



6 August 2024

Mr Steven Avery
Executive Director
Heritage Victoria

6 Parliament Place
East Melbourne
VIC 3002

Email: conservation@nattrust.com.au
Web: www.nationaltrust.org.au

T 03 9656 9818

heritage.permits@delwp.vic.gov.au

File No: B0276

Re: Permit P39923, Ballarat Railway Complex, 140 Lydiard Street, North, Ballarat Central

Dear Mr Avery,

Thank you for the opportunity to respond to Permit P39923 for the retention and/or relocation of significant heritage fabric (with associated conservation works), the decommissioning of salvaged heritage fabric, and the introduction of new elements at the Ballarat Railway Complex.

The National Trust objects to this permit application, and oppose the proposal to permanently replace the swing gates with boom gates. We also note that the option being presented at this point is fundamentally flawed due to a lack of justification at the outset that the gates cannot be reinstated.

The National Trust of Australia (Victoria) (National Trust) is the state's largest community-based heritage advocacy organisation actively working towards conserving and protecting our heritage for future generations to enjoy, representing approximately 60,000 members and supporters across Victoria. The National Trust is also represented locally by our Ballarat Branch, a group of volunteers who support the advocacy work of the National Trust, and have been a strong and independent voice for the protection and celebration of heritage in the Ballarat community for over 60 years.

Position Summary and Background

The Ballarat Railway Complex was classified on the National Trust Register at the State level in 1958, making it one of the earliest places classified by the National Trust in Victoria.

Since the incident of a train derailing due to brake failure and crashing into the Lydiard Street replica swing gates on 30 May 2020, the National Trust has been actively campaigning for their reinstatement in active use. On 29 April 2021, we wrote a letter to The Hon. Ben Carroll, Minister for Public Transport which conveyed our concerns regarding the proposal to replace the existing gates with temporary boom gates.

On 10 August 2021, we made a submission to Heritage Victoria regarding the permit application for temporary storage of the Lydiard Street replica heritage gates. We did not object to the permit, but submitted that the removal of the gates would adversely impact on the Ballarat Railway Complex as a whole, as was noted at p13 of the Heritage Impact Statement by Lovell Chen, July 2021: "the removal and storage of the sector gates and the

original cast iron posts, will reduce the completeness of the station complex thereby affecting the significance of the registered place.”

As you are aware, the resulting permit allowed for the temporary removal and storage of the replica heritage gates with conditions that an options paper assessing the feasibility of returning the level crossing to its earlier operational form with the timber sector gates in active use be provide to Heritage Victoria. It was also stipulated that this document “should demonstrate that community consultation has formed part of its preparation.”

Community Consultation

In March 2023 the National Trust made a submission to the Lydiard Street Level Crossing Engagement for which the resulting survey did not provide an opportunity to make focused comment on options for reinstatement of the replica heritage gates. Instead, only two “supported options” were available for feedback from the community, neither of which involved replacement of the gates in active use.

The National Trust was concerned to find that community consultation had been conducted *after* V/Line came to a decision on its “supported options”. As community consultation was not conducted *prior* to the selection of the five options assessed, the opportunity for community views and consultation to meaningfully impact the assessment of options reported on had been removed. Additionally, the community consultation for the Lydiard Street Level Crossing Engagement did not provide an opportunity to view or comment on the Options Assessment Report or the heritage consultant review as was required by the 2021 permit.

While arguments provided by V-Line against re-instating the replica heritage gates indicated safety risks highlighted due to the V/Line passenger train crashing through the gates in 2020, it was noted in that “the heritage gates were not at fault in that instance”.

We also found the argument that “Reinstating the replica heritage swing gates in a functional capacity is not the safest possible solution for this crossing and therefore it is not being considered further”, to be an over-simplified assessment for not considering their reinstatement.

In addition, we believe arguments provided against re-instating the replica heritage gates due to impacts on the transport network are insufficient, as these issues had not been raised in all the time the gates had been in operation (prior to their removal after the derailment and damage of the gates) despite the Ballarat Railway Complex having operated with swing gates in place since the 1800s.

Response to HIS

We believe there has been insufficient justification for the determination that reinstatement of the replica heritage gates is unviable. Having reviewed the permit documentation and the Heritage Impact Statement (HIS), we submit that the removal of the gates will adversely impact on the significance of the Ballarat Railway Complex as a whole.

The VHR Statement of Significance highlights that ‘Ballarat retains the largest surviving interlocked system in the state.’ We consider the proposed retention and/or relocation of salvaged elements and their treatment as outlined in the Heritage Impact Statement (HIS) is not sufficient mitigation for this loss of significance.

Furthermore, we note that the HIS for the proposal has been written at the same time that a Conservation Management Plan is in preparation and including a re-assessment of the significance of the place. This raises concerns regarding the staging of works in relation to the planning for Ballarat Railway Complex, as a Conservation Management Plan should inform planned works, and should not be driven by pre-determined outcomes.

Moreover, we do not agree with arguments in the HIS, which play off the significance of the place as relating to completeness against the continuing function of the complex.¹ Particularly when there is insufficient justification that reinstatement of the swing gates will affect continuing function of the station. It is our argument that retention of significance relating to completeness, through reinstatement of the swing gates, *and* continuing function can still be achieved.

Conclusion

The National Trust strongly believes that reconstruction/reinstatement of the swing gates in their original location is the only outcome that will achieve the ongoing conservation of one of the state's most significant railway precincts and satisfy community sentiment.

We therefore call on the Executive Director to refuse this permit application, and we encourage the applicant to meaningfully explore options for the reinstatement of the replica swing gates in active use, with transparent consideration of community input.

Should you have any questions regarding the above, I can be contacted on 03 9656 9844 or at samantha.westbrooke@nattrust.com.au.

Yours sincerely,



Samantha Westbrooke

Executive Manager – Conservation & Advocacy
National Trust of Australia (Victoria)

¹ Page 12, Ballarat Railway Complex (H0902) Lydiard Street North Sector Gates, Heritage Impact Statement, Lovell Chen. 2024.