

Heritage Council Determination

Determination date	3 April 2025
Place name	Kings Bridge, Bendigo Creek
Location	Weeroona Avenue, Bendigo and North Bendigo, Greater Bendigo City, Dja Dja Wurrung Country
VHR number	H1935
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 Kings Bridge, Bendigo Creek 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 1935 in accordance with section 49(1)(d)(ii) of the *Heritage Act 2017*
 - 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

Extracted from the Executive Director's Recommendation, for information only.

The Kings Bridge is located on the traditional land of the Dja Dja Wurrung People.

Kings Bridge is a road bridge over the Bendigo Creek that links the eastern and western sides of Weeroona Avenue. The bridge has four-lanes and a pedestrian footpath on its northern side. The northern side has the original lattice balustrade to this footpath, between two square masonry end posts. The bridge has an unusually high skew, meaning that it crosses the Bendigo Creek at an acute angle rather than perpendicular to the banks of the creek.

The bridge is a two-span concrete arch bridge, measuring 13.2 metres along the skew. Each of the arches has a 2.6 metre rise and the width of the roadway between parapets is 7.3 metres. The spandrels are of rendered brickwork. To the south, the bridge was extended by two lanes in 2004, when a new bridge was constructed next to the original bridge. The 2004 extension to the bridge is virtually indistinguishable when standing on the bridge. Beneath the bridge, there is a channel between the old structure and the new structure. During the construction of the 2004 extension to the bridge, the original wrought iron balustrade was relocated to the north edge of the bridge, and modern guardrails (2004) introduced on the southern edge.

Underneath the bridge is the Bendigo Creek and a bike trail. The setting of Bendigo Creek is residential in character. To the south of the bridge is Lake Weeroona.

Executive Director's Recommendation

The State-level cultural heritage significance of the Kings Bridge, Bendigo Creek was recognised in 2001 by its inclusion in 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)(ii) of the *Heritage Act 2017*:

- (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, two submissions were received pursuant to section 44 of the Act. Neither requested a hearing be conducted. The submissions are summarised below:

- The City of Greater Bendigo did not object to the proposed amendment. The City of Greater Bendigo noted in its submission that inclusion of the additional land will support the protection of the heritage structure, noting that the bridge is under the control and management of the Department of Transport and Planning.

- The City of Greater Bendigo noted that its position in relation to the amendment was reached on the understanding that it will be able to continue to inspect, maintain and renew its unrelated public infrastructure co-located on the subject land, under either the general exemptions or application for an exemption, namely its shared path and the lined section of the Bendigo Creek including flow separator structure.
- The City of Greater Bendigo recommended that Heritage Victoria update the respective heritage overlays (HO580) to ensure spatial alignment with the registration in the Victorian Heritage Register.
- The Head, Transport for Victoria ('TfV') made submissions relating to the extent of registration and permit exemptions. The Head, TfV did not object to the recommended amended extent of registration and requested additional specific permit exemptions to allow for the continued, and ongoing maintenance and operation of Kings Bridge.
- The Head, TfV submitted that the proposed additional permit exemptions had been drafted in consultation with Heritage Victoria and Heritage Advisors within the Department of Transport and Planning's Heritage Practice team.
- The Head, TfV submitted that the proposed Specific Exemptions had been tailored to Kings Bridge to clearly outline the types of maintenance and operation that can occur without the need for a permit and ensure that this can be interpreted efficiently and without ambiguity by bridge maintenance crews.

Executive Director's response to submissions

The Executive Director was provided with a copy of the submissions and responded to those submissions. In relation to the submission made by the City of Greater Bendigo 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.

The Executive Director was of the view that the specific permit exemptions proposed by the Head, TfV, would not harm the cultural heritage significance of the Place.

Reasons for the amendment application

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)(ii) of the Act:

- (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.

Additional land

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

- The current extent is limited to the bridge fabric itself, and associated walls and abutments. Therefore, it is insufficient to protect, conserve and allow for a proper understanding of the place.
- 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 bridge and Bendigo Creek.
- The proposed extent includes an area around the bridge, and the land beneath including the Bendigo Creek and the bike trail. This provides an appropriate setting for the bridge which allows for an understanding of the Place.
- Including an area of land around the bridge will enable works immediately adjacent to and underneath the bridge (for example, further revitalisation of the bike trail that runs underneath the bridge or works to manage erosion around the northern abutments) to be managed under an approval process.

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 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. The Heritage Council also determined that the permit exemptions recommended by the Executive Director and the additional permit exemptions proposed by the Head, TfV would not harm the cultural heritage significance of the Place. The Heritage Council also determined to amend the wording of one specific permit exemption to ensure clarity for bridge maintenance crews with respect to trees and vegetation.

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 Kings Bridge, Bendigo Creek is to be amended in the Victorian Heritage Register.

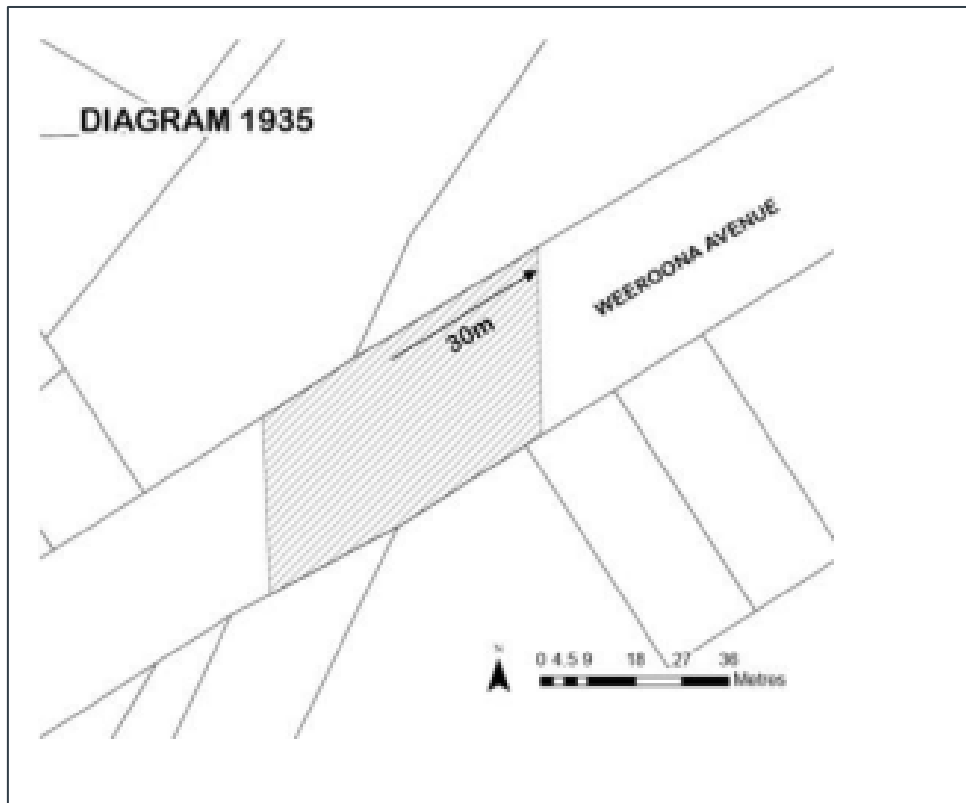


Professor Philip Goad
Chair, Heritage Council of Victoria

Attachment 1

Extent of Registration

All of the place shown hatched on Diagram 1935 encompassing part of the road reserve for Weeroona Avenue to the extent of 30m from the midpoint of Kings Bridge outwards and the width of the road reserve.



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 Kings Bridge, Bendigo Creek 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

Kings Bridge Structure

1. Repair and maintenance of brick and other masonry and concrete components including, cleaning, grouting, repointing, and repairs of concrete spalling and cracking.

On the original northern half of the bridge (i.e. pre 2004 section of the bridge):

- a) grouting and repointing must avoid the use of cement.
- b) cleaning must not involve abrasive sandblasting but may use low pressure washing with water to a maximum of 300 psi on the surface being cleaned.

- c) cleaning of exposed steel reinforcement to remove rust prior to concrete repairs may utilise sand blasting at low pressure for this specific purpose, provided it does not exceed a maximum of 130 psi.
2. Repair and maintenance of steel and iron components and associated fixings on a like for like basis.
3. Repair, maintenance and replacement of timber components, e.g. the handrail, and associated fixings on a like for like basis.
4. Repair, maintenance and upgrade of drainage, signage and lighting.
5. Repair and maintenance of road pavement, road shoulders, line marking, pedestrian footpath and kerbing.
6. Installation, maintenance, removal and upgrade of safety barrier.

East and west approaches to the Bridge

7. Routine maintenance and other minor upgrades within the existing road formation and including pedestrian footpath and kerb that constitute the east and west approaches to the bridge, but excluding the bridge structure itself. This includes:
 - a) Repair, maintenance and upgrade of drainage, signage, lighting and street furniture e.g. bollards, guideposts.
 - b) Repair and maintenance of road pavement, road shoulders, line marking, pedestrian footpath and kerbing.
 - c) Installation, maintenance, removal and upgrade of safety barriers.

Bendigo Creek Channel and area surrounding Bridge

8. Pruning, lopping or removal of trees and vegetation where permitted in accordance with other laws.
9. Mowing and weed control.
10. Repair, maintenance and resurfacing of the bike trail.
11. Repair, maintenance and renewal of existing infrastructure underneath the bridge.

Emergency works

12. Emergency works required to immediately secure the site and prevent any further damage to property or injury to the public. This specific exemption does not apply to nonemergency rehabilitation and reconstruction following an incident or event.