

Heritage Council Regulatory Committee

School No. 2864 (Budgeree Primary School)

36 Roys Road, Budgeree, Latrobe City Council

Hearing – 10 October 2022

Members – Professor Andrew May (Chair), Mr Rueben Berg, Ms Maggi Solly.

DETERMINATION OF THE HERITAGE COUNCIL

Not to include the place in the Victorian Heritage Register – After considering the Executive Director’s recommendation, all submissions received, and conducting a hearing into the matter, the Heritage Council has determined, pursuant to section 49(1)(b) of the *Heritage Act 2017*, that School No. 2864 (Budgeree Primary School) located at 36 Roys Road, Budgeree, is not of State-level cultural heritage significance and is not to be included in the Heritage Register.

Andrew May (Chair)
Rueben Berg
Maggi Solly

Decision Date – 21 December 2022

ACKNOWLEDGEMENT

As a peak heritage body, we acknowledge the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

HEARING PARTICIPANTS

EXECUTIVE DIRECTOR, HERITAGE VICTORIA ('THE EXECUTIVE DIRECTOR')

Submissions were received from the Executive Director, Heritage Victoria ('the Executive Director'). Ms Clare Chandler, Principal Heritage Assessments, and Ms Carissa Goudey, Heritage Officer (Assessments), appeared on behalf of the Executive Director. Mr Geoffrey Austin, Manager – Heritage Register, was also present.

MRS LEANNE POTTER

Submissions objecting to the Executive Director's recommendation were received from Mrs Leanne Potter on behalf of the Budgeree Hall Reserve Committee Inc. Mrs Potter appeared and made verbal submissions at the hearing.

INTRODUCTION/BACKGROUND

THE PLACE

01. On 16 March 2022, the Executive Director made a recommendation ('the Recommendation') to the Heritage Council pursuant to Part 3, Division 3 of the *Heritage Act 2017* ('the Act') that School No. 2864 (Budgeree Primary School), located at 36 Roys Road, Budgeree ('the Place'), should not be included in the Victorian Heritage Register ('the Register').

02. The Place is described on page 4 of the Recommendation as follows:

"Budgeree School is located in the Latrobe Valley, approximately 40km south-west of Traralgon. The school building is situated atop a small hill and set back from Roys Road, which comprises the northern boundary of the place. The western boundary of the place is marked by a fence line which separates the school grounds from the neighbouring private residence. To the east, immediately adjacent to the school, is the Budgeree Hall. The undulating landscape and surrounding bushland of Budgeree provide a picturesque setting for this remote school building.

The school building is a single room schoolhouse of timber construction with a gabled corrugated iron roof, skillion porch entrance and brick chimney. A small gravel yard lies to the east of the school building. The building is flanked by two water tanks; the smaller, on the building's western elevation, dates to at least the 1920s. Internally, it has retained early timber beaded lining boards throughout, as well as its early wall vents and decorative ceiling vent covers. Double-hung windows are located on the building's southern elevation, with a smaller window on the northern elevation. The porch entrance features a single wash basin and two rows of coat hooks.

The porch entrance and northern portion of the classroom are floored with cement sheeting, while early floorboards are retained under c.1960s carpeting in the southern portion of the classroom. The classroom comprises an open space of 23 x 23 feet (49 sq m) featuring a timber teachers' platform to its western wall, surmounted by a brick fireplace, shelving units and blackboards. The platform, fireplace, and blackboards are early features. Other fixtures within the classroom – overhead fluorescent lights, gas heater and pinboard – date from the c.1980s.

The school grounds comprise a largely cleared area, with several plantings and ancillary structures across the site. A shelter shed, constructed c.1912, is located approximately five metres to the south of the school building. Other outdoor features include c.1950s-60s play equipment and a timber frame shelter situated to the south-east of the school building, a c.1980s play structure to the north, and various picnic benches."

03. The following historical summary is taken from pages 7 and 8 of the Recommendation:

"History of the school building

The former Yinnar State School No. 2419

According to local histories and newspapers, the building currently known as the Budgeree School was formerly the original Yinnar State School No. 2419. In 1879 the residents of Yinnar requested that the Education Department establish a local school. Two years later, Yinnar State School commenced from a portable timber school building with 'two private rooms attached to the school

as a teacher's residence'. School desks and other supplies were provided by various community members.

During its time in Yinnar, the portable timber building fulfilled a range of functions: school, polling booth, temporary church and wedding venue. By 1889 the school population at Yinnar reached 53 students, well beyond the capacity of the portable timber building. In 1900, the attached teachers' quarters were converted into additional classrooms. A detached teachers' residence was eventually built in 1906.

Budgerie Primary School (State School No. 2864)

Budgerie and its surrounding district are on the traditional lands of the Gunaikurnai people. European settlement commenced from 1879, when selector Captain Herbert WG Payne took up land in the area. Much of the land comprising present-day Budgerie was subsequently adapted for farming activities such as dairying, fruit orchards and berry farms. A section of Payne's land was provided for the construction of a school in the 1880s.

Budgerie School opened on 1 November 1887 in an earlier, single room schoolhouse in the vicinity of the current school building following efforts by the local community. The schoolhouse initially measured 14 x 10 feet and was expanded in 1899 to accommodate up to 25 students. Early photographs of this school building in-situ depict a partially cleared site with a makeshift swing, and noticeably denser surrounding bushland. Upon its opening, the school had eleven students enrolled. Its inaugural teacher, Mr. Albert Affleck, was employed to teach at Budgerie School for three days per week and at the nearby Budgerie East School for the remaining two days of the week.

By 1907, the student population of Budgerie School had grown to over thirty and the original school building was no longer suitable. The Education Department signalled the possibility of replacing Budgerie's schoolhouse with one presently sitting unused at State School No. 2419 in nearby Yinnar. The following year, the Morwell Advertiser illustrated the worsening condition of Budgerie's school building, noting leaks from the roof and a smoking chimney. In November 1908, tenders were advertised for the relocation of the former school building at Yinnar to Budgerie, forming State School No. 2864. By May 1909, Budgerie's original schoolhouse had been relocated to a private property close by and the present school building was erected, having been brought from Yinnar by bullock team.

Improvements to the school building commenced shortly after its opening and continued throughout the twentieth century. In 1912, the Morwell Advertiser reported on a successful fundraising concert, the proceeds of which were put towards the construction of a shelter shed for the Budgerie School. Local history resources indicate that other improvements from c.1912 included the raising of the ceiling, the installation of ventilators and 'better lighting'. Tenders for such works were advertised in 1914, and Public Works Department drawings created that year illustrate the proposed changes – a heightened roof, the construction of a new and larger porch to the northern elevation, and the re-orientation of windows from the eastern elevation to the southern elevation. A new freestanding teachers' residence was also constructed that year, approximately 64 metres north-west of the school building on Roys Road. Remodelling of the school was announced in January 1915, which may have referred to the proposed improvements of 1914.

Further improvements were carried out during the 1930s and included general painting of the school building, the provision of a sink and new water tank, and repairs to the brick chimney. From the mid-twentieth century, other developments at the school included the planting of two tree ferns on the school building's northern elevation (1940); the planting of windbreak pines (1957, removed c.1980s); the installation of play equipment in the southeast of the school grounds (c.1950s-60s); the supply of electricity (1965); repainting of the school building's exterior (1970s); restumping of the school building (1970s), the temporary installation of a portable classroom (1975, later removed), the replacement of an early toilet block and the installation of a gas heater (1982)."

04. The above description and historical summary have been taken verbatim from the Recommendation and are provided for information purposes only.

RECOMMENDATION OF THE EXECUTIVE DIRECTOR

05. On 15 March 2022, the Executive Director recommended to the Heritage Council that the Place not be included in the Register pursuant to section 37(1)(b) of the Act.

PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR

06. After the Recommendation, notice was published on Friday 18 March 2022 in accordance with section 41 of the Act for a period of 60 days.
07. During the public advertisement of the Recommendation, three (3) submissions were received pursuant to section 44 of the Act: from Mrs Leanne Potter on behalf of the Budgeree Hall Reserve Committee Inc.; Latrobe City Council; and Mr Russell Northe, Member for Morwell. The submission received from Mrs Leanne Potter objected to the Recommendation and requested that a hearing be held. Mr Russell Northe also objected to the Executive Director's Recommendation but did not participate in the hearing. The submission from the Latrobe City Council neither objected nor supported the Recommendation but requested further assessment and investigation be undertaken.
08. Pursuant to section 46 of the Act, a hearing was scheduled and a Heritage Council Regulatory Committee ('the Committee') was duly constituted to consider the Recommendation and submissions received in response. The Committee notified parties that a hearing was to be conducted and invited written hearing submissions and submissions in reply. Mrs Potter requested an adjournment of the original scheduled hearing date and a hearing was subsequently scheduled for 10 October 2022 ('the hearing').
09. Prior to the hearing, the Committee also requested additional material from the Executive Director that had been referenced in the Recommendation. Once received, that material was circulated to all parties. It comprised a report by Richard Peterson titled *Historic Government Schools – a comparative study* (June 1993) and extracts from a book by Lawrence Burchell titled *Victorian Schools – a study in Colonial Government Architecture* (1980).
10. Mrs Potter did not make any additional written submissions but made verbal submissions to the Committee during the hearing that were mostly reflective of her submissions in response to the Recommendation. The Executive Director lodged written submissions and made a verbal submission at the hearing, also submitting a presentation and photographs of the Place to the Committee prior to the hearing to assist with verbal submissions.

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

SITE INSPECTION

11. On 14 September 2022, the Committee undertook a site inspection of the Place, accompanied by the Heritage Council Executive Officer. Access to the site was facilitated by a representative of Latrobe City Council. No submissions were sought, made or received at the time of the site inspection.

CONFLICTS OF INTEREST

12. The Chair invited Committee members to consider whether written declarations or otherwise were required to be made in relation to any matters that may potentially give rise to an actual or apprehended conflict of interest. All members were satisfied that there were no relevant conflicts of interests and made no such declarations.

FUTURE USE, MAINTENANCE AND DEVELOPMENT OF THE PLACE

13. It is not the role of the Committee to consider future proposals or to pre-empt any decisions regarding future permits under the Act. Pursuant to section 49(1) of the Act, the role of the Committee is to determine whether or not the Place, or part of it, is of State-level cultural heritage significance and is, or is not, to be included in the Register.

ISSUES

14. The following section is not intended to be a complete record of submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position that the Committee takes on each key issue.
15. Any reference to the Criteria or to a particular Criterion refers to the *Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance* (updated by the Heritage Council on 4 April 2019) ['Criteria for Assessment']. Please refer to **Attachment 1**.

SUMMARY OF ISSUES

16. The Executive Director recommended that the Place not be included in the Register. The Executive Director's assessment found that the Place did not satisfy any of the criteria for State-level cultural heritage significance.
17. Issues raised in submissions and during the hearing included whether the Recommendation adequately considered the setting of the site, comprising the Budgeree Mechanics Institute (now known as Budgeree Hall and referred as such herein), teachers' residence, the shelter shed, the mid-twentieth century playground and mature plantings (the oak tree and two tree ferns); and additional considerations in relation to criteria A, B, C, D, G and H. These issues are discussed in further detail below.
18. Additionally, in his objection, Mr Northe submitted that the Place 'may be of potential local significance'.¹ It is noted by the Committee, however, that it is not the role of the Executive Director or the Heritage Council to advise or determine local level significance.

¹ R. Northe, *Heritage Council Form A – Submission to the Heritage Council*, 16 May 2022 p.1

CRITERION A – IMPORTANCE TO THE COURSE, OR PATTERN OF VICTORIA’S CULTURAL HISTORY

Summary of submissions and evidence

19. In assessing the Place in relation to Criterion A, the Executive Director found that the Place has a clear association with the historically important phase of construction of single-room State schools during the late nineteenth and early twentieth centuries in Victoria, and that this association is evident in the exterior physical fabric of the Place and the internal features it has retained (the raised teachers’ platform, blackboards and open fireplace). However, the Executive Director found that over 100 single-room schools of timber construction survive which evidence this important phase of construction, and due to remodeling of the Place in 1914–1915, the early decades of the phase of construction cannot be well understood. The Executive Director therefore found that the Place does not allow the phase to be better understood than other places in Victoria with substantially the same association.
20. In objecting to the Recommendation, Mrs Potter submitted that the Recommendation did not establish whether other similar schools retained the internal features that the Place possesses. Mrs Potter also submitted that the Place was unique as it showed evidence of having been constructed before single-room State schools became widespread between c.1873 and c.1890.
21. In a verbal submission at the hearing, the Executive Director reviewed plans included in the Recommendation and submitted that, contrary to the Recommendation and written hearing submissions, there was evidence to suggest the internal features were likely constructed during the 1914–1915 renovations of the Place. The Executive Director also submitted that, following review of available primary and secondary resources, no documentary evidence to indicate the Place pre-dates 1873 was found.

Discussion and conclusion

22. The Committee agrees with the Executive Director’s analysis that the internal features of the Place were likely constructed during the 1914–1915 renovations and is satisfied based on the evidence before it that those features were not part of the original construction of the Place.
23. The Committee finds that although the internal features of the Place – including the raised teachers’ platform, blackboard and open fireplace – are elements of interest, they do not allow the phase of construction of single-room State school to be better understood than other places in Victoria with substantially the same association, and as such Criterion A is not satisfied at the State-level.

CRITERION B – POSSESSION OF UNCOMMON, RARE OR ENDANGERED ASPECTS OF VICTORIA’S CULTURAL HISTORY

Summary of submissions and evidence

24. In assessing the Place in relation to Criterion B, the Executive Director found that the Place has a clear association with the phase of construction of single-room State schools in Victoria during the late nineteenth and early twentieth centuries, but is one of a great many places that demonstrate this phase. The Executive Director found that, between c.1873 and c.1900, over 800 single-room State schools similar to the Place were built and found over 100 surviving examples, many of which are protected through Heritage Overlays. Consequently, in the

view of the Executive Director, the class of single-room State schools cannot be considered endangered.

25. In objecting to the Recommendation, Mrs Potter submitted that the remote location of the Place makes it unique and that, because of this, Criterion B is satisfied at the State-level. Mrs Potter further submitted that both the proximity of the Place to the Budgeree Hall and its importance to and continued use by the local community add to its uniqueness.
26. In response to Mrs Potter's objection, the Executive Director submitted that it is common for public buildings to be located together in townships across Victoria. The Executive Director provided the examples of Yandoit, where the primary school and former mechanics institute (Hepburn Shire HO757) are co-located in a relatively isolated area; Kyneton, where the Mechanics Institute and Library (VHR H1904) are located adjacent to the Former Kyneton State School No 343 (Macedon Ranges Shire HO8); and Tyers, where the Tyers Mechanics Institute and Hall (Latrobe City HO136) are located adjacent to the c.1914 Tyers State School.
27. The Executive Director submitted that enduring and close connections between a school and its local community are not unusual or uncommon in towns and settlements across Victoria.

Discussion and conclusion

28. The Committee accepts the analysis of the Executive Director and is satisfied based on the information before it that Criterion B is not satisfied at the State-level.

CRITERION C – POTENTIAL TO YIELD INFORMATION THAT WILL CONTRIBUTE TO AN UNDERSTANDING OF VICTORIA'S CULTURAL HISTORY

Summary of submissions and evidence

29. The Executive Director's assessment of the Place in relation to Criterion C found that, because the form, function, uses and history of the Place are all very well documented and clearly evident in its fabric, the Place is not likely to yield any information that would contribute to an understanding of Victoria's cultural history. The Executive Director concluded that Criterion C is not likely to be satisfied, submitting that Criterion C is typically used to assess hidden physical fabric, often relating to archaeological values.
30. In objecting to the Recommendation, Mrs Potter submitted that the Place could yield information in relation to the past and current operation of rural and remote communities, demonstrated through the proximity of the Place to the Budgeree Hall and shelter shed. Mrs Potter also submitted that the extensive oral histories documented in relation to the Place would be lost and meaningless without the context of the built fabric of the Place and its setting.
31. In response to Mrs Potter's submission, the Executive Director submitted that the specific composition of Budgeree's public buildings was of historical interest but does not warrant inclusion of the Place in the Register. The Executive Director acknowledged the strong local investment in the history of the Budgeree community, which is further discussed below in relation to Criterion G.
32. Similarly, in response to the Recommendation, the Latrobe City Council requested that the Executive Director revise the Recommendation to better address the setting and landscape of the Place. In response, the Executive

Director submitted that while the Recommendation could only be made in relation to the nominated Place (the school building itself), the assessment was not blind to the setting and landscape.

Discussion and conclusion

33. The Committee accepts the analysis of the Executive Director and is satisfied based on the information before it that Criterion C is not satisfied at the State-level.

CRITERION D – IMPORTANCE IN DEMONSTRATING THE PRINCIPAL CHARACTERISTICS OF A CLASS OF CULTURAL PLACES AND OBJECTS

Summary of submissions and evidence

34. The Executive Director's assessment of the Place in relation to Criterion D found that the principal characteristics of the class 'single room State-school' are evident in the physical fabric of the Place. However, the Executive Director also found that, although the construction and alterations to the Place were executed to a good quality, the Place is nonetheless fairly typical and one of many of its class.
35. In objecting to the Recommendation, Mrs Potter submitted that the Place is significantly smaller than other comparable schools in the same class and submitted that elements representing the portable nature of the Place were still evident. In response to Mrs Potter's submission, the Executive Director submitted that the portable nature of the Place does not elevate it to State-level significance according to the Victorian Heritage Register Criteria and Threshold Guidelines, and that the size of a place is not a test for inclusion on the Register under Criterion D. The Executive Director further submitted that it is not unusual for schools within the class single-room State school constructed between c.1873 and c.1890 to differ in size, and that schools with standardised plans can differ to accommodate the changing function and life of the building.

Discussion and conclusion

36. The Committee notes that, in material circulated to hearing participants titled *Historic Government Schools – a comparative study* by Richard Peterson (June 1993), there appears to be no class of single-room timber school building with the exact dimensions of the Place. The Committee has considered, therefore, whether the Place could be included in a different class than that suggested in the Recommendation.
37. After considering the Executive Director's verbal submission, the Committee accepts that the dimensions of the Place are slightly at odds with others in the class, in part due to various alterations made over its lifetime. The Committee is satisfied that the disparity is accounted for by alterations to the Place, including those in which the once attached teachers' quarters were converted into additional classrooms to accommodate growing student numbers.
38. The Committee agrees with the Executive Director's assessment that in many individual places within a particular class of building there will often be variations and that, despite construction in accordance with standardised plans, buildings within a class can often have unique features that nevertheless do not warrant the inclusion of a building with some distinct features or dimensions in a new or different class. The Committee is therefore satisfied that the Place is fairly typical and one of many of its class and does not meet the test for inclusion in the Register under Criterion D.

39. The Committee accepts the analysis of the Executive Director and is satisfied based on the information before it that Criterion D is not satisfied at the State-level.

CRITERION G – STRONG OR SPECIAL ASSOCIATION WITH A PARTICULAR PRESENT-DAY COMMUNITY OR CULTURAL GROUP FOR SOCIAL, CULTURAL OR SPIRITUAL REASONS

Summary of submissions and evidence

40. The Executive Director's assessment of the Place in relation to Criterion G found that the Friends of Budgeree School and the wider Budgeree community have a clear and strongly felt attachment to the Place, continuing into the present day. The Executive Director also found that the Place was an important part of the lives of local families spanning several generations, as evidenced in local histories and activism towards preservation of the Place. However, the Executive Director found no evidence that the social value of the Place resonates with the broader Victorian community and therefore does not meet the test for State-level significance under Criterion G.
41. In her objection, Mrs Potter submitted that in 2018 Latrobe City Council received '150 submissions from all over Australia to save the school and not let it be sold'.² In response, the Executive Director submitted that the '150 submissions' can be viewed as evidence of a response to a particular issue, rather than evidence of nation-wide or state-wide social attachment to the Place, concluding that the social significance of the Place lies with the local Budgeree community.

Discussion and conclusion

42. The Committee recognises that the Place is of social importance to the local Budgeree community who have a strongly felt connection to the Place. However, the Committee agrees with the Executive Director that there is no evidence that the Place meets the threshold for State-level significance under Criterion G.
43. The Committee accepts the analysis of the Executive Director and is satisfied based on the information before it that Criterion G is not satisfied at the State-level.

CRITERION H – SPECIAL ASSOCIATION WITH THE LIFE OR WORKS OF A PERSON, OR GROUP OF PERSONS, OF IMPORTANCE IN VICTORIA'S HISTORY

Summary of submissions and evidence

44. The Executive Director's assessment in relation to Criterion H found that the Place has a direct association with the Education Department but that there are many other places in the same class, and with the same association. The Executive Director submitted that the Place does not allow the association to be appreciated better than most other places in Victoria. The Executive Director also submitted that the association with the Hall family, while important to the Latrobe Valley and district, did not resonate across Victoria more broadly.
45. In objecting to the Recommendation Mrs Potter submitted that the Recommendation had not considered the contribution of Captain Herbert William Glendinning Payne (1843–1913) in facilitating the foundation of Budgeree

² L. Potter, *Heritage Council Form A – Submission to the Heritage Council*, 5 May 2022 p.8

Primary School (which was originally established in a different building and location to the present-day Place), and to Gippsland and Victoria more broadly.

46. In response to Mrs Potters submission, the Executive Director acknowledged the contribution made by Captain Payne as a pioneer of Budgeree and the Gippsland area. The Executive Director submitted, however, that the Place does not allow the achievements of Captain Payne to be appreciated better than most other places or objects in Victoria with substantially the same association.

Discussion and conclusion

47. The Committee accepts the analysis of the Executive Director and is satisfied, based on the information before it, that Criterion H is not satisfied at the State-level.

CONCLUSION

48. The Committee thanks Mrs Potter and the Budgeree Hall Reserve Committee Inc. for the submissions made in relation to the Place and acknowledges the importance of the Place to the Budgeree community. The Committee appreciates the efforts that are being made to recognise and conserve the heritage of the Place.
49. After considering the Executive Director's recommendation and all submissions received, and after conducting a hearing into the matter, the Heritage Council has determined, pursuant to section 49(1)(b) of the *Heritage Act 2017*, that School No. 2864 (Budgeree Primary School) at 36 Roys Road, Budgeree, is not of State-level cultural heritage significance and is not to be included in the Register.

ATTACHMENT 1

HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

CRITERION A	Importance to the course, or pattern, of Victoria's cultural history.
CRITERION B	Possession of uncommon, rare or endangered aspects 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 or environments.
CRITERION E	Importance in exhibiting particular aesthetic characteristics.
CRITERION F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
CRITERION G	Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were updated by the Heritage Council at its meeting on 3 December 2020, and replace the previous criteria adopted by the Heritage Council on 6 December 2012.