

Heritage Council Determination

Determination date	4 June 2026
Place/Object name	Castlemaine Market
Location	44 Mostyn Street, Castlemaine, Mount Alexander Shire, Dja Dja Wurrung Country
VHR number	H0130
Category	Registered Place
Relevant legislative provision/s	Amendment to the 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 **4 June 2026**, in accordance with Part 3 and Part 5 of the *Heritage Act 2017* ('the Act'), that the above place is to be amended in the Heritage Register.

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

- including additional land in the Heritage Register being all of the place shown hatched on Diagram 130 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 is not required (specific permit exemptions) in accordance with section 49(3)(a) of the Act.
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Executive Director's Recommendation ('the Recommendation')

The State-level cultural heritage significance of Castlemaine Market, located at 44 Mostyn Street, Castlemaine, Mount Alexander Shire, Dja Dja Wurrung Country ('the Place') was recognised in 1974 by its inclusion in the (former) Register of Historic Buildings.

On **2 March 2026** the Executive Director made and accepted an application to amend the registration for the Place in the Heritage Register to ensure it is consistent with current practices under the Act.

On **16 March 2026** the Executive Director made the Recommendation to the Heritage Council ('the Recommendation') that the existing registration for the Place should be amended in the Heritage Register.

The Recommendation was advertised publicly for a period of 60 days, beginning on **20 March 2026**.

Section 44 submissions

During the 60-day public advertisement period, **one (1)** submission was received pursuant to section 44 of the Act. No request for a hearing was received. The submission is summarised below:

- **Mount Alexander Shire Council** made a submission generally in support of the Executive Director's Recommendation, however requested a specific permit exemption to be added to enable ongoing flexible community use of the area.

Executive Director's response to submissions

The Executive Director supported the submission of Mount Alexander Shire Council and suggested the following wording for an additional specific permit exemption to enable ongoing flexible community use of the area:

Change to the surface of the areas either side of the Market Building where new surface material is of a permeable material treatment (ie. grass, gravel, dirt), there is no increase of surface height, and no impact on drainage to and from the building.

The Place

History Extract

[Extracted verbatim from page 3 of the Executive Director's Recommendation]

Dja Dja Wurrung

The Dja Dja Wurrung have an unbroken connection to the land and waters around Castlemaine from time immemorial. Dja Dja Wurrung Country extends from Mount Franklin and Creswick in the south to Boort in the north, and from the Campaspe River in the east to St Arnaud in the west.

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

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

Market Square

In 1851, the discovery of gold at Mount Alexander Station drew people to the Victorian Goldfields. By October 1852, the population of Castlemaine had reached a population of 35,000, making it the most populous gold mining region in Australia. This population increase and the accumulation of colonial wealth led to the construction of impressive buildings such as Castlemaine Market. Simultaneously, this period was 'a catastrophe'

for Dja Dja Wurrung people as tens of thousands of miners flooded into the region, desecrating land and rivers and further excluding Aboriginal people from their Country.

The square and a well

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

Market buildings

The first permanent market buildings were two brick buildings, built between June and October in 1858 to a design by Edmund S.V. Spencer, the town surveyor. These were located on the east-west axis at the centre of the square on either side of the central well and housed a vegetable and produce market. By 1860 it was proposed to extend the market accommodation, using the revenue from the existing markets to cover the cost of a new building. Work began on the new, northern market building in October 1861 to plans prepared by the town surveyor, a role occupied by William Beynon Downe. The building was constructed of brick, raised on a rusticated base of freestone. The sides were of brick with a struck mortar joint profile, except for the cornices and parapets which use cement. The front of the building consisted of a portico with a pediment supported by four Tuscan columns and crowned with a figure of Ceres, the Roman goddess of the harvest. The wings on either side of the portico featured two turrets surmounted by cupolas, and on the side of each wing was a series of arches with doors to the centre, which provided entrances to the market stalls for the loading and unloading of goods. The clerestory roof was supported by ten laminated timber, semi-circular trusses running the length of the building. Around 1878 a cast iron drinking fountain was installed on the street in front of the market. By 1900, the market was lit with gas lights (which are still extant), and the gaslight in the portico was installed prior to 1920.

Reasons for the amendment application

Additional land

The Executive Director recommended that the Heritage Council amend the registration of the Place having formed the view that:

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

The Executive Director noted that:

- The current extent is limited to the fabric of the building, and is insufficient to protect, conserve and allow for a proper understanding of the Place.
- The current extent:
 - includes only the former northern Market Building
 - excludes the landscaping to the east and west of the building, which allows for an understanding of how the market building was used and accessed by traders
 - excludes the well to the south, which predates the construction of permanent market buildings but relates to the early use of the site as a temporary market square
 - excludes the drinking fountain on Mostyn Street

- does not allow for an understanding of how the northern market building relates to the historic market square, and the historical evolution of this space.
- The land proposed for inclusion both is currently and has been used in conjunction with Place for over 150 years.

The Executive Director expressed the view that:

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

Heritage Council's findings

The Heritage Council's statutory remit is confined by the Act. When a place or object is included in the Heritage Register, the description, history, Statement of Significance and permit policy do not form components of the Heritage Register.

The Heritage Council notes that the Executive Director may make non-statutory amendments as set out in the Recommendation. 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 accord with the Executive Director's Recommendation.

Additional Land

The extent of registration is provided as **Attachment 1** and includes all of the Place shown hatched on Diagram 130 encompassing all of Crown Allotment 3A and 3C, Section 20, Township of Castlemaine, part of Crown Allotment 5A Section 20 Township of Castlemaine Parish of Castlemaine, extending 5 metres from the southern title boundary and part of the road reserve of Mostyn Street extending to the kerb.

Permit exemptions

The Heritage Council determined specific permit exemptions that would not harm the cultural heritage significance of the Place. The permit exemptions are provided as **Attachment 2** to this determination.

Conclusion

The Heritage Council determined, pursuant to Part 3 and Part 5 of the *Heritage Act 2017*, that the existing registration of the Castlemaine Market (H0130) is to be amended in the Heritage Register.

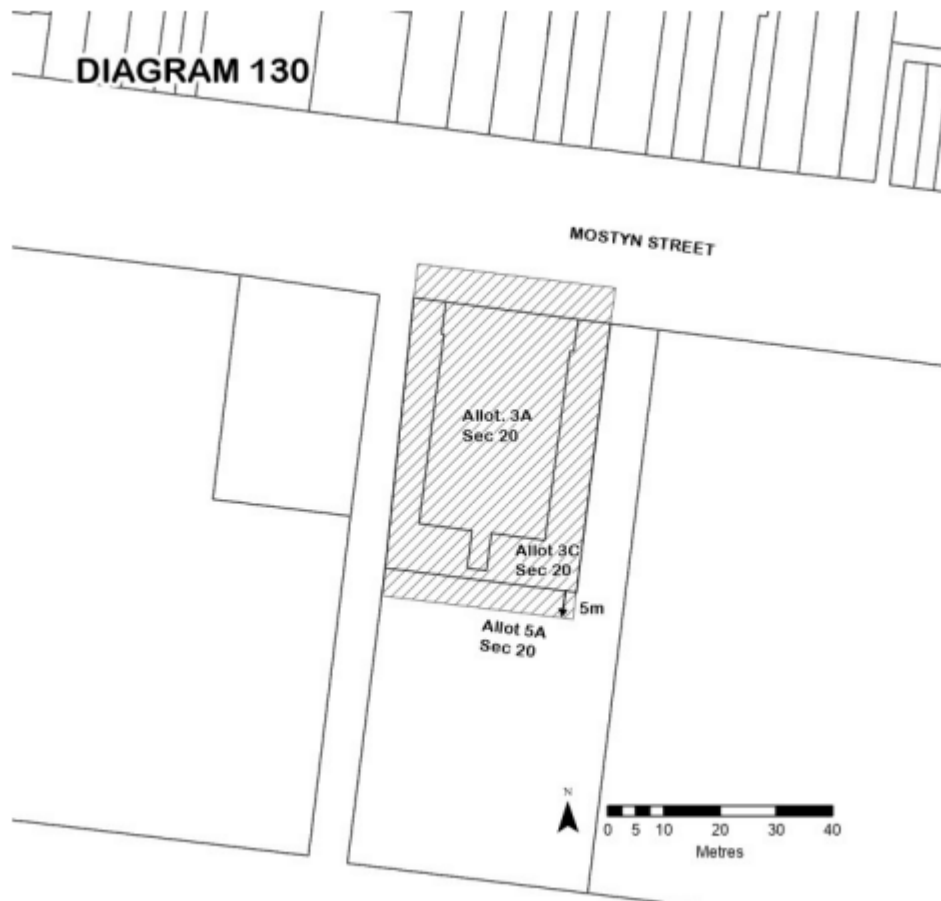


Professor Philip Goad
Chair, Heritage Council of Victoria

Attachment 1

Extent of Registration

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



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

Permit exemptions

General permit exemptions

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

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

Subdivision/consolidation: Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the Planning and Environment Act 1987 and the application for the planning permit was referred to the Executive Director as a determining referral authority, a permit is not required. Specific exemptions may also apply to your registered place or object. If applicable, these are listed below.

Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

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

Specific exemptions

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

Guidelines for specific permit exemptions

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.
5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic

fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor

7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the Act must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

General conditions for specific permit exemptions

1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the *Aboriginal Heritage Act 2006*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.

4. If during the carrying out of works or activities in accordance with specific exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
5. If during the carrying out of works or activities in accordance with specific exemptions any suspected human remains are found the works or activities must cease. The remains must be left in

place and protected from harm or damage. Victoria Police and the State Coroner's Office must be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the *Aboriginal Heritage Act 2006*, all details about the location and nature of the human remains must be provided to the Aboriginal Heritage Council (as defined in the *Aboriginal Heritage Act 2006*)

Exempt works and activities

1. All works to the surface of the carpark to retain this function that do not impact or disturb the well
2. Maintenance, repair, upgrade and replacement of the footpath to the front of the building according with Council's requirements, provided there is no alteration to alignment, width, grade or material.
3. Repair, replacement, removal and renewal of existing signage and street furniture (excluding the drinking fountain) in the same location.
4. Change to the surface of the areas either side of the Market Building where new surface material is of a permeable material treatment (ie. grass, gravel, dirt), there is no increase of surface height, and no impact on drainage to and from the building.