

Heritage Council Regulatory Committee

Swan Hill Water Tower (H2452)

5 Monash Drive, Swan Hill, Swan Hill Rural City, Wamba Wemba Country

‘On the papers’ consideration

Members – Professor Philip Goad (Chair), Mr David Hogg, Mr Michael McMahon

Determination of the Heritage Council

To include in the Victorian Heritage Register – After considering the Executive Director’s recommendation and all submissions received, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that the Swan Hill Water Tower, located at 5 Monash Drive, Swan Hill, Swan Hill Rural City, Wamba Wemba Country, is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register in the category of registered place. The Heritage Council has determined to include as the extent of registration the area that was the subject of the recommendation of the Executive Director, and has determined, pursuant to section 49(3) of the *Heritage Act 2017*, to include categories of works or activities which may be carried out in relation to the place, for which a permit is not required (permit exemptions).

Professor Philip Goad (Chair)

Mr David Hogg

Mr Michael McMahon

Decision Date – 2 September 2025

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 submissions

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

The Executive Director, Heritage Victoria ('the Executive Director') recommended to the Heritage Council that the Swan Hill Water Tower, located at 5 Monash Drive, Swan Hill, be included in the Heritage Register. Written hearing submissions were received from the Executive Director.

Head, Transport for Victoria ('The Head, TfV')

The Head, Transport for Victoria ('The Head, TfV') is a statutory body established under section 64A of the *Transport Integration Act 2010*, responsible for coordination, operation and maintenance of the public transport system and road system. The Head, TfV, has interests in the extent of registration for the Swan Hill Water Tower, as recommended by the Executive Director. Written hearing submissions were received from the Head, TfV.

Swan Hill Rural City Council ('SHRCC')

Swan Hill Rural City Council ('SHRCC') is the Local Government Authority for the area in which the Swan Hill Water Tower is located. Written hearing submissions were received from SHRCC.

Mr Wayne Woonton

Written hearing submissions were received from Mr Wayne Woonton.

Introduction / Background

The Place

01. On 16 September 2024, 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 the Swan Hill Water Tower, located at 5 Monash Drive, Swan Hill ('the Place'), is of State-level cultural heritage significance and should be included in the Victorian Heritage Register ('the Register') in the category of registered place. The Executive Director also recommended pursuant to section 49(3) of the Act categories of works or activities which may be carried out in relation to the place, for which a permit is not required ('permit exemptions').
02. The Place is located on Wamba Wemba Country.
03. The Place is described on page 2 of the Recommendation as follows:

Site context

The Swan Hill Water Tower is located on the southwest corner of McCallum Street and Monash Drive, Swan Hill, forming the northern portion of the Richards Swimming Pool Leisure Centre Complex. McCallum Street is a major thoroughfare of the area and provides access to New South Wales via the Swan Hill Bridge, which is located to the northeast of the place. The place borders Monash Drive on the east and is adjacent to the railway line and level-crossing crossing to its west. A curved water slide structure is located to the immediate south of the place and extends to its west elevation. The water slide is approximately double-storey in scale.

Site description

The place comprises a substantial cylindrical brick tower that is approximately four-storeys in height. It is articulated by six prominent tapered buttresses, which divide the elevation into six vertical bays. The buttresses extend to the cornice on the top of the tower. Beneath the cornice, three bands of brick copings encircle the upper end of the elevation.

On the elevation, stringcourses divide each bay into four levels and each level comprises six arched recesses with projecting sills. The size of the arches decreases as their height increases. Most of the western arches contain window openings in-filled with timber boards. The uppermost of these window openings contains a narrow platform, from which extends a steel-framed ladder that leads to the rivetted metal water tank above. The tank shows visible signs of rust and weathering.

It is understood that the place has been vacant for an extended period and is contaminated by substantial pigeon droppings in its interior. However, it is speculated that the internal structure of the tower is in good condition. The interior potentially includes a stairway, flooring, piping and other associated structure and fittings.

04. The historical summary of the Place as outlined in the Recommendation is provided as **Attachment 1** to this determination.

Process following the Recommendation of the Executive Director

05. After the Recommendation was made to the Heritage Council on 16 September 2024, notice was published on 20 September for a period of 60 days, in accordance with section 41 of the Act.
06. Thirty (30) submissions, pursuant to section 44 of the Act ('section 44 submissions'), were received in relation to the Place. Twenty-eight (28) submissions supported the Recommendation, and two (2) submissions did not support the Recommendation.

07. The objecting submissions were received from:

- The Head, TfV, which:
 - objected to the proposed extent of registration and requested amendments to the recommended permit exemptions, and
- SHRCC, which:
 - queried the necessity to ‘elevate’ the heritage listing of the Place to State-level from its current inclusion in the Heritage Overlay in the Swan Hill Planning Scheme (HO138)
 - objected to the recommended extent of registration
 - indicated that it would not support the Place’s inclusion in the Register if that inclusion would impede the proposed Murray River Bridge Replacement, and
 - indicated it would seek funding to support maintenance of the Place in the event that it is included in the Register.

08. Despite their objecting submissions, the Head, TfV and SHRCC did not request that a hearing be held in relation to this matter. Both parties did, however, request to participate in any hearing held by the Heritage Council.

09. Several section 44 submissions made in support of the Recommendation requested that a hearing be held in relation to the matter.

10. The Regulatory Committee has given due consideration to all submissions made, pursuant to section 44 of the Act, in making its determination.

Regulatory Committee

11. Pursuant to section 13(1) of the Act, a Regulatory Committee of the Heritage Council (‘the Committee’) was duly constituted to consider the Recommendation and all submissions received, and to conduct any hearing in relation to the matter.

‘On the papers’ consideration of this matter by the Committee

12. On 14 January 2025 all parties who had made a submission pursuant to section 44 of the Act were notified that a hearing in relation to this matter had been requested in section 44 submissions. All individuals and organisations were invited to submit a *Hearing Participation Form (Form B)* (‘Hearing Participation Form’) to indicate whether or not they would participate in the hearing.

13. The Committee received four (4) Hearing Participation Forms from four parties (‘Interested Parties’), including:

- the Executive Director, Heritage Victoria
- the Head, TfV
- SHRCC, and
- Mr Wayne Woonton.

14. With due consideration to information provided in Hearing Participation Forms, the Committee notified Interested Parties on 28 March 2025 that it had determined to progress the matter without holding a verbal hearing. Interested Parties were given until 17 April 2025 to object to the matter being determined ‘on the papers’ by the Committee. No objections were received.

15. The Committee sought and received written hearing submissions and submissions in reply from Interested Parties, in accordance with submission timeframes set out by *Heritage Council Protocol 1 – Registration Hearings*.

Preliminary, procedural and other matters

Conflicts of interest

16. Committee members were invited 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.
17. All Committee members were satisfied that there were no relevant conflicts of interest and made no such declarations.

Future use, maintenance and development

18. 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 sections 49(1)(a)–(c) of the Act, the role of the Committee is to determine whether or not the Place, or part of it, should be included in the Register and, if determined to register, to determine appropriate permit exemptions for the Place pursuant to section 49(3) of the Act.
19. The Committee (and the Heritage Council similarly) have no current or future role in the consideration of permits under the *Planning and Environment Act 1987*. The Heritage Council's statutory remit is limited to the *Heritage Act 2017*.

Issues

20. 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. Any reference to the Criteria or to a particular Criterion refers to the *Victorian Heritage Register Criteria and Threshold Guidelines* (updated by the Heritage Council on 1 December 2022) ['Criteria for Assessment'], **Attachment 2**).

Summary of issues

21. The Executive Director recommended that the Place be included in the Register as a place of State-level cultural heritage significance in relation to Criteria A and D. The proposed extent of registration for the Place included all of the place shown hatched on Diagram 2452 (**Attachment 3**). Pursuant to section 38 of the Act, the Executive Director recommended permit exemptions for works or activities which may be carried out in relation to the Place without the requirement for a permit under Section 5 of the Act.
22. Submissions from Interested Parties generally did not dispute the recommendation of the Executive Director that the Place is of State-level cultural heritage significance, with the exception of SHRCC. Key areas of contest between the parties related to the proposed extent of registration for the Place and recommended permit exemptions. These matters are considered further below.

Criteria for Assessment – Criteria A and D

Summary of submissions and evidence

23. The Executive Director recommended that the Place be included in the Register as a place of State-level cultural heritage significance in relation to Criteria A (Importance to the course, or pattern, of Victoria's cultural history) and D (Importance in demonstrating the principal characteristics of a class of cultural places and objects).
24. In written submissions, SHRCC queried:

...why there is a need to elevate this listing from local to [State] significance, particularly having regard to the quoted examples of other such towers in the recommendation including the Kerang Water Tower which is of similar architectural design.
25. In reply submissions, Mr Woonton rejected comparisons to the Kerang Water Tower, submitting that its cultural heritage significance and historic context had been lost and 'devalued' owing to development, including the addition of a lookout directly on top of it. It was the view of Mr Woonton that the Kerang Water Tower could 'in no heritage respect' be found to be comparable with the Place.

26. The Head, TfV did not dispute the proposed Criteria for registration in relation to the Place, as recommended by the Executive Director.

Committee findings

27. The Committee notes the recommendation of the Executive Director in relation to Criteria A and D.
28. The Committee notes the submissions of SHRCC and Mr Woonton in relation to comparisons between the Place and the Kerang Water Tower. The Committee is not persuaded that a comparison between the Kerang Water Tower with the Place in any way undermines the Place's satisfaction of Criteria A and D at State-level, as recommended by the Executive Director.
29. The Committee accepts the analysis of the Executive Director and is satisfied based on the information before it that the Place meets the relevant State-level threshold in relation to **Criterion A** and **Criterion D**.

Extent of registration

Summary of submissions and evidence

30. The Executive Director recommended that the proposed extent of registration for the Place include all of the place shown hatched on Diagram 2452 (**Attachment 3**), encompassing part of Crown Allotment 8 Section 2 Township of Swan Hill and the road reserves of Monash Drive and Swan Hill-Moulamein Road to the extent of 5 metres measured from the base of the circular wall of the water tower at ground level.
31. As rationale for the proposed extent, the Executive Director stated that:

The recommended extent will ensure the adequate protection of the Water Tower and its immediate environs.

32. In submissions, the Executive Director further stated that:

The [Executive Director's] recommendation that the registration extend 5.0 metres from the base of the circular wall into the road reservation will ensure that works within close proximity to the base of the tower - such as landscaping, the regrading or re-profiling of the land, or the repositioning of the footpath - could be regulated under the Act. Such works have the potential to impact the direction or effects of surface run-off or drainage. There are examples where the re-profiling of land, or the installation of landscaping or hard paving has led to the redirection of surface water or drainage towards historic structures thereby leading to their deterioration. On this basis, a measurement of 5.0 metres was considered to be appropriate without interfering with potential works within the sealed road pavement area itself.

33. The Executive Director accepted that the recommended extent of registration included operational areas of road and rail reserve, and proposed specific permit exemptions for the Place to reduce the regulatory burden of maintaining and operating these areas in accordance with the Act.

34. Responding to section 44 submissions objecting to the proposed extent, the Executive Director indicated a willingness to alter the proposed extent of registration, stating in submissions that:

[...] it may be appropriate to adopt an alternative extent of registration for the land parcel containing the swimming pool. One option for the land parcel (and there may be others) might be to adopt a radius at a uniform distance from the base of the outer circular wall of the Swan Hil Water Tower and to implement a measurement that is more generous than that which might apply to the road reservation. As a suggestion, a 10.0 metre radius measured from the outer circular wall at the base of the Water Tower might be appropriate for the land parcel. Under this option, the extent of registration might contract to 5.0 metres at the property boundary where the extent of registration extends into the road reserve.

35. The Head, TfV objected to the recommended extent of registration for the Place for the following reasons:

- Including areas of current road and rail management, both of which require ongoing operations and maintenance, would create an unnecessary regulatory burden for both the Head, TfV and the Executive Director;

- A reduced extent of registration would be satisfactory for heritage protection purposes, given that the foundations of the Place are structurally sound;
 - Expressing the curtilage as a consistent distance from the structure would be clearer administratively and for regulatory compliance rather than relying on ground points associated with features that are likely to change over time.
- 36.** In addition to the reasons provided above, the Head, TfV referenced in submissions the proposal to replace the existing Swan Hill Bridge which is near the Place. The Head, TfV noted that planning for the replacement of the bridge had been underway for many years.
- 37.** Accordingly, the Head, TfV put forward an alternative extent of registration comprising a 4 metre radius surrounding the Water Tower (**Figure 1** below).
- 38.** The Head, TfV noted that the Executive Director did not provide a map indicating the alternative extent of registration as put forward in written submissions. The Head, TfV produced an indicative map of the Executive Director's proposed alternative extent, based on the description included in **paragraph 34** above (**Figure 2** below).
- 39.** SHRCC supported the alternative extent of registration as put forward by the Head, TfV.
- 40.** SHRCC submitted that the replacement of the Swan Hill Bridge had been its highest advocacy priority over the past decade, and that it would not support the proposed registered extent of the Place if it would put the bridge replacement project at risk.
- 41.** Mr Woonton submitted that any consideration of the proposed Swan Hill Bridge replacement constituted a planning matter, and was not relevant to any decision of the Heritage Council to include the Place in the Register.



Figure 1: Alternative extent of registration in the form of a 4 metre radius surrounding the water tower, as proposed by the Head, TfV in submissions.



Figure 2: Approximate indication of the Executive Director's alternative extent of registration, prepared by the Head, TfV, based on information provided on page 3 of the Executive Director's written submissions, extracted at **paragraph 34** above.

Committee findings

- 42.** The Committee has considered all submissions made in relation to the proposed extent of registration for the Place.
- 43.** Based on the material before it, the Committee is not persuaded that the alternative extent of registration as put forward by the Head, TfV (**Figure 1**) is sufficient to conserve the State-level cultural heritage significance of the Place. The Committee accepts the submissions of the Executive Director, particularly in relation to **paragraph 32** above, that a more generous curtilage is required to regulate works undertaken in proximity to the Place under the Act, in order to conserve and protect the cultural heritage significance of the Place.
- 44.** The Committee is not, however, satisfied that the alternative extent of registration as put forward by the Executive Director in submissions (as described at **paragraph 34** and indicated at **Figure 2**) presents an appropriate extent of registration for the Place. It is the view of the Committee that the alternative extent as contemplated by the Executive Director does not resolve the matters raised in the objecting submissions by the Head, TfV and SHRCC, noting the retention within it of road reserve areas and the irregularity of the registration extent boundary – and the associated regulatory challenges of administering it – should that extent be accepted.
- 45.** The Committee additionally notes that the objecting rationale for both the Head, TfV and SHRCC chiefly rests on the perceived regulatory burden of undertaking works and activities in operational road and rail areas, should these areas be included in the registered extent, and the impacts of the registration on the proposal to replace the Swan Hill Bridge in the future.
- 46.** The Committee repeats that it is not the role of this Committee to consider or give weight to future proposals. Pursuant to sections 49(1)(a)–(c) of the Act, the role of the Committee is to determine if the Place, or part of the Place, as recommended by the Executive Director is of State-level cultural heritage significance and should be included in the Register. The Committee notes and accepts the submissions of Mr Woonton on this issue.
- 47.** Based on the information before it, the Committee is satisfied that the extent as set out in the Recommendation of the Executive Director is appropriate to conserve and protect the cultural heritage significance of the Place (**Attachment 3**).

Permit exemptions

Summary of submissions and evidence

- 48.** Pursuant to section 38 of the Act, the Executive Director included in the Recommendation proposed permit exemptions specific to the registration for the Place (**Attachment 4**).
- 49.** In written submissions the Head, TfV requested amendments to the permit exemptions as recommended by the Executive Director. Specifically, the Head, TfV requested that the exemption relating to footpaths and road reservations be expanded to relate to the road pavement and rail infrastructure, and proposed the following wording (changes proposed by the Head, TfV marked in red):

Footpath, road pavement, road reservation and rail infrastructure

- *Maintenance, repairs upgrade and replacement of footpaths, road pavement, road kerb and road related infrastructure associated with existing road formations and road reserves and ancillary works within the road reservation.*
- *Maintenance, upgrade and replacement of rail related infrastructure associated with the existing rail formations and rail reserves.*

- 50.** Additionally, the Head, TfV requested that a new category of permit exemptions be determined by the Heritage Council, should the Heritage Council accept the Executive Director's recommended extent of registration. In written submissions, the Head, TfV requested that the below permit exemption category be included in anticipation of works associated with the Swan Hill Bridge replacement, and to allow for future works associated with transport infrastructure:

Detection of underground services (service locating)

- *Non-destructive locating of underground services using hydro-excavation and other non-destructive methods.*

- 51.** SHRCC submitted that it supported changes to the recommended permit exemptions, as proposed by the Head, TfV.
- 52.** In written submissions, the Executive Director indicated that it was willing to support the proposed additional permit exemption set out at **paragraph 50** above, relating to the detection of underground services.
- 53.** It was the view of the Executive Director that if the Heritage Council accepted the alternative extent of registration as put forward by the Executive Director in submissions (refer to **paragraph 34**) then permit exemptions relating and road infrastructure are likely to be unnecessary.

Committee findings

- 54.** As stated above at **paragraph 47**, the Committee determines to include in the Register all of the land recommended by the Executive Director in the Recommendation. Therefore, the Committee accepts that permit exemptions relating to road and rail-related infrastructure are necessary.
- 55.** The Committee is satisfied with the amendments to the recommended permit exemptions relating to footpath, road pavement, road reservation and rail infrastructure, as put forward by the Head, TfV and set out at **paragraph 49**.
- 56.** The Committee, however, is not wholly satisfied that the permit exemptions as proposed by the Head, TfV, and set out at **paragraph 50** above, would not harm the cultural heritage significance of the Place, specifically in relation to hydro-excavation methods. The Committee therefore determines not to include a category of specific exemptions relating to the detection of underground services and notes that any works or activities not covered by Heritage Victoria General Permit Exemptions will require approval from the Executive Director in accordance with Part 5 of the Act.
- 57.** The Committee determines to include categories of works or activities which may be carried out in relation to the Place for which a permit is not required, pursuant to section 49(3) of the Act (**Attachment 4**).

Conclusion

- 58.** After considering the Executive Director's recommendation and all submissions received, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that the Swan Hill Water Tower, located at 5 Monash Drive, Swan Hill, Swan Hill Rural City, Wamba Wemba Country, is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register in the category of registered place. The Heritage Council has determined to include as the extent of registration the area that was the subject of the recommendation of the Executive Director, and has determined, pursuant to section 49(3) of the *Heritage Act 2017*, to include categories of works or activities which may be carried out in relation to the Place, for which a permit is not required (permit exemptions).
- 59.** The extent of registration is provided as **Attachment 3** and the permit exemptions are provided as **Attachment 4**.
- 60.** The Committee thanks all interested parties for their submissions.

Attachment 1

Historical summary of the Place taken verbatim from pages 4–8 of the Executive Director’s Recommendation. Provided for information purposes only.

History

Settlement of Swan Hill

Swan Hill is located on the southern bank of the Murray River at its junction with the Little Murray River. The Wamba Wemba people occupied present-day Swan Hill for thousands of years prior to the European settlement.¹ The area was named Swan Hill by the Scottish explorer Thomas Mitchell, while he camped beside a hill on the 31 June 1836. The place was sometimes called Castle Donnington. Both names were used interchangeably throughout the nineteenth century.

European migrants began to settle in the Swan Hill area and broader Mallee region from the early 1840s onward. Farming and grazing were the main industries. In 1853, riverboat traffic reached Swan Hill from South Australia. In 1856 the settlement was proclaimed a township.

Population of the Swan Hill township grew slowly throughout the second half of the nineteenth century. By the early 1880s, when the Water Tower was built, the European population accounted for approximately 350 people.

Swan Hill became a shire in 1871, a borough in 1939 and a city in 1965.

Establishment of the Swan Hill Shire Waterworks Trust

Water supply varied considerably across Victoria in the nineteenth century. Reliable streams, rivers and lakes are available along the coastline, in the central area and the mountainous north-east. However, the climate became much drier and more prone to drought in the northern part of the State. In the early stage of their settlement, European settlers in northern Victoria collected water through primitive methods. They carted water manually from nearby creeks and rivers. Groundwater and rainwater were also collected when possible.² Rudimentary dams and weirs were also constructed by European settlers for farming and grazing purposes. In Swan Hill, water was carted around the town in barrels on a sled for sale and customers purchased the water by the cask.

Drought from the late 1870s to the early 1880s impacted Swan Hill and northern Victoria, resulting in financial loss for farmers.³ It was clear by this time that European settlements in the drier part of Victoria would need more comprehensive water supply and irrigation systems to survive. This led to the government commissioning two engineers, George Gordon and Alexander Black, to investigate and report on water supply issues in northern Victoria. Their findings recommended the following:

- 1) the water of each river in the northern districts should, as far as possible, be used within its own basin.
- 2) summer supplies should be conserved in the creeks and watercourses by the construction of weirs and dams. Where possible, waters from winter floods should be diverted to and conserved in creeks for the use in the dry seasons.
- 3) the forementioned schemes should be carried out by local waterworks trusts or similar authorities.⁴

Gordon and Black’s findings propelled Alfred Deakin, then Minister for Water Supply, to introduce the *Water Conservation and Distribution Act 1881* for the establishment of local waterworks trusts. These trusts were permitted to borrow funds from the government for the construction of irrigation works. The trusts could then charge water rates to users, recoup their costs and pay the interest on the loans. In addition, the Act also

¹ Swan Hill Rural City Council, *Aboriginal culture and heritage*. <https://www.swanhill.vic.gov.au/Community/Aboriginal-culture-and-heritage> (accessed 10 July 2024).

² Context, *Victorian Water Supply Heritage Study*, Vol 1, pp. 3–4

³ Swan Hill Rural City Council, *Aboriginal culture and heritage*. <https://www.swanhill.vic.gov.au/Community/Aboriginal-culture-and-heritage> (accessed 10 July 2024).

⁴ L R East, 1934, ‘Irrigation and Water Supply in Victoria’, in *One hundred years of engineering 1834-1934*, p 390

alienated the frontages of virtually all the rivers, lakes and water courses in Victoria that were not alienated from the Crown at that stage. This ensured the protection of waterways for future use.⁵

Following the introduction of the Act, the Swan Hill Shire Waterworks Trust was established by an Order-in-Council on 17 July 1882 alongside waterworks trusts for the East Loddon, Korong and Marong Shires.⁶ The responsibilities of the Trust could be summarised as follows:⁷

- 1) supplying waters to the towns of Swan Hill and Kerang.
- 2) maintaining and upgrading the existing dams and weirs built by the early European squatters within the shire territory.
- 3) managing the Gunbower and Loddon River water scheme infrastructure located within the shire territory.

The Trust committee comprised the Swan Hill Shire council members plus a commissioner appointed by the Colonial Government. In its inaugural year, the Trust employed an engineer, two draughtsmen, one secretary and two surveyors. Charles Henry Kempson, who later supervised the construction of the Swan Hill Water Tower, was the Water Trust inaugural engineer, was appointed to the position in 1881.⁸

Following the *Irrigation Act 1886*, the Trust became the Swan Hill Irrigation and Water Supply Trust in September 1887.⁹ It was dissolved in 1906. The functions of the Trust were carried out by the Swan Hill Irrigation and Water Supply District under the newly established State Rivers and Water Supply Commission.

Swan Hill Water Tower

Swan Hill Water Tower was constructed in 1883 by the Swan Hill Shire Waterworks Trust,¹⁰ under the supervision of Henry Charles Kempson, the Shire Engineer. A notice was published in January 1883 calling for tenders from bricklayers, carpenters and joiners.¹¹ Thomas Edwards of Reedy Lake (on the north of Kerang) was appointed the bricklayer, with George Betts being the manufacturer of the bricks. W Barker was contracted to supply the 20,000-gallon water tank. The tower was complete in late 1883.¹² In addition to the water tower, the site also consisted of a boiler house and a wood-fired steam engine. The facilities pumped water out of the Murray River and into the water tank atop, which took four and half hours of pumping to fill. Water then flowed to the surrounding businesses and residences by gravitation.

The Water Tower supplied water to the Swan Hill township in the ensuing decades. However, the tower began to struggle by 1897. This was due to blocked pipes, corroded mains and deteriorating engines and pumps. Supply to residences on higher ground was regularly interrupted as the water system needed to be turned off to allow enough pressure to send water uphill.¹³ Due to wood shortages at the time, the pump operation had to be ceased after 11pm daily, leading to insufficient water reserves in the tower.

By the early 1900s, it was clear that the water supply system was inadequate. Residents in Swan Hill township had increased to 950 by 1900-01. Another drought also hit the region around this time. This sharply increased the levels of salt and hydrochloric acid in the Murray, leading to the further corrosion of the water tank.¹⁴ In response, a second brick water tower was constructed in 1902 and a third concrete water tower was built in 1937 to increase the water supply capacity.¹⁵ These two towers are located further eastward on McCallum Street and Splatt Street.

The Swan Hill Water Tower was disused from the ca.1950s. The engine and boiler houses were subsequently removed. The tower was later incorporated into the Richards Swimming Pool Leisure Centre.

⁵ Context, 2007, Victoria Water Supply Heritage Study, p 32.

⁶ Victoria Government Gazette No 71, 07 July, 1882, p1664.

⁷ "The Water Conservation Act" in *Australasian*, 30 December 1882, p 25; "The Water Conservation Act" in *Australasian*, 27 January 1883, p 23.

⁸ "Death of Mr Kempson, C.E" in *Bendigo Advertiser*, 05 October 1899, p 3.

⁹ Victoria Government Gazette 30 Sept 1887, No 91, p2841.

¹⁰ "Watering the City", *Swan Hill Guardian*, 04 April 2007, p2.

¹¹ "Swan Hill Shire Waterworks Trust Notice" in *Bendigo Advertiser*, 05 January 1883, p 4.

¹² "Swan Hill Shire Water Works Trust" in *Bendigo Advertiser*, 02 February 1884, p2.

¹³ "Watering the City", *Swan Hill Guardian*, 04 April 2007, p2.

¹⁴ Ibid.

¹⁵ 150,000 gallon reinforced concrete structure", *Riverina Recorder*, 11 September 1937, p 3.

Henry Charles Kempson

Henry Charles Kempson (1826-1899), a native of Birmingham, was trained as a civil engineer in England. He worked on the construction of the Caledonian Railway in Scotland prior to migrating to Australia in 1852. After a short stint in the gold fields, Kempson resumed his engineering career and worked firstly for the Roads and Bridges Department of the Victorian Colonial Government and then for various road boards and shires. In 1878 he moved to the Swan Hill and Kerang areas and stayed there for the rest of his life. He worked as engineer for both the Shire and various water trusts and supervised the construction of several schemes.¹⁶ An advertisement published in 1899 lists Kempson as a civil engineer, architect and licenced surveyor.¹⁷

Apart from the Swan Hill Water Tower, Kempson also supervised the construction of the Kerang Water Tower in 1883, which has been converted into a lookout tower. Kempson's other building works remain unknown.

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Kerang Times and Swan Hill Gazette

Riverina Recorder

Kerang Times

The Guardian (Swan Hill)

Swan Hill Rural City Council, undated, *Aboriginal culture and heritage*

<https://www.swanhill.vic.gov.au/Community/Aboriginal-culture-and-heritage> (accessed 10 July 2024). Swan Hill Historical and Genealogical Society collection

Victorian Government Gazette

¹⁶ "Death of Mr H C Kempson, C.E." Kerang Times, 06 Oct 1899, p 2.

¹⁷ Kerang Times and Swan Hill Gazette, 12 March 1889, p 1.

Attachment 2

Victorian Heritage Register Criteria and Threshold Guidelines

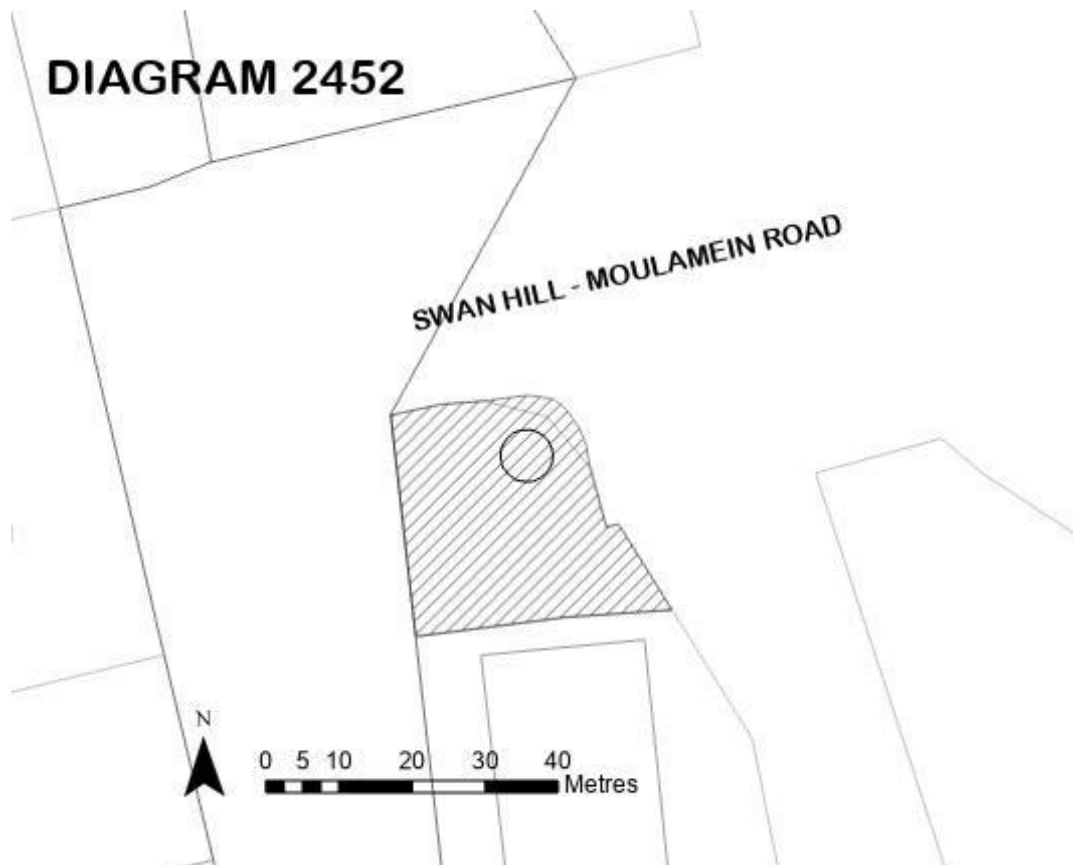
Criterion A	Importance to the course, or pattern, of Victoria's cultural history.
Criterion B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
Criterion C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
Criterion D	Importance in demonstrating the principal characteristics of a class of cultural places and objects.
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 adopted by the Heritage Council at its meeting on 1 December 2022, and replace the previous criteria adopted by the Heritage Council on 6 December 2012.

Attachment 3

Extent of Registration

All of the place shown hatched on Diagram 2452 encompassing part of Crown Allotment 8 Section 2 Township of Swan Hill and the road reserves of Monash Drive and Swan Hill-Moulamein Road to the extent of 5 metres measured from the base of the circular wall of the water tower at ground level.



Attachment 4

Categories of works or activities which may be undertaken without a permit (permit exemptions)

Introduction

A [heritage permit](#) is required for all works and activities undertaken in relation to VHR places and objects. Certain works and activities are [exempt from a heritage permit](#), if the proposed works will not harm the cultural heritage significance of the heritage place or object.

Permit exemptions

General exemptions

General exemptions apply to all places and objects included in the VHR. General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which do not harm its cultural heritage significance, to proceed without the need to obtain approvals under the *Heritage Act 2017*.

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

Subdivision/consolidation: Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the *Planning and Environment Act 1987* and the application for the planning permit was referred to the Executive Director as a determining referral authority, a permit is not required.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions. Find out more about heritage permit exemptions [here](#).

Specific exemptions

The works and activities below are not considered to cause harm to the cultural heritage significance of the Swan Hill Water Tower subject to the following guidelines and conditions:

Guidelines

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.

5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor
7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the Act must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

Conditions

1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the *Aboriginal Heritage Act 2006*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.
4. If during the carrying out of works or activities in accordance with specific exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
5. If during the carrying out of works or activities in accordance with specific exemptions any suspected human remains are found the works or activities must cease. The remains must be left in place and protected from harm or damage. Victoria Police and the State Coroner's Office must be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the *Aboriginal Heritage Act 2006*, all details about the location and nature of the human remains must be provided to the Secretary (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

Swimming pool, water slide and any associated structures

1. Maintenance and repair of the existing water slide and associated swimming pool structures, providing there is no damage to or alteration of the original structure or fabric of the Water Tower.
2. Demolition or removal of the existing water slide and associated swimming pool structures, providing there is no damage to or alteration of the original structure or fabric of the Water Tower.

Soft landscaping

3. Removal, pruning and lopping of all vegetation.

Footpath, road pavement, road reservation and rail infrastructure

4. Maintenance, repairs upgrade and replacement of footpaths, road pavement, road kerb and road related infrastructure associated with existing road formations and road reserves and ancillary works within the road reservation.
5. Maintenance, upgrade and replacement of rail related infrastructure associated with the existing rail formations and rail reserves.