



Heritage Council Registrations and Reviews Committee

Former Bendigo Hotel (Ho863)

82 Broadway, Dunolly, Central Goldfields Shire Council

DETERMINATION OF THE HERITAGE COUNCIL

After considering a request to review the Executive Director's decision to refuse to accept an application to remove the Former Bendigo Hotel at 82 Broadway, Dunolly from the Victorian Heritage Register, pursuant to Section 30(5)(a) of the *Heritage Act 2017*, the Heritage Council has determined to affirm the decision under review and refuse to accept the application.

Stuart Macintyre (Chair)
Leigh Mackay
Natica Schmeder

Decision Date – 29 May 2019

INTERESTED PARTIES

EXECUTIVE DIRECTOR, HERITAGE VICTORIA

Further information was received from the Executive Director, Heritage Victoria (‘the Executive Director’) in relation to the refusal of the application.

APPLICANT

The Applicant is Mr Thomas Daly, the owner of the Place. The Applicant provided additional information in relation to the application for the Place.

CENTRAL GOLDFIELDS SHIRE COUNCIL

Information was received from Central Goldfields Shire Council (‘Central Goldfields’) in relation to the Place.

INTRODUCTION/BACKGROUND

THE PLACE

- 01.** The Former Bendigo Hotel, located at 82 Broadway, Dunolly ('the Place') was built in 1857–58 with subsequent additions, and served as a hotel and Cobb and Co. coach house throughout the 19th and early 20th centuries. The Place consists of the former hotel, coach house and stables.
- 02.** The Place was included in the former Historic Buildings Register under the *Historic Buildings Act 1981* on 17 April 1991 and was transferred to the Victorian Heritage Register ('the Register') with the introduction of the *Heritage Act 1995*, as place H0863.
- 03.** The Statement of Cultural Heritage Significance for the Place stated the reasons for the inclusion of the Place in the Register:
 - *The Former Bendigo Hotel is important because of its historical associations with the gold rush and with early days of Dunolly Township's existence.*
 - *Architecturally, the parapeted roof treatment of the Former Bendigo Hotel is unusual.*
 - *The Former Bendigo Hotel is also important because of the role it played in being the earliest meeting place for what was once a highly populated area.*
 - *The extraordinary integrity of its fabric and pointed [sic] decoration make the Former Bendigo Hotel an outstanding representative example of this type of building.*
 - *The building retains its original interiors.*

APPLICATION TO REMOVE THE PLACE FROM THE REGISTER

- 04.** On 9 August 2018, an application to remove the Place from the Victorian Heritage Register was lodged with the Executive Director, pursuant to ss. 27 and 62 of the *Heritage Act 2017* ('the Act').
- 05.** The reasons for the removal of the Place from the Register were provided in the application:
 - *As this building is approximately 60-70 years old and is in shocking state of condition. I have included a copy of a repair quote...showing a figure of \$756,700. As this is beyond my means, I respectfully request that this property be removed from the heritage listing.*
 - *I am a self-funded retiree and do not have the means to renovate the building, I believe this is an impossible situation and I respectfully ask that this building be removed from the Heritage Listing.*

DECISION OF THE EXECUTIVE DIRECTOR

- 06.** Pursuant to ss. 29 and 62 of the Act, the Executive Director may refuse to accept an application to remove a place or object from the Register if the Executive Director considers that the place or object has no reasonable prospect of removal from the Register.

- 07.** On 13 March 2019, the Executive Director notified the Applicant of his refusal to accept the application on the grounds that no evidence was provided that the Place is no longer of cultural heritage significance to the State of Victoria.

REQUEST FOR REVIEW

- 08.** On 3 April 2019, the Heritage Council received a request from the Applicant for a review of the Executive Director's refusal to accept the application for the Place, pursuant to s. 30 of the Act. The Heritage Council Registrations and Reviews Committee ('the Committee') was constituted to consider the request for review, information received in response to it, and to make a determination, as delegated by the Heritage Council under ss. 13 and 15 of the Act.

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

CONFLICTS OF INTEREST

- 09.** The Chair invited Committee members to make declarations in relation to any matters that may potentially give rise to an actual or apprehended conflict of interests. The Committee members were satisfied that there were no relevant conflicts of interests and made no such declarations.

REQUEST FOR INFORMATION

- 010.** On 29 April 2019, the Committee requested additional information from interested parties to assist in determining the matter. Parties were also afforded the opportunity to respond to additional material provided to the Committee.

ISSUES

- 011.** The following section is not intended to be a complete record of information provided to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position the Committee takes on each key issue.

SUMMARY OF ISSUES

- 012.** Interested parties provided the Committee with a range of additional material in relation to whether or not the Place has a reasonable prospect of removal from the Victorian Heritage Register pursuant to s. 29(1), in the context of s. 62(2), of the Act.

NO REASONABLE PROSPECT

Information received

- 013.** The Executive Director provided the Committee with the original application document received for the removal of the Place from the Register as well as a range of material detailing the current condition and conservation works required at the Place.

- 014.** The Applicant stated that he was unable to provide any additional information in relation to the cultural heritage significance of the Place, reiterating the economic reasons for requesting that the Place be removed from the Register.
- 015.** Central Goldfields Shire Council confirmed that it did not challenge the decision of the Executive Director to refuse to accept the application for the removal of the Place from the Register, noting that the application referred only to economic reasons for the removal of the Place from the Register, rather than the cultural heritage significance of the Place.

Discussion

- 016.** The Committee has reviewed the information provided by the Applicant and the Executive Director, particularly in relation to the condition of the Place and the estimated cost of conservation works at the Place.
- 017.** The Committee also notes that, pursuant to ss. 27(4)(a) and 62 of the Act, an application for the removal of a Place from the Register must include reasons based on the State-level cultural heritage significance of the Place under the *Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance* [**Attachment 1**]. Reasons based solely on the condition of the Place or economic hardship cannot be considered.
- 018.** The Committee is of the view that while the Place is currently in very poor condition, no evidence was provided that demonstrated that the Place no longer retains its cultural heritage significance to the State of Victoria.
- 019.** The Committee also found that the information provided by the Executive Director demonstrated that despite the current condition of the Place, evidence of the reasons for the inclusion of the Place in the Register, as set out in the Statement of Cultural Heritage Significance, was still visible at the Place.
- 020.** The Committee therefore agrees with the position of the Executive Director that the Place does not have a reasonable prospect of removal from the Victorian Heritage Register for no longer retaining State-level cultural heritage significance under the *Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance*.

CONCLUSION

- 021.** After considering a request to review the Executive Director's decision to refuse to accept an application to remove the Former Bendigo Hotel at 82 Broadway, Dunolly, Central Goldfields Shire Council from the Victorian Heritage Register, pursuant to s.30(5)(a) of the Act, the Heritage Council has determined to affirm the decision under review and refuse to accept the application.

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 community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were adopted by the Heritage Council at its meeting on 7 August 2008, and replace the previous criteria adopted by the Heritage Council on 6 March 1997.