

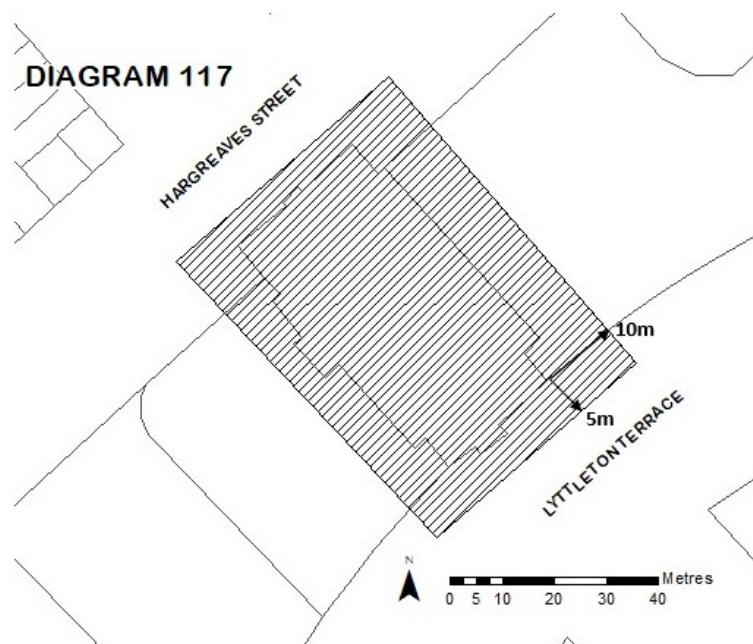
## HERITAGE COUNCIL DETERMINATION

Determination Date	1 August 2024
Place/Object Name	<b>BENDIGO TOWN HALL</b> ('the Place')
Location	189-193 Hargreaves Street, Bendigo, Greater Bendigo City, Dja Dja Wurrung Country
VHR Number	H0117
Category	Registered Place and Registered Objects Integral to a Place
Legislative Provision/s	Amendment to the Victorian Heritage Register in accordance with Section 62 of the <i>Heritage Act 2017</i> (Vic).

### DETERMINATION

The Heritage Council of Victoria determined on 1 August 2024 that, in accordance with section 62 of the *Heritage Act 2017* (Vic) ('the Act'), that the above Place is to be amended in the Victorian Heritage Register ('VHR') by:

- including additional land, so as to comprise **all** of the place shown hatched on Diagram 117 encompassing all of Crown Allotment 4B, Section 10 Parish of Sandhurst and parts of Allotments 4E and 4C Section 10C Parish of Sandhurst and parts of the road reserves of Hargreaves Street and Lyttleton Terrace. To the measurements of 5 metres to the front and back and 10 metres to the side measured from the four corners of the building, and objects integral listed in Inventory H117;



- determining categories of works or activities which may be carried out in relation to the Place for which a permit is not required ('permit exemptions') in accordance with the **Annexure 1**;
- determining that the objects listed in **Annexure 2** are integral to understanding the cultural heritage significance of a registered place and are to be included in the VHR (section 49(1)(ca) of the Act); and
- amending the reasons why the Place is included in the VHR based on the Heritage Council criteria. Specifically, to revise the criteria upon which the Place is registered by removing Criterion E - aesthetic significance.

## **BACKGROUND**

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

On 24 April 2024 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.

## **BASIS OF RECOMMENDATION**

The Executive Director recommended that the Heritage Council amend this registration to include additional land in accordance with sub-sections 40(4)(c) (i) and (ii) of the Act. Reasons were set out in a Recommendation report ("Recommendation") received by the Heritage Council, in relation to both of these sub-sections being:

- Only the Bendigo Town Hall building is included in the VHR. None of the land beyond the footprint of the building is included in the VHR.
- The additional land contains gardens and landscaping that enables unobstructed views of the Town Hall, which is part of the Place's significance.
- Any development of the gardens or incremental modification would have the potential to greatly diminish the setting and context of the three-dimensional qualities of the Town Hall design and equal attention given to each facade, and therefore reduce its State-level architectural values.
- Including additional land will ensure that all works are managed through an approval process consistent across the entirety of this place and would provide certainty for all parties.
- The current extent is limited to the footprint of the building and is insufficient to protect, conserve and allow for a proper understanding of the Bendigo Town Hall.
- Without an approval process, the ability to view the building 'in the round', which contributes to an understanding of the progressive extensions, could potentially be obstructed, or otherwise impacted by development of or modifications to the gardens, which can affect the setting or context of the Bendigo Town Hall and its history.

- Inclusion of an area of land around the building will enable features that could potentially impact the conservation of the Bendigo Town Hall, such as drainage, landscaping, and paving, to be managed under an approval process.

The Executive Director also recommended that the Heritage Council amend the registration to determine that the objects listed in **Annexure 2** are integral to understanding the cultural heritage significance of a registered place and are to be included in the VHR (section 49(1)(ca) of the Act). The Recommendation asserts that the objects are integral to understanding the cultural heritage significance of the Place as they are indicative of the processes and functions of municipal government. The Recommendation notes that the extravagant nature of the furniture reflects the wealth of gold rush-era Bendigo, also supporting their inclusion in the VHR.

The Executive Director recommended that the Heritage Council amend the reasons why the Place is included in the VHR based by removing Criterion E - aesthetic significance. The Recommendation notes that the Bendigo Town Hall is currently registered for Criteria A, D, and E. It is proposed to remove Criterion E (aesthetic significance) as the elaborate and ornate nature of the plasterwork and wall paintings to the hall's interiors are best understood as contributing to the place being considered a notable example of the class of town halls. The plasterwork and wall paintings of Bendigo Town Hall are of a higher quality than is typical of town halls elsewhere in Victoria.

## **SUBMISSIONS**

No public or authority submissions were received by the Heritage Council in relation to this matter.

## **COUNCIL'S FINDINGS**

The Heritage Council accepts the Executive Director's Recommendation and the rationale provided in the Recommendation.

The amendment to include additional land to the current Registration will provide a setting for the building, which has essentially four primary façades and was designed to be viewed in the round.

The current extent of land is confined to the building itself. It does not afford sufficient protection of the Place. The inclusion of the curtilage will provide a sufficient setting to conserve and manage further development.

The proposed categories of works or activities which may be carried out in relation to the Place for which a permit is not required (specific permit exemptions) would not harm the cultural heritage significance of the Place.

The objects listed in Annexure 2 are integral to understanding the cultural heritage significance of a registered place being original Council chamber furniture and are indicative of the processes and functions of municipal government.

The reasons why the Place is included in the VHR are to be revised by removing Criterion E - aesthetic significance. The Place does not have aesthetic characteristics 'beyond the ordinary' or outstanding as required by the State-level test. The ornate plasterwork and wall paintings to the hall's interiors are best understood as contributing

to the place being considered a notable example of the class of town halls rather than being 'extraordinary' or 'outstanding' in their own right.

The proposed categories of works or activities which may be carried out in relation to the Place for which a permit is not required (specific permit exemptions) would not harm the cultural heritage significance of the Place.



**Professor Philip Goad**  
Chair, Heritage Council of Victoria

## ANNEXURE 1 – PERMIT EXEMPTIONS

The categories of works or activities which may be carried out in relation to the Place for which a permit is not required ('permit exemptions') to be included, pursuant to section 49(3)(a) of the *Heritage Act 2017 (Vic)* as follows:

### 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

The 1993 Bendigo Town Hall Conservation Plan prepared by Trevor Westmore and Mike Butcher provides a useful starting point for management of the place and objects integral cultural heritage significance. It is however recommended that this Conservation Plan is updated.

Relating to the significant wall murals and plasterwork that forms the hall's interior decorative scheme, the following policy should guide works that will impact the wall paintings and plasterwork:

1. The most recent Conservation Policy of the National Gallery of Victoria should guide any works to the wall paintings. This policy is updated regularly by the National Gallery of Victoria.
2. Any works, conservation or maintenance of the paint and plaster of the wall paintings should be undertaken by a professional conservator(s) specialised in wall painting conservation. The conservator(s) should be a member of and bound by the Code of Ethics and Practice of the AICCM Inc. or an international materials conservation association.

### Permit Exemptions

#### General 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 do not harm its cultural heritage significance, to proceed without the need to obtain approvals under the Act.

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 Exemptions

The works and activities below are not considered to cause harm to the cultural heritage significance of the Bendigo Town Hall subject to the following guidelines and conditions:

#### Guidelines

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 *Heritage Act 2017* 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.

### Conditions

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.
1. 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.
2. 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*.
3. 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.
4. 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 Secretary (as defined in the *Aboriginal Heritage Act 2006*).

## **Exempt works and activities**

### *Internal*

1. Removal and/or like for like replacement of the carpet tiles in the main hall, provided that works do not harm the original floors underneath the existing carpet including any cumulative harm incurred by the exposure of the original floor surface.


### *Objects integral*

2. Temporary relocation or movement of the moveable Registered Objects Integral to the Registered Place within the town hall building.
3. Repair and conservation of Registered Objects Integral to the Registered Place, including like for like reupholstering of the councillors chairs, provided works are carried out by a suitably qualified conservator.





## ANNEXURE 2 – OBJECTS INTEGRAL TO THE PLACE


The Registered Objects Integral to a Registered Place pursuant to section 27A and 49(ca) of the *Heritage Act 2017* (Vic) are as follows:


Object number, name, & date:	1. Councillor's chairs, ten (10) total.
Current location:	Council Chambers
Image	 <p><i>2023. One of nine chairs.</i></p>
Item Description including maker and date(s)	High backed carved timber chairs with (recent) leather upholstery. Believed to have been made in Melbourne, the earliest around c.1860.
Description of the nature of relationship between object and place	Original council chamber furniture associated with the development of the Bendigo Town Hall.





Object number, name, & date:	2. Councillor's desks, eight (8) total.
Current location:	Council Chambers
Image	 <p data-bbox="624 1043 1094 1084"><i>2023. One of nine chairs.</i></p>
Item Description including maker and date(s)	Slanted timber writing desks with leather inlay to top. Furniture believed to have been made in Melbourne, c.1860.
Description of the nature of relationship between object and place	Original council chamber furniture associated with the development of the Bendigo Town Hall.

Object number, name, & date:	3. Upholstered bench, one (1).
Current location:	Council Chambers
Image	 <p data-bbox="644 1055 1184 1081"><i>2023. Timber bench with upholstered leather back.</i></p>
Item Description including maker and date(s)	Long bench with leather upholstered back rest. Furniture believed to have been made in Melbourne, c.1860. Has been reupholstered recently.
Description of the nature of relationship between object and place	Original council chamber furniture associated with the development of the Bendigo Town Hall.

Object number, name, & date:	4. Chairman's desk.
Current location:	Council Chambers
Image	 <p data-bbox="644 1055 975 1084"><i>2023. Chairman's writing desk.</i></p>
Item Description including maker and date(s)	Slanted writing desk with curved edges and leather inlay to top. Furniture believed to have been made in Melbourne, c.1860.
Description of the nature of relationship between object and place	Original council chamber furniture associated with the development of the Bendigo Town Hall.

Object number, name, & date:	5. Low back upholstered chair, one (1).
Current location:	Council Chambers
Image	 <p data-bbox="644 1055 970 1081"><i>2023. Single low backed chair.</i></p>
Item Description including maker and date(s)	Low backed carved timber chair with leather upholstery. Furniture believed to have been made in Melbourne, c.1860. Has been recently reupholstered.
Description of the nature of relationship between object and place	Original council chamber furniture associated with the development of the Bendigo Town Hall.

Object number, name, & date:	6. Long desk, one (1).
Current location:	Council Chambers
Image	 <p data-bbox="643 1055 831 1084"><i>2023. Long desk.</i></p>
Item Description including maker and date(s)	Long timber desk with leather inlay to top. Furniture believed to have been made in Melbourne, c.1860.
Description of the nature of relationship between object and place	Original council chamber furniture associated with the development of the Bendigo Town Hall.

Object number, name, & date:	7. Flat writing desk, one (1).
Current location:	Council Chambers
Image	 <p data-bbox="643 1055 895 1081"><i>2023. Flat writing desk.</i></p>
Item Description including maker and date(s)	Long timber desk with leather inlay to top. Furniture believed to have been made in Melbourne, c.1860. Same as 2. Councillor's desks except flat.
Description of the nature of relationship between object and place	Original council chamber furniture associated with the development of the Bendigo Town Hall.