

**Norfolk Island Pine Avenues**

**Campbell Street, Albert Street, Regent Street, Gipps Street, William Street, James Street and Sackville Street, Port Fairy**

**Heritage Council Registrations Committee**

**Hearing – 8 October 2010**

**Members – Ms Gaye McKenzie (chair), Mr Robert Pradolin, Mr Donald Kerr**

**DECISION OF THE HERITAGE COUNCIL**

After considering a recommendation and the submissions and conducting a hearing into those submissions, pursuant to Section 42(1)(a), the Heritage Council has determined that the Norfolk Island Pine Avenues are of cultural heritage significance and should be included in the Heritage Register.

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**Ms Gaye McKenzie  
(Chair)**

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**Mr Robert Pradolin**

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**Mr Donald Kerr**

**Decision Date – 1 November 2010**

## **APPEARANCES**

### **Executive Director, Heritage Victoria**

Mr John Hawker, Horticulturalist, appeared for the Executive Director, Heritage Victoria. Ms Frances O'Neill, Acting Manager, Assessments, was available for questions.

### **Nominator**

Mr Marten Syme appeared.

### **Other submitters**

Dr Timothy Hubbard of Heritage Matters Pty Ltd appeared.

Mr Paul Roser, Conservation Manager appeared for the National Trust and called Dr Greg Moore to give expert horticultural evidence.

### **Owner**

Mr Russell Guest, Manager of Strategic Planning appeared for Moyne Shire Council.

## INTRODUCTION

### The Place

1. The Norfolk Island Pine Avenues (the Pine Avenues) are plantings of 269 Norfolk Island Pines (*Araucaria heterophylla*) in the nature strips of Campbell Street (36 trees), Albert Street (20 trees), Regent Street (45 trees), Gipps Street to Victoria Street (87 trees), William Street (51 trees), James Street (5 trees) and Sackville Street (25 trees), Port Fairy.

### Nomination

2. Mr Marten Syme nominated the Pine Avenues for inclusion in the Victorian Heritage Register on 19 June 2009 after he identified potential significance of the place in his May 2006 essay *Michael Connolly's Legacy: A brief history of the street and specimen trees of Belfast/Port Fairy 1848-2006*.

### Recommendation of the Executive Director

3. On 17 March 2010, the Executive Director recommended that the Heritage Council include the place in the Heritage Register.
4. An objecting submission requesting a hearing was received from Moyne Shire Council during notification of the Executive Director's recommendation.

## SUBMISSIONS RECEIVED

References below to 'criterion' or 'the criteria' relate to the *Heritage Council Criteria for the Assessment of Cultural Heritage Significance* (see Attachment 1 to this report).

### The Executive Director

5. On 17 March 2010, the Executive Director recommended that the Heritage Council include the place in the Heritage Register. Mr John Hawker appeared for the Executive Director at the registration hearing. His submission included a history of the subject trees, an outline of the current condition and integrity of the remaining mature trees, a contextual history and comparative analysis of similar plantings.
6. Mr Hawker submitted that the Pine Avenues warrant inclusion in the Victorian Heritage Register and satisfy the following Heritage Council criteria for the reasons set out below:
  - 6.1 *Importance to the course, or pattern, of Victoria's cultural history (Criterion A)*
    - They were the precursor to an avenue theme that was later widely adopted by local councils, particularly in regional Victoria.
    - They reflect an early Victorian community's desire (from the 1870s onwards) to improve aesthetics and provide a windbreak and shade.
    - They are one of the oldest surviving street plantings in Victoria using a single native species.

6.2 *Potential to yield information that will contribute to an understanding of Victoria's cultural history (Criterion C)*

- The early success of the pines in Port Fairy influenced their use by other coastal communities.

6.3 *Importance in exhibiting particular aesthetic characteristics (Criterion E)*

- They provide strong form and dramatic visual impact as the signature tree planting of Port Fairy.
- They provide an important landscape feature visible throughout the town and from surrounding areas, including Tower Hill.

7. Mr Hawker proposed the following amendments to the Permit Policy and Permit Exemptions, in response to matters identified in Moyne Shire Council's submission.

- "New buildings, structures and works associated with any of the following services: water, gas, power, sewer, drainage or similar that occurs within the road reserve will require a tree report and a permit from Heritage Victoria.
- Road works to the asphalt road surface are exempt from a permit, however excavation works, new crossovers and driveways within the road reserve will require a tree report and a permit from Heritage Victoria.
- To clarify the parking policy, the following addition (in italics) is recommended. Parking within the root zone of the trees should be discouraged, *but short term parking is not restricted within the road reserve.*"

8. Mr Hawker submitted that the other matters raised by Moyne Shire Council in its submission are considered to be of an operational nature and, as the owner of the land, it is its responsibility to manage works carried out in the road reserve.

## **Nominator**

9. Mr Syme commenced his submission by introducing the research he conducted to document the age, provenance and selection rationale for the Pine Avenues.

10. In Mr Syme's opinion his nomination required 'priority' consideration because of actions taken that threatened the health of the trees. These included the securing of chains and iron collars around the trunks of some trees, the lopping of low branches and the parking of vehicles over their root zones.

11. He submitted that the Pine Avenues have historic, aesthetic and social value and satisfy the following Heritage Council criteria:

11.1. *Potential to yield information that will contribute to an understanding of Victoria's cultural history (Criterion C)*

- The visual impact of the massed avenue plantings produced a dramatic contrast to the surrounding natural area, largely devoid of natural vegetation.
- The indiscriminate removal of trees emphasized their capacity to dissipate wind.

- While not an indigenous species, they have been effective in providing a boundary and element protection.
- 11.2. *Importance in demonstrating the principal characteristics of a class of cultural places or environments (Criterion D)*
- The avenue plantings on Sackville and William Streets are among the earliest surviving examples of street planting in a town.
  - The Arbour Day planting by school children in 1903 anticipated later “Avenues of Honour” in other towns.
  - The Port Fairy plantings are among the earliest surviving examples of the species.
- 11.3. *Importance in exhibiting particular aesthetic characteristics (Criterion E)*
- They likely initiated the trend of avenue planting with this particular species.
  - The wind break and ‘verticality’ properties of the species provide an appealing shape that has long life, requires low maintenance and provides shade.
- 11.4. *Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (Criterion G)*
- The community involvement in the initial plantings and recognition of the trees as characteristic of Port Fairy, has led to them becoming a widely recognised heritage element for the town. This is tacitly acknowledged by the replanting and new planting of the same species by Council.
  - They are both a heritage and evolving collection, unrelated to commemorations, but integral to the history of the town.

12. Mr Syme provided the following documents in support of his submission:

- Letters to and responses from Moyne Shire regarding conservation of the Pine Avenues.
- A number of documentary photographs and an aerial photo.
- A copy of the ‘Arboricultural Report for Pine Avenues Concerns at Gipps Street, Port Fairy’ December 2001, prepared by Treelogic.
- A copy of the ‘Arboricultural Assessment & Advice for Moyne Shire, Management Options – Norfolk Island Pines’ February 2004, also prepared by Treelogic.
- A ‘Schedule of Properties’ that assesses the extent of ‘risk’ to the Pine Avenues on Gipps Street in terms of parking, crossovers and unsuitable surfacing. The Schedule also indicates the proximity of crossovers and parking to Pine Avenues on other streets.

## **National Trust of Australia, Victoria**

13. Mr Roser appeared for the National Trust and submitted that the Pine Avenues are of state significance and should be included in the Victorian Heritage Register, due to their considerable historic and aesthetic significance.
14. Mr Roser put to the Committee that there are no comparable plantings of Norfolk Island Pines in Victoria and the Avenues are of significance for the following reasons:
  - They make an invaluable contribution to the ambience of Port Fairy.
  - They are an important landmark along the coast.
  - They enhance the significance of Port Fairy, with its large number of historic buildings, as stated in the National Trust's 'statement of significance'.

### Evidence of Dr Greg Moore

15. Dr Greg Moore was called by Mr Roser to give expert horticultural evidence. According to Dr Moore's evidence, the Pine Avenues are of cultural significance to the State of Victoria.
16. Dr Moore provided an historic outline of the use of Southern conifers, including the Norfolk Island Pines species, *A. heterophylla*, within the Victorian context. He submitted that the Pine Avenues are of historical significance as they have been widely planted in coastal positions for over 200 years and are symbolic of horticulture of the Victorian era.
17. Dr Moore put to the Committee that in his opinion the Pine Avenues are the best collection of this species in the world.
18. Dr Moore submitted that the Pine Avenues are of aesthetic significance for the following reasons:
  - 18.1. They were planted in Victoria because their symmetrical shape made them an appealing ornamental background tree for parks, as recommended by Clement Hodgkinson who designed many of Melbourne's early public gardens.
  - 18.2. The species' large height is attributed to the age of the specimen and the large habit of the family, which makes them outstanding features in any urban landscape.
  - 18.3. *A. heterophylla* planted in coastal locations are outstanding, iconic landscape features and landmarks for those at sea.
  - 18.4. Dr David Ashton, Melbourne University botanist and ecologist, saw the Pine Avenues as impressive botanic specimens and an ideal subject for one of his highly prized landscape paintings.
19. Dr Moore submitted that the Pine Avenues are of social significance as they are renowned as an impressive and iconic planting.
20. Dr Moore addressed the condition of the trees and submitted that the *A. heterophylla* species has proved hardy and is very tolerant of both strong winds and high airborne salt levels. He submitted that the species is often in excess of 20 metres in height with a canopy spread of up to 10 metres, and the Pine Avenues are very fine examples of the species. In Dr Moore's opinion the Pine Avenues are generally in good arboricultural condition despite some past stress and damage from infrastructure works. Furthermore he

was of the view that, if managed and maintained in a professional manner, the Pine Avenues will remain outstanding features of coastal landscape for decades or even centuries.

21. In concluding his evidence, Dr Moore recommended there be an education programme for residents to better understand the benefits associated with the trees; a program he would be willing to participate in.

### **Dr Timothy Hubbard**

22. Dr Timothy Hubbard of Heritage Matters Pty Ltd, and former Heritage Advisor to the Moyne Shire Council, appeared at the hearing in his capacity as a resident of Port Fairy.
23. Dr Hubbard advised the Committee that he agreed with Mr Syme's nomination of the Pine Avenues for inclusion in the Heritage Register. Mr Hubbard also suggested some minor amendments to the draft Statement of Significance.
24. He submitted that in a review of the existing heritage overlays in Port Fairy, Heritage Matters indicated that the Gipps Street to Moyne River Precinct, including the Pine Avenues, is possibly also of state significance.
25. Dr Hubbard put to the Committee that the Pine Avenues are of cultural significance, meeting appropriate criteria and thresholds, including at least Criterion A, C, G and H, and particularly Criterion E, to a level of state significance. He further submitted that:
  - their intactness, integrity and condition are sufficient for them to be registered
  - the extent of the land to be included in the registration should be the whole of the road reserves
  - the Pine Avenues have social value to a larger community extending beyond Port Fairy, both nationally and internationally
  - the Heritage Council should make detailed recommendations to Moyne Shire Council concerning the processes of identification, protection and management of its arboricultural heritage assets
  - management and financial issues should not be part of the hearing.
26. Dr Hubbard submitted that the extent of the proposed listing, in time, should be extended to include all the Norfolk Island Pines planted in the streets of Port Fairy, including those located beyond what has been described as the original town boundary. He argued that private plantings of Norfolk Island Pines in Port Fairy should also be considered for inclusion in the Heritage Register, particularly those associated with existing registrations.

### **Owner**

27. Mr Russell Guest appeared for the owner, the Moyne Shire Council. Mr Guest advised that on 25 May 2010, the following recommendation was put to a meeting of the Moyne Shire Council:

*“That Council advise the Heritage Council that it is supportive of the Norfolk Island Pine Avenues of Campbell, Albert, Regent, Gipps, William, James and Sackville Streets, Port Fairy being included in the Heritage Register, provided that particular issues of concern to the Council, as listed in this report are resolved at a hearing before the Registrations Committee of the Heritage Council.”*

28. Mr Guest submitted that the Council resolved that it does not support the inclusion of the Pine Avenues in the Heritage Register. In Mr Guest’s verbal submission to the Committee he advised that the Council would support the registration if its concerns regarding management were addressed. He went on to request that registration be deferred until the issues raised were resolved and a Tree Management Plan had been prepared.
29. In his submission, Mr Guest expanded upon the Moyne Shire Council’s concerns regarding the management of parking and crossovers within the drip line of the trees and the implementation of a Tree Management Plan. He also sought clarification as to who would be responsible for policing works undertaken by other authorities and agencies in proximity to the trees along the Pine Avenues.
30. In regard to the condition of the trees, Mr Guest put to the Committee that as they have survived in good condition to date, by virtue of the actions of the Council and the community, the Council does not see the benefit of including the Pine Avenues in the Heritage Register.

## **REASONS**

31. The Committee is required to assess whether the Norfolk Island Pine Avenues, Port Fairy are of sufficient cultural heritage significance to the State of Victoria to warrant inclusion in the Victorian Heritage Register. Having carefully considered the submissions made to it, pursuant to Section 42(1)(a) the Heritage Council has determined that the place is of cultural heritage significance and should be included in the Heritage Register.
32. The Committee is of the view that the Pine Avenues are of historical significance to the State of Victoria as one of the oldest surviving street plantings in the state using a single native species and as the precursor to a theme of avenue planting that was widely adopted in Victoria. The Committee is therefore satisfied that the place satisfies Criterion A.
33. The Committee agrees that the Pine Avenues have aesthetic significance to the State of Victoria and that Criterion E is satisfied. It agrees that the Pine Avenues provide strong form and dramatic visual impact as the signature street planting at Port Fairy. The Committee is of the opinion that the plantings provide an important landscape feature visible throughout the town and also from surrounding areas.
34. In terms of social significance, the Committee is of the view that the Pine Avenues are of social importance not only to the local community, but on a State level. The Pine Avenues are internationally recognisable as part of the Port Fairy ‘brand’. The Committee is therefore of the view that Criterion G is satisfied.
35. The Committee was not persuaded by submissions made to it that any of the other criteria are met.

## CONCLUSION

36. The Committee finds that the Norfolk Island Pine Avenues, Port Fairy, are of historical, aesthetic and social significance to the State of Victoria. They therefore meet the significance threshold for inclusion in the Victoria Heritage Register according to the Heritage Council's criteria A), E) and G).
37. The Committee has made minor changes to the Statement of Significance, permit policy and permit exemptions, which in the case of the permit policy are based on the recommendations included in Attachment 'A' of the submission made on behalf of the Executive Director. The amended provisions are set out in Attachments 2 and 3 to this report.
38. The Committee notes that while 'works' are subject to approval from the Executive Director of Heritage Victoria, uses such as car parking do not require consent. The Committee however encourages the Council to protect the health of the trees by managing car parking in their vicinity, to avoid compaction of the ground over their root systems.
39. The Committee encourages the Council to prepare a Tree Management Plan and to educate both its staff and the community in ensuring the significance of the Pine Avenues is protected in the longer term.

## 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 community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were adopted by the Heritage Council at its meeting on 7 August 2008, and replace the previous criteria adopted by the Heritage Council on 6 March 1997.

## ATTACHMENT 2

### Statement of Significance

#### *What is significant?*

The street tree plantings of 269 Norfolk Island pines (*Araucaria heterophylla*) in the nature strips of road reserve bounded by Gipps Street to Victoria Street (87 trees), Campbell Street (36 trees), Albert Street (20 trees) and Regent Street (45 trees), including William Street (51 trees), James Street (5 trees) and Sackville Street (25 trees), define James Atkinson's 1843 town plan of Belfast, now Port Fairy.

The wide streets have gravel and grass verges to the property boundaries with few sealed crossovers and few sections of curb and channelling, although some nineteenth century basalt drains survive.

~~Several streets have a concrete footpath on one or both sides of the road reserve.~~

In 1843 James Atkinson purchased and surveyed 5,120 acres of land and laid out streets for a township which he named Belfast. By the 1860s much of the vegetation had been cleared for fuel and farming resulting in a bare landscape subject to strong westerly winds.

In 1852 Michael Connolly, a wealthy merchant, bought six Norfolk Island Pine seedlings from Norfolk Island, two of which are known to have been planted successfully in his garden. Characterised by tall, spreading canopies providing effective windbreaks and shade with a tolerance of coastal conditions, the success of these two trees most likely influenced other settlers to plant this species.

The first recorded public plantings of Norfolk Island Pines occurred in 1869 when the Presbyterian Church in William Street established an avenue of ten trees, of which four survive. By the 1870s there was a move by Borough Councillors to initiate the first street plantings in the wide streets and by 1874 the Borough Council had formed a sub committee to select the streets suitable for planting and a process for ensuring plants would survive grazing by itinerant cattle.

In 1876 Mayor Thomas Hutton presented 6 Norfolk Island Pines to the community which were planted in Sackville Street (south) on the western side. Another Councillor offered a matching half dozen for the eastern side in 1884. These gestures were followed by a number of citizens also planting trees, primarily Norfolk Island Pines, over the next decade. By the 1890s there was also an avenue of Norfolk Island Pines located in William Street and other plantings in Regent Street.

On 25 June 1903 the Borough Council organised a successful Arbour Day resulting in the community planting one hundred and nine trees including many Norfolk Island Pines in Gipps Street. School children were offered responsibility for a specific tree's development and care.

In the following years, further Norfolk Island Pines were planted in the streets with community sponsorship evident to support the continuing establishment of consistent street tree plantings. The area between Regent, Campbell, Albert and Gipps Streets represents approximately forty percent of the total number of Norfolk Island pines planted around Port Fairy on both public and private land.

All avenues are largely intact but some individual trees are missing while others have been replaced and are still juvenile. A few individual trees are in poor condition, have a poor form or are bifurcated, a

natural tendency of Norfolk Island Pines. Some trees have been severely pruned to keep branches clear of cables and wiring.

*How is it significant?*

The Norfolk Island Pine avenues at Port Fairy are of historic, aesthetic and social significance to the state of Victoria.

*Why is it significant?*

The Norfolk Island Pine Avenues are of historical significance as one of the oldest surviving street plantings using a single native species which mark the occupied boundaries of the township of Belfast. They are also amongst the earliest known Norfolk Island Pine plantings in Victoria after specimens planted in 1848 demonstrated their survival, effectiveness and appeal particularly for coastal conditions. Although no longer extant, Michael Connolly's two trees were most likely the earliest known plantings of Norfolk Island in Victoria, with other known specimens planted in the Melbourne Botanic Gardens (1857), the turning circle at Melbourne Grammar (1858), an avenue along the Moyne River in the Port Fairy Botanic Garden (1869), an avenue in front of the Presbyterian Church, William Street, Port Fairy (1869) and Churchill Island (1872). The selection of a native species as a street planting is of historical significance as from the 1870s, there was a preference for exotic deciduous species such as elms, oaks, poplars and plane trees. [They are also of significance as the precursor to a theme of avenue planting that was widely adopted in Victoria.](#)

The Norfolk Island Pine Avenues are of aesthetic significance as they provide strong form and a dramatic visual impact as the signature street tree planting ~~of~~ [at](#) Port Fairy. The trees provide an important landscape feature visible throughout the town and ~~from a distance~~ [also from surrounding areas.](#)

The Norfolk Island Pines avenues are of social significance [not only to the local community, but on a State level. The Pine Avenues are internationally recognisable as part of the Port Fairy 'brand'. The local](#) ~~as~~ use of the species by residents from 1848 and the wider community from 1873 demonstrates the conscious and cohesive investment of a small township in aesthetic improvement and protection from the strong westerly winds which has continued to form one of Victoria's signature street tree plantings.

## ATTACHMENT 3

### PERMIT POLICY

The purpose of the exemptions is to allow works that do not affect the cultural heritage significance of the place.

~~The 269 Norfolk Island Pines in the road reserve avenue and row plantings mark James Atkinson's 1842 town plan of Belfast, now the historic perimeter of central Port Fairy, and are important as one of the earliest known street planting using a native species in Victoria. The trees are also important for their distinctive landscape character.~~

All works should ensure the protection of the trees and the aesthetic value of the avenue street plantings. Parking within the root zone of the trees should be discouraged.

[Buildings and works associated with water, gas, power, sewer, drainage or similar services that occur within the road reserve will require an arborist report and the approval of the Executive Director of Heritage Victoria.](#)

[Repairs to the asphalt road surface are exempt from a permit, however any excavation works, new vehicle crossovers and driveways within the road reserve will require an arborist report and the approval of the Executive Director of Heritage Victoria.](#)

The Moyne Shire Council is encouraged to prepare a Tree Management Plan.

### PERMIT EXEMPTIONS

General Conditions: 1. All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object.

General Conditions: 2. Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such works shall cease and Heritage Victoria shall be notified as soon as possible.

General Conditions: 3. If there is a conservation policy and plan endorsed by the Executive Director, all works shall be in accordance with it. Note: The existence of a Conservation Management Plan or a Heritage Action Plan endorsed by the Executive Director, Heritage Victoria provides guidance for the management of the heritage values associated with the site. It may not be necessary to obtain a heritage permit for certain works specified in the management plan.

General Conditions: 4. Nothing in this determination prevents the Executive Director from amending or rescinding all or any of the permit exemptions.

General Conditions: 5. Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits from the responsible authorities where applicable.

Minor Works : Note: Any Minor Works that in the opinion of the Executive Director will not adversely affect the heritage significance of the place may be exempt from the permit requirements of the Heritage Act. A person proposing to undertake minor works ~~may~~ [shall](#) submit a proposal to the Executive Director. If the Executive Director is satisfied that the proposed works will not adversely affect the heritage values of the site, the applicant may be exempted from the requirement to obtain a heritage permit. If an applicant is uncertain whether a heritage permit is required, it is recommended that the permits co-ordinator be contacted.

**Landscape:**

[The following categories of works are exempt from permit:](#)

Management and maintenance of trees including formative and remedial pruning, removal of deadwood, pest and disease control, cabling, mowing, weed control and mulching.

In the event of loss or removal of trees, replanting with Norfolk Island Pines (*Araucaria heterophylla*) to maintain the landscape character identified in the statement of significance. Removal of tree seedlings and suckers but excluding herbicide use.

Management of trees in accordance with Australian Standard: Pruning of amenity trees AS 4373.

Management of trees in accordance with Australian Standard: Protection of trees on development sites AS 4970.

Removal of plants listed as Prohibited and Controlled Weeds in the Catchment and Land Protection Act 1994.

Repairs, conservation and maintenance to structures and hard landscape elements, asphalt and gravel roads and paths, stone and concrete edging, fences and gates.