



05 May 2021

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[www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)

Penny Hawe  
Friends of Lorne & Lorne Historical Society  
PO Box 68  
Lorne VIC 3232  
Via email: [committee@friendsoflorne.org.au](mailto:committee@friendsoflorne.org.au)

Dear Ms Hawe

**NOTICE OF REFUSAL – NOMINATION OF LORNE FISHING INDUSTRY PRECINCT, 11 OCEAN ROAD SOUTH, LORNE VIC 3232 TO THE VICTORIAN HERITAGE REGISTER**

Thank you for your nomination received on 09 April 2021 for the above place to be considered for inclusion in the Victorian Heritage Register. It was one of two nominations which the Executive Director has recently received for this place.

After carefully considering the material that was provided, the Executive Director has decided to refuse both nominations. Under section 29 of the *Heritage Act 2017*, the Executive Director of Heritage Victoria may refuse a nomination if he considers that the place or object has no reasonable prospect of inclusion in the Victorian Heritage Register.

For a place or object to be included in the Victorian Heritage Register, it must be of significance at a State level. However, on the basis of the material provided and further investigations, it is considered that there is no evidence that the place is significant to Victoria at the State level.

In forming this view, the Executive Director makes the following comments.

**Nomination #1**

<b>Nominator's Evidence about Cultural Heritage Significance</b>	<b>Executive Director's Response</b>
<p>The nominator writes that:</p> <ul style="list-style-type: none"> <li>• 'There has been a strong continuum of use and attachment by the Lorne community which is ongoing... it continues to be a key reference point for the community's shared identity and provides opportunities for both the local community and tourists to congregate, reflect, and engage in Lorne's fishing heritage'.</li> <li>• '[it is]... a key landmark integral to the history of Lorne's fishing industry. The place forms a strong part of the community's identity and there would be a great sense of loss if it were to be demolished'.</li> <li>• 'Community connection to the fishing industry, the Pier Precinct and to the former Fishing Co-op Building in particular is very strong'.</li> </ul>	<ul style="list-style-type: none"> <li>• These statements contain strong evidence of Local Level cultural heritage significance, rather than State Level cultural heritage significance.</li> </ul>

<ul style="list-style-type: none"> <li>• ‘The loss of the [Fishing Co-op] building would be a great loss for the town and for the region. It is structurally sound and an excellent example of fishing co-op buildings along the coast, many already protected by local heritage overlays (Queenscliff and Apollo Bay to name two)’.</li> </ul>	<ul style="list-style-type: none"> <li>• The Queenscliff and Apollo Bay Co-Op Buildings are included in Local Heritage Overlays.</li> <li>• They are part of Heritage Overlay precincts and do not have individual Heritage Overlays.</li> <li>• Neither is included in the Victorian Heritage Register.</li> <li>• The Queenscliff Fishermen’s Cooperative at 4 Wharf Street, Queenscliff has been identified as a site of archaeological potential and is included in the Victorian Heritage Inventory (H7821-0095).</li> </ul>
<ul style="list-style-type: none"> <li>• The <i>Heritage Values Review</i> (March 2021) by RBA Architects submitted with the nomination offers an assessment of the Fishing Co-Op against the HERCON Criteria.</li> </ul>	<ul style="list-style-type: none"> <li>• RBA <i>Heritage Values Review</i> assessment against the HERCON Criteria provides evidence of Local Level cultural heritage significance (pp.15-16).</li> <li>• At no point in this review do RBA Architects state that this place is of State Level cultural heritage significance or recommend this place for inclusion in the Victorian Heritage Register, as might be anticipated in such as study.</li> </ul>
	<p><u>Executive Director’s additional comments about the Old Lorne Pier</u></p> <ul style="list-style-type: none"> <li>• In about 2006, most of the Old Pier was demolished to make way for the New Pier.</li> <li>• Prior to the demolition of the Old Pier, the structure was nominated and assessed for the Victorian Heritage Register.</li> <li>• In March 2005 the Heritage Council of Victoria determined that the Old Pier was not of State-level significance and should not be included in the VHR. The Heritage Council recommended local level planning protection.</li> <li>• Now only a short remnant of the Old Pier remains. This structure is limited in its capacity to demonstrate the historical workings of the Lorne Fishing Industry Precinct.</li> </ul>

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**Nomination #2**

<b>Nominator’s Evidence about Cultural Heritage Significance</b>	<b>Executive Director’s Response</b>
<p>The nominator writes:</p> <ul style="list-style-type: none"> <li>• ‘The essence of our argument is not simply that the Lorne Fisherman’s Co-op Building has state-level significance... but we are uniquely placed to tell the history [of Victoria’s fishing industry] to a wide audience’.</li> </ul>	<ul style="list-style-type: none"> <li>• The Executive Director notes that for a nomination to be accepted it must have a ‘reasonable prospect’ of inclusion in the VHR on the grounds of its State level heritage significance.</li> <li>• Many communities in Victoria ‘are uniquely placed’ to tell the histories of coastal and</li> </ul>

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	inland fishing industries, as well as all the other industries in the state's history, through the historical places in their towns and regions.
<p>The nominator writes:</p> <ul style="list-style-type: none"> <li>• 'the state significance of the fisherman's cooperative building lives in it being one of the few remaining remnants of the 'couth coast'... Lorne was once Australia's largest supplier of barracouta... as many as 31 boats and 60 men from Lorne braved the cold Bass Strait waters'.</li> </ul>	<ul style="list-style-type: none"> <li>• Victoria's fishing industry has a diverse history relating to its activities along the 2,500km coastline from Portland to Mallacoota and in the state's inland waterways.</li> <li>• Different local fishing industry hubs along the coast and inland have yielded different types of fish in each region.</li> <li>• The nomination does not provide evidence of how the Lorne Fishing Industry Precinct demonstrates the history of the state's fishing industry (beyond the 31 boats and 60 men related to one industry in Lorne) better than most other places with substantially the same association.</li> </ul>
<p>The nominator writes:</p> <ul style="list-style-type: none"> <li>• The 1949 Fishermen's Co-op Building is a recognisable local form, which acts as a 'badge of identity' for the community.</li> </ul>	<ul style="list-style-type: none"> <li>• This is evidence of Local Level cultural heritage significance.</li> </ul>
<p>The nominator writes that:</p> <ul style="list-style-type: none"> <li>• The social significance resonates across the Victorian community because 'we need to think backwards from 50 and 100 years hence, and ask, how best can we tell the story of this age-old industry. We would answer – from original places in (near) original condition'.</li> </ul>	<ul style="list-style-type: none"> <li>• The ability of a place to allow the telling of stories is not evidence of social significance at the State Level. Some stories are local or regional.</li> <li>• The Fishermen's Co-op Building is not in near original condition. It has been altered to accommodate a restaurant.</li> </ul>
<p>The nominator writes that:</p> <ul style="list-style-type: none"> <li>• Both Queenscliff and Apollo Bay Fishing Co-op Buildings have heritage protection.</li> </ul>	<ul style="list-style-type: none"> <li>• These buildings are included in Local Heritage Overlays.</li> <li>• They are part of Heritage Overlay precincts and do not have individual Heritage Overlays.</li> <li>• Neither is included in the Victorian Heritage Register.</li> </ul>
<p>The nominator writes that</p> <ul style="list-style-type: none"> <li>• The Lorne Co-op Building 'enshrines the story of Victoria's fishing industry through one of its little known ports – the port of Lorne.'</li> </ul>	<ul style="list-style-type: none"> <li>• The Executive Director notes that the port of Lorne is little known and that the Co-op Building has lost its intactness and integrity.</li> <li>• This building does not demonstrate the broader story of Victoria's fishing industry better than most other places with substantially the same association.</li> <li>• Its history does not resonate beyond the region into the broader Victorian community.</li> </ul>

<ul style="list-style-type: none"> <li>Lorne is an important tourist town on the Victorian coast. The Fisherman's Co-op Building is an integral part of the town for locals and visitors.</li> </ul>	<ul style="list-style-type: none"> <li>The same can be said of many buildings of Local Level significance in tourist towns across Victoria.</li> <li>This is not evidence of State Level cultural heritage significance.</li> </ul>
<ul style="list-style-type: none"> <li>The Fisherman's Co-op Building links international visitors (from the UK, Europe etc) with the histories of their own coastal towns, as many also have such buildings.</li> </ul>	<ul style="list-style-type: none"> <li>This is evidence of the existence and utility of such buildings internationally.</li> <li>This demonstrates the evocative power of buildings to evoke emotion and act as touchstones for telling stories.</li> <li>It is not evidence of State Level cultural heritage significance.</li> </ul>

In rejecting these nominations, the Executive Director recognises that a heritage study (2003) recommended that the Old Lorne Pier (prior to its demolition) and Fishermen's Co-op Building be included in the Heritage Overlay of the Surf Coast Shire Planning Scheme. After a panel hearing, an amendment was adopted by council, but the proposed overlay (HO55) was not approved or gazetted. The result of this was that the place was not included in the Heritage Overlay and hence its local cultural heritage values are not protected under the *Planning and Environment Act 1987*. It does not follow, however, that the Executive Director ought to accept a nomination for the VHR under the *Heritage Act 2017* which is for places of State Level cultural heritage significance.

Under section 30 of the *Heritage Act 2017*, you have the right to request a review of the refusal of the nomination. See here:

<https://heritagecouncil.vic.gov.au/registrations-reviews/nomination-reviews/#:~:text=Nomination%20Reviews%20provide%20an%20opportunity,to%20have%20that%20decision%20reviewed.>

You may make a written request to the Heritage Council of Victoria to review the Executive Director's decision. Any request must be lodged within 28 days of receiving this letter and be accompanied by the prescribed fee of 25 fee units (in 2020-21 this is \$370.30). Some nominators may be eligible for a fee waiver if they are a not-for-profit society, association or club (other than a charity) or a person who is an eligible beneficiary within the meaning of the *State Concessions Act 2004*.

**If you have any queries about the process to review a refusal of a nomination please contact the Heritage Council of Victoria on 03 9651 5060 or email [heritage.council@delwp.vic.gov.au](mailto:heritage.council@delwp.vic.gov.au)**

Yours sincerely



STEVEN AVERY  
Executive Director  
Heritage Victoria