

The Brighton Bathing Boxes and Dendy Street Beach

**Heritage Council Registrations Committee
Hearing – Thursday 27 October, 2017**

DECISION OF THE HERITAGE COUNCIL

After considering the Executive Director’s recommendations and all submissions received in response to them and after conducting a hearing into those submissions, pursuant to s.265 of the *Heritage Act 2017* and s.42(1)(a) and s.42(4) of the *Heritage Act 1995*, the Heritage Council has determined that the Brighton Bathing Boxes and Dendy Street Beach are of cultural heritage significance to the State of Victoria and should be included in the Victorian Heritage Register.

Heritage Council Registrations Committee:

Lucinda Peterson (Chair)

Megan Goulding

Penelope Smith

Decision Date – 23 July 2018

APPEARANCES/SUBMISSIONS

Written submissions pursuant to s.38(1)(a) of the *Heritage Act 1995* were received from the following persons, who also made further written submission pursuant to s.40(2)(a)(iv) of the *Heritage Act 1995*, but did not appear at the hearing to make a verbal submission:

Professor Richard Broome

Professor Scott McQuire

Written submissions pursuant to s.40(2)(a)(iv) of the *Heritage Act 1995* were received from the following persons, who also appeared at the hearing to make verbal submissions:

Executive Director, Heritage Victoria ('the Executive Director')

Submissions were received from the Executive Director. Dr Marina Larsson appeared and made verbal submissions on behalf of the Executive Director. Mr Geoff Austin was also present and available to take questions.

Brighton Residents for Urban Protection. ('BRUP')

Submissions were received from BRUP. Ms Kristin Stegley appeared and made verbal submissions for BRUP.

Brighton Foreshore Association ('BFA')

Submissions were received from BFA. Ms Elizabeth McQuire appeared and made verbal submissions for BFA.

Ms Alison Joseph

Submissions were received from Ms Joseph who appeared and made verbal submissions.

Ms Sally Boyd

Submissions were received from Ms Boyd who appeared and made verbal submissions.

Ms Patricia and Ms Susan Carden

Submissions were received from Ms Patricia and Ms Susan Carden who appeared and made verbal submissions.

Mr William Meares

Submissions were received from Mr Meares who appeared and made verbal submissions.

Mr Robert Hanna

Submissions were received from Mr Hanna who appeared and made verbal submissions.

Brighton Bathing Box Association ('BBBA')

Submissions were received from BBBA. Mr Andrew Monotti appeared and made verbal submissions for BBBA.

Bayside City Council ('Bayside')

Submissions were received from Bayside. Ms Mimi Marcus of Maddocks Lawyers appeared and made verbal submissions for Bayside.

INTRODUCTION

The Nominated Extent

1. A nomination for land and features generally west of the Esplanade, Brighton – comprising structures, vegetation, beach, infrastructure, reserves, roadways and other elements – to be included in the Victorian Heritage Register (‘the Register’) was accepted by the Executive Director on 29 March 2017 (‘the Nomination’). The area that was the subject of the Nomination comprised what the Executive Director described as:

‘The landscape of beach, dunes and foreshore reserve west of The Esplanade, Brighton, from, and including the Brighton Life Saving Club (LSC) southwards to, and including, Green Point Reserve. This includes the Dr Jim Willis Reserve, and the renowned Bathing Boxes.’ [‘the Nominated Extent’].

2. The Nominated Extent is all situated within part of Crown Allotment 1E3 Parish of Moorabbin.
3. The following ‘Description Summary’ of the Nominated Extent is taken from page 11 of the Recommendation not to include:

‘The Landscape of Dendy Street Beach is bounded by the high water mark to the east [sic], the Esplanade to the west [sic], the clubhouse of the Brighton Life Saving Club to the north, and Green Point to the south. The beach itself is divided into two coves; Holloway Bay and Dendy Street Beach. Sand dunes vegetated with native species are located at the rear of the beach, along the Esplanade. A brick 1950s Life Saving Clubhouse is located at the northern end of the beach and in front of the dunes there is a line of approximately 82 brightly painted Bathing Boxes.

The southern end of the beach is known as Green Point. This area contains a World War I Memorial, a large carpark, an area with interpretive signage, and Brighton Beach Gardens which contains remnant mature trees and a c. 1910s timber tram shelter. To the north, a substantial brick scout hall is located within the dune area, approximately midway along the beach and a change room is located further north.’

4. On 19 May 2017 the Executive Director, having considered the Nomination, made two separate recommendations pursuant to s.31 of the *Heritage Act 1995* (‘the Act’). The Executive Director recommended that an area generally comprising the Brighton Bathing Boxes (‘the Bathing Boxes’) and part of Dendy Street Beach be included in the Victorian Heritage Register. At the same time the Executive Director also recommended that the remainder of the Nominated Extent not be included in the Register.
5. The Executive Director’s recommended extent of registration follows, generally, the alignment of the roadway reserve to the east, the high water mark in the west, the southern side of the access road to the life saving club in the north and a line extended parallel to and 5 metres from the northernmost bathing box to a line extended parallel to and 5 metres from the southern most bathing box (‘the Recommended Extent’).

The Recommendation to include part of the Nominated Extent

6. The Executive Director recommended on 19 May 2017 to include part of the Nominated Extent in the Register (‘the Recommendation to include’).

The recommendation not to include other land within the Nominated Extent

7. The Executive Director recommended on 19 May 2017 NOT to include other land within the Nominated Extent (‘the Recommendation not to include’).

The Recommended Extent

8. The following ‘History Summary’ of the Recommended Extent is taken from page 7 of the Recommendation to include:

‘Brighton developed into a beachside suburb and tourist destination from the mid 1800s when its beaches became places of leisure and sea bathing. Along the many beachfronts of Brighton, gardens and walkways were created for promenading and Bathing Boxes were erected to allow for modest bathing. Bathing boxes were originally used as changing rooms, and located close to the water so that the bather could enter the water discreetly. By the 1920s most of the Bathing Boxes on Brighton beaches had fallen into disrepair and there was agitation for their removal. This was addressed in 1934 when most of the Bathing Boxes in the area were relocated to one beach, Dendy Street Beach. By 1952, the boxes at Dendy Street Beach were again in a dilapidated state. Various municipal authorities supported the removal of all bayside structures around Port Phillip Bay, including Frankston City Council who in 1974 gave bathing box owners ten years to remove their boxes. The policies were supported by the Labor government but due to strong lobbying from the Brighton Bathing Box Association and individuals, the Minister for Planning and Environment requested a study of all structures around the bay. This resulted in the retention of the Dendy Street Bathing Boxes as a representative group. By this date, the Bathing Boxes had been painted in bright colours. They continue to be utilised by Brighton residents who lease them from Bayside City Council.’

9. The following ‘Description Summary’ of the Recommended Extent is taken from page 7 of the Recommendation to include:

‘The Dendy Street Beach Bathing Boxes are located on Dendy Street Beach, The Esplanade, Brighton. Running along The Esplanade are vegetated sand dunes, in front of which are a uniform line of more than 80 brightly painted beach Bathing Boxes. The Bathing Boxes are located close together, apart from at the southern end of the beach, where there are small groupings of boxes with wider spaces in between. They are similar in size and form, of small scale, and comprise timber weatherboard cladding with corrugated iron roofing. Openings are generally to the front elevation and vary in size and style.’

10. The Committee notes that the above ‘History Summary’ and ‘Description Summary’ sections are provided for information purposes only. The above material does not form part of any endorsed documentation relating to the Nominated Extent.

Process following the recommendations of the Executive Director

11. After the Recommendation of 19 May 2017, notice was published in accordance with s.35 of the Act for a period of 60 days. A summary of the s.38 submissions that were received pursuant to s.38(1)(a) of the Act is included in the table below:

s.38 Submitter	Summary of s.38 Submission
William Meares	Object to the Recommendation
Robert John Hanna	Object to the Recommendation
Laz Siapantis	Support Recommendation
Sally Siapantis	Support Recommendation
Susan Pickhaver	Support Recommendation
Stuart McQuire	Support Recommendation
Elizabeth McQuire	Support Recommendation
Susan Carden	Support Recommendation
Derek Wilson	Support Recommendation
Patricia Carden	Support Recommendation

Bayside City Council	Conditionally supportive of Recommendation
Brighton Bathing Box Association	Conditionally supportive of Recommendation
Jane Hemmen	Objected to the recommended extent
David McQuire	Conditionally supportive of Recommendation
Lisa McQuire	Conditionally supportive of Recommendation
National Trust	Support Recommendation
David Johnson	Conditionally supportive of Recommendation
Geoffrey Edwards	Conditionally supportive of Recommendation
Catherine Larimer	Support Recommendation
Weston Bate	Conditionally supportive of Recommendation
Brighton Residents for Urban Protection	Support Recommendation
David Vivian	Support Recommendation

12. The extent of matters raised by s.38 submitters related generally to satisfaction or otherwise with appropriate criteria to be used as to the Nominated Extent warranting inclusion in the Register, the proposed Statement of Cultural Heritage Significance, the proposed Permit Policy and proposed Permit Exemptions and other matters relating to the Nominated Extent. In accordance with s.41(6) of the Act, a hearing was required to be held.
13. In accordance with ss. 40(2)(iii) and 41(6) of the Act, a Heritage Council Registrations Committee ('the Committee') was constituted to consider the Recommendation and all submissions received in response to it and to make a determination, as delegated by the Heritage Council under s.12 of the Act. The Committee then invited further written submissions under s.40(2)(a) of the Act and a hearing was scheduled for 27 October 2017 ('the hearing').

PRELIMINARY PROCEDURAL AND OTHER MATTERS

Site inspection

14. On 26 October 2017, the Committee made an unaccompanied site inspection of the Nominated Extent attended by the Heritage Council Hearings Coordinator.

Conflicts of interest

15. The Chair invited Committee members to make declarations in relation to any matters that may potentially give rise to an actual or apprehended conflicts of interests. The Committee was satisfied that there were no relevant conflicts of interests.

Request for an adjournment

16. A request for adjournment was received from Bayside. The Committee, after inviting and considering submissions from other parties in relation to the request for an adjournment, determined that the hearing would proceed as scheduled and provided an amended submission in reply schedule in order for all parties to respond to late submissions that had been provided.

Late material

17. During the course of the hearing process late submissions were received from Bayside. The Committee determined to accept the late Bayside submissions and provided an extended submission in reply schedule in order for all parties to respond to the late submissions.

Future use of the Nominated Extent

18. Some submissions referred to the future use of the Nominated Extent, including potential future works. The Committee appreciates and acknowledges the significant interest in the

Nominated Extent. However, the role of this Committee is to determine the cultural heritage significance of the Nominated Extent in its current state, reach a decision as to inclusion in the Register or otherwise and, in the case of inclusion, to also determine any permit-exempt works or activities under the provisions of Part 3 of the Act. It is not the Committee's task to consider the future use or development of the Nominated Extent. Submissions dealing with these matters have not been considered by the Committee in reaching its decision.

ISSUES

19. This 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 raised by submissions, followed by an explanation of the Committee's decision in relation to each key issue.
20. Any reference to Criteria or an individual Criterion refers to the 'Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance' (as adopted by the Heritage Council on 7 August 2008) [see Attachment 1].
21. Any reference to the Guidelines refers to the '*The Victorian Heritage Register Criteria and Threshold Guidelines*' (as adopted by the Heritage Council on 6 December 2012 and reviewed/updated on 5 June 2014).
22. The Executive Director submitted that the Nominated Extent should be included in the Register on the basis that it satisfies Criteria A, D and G.
23. BRUP, BFA, Mr Broome, Ms Joseph, Ms Pat Carden, Ms Susan Carden and Ms Boyd all agreed with and supported the Recommendation but also submitted that the entire landscape of Dendy Street Beach, as per the area/extent of the Nomination, should be included in the Register.
24. A number of parties, while agreeing the Nominated Extent should be included in the Register for the reasons given by the Executive Director in the Recommendation, also submitted that the Nominated Extent should be included on the basis that other Criteria were satisfied. Ms Joseph submitted that the Nominated Extent should be included in the Register on the basis of Criterion H for its association with the environmental movement in Victoria. Ms Boyd submitted that the Nominated Extent should be included in the Register on the basis of Criterion H for its association with the Boyd family of artists. Professor Scott McQuire submitted that the Nominated Extent should be included in the Register on the basis that it satisfies Criterion G for its social significance as a natural landscape that is needed in Melbourne. In a statement accompanying the BFA submission, Mr Miles Lewis submitted that the Nominated Extent should also be included in the Register on the basis of its Aboriginal Cultural Heritage Significance.
25. BBBA and Bayside agreed that the Recommended Extent is of State-level cultural heritage significance and should be included in the Register.
26. Mr Meares and Mr Hanna objected to the Recommendation and submitted that the Nominated Extent should not be included in the Register.
27. In submissions several parties also raised the following matters: the proposed Statement of Cultural Heritage Significance for the Nominated Extent; Permit Policy and Permit Exemptions; and, other matters relating to the use of the Nominated Extent.

Criterion A – Importance to the course, or pattern of Victoria’s cultural history

28. The Executive Director recommended and submitted that the Recommended Extent meets the threshold for inclusion on the Register under Criterion A.

Submissions and evidence

29. Many parties provided further information and arguments in submissions relating to the history of the Nominated Extent.
30. BRUP, BFA, Mr Broome, Ms Joseph, Ms Pat Carden, Ms Susan Carden and Ms Boyd all agreed with the Executive Director that the Recommended Extent should be included in the Register on the basis that it satisfied the threshold for Criterion A for its association with the development of beach culture in Victoria and several submitters also argued that the whole of the Nominated Extent should be included in the Register on the basis that it satisfies Criterion A on substantially the same basis as the Recommended Extent.
31. Many submitters argued that the Nominated Extent is of historical significance at a State level for its association with the environmental conservation movement in Victoria in the late nineteenth century, in particular referring to the *Act to vest Land in the Mayor, Councillors or the Borough of Brighton for the Purposes of Public Recreation 1877* (‘Vesting Act’).
32. Submissions were also made that the Nominated Extent was of significance for its association with a transfer of land to landowner Henry Dendy.
33. Mr Meares and Mr Hanna objected to the Recommendation and submitted that the Recommended Extent should not be included in the Register but did not provide detailed written submissions specifically relating to Criterion A.
34. BBBA and Bayside agreed that the Recommended Extent is of State-level cultural heritage significance and should be included in the Register in relation to Criterion A but submitted that the Recommended Extent should not be included in the Register on the basis of any associations with the environmental conservation movement, transfers of land or the Boyd family of artists.

Discussion and Conclusion

35. In relation to submissions concerning the Vesting Act, the Committee agrees with the Executive Director that the purpose of the Vesting Act appears to have been the preservation of use by the public rather than with environmental conservation purposes. The Committee is not satisfied on the evidence before it that the association between the Nominated Extent and either the Vesting Act or related protests is of significance at a State level. In any case the Committee does not have enough evidence before it to determine the extent of the relationship between the Nominated Extent and the Vesting Act, but recognises in general terms the association and the history as referred to by some submitters.
36. In relation to submissions relating to Henry Dendy and the transfer of land relevant to the Nominated Extent, the Committee is of the view that it is not of cultural heritage significance to Victoria that a land deal may have been completed in England in relation to the Nominated Extent and notes that land transfers occurred in myriad ways prior to Federation.
37. The Committee agrees with the Executive Director that the Recommended Extent is historically significant for its association with the development of beach culture in Victoria, and agrees that the evolution of the Bathing Boxes from their more functional beginnings to their present use and appearance demonstrates their past, present and ongoing significance in

this context. The Bathing Boxes are themselves evidence of the continuity of association by the community with Dendy Street Beach.

38. The Committee is of the view that the Bathing Boxes are representative of the use and enjoyment of similar beaches along the Port Phillip Bay coastline and demonstrate a clear lineage to the development of beach culture on Victoria's beaches during the nineteenth and twentieth centuries. The Committee finds that the Bathing Boxes are also, at least, illustrative of the wider historical relationship between many similar communities surrounding Port Phillip Bay and their local beaches.
39. The Committee determines that the Bathing Boxes, together with an appropriate area of curtilage, are of importance to the course of Victoria's history and finds that the State-level threshold for Criterion A is satisfied.

Criterion B – Possession of uncommon, rare or endangered aspects of Victoria's cultural history

Submissions and evidence

40. No detailed submissions were made that the Nominated Extent should be included in the Register on the basis that it meets the threshold for inclusion under Criterion B.
41. The Executive Director in the Recommendation stated that the Bathing Boxes do not possess uncommon, rare or endangered aspects of Victoria's cultural history and noted that there are several other similar collections of Bathing Boxes around the Port Phillip Bay coastline.

Discussion and Conclusion

42. The Committee agrees with the Executive Director's recommendation that the Nominated Extent is not in possession of rare and uncommon aspects of Victoria's cultural heritage and finds that the requisite State-level threshold for Criterion B is not satisfied in relation to the Nominated Extent.

Criterion C – Potential to yield information that will contribute to an understanding of Victoria's cultural history

Submissions and evidence

43. No detailed submissions were made that the Nominated Extent should be included in the Register on the basis that it meets the threshold for inclusion under Criterion C.
44. The Executive Director in the Recommendation stated that this criterion usually refers to archaeological or physical evidence that is not currently visible and that the Bathing Boxes do not contain physical evidence of historical interest (such as historical archaeology) that is not currently visible.

Discussion and Conclusion

45. The Committee notes that the Nominated Extent includes sites associated with Boonwurrung culture, as was submitted by the Executive Director, and further notes that these sites are included in the Victorian Aboriginal Cultural Heritage Register established by the *Aboriginal Heritage Act (2006)*.
46. The Committee agrees with the Executive Director's view that the Nominated Extent does not meet the requisite State-level threshold for inclusion in the Register in relation to Criterion C.

Criterion D – Importance in demonstrating the principal characteristics of a class of cultural places or environments

47. The Executive Director recommended and submitted that the Recommended Extent meets the threshold for inclusion on the Register under Criterion D as a notable example in Victoria of a class of places termed ‘bathing boxes’.

Submissions and evidence

48. The Executive Director submitted that the Bathing Boxes are a notable example of their class in Victoria, demonstrate the principal characteristics of their class, are the largest intact grouping of bathing boxes in Victoria, and demonstrate the once prolific nature of these structures around Port Phillip Bay.
49. Mr Meares and Mr Hanna objected to the Recommendation and submitted that the Recommended Extent should not be included in the Register but did not provide detailed written submissions specifically relating to Criterion D.
50. Few parties made specific submissions in relation to Criterion D however many parties made a variety of submissions relating to the history and management of the Nominated Extent in the event of any inclusion in the Register.

Discussion and Conclusion

51. It is the Committee’s view that the Bathing Boxes demonstrate the principal characteristics of a class of places. The Committee describes the relevant class as ‘bathing boxes’, and is cognisant that the Nominated Extent also includes other buildings and structures. The Committee agrees with the Executive Director that the Bathing Boxes display the principal characteristics typical within their class and are a fine assemblage of Bathing Boxes with a clear lineage to the development of beach culture on Victoria’s beaches during the nineteenth and twentieth centuries.
52. The Committee agrees with the Executive Director that Bathing Boxes as a collective are notable example of bathing boxes in Victoria and features a large number of characteristics that are typical of and common to their class. The Committee finds that the Bathing Boxes retain their ability to demonstrate beach culture along the Victorian coastline and along Port Phillip Bay beaches in particular.
53. The Committee recognises, as submitted by some parties to this hearing, that approximately 2,000 Bathing Boxes or similar structures are located around Port Phillip Bay and Western Port. The Committee is of the view, however, that the Bathing Boxes are a standout group within their class and draw much of their iconic status from their location close to the Melbourne central business district (‘CBD’).
54. The Committee considers that the Bathing Boxes, along with an appropriate curtilage, allow the principal characteristics of bathing boxes to be readily understood by the Victorian community and demonstrate an association with the development of beach culture along the Victorian coastline.
55. The Committee is persuaded that the Bathing Boxes demonstrate the principal characteristics of a class of places of importance to the course of Victoria’s history, finds that the ability to appreciate the relevant characteristics is enhanced by the setting in which they are located, and finds that the threshold for Criterion D is satisfied.

Criterion E – Importance in exhibiting particular aesthetic characteristics

56. The Executive Director recommended and submitted that the Nominated Extent does not meet the requisite State-level threshold for inclusion under Criterion E.

Submissions and evidence

57. The Executive Director submitted that, although the Bathing Boxes clearly exhibit particular aesthetic characteristics by virtue of their form and brightly painted exterior walls in a natural setting with views across to the Melbourne CBD, the Nominated Extent is not of aesthetic significance to the State of Victoria.
58. Mr Meares and Mr Hanna objected to the Recommendation and submitted that the Recommended Extent should not be included in the Register but did not provide detailed written submissions specifically relating to Criterion E.
59. Ms Joseph submitted that the Nominated Extent should be included in the Register on the basis of the exceptional merit of the beach reserve and landscape present. Most parties to the hearing did not make detailed written submissions in relation to the Bathing Boxes and Criterion E.

Discussion and Conclusion

60. The Committee is of the view that the aesthetic values of beachside bathing boxes in Victoria are exceedingly well represented in the aesthetic qualities of the Bathing Boxes, qualities which are evidenced in a variety of widely available media, tourism and marketing material. The Committee is further of the view that the aesthetic qualities of bathing boxes in Victoria are most famously demonstrated by these Bathing Boxes.
61. The Committee is of the view that the landmark qualities of the Bathing Boxes and the juxtaposition of their exterior against the vegetated dunes contributes to their aesthetic significance to the State in exhibiting the iconic colours and forms of bathing boxes of the Victorian coastline. The Committee is of the view that the visual impact of the vibrant, brightly painted exterior walls of the Brighton Bathing Boxes are enhanced by their setting along the curve of the Dendy Street Beach in front of its vegetated sand dunes. Images of the Bathing Boxes with Melbourne's skyline featured in the background are particularly iconic.
62. The aesthetic features of the Bathing Boxes and Dendy Street Beach evidently attracts visitors from within Victoria, across Australia and around the world. In terms of the profile of the Bathing Boxes and Dendy Street Beach, proximity to Melbourne and longstanding use and visitation have contributed to their iconic status and appreciation of their aesthetic elements through documentary resources such as postcards and photography.
63. The Committee is of the view that the aesthetic importance of the Bathing Boxes relates to their impact both as a group, particularly with reference to the Melbourne city skyline in the background when viewed looking generally north, and as distinct smaller groups or indeed as individual boxes. In many ways their aesthetic importance to the State and to the Victorian community is as a palette that can be determined by the user, photographer, walker or bather, depending on the time of day and the location of the view.
64. The Committee determines that the Bathing Boxes, together with an appropriate area of curtilage, is of importance in exhibiting particular aesthetic characteristics and finds that the State-level threshold for Criterion E is satisfied.

Criterion F – Importance in demonstrating a high degree of creative or technical achievement at a particular period

Submissions and evidence

65. No detailed submissions were made that the Nominated Extent should be included in the Register on the basis that it meets the threshold for inclusion under Criterion F.
66. The Executive Director in the Recommendation to include stated that the Bathing Boxes do not demonstrate a high degree of creative or technical achievement at a particular period.

Discussion and Conclusion

67. The Committee agrees with the Executive Director's recommendation that the Nominated Extent does not meet the requisite State-level threshold in relation to Criterion F and determines that no part of the Nominated Extent should be included on the basis of Criterion F.

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

68. The Executive Director recommended and submitted that the Recommended Extent meets the threshold for State-level inclusion on the Register under Criterion G.

Submissions and evidence

69. The Executive Director submitted that the Bathing Boxes are popular landmarks emblematic of bathing boxes in Victoria and are highly visited, admired and recognisable structures with a strong association with the immediate community and with national and international visitors, associations which are evidenced in marketing campaigns and other material.
70. No detailed submissions were made that the Recommended Extent should not be included in the Register on the basis of Criterion G.

Discussion and Conclusion

71. The Committee agrees with the Executive Director that the Bathing Boxes are instantly recognisable as the predominant assemblage of bathing boxes in Victoria. They are highly visited, admired and valued and their social significance is demonstrated not only by the levels of visitation but also by the frequency with which the public, on the evidence, has lobbied for their retention since the 1920s. The level of attachment to these structures is further evidenced by their frequent use in major marketing campaigns by local and state government entities as iconic tourism brand items.
72. The Committee determines that the State-level threshold for Criterion G is satisfied and determines that the Bathing Boxes, along with an appropriate curtilage, should be included in the Register as a place of social significance to Victoria.

Criterion H – Special association with the life or works of a person, or group of persons, of importance in Victoria's history

73. The Executive Director submitted in both the Recommendation to include and the Recommendation not to include that the Nominated Extent does not have a direct association with a person or group of persons who have made a strong or influential contribution to the course of Victoria's history and that Criterion H is not likely to be satisfied.

Submissions and evidence

74. Ms Boyd, amongst others, submitted that the Nominated Extent satisfied Criterion H as it has a special association with the life and works, of the Boyd family of artists.
75. Few parties made detailed submissions in relation to Criterion H.

Discussion and Conclusion

76. The Committee agrees with the Executive Director that the Boyd Family is significant to Victoria and notes the Boyd Family's association with the Nominated Extent and with other coastal locations in Port Phillip Bay's bayside suburbs.
77. The Committee is of the view, however, that the significance of the Boyd family does not derive from an association with the Bathing Boxes. The Committee notes that the paintings referred to by submitters were not of the Bathing Boxes themselves. The paintings referred to in submissions may well demonstrate natural values still present within the Nominated Extent but there is not the ability to interpret the places painted as associated with the Bathing Boxes of Dendy Street Beach in particular or with the Boyd family's connection to the Nominated Extent. The Committee further notes that the Boyds did not confine themselves to Dendy Street Beach in their work and is of the view that their life and work is not closely tied to the Bathing Boxes nor Dendy Street Beach, nor the Nominated Extent for that matter, to the extent that this relationship would satisfy the threshold for this criterion.
78. The Committee also finds that neither the associations between Jim Willis nor Henry Dendy and the Nominated Extent as argued by submitters are either direct or enduring in the terms of the Guidelines, to the extent that these associations would meet the threshold under Criterion H.
79. The Committee finds that the State-level threshold for Criterion H is not satisfied in relation to the Nominated Extent.

Extent of Registration

80. The Recommended Extent includes, generally, all existing Bathing Boxes at Dendy Street Beach, vegetated sand dunes behind the boxes, and the land to the high water mark.

Submissions and evidence

81. The Executive Director submitted that the Nominated Extent included many features over a large area, including the war memorial and gardens at the southern end, which did not necessarily contribute to a sense of a cohesive landscape.
82. The Executive Director submitted that the rationale for including the land in front of the Bathing Boxes is to provide a context for their historical location near the high water mark. The rationale for including the sand dunes behind the Bathing Boxes is to provide context of a coastal setting. The Recommended Extent was intended to allow sufficient curtilage for the Bathing Boxes to be interpreted within their landscape and a 5 metre curtilage to the north and south was used in similar contexts. In verbal submissions, the Executive Director's representative submitted that the Recommended Extent, including the curtilage of vegetation and the dunes, was designed to provide context for the Bathing Boxes in their landscape. The Executive Director emphasised in verbal submissions that the curtilage of the Recommended Extent was not included by reason of particular natural values and that the Recommended curtilage included in the Recommended Extent is 'somewhat arbitrary' but considered sufficient to protect the proposed extent of registration. As far as the northern and southern boundary of the Recommended Extent, the Executive Director's representative stated that there 'has to be a

beginning and an end to a registration' and that the Bathing Boxes and their immediate surrounding landscape were considered the main elements of the Recommended Extent.

83. The Executive Director's representative was satisfied that the curtilage of the proposed extent of registration was sufficient to protect the place. In relation to the car park area immediately north of the Recommended Extent, the Executive Director submitted this feature is not of state-level significance and not required to protect the significance of the Bathing Boxes.
84. The Executive Director's representative submitted that, in terms of the beach and the formation of the coast, they were satisfied that the proposed curtilage takes into account where the Bathing Boxes are situated and that the approach that has been taken is one in which a focus is on the built-form elements and not the landscape surrounding them.
85. Bayside generally supported the Recommended extent but sought to exclude a section at the northernmost end which comprises a pedestrian path leading from the car park, on the basis that it has no heritage value. Bayside submitted that the curtilage for the Bathing Boxes should not be defined by reference to a specific precinct in its Coastal Management Plan, other landscape values or geographic location but that the extent of registration should be defined by reason of how it assists in understanding the cultural heritage values associated with the Bathing Boxes.
86. Several parties submitted that the entire area within the Nominated Extent, including the war memorial, gardens, landscape and beach to Green Point should be included in the Register.

Discussion and conclusion

87. The Committee recognises that the Jim Willis Reserve is of significance to the local community but finds that little evidence was presented to it demonstrating associations between the Bathing Boxes and the Jim Willis Reserve.
88. The Committee is of the view that the landscape of the Jim Willis reserve and the gardens does not have the same impact on, nor relationship with, the Bathing Boxes as the vegetation and landscape immediately surrounding them. The Jim Willis Reserve is a more structured landscape, part of which is subject to a Heritage Overlay, including the war memorials extant there.
89. The Committee is of a view that the Bathing Boxes on Dendy Street are of cultural heritage significance for their built form and presence at this particular beach with these particular elements. The Committee recognises that the Bathing Boxes are found within their landscape and that their significance is enhanced by the landscape.
90. The Committee is also of a view that the landscape immediately surrounding the Bathing Boxes is of primary significance in allowing the Bathing Boxes to be appreciated and understood in their coastal setting. The combination of the landscape of Dendy Street Beach and the Bathing Boxes elevates the significance of the Bathing Boxes and their visual impact within their beach context and within a cove.
91. The Committee finds there is a spatial relationship between the Bathing Boxes and the curve of the Beach and that the significance of the Bathing Boxes is enhanced by the way in which they are nestled amongst the native vegetation of Dendy Street Beach and located in a space away from the bustle of Brighton and surrounds. The Committee is of the view that the use of Dendy Street Beach for recreation has not altered substantially for over a century and agrees with submissions that Dendy Street Beach has become iconic in its attraction to visitors for the combination of the visual impact of the Bathing Boxes, its vegetation, aspect and its proximity to Melbourne.

92. The Committee agrees with some submitters that there is an interface between built form and the natural landscape at Dendy Street Beach. The Bathing Boxes place some control and order of built form in a natural landscape and the Committee finds that this setting is important, as for many visitors the presence of some built form facilitates people's use and understanding of the beach as a bathing and recreation area. The Bathing Boxes distinguish Dendy Street Beach from others nearby and assist in creating an aesthetic experience.
93. The Committee is of the view that it is important to consider the views to the city from the Bathing Boxes, noting the iconic view from the south looking generally north to the city skyline along the length of the Bathing Boxes. The Committee notes that Dendy Street Beach is experienced, used and understood by many parties and people in the community as a curved beach with major city buildings visible in the background. The Bathing Boxes and Dendy Street Beach therefore evidence a relationship between the built form present in the Nominated Extent and a particular view from the south, generally to the north toward the Melbourne CBD.
94. The Committee is of the view that the use by the public of Holloway Bend is different to the use of Dendy Street Beach and that there is little relationship or association between the Bathing Boxes and Holloway Bend. The Committee notes that from parts of Holloway Bend looking to the north neither the Bathing Boxes nor Melbourne's skyline can be appreciated.
95. The Committee is of the view that the comparative material in the Recommendation to include was poor, considering that there are similar sets of bathing boxes along the Victorian coastline.
96. In the case of the Bathing Boxes and Dendy Street Beach it is the combination of unique aspects of the vegetation, built form, the beach and its proximity to Melbourne that all contribute to elevating the cultural heritage significance under consideration to significance at a State level. The values of the Dendy Street Beach landscape are very important in how the Bathing Boxes relate and connect to the city. The Committee determines that the Bathing Boxes within the cove of Dendy Street Beach and the vegetated landscape extant there have become an iconic feature together.
97. The Committee agrees with some submissions made that the fabric of the Bathing Boxes is not of itself of cultural heritage significance at a State level as they have been replaced over time and additional Bathing Boxes established. The Committee finds that there is insufficient evidence to find that each of, or some of, the Bathing Boxes are of cultural heritage significance in their own right. The Bathing Boxes are a manifestation of the importance of the setting, and their form on the landscape has become culturally significant, to Melburnians. Their design, the shape of the beach and their setting are of significance in combination.
98. The Committee is of the view that the historical use of the land and certain historical associations with the Bathing Boxes lend some importance to the Bathing Boxes themselves in the combination of the use of them and their landscape.
99. Very little comparative research was put before the Committee, which notes that other similar tourist destinations such as Hanging Rock and Bells Beach have similar strong associations with local and international visitors.
100. The Committee notes that the Nominated Extent comprises three places, all of which are differentiated physically and by use and association. Insofar as the Bathing Boxes and Dendy Street Beach are of State-level of significance, the Committee finds that the cohesive landscape that comprises them ends at the southern point of the Dendy Street Beach.
101. The Committee agrees with Bayside that the extent of registration should be defined by reason of how it assists in understanding the cultural heritage values associated with the Bathing Boxes.

102. The Committee is of the view that the Recommended Extent is inadequate to provide curtilage for the Bathing Boxes. The Committee is of the view that the spatial relationships between the landscape of Dendy Street Beach and the built form of the Bathing Boxes require the inclusion of greater curtilage to be able to consider any future impacts on the cultural heritage significance of the Bathing Boxes under the Act, including any impacts on their visual setting, in particular the northern view towards Melbourne's skyline.
103. The Committee therefore determines that the extent of registration should encompass the entire cove within which the Bathing Boxes sit, extending from the point generally north west of the northernmost bathing box in the north and the point between Dendy Street Beach and Holloway Bend in the south; in the east by the Esplanade between Keith Court and Gould Street, and in the West by Port Phillip Bay at the high water mark (see Attachment 2).
104. The Committee considers that neither the SLSC, the carpark nor the pedestrian pathways in this area contribute to the cultural heritage significance of the Place. However, these areas are included in the Extent of Registration as curtilage for the Bathing Boxes in order that any works are assessed under the Act.
105. The Committee appends a map of the registered extent and an annotated satellite image at Attachment 2 as a record of the Extent of Registration of the Brighton Bathing Boxes and Dendy Street Beach.

Permit Policy and Permit Exemptions

Submissions and evidence

106. Most parties did not make detailed written submissions relating to permit policy or permit exemptions.
107. BBBA submitted proposed changes to the permit policy and permit exemptions for the Place and the Executive Director was generally in agreement with BBBA's proposed changes to permitted painting parameters, exterior fabric and sand build-up exemptions. The Executive Director submitted in addition that a condition relating to copyright law should be included in the permit policy for the Bathing Boxes.
108. In relation to permit policy and permit exemptions and the relationship between Bayside's Bathing Boxes and boatshed policy and the Executive Director's proposed permit policy and exemptions, the Executive Director's representative explained that relevant Department of Environment, Land, Water, and Planning ('DELWP') guidelines provide information about the Bathing Boxes and what they should look like, that the Bayside Policy is the appropriate tool and that it is with reference to that policy that the Executive Director would assess any prospective permit applications.
109. Bayside did not dispute the State-level cultural heritage significance of the Nominated Extent, but submitted that the Bathing Boxes should be exempt from the requirement for a heritage permit in relation to a number of matters. Bayside noted its concern about the future use of the Nominated Extent and any impact on the Community, it supported an extent of registration generally consistent with the Recommended Extent. Bayside submitted that it is Bayside City Council policy that no new Bathing Boxes will be added outside of the existing footprint of the Bathing Boxes, although new boxes may be constructed within that footprint. Bayside also submitted that the permit exemptions should be extended to enable the construction of four new bathing boxes.

Discussion and conclusion

110. The Committee considers that a relatively conservative approach should be taken in relation to the granting of exemptions from the requirement for a permit under the Act. It is the Committee's view that, generally speaking, permit exemptions should be limited to categories of minor works, rather than excluding large parts of places from the requirement for a heritage permit under the Act. In the absence of detailed documentation of proposed or potential works, works should not generally be exempt from the requirement for a heritage permit under the Act.
111. The Committee recognises that the Bathing Boxes are striking in their vivid colours but that the licensees' preferred range of colours may change over time. The Committee recognises that allowing some discretion in Bathing Box design is consistent within a setting that changes and evolves. The Committee therefore adopts the Bayside documents 'Permitted Painting Parameters' and 'Construction Guidelines' as guiding Permit Policy documents. The Committee notes that for building and works to the Bathing Boxes and Dendy Street Beach, licensees should refer to the relevant DELWP guidelines.
112. In relation to permit exemptions, the Committee is of the view that painting and construction policies for the Bathing Boxes should sit within the permit policy and permit exemptions. Subject to these policies the Committee is of the view that Bathing Boxes licensees should be able to choose to differentiate their Bathing Boxes with minor structural, artistic and colour variations. The Committee responds more specifically to matters raised in relation to permit policy and permit exemptions at Attachment 2.
113. The Committee is of the view that emergency stabilisation works should be allowed by exemption and agrees with Mr Meares in this respect.
114. The Committee determines that an exemption for the demolition of non-contributory SLSC fabric should also be provided.
115. In making its determination, the Committee refers to the Permit Policy and Permit Exemptions as attached, with changes shown from the Executive Director's Recommendation to include (Attachment 2)

Natural Heritage and Aboriginal Cultural Heritage Values

116. A large number of submissions argued that the Committee should consider natural heritage values and/or Aboriginal cultural heritage values in considering the Nominated Extent.

Discussion and conclusion

117. In relation to the Nominated Extent and submissions arguing the associations with Aboriginal use and occupation, the Committee notes that there are registered Aboriginal places within the Nominated Extent and that Bunurong and Woi Wurrung peoples value them but notes there was little evidence provided as to these associations. The Committee also notes that it is not within its purview to consider the registration of places in Victoria solely on the basis of Aboriginal use and occupation. The Committee nevertheless recognises that the Aboriginal use and occupation in this area of Port Phillip Bay contributes to the significance of the Bathing Boxes and Dendy Street Beach and notes the submissions about the Aboriginal camps in this area of the coastline, contributing to the significance of Dendy Street Beach as a gathering place for all people for recreational purposes.
118. In relation to the natural heritage values of the landscape, the Committee notes the submissions from the community that the Nominated Extent has been used as a demonstration of geological

processes and that the landscape is significant irrespective of the presence of the Bathing Boxes.

119. The Committee considers that not enough evidence was provided for it to ascertain that this aspect of the place reaches the threshold of State significance.
120. The Committee determines that, in its view, the State-level significance of the Bathing Boxes does not depend on the presence of native vegetation or the particular geology of the Nominated Extent, rather it is the overall context of the location including the coastline, the vegetation separating it from other urban areas of Brighton, and visual relationship with the Melbourne CBD.

Statement of Significance

Submissions and evidence

121. The Executive Director included a proposed Statement of Cultural Heritage Significance in the Recommendation and a number of parties made submissions suggesting certain amendments and additions.
122. Many parties made submissions in relation to the Criteria that would, if accepted in part or whole by the Committee, result in changes to the Statement of Cultural Heritage Significance for the Nominated Extent.

Discussion and conclusion

123. The Committee recognises that some submissions relating to Extent of Registration and to Permit Policy and Permit Exemptions are relevant to a consideration of the Statement of Significance for the Nominated Extent and vice versa.
124. The Committee notes the submissions and evidence given as part of this hearing relating to the proposed Statement of Significance for the Recommended Extent and suggesting changes to it.
125. The Committee records that its determination that the Brighton Bathing Boxes and Dendy Street Beach are of aesthetic significance to the State of Victoria must be reflected in the Statement of Significance.
126. The Committee determines to modify the Statement of Significance as proposed by the Recommendation to include and appends its changes to the Statement of Significance accordingly to reflect its determination as to the matters above (Attachment 2).

CONCLUSION

127. Pursuant to s.42(1)(a) and s.42(4) of the *Heritage Act 1995* and in accordance with s.265 of the *Heritage Act 2017*, the Committee determines that an area comprising the Brighton Bathing Boxes and Dendy Street Beach is of cultural heritage significance to the State of Victoria and warrants inclusion in the Register as a Registered Place, as it meets the State-level threshold for inclusion in the Register under Criteria A, D, E and G.
128. The Committee appends the Extent of Registration, Statement of Cultural Heritage Significance, Permit Policy and Permit Exemptions to record the inclusion of the Bathing Boxes and Dendy Street Beach in the Register, including changes the Committee has made to the material originally included in the Recommendation to include (see Attachment 2).
129. The Committee wishes to record its appreciation for the work of all parties and their representatives in relation to the conduct of this hearing, including in relation to the constructive and informed approach taken by parties. The approach adopted by all parties has considerably assisted the Committee in carrying out its role.

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.

ATTACHMENT 2

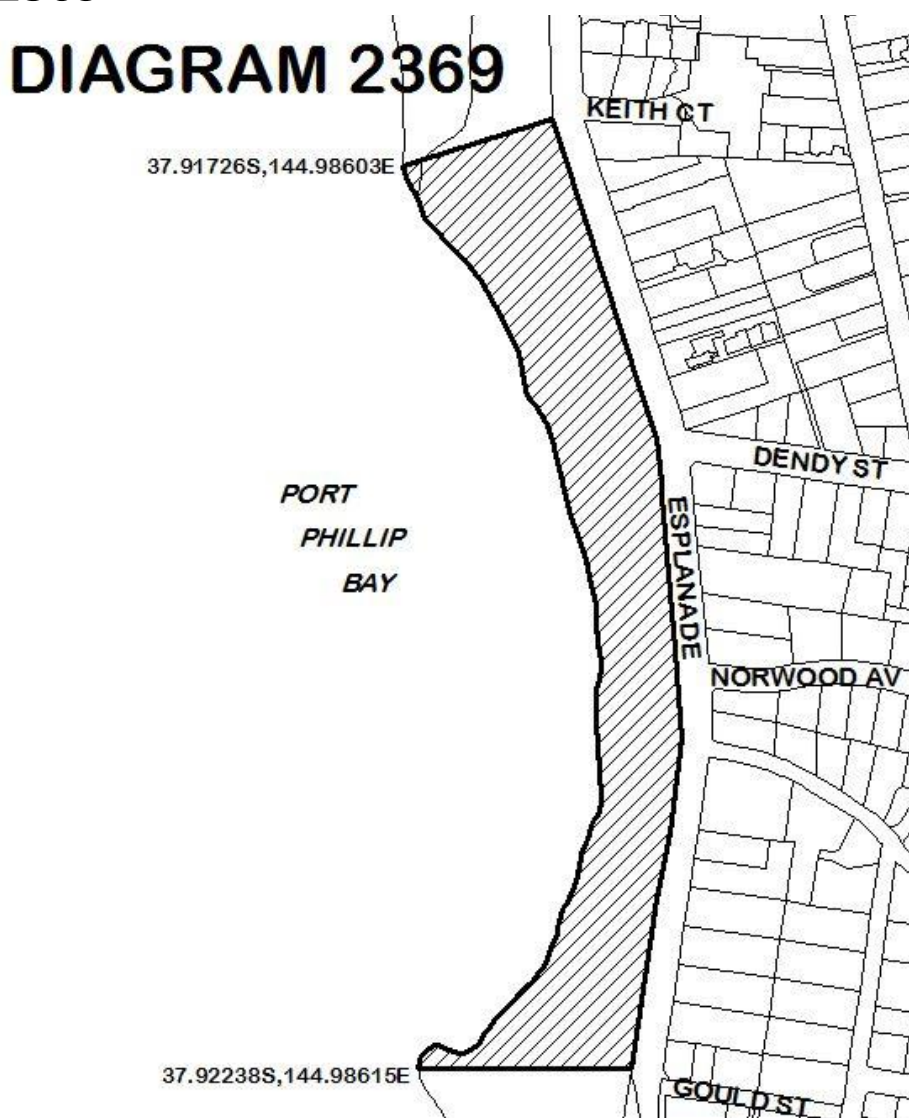
Registration documents (showing key changes in blue from Executive Director's Recommendation to include)

EXTENT OF REGISTRATION

Registered Place: The Brighton Bathing Boxes and Dendy Street Beach

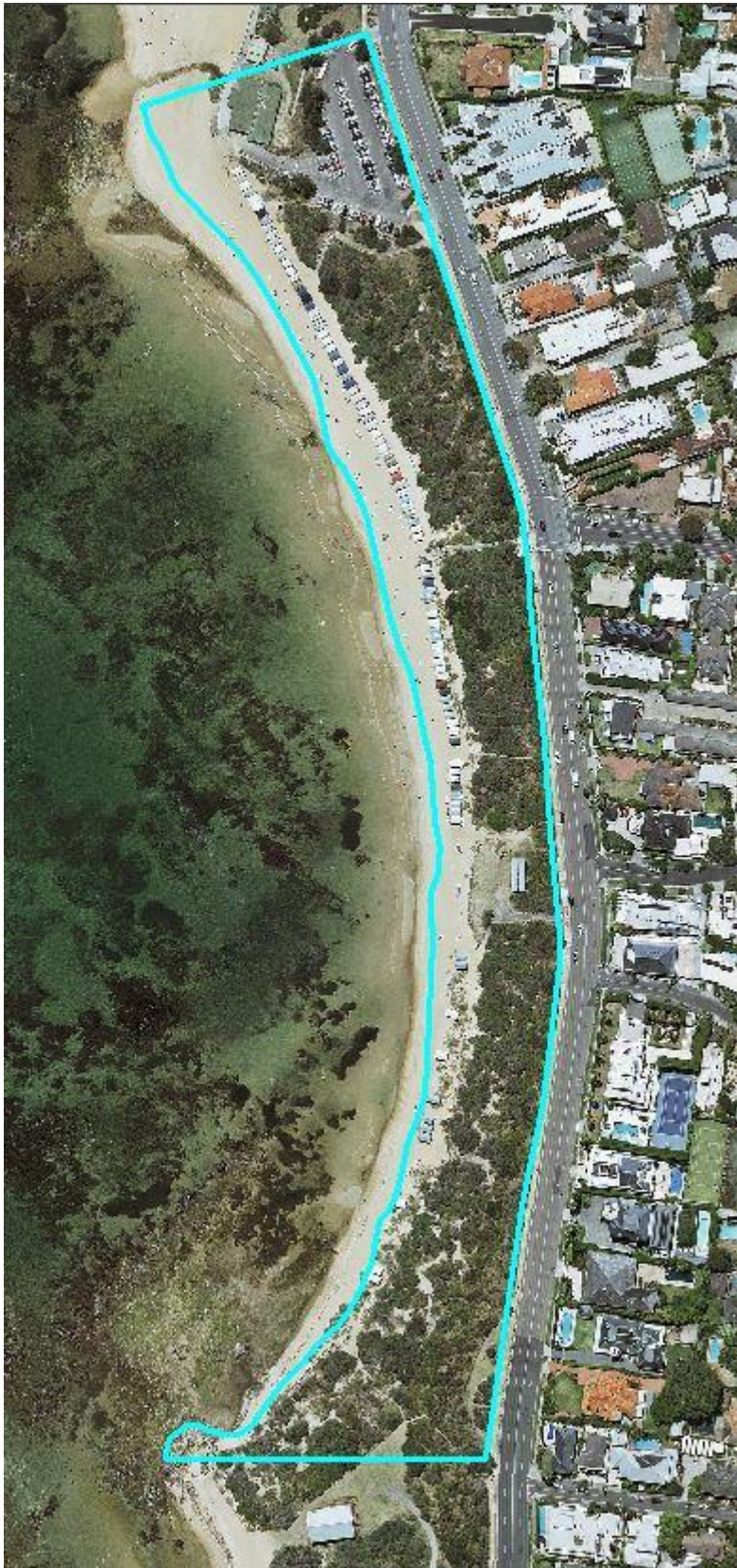
All of the place shown hatched on Diagram 2369 encompassing part of Lot 2 on Title Plan 963646 and part of Crown Allotment 2048 Parish of Moorabbin bounded on the East by Esplanade between Keith Court and Gould Street, and on the West by Port Phillip Bay between the points with the co-ordinates 37.91726S,144.98603E and 37.92238S,144.98615E.

Diagram 2369



The extent of registration of the Brighton Bathing Boxes and Dendy Street Beach in the Victorian Heritage Register affects the whole place shown on Diagram 2369 including all the Bathing Boxes.

AERIAL PHOTO OF THE PLACE SHOWING EXTENT OF REGISTRATION



STATEMENT OF CULTURAL HERITAGE SIGNIFICANCE (SHOWING ANY CHANGES FROM EXECUTIVE DIRECTOR'S RECOMMENDATION)

WHAT IS SIGNIFICANT?

The ~~Dendy Street~~Brighton Bathing Boxes and their coastal landscape setting. The interiors of the individual Bathing Boxes are not of cultural heritage significance. The c. 1960s change room has no significance in the context of this place.

History Summary

Brighton developed into a beachside suburb and tourist destination from the mid 1800s when its beaches became places of leisure and sea bathing. Along the many beachfronts of Brighton, gardens and walkways were created for promenading and Bathing Boxes were erected to allow for modest bathing. Bathing boxes were originally used as changing rooms, and located close to the water so that the bather could enter the water discreetly. By the 1920s most of the Bathing Boxes on Brighton beaches had fallen into disrepair and there was agitation for their removal. This was addressed in 1934 when most of the Bathing Boxes in the area were relocated to one beach, Dendy Street Beach. By 1952, the boxes at Dendy Street Beach were again in a dilapidated state. Various municipal authorities supported the removal of all bayside structures around Port Phillip Bay, including Frankston City Council who in 1974 gave bathing box owners ten years to remove their boxes. The policies were supported by the Labor government but due to strong lobbying from the Brighton Bathing Box Association and individuals, the Minister for Planning and Environment requested a study of all structures around the bay. This resulted in the retention of the ~~Dendy Street~~Brighton Bathing Boxes as a representative group. By this date, the Bathing Boxes had been painted in bright colours. They continue to be utilised by Brighton residents who lease them from Bayside City Council.

Description Summary

The ~~Dendy Street Beach~~Brighton Bathing Boxes are located on Dendy Street Beach, The Esplanade, Brighton. Running along The Esplanade are vegetated sand dunes, in front of which are a uniform line of more than 80 brightly painted beach Bathing Boxes. The Bathing Boxes are located close together, apart from at the southern end of the beach, where there are small groupings of boxes with wider spaces in between. They are similar in size and form, of small scale, and comprise timber weatherboard cladding with corrugated iron roofing. Openings are generally to the front elevation and vary in size and style.

This site is part of the traditional land of the Boonwurrung people.

HOW IS IT SIGNIFICANT?

The Brighton Bathing Boxes and Dendy Street Beach ~~Dendy Street Beach Bathing Boxes~~ are of historical, aesthetic and social significance to the State of Victoria. They satisfy the following ~~criterion~~ **criteria** for inclusion in the Victorian Heritage Register:

Criterion A Importance to the course, or pattern, of Victoria's cultural history.

Criterion D Importance in demonstrating the principal characteristics of a class of cultural places and objects.

Criterion E Importance in exhibiting particular aesthetic characteristics

Criterion G Special association with the life or works of a person, or group of persons, of importance in Victoria's history

WHY IS IT SIGNIFICANT?

The Brighton Bathing Boxes and Dendy Street Beach are significant at the State level for the following reasons:

The Dendy Street Beach Bathing Boxes are historically significant for their association with the development of beach culture in Victoria from the 1840s to the present day. This is demonstrated through their evolution from functional, rudimentary structures which allowed bathers to change and discreetly enter the water, to their present use and appearance as brightly decorated places which form focal points for casual and social interaction. [Criterion A]

The ~~Dendy Street~~**Brighton** Bathing Boxes demonstrate the principal characteristics of Bathing Boxes through their small scale, gabled roofs, and rudimentary design using simple building materials such as weatherboard cladding and corrugated iron roof sheeting. [Criterion D]

The Brighton Bathing Boxes and Dendy Street Beach are of aesthetic significance to the Victorian community in exhibiting the iconic colours and forms of Bathing Boxes of the Victorian coastline. The visual impact of the vibrant, brightly painted exterior walls of the Brighton Bathing Boxes are enhanced by their setting along the curve of the Dendy Street Beach in front of its vegetated sand dunes. Images of the Brighton Bathing Boxes, in many cases with Melbourne's skyline featured in the background, are iconic to the State. [Criterion E]

The Dendy Street Beach Bathing Boxes are socially significant for their strong association with local, national and international visitors. They are renowned not only for their function, but for their landmark qualities as a backdrop to many celebrations and casual **visits to the beach** ~~visits~~. They have been reported and recorded in multiple mediums including photography, painting, digital and film media, and used in promotional products. They are instantly recognisable as the predominant assemblage of Bathing Boxes retained in Victoria. [Criterion G]

BRIGHTON BATHING BOXES AND DENDY STREET BEACH PERMIT POLICY

Preamble

The purpose of the Permit Policy is to assist when considering or making decisions regarding works to a registered place. It is recommended that any proposed works be discussed with an officer of Heritage Victoria prior to making a permit application. Discussing proposed works will assist in answering questions the owner may have and aid any decisions regarding works to the place.

The extent of registration of the ~~Dendy Street~~Brighton Bathing Boxes and Dendy Street Beach in the Victorian Heritage Register affects the whole place shown on Diagram 2369 including all the Bathing Boxes. Under the Heritage Act 1995 a person must not remove or demolish, damage or despoil, develop or alter or excavate, relocate or disturb the position of any part of a registered place or object without approval. It is acknowledged, however, that alterations and other works may be required to keep places and objects in good repair and adapt them for use into the future.

If a person wishes to undertake works or activities in relation to a registered place or registered object, they must apply to the Executive Director, Heritage Victoria for a permit. The purpose of a permit is to enable appropriate change to a place and to effectively manage adverse impacts on the cultural heritage significance of a place as a consequence of change. If an owner is uncertain whether a heritage permit is required, it is recommended that Heritage Victoria be contacted.

Permits are required for anything ~~which~~that alters the place or object, unless a permit exemption is granted. Permit exemptions usually cover routine maintenance and upkeep issues faced by owners as well as minor works or works to the elements of the place or object that are not significant. They may include appropriate works that are specified in a conservation management plan. Permit exemptions can be granted at the time of registration (under s.42 of the Heritage Act) or after registration (under s.66 of the Heritage Act).

It should be noted that the addition of new buildings to the registered place, as well as alterations to the exterior of existing buildings requires a permit, unless a specific permit exemption is granted.

Conservation management plans

It is recommended that a Conservation Management Plan is developed to manage the place in a manner ~~which~~that respects its cultural heritage significance.

Aboriginal cultural heritage

If works are proposed which have the potential to disturb or have an impact on Aboriginal cultural heritage it is necessary to contact Aboriginal Victoria to ascertain any requirements under the Aboriginal Heritage Act 2006.

If any Aboriginal cultural heritage is discovered or exposed at any time it is necessary to immediately contact Aboriginal Victoria to ascertain requirements under the Aboriginal Heritage Act 2006.

Human remains

If any suspected human remains are found during any works or activities, 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 Coronial Admissions and Enquiries hotline must be contacted immediately on 1300 888 544. 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).

Other approvals

Please be aware that approval from other authorities (such as local government) may be required to undertake works.

Natural and Environmental Values

The eastern part of this place, which comprises part of the Dr Jim Willis Reserve, has natural and environmental values. It is being included in this registration to provide a setting for the Bathing Boxes. The intent is not to regulate the management of the Dr Jim Willis Reserve under the Act, but to allow ongoing landscape management in accordance with the requirements of the Bayside Planning Scheme.

The Bayside Planning Scheme Vegetation Protection Overlay (VPO1) covers part of the recommended place, and approval from Bayside City Council is required for works in this area.

Archaeology

Ground disturbance may affect any archaeological deposits at the place and, subject to the exemptions stated in this document, requires a permit.

Cultural heritage significance

Overview of significance

The cultural heritage significance of the Dendy Street Beach Bathing Boxes lies in the external fabric of the individual Bathing Boxes, including weatherboard cladding, corrugated iron roofs, and their small scale, as well as the formation of the Bathing Boxes in a continuous line at the rear of the beach.

THE BRIGHTON BATHING BOXES AND DENDY STREET BEACH PERMIT EXEMPTIONS (UNDER SECTION 92 OF THE HERITAGE ACT 2017)

It should be noted that Permit Exemptions can be granted at the time of registration (under s.42(4) of the Heritage Act). Permit Exemptions can also be applied for and granted after registration (under s.66 of the Heritage Act)

General Condition 1

All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object.

General Condition 2

Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such works shall cease and Heritage Victoria shall be notified as soon as possible.

General Condition 3

All works should ideally be informed by Conservation Management Plans prepared for the place. 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 Condition 4

Nothing in this determination prevents the Heritage Council from amending or rescinding all or any of the permit exemptions

General Condition 5

Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits from the relevant responsible authority, where applicable.

Specific Permit Exemptions

BATHING BOXES AND EXTERIOR OF THE BATHING BOXES

- Minor patching, repair and maintenance which replaces like with like.
- Painting of previously painted surfaces, **subject to the Permitted Painting Parameters**, which replicates the colours and patterns of the existing paint scheme **or with the Permitted Painting Parameters**. ~~A permit is required for any new schemes or designs.~~
- **Subject to any building permit to be issued by the responsible authority, any demolition and replacement and rebuilding of a bathing box within the same footprint and in accordance with the Construction Guidelines and the Permitted Painting Parameters.**
- **The design and construction of new bathing boxes, within the general footprint of the Brighton Bathing Boxes and in accordance with the DELWP Standards for Bathing Box and Boatshed Construction Guidelines 2015.**
- **The exterior paint and appearance of new Bathing Boxes should be guided by the Permitted Painting Parameters.**

INTERIOR OF THE BATHING BOXES

- Works to the interior spaces which do not impact on the internal structure required to support the building.

MAINTENANCE, PUBLIC SAFETY AND SECURITY OF THE BATHING BOXES

- General maintenance of the Bathing Boxes. Such maintenance includes the temporary shuttering of windows and covering of holes as long as this work is reversible and does not have a detrimental impact on cultural heritage significance.
- General works/maintenance providing that the original form of the structure remains unaltered and that the works do not involve a substantial alteration or modification. Proposed new additions and alterations to stairs, entrances and decks require a permit.
- Public safety and security activities provided the works do not involve the removal, alteration or demolition of the Bathing Boxes.
- The erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety.
- Emergency stabilisation necessary to secure safety where a bathing box has been irreparably damaged or destabilised and represents a safety risk to its users or the public. Note: Urgent or emergency site works are to be undertaken by an appropriately qualified specialist such as a structural engineer or other heritage professional.
- **Removal or excavation of sand under or around a Bathing Box on Dendy Street Beach for the purpose of protection and preservation of the foundations, flooring, steps and any other structures and components of the Bathing Box.**

SURF LIVESAVING CLUB AND THE CHANGING ROOM BUILDING (C. 1960S)

- Maintenance and internal and external alterations to the **Surf Life Saving Club (SLSC) and** changing room buildings provided that the works occur within the envelope of the existing building.
- **The demolition of SLSC and changing rooms fabric.**

LANDSCAPE EXEMPTIONS

No permit is required for tree or vegetation works, removal or replanting under the Heritage Act 2017 where it is undertaken in accordance with the requirements of the Bayside Planning Scheme.