

Heritage Council Determination

Determination date	3 April 2025
Place name	Former Supreme Court, Bendigo
Location	10–20 Gaol Road, Bendigo, Greater Bendigo City, Dja Dja Wurrung Country
VHR number	H1465
Category	Registered Place
Relevant legislative provision/s	Amendment to the Victorian Heritage Register, pursuant to section 62 of the <i>Heritage Act 2017</i>

Determination of the Heritage Council

The Heritage Council of Victoria determined on 3 April 2025, in accordance with Part 3 and Part 5 of the *Heritage Act 2017*, that the existing registration of the Former Supreme Court, Bendigo is to be amended in the Victorian Heritage Register ('VHR').

The Heritage Council determined to make the following amendments to the Victorian Heritage Register:

- including additional land in the VHR being all of the Place shown hatched on Diagram 1465 in accordance with section 49(1)(d)(i) and (ii) of the Act.
 - determining categories of works or activities which may be carried out in relation to the Place for which a permit under the *Heritage Act 2017* is not required (specific exemptions) that will not harm the cultural heritage significance of the Place in accordance with section 49(3)(a) of the *Heritage Act 2017*.
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The Place

Description

Taken verbatim from the Executive Director's Recommendation

The Former Supreme Court, Bendigo is located on the traditional land of the Dja Dja Wurrung People.

The Former Supreme Court, Bendigo is located adjacent to Rosalind Park (VHR H1866), Bendigo, surrounded by the following registered places: Bendigo Gaol (VHR H1550), Bendigo Senior Secondary College (VHR H2229), the old Police Barracks (VHR H0545), and Camp Hill Primary School (VHR H1642).

The place comprises a detached building (1857-58) of sandstone painted cream designed in a simple Italianate style. It has a portico entrance facing southeast to Park Road, and a double height courtroom at the centre now used as a classroom. Single storey wings on either side originally housed ancillary court functions. A later single storey brick building (1927) surrounds this building on three elevations. To the north are other, detached, later-addition school buildings. The court building is visible from Park Road.

Executive Director's Recommendation

The cultural heritage significance of the Former Supreme Court, Bendigo was recognised when it was included in the Register of Government Buildings in 1982. Its State-level cultural heritage significance was confirmed in 1998 when it was transferred into the VHR.

On 26 November 2024 the Executive Director made and accepted an application to amend the registration of the Place to ensure its registration is consistent with current practices under the *Heritage Act 2017* ('the Act').

The Executive Director recommended that the existing registration of the Place be amended by including additional land as part of the registered Place because in accordance with section 40(4)(c)(i) and (ii) of the Act:

- (i) 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; or
- (ii) 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 also proposed works or activities which are not considered to cause harm to the cultural heritage significance of the Place, and made other non-statutory amendments to the existing registration including:

- amending the Statement of Significance to reflect current practice
- adding Heritage Council Criteria for Inclusion to the Statement of Significance to reflect current practice.

On 13 January 2025 the Executive Director made a recommendation to the Heritage Council ('the Recommendation') that the existing registration of the Place should be amended in the VHR. The Recommendation was advertised publicly for a period of 60 days, beginning on 17 January 2025.

Section 44 submissions

During the 60-day public advertisement period, one submission from the City of Greater Bendigo was received pursuant to section 44 of the *Heritage Act 2017*. The submission did not request a hearing be conducted. The submission is summarised below:

- The City of Greater Bendigo did not object to the proposed amendment and supported the Executive Director's Recommendation.
- The City of Greater Bendigo recommended that Heritage Victoria update the respective heritage overlays (HO141) to ensure spatial alignment with the registration in the Victorian Heritage Register.

Executive Director's response to submissions

The Executive Director was provided with a copy of the submission and noted that there was no objection. The Executive Director noted that all inclusions in the VHR, and, after the Heritage Council's determination, all amendments to the VHR are mapped in planning schemes to ensure spatial alignment with the registration and Heritage Overlay's as mentioned by the City of Greater Bendigo in its submission.

Reasons for the amendment application

Additional land

The Executive Director recommended that the existing registration of the Place be amended by including additional land as part of the registered Place because in accordance with section 40(4)(c)(i) and (ii) of the Act:

- (iii) 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; or
- (iv) 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.

Assessment and summary under section 40(4)(c)(i)

- The land proposed for inclusion is and has been used in conjunction with the Place. The land proposed for inclusion allows for an understanding of the relationship between the Former Supreme Court and other buildings of the Government Camp to be understood, including the Bendigo Prison Complex. It also allows the relationship between the Former Supreme Court, Bendigo and the Bendigo Senior Secondary campus to be understood.
- The grounds of the place are relatively confined. Any development of the land or extensions to the school would occur at some point in close proximity to the modest sandstone building.
- If a large, new building was to be constructed near the Former Supreme Court building, it would have the potential to diminish the setting and context of the Former Supreme Court. The building is small in scale and modest in its design, so there is the potential for the Former Supreme Court to be overshadowed by development, therefore reducing its State-level architectural values.
- Including additional land will ensure that all works are managed through an approvals process consistent across the entirety of this place and would provide certainty for all parties.

Assessment and summary under section 40(4)(c)(ii)

- The current extent is limited to the footprint of the Former Supreme Court building and is insufficient to protect, conserve and allow for a proper understanding of the place.
- Without an approval process, the Former Supreme Court could potentially be overshadowed or otherwise impacted by new buildings which, depending upon their siting, height, form, scale and materials, could affect the setting or context of the Former Supreme Court and its history.
- Inclusion of an area of land around the Former Supreme Court will enable works immediately adjacent to the building (for example, paving, landscaping or drainage works) to be managed under an approval process.
- Inclusion of an area of land around the Former Supreme Court will also enable works that are necessary for the ongoing operational requirements of the school but have the potential to impact the conservation of the building to be managed under an approval process.
- Inclusion of an area around the building provides a setting for the Former Supreme Court.

Heritage Council's findings

The Heritage Council's statutory remit is confined by the *Heritage Act 2017*. When a place or object is included in the VHR, the description, history, statement of significance and permit policy do not form statutory components of the Heritage Register. Nonetheless, the Heritage Council records its view that minor amendments to the Statement of Significance could provide greater clarity in the record for the Place. The Heritage Council notes that the Executive Director may make the non-statutory amendments to the Statement of Significance as suggested by the Heritage Council.

The Heritage Council's decision in relation to the Place is confined to the extent of registration and permit exemptions.

The Heritage Council's findings in relation to the Place accord with the Executive Director's Recommendation. The Heritage Council determined that including additional land would assist in the protection, conservation, and understanding of the Place and that if the land were developed the State-level cultural heritage significance of the Place may be impacted. The Heritage Council also determined that the permit exemptions recommended by the Executive Director would not harm the cultural heritage significance of the Place.

Extent of Registration (Attachment 1)

The Extent of Registration is provided as **Attachment 1** and includes all of the Place shown hatched on diagram 1465.

Everything included in the extent of registration including all of the place, the land, all soft and hard landscape features, plantings, and all buildings are included in the VHR. A permit or permit exemption from Heritage Victoria is required for any works within the extent of registration, apart from those identified in the categories of works or activities in this determination.

Permit exemptions (Attachment 2)

The Heritage Council determined specific permit exemptions for works or activities which would not harm the cultural heritage significance of the Place.

The permit exemptions are provided as **Attachment 2**.

Conclusion

The Heritage Council has determined, pursuant to Part 3 and Part 5 of the *Heritage Act 2017*, that the existing registration of the Former Supreme Court, Bendigo is to be amended in the Victorian Heritage Register.

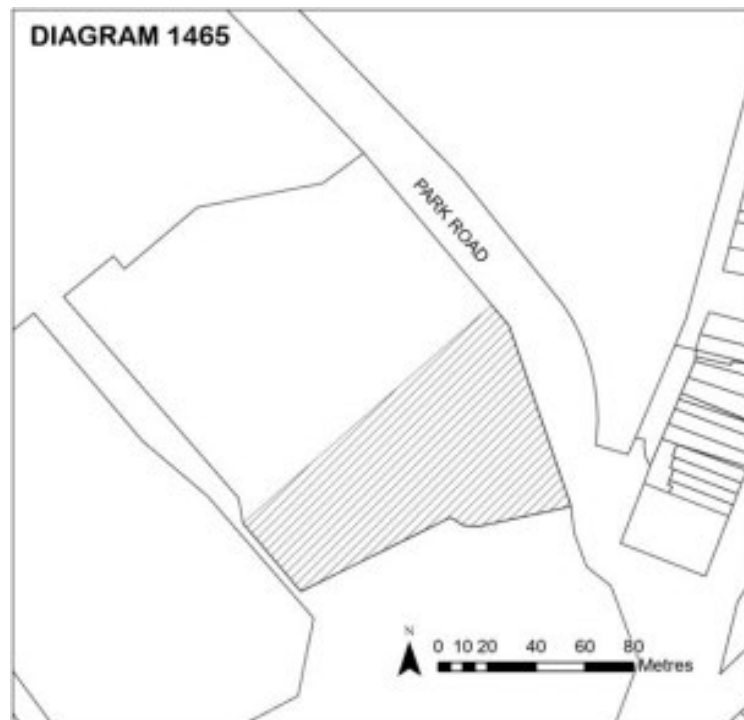


Professor Philip Goad
Chair, Heritage Council of Victoria

Attachment 1

Extent of Registration

All of the place shown hatched on Diagram 1465 encompassing part of Crown Allotment 17 Section 89C at Bendigo, Parish of Sandhurst excluding the land to the north occupied by the Former Bendigo Gaol (H1550).



Attachment 2

Categories of works or activities which may be undertaken without a permit (permit exemptions)

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 place in a manner which respects its cultural heritage significance.

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 *Heritage Act 2017*.

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 exemptions

The works and activities below are not considered to cause harm to the cultural heritage significance of the Former Supreme Court, Bendigo 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 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.

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.
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 Secretary (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

1. All internal works to and demolition of post-World War II detached buildings within the extent of registration which date from the Bendigo High School era.