

Heritage Council Regulatory Committee

Mount Macedon Survey Cairn (H2421)

Memorial Cross Loop Road, Mount Macedon, Macedon Ranges Shire

Committee meeting – 17 October 2022

Members – Professor Andrew May (Chair), Mr Rueben Berg, Ms Ruth Redden.

DETERMINATION OF THE HERITAGE COUNCIL

Inclusion in the Victorian Heritage Register – After considering the Executive Director’s recommendation, all submissions received, and conducting a Regulatory Committee meeting in relation to the matter, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that the Mount Macedon Survey Cairn, located at Memorial Cross Loop Road, Mount Macedon, is of is State-level cultural heritage significance and is to be included in the Victorian Heritage Register.

Andrew May (Chair)

Rueben Berg

Ruth Redden

Decision Date – 31 October 2022

ACKNOWLEDGEMENT

As a peak heritage body, we acknowledge the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

INTERESTED PARTIES

EXECUTIVE DIRECTOR, HERITAGE VICTORIA ('THE EXECUTIVE DIRECTOR')

A recommendation for the inclusion of the Mount Macedon Survey Cairn, located at Memorial Cross Loop Road, Mount Macedon ('the Place') in the Victorian Heritage Register ('the Register') was received from the Executive Director, Heritage Victoria ('the Executive Director').

INTRODUCTION/BACKGROUND

THE PLACE

001. On 16 July 2022, the Executive Director made a recommendation ('the Recommendation') to the Heritage Council pursuant to Part 3, Division 3 of the *Heritage Act 2017* ('the Act') that the Mount Macedon Survey Cairn, located at Memorial Cross Loop Road, Mount Macedon ('the Place'), is of State-level significance and should be included in the Victorian Heritage Register ('the Register').

002. The Place is described on page 4 of the Recommendation as follows:

"The Mount Macedon Survey Cairn is located in Macedon Regional Park in the Macedon Ranges. The cairn sits on the peak of Mount Macedon, overlooking the town of Mount Macedon to the south-east. It is situated within a gravel clearing on the north side of Memorial Cross Loop Road, approximately 250 metres due north of the Macedon Regional Park visitors' centre and the main car park. The clearing is bordered by native vegetation, and a series of large rocks to the north and south of the site prevent vehicle access directly to the cairn. A copse and telecommunications station lie to the immediate north and north-east of the cairn respectively, less than two metres from the base of the cairn. Two interpretive signs are located to the south-east.

The cairn is a mortared stone structure approximately ten metres tall and three metres in diameter at its base, tapering to a diameter of approximately one metre at its peak. It is enclosed by a low wooden fence, erected in the late twentieth century to protect the stonework. The cairn stands upon a plinth, which is located on an earth mound embedded with rocks. Portions of the stonework and mortar near the base of the cairn have been inscribed with letters and initials, some of which are believed to date to the nineteenth century. The middle and upper sections of the cairn feature several protruding nails, possibly associated with a non-extant timber frame, which are predominantly visible on the western side of the structure."

003. The following historical summary is taken from pages 7 and 8 of the Recommendation:

"The location of the Mount Macedon Survey Cairn was determined in c. 1860, and the earliest observations made from its summit the following year. The cairn was visited by a Geodetic Survey party again in 1864. Although there are few known records relating to its design and construction, early photographs and written descriptions indicate that the cairn was initially surrounded by timber scaffolding and surmounted by a granite capstone and observation platform. The capstone, used by surveyors to place their instruments, was vandalised in 1863.

*In 1871, visitors to Mount Macedon noted that the railed timber platform was still intact and that the cairn was a 'great central landmark' in the Macedon Ranges. In 1874, a concerned visitor wrote to the editor of *The Argus*, noting the timber around the Mount Macedon cairn was dangerous and insecure, with recent tree growth almost obscuring the view from the top. In 1879, the timber framework had almost entirely decayed, rendering the top of the cairn no longer accessible.*

From the late nineteenth century, the cairn was a key landmark in the Macedon region and periodically featured in travelogues in local newspapers. In 1891, the Bathurst Free Press and Mining Journal published Ivan Dexter's 'The Mount Macedon Mystery', a serialised fictional tale which opened with an extensive description of Mount Macedon and the cairn. From the 1930s, the cairn became part of what is now Macedon Regional Park, a 2,379 hectare park which is managed by Parks Victoria. According to the National Estate Values of Land Survey Marks Project, the cairn's capstone was replaced in June 1983; however, it is no longer visible from the ground. Although the cairn is no longer used for survey purposes, its location continues to be a key part of the Victorian geodetic survey control network."

- 004.** The above description and historical summary have been taken from the Recommendation and are provided for information purposes only.

RECOMMENDATION OF THE EXECUTIVE DIRECTOR

- 005.** On 16 July 2022, the Executive Director recommended to the Heritage Council that the Place be included in the Register pursuant to section 37(1)(a) of the Act.

PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR

- 006.** After the Recommendation, notice was published on Friday 22 July 2022 in accordance with section 41 of the Act for a period of 60 days.
- 007.** During the public advertisement of the Recommendation, two submissions were received pursuant to section 44 of the Act including from the National Trust of Australia (Victoria) ('the National Trust') and from Parks Victoria, who is the land manager for the site. Both the submissions were in support of the Recommendation and neither submission requested that a hearing be held.
- 008.** At a meeting of the Heritage Council on 6 October 2022 it was determined, pursuant to section 15(3) of the Act, that the determination in relation to the Place be delegated to a Heritage Council Regulatory Committee ('the Committee'). The Committee was duly constituted to determine the matter pursuant to section 49 of the Act.

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

CONFLICTS OF INTEREST

- 009.** The Chair invited Committee members to consider whether written declarations or otherwise were required to be made in relation to any matters that may potentially give rise to an actual or apprehended conflict of interest. All members were satisfied that there were no relevant conflicts of interests and made no such declarations.

MEETING OF THE COMMITTEE

- 010.** On 17 October 2022 the Committee met to determine the matter.

FUTURE USE, MAINTENANCE AND DEVELOPMENT OF THE PLACE

- 011.** It is not the role of the Committee to consider future proposals or to pre-empt any decisions regarding future permits under the Act. Pursuant to section 49(1) of the Act, the role of the Committee is to determine whether or not the Place, or part of it, is of State-level cultural heritage significance and whether the Place is, or is not, to be included in the Register.

ISSUES

SUMMARY OF ISSUES

- 012.** The Executive Director recommended that the Place be included in the Register in the category of registered place, and recommended proposed categories of works or activities which may be carried out in relation to the Place for which a permit under the Act is not required ('permit exemptions').
- 013.** The National Trust submitted that it supports the Executive Director's assessment that the Place meets the threshold for criteria A, B and D at the State level. The National Trust also submitted support for the proposed extent of registration and proposed Permit Policy and permit exemptions.
- 014.** Parks Victoria submitted that it does not object to the Recommendation and noted that it is the land manager of the Place under the *National Parks Act 1975*.

REASONS FOR INCLUSION

- 015.** The Executive Director recommended that the Place be included in the Register for its historical significance, its rarity, and its importance in demonstrating the principal characteristics of a class of cultural places and objects to the State of Victoria. The Executive Director found that the Place satisfies three criteria for inclusion in the Register:
- **Criterion A** - Importance to the course, or pattern, of Victoria's cultural history; and
 - **Criterion B** - Possession of uncommon, rare or endangered aspects of Victoria's cultural history; and
 - **Criterion D** - Importance in demonstrating the principal characteristics of a class of cultural places and objects.

Discussion and conclusion

- 016.** The Committee agrees with the Executive Director's assessment that the Place satisfies criteria A, B and D at the State level and should be included in the Victorian Heritage Register as a registered place in accordance with section 49(1)(a) of the Act.

ADDITIONAL CONSIDERATIONS

Discussion and conclusion

- 017.** While the Committee's reasons for including the Place in the Register are generally in accordance with the Executive Director's Recommendation, the Committee raises some additional considerations for the Executive Director.
- 018.** The Committee notes that European land surveys (and the associated built infrastructure) completed across Victoria between c.1830s – c.1890s, while important to the development of the colony of Victoria, cannot be viewed as

neutral scientific or exploratory ventures, due to the correlation between the land survey period and the dispossession and exclusion of Victorian Aboriginal people from land they had traditionally occupied.

- 019.** The Committee considers that the Recommendation must be attentive to the complex history of dispossession, displacement and trauma that the Place may represent to Victorian Aboriginal people.
- 020.** The Committee encourages the Executive Director to consider amending the Recommendation, where appropriate, to include reference to the above-mentioned themes and issues. It suggests that the following sections might include additional wording to bring such themes and issues to light:
- Include reference to the Traditional Owners of the Place in '**Description**';
 - Add additional detail to '**History**' and establish that land subject to European land surveys was not unoccupied and was never ceded by its Traditional Owners, despite the British doctrine of "terra nullius" and the role of the Geodetic Survey of Victoria in surveying and alienating what was deemed to be Crown land;
 - Add additional detail about the impact of the period on Victorian Aboriginal people to '**Land surveying in Victoria (1830s-1850s)**'; and
 - In including reference to the impact of the Geodetic Survey of Victoria (1858 – 72) on Victorian Aboriginal people, consider whether reference of this impact should be made at **Step 1, Criterion A**.

STATEMENT OF CULTURAL HERITAGE SIGNIFICANCE

Discussion and conclusion

- 021.** The Committee notes that it is not empowered or required to approve, endorse or publish a Statement of Cultural Heritage Significance when making its determination in accordance with the Act.
- 022.** While the Committee is not responsible for approval of the Statement of Cultural Heritage Significance, the Committee recommends that consideration be given by the Executive Director to the reference in the recommended Statement of Cultural Heritage Significance to the aim of the Geodetic Survey of Victoria to "...*facilitate settlement and land sales*"¹ and the currently inadequate reference, in the Committee's view, to the impact this had on Victorian Aboriginal people. The Committee suggests that reference to the clear association between the European land survey period and the impact on Victorian Aboriginal people could be made in the following way:
- Facilitation of land sales, vegetation clearing, construction of infrastructure, and subsequent expansion of the Victorian colony during and following European land surveys had a profound and irreversible impact on Victorian Aboriginal people, who were often forcibly displaced and disconnected from their traditional lands.

¹ Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria for inclusion of the Mount Macedon Survey Cairn in the Victorian Heritage Register, p.8

EXTENT OF REGISTRATION

- 023.** The Executive Director recommended that the extent of registration for the Place encompass part of Allotment 33, Section 2 Parish of Macedon, and Part of Allotment 19R, Section 2 Parish of Newham within a 10 metre radius from the base of the cairn.

Discussion and conclusion

- 024.** The Committee agrees with the extent of registration recommended by the Executive Director and records the determined extent of registration in **Attachment 2**.

PERMIT EXEMPTIONS

- 025.** The permit exemptions recommended by the Executive Director include four 'general' exemptions, place-specific exemptions for some works in relation to landscaping and signage, and exemptions for all works required for the routine maintenance and operation of the telecommunications facility.

Discussion and conclusion

- 026.** The Committee agrees with the permit exemptions proposed by the Executive Director pursuant to section 38 of the Act, and determines, pursuant to section 49(3) of the Act, to include these categories of works or activities which may be carried out in relation to the Place for which a Permit under the Act is not required, as detailed in **Attachment 3**.

CONCLUSION

- 027.** After considering the Executive Director's Recommendation, all submissions received and after conducting a Regulatory Committee meeting to give further consideration to the content of the Recommendation, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that the Mount Macedon Survey Cairn, located at Memorial Cross Loop Drive, Mount Macedon, is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register.

ATTACHMENT 1

HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

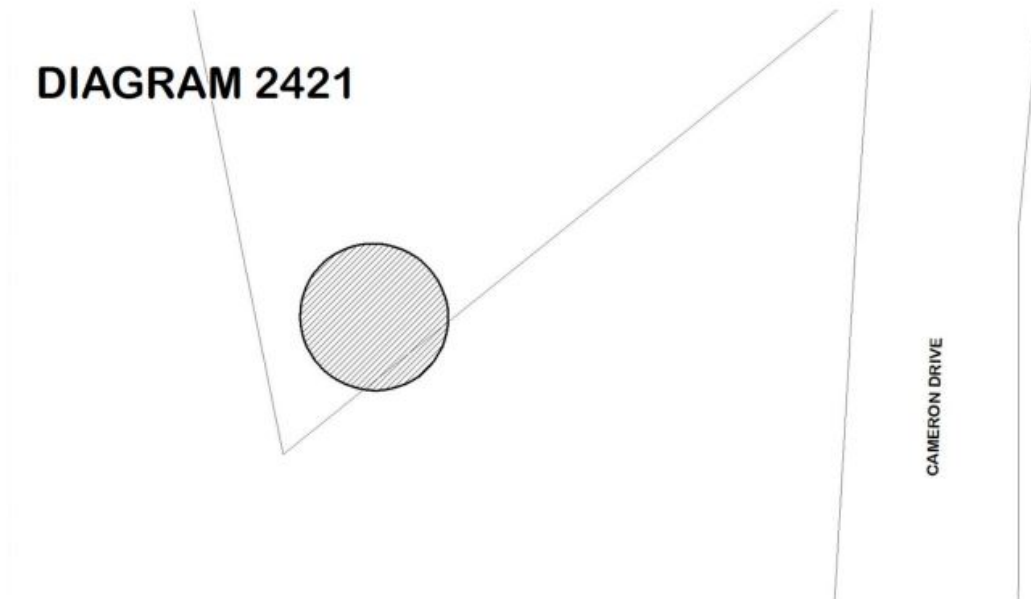
CRITERION A	Importance to the course, or pattern, of Victoria's cultural history
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION D	Importance in demonstrating the principal characteristics of a class of cultural places or environments.
CRITERION E	Importance in exhibiting particular aesthetic characteristics.
CRITERION F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
CRITERION G	Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were updated by the Heritage Council at its meeting on 4 April 2019, and replace the previous criteria adopted by the Heritage Council on 6 December 2012.

ATTACHMENT 2

EXTENT OF REGISTRATION

All of the place shown hatched on Diagram 2421 encompassing part of Allotment 33 Section 2 Parish of Macedon and part of Allotment 19R Section 2 Parish of Newham within a 10 metre radius from the base of the cairn.



ATTACHMENT 3

CATEGORIES OF WORKS OR ACTIVITIES WHICH MAY BE CARRIED OUT IN RELATION TO THE PLACE FOR WHICH A PERMIT IS NOT REQUIRED PURSUANT TO SECTION 49(3) OF THE *HERITAGE ACT 2017* ('PERMIT EXEMPTIONS')

GENERAL CONDITIONS

- All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place.
- Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place are revealed which relate to the significance of the place, then the exemption covering such works must cease and Heritage Victoria must be notified as soon as possible.

PERMIT EXEMPTIONS

The following permit exemptions are not considered to cause harm to the cultural heritage significance of the Mount Macedon Survey Cairn. They have been developed in consultation with the Office of the Surveyor-General and Parks Victoria.

General

- Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of fabric and include the conservation of existing details or elements. Any repairs and maintenance must not exacerbate the decay of fabric due to chemical incompatibility of new materials, obscure fabric or limit access to such fabric for future maintenance.
- Works or activities, including emergency stabilisation, necessary to secure safety in an emergency where a structure or part of a structure has been irreparably damaged or destabilised and poses a safety risk to its users or the public. The Executive Director must be notified within seven days of the commencement of these works or activities.
- Painting of previously painted surfaces in the same colour, finish and product type provided that preparation or painting does not remove all evidence of earlier paint finishes or schemes.
- Cleaning including the removal of surface deposits by the use of low-pressure water (to maximum of 300 psi at the surface being cleaned) and neutral detergents and mild brushing and scrubbing with plastic (not wire) brushes.

Public places

- Removal and replacement of information, interpretive and directional signage, providing that any new signage is not affixed to the stone cairn or within the perimeter fence line around the cairn.

Landscape

Hard landscaping and services

- Subsurface works to existing systems provided these are outside the canopy edge of trees and do not involve trenching in new locations.
- Like for like repair and maintenance of existing hard landscaping including footpaths, driveways, bollards and fencing where the materials, scale, form and design is unchanged.

- Like for like repair and replacement of interpretive signage providing the scale and form is unchanged.
- Installation of physical barriers or traps to enable vegetation protection and management of vermin such as rats, mice and possums.
- Fire suppression and firefighting activities such as fuel reduction burns and fire control line construction, provided all heritage features and values of the place are identified and protected.

Gardening, trees and plants

- The processes of gardening including mowing, pruning, mulching, fertilising, removal of dead or diseased plants, replanting of existing garden beds, disease and weed control and maintenance to care for existing plants.
- Removal of tree seedlings and suckers without the use of herbicides.
- Management and maintenance of trees including formative and remedial pruning, removal of deadwood and pest and disease control.
- Emergency tree works to maintain public safety provided the Executive Director is notified within seven days of the removal or works occurring.

Telecommunications station

- All works required for the routine maintenance and operation of the telecommunications facility, providing such works are confined within the existing wire fence line.