

# Statement of Recommendation from the Executive Director, Heritage Victoria

Castlemaine Market, VHR H0130

44 Mostyn Street, Castlemaine, Mount Alexander Shire

Dja Dja Wurrung Country



## Executive Director recommendation

I recommend to the Heritage Council of Victoria (**Heritage Council**) that Castlemaine Market, located at 44 Mostyn Street, Castlemaine in the Victorian Heritage Register (**VHR**) be amended. The category of registration is recommended to be Registered Place.

In accordance with section 62 of the *Heritage Act 2017* (**the Act**), I suggest that the Heritage Council determine:

- to include additional land in the VHR (section 49(1)(d)(i) and (ii) of the Act); and
- the proposed categories of works or activities which may be carried out in relation to the place for which a permit is under the Act not required, will not harm the cultural heritage significance of the place under section 49(3)(a) of the Act.



**STEVEN AVERY**

**Executive Director, Heritage Victoria**

**Date of recommendation: 16 March 2026**

## The process from here

### 1. The Heritage Council publishes the Executive Director's recommendation (section 41)

The Heritage Council will publish the Executive Director's recommendation on its [website](#) for a period of 60 days.

### 2. Making a submission to the Heritage Council (sections 44 and 45)

Within the 60-day publication period, any person or body may make a written submission to the Heritage Council. This submission can support the recommendation, or object to the recommendation and a hearing can be requested in relation to the submission. Information about making a submission and submission forms are available on the [Heritage Council's website](#).

### 3. Heritage Council determination (sections 46, 46A and 49)

The Heritage Council is an independent statutory body. It is responsible for making the final determination to include or not include the place, object or land in the VHR or amend a place, object or land already in the VHR.

If no submissions are received the Heritage Council must make a determination within 40 days of the publication closing date.

If submissions are received, the Heritage Council may decide to conduct a hearing in relation to the submission. The Heritage Council must conduct a hearing if a submission requests a hearing, and that submission is made by a person or body with a real or substantial interest in the place, object or land.

If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

### 4. Obligations of owners of places, objects and land (sections 42, 42A, 42B, 42C, 42D and 43)

The owner of a place, object or land which is the subject of a recommendation to the Heritage Council has certain obligations under the Act. These relate to advising the Executive Director in writing of any works or activities that are being carried out, proposed or planned for the place, object or land.

The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place, object or land before entering into a contract.

### 5. Further information

The relevant sections of the Act are provided at the end of this report.

## History

### Dja Dja Wurrung

The Dja Dja Wurrung have an unbroken connection to the land and waters around Castlemaine from time immemorial.

Dja Dja Wurrung Country extends from Mount Franklin and Creswick in the south to Boort in the north, and from the Campaspe River in the east to St Arnaud in the west.

The Yoorrook Justice Commission recorded how colonisation brought irreparable damage to First Peoples in Victoria with the introduction of diseases, massacres, dispossession from Country, confinement on missions and reserves, forced labour, separation of families and ongoing policies and practices that perpetuate systemic injustice.<sup>1</sup> The gold rush had particular, and disastrous, consequences for Aboriginal people.

The Dja Dja Wurrung continue to live, work, practice culture and manage land and waters around Castlemaine, and have an unbroken connection to their land, sky and waters.

### Market square

In 1851, the discovery of gold at Mount Alexander Station drew people to the Victorian Goldfields. By October 1852, the population of Castlemaine had reached a population of 35,000, making it the most populous gold mining region in Australia. This population increase and the accumulation of colonial wealth led to the construction of impressive buildings such as Castlemaine Market. Simultaneously, this period was 'a catastrophe' for Dja Dja Wurrung people as tens of thousands of miners flooded into the region, desecrating land and rivers and further excluding Aboriginal people from their Country.<sup>2</sup>

#### *The square and a well*

Castlemaine's Market Square was used from 1852 for the sale of goods to the large population of gold diggers and their families. The square was part of the first town plan drawn up in December 1852 and took advantage of the slope of the topography towards Forest Creek to the south. The first structure at the square was a well, sunk by the volunteer fire brigade in December 1854, and paid for by public subscription. In 1858, an arcaded water tank was built east of the well which established the axes of the north and east/west market buildings (now demolished).

#### *Market buildings*

The first permanent market buildings were two brick buildings, built between June and October in 1858 to a design by Edmund S.V. Spencer, the town surveyor. These were located on the east-west axis at the centre of the square on either side of the central well and housed a vegetable and produce market. By 1860 it was proposed to extend the market accommodation, using the revenue from the existing markets to cover the cost of a new building.

Work began on the new, northern market building in October 1861 to plans prepared by the town surveyor, a role occupied by William Beynon Downe. The building was constructed of brick, raised on a rusticated base of freestone. The sides were of brick with a struck mortar joint profile, except for the cornices and parapets which use cement. The front of the building consisted of a portico with a pediment supported by four Tuscan columns and crowned with a figure of Ceres, the Roman goddess of the harvest. The wings on either side of the portico featured two turrets surmounted by cupolas, and on the side of each wing was a series of arches with doors to the centre, which provided entrances to the market stalls for the loading and unloading of goods. The clerestory roof was supported by ten laminated timber, semi-circular trusses running the length of the building.

Around 1878 a cast iron drinking fountain was installed on the street in front of the market. By 1900, the market was lit with gas lights (which are still extant), and the gaslight in the portico was installed prior to 1920.

### Decline and reuse

Outside market trading hours, the Castlemaine Market buildings were used for community activities. The extant north market building was the largest municipal space until the construction of the Castlemaine Town Hall in 1898. As a result, it was also used for a variety of community and social activities including the drilling of volunteer rifle corps, balls, horticultural exhibitions, church bazaars and mining board elections.

<sup>1</sup> Yoorrook Justice Commission. *Truth be Told*. 2025.

<sup>2</sup> Yoorrook Justice Commission. *Truth be Told*. 2025, p. 63.

By 1879 Castlemaine had entered a period of economic stagnation. Once the alluvial diggings in the Castlemaine region had been exhausted, and without the rich quartz reefs of Ballarat or Bendigo, the population began to fall. This impacted the Castlemaine Market's revenue. The market buildings had been designed to cater to a population of 30,000 to 40,000, so when the population fell to 8,000 in 1878, tenancy rates at the market dropped.

In 1917 and 1919 respectively the Eastern and Western market buildings were demolished. Throughout the 1950s there were consecutive attempts by Council to have the north market building demolished and the land sold. In 1952, a referendum was held and ratepayers voted to retain the market building, though no provisions were made for its repair and use. The building continued to deteriorate until 1967 when the last of the remaining stallholders were given notice to vacate.

In 1969, the National Trust of Australia (Victoria) took over the management and repair of the northern market building. In December 1974 the Castlemaine Market building was reopened as a regional museum of the goldfields after extensive restoration works. It presently operates as a Visitors Information Centre and gallery space.

## Selected bibliography

RBA Architects. *Castlemaine Market Building 44 Mostyn Street, Castlemaine Conservation Management Plan*. December 2013.

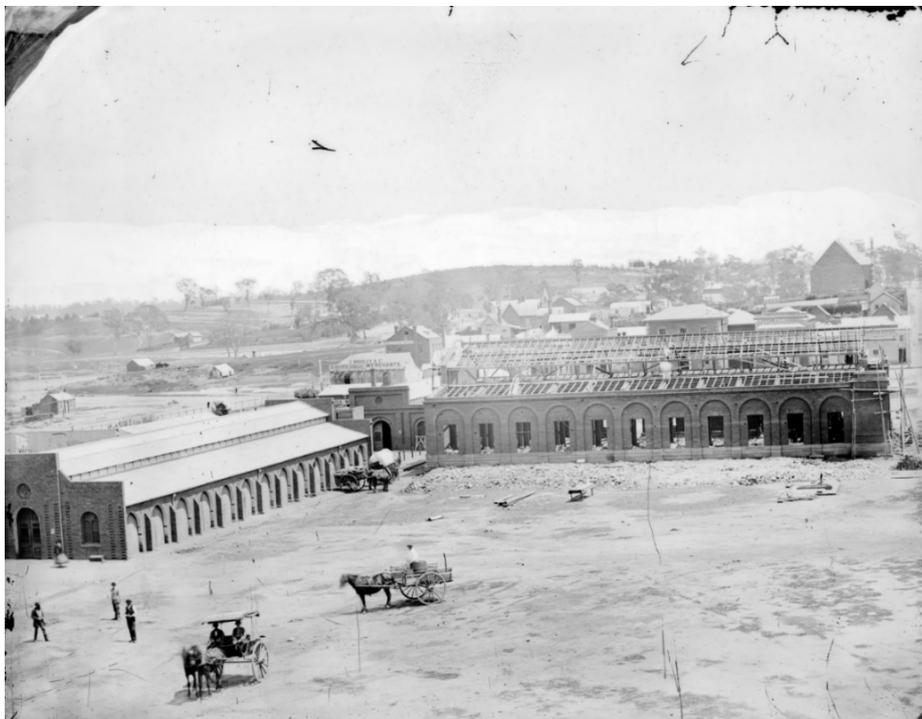
Leo Martin. *Change and Exchange: The Castlemaine Market Square, 1852-2002*. PhD thesis, University of Melbourne, December 2010.

## Acknowledgements

The Executive Director thanks the following people for sharing their knowledge of Castlemaine Market.

- Dr. Leo Martin
- Donna Fearn, Mount Alexander Shire

## Images



Ca.1861, Castlemaine market square, north market under construction. Source: SLV.



1910-1920. Castlemaine Market. Source: SLV.



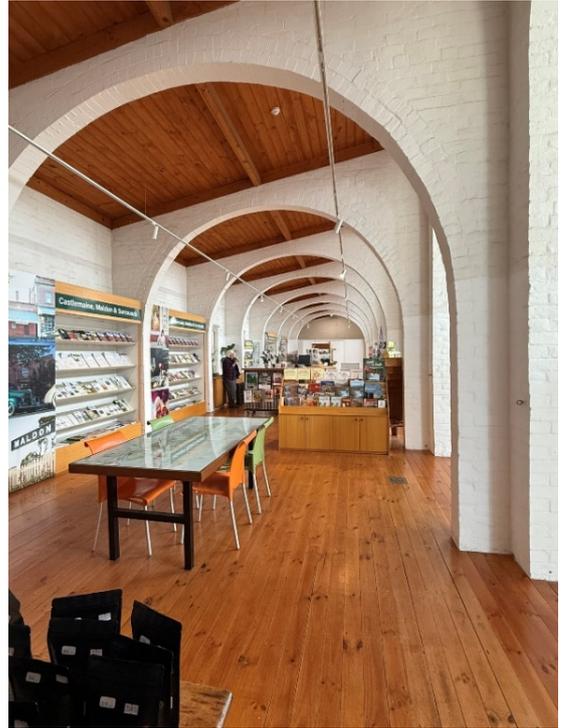
1857-8. Troopers on parade in Market Square with tank stand between east and west market buildings visible. Source: Castlemaine Market Building CMP.



2025. Castlemaine Market. Source: Heritage Victoria.



2025. Interiors showing laminated timber arches. Source: Heritage Victoria.



2025. Arches along the aisles either side of the central space denote market stalls. Source: Heritage Victoria.



2025. Rear of market. Circle in foreground is all that remains of the original well which has been capped. Source: Heritage Victoria.



2025. Grassed area to the west of market building. The doors to east and west elevations line up with the stalls internally. Carts would pull up to the side to unload goods. Source: Heritage Victoria.



2025. Original underground brick lined well located in carpark.  
Source: Mount Alexander Shire Council.



2025. 1870s Cast iron drinking fountain in front of the market.  
Source: Heritage Victoria.

## Further information

### Registered Aboriginal Party information

Castlemaine Market is located on Dja Dja Wurrung Country.

Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Dja Dja Wurrung Clans Aboriginal Corporation (also known as Djaara).

### Native Title

Native Title is the recognition in Australian law that some Aboriginal and Torres Strait Islander people continue to hold rights and interests in land and water. Native Title is not granted by governments. It is recognised through a determination made by the Federal Court of Australia under the *Native Title Act 1993* (Cth).

In 2010, acknowledging the difficult nature of having native title determined under the Native Title Act, the Victorian Government developed an alternate system for recognising the rights of Victorian Traditional Owners. The *Traditional Owner Settlement Act 2010 (Vic)* allows the government and Traditional Owner groups to make agreements that recognise Traditional Owners' relationship to land and provide them with certain rights on Crown land.

On 28 March 2013, the Victorian Government and the Dja Dja Wurrung people entered into a Recognition and Settlement Agreement. The Recognition and Settlement Agreement does not pertain to the Castlemaine Market site.

### Victorian Aboriginal Heritage Register

The place is not included in the Victorian Aboriginal Heritage Register or located in an area of Aboriginal cultural heritage sensitivity.

(1 August 2025)

### Integrity

The integrity of the place is excellent. The cultural heritage values of Castlemaine Market can be easily read in the extant fabric.

Changes to the market have been minor in nature and do not reduce the legibility of the building as a former market.

(December 2025)

### Intactness

The intactness of the place is excellent. The building was constructed as a 'shell' for stall holders, with no rooms or spaces divided by walls.

The building is highly intact. There have been some minor changes to the building to accommodate various functions since the market's closure in 1967, including the sealing of the external arched doors to individual stalls, replacement of rotting floors, and the creation of new rooms and offices.

(December 2025)

### Condition

The condition of place is very good.

The building has some problems with rising damp which is visible on brickwork internally.

(December 2025)

Note: The condition of a place or object does not influence the assessment of its cultural heritage significance. A place or object may be in very poor condition and still be of very high cultural heritage significance. Alternatively, a place or object may be in excellent condition but be of low cultural heritage significance.

## Amendment recommendation

### State-level cultural heritage significance of the place

The State-level cultural heritage significance of Castlemaine Market was recognised in 1974 by its inclusion in the Register of Historic Buildings.

### Amendment application

On 2 March 2026 the Executive Director made and accepted an application to amend the registration of the place to ensure it is consistent with current practices under the Act.

### Assessment of additional land and summary of significance

The information below is provided under s.40(3A)(c)(i)(ii) and s.40(4)(c)(i)(ii) as part of the Executive Director's Statement of Recommendation.

The Executive Director recommends that the Heritage Council amend this registration because it is his view that:

- The State-level cultural heritage significance of the place would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the place were developed [s.40(3A)(c)(i)].
- The additional land surrounds the place and is important to the protection or conservation of the place; or contributes to the understanding of the place [s.40(3A)(c)(ii)].

The Executive Director notes that:

- The current extent is limited to the fabric of the building, and is insufficient to protect, conserve and allow for a proper understanding of the place.
- The current extent:
  - includes only the former Northern Market Building
  - excludes the landscaping to the east and west of the building, which allows for an understanding of how the market building was used and accessed by traders
  - excludes the well to the south, which predates the construction of permanent market buildings but relates to the early use of the site as a temporary market square
  - excludes the drinking fountain on Mostyn Street
  - does not allow for an understanding of how the northern market building relates to the historic market square, and the historical evolution of this space.
- The land proposed for inclusion both is currently and has been used in conjunction with the place for over 150 years.

The Executive Director is of the view that:

- If any of the additional land proposed for inclusion in the registration were developed, depending upon the nature of the proposal, there is potential for the development to impact upon the place and substantially reduce its State-level cultural heritage significance.
- Including an area of land around the Castlemaine Market will enable potential change immediately adjacent to the place (for example, new buildings and additions) to be managed under an approvals process.
- Inclusion of an area of land around the building will also enable works that could potentially impact on the conservation of the building, such as drainage and paving of the landscaped portions to the east and west of the building and changes to the drinking fountain to be managed under an approvals process.

### Change of name

Not applicable.

## Statutory requirements under section 40

### Terms of the recommendation (section 40(3)(a))

The Executive Director recommends that the registration of Castlemaine Market in the VHR is amended.

### Information to identify the place or object or land (section 40(3)(b))

**Number:** H0130

**Category:** Registered Place.

**Name:** Castlemaine Market

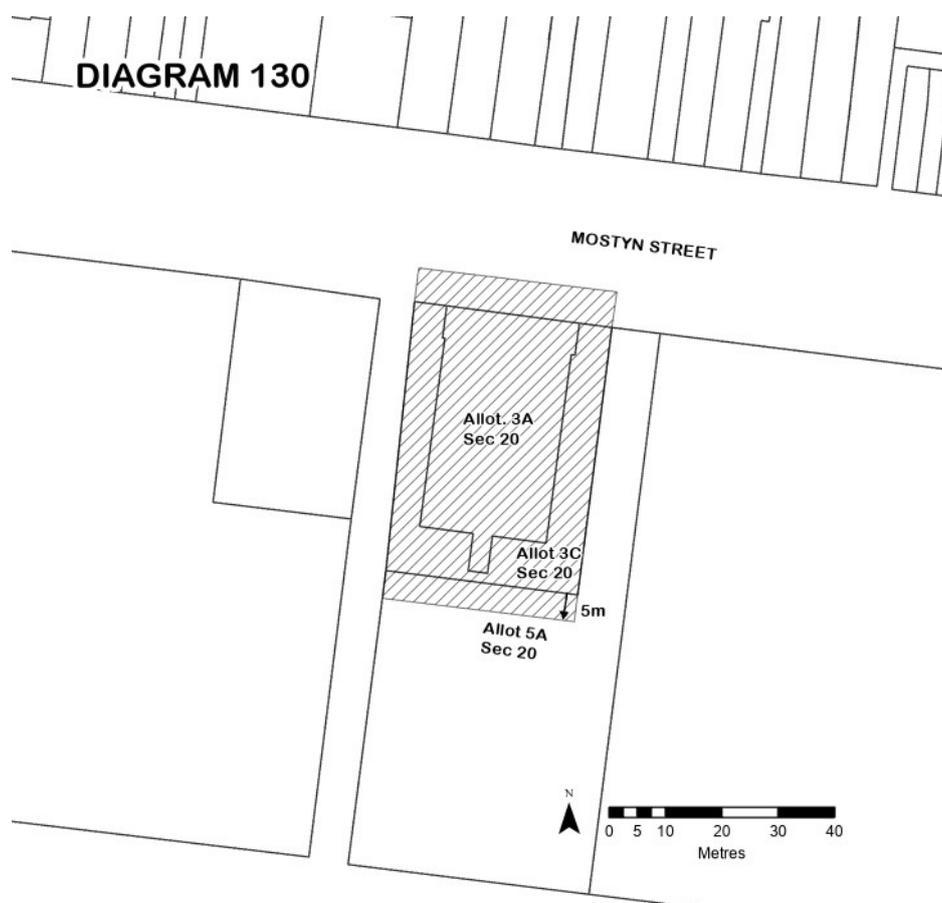
**Location:** 44 Mostyn Street, Castlemaine

**Municipality:** Mount Alexander Shire

### Proposed extent of registration

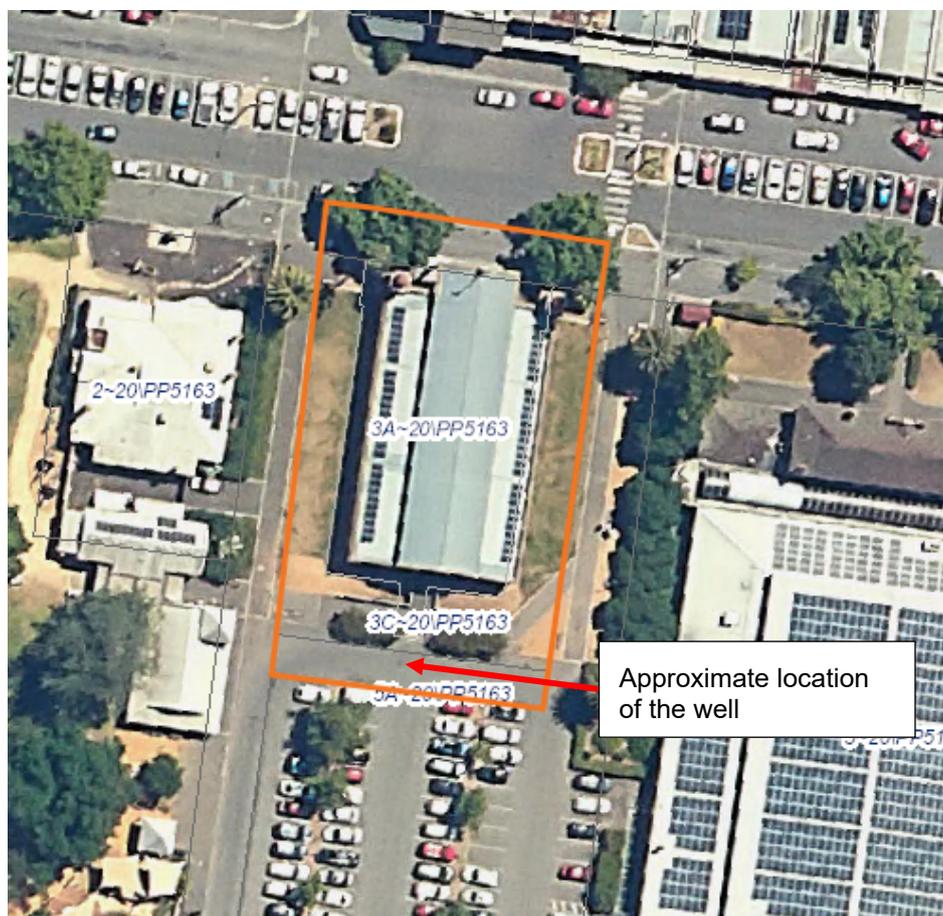
The Executive Director recommends that the extent of registration for Castlemaine Market be gazetted as:

All of the place shown hatched on Diagram 130 encompassing all of Crown Allotment 3A and 3C, Section 20, Township of Castlemaine, part of Crown Allotment 5A Section 20 Township of Castlemaine Parish of Castlemaine, extending 5 metres from the southern title boundary and part of the road reserve of Mostyn Street extending to the kerb.



## Non-statutory information about the proposed extent of registration

### Aerial photo of the place showing proposed extent of registration



Note: This aerial view provides a visual representation of the place. It is not a precise representation of the recommended extent of registration. Due to distortions associated with aerial photography some elements of the place may appear as though they are outside the extent of registration.

### Rationale for the proposed extent of registration

The recommended extent of registration comprises all elements and features of State-level cultural heritage significance, including the market buildings, the landscaped areas to either side of the building, the well and the steps and cast-iron drinking fountain within the road reserve.

This extent has been chosen to provide an appropriate setting for the Castlemaine Market. The inclusion of additional land from the road reserve and the carpark allow the relationship between the market building and features such as the well and drinking fountain to be understood. The landscaped areas either side of the building allow the use of the building as a market, with side doors for carts to pull up, to be understood.

The recommended extent of the registration is the same as the nominated extent of registration.

It should be noted that everything included in the proposed extent of registration including all of the building (exteriors, interiors and fixtures), the land, the well, the drinking fountain, and all soft and hard landscape features is proposed for inclusion in the VHR. A permit or permit exemption from Heritage Victoria is required for any works within the proposed extent of registration, apart from those identified in the categories of works or activities in this recommendation.

## Summary of cultural heritage significance (section 40(4))

### Statement of significance

Castlemaine Market is located on Dja Dja Wurrung Country.

#### What is significant?

The Castlemaine Market, a Classical Revival building constructed in 1861 to the designs of town surveyor, William Beynon Downe, located in Market Square, in the centre of Castlemaine. Also of significance is the 1850s underground town well at the rear of the building and the ca.1878 cast-iron drinking fountain on Mostyn Street.

#### How is it significant?

The Castlemaine Market is of historical, architectural and technical significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

##### Criterion A

Importance to the course, or pattern, of Victoria's cultural history.

##### Criterion D

Importance in demonstrating the principal characteristics of a class of cultural places and objects

##### Criterion F

Importance in demonstrating a high degree of creative or technical achievement at a particular period

#### Why is it significant?

The Castlemaine Market is historically significant for its association with the establishment of markets in regional goldfields centres. Historically, the market was a centre of community life in Castlemaine, a major gold rush town in the Central Goldfields of Victoria, over a 105-year period. The market building is the principal remnant of Market Square, which from its establishment has been the commercial and social epicentre of the township. The development of the market around the 1850s town well was an expression of the early prosperity and great expectations for Castlemaine in the mid-nineteenth century to become a major inland city of Victoria. [Criterion A]

The Castlemaine Market is architecturally significant as a fine example of an early colonial market building. Completed in 1862 and displaying a mixture of Australian colonial Greek and Roman Classical Revival styles, the building is dedicated to Ceres, the Roman goddess of harvest, represented by a life size figurative sculpture fixed to the apex of the façade. The building features a gable portico pediment, supported by widely spaced Tuscan columns, set between two brick wings, which terminate in towers adorned by cupolas. The main building has a basilica plan with a clerestory above the long colonnaded structure. [Criterion D]

The Castlemaine Market is technically significant for its use of curved horizontally laminated wooden ribs in its roof construction, thought to be the only nineteenth century example of this technology for a roof structure in Australia. [Criterion F]

## Recommended permit exemptions under section 38

### Introduction

A [heritage permit](#) is required for all works and activities undertaken in relation to VHR places and objects. Certain works and activities are [exempt from a heritage permit](#), if the proposed works will not harm the cultural heritage significance of the heritage place or object.

### Permit Policy

It is recommended that the 2013 *Castlemaine Market Building 44 Mostyn Street, Castlemaine: Conservation Management Plan* by RBA Architects is utilised to manage the place in a manner which respects its cultural heritage significance.

### Permit Exemptions

#### General Permit Exemptions

General exemptions apply to all places and objects included in the VHR. General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the Act.

**Places of worship:** In some circumstances, you can alter a place of worship to accommodate religious practices without a permit, but you must notify the Executive Director before you start the works or activities at least 20 business days before the works or activities are to commence.

**Subdivision/consolidation:** Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the *Planning and Environment Act 1987* and the application for the planning permit was referred to the Executive Director as a determining referral authority, a permit is not required.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#).

#### Specific Permit Exemptions

The works and activities listed below under the heading 'Exempt works and activities' are not considered to cause harm to the cultural heritage significance of Castlemaine Market. These are subject to the following guidelines and conditions:



## Guidelines for specific permit exemptions

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.
5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor.
7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the Act must be obtained

to undertake works or activities that are not expressly exempted by the below specific exemptions.

8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

## General conditions for specific permit exemptions

1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the *Aboriginal Heritage Act 2006*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.
4. If during the carrying out of works or activities in accordance with specific exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
5. If during the carrying out of works or activities in accordance with specific exemptions any suspected human remains are found the works or activities must cease. The remains must be left in place and protected from harm or damage. Victoria Police and the State Coroner's Office must be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the *Aboriginal Heritage Act 2006*, all details about the location and nature of the human remains must be provided to the Aboriginal Heritage Council (as defined in the *Aboriginal Heritage Act 2006*)

## Exempt works and activities

1. All works to the surface of the carpark to retain this function that do not impact or disturb the well.
2. Maintenance, repair, upgrade and replacement of the footpath to the front of the building according with Council's requirements, provided there is no alteration to alignment, width, grade or material.
3. Repair, replacement, removal and renewal of existing signage and street furniture (excluding the drinking fountain) in the same location.

## Appendix 1: Important information for owners and interested parties

### Heritage Council determination (section 49)

The Heritage Council is an independent statutory body that will make a determination on this recommendation under section 49 of the Act. It will consider the recommendation after a period of 60 days from the date the notice of recommendation is published on its [website](#) under section 41.

### Making a submission to the Heritage Council (section 44)

Within the period of 60 days, any person or body may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are available on the [Heritage Council's website](#). The owner can also make a submission about proposed permit exemptions (Section 40(4)(d)).

### Consideration of submissions to the Heritage Council (section 46)

(1) The Heritage Council must consider—

- (a) any written submission made to it under section 44; and
- (b) any further information provided to the Heritage Council in response to a request under section 45.

### Conduct of hearings by Heritage Council in relation to a recommendation (section 46A)

(1) The Heritage Council may conduct a hearing in relation to a recommendation under section 37, 38 or 39 in any circumstances that the Heritage Council considers appropriate.

(2) The Heritage Council must conduct a hearing if—

- (a) a submission made to it under section 44 includes a request for a hearing before the Heritage Council; and
- (b) the submission is made by a person or body with a real or substantial interest in the place, object or land that is the subject of the submission.

### Determinations of the Heritage Council (section 49)

(1) After considering a recommendation that a place, object or land should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing, the Heritage Council may—

- (a) determine that the place or object is of State-level cultural heritage significance and is to be included in the Heritage Register; or
- (ab) in the case of a place, determine that—
  - (i) part of the place is of State-level cultural heritage significance and is to be included in the Heritage Register; and
  - (ii) part of the place is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (ac) in the case of an object, determine that—
  - (i) part of the object is of State-level cultural heritage significance and is to be included in the Heritage Register; and
  - (ii) part of the object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (b) determine that the place or object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or

- (c) in the case of a recommendation in respect of a place, determine that the place or part of the place is not to be included in the Heritage Register but—
    - (i) refer the recommendation and any submissions to the relevant planning authority or the Minister administering the Planning and Environment Act 1987 to consider the inclusion of the place or part of the place in a planning scheme in accordance with the objectives set out in section 4(1)(d) of that Act; or
    - (ii) determine that it is more appropriate for steps to be taken under the Planning and Environment Act 1987 or by any other means to protect or conserve the place or part of the place; or
  - (ca) in the case of a recommendation in respect of an object nominated under section 27A, determine that the object, or part of the object, is to be included in the Heritage Register if it is integral to understanding the cultural heritage significance of a registered place or a place the Heritage Council has determined to be included in the Heritage Register; or
  - (d) in the case of a recommendation in respect of additional land nominated under section 27B, determine that the additional land, or any part of the additional land, is to be included in the Heritage Register if—
    - (i) the State-level cultural heritage significance of the place, or part of the place, would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the place were developed; or
    - (ii) the additional land or any part of the additional land surrounding the place, or part of the place, is important to the protection or conservation of the place or contributes to the understanding of the place.
- (2) The Heritage Council must make a determination under subsection (1)—
- (a) within 40 days after the date on which written submissions may be made under section 44; or
  - (b) if any hearing is conducted, within 90 days after the completion of the hearing.
- (3) A determination made under subsection (1)(a), (ab), (ac), (ca) or (d)—
- (a) may include categories of works or activities which may be carried out in relation to a place, object or land, or part of a place, object or land, for which a permit under this Act is not required, if the Heritage Council considers that the works or activities would not harm the cultural heritage significance of the place, object or land; and
  - (b) must include a statement of the reasons for the making of the determination.
- (4) If the Heritage Council determines to include a place, or part of a place, in the Heritage Register, the Heritage Council may also determine to include land that is not the subject of a nomination under section 27B in the Heritage Register as part of the place if—
- (a) the land is ancillary to the place; and
  - (b) the person who owns the place, or part of the place—
    - (i) is the owner of the land; and
    - (ii) consents to its inclusion.
- (5) If a member of the Heritage Council makes a submission under section 44 in respect of a recommendation, the member must not take part in the consideration or determination of the Heritage Council.
- (6) The Heritage Council must notify the Executive Director of any determination under this section as soon as practicable after the determination.

## **Obligations of owners (section 42, 42A, 42B, 42C, 42D)**

### **42 Obligations of owners—to advise of works, permits etc. on foot when statement of recommendation given**

- (1) The owner of a place, object or land to whom a statement of recommendation has been given must advise the Executive Director in writing of—

- (a) any works or activities that are being carried out in relation to the place, object or land at the time the statement is given; and
- (b) if the place, object or land is a place or additional land, any application for a planning permit or a building permit, or any application for an amendment to a planning permit or a building permit, that has been made in relation to the place or additional land but not determined at the time the statement is given; and
- (c) any works or activities that are proposed to be carried out in relation to the place, object or land at the time the statement is given.

(2) An advice under subsection (1) must be given within 10 days after the statement of recommendation is given under section 40.

#### **42A Obligations of owners before determination or inclusion in the Heritage Register—to advise of permits**

(1) This section applies if—

- (a) an owner of any of the following is given a statement of recommendation—
  - (i) a place or object nominated under section 27;
  - (ii) an object nominated under section 27A;
  - (iii) land nominated under section 27B; and
- (b) any of the following occurs within the statement of recommendation period in relation to the place, object or land—
  - (i) the making of an application for a planning permit or a building permit;
  - (ii) the making of an application for an amendment to a planning permit or a building permit;
  - (iii) the grant of a planning permit or building permit;
  - (iv) the grant of an amendment to a planning permit or building permit.

(2) The owner must advise the Executive Director in writing of—

- (a) the making of an application referred to in subsection (1)(b)(i) or (ii), within 10 days of the making of the application; or
- (b) a grant referred to in subsection (1)(b)(iii) or (iv), within 10 days of the owner becoming aware of the grant.

#### **42B Obligations of owners before determination or inclusion in the Heritage Register—to advise of activities**

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period it is proposed that activities that could harm the place, object or land be carried out.

(2) The owner, not less than 10 days before carrying out the activities, must advise the Executive Director in writing of the proposal to do so.

#### **42C Obligations of owners before determination or inclusion in the Heritage Register—to advise of proposal to dispose**

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period a proposal is made to dispose of the whole or any part of the place, object or land.

(2) The owner, within 10 days after entering into an agreement, arrangement or understanding for the disposal of the whole or any part of the place, object or land, must advise the Executive Director in writing of the proposal to do so.

#### **42D Obligations of owners before determination or inclusion in the Heritage Register—requirement to give statement to purchaser**

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) the owner proposes to dispose of the whole or any part of the place, object or land within the statement of recommendation period.

(2) Before entering into an agreement, arrangement or understanding to dispose of the whole or any part of the place, object or land during the statement of recommendation period, the owner must give a copy of the statement of recommendation to the person who, under the proposed agreement, arrangement or understanding, is to acquire the place, object or land or part of the place, object or land.

#### **Owners of places and objects must comply with obligations (section 43)**

An owner of a place, object or land who is subject to an obligation under section 42, 42A, 42B, 42C or 42D must comply with that obligation.

Penalty:            In the case of a natural person, 120 penalty units;  
                          In the case of a body corporate, 240 penalty units.

## Appendix 2: Existing registration details

### Existing extent of registration

*City of Castlemaine*. No. 130. Market, Castlemaine, Mostyn Street, Castlemaine.

[*Victoria Government Gazette* No 100 Wednesday, October 9 1974 p.3648]

### Existing extent diagram

This registration was gazetted in 1974 without an extent diagram.

### Existing statement of significance

What is significant?

The Castlemaine Market originally contained 22 shops for the sale of local fresh foods and products. It was one of three market buildings arranged geometrically around an arcaded water tank built over the town well in Market Square, in the centre of Castlemaine, one of the premier mid 19th century gold rush towns of the Central Victorian Goldfields. The two earliest red brick market buildings, known as East and West Markets, were erected in 1858 to the design of Edmund Spencer, the town surveyor. In 1861/2 an imposing North Market, the present Classical Revival building, was designed by the town surveyor, William Beynon Downe. The inspiration for the design has been attributed to works by British classical architect and surveyor general, Sir Christopher Wren (1632-1732) and Charles Fowler (1791-1867), noted for his mid 19th classical styled market designs in England.

During successive decades Market Square was beautified but the First World War brought a change in economic and social direction to the town. The East and West Market buildings were demolished in 1918 and 1919, respectively, to make way for a new high school, now recycled as part of Coles supermarket; the Return Soldiers League Club rooms, a memorial garden, Victory Park and War Memorial were established in the square to the west of the market building. Coinciding with the Second World War, the 1865 palms trees were replaced with Lombardy poplars. In response to community outcry over plans for construction of a State Electricity Commission substation on the North Market site, the National Trust listed the building in 1959; and when market trading ceased in 1967 the building was acquired by the National Trust in a deteriorated condition. Subsequently restored in 2000 the building was leased to Mount Alexander Shire Council for use as a Tourist Information Centre and focus for the Mount Alexander Diggings Trail, a guide to the Central Victorian Goldfields.

How is it significant?

The Castlemaine Market is of historical, architectural, technical and social, significance to the State of Victoria.

Why is it significant?

The Castlemaine Market is of exceptional architectural significance as a rare surviving early colonial market building. Completed in 1862, displaying a mixture of Australian colonial Greek and Roman Classical Revival styles, the building is dedicated to Ceres, the Roman goddess of harvest, represented by a life size figurative sculpture fixed to the apex of the central façade, a gable portico pediment, supported by widely spaced Roman Doric columns, set between two brick wings, which terminate in towers adorned by Palladian influenced cupolas. The main building has a basilica plan with upper clerestory storey above the long colonnaded structure.

The Castlemaine Market is of historical and social importance for its association with the prosperity and growth of Castlemaine, a major gold rush town in the Central Gold fields of Victoria. The front entrance was designed as a temple, a symbol to secular power, at a time when there was civil unrest on the goldfields forcing the transition from military to democratic local government rule, heralded by the dismantling of Government Camp Reserve and opening of the new Town Hall and Market in 1862.

The Castlemaine Market has technical significance for its use of curved horizontally laminated wooden ribs in its roof construction, rare in building usage at the time.

[*Online Data Upgrade Project 2001*]

## Existing permit policy and permit exemptions

Nil.