Statement of Recommendation from the Executive Director, Heritage Victoria

The Manor House, VHR H0264

28-32 Manor Street Bacchus Marsh, Moorabool Shire

Wurundjeri Country



VICTORIA State Government

HERITAGE VICTORIA

Executive Director recommendation

I recommend to the Heritage Council of Victoria (**Heritage Council**) that the Manor House, located at 28-32 Manor Street, Bacchus Marsh 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).



STEVEN AVERY
Executive Director, Heritage Victoria
Date of recommendation: 16 November 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.

Description

The following is a description of the Manor House at the time of the site inspection by Heritage Victoria on 18 September 2026.

The Manor House is located on Manor Street in Bacchus Marsh. It is comprised of the following elements and features which are listed below.

Residence (1846-7)

Exterior

The Manor House is a two-storey residence constructed of brick with freestone dressings. The primary façade consists of a central, fanlight headed doorway with twelve-paned sash windows to either side and the floor above. The house features a hipped roof, originally clad with timber shingles and now clad in corrugated iron, which is partially concealed behind a parapet.

The decorative quoining to the primary façade & windows, the arch above the fanlight, columns either side of the door, and the window lintels are all executed in freestone. The brickwork to the Manor House exterior has been painted white, likely during the 1960s restoration of the house.

Interior

Entry to the house is through a foyer with a lounge and living room either side. There is a formal dining room off the living room, and both of these rooms feature double French doors that open onto a verandah on the eastern elevation of the house. To the northern side is a modern kitchen and informal dining room and bathroom. An early/original oven survives in the dining room, discernible externally by the brick chimney at the rear.

Up a curved staircase, there are five bedrooms and a modern bathroom.

In the basement, there are three rooms, and the walls are of sandstone painted white. The floor of the basement is brick. The western most room exits to an external staircase which leads up to a ground level courtyard to the west of the house.

Curved brick wall, courtyard & row of ancillary rooms (1853-6)

On the western side of the house, there is a brick wall which curves around a small courtyard. This encloses a row of three rooms. The rooms are of brick construction. The brickwork in some sections of the curved wall is in very poor condition.

The rooms and wall do not appear in the 1849 or 1850 sketches of Captain Bacchus' residence. They are thought to have been constructed while the building was leased by the Victorian Government for use as a Court of Petty sessions from 1853 to 1856. There is little evidence as to their exact use.

Brick outbuilding (pre-1849)

This single-roomed rectangular building is located northwest of the house. The southern elevation has a large opening to accommodate use as a garage. There is a chimney to the western elevation. The roof is corrugated iron sheets. Internally, the building features exposed brick walls and floors. Timber logs are used as the ceiling joists.

The exact age of this building is unknown. Betty Osborn 'The Bacchus Story' suggests that this building predates the house. The brick outbuilding appears in the 1849 George Alexander Gilbert sketch of Captain Bacchus' residence.

Timber outbuilding (unknown age)

This building is located northeast of the house. Its age is unknown. It is referenced in the citation for the Bacchus Marsh Heritage Study (1994) as the log outbuilding, "one of only five buildings built of primitive materials in the Shire and probably the earliest of those." The southern elevation of this building consists of vertical timber slabs. Other elevations are clad in corrugated sheets, including the roof, though it is possible these have been added. Internally the timber log framing is visible and there is evidence of early iron nails.

The southern elevation bears some similarity to the 1972 photograph in 'The Bacchus Story' by Betty Osborn, of Captain Bacchus' hut in the Pentland Hills (see History images). In the WW Darke 1839 survey, five of these timber huts are recorded including one on the present-day site of the Manor House.

There is a third building depicted in the 1849 and 1850 drawings of the Manor House. It appears to be in the same location as the extant timber building, but the building in both sketches is longer and does not contain sufficient detail to suggest the materiality.

Diagram of main elements

This diagram indicates the local of the main elements at the Manor House.





Detail of curved wall, courtyard and ancillary rooms attached to the west of the house

Description images



2026. The Manor House, Source*: Heritage Victoria.*



2026. Western elevation of the Manor House. Source*:* Heritage *Victoria.*



2026. Eastern elevation of the Manor House. Source: Heritage Victoria.



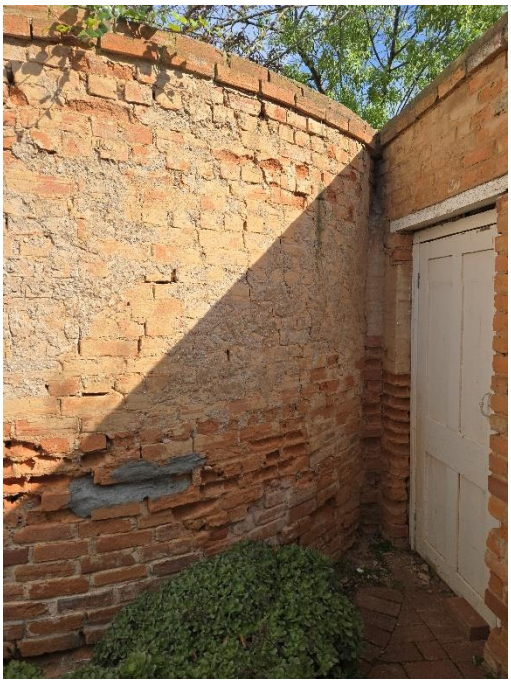
2026. Brick outbuilding to the north of the house, possibly predates the house. Source: Heritage Victoria.



2026. Timber outbuilding of unknown age to the northeast of the house, of unknown age. Source: Heritage Victoria.



2026. Ancillary rooms within courtyard created by curved wall adjoining the west of the house (1853-6). Source: Heritage Victoria.



2026. Curved brick wall, courtyard and one ancillary room (1853-6). Source: Heritage Victoria.

History

Statement of Country

The Wurundjeri people have an unbroken connection to the land and waters around Bacchus Marsh from time immemorial. Wurundjeri Country includes the city of Melbourne (Narrm) and an area extending north to the Great Dividing Range and beyond, west to the Werribee River, and east to Mount Baw Baw. The Gunung-willam-bulluk clan of the Woi wurrung are most closely identified with Bacchus Marsh.[1]

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.[2]

From the 1830s, Europeans began taking up land in what is now known as Bacchus Marsh, dispossessing the Wurundjeri people of their Country. The squatters sought suitable grazing land, and in doing so invaded Wurundjeri Country resulting in conflict and violence between settlers and the Wurundjeri people, and colonists committed acts of genocide and legalised relocation.[3] By 1863, the 'Board for the Protection of the Aborigines' estimated that the total population of Aboriginal people around Bacchus Marsh was 33.[4]

The Wurundjeri continue to live, work, practise culture and manage land and waters around Bacchus Marsh and the surrounding area.

Captain William Henry Bacchus (1782-1849)

Captain William Henry Bacchus was born in 1782, the second son of William Bacchus, a potter, and his wife Maria Elliot. In 1808, he was made Captain of the 2nd Royal Surrey Militia, and in 1814 became Captain of the 1st Provisional Battalion.[5] Following the Napoleonic Wars, Bacchus took up sheep farming in Sussex, and married Eliza Arthur in 1819.

In 1837, Captain Bacchus migrated to the colony of New South Wales with his two children, 16-year-old Henry and 9-year-old Eliza. Shortly after reaching Port Jackson, Captain Baccus travelled to Van Diemen's Land, where he purchased sheep which he brought to the Port Phillip District (later the Colony of Victoria) in 1838.

Settlement in the Bacchus Marsh area

A Scottish immigrant, Kenneth Clarke, who immigrated to Van Diemen's Land in 1818, was one of the earliest pastoralists to follow John Batman and John Fawkner across Bass Strait from Tasmania. In December 1836, Clarke bought a flock from George Town, Tasmania which he then drove along the Maribyrnong River valley in search of new grazing areas on behalf of the Great Lakes Pastoral Company.

In 1838, Clarke took possession of land at Pentland Hills after conceding his initial holding near the Werribee and Lerderderg Rivers to Captain William Bacchus and his son, William Henry Bacchus. Once Clarke had moved on, Bacchus concentrated on consolidating his holdings in the area. At this stage, Bacchus and son were squatters in the Bacchus Marsh area, prior to land being auctioned for sale.

The first survey of the area now known as Bacchus Marsh was made in 1839 by William Wedge Darke, and it reserved several allotments for retired officers of the Navy and Army.[6] The Darke survey notes the location of five huts belonging to Captain Bacchus. These huts predated the first land selections, and were located: 1) on the site of the present-day Manor House (labelled 'Bacchus' Station'); 2) south of the house on the northern bank of the Werribee River; 3) further north on the Lerderderg River; 4) further west in the Pentland Hills (pictured below); and 4) to the east near Merrimu.[7] These huts allowed Bacchus to control a three mile radius of land around each hut.

[1] The four Woi wurrung clans are Wurundjeri-balluk, Marin-balluk, Kurung-jang-balluk and the Gunung-willam-bulluk. See Victorian Aboriginal Corporation for Languages, *Woiwrrung*, https://vacl.org.au/language/woiwurrung/, accessed October 2026.
[2] Yoorrook Justice Commission. *Truth be Told.* 2025.
[3] Yoorrook Justice Commission. *Truth be Told.* 2025. pg 40.
[4] R. Brough Smyth. The aborigines of Victoria: with notes relating to the habits of the natives of other parts of Australia and Tasmania. 1878. https://archive.org/details/aboriginesofvict01smyt/page/42/mode/2up
[5] Betty Osborn, The Bacchus Story, 1973. p9.
[6] Back to Bacchus Marsh October 23 to 28, 1930 / [edited by Geoff Phillips, Robt. W. McLean].
[7] Public Record Office Victoria, ROLL108, Werribee River and tributaries; Darke W.W. 1839. https://prov.vic.gov.au/archive/D41DE449-F858-11E9-AE98-6154D9A1BB40?image=1

In addition to the timber hut located northeast of the Manor House, there is an early brick building located to the north. This structure was possibly also constructed earlier than the Manor House and is typical of a two roomed squatter's cottage.[8]

Some of the land offered for sale by government auction in 1841 included Captain Bacchus' home station.[9] Portions 8, 9, and 12 (12 being the portion containing Bacchus' home station) were purchased in 1842 by Peter Inglis.[10] 'The Bacchus Story' suggests that while the purchase was finalised in 1842, this land had been selected by Inglis prior to public auction.[11] In any case, Captain Bacchus purchased the land from Peter Inglis in 1846.[12]

The construction of the Manor House

Captain Bacchus built the Manor House in the mid-1840s. Constructed of stuccoed brickwork in the Georgian style, the two-storey residence was intended to reflect his wealth and status. Bacchus died at the Manor House in 1849, only a few years after moving into the house, and the property subsequently passed through several owners.

William Henry Bacchus (son of Captain Bacchus) chose to live on his Peerewur run rather than remain in Bacchus Marsh, and in 1851 he sold the Manor House to John Atkins and Robert Nalder Clarke. Clarke occupied the house and resided there until 1853 when the whole of the property was leased to the Victorian government for use as a court of Petty Sessions.[13] It is during this period that the curved wall and ancillary rooms were constructed.

Following the end of the lease in 1856, the property was sold to James Elijah Crook, the Woolpack Inn's proprietor. The Manor House remained in the Crook family for the next 90 years.

Later twentieth century

After falling into disrepair, the Manor House was purchased by Vance and Dorothy Dickie, who subdivided the surrounding estate in 1961.[14] The lot containing the Manor House was purchased by Pulteney and Audrey Malcolm, who restored the house under the guidance of National Trust honorary architects John and Phyllis Murphy.[15]

When the Manor House was offered for sale in 1982, after the extensive restoration undertaken by Audrey Malcolm and Dr. Pulteney Malcolm, the adjoining block of vacant land was also offered for sale.[16] Both land titles were purchased together on 25 October 1985 and have remained in the same ownership since.

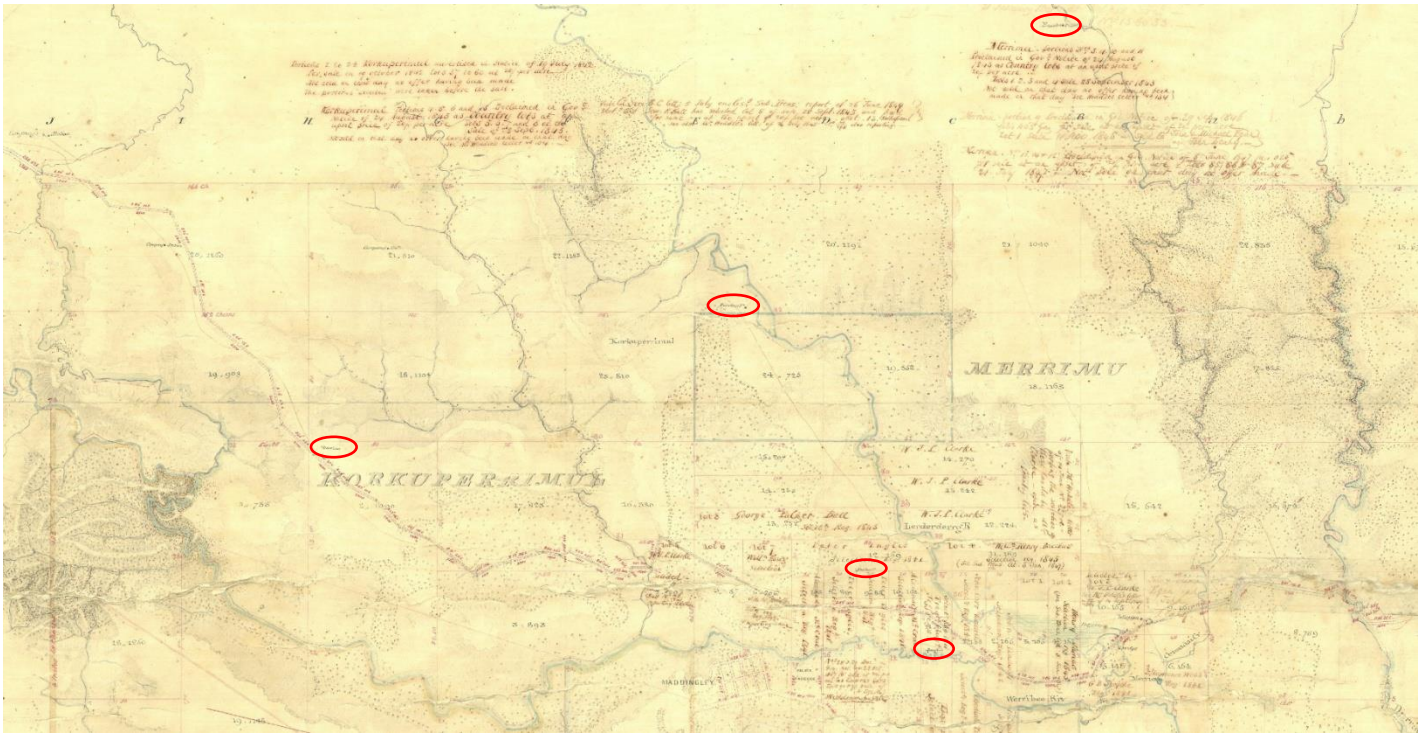
Selected bibliography

Betty Osborne, *The Bacchus Story: A history of Captain W. H. Bacchus, of Bacchus Marsh, and his son,* Brown Prior Anderson Pty Ltd for the Bacchus Marsh Historical Society, 1973.

Geoff Phillips, Robert W. McLean, *Back to Bacchus Marsh,* 1930.

[8] The Bacchus Story, page 17.
[9] http://nla.gov.au/nla.news-article226510686
[10] http://nla.gov.au/nla.news-article226510265
[11] The Bacchus Story, page 34
[12] PROV application no. 37358.
[13] Osborn, The Bacchus Story, page 59
[14] Historical Title, LANDATA, Volume 06642 Folio 268.
[15] Osborn, the Bacchus Story, page 92.
[16] 'Restored to original manor…' in Herald, Melbourne, Victoria 29 January 1982 (NT File B0273)

Historical images



1839. Werribee River and tributaries, WW Darke. Bacchus' five huts are circled in red, see link for higher resolution. Source: PROV.



1849. The residence of Captain Bacchus on the Werrabbee. Source: SLV.



Early 1860s, J.E. Crook with four of his children. Source: The Bacchus Story.



Undated. The Manor House, post 1850s construction of the curved brick wall adjoining the west of the house. Source: 'Back to Bacchus Marsh' booklet.



1972. Original Bacchus Hut, Pentland Hills (note, this hut is not located on the Manor House site. This hut appears to be of similar vertical timber slab construction to the southern wall of the extant timber outbuilding. See above discussion about the timber outbuilding in the Description section). Source: The Bacchus Story, Betty Osborn.

Further information

Registered Aboriginal Party information

The Manor House is located on Wurundjeri Country.

Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation.

Victorian Aboriginal Heritage Register

The place is not in an area of Aboriginal cultural heritage sensitivity.

(4 November 2026)

Integrity

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

The Manor House is still legible as an early colonial house. While some of its setting has been diminished by suburban development, the Manor House still retains sufficient land that allows the relationship between the house and its outbuildings to be understood.

(18 September 2026)

Intactness

The intactness of the place is good.

The Manor House is still used as a private residence. Most alterations to the house appear to be cosmetic, with the general arrangement of rooms being mostly retained. The place has been updated with a modern kitchen and bathroom fit out, to be expected of a place that has been continuously in use as a residence.

(18 September 2026)

Condition

The condition of the place is fair.

The brickwork and sandstone in some areas of the house is in a deteriorated condition.

The chimney to the brick outbuilding at the rear of the property is dilapidated, and internally some of the mortar between bricks is entirely eroded. Elsewhere, the bricks themselves have also eroded leaving cavities in the wall.

(18 September 2026)

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 cultural heritage significance of the Manor House was recognised when it was included in the Register of Historic Buildings in 1974. Its State-level cultural heritage significance was confirmed in 1998 when it was transferred into the Victorian Heritage Register.

The Manor House is of historical, archaeological, and architectural significance to the State of Victoria.

Assessment of additional land and summary of significance

The Executive Director proposes to include additional land in 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.
- 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.

The Executive Director notes that:

- The current extent is limited to the fabric of the building and structures, and is insufficient to protect, conserve and allow for a proper understanding of the place.
- The current extent:
    - Is limited to the Manor House
    - Does not include the two early outbuildings, which potentially predate the house
    - Does not provide an appropriate setting.
- The land proposed for inclusion both is currently and has been used in conjunction with the place since at least 1839 which is over 180 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.
- The proposed inclusion of land associated with the place will provide clarity on the approvals process for works within the place.
- The proposed inclusion of additional land will ensure that all fabric that relates to the State-level values of the place is appropriately captured and considered in any process to manage change.
- The proposed inclusion of land enables the protection of any subsurface archaeological deposits associated with the place.
- The proposed inclusion of additional land provides an appropriate setting to the house and contributes to the understanding of the place as a large country residence of the pre-goldrush squatting era.

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 the Manor House in the VHR is amended.

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

Number: H0264

Category: Registered Place.

Name: The Manor House

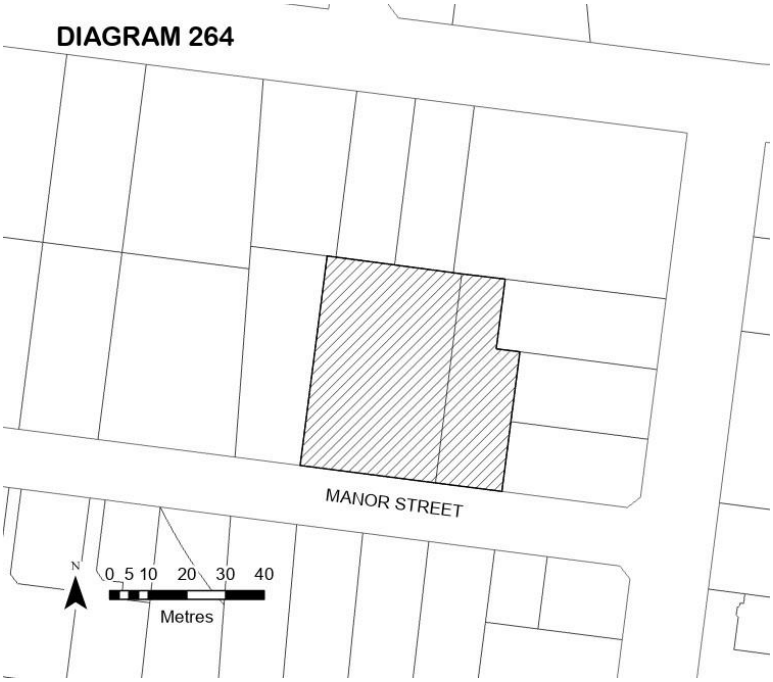
Location: 28-32 Manor Street, Bacchus Marsh

Municipality: Moorabool Shire

Proposed extent of registration

The Executive Director recommends that the extent of registration for the Manor House be gazetted as:

All of the place shown hatched on Diagram 264 encompassing all of Lot 18 on Lodged Plan 53045 and Lot 1 on Title Plan 105244.



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 proposed extent of registration includes all of the land (above and below ground and airspace) and every part of the place including but not limited to:

- buildings (exteriors, interiors and fixtures)
- plantings
- landscape features
- archaeological features.

A permit or permit exemption from Heritage Victoria will be required for **all** works or activities within the proposed extent of registration, apart from those identified in the categories of works or activities in this recommendation (permit exemptions).

The recommended extent of the registration is the same as the notional Heritage Overlay currently mapped in the Moorabool Planning Scheme (HO9).

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

Statement of significance

The Manor House is located on Wurundjeri Country.

What is significant?

The Manor House and its garden setting, built for Captain William Henry Bacchus between 1846-47. The Manor House is a two-storey residence with basement, featuring an exterior of painted brick and freestone quoins and window dressings. The Manor House features a symmetrical façade, with a central fanlight headed doorway and five bays of 12-paned sash windows. The hipped roof is concealed by a parapet. To the eastern elevation there is a hip-roofed side verandah. To the western elevation is a collection of three small rooms, arranged into an internal courtyard by a curved wall.

To the rear of the house there is an early brick outbuilding that is thought to predate the house. There is also a timber outbuilding of unknown age.

How is it significant?

The Manor House is of historical, architectural, and archaeological 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 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 and objects

Why is it significant?

The Manor House and its garden setting is historically significant as a residence which demonstrates the way of life of wealthy pre-gold rush pastoral squatters. It is of historical importance for its association with its owner, retired military officer, English county magistrate and Melbourne Club founding member Captain William Bacchus. The style and substance of the Manor House reflects the aspirations of the Port Phillip pre-gold rush gentleman classes and the house is a vital element in the early settlement of the Bacchus Marsh region. [Criterion A]

The Manor House is significant as a pre-1851 property with archaeological potential and for its capacity to yield further knowledge through the investigation and research of building construction, building materials, and interior and exterior building decoration. [Criterion C]

The Manor House is architecturally significant as one of the earliest surviving substantial houses in Victoria and for its distinction as an example of a Victorian Regency style residence. It is distinguished by a high level of craftsmanship in its joinery and stonemasonry. [Criterion D]

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 a Conservation Management Plan is utilised to manage the Manor House 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 *Heritage Act 2017*.

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.

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

Shire of Bacchus Marsh. No. 264.The Manor House, 28-30 Manor Street, Bacchus Marsh.

[*Victoria Government Gazette* No 100 Wednesday, October 9 1974 p.3649]

Existing extent diagram

This registration was gazetted on 9 October 1974 without an extent diagram.

Existing statement of significance

What is significant?

The exploration of Hamilton Hume and William Hilton Hovell into inland New South Wales and Victoria on route to the Port Phillip District in 1824-25 and the favourable reports of the land they had seen was a significant event in the colonization of Victoria. While Hume and Hovell discovered major inland rivers and first sighted the mountains of the Great Dividing Range in Victoria, it was the adventurous Launceston sealers, whalers and pastoralists who informally took up land to further their commercial interests on the southern coastal areas of Victoria. In 1835 two exploring parties, representing the interests of settlers John Batman and John Fawkner from Tasmania, sailed into Port Phillip. When Captain John Lancey in charge of Fawkner's boat Enterprize entered the mouth of the Yarra River he first followed the westerly stream, the Saltwater or Maribyrnong River. He then returned to the Yarra where the rocky falls which mostly stopped the inflow of sea water provided a supply of drinking water a short way upstream. The site of the falls provided a logical place for a settlement, with both the Batman and Fawkner parties claimants to the title as the first settlers of the settlement which became Melbourne.

A Scottish immigrant, Kenneth Clarke, who had immigrated to Van Diemen's Land in 1818, was one of the earliest of the pastoralists to follow Batman and Fawkner across Bass Strait. In December 1836, Clarke bought a flock from George Town Tasmania which he then drove along the Maribyrnong River valley in search of new grazing areas on behalf of the Great Lakes Pastoral Company. In 1838, Clarke chose to take control of land in an area now known as the Pentland Hills after conceding his initial holding near the Werribee and Lerderderg Rivers to Captain William Bacchus and his son who had also brought sheep across from Tasmania. Once Clarke had moved on, Bacchus concentrated on consolidating his holdings in the area. He established a head station and built four outstations to ensure possession of an area of a radius of three miles [4.8km] around each hut. In William Darke's survey of the River Werribee and its tributaries undertaken in 1839-40, a structure is shown on the present Manor House site. The nature of the structure, which was elsewhere referred to as 'Captain Bacchus's house', is not well established, but a brick building on the site possibly pre-dates the existing house.

With the foundation of his status as a retired military officer and English county magistrate to support him, Captain Bacchus quickly developed close social and business connections in Melbourne. He was a foundation member of the influential Melbourne Club, and a member of the Melbourne Cricket Club and the Pastoral and Agricultural Society of Australia Felix. Captain Bacchus's commercial activities in Melbourne combined with the success of a number of astute land purchases in the early 1840s enabled him to avoid the depression of 1842 which had adversely affected many of his colleagues. In 1846-47 Captain Bacchus erected a substantial and imposing house of a scale which reflected an image of a suitable dwelling for a country gentleman. Captain Bacchus's occupation of the Manor House was however, short-lived. In February 1849, Bacchus died at his home, having resided in it for about only two years. Following his death, the house passed into the ownership of his son William Henry Bacchus.

W Henry Bacchus chose to live on his Peerewur run rather than move to his father's property. In 1851 he sold the Manor House to John Atkins and Robert Nalder Clarke. Clarke occupied the house and resided there until 1853 when the whole of the property was leased to the Victorian government for use as a court of Petty Sessions. Following the end of the lease in 1856, the property was sold to James Elijah Crook, the Woolpack Inn's proprietor. When advertised for sale in 1856, the house was referred to as the Mansion House, rather than the Manor House, but it is not known for what period the house carried that name. The Manor House was occupied by the Crook family for the next ninety years. The importance of the Manor House as an historic structure was confirmed when in 1959 it became one of the earliest properties to receive a National Trust of Victoria classification. The house went through a series of ownerships before it was sold in 1962 to Dr Pulteney Malcolm and his wife who restored it under the guidance of National Trust honorary

architects John and Phyllis Murphy. As one of Victoria's oldest residences, the Manor House at Bacchus Marsh is a significant element in the township which bears the name of its distinguished first owner.

How is it significant?

The Manor House is of architectural, historical and archaeological significance to the State of Victoria.

Why is it significant?

The Manor House built in 1846-47 is of architectural significance as one of the earliest surviving substantial houses in Victoria and for its distinction as an example of a Victorian Regency style residence. It is distinguished by a high level of craftsmanship in its joinery and stonemasonry.

The Manor House is of historical significance as a representative embodiment of the way of life of pre-gold rush pastoral squatters. It is of historical significance for its association with its owner, retired military officer, English county magistrate and Melbourne Club founding member Captain William Bacchus. The style and substance of the Manor House reflects the aspirations of the Port Phillip pre-gold rush gentleman classes and the house is a vital element in the early settlement of the Bacchus Marsh region.

The Manor House is of archaeological significance as a pre-1851 property of archaeological and materials sampling research potential.

[Online Data Upgrade Project 2005]

Existing permit policy and permit exemptions

N/A.