

10 November 2022

Assistant Director – Inland Rail Review Secretariat
Department of Infrastructure, Transport, Regional Development, Communication and the Arts
GPO Box 594
Canberra, ACT 2601

Dear Sir/Madam,

Re: ***Independent Review of the Delivery of the Inland Rail Program***

I am pleased to provide this contribution to the “Independent Review of the Delivery of the Inland Rail Program”. My response focuses on Theme 3, namely the consideration of benefits and impacts associated with the proposed Inland Rail Enquiry.

In essence, this submission to the Enquiry highlights the need to maintain and restore the Kelly Siege Site at Glenrowan from a cultural tourism and economic benefit perspective, and notes those aspects of the Inland Rail Program that have not been taken into consideration.

This submission can be made public (uploaded).

1 Background to the Enquiry

The Australian Government announced on 7 October 2022 the appointment of Dr Kerry Schott AO to lead an independent review of the Inland Rail Program. As part of the review, submissions are sought from interested parties to share views, experience and expectations on key themes relating to the delivery of the Inland Rail Program.

One of the key themes (#3) is associated with the process for the selection and refinement of the Inland Rail route and whether these processes are fit-for-purpose, including consideration of benefits and impacts. Specifically, the Terms of Reference for the review include the following:

- “(c) *review the process for selecting the Inland Route to confirm it is fit for purpose and has considered both impacts and potential broader economic benefits to regional economies and communities; and*
- (e) *assess opportunities for enhancing community benefits along the route”.*

This submission provides an overview of the importance – from a tourism and economic benefit perspective – of maintaining and restoring the Kelly Siege Site located in Glenrowan in North East Victoria. The submission also provides a summary of the “**EPBC Act Referral Report**” (2020) and its commentary in relation to the proposed new bridge on Beaconsfield Parade in the environs of the siege site. In addition, an overview of the “**Heritage Impact Statement for the Glenrowan Precinct H2000**” (2021) is provided.

The submission is provided in the context of the underlying threat that would occur to the cultural and heritage value of the siege site if the construction of the major new bridge associated with the planned Inland Rail Program – linking Melbourne and Brisbane, and passing through Glenrowan – is constructed. The proposed bridge – with the requisite 7.1 metre clearance for double-stacked

freight trains – would replace the existing bridge on Beaconsfield Parade and provide the necessary clearance to accommodate the double-stacked freight trains.

The view of many in the community is that the proposed new bridge would have a significant adverse impact on the historic Kelly Siege Site, and with resultant negative impacts on the local and regional economies. Importantly, assessments undertaken to date in relation to the impact of the Inland Rail Program do not suitably address these community concerns for adverse cultural, heritage and economic impacts on Glenrowan and the North East region.

2 Historic Context

Ned Kelly is a recognised national figure in Australian history, immersed in the memories of late 19th Century Victoria, particularly in the rural North East of the State. Whether viewed as folk heroes or as villains, the Ned Kelly gang reflected the issues and challenges that encompassed daily life in colonial times. Land settlement rights, enmeshed in issues associated with social class and heredity, and resultant confrontations with the law and authority, were foundations to the Kelly Gang and its activities over several years, culminating in the Glenrowan Siege at Anne Jones' Glenrowan Inn in June, 1880.

3 Heritage Importance of the Glenrowan Siege Site

Plans for the Siege Site are presented in the document titled "*Heritage Impact Statement for the Glenrowan Precinct H2000*" prepared by the Australian Rail Track Corporation Limited (ARTC, 29 October, 2021).

In my view, the current proposal to replace the existing Beaconsfield Parade bridge with a new bridge – and which is planned to be considerably higher than the existing bridge to accommodate double-stacked freight trains – will result in a severe adverse impact on the historic Siege Site and its important place in the history of Victoria and our nation.

The importance of the Glenrowan Siege Site identified in the Heritage Impact Statement highlights that "*the Glenrowan Heritage Precinct is historically significant as the place most intimately connected with the legend that surrounds Ned Kelly, among the most well-known of Australian historical figures*" (ARTC, p9). And, in this context, the report notes that "*The small town of Glenrowan is central to the history of the Kelly Gang*" (p9).

The H2000 Statement also highlights that the significance of the Siege Site "*is experienced by visitors of the place in a variety of ways – viewing the precinct, retracing the action, learning from interpretative signage, etc*". The Statement also emphasises that "*Crucial to the maintenance of this significance is the presentation of the place in a readable context; that is, the locations of historical events, and the spaces between them, need to be available to the public to view and experience*" (p10).

4 Potential Impacts Associated with Proposed New Beaconsfield Parade Bridge

The H2000 Statement highlights that "*access to the key Siege locations and movement and views between them are critical to the preservation of the cultural heritage significance of H2000*". The Statement also notes that "*the project will impact the archaeological and intangible (views and aesthetic) values of the place*" (p26).

Significantly, the nature of the "*impact*" is not described as either negative or positive in the Statement.

Furthermore, the H2000 Statement recognises that “*construction of a new bridge at Beaconsfield Parade will result in impacts of high and moderate archaeological potential*”. However, the Statement notes that “*the proposed works will be mitigated by the development of archaeological, management protocols that will be implemented under an “Archaeological Management Framework”*” (p26). Yet, the nature and extent of any such mitigation works are not identified in the H2000 Statement.

Notwithstanding the lack of information, it can be expected that the proposed new Beaconsfield Parade bridge will have a major adverse impact on the heritage values of the Siege Site. In this context, the proposed new bridge is planned to have a height of approximately 15.5 metres (estimated by the submitter) which far exceeds the height of the existing bridge; the Statement does not indicate the existing or planned height of the proposed new bridge (refer Appendix C: Plans of proposed Works in the H2000 Statement).

Moreover, the planned height and form of the bridge construction components will devalue the visual relationship between the site and surrounding landscape, and this reality is highlighted in the ARTC images showing the extent and form of the proposed new bridge (Appendix D: Views of proposed Works in the H2000 Statement).

In essence, a significant new bridge structure with an estimated height of 15.5m, and with extended approach paths which will connect to existing roads, cannot be considered as sympathetic to the significant historical and cultural values associated with the Glenrowan Heritage Precinct site.

Having regard for engineering drawings in the ARTC documentation showing the proposed design, form and componentry of the new bridge, the proposed new bridge is considered to be at odds with what would be traditionally recognised as supporting a ‘sense of place’ in regard to the cultural value of the Siege Site and the depth of history associated with the site, as outlined below.

5 Glenrowan Siege Site: ‘a Sense of Place’

The ARTC’s H2000 Statement overlooks the value that the Siege Site has in existing circumstances by which the public can view the historic site, up close and in person, without the significantly-overbearing physical structure of the planned new Beaconsfield Parade bridge on the immediate western boundary of the site. If constructed, the new bridge will far exceed the physical presence of the existing bridge in relation to the surrounding locale and which includes the Siege Site.

These significant adverse impacts on the culturally important Siege Site would be avoided if the existing rail lines were to be lowered along the existing alignment already in place, and therefore not requiring the construction of a new and elevated bridge.

A further consideration regarding the Siege Site is to at least maintain the existing ‘sense of place’ in Glenrowan (which of course includes this site), and to further enhance the ‘sense of place’ in physical terms with landscape and other enhancements which add to the important community, heritage, cultural and social values of the site.

In addition, actions taken in regard to accommodating the needs of the ARTC also need to have regard for the economic role that Glenrowan's businesses perform in promoting the Kelly Story to local, interstate and international visitors. This tourism component brings much-needed economic benefits to Glenrowan and its residents in terms of supporting local jobs and incomes, and with multiplier effects for the surrounding North East region and the wider economy.

In my view, replacement of the existing Beaconsfield Parade bridge with a major new construction, as planned, would have a severe adverse impact on the cultural and heritage values of the Siege Site. As a consequence, such an intrusive development – as reflected in the images presented in Appendix D of the H2000 Statement – would likely result in lower numbers of tourists and other visitors to the site and surrounding Glenrowan township. Visitor spending levels would be adversely affected, with negative consequences for local business revenues, employment and incomes.

In this context of potential adverse economic impact, the ARTC's H2000 Statement does not provide any reference to the manner in which the proposed inland rail infrastructure project would impact on Glenrowan businesses and the local economy. Such an impact assessment typically applies to major projects of this nature. In my view – as an urban and regional economist and town planner involved in assessing major infrastructure and development proposals over many years – construction of the Beaconsfield Parade bridge, as presently proposed, would likely have significant adverse economic impacts on local businesses and jobs in Glenrowan. These potential negative outcomes need to be assessed and documented, with recommendations to mitigate any such adverse economic impacts arising from the Inland Rail Program.

6 Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) and Referral of the Inland Rail Project

The Inland Rail project was the subject of a Referral under the EPBC Act in 2020. Significantly, the Inland Rail project site in Glenrowan is described in the Referral report as follows (emphasis added):

*“The Glenrowan Heritage Precinct was the site of the Glenrowan siege in 1880 ... The place has **outstanding heritage value to the nation because of the place's importance, or pattern, of Australia's natural or cultural history** (Section 1.2) ... **The railway at Glenrowan is pivotal to the events of the siege, as well as key sites such as Anne Jones's Inn ... and the site of Ned Kelly's fall and capture**” (Section 3.3).*

While the Referral report clearly highlights the significant national heritage values of the siege site, the report also concludes that *“the works are not considered to cause a significant impact”* (Section 1.14). However, the basis to this conclusion that there would be no “significant impact” is not explained in the report. Noting at this point of referral, the current proposal had not been developed, and that this proposal has not been re-assessed as to its impacts. In any event, the report concludes that *“the ‘no project’ option is not considered feasible”* (Section 1.2). This is despite a letter written to the then MP Cathy McGowan (12 April 2019) by the then CEO John Fullerton, stating that a number of options are under consideration (copy attached).

In essence, a close reading of the EPBC Act Referral report leads to the independent conclusion that the findings are contradictory in regard to (a) the support that the new bridge would bring to the siege site, and (b) the conclusion that no adverse impacts on the site would result from the project,

despite the significant physical magnitude of the planned new bridge. Importantly in this context, it is noted that Attachments that support the Referral report have not yet been made available. Moreover, the one piece of evidence in support of the proposed new bridge – namely, the engineering image (provided separately from the EPBC Act Referral report) indicating the substantial scale of the bridge project – raises serious concerns that the proposed bridge will actually have a severe and adverse impact on the significant cultural and historic aspects associated with the Glenrowan Heritage Precinct.

7 Ned Kelly Alive Concept Development and Business Case (Regional Development Victoria, May 2018)

The Business Case highlights the opportunity to “*reimagine the region’s Ned Kelly tourism experiences to create an engaging, immersive and connected offer that brings the Kelly story to life*” (p5). The Preferred Investment Scenario recommended in the Business Case identifies the Glenrowan siege site as one of several components in the overall plan which include, among others, the Beechworth Goal and Courthouse, the Benalla Art Gallery, and the Mansfield Police Memorial.

Economic values anticipated to be delivered by the Glenrowan Siege Site project include investment of \$6.9 million, a Benefit/Cost ratio of 3.0, support to approximately 40 jobs per year, and the attraction of 55,370 visitors a year (p111).

Overall, the Business Case highlights the significance of the Kelly story to the history of Victoria’s High Country, and the importance of linking the associated features across that story, including the Glenrowan Siege Site.

8 The Glenrowan Siege Site and Economic Value

Noting the importance of the tourism sector, particularly the increasingly competitive tourism environment – post-pandemic and both State-wide and nationally – places further emphasis on the need to ensure that Glenrowan and the North East region, which encapsulates Kelly Country, is well-placed in this strongly competitive tourism environment.

A further consideration is the continuing growth in resident population numbers, locally and regionally, and therefore the importance of continuing to generate an increasing number of local jobs, including tourism-related jobs, to meet the employment needs of the expanding resident labour force. My earlier submissions to the Inland Rail Program (13 November 2021) highlight the economic value of tourism to the North East Region.

However, in this economic context, the proposed new bridge would have a significant adverse impact on the historic Kelly Siege Site, and result in negative impacts on the local and regional economies. Ned Kelly and the Kelly Gang have high national and international recognition and this is recognised by tourism strategies developed by State Government tourism authorities¹. Two recent projects: the viewing tower at Glenrowan and the interpretative project at Beechworth (both-under construction) are supported by funding from the State Government.

9 Conclusion

A significant concern flowing from the proposed works associated with the ARTC-proposed new Beaconsfield Parade bridge over the Glenrowan railway lines is the loss of the physical environment in which the historic Kelly siege site is located, as the proposed elevated bridge will clearly dominate this site and adversely impact on its substantial local and national cultural heritage value. The

¹ *Ned Kelly Alive Concept Development and Business Case (Regional Development Victoria, May 2018)*

proposed works and elevated bridge would also adversely impact on the economic development prospects for Glenrowan and North East Victoria, having regard for the focal role of the town and region in the Kelly story. The importance of ensuring retention of the immediate locale in which the Glenrowan Siege took place, 140 years ago, is readily recognised. However, these aspects have not been taken into account in the assessments by the Inland Rail Program.

Also, review of the EPBC Act Referral report (2020) indicates that the report arrives at contradictory conclusions, namely that (a) the site is culturally significant, yet (b) the construction of the major new (and elevated) bridge will not adversely impact on that cultural significance. Moreover, the report concludes that (c) no options to the construction of the bridge exist. Ironically, the Referral report does not mention, let alone assess, the methodology adopted in its conclusions regarding impacts of this major piece of infrastructure on the heritage site and surrounds.

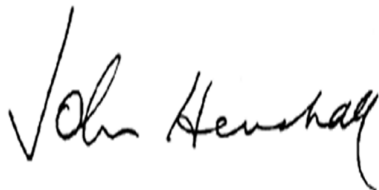
In addition to concerns regarding the potential loss of this culturally significant site, serious issues are also associated with the potential loss of economic value that would otherwise be generated for the local and regional communities by the development and promotion of the siege site in the context of the tourism economy. As the ***Ned Kelly Alive Concept Development and Business Case*** concludes, “*Cultural heritage tourism is growing, providing strong market opportunities for the Ned Kelly product*”, highlighting that “*the North East has the ability to own the Ned Kelly tourism experience, creating a compelling tourism driver that will act as a competitive differentiator for the region*” (p5).

Clearly, there is an urgent need to ensure the retention of the Glenrowan Siege Site as a significant component in our Nation’s cultural heritage, and with potential to contribute to economic values that support Glenrowan and other local communities in Victoria’s North East region.

In conclusion, and in response to the themes highlighted for review in the Terms of Reference, this submission highlights that the review process for selecting the Inland Route to confirm it is fit for purpose -

- has NOT considered the project’s anticipated adverse impacts on the Siege Site, or the potential broader economic benefits to regional economies and communities where site development considerations are taken into account; and
- does not assess opportunities for enhancing community benefits along the route insofar as Glenrowan and the North East Victoria region is concerned.

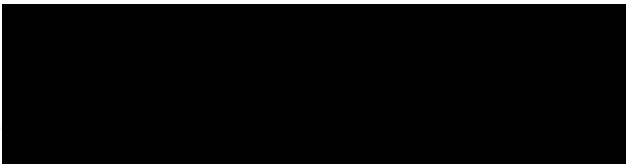
Yours sincerely,



John C. Henshall, B Com (Econ), Grad Dip TRP, M Soc Sci (Planning & Environment), MPIA (Life Fellow)

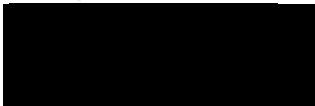
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30 April 2019

Cathy McGowan AO MP



Dear Cathy,

I write in response to questions raised in a letter received by my office on 12 April 2019

In the first instance I welcome the opportunity to congratulate you on almost six years of service to the electorate of Indi and wish you the best in your future endeavours.

To address your specific enquiry, ARTC acknowledges the significance of the historical precinct not only for the township of Glenrowan, but also its wider importance as a nationally listed heritage site. We also appreciate the role of the railway track as part of this historical precinct.

ARTC has been in regular contact not only with the local Historical Society, Glenrowan Improvers, but also Heritage Victoria and the Wangaratta Shire Council in relation to proposed enhancement works at this site as part of the Inland Rail programme. In addition, wider community conversations have been hosted in Glenrowan to hear comments and any concerns from individual members regarding our proposed works.

I can confirm all concerns, feedback and comments are highly valued and, along with other considerations, form a key element of our design development process.

Specifically, during early conversations with the Glenrowan Improvers, a request was made for ARTC to consider relocating the existing Beaconsfield Parade Bridge to an alternate location as part of planning during Feasibility Design. ARTC is undertaking an investigation around seven possible alternate locations. Engineering modelling is progressing with initial reviews also by the Wangaratta Shire Council. While these alternatives present challenges regarding environmental and community impacts, including property acquisition, they remain 'live' options and are being actively pursued. This information has also been provided directly to the Glenrowan Improvers and the wider community during engagement activities in February and March 2019.

Any works at Glenrowan will require approval by state and commonwealth regulators. Current schedule provides for formal government review during the latter part of the third quarter of 2019 but there is still work to be done before the project is in a position to do this. Agency consultation will be underpinned by engineering, environmental and heritage assessments into viable options. Specialist consultants have been engaged to support this work.

As our progress continues, so too will our engagement with the communities of Glenrowan and Wangaratta. There also remains opportunity for continued dialogue and formal submissions as part of the environmental and planning approvals processes.

Thank you for taking the time to forward the correspondence to me for response and again, my best wishes to you.

Yours sincerely

John Fullerton
CEO and Managing Director

