atkinson Crt Beechworth -----
- Hank Thomas, 10 Atkinson Crt Beechworth -----
- Iris Mannik, Sydney Road Beechworth -----
- Martin Thomas, Old Sheep Station Road Beechworth -----
- Sue Thomas, Old Sheep Station Road Beechworth -----
- Richard Swanson, 6 Fleury Court Beechworth -----