

Beyond The Valley

REASONABLE USE STATEMENT

PURSUANT TO SECTION 101(2)(B) OF THE HERITAGE ACT 2017 (VIC)

1. Applicant Details

Organisation Name: Beyond the Valley Music Festival Pty Ltd

Contact Person: [REDACTED]

Postal Address: [REDACTED]

Email: [REDACTED]

Phone: [REDACTED]

2. Heritage Place Details

Address: 4484 Hamilton Highway, Hesse, Victoria

Property Description: Lots 1 and 2 on PS 549946Y and Crown Allotment 15, Section Y, Parish of Hesse.

Heritage Status: The site is included on the Victorian Heritage Register (VHR H2313) as a place of state-level cultural heritage significance.

3. Background and Context

Beyond the Valley Music Festival is an annual multi-day live music and camping event held between **28 December and 1 January** each year. Since the festivals relocation to the site at 4484 Hamilton Highway, Hesse ('Barunah Plains'), the event has made seasonal and temporary use of existing agricultural and rural infrastructure located on the property.

In June 2022, infrastructure works, including plumbing trenches and sub-surface water pipes, sub-surface post holes, construction of roadways and new farm gates to enable the festival, were approved under permit exemption P36293. Approval for previous iterations of the festival (and associated temporary works/activities) has been permitted on an annual basis under the permit exemption process. This includes permit exemptions P37748 for the 2022/23 event, P38964 for the 2023/24 event, and P40302 for the 2024/25 event.

The event currently operates pursuant to Planning Permit P22122B. The Permit remains valid until the conclusion of the 2026 event and currently allows use of the Site for a 'place of assembly' for up to 35,000 patrons. BTV comprehensively sold-out last year's allocation of tickets within a record amount of time.

An application has been lodged with the Minister for Planning that seeks planning approval for the use of the land associated with an annual music and arts festival to be held on the Site for 40,000 patrons with the event due to take place annually between 28 December to 1 January, for a period of 10 years from 2025 to 2035/2036 (inclusive). It is anticipated that application will be granted by the end of August 2025.

The Statement of Significance for Barunah Plains lists the following fabric as significant (our underline):

Barunah Plains including the homestead, stables, dairy and bakehouse, coach house, engine house, farm shed, manager's cottage, cottage, woolshed, shearers' quarters, suspension bridge, gardener's cottage, orchard shed, water tanks, meat houses, rams' shed and remnant garden.

Temporary use of the homestead and farm infrastructure (including fencing, irrigation, internal road networks and drainage) forms part of the operational logistics of the festival, enabling staging, crew coordination, equipment storage, and related support activities to occur year on year.

Relevantly for the purposes of this application, use of the place is **temporary in nature**, confined to a defined annual event period across 4 days only, and managed to ensure there is no adverse impact on the cultural heritage significance of the place.

4. Proposed Use

The proposed temporary works associated with use of Barunah Plains includes:

- The set-up and pack-down of stage areas
- Proposed on-site camping
- Proposed on-site parking
- The setup and pack down of tents or other temporary accommodation arrangements
- The setup and pack down of food stalls, hygiene facilities, waste storage and other storage areas
- Installation of zones that limit access to heritage fabric or elements, and provide physical protection in the course of the installation of any temporary works and the duration of the festival.

5. Assessment of Reasonable Use under s101(2)(b)

Section 101(2)(b) of the Heritage Act 2017 requires the Executive Director to consider the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or object.

The relevant Practice Note establishes that reasonable use and economic use are two separate matters to be considered. To consider the reasonable use of a place, regard must be had to:

- historic, recent and current uses
- other compatible uses
- context and setting
- other relevant matters.

Under **section 101(2)(b)** of the ***Heritage Act 2017***, the proposed use meets the criteria of "reasonable use" for the following reasons:

a) Historical and Contextual Continuity

Located in the heart of the western district, Barunah Plains dates back to 1846. The property is strongly associated with the grazing history of the Western District. Prior to soldier settlement in 1946 Barunah held over 50,000 merino sheep and was on 24,280 hectares. It was the largest sheep station in Victoria.

Recent and current uses for the subject land are for grazing, group accommodation and functions. Over the past 6 years the current owners have meticulously updated the homestead, farm and outbuildings to return it to its former glory for use as a grazing station and have further diversified the use of the heritage place to include group accommodation and function space capabilities.

As demonstrated in recent years, it is reasonable for farming property to diversify, to give use to the land and infrastructure. These have been carried out alongside the agricultural use of the heritage place. The proposed use of the heritage place for the Festival is compatible with recent uses of the land for entertainment and commercial tourism purposes. Similarly, the limited time frame of the Festival makes use of the land for agricultural purposes possible for the remainder of the year.

The current festival-related use, though different to the sites grazing history, maintains the episodic and low-impact nature of historical use patterns on the land. In similar vein to harvest being carried out on a seasonal basis, approval of this application will ensure Barunah Plains continues to provide a sense of purpose and use to its owners but also to the broader population who have an opportunity to understand the Site's agricultural past and history.

b) Temporary and Reversible Nature

The Beyond the Valley Festival occupies the subject land over the New Year period only. All uses are confined to a discrete annual period (typically a maximum of three weeks, including bump-in/out), and all materials, equipment, and installations are fully removable. Existing infrastructure approved under P36293 makes temporary services (electricity / sewerage etc) possible to install and remove for the Festival period only.

Once infrastructure is removed, the location is returned to its original state and we return back to agricultural land use for the remainder of the year. Following conclusion of the event each year, there will be no visible impact upon any significant fabric whatsoever.

The temporary and reversible nature of the works make use of both the large extents of registered land and existing infrastructure, which facilitates an economically sustainable use of the place (that can continue in the medium to long term) without requiring continual change to the place.

c) Recent Statutory Support of Managed and Monitored Operations

Recent Heritage Victoria permit exemptions — P37748 for the 2022/23 event, P37748 for the 2023/24 event, and P40302 for the 2024/25 event — have been approved for temporary works to support the Festival. The works were approved by Heritage Victoria and it was determined that the works or activities “do not harm the cultural heritage significance of the place, and, therefore, do not require a permit pursuant to s92(3) of the Heritage Act 2017.”

Independent heritage assessments and approved site management plans confirm that no permanent or structural impacts result from the proposed use given there are no buildings or works proposed as part of the planning application or more broadly. There are furthermore no internal works proposed that would give rise to any potential impacts on the place.

All significant fabric except for the rams shed is located back of house, and is not accessible to any members of the public. The areas are fenced off from the general public, and only employees/volunteers are permitted in and around the significant fabric. The rams shed is meanwhile proposed to be fenced off as part of the application thereby ensuring no adverse impact to that fabric.

The festival organisers work in consultation with heritage professionals and adopt best-practice heritage management strategies, including:

- No drilling, fixing, or penetrating of historic materials
- Controlled access and security to prevent unauthorised use
- Ongoing monitoring of condition and reporting of any incidents
- Commitment to Heritage Victoria engagement if any unexpected discoveries or issues arise

There is a heavy security presence on site at all times, including a heavy police presence of up to 30 officers at any one point in time. Opportunities for any damage to the place during the proposed use is extremely remote – particularly given access to those places is restricted.

e) Broader Community and Economic Benefit

A highly relevant 'other matter' that must be considered is that the use supports a large-scale cultural event that delivers significant regional economic activity and cultural enrichment, without compromising heritage values.

Music festivals are an important part of regional Victoria's economy, the Victorian Live Music Census (2012) published ancillary spending by patrons attending music festivals in regional Victoria at an estimated \$98,000,000 which highlights the importance of festivals as a contributing factor for the continued prosperity of regional Victoria.

Previous events within this location have generated up to \$50,000 in grants to the local community, with employment of over 250 local trades people employed throughout the course of the set-up and pack down of the event.

If the proposal were to be refused, the landowner will suffer from hundreds of thousands of dollars work of losses each year, negatively impacting the place's economic functioning / the owner's ability to undertake ongoing preservation and maintenance works that ensure the long-term functionality of the place.. Those funds are best seen as additional or 'surplus' funds that might not always materialise during periods of drought or years of low crop yield.

7. Conclusion

The proposed use of the heritage place at 4484 Hamilton Highway, Hesse for the Beyond the Valley Music Festival constitutes a **reasonable use** within the meaning of **section 101(2)(b)** of the Heritage Act 2017 for the reasons expressed within this report.

Signed:



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31-07-2025