

Planning and Environment Act 1987

Panel Report

**Greater Bendigo Planning Scheme Amendment C235gben
Bendigo City Centre Heritage Study Stage 1**

27 April 2021

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Greater Bendigo Planning Scheme Amendment C235gben

Bendigo City Centre Heritage Study Stage 1

27 April 2021



Michael Ballock, Chair

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Council	Greater Bendigo Council
DELWP	Department of Environment, Land, Water and Planning
MPS	Municipal Planning Strategy
PPN01	Planning Practice Note 1 – Applying the Heritage Overlay (August 2018)
Study	Bendigo City Centre Heritage Study Stage 1, 2020
TEH	Greater Bendigo Thematic Environmental History, 2013
VHR	Victorian Heritage Register

Overview

Amendment summary	
The Amendment	Greater Bendigo Planning Scheme Amendment C235gben
Common name	Bendigo City Centre Heritage Study Stage 1
Brief description	The Amendment implements the Bendigo City Centre Heritage Study Stage 1, 2020 by applying the Heritage Overlay to 18 individual heritage places
The Proponent	Greater Bendigo City Council
Planning Authority	Greater Bendigo City Council
Authorisation	By letter dated 9 June 2020
Exhibition	23 July to 1 August 2020
Submissions	Number of Submissions: 9 Opposed: 4 Refer to Appendix A

Panel process	
The Panel	Michael Ballock (Chair)
Directions Hearing	Friday 26 February 2021 by video conference
Panel Hearing	Monday 15 March 2021 by video conference
Site inspections	Unaccompanied, Sunday 18 April 2021
Parties to the Hearing	<p>Greater Bendigo City Council represented by Philip DeAraugo, Senior Strategic Planner, who called expert evidence on:</p> <ul style="list-style-type: none"> - Heritage from Dr Kim Roberts of Context <p>Spring Design and Development Pty Ltd represented by Jennifer Trewhella of Counsel instructed by Gemma Robinson of Rigby Cooke Lawyers, who called expert evidence on:</p> <ul style="list-style-type: none"> - Heritage from Peter Lovell of Lovel Chen
Citation	Greater Bendigo PSA C235gben [2021] PPV
Date of this Report	27 April 2021

Executive summary

Greater Bendigo Planning Scheme Amendment C235gben (the Amendment) seeks to implement the Bendigo City Centre Heritage Study Stage 1, 2020 (the Study) by applying the Heritage Overlay to the following 18 individual heritage places:

- Vahland Drinking Fountain, William Vahland Place, Bendigo (HO916)
- 8-10 Garsed Street, Bendigo (HO917)
- 159 Hargreaves Street, Bendigo (HO918)
- 165-171 Hargreaves Street, Bendigo (HO919)
- 426 Hargreaves Street, Bendigo (HO920)
- 156-158 Lyttleton Terrace, Bendigo (HO921)
- 259-265 Lyttleton Terrace, Bendigo (HO922)
- 314 Lyttleton Terrace, Bendigo (HO923)
- 322-326 Lyttleton Terrace, Bendigo (HO924)
- 80-84 Mitchell Street, Bendigo (HO925)
- 96 Mollison Street, Bendigo (26 Myers Street, Bendigo) (HO926)
- 56 Mundy Street, Bendigo (HO927)
- 25 Queen Street, Bendigo (HO928)
- 7-9 St Andrews Avenue, Bendigo (HO929)
- 35-39 Short Street, Bendigo (HO930)
- 106 Williamson Street, Bendigo (HO931)
- 114 Williamson Street, Bendigo (HO932)
- 116 Williamson Street, Bendigo (HO933).

In 2013 Council decided that the City needed to revisit the area of the Bendigo City Centre that was not covered by the Heritage Overlay, on the basis that there would be places that would meet the threshold required to justify heritage protection. The Study was finalised in 2020 and its recommendations are the basis of this Amendment

Key issues raised in submissions included:

- the extent of the exhibited Overlay over individual places
- the HERCON criteria identified for individual places were appropriate the potential impact of the Heritage Overlay.

The Panel agrees that the process undertaken by Council in finalising the Study is methodical and consistent with the guidance provided by PPN01 and similar to the methodologies used in a number of heritage studies.

The Panel concludes:

- it is appropriate and justified to include 106 Williamson Street, Bendigo (HO931) in the Heritage Overlay
- the Heritage Overlay for HO931 should cover the building footprint only, excluding the verandahs
- an incorporated plan is not appropriate for HO931
- the statement of significance for HO931 should be replaced with the Council's modified version (Document 12)
- the citation for HO931 should be amended to remove the reference to Criterion A.

- it is appropriate and justified to include 114 Williamson Street, Bendigo in the Heritage Overlay (HO932)
- the changes to the statement of significance for HO932 proposed by Mr Lovell are appropriate
- the extent of the Heritage Overlay of HO932 should match the building footprint.
- it is appropriate and justified to include the Bendigo Bowl, 159 Hargreaves Street, Bendigo (HO918) in the Heritage Overlay.
- it is appropriate and justified to reduce the curtilage of HO926 to five metres
- it is appropriate and justified to allow prohibited uses in HO926
- Council should review the inclusion of 24 Myers Street, Bendigo in HO212.
- it is appropriate and justified to include the workers cottage at the rear of the former Doherty's Garage at 7-9 St Andrews Avenue, Bendigo in HO929.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Greater Bendigo Planning Scheme Amendment C235gben be adopted as exhibited subject to the following:

- 1. For 106 Williamson Street, Bendigo (HO931)**
 - a) replace the Statement of Significance with the Panel preferred version in Appendix C1 and amend the citation so it is consistent with the panel preferred version of the Statement of Significance**
 - b) amend the citation to remove the reference to Criterion A**
 - c) amend Map 19HO so that the Heritage Overlay covers the building footprint only.**
- 2. For Butts Hotel, 114 Williamson Street, Bendigo (HO932)**
 - a) replace the Statement of Significance with the Panel preferred version in Appendix C2 and amend the citation so it is consistent with the panel preferred version of the Statement of Significance**
 - b) amend Map 19HO so that the Heritage Overlay covers the building as shown in Figure 4.**
- 3. For the stables at 96 Mollison Street, Bendigo (HO926)**
 - a) amend Map 19HO to reduce the curtilage of the Heritage Overlay to five metres around the building**
 - b) amend the Schedule to Clause 43.01 to allow prohibited uses.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to implement the Study adopted by Council on 6 May 2020 by applying the Heritage Overlay to 18 individual heritage places and including their statements of significance in the Schedule to Clause 72.04 and Volume 2 of the Study in the Schedule to Clause 72.08.

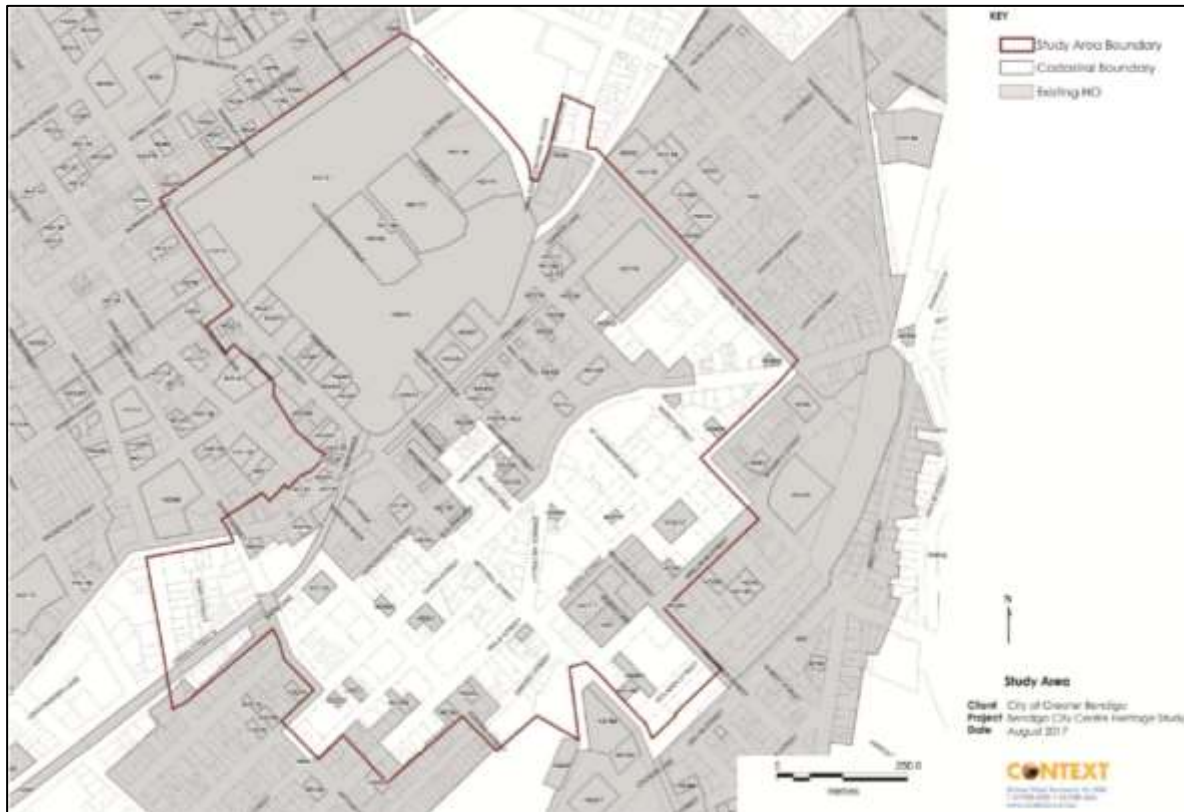
Specifically, the Amendment proposes to:

- apply the Heritage Overlay to the affected land described below and as shown on Planning Scheme Map No. 19HO
- delete the Neighbourhood Character Overlay Schedule 1 from 46 Mundy Street, Bendigo, as shown on Planning Scheme Map No. 19NCO
- amend the Schedule to the Heritage Overlay (Clause 43.01) to include the following 18 new individual heritage places:
 - HO916 Vahland Drinking Fountain, William Vahland Place, Bendigo
 - HO917 Terraced houses, 8-10 Garsed Street, Bendigo
 - HO918 Bendigo Bowl, 159 Hargreaves Street, Bendigo
 - HO919 Former Hanro (Australia) Knitting Mill, 165-171 Hargreaves Street, Bendigo
 - HO920 Former Federal Coach Factory, 426 Hargreaves Street, Bendigo
 - HO921 Former Red Wheel Coach Factory and showroom, 156-158 Lyttleton Terrace, Bendigo
 - HO922 Former Edinburgh Tannery shop and warehouse, 259-265 Lyttleton Terrace, Bendigo
 - HO923 Former William Holmes Printery, 314 Lyttleton Terrace, Bendigo
 - HO924 Former Glasgow Bakery and residence, 322-326 Lyttleton Terrace, Bendigo
 - HO925 Former United Ironworks Company buildings, 80-84 Mitchell Street, Bendigo
 - HO926 Stables associated with St Andrew's Uniting Church (HO212), 96 Mollison Street, Bendigo (26 Myers Street, Bendigo)
 - HO927 Residence, 56 Mundy Street, Bendigo
 - HO928 Former W D. Mason Glass Merchants building, 25 Queen Street, Bendigo
 - HO929 Former Doherty's Garage and workers' cottage, 7-9 St Andrews Avenue, Bendigo
 - HO930 Bendigo Church of Christ, 35-39 Short Street, Bendigo
 - HO931 Former Bendigo Timber Company Store, 106 Williamson Street, Bendigo
 - HO932 Former Butt's Hotel, 114 Williamson Street, Bendigo
 - HO933 Former Sandhurst C railway signal box, 116 Williamson Street, Bendigo.
- amend the Schedule to Clause 72.04 to include statements of significance for the 18 places to be included in the Heritage Overlay
- amend the Schedule to Clause 72.08 to include Volume 2 of the Bendigo City Centre Heritage Study Stage 1, 2020.

(ii) The subject land

The Amendment applies to land shown in Figure 1 which is bordered by Wattle Street in the south-west, Chapel Street in north-east, McLaren Street in the south-east and Barnard Street in the north-west. The total area incorporating residential, retail and commercial uses, covers approximately 1.2 square kilometres in total.

Figure 1: Bendigo City Centre Heritage Study Stage 1 study area



1.2 Background

The current Heritage Overlay in central Bendigo has been informed by the *Eaglehawk & Bendigo Heritage Study* that was completed by Graeme Butler in 1993. For the most part the commercial core of central Bendigo was excluded from heritage protection, other than a small number of individual places.

In 2013 Council decided that the City needed to revisit the area of the Bendigo City Centre that was not covered by the Heritage Overlay, on the basis that there would be places that would meet the threshold required to justify heritage protection.

Prior to engaging heritage consultants to undertake the Study, preparatory work commenced with a desktop review to determine sites that may be of heritage interest. Essentially this filtered out sites that were known to contain newer buildings. The remaining sites were placed on a 'long list'. This was further refined through a series of walks and site visits by Council's Heritage Planner (the Heritage Study Project Manager), Heritage Adviser, Heritage and Amendments Coordinator and City Centre Place Manager.

By the end of 2015 the list had been refined down to four potential precincts and 38 places of potential individual heritage significance.

In 2016 consultants were appointed to carry out detailed assessments of a selection of places and precincts from the original list of 38 places and four precincts identified as potential heritage places by Council officers. As well, the statement of significance for the City Centre Precinct, made up of Bendigo Civic Precinct (HO3) and Rosalind Park Precinct (HO10) were reviewed.

The Study (draft version 4) was submitted to Council in September 2017 and included detailed assessment of three new precincts, three precinct extensions, 23 new individual places, a place extension and a revised statement of significance for the City Centre Precinct. This version of the Study was not made available to the public for comment.

In the interim, Planning Scheme Amendment VC148 was introduced and in respect of Clause 43.01 Heritage Overlay placed greater emphasis on a statement of significance that complies with guidance provided in Planning Practice Note 1 'Applying Heritage Overlay' (PPN01). In addition, an updated version of PPN01 was prepared by the Department of Environment, Water and Planning (DELWP) in August 2018.

Following an internal review of the Study report (draft version 4) in 2018-19, Council resolved to amend the scope of the Study to prioritise the recommendation and nomination of the individually significant places assessed in Stage 1 of the Study. The heritage precinct assessments were deferred to a second stage of the Study.

In 2019, Context was engaged to undertake revisions to the draft Study. The revisions provided an opportunity to review and update the individual place citations prepared in 2016-17 to accord with Amendment VC148 and the updated PPN01.

The final version (version 5) was completed in March 2020 and adopted by Council in May 2020 and its recommendations form the basis of the Amendment.

1.3 Summary of issues raised in submissions

(i) Planning Authority

The key issues for Council were whether:

- the incorporated plan proposed by Spring Design and Development Pty Ltd (Spring Design), the owner of 106 and 114 Williamson Street, Bendigo, is appropriate
- the reduction in the extent of the Heritage Overlay proposed in submission are appropriate.

(ii) Individual submitters or groups of submitters

The outstanding key issues raised by submitters were:

- the extent of the proposed Heritage Overlay on large properties
- the impact that the controls would have on properties in areas that are undergoing significant change
- the appropriateness of heritage controls for post-war development, given it was not raised in the Thematic Environmental History for Greater Bendigo (TEH)
- whether heritage controls will limit future development and in particular two of the mid twentieth century sites that are proposed to be included in the Heritage Overlay.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Individual heritage places.

2 Planning context

2.1 Planning Policy Framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will implement section 4(1)(d) of the *Planning and Environment Act 1987* (the Act) to:

- conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest or otherwise of special cultural value
- balance the present and future interests of all Victorians.

Planning Policy Framework

The Amendment supports:

- **Clause 11.01-1R** (Settlement – Loddon Mallee South) which includes the strategies:
 - Support Bendigo as the regional city and the major population and economic growth hub for the region, offering a range of employment and services.
 - Facilitate increased commercial and residential densities, mixed use development and revitalisation projects for underutilised sites and land in Bendigo.
- **Clause 11.03-6S** (Regional and local places), which has the objective of facilitating place-based planning and includes the strategies:
 - Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns
 - Consider the distinctive character
- **Clause 15.03-1S** (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
 - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the Planning Scheme.
 - Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.
 - Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific or social significance.
 - Encourage appropriate development that respects places with identified heritage values.
 - Retain those elements that contribute to the importance of the heritage place. Encourage the conservation and restoration of contributory elements.
 - Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Clause 21 (the Municipal Strategic Statement)

The Amendment supports the Municipal Strategic Statement by:

- Clause 21.02-2 Environment, which refers to managing heritage sites and places.
- Clause 21.08-4 Heritage, which has the objective of identifying and protecting heritage places with Aboriginal and historic cultural value as well as natural value. It includes a strategy to identify all heritage assets in the municipality.

- Clause 21.08-6 Implementation, states that the objectives and strategies (in Clause 21.08) will be implemented by applying the Heritage Overlay to buildings, areas, places and sites of heritage significance.
- Clause 21.10 Reference documents, includes the Greater Bendigo Thematic Environmental History, 2013, which provides the broader context for the Heritage Study.

Clause 22 (local planning policies)

The Amendment supports local planning policies by:

- Clause 22.06 Heritage Policy applies to all applications in the Heritage Overlay and requires applications to be considered against the Greater Bendigo Heritage Design Guidelines, August 2015.
- Clause 22.11 Central Bendigo Residential Character Policy – Precinct 4 (CB4) applies to two properties included in this Amendment (Stables at 96 Mollison Street, and Residence at 56 Mundy Street, Bendigo). It provides guidance for development proposals.

2.2 Planning scheme provisions

The Heritage Overlay purposes are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Heritage Overlay requires a planning permit to demolish, subdivide, build or carry out works. The Heritage Overlay enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and an incorporated plan (which may exempt buildings and works and other changes from requiring a planning permit). The Schedule may also identify if a place can be considered for uses that are otherwise prohibited, subject to a planning permit.

2.3 Amendment VC148

Amendment VC148 was gazetted on 31 July 2018, after the Amendment was exhibited. VC148 made substantial changes to the structure and content of the Planning Policy Framework, as well as other provisions in the Planning Scheme. Council advised that the format of the Greater Bendigo Planning Scheme is proposed to be updated in response to Amendment VC148 via a policy neutral translation Amendment C256gben.

Council should review the Amendment documentation carefully prior to adoption to ensure that they are consistent with the changes introduced by Amendment VC148.

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) – referred to as Ministerial Directions 7(5) in this Report.

That discussion is not repeated here.

Planning Practice Note 1 – Applying the Heritage Overlay (August 2018)

Planning Practice Note 1 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the Overlay.

Planning Practice Note 1 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the HERCON criteria) that have been adopted for assessing the value of a heritage place:

Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).

Criterion B: Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).

Criterion C: Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).

Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).

Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).

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 (social significance).

Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

3 Strategic justification

3.1 The issues

The issues are whether the Amendment:

- is supported by and implements the relevant sections of the Planning Policy Framework and relevant local heritage studies
- is consistent with the relevant Ministerial Directions and Practice Notes
- is generally strategically justified
- should proceed subject to addressing more specific issues raised in submissions as discussed in the following chapters.

3.2 Greater Bendigo Thematic Environmental History

The TEH used the following themes to structure the historical material and prepare heritage place histories:

- Shaping Greater Bendigo's environment
- Peopling Greater Bendigo's places and landscapes
- Connecting Greater Bendigo by transport and communications
- Transforming Greater Bendigo's land and natural resources
- Building Greater Bendigo's industries and workforce
- Building towns cities and the Greater Bendigo area
- Governing Greater Bendigo area
- Building Greater Bendigo's Community Life
- Shaping Greater Bendigo's cultural and creative life.

3.3 Bendigo City Centre Heritage Study approach

(i) The issue

The issue is whether the Study approach and methodology are appropriate.

(ii) Evidence and submissions

Council submitted that the brief for the Heritage Study for the Bendigo City Centre identified four precincts and 38 places for investigation, together with a review of HO3, the Bendigo Civic Precinct.

Dr Roberts' gave evidence on behalf of Council and stated that her firm, Context, was engaged to carry out a detailed assessment of the 38 places and four precincts identified by Council as potential heritage places by Council. This work included updating the individual place citations prepared in 2016 and 2017. She stated that the methodology of the project was divided into the following two *"distinct stages with associated tasks:"*

- scoping report
- assessment and reporting.

The scoping report confirmed the number of places with potential heritage to be assessed, prioritised from the list provided in the project brief. It was prepared through a combination of preliminary desktop research and field survey work.

The final version of the scoping report was prepared in May 2016 and included the following preliminary findings and recommendations:

- a review of the Bendigo Civic Precinct (HO3) citation with a threshold assessment to State level
- 25 individual places to be assessed for their individual significance.

The assessment and reporting stage involved the following steps:

- historical context – preparation of a contextual history for Bendigo
- place histories – preparation of histories for each individual place
- field survey and documentation – visual assessment and recording of each place
- comparative analysis – used to decide whether a place is of architectural significance or of rarity value in a given area and also applied to most place types to determine their relative importance in a locality or wider area
- assessment against criteria – each place was assessed against each criterion for which they were considered to meet the threshold of local significance
- statement of significance – development of statements of significance consistent with PPN01 for each place
- mapping – preparation of maps to include places to the title boundaries or, where appropriate, an area different from the title boundary
- statutory recommendations – recommendations for controls for places consistent with the guidelines set out in PPN01.

Council submitted that:

... the project that commenced in 2016 resulted in a version 4 draft being completed in September 2017. Prior to the draft report being finalised and adopted by Council, Amendment VC148 was introduced which increased the legislative threshold for the listing of individual places. Around this time it was also realised that amending existing precinct boundaries as proposed would trigger the need to completely review and update any affected precinct. This would be a costly exercise in its own right and beyond the budget and scope of the current project. It soon became apparent that it would be necessary to split the project into two stages, with Stage 1 focusing on revised and updated individual place citations, and a future Stage 2 to look specifically at precincts. Stage 2 is currently out to tender.

Council added that 18 places were considered to meet the thresholds for local significance when assessed against the HERCON criteria and are therefore worthy of inclusion in the Heritage Overlay.

Council noted that the stables associated with St Andrew's Uniting Church could be included in the Heritage Overlay as an individual place or as an extension of the existing St Andrew's Uniting Church listing (HO212). It decided to progress its inclusion as an individual place.

It decided that the former Sandhurst C railway signal box could be included in the Heritage Overlay as an individual place or as part of a potential thematic or serial listing. It decided to progress the signal box as an individual place.

Council advised that the Study's assessment of the Bendigo Bowl at 159 Hargreaves Street was that the place has the potential to meet the requirements for significance at a State level and recommended nomination to the Victorian Heritage Register (VHR). Council decided to not progress a VHR nomination at this stage and to focus on its inclusion in the Heritage Overlay.

Mr Lovell gave evidence on behalf of Spring Design. He stated:

Post-war development is not explored as a theme in the Greater Bendigo Thematic Environmental History, aside from a brief reference to soldier settlement. There is likewise no reference to Modernist development in the document. This would indicate that development in this period has not previously been identified as a major theme in Bendigo's history, although the historical context provided in the citation suggests that there was a level of commercial development, at least in a concentrated area, in this period.

These sentiments were echoed by the Bendigo Bowling Centre.

Spring Design submitted:

The historic themes originally identified by the Council and its expert, drawn from the Greater Bendigo Thematic Environmental History, are not themes that are associated with building on the land that is the subject of the heritage assessment. The additional theme added by Dr Roberts is not supported by any research base and should be treated with caution. In fact, the Council and its expert concedes that post-war development period in Bendigo is not covered in Bendigo's Thematic Environmental History and requires "urgent research and assessment."

(iii) Discussion

The Panel notes the TEH states that twentieth century "*buildings, structures and landscapes*" represents a gap in the review of heritage places. It recommended that further work be undertaken. Nevertheless, in the Panel's view this gap does not impact on the appropriateness of the methodology used in the Study.

The Panel accepts the process undertaken by Dr Roberts is methodical and consistent with the guidance provided by PPN01 and similar to the methodologies used in a number of heritage studies.

The Panel also notes that none of the submissions challenged the Study's methodology but took issue with some of its recommendations.

(iv) Finding

The Panel finds that the Study approach and methodology are appropriate.

3.4 Policy support

The Panel notes that the objective in the Act to conserve and enhance buildings or places of historical interest carry through to the Victoria Planning Provisions and Planning Scheme. Most notably, planning policy does not seek to conserve all historic buildings – only those of interest. The Study and the Amendment have adopted this approach by including only places which have been assessed to meet local heritage significance to justify the Heritage Overlay consistent with PPN01.

The Panel concludes that the Amendment is supported by and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3.5 Conclusions

For the reasons set out in the following chapters, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

4 Individual heritage places

4.1 106 Williamson Street, Bendigo (HO931)

Exhibited statement of significance



What is significant?

106 Williamson Street, Bendigo, built in 1959-1960 for the Bendigo Timber Company by builders Green Brothers, is significant.

Significant fabric includes the:

- original built form and scale of the building, including the low-slung asymmetrical butterfly roof
- expressed structural steel frame
- brick walls
- cantilevered awnings
- the notable glazing pattern which features bays of tilted windows
- recessed entry with stonework wall.

How is it significant?

106 Williamson Street, Bendigo, is of local historic, representative and aesthetic significance to the City of Greater Bendigo.

Why is it significant?

106 Williamson Street is historically significant for its association with the Bendigo Timber Company which traded from the site between 1921-87. The subject building was purpose built for the company by Greens Brothers builders in 1959-60 after a fire destroyed all previous buildings on the site in January 1959. It was the third premises occupied by the Bendigo Timber Company on this site, with fires destroying the earlier two buildings.

The Bendigo Timber Company was formed as a partnership between Walter G. Hyett and George De Araugo with business operations commencing on 19 December 1921. Walter Hyett had been a prominent Master Builder in Bendigo, while also holding large farming interests in the Mallee region of Victoria. Consequently, he was widely known and respected throughout northern Victoria. George De Araugo was for many years the manager of Hume and Iser, timber merchants, Bendigo, with extensive experience in the timber industry. The combination of these two men laid a solid foundation for a business that was to grow into the largest timber, hardware, joinery and paint establishment operating outside the metropolitan area. A major part of the Bendigo Timber Company's operations was the manufacturing of kit form houses from the 1930s through until the 1950s under the name of Ready Cut Homes, a company that also had branches in Melbourne and Sydney. The company supplied plans, timber and a builder for the construction of these homes through a payment scheme. It was engaged in the erection of shops, hotels, stores, dwellings and every type of farm building. As the company expanded, it ceased construction operations and devoted its efforts to the supply of building materials to a rapidly expanding client base of builders and the general public.

The former Bendigo Timber Company building built in 1959-60 is a fine example of an intact Modernist commercial building constructed in the post-World War II era. It demonstrates characteristics of the modern architectural idiom developed in the post-war era. Modernist buildings frequently adopted a 'machine aesthetic' using industrially processed materials such as steel, concrete, glass and prefabricated elements. The use of long-span structural frames and lintels meant that buildings no longer relied on loadbearing walls and greater areas of glazing were possible. These structural developments brought a new freedom to the expression of walls, windows and roofs as independent design elements and a similar freedom to the planning of interior spaces.

The former Bendigo Timber Company building is aesthetically significant for its 'modern' style where structure and function are expressed as part of its aesthetic. Key features include expressed steel columns and extensive glazing to its principal elevations, an asymmetrical low-slung butterfly roof and clerestory windows. Of particular note are the cantilevered verandahs, lower section tilted windows and the entry porch bound by a single steel column and rubble stonework cladding at the Mollison Street corner.

(i) The issues

The issues are whether:

- it is appropriate and justified to include 106 Williamson Street, Bendigo (HO931) in the Heritage Overlay
- the Heritage Overlay should cover the entire site
- an incorporated plan should be used to define the redevelopment area of the place.

(ii) Evidence and submissions

Spring Design informed the Panel that the building was constructed in 1959-1960 by the former Bendigo Timber Company. This was the third building constructed on the site by the company. The two previous buildings were destroyed by fires in 1931 and 1959. It added that the site is located in the Bendigo Business District where the planning controls provide for more intensive development.

Spring Design submitted that, on the basis of its submission, Council proposed to make changes to the citation and this assessment was not based on any further research or analysis.

Spring Design added:

The Council is seeking to connect the history of the Bendigo Timber Company pre 1959 to a building on the land that was built following this time. Without the necessary evidentiary basis (that is, the necessary research being undertaken for the period 1959/1960 onwards), Criterion A cannot be met.

Quite simply, where there are only a few examples of Modernist buildings, there can be no 'class' of buildings available for comparison. There are not a sufficient number of similar buildings of this 'class' in Bendigo and therefore the notion of representativeness cannot be achieved and Criterion D cannot be met.

With respect to Criterion E, Spring Design submitted:

Importantly, the cantilevered awnings are not considered to be key design features. This is because the awnings are considered likely to be later additions explaining their poor internal resolution. Thus, Mr Lovell does not consider them to be heritage fabric that should be protected by the Heritage Overlay and proposes amendments to the statement of significance accordingly.

Spring Design submitted that an incorporated plan with a permit exemption should be prepared for the site to allow partial demolition of the building subject to the following:

- demolition to within two internal column bays (approximately 9.2 metres) of the Mollison Street frontage
- demolition to within 4.5 metres of the Williamson Street frontage
- construction of new works to within two internal column bays (approximately 9.2 metres) of the Mollison Street frontage
- construction of new works to within 4.5 metres of the Williamson Street frontage.

Mr Lovell's evidence was that the building exhibits the features and aesthetic associated with post-war Modernist buildings, it appears to have been constructed with a "*modest budget*." He added that the building has elements of modern architecture and contemporary retail design in the butterfly roof form, angled display windows and a recessed entrance at the street corner embellished with a feature wall, however, the outcome lacks the "*cohesion and distinction evident in other of their commissions of the same period*."

With respect to Criterion A, he stated that activities on the larger site may have linked to the following TEH themes:

- 5.0 Building Greater Bendigo's industries and workforce
- 5.1 Processing raw materials
- 5.2 Developing a manufacturing capacity.

However, the current building does not have any link to these themes and as such:

...the building presents as one of many retail premises in the centre of Bendigo and not one which can be elevated for reasons of historical significance. In forming this view it is acknowledged that as noted in the Study, there has been limited consideration of the development of Bendigo in the post-war period, but in the absence of such work having been completed the elevation of this building in isolation, on grounds of historical significance does not present as warranted.

With respect to Criterion D his evidence was that there were only three buildings that exhibit individually distinct Modernist design ideas within the immediate area. He added:

While these buildings exhibit the characteristics which are associated with post World War II era commercial development, they do not present as coherent class of places. The Bendigo Timber Company showroom, individually, is demonstrative of Modernist design in form and materials, but is not representative of a class of places which is of note within the Study area or Greater Bendigo. Accordingly, it is not a building which meets this criterion.

Mr Lovell's evidence was that the building met the threshold for Criterion E. He stated:

As one of a small group dating from the same period, it is a building which exhibits a contemporary modernity as was being pursued by a number of younger post-war architectural practices. While not as well resolved as other examples of the work of the architects Eggleston MacDonald and Secomb and compromised in its appearance by seemingly later cantilever awnings, it remains a locally significant example of a Modernist design. The key features of the design are the extensive glazed shop fronts with angled glass, the corner entrance with stone clad feature wall, the externally expressed steel columns and the butterfly roof form.

Council submitted that it supported Mr Lovell's conclusion that 106 Williamson Street satisfies Criterion E and should be included in the Heritage Overlay. However, it did not support changes to the extent of the exhibited Heritage Overlay or the use of a site-specific incorporated document. Council stated that the *"normal planning permit assessment process is able to consider redevelopment options on their merits."*

Dr Roberts acknowledged the twentieth century buildings gap in the TEH. She added that the TEH consultants concluded:

... that the undertaking of future heritage studies/'gap' filling work of twentieth century Development was a priority.

This suggests and I would agree with this suggestion, that post-war development in the Greater Bendigo area is a theme of likely importance within the history of Bendigo, one that requires urgent research and assessment.

She acknowledged that in response to the submission by Spring Design she has reassessed the historical detail in the citation regarding the kit home phase of the Bendigo Timber Company business. She concluded:

My review of the place citation in response to the submission regarding this subject site leads me to recommend that historic theme 5.3 *Marketing and manufacturing* should be added to the list of applicable historic themes associated with the subject site within the citation. It is also recommended that some minor revisions are made to the history and statement of the significance of the place citation to clarify and reinforce the historic significance of the place that is currently encapsulated the existing concluding sentence of the Criterion A assessment:

- As the company expanded, it ceased construction operations and devoted its efforts to the supply of building materials to a rapidly expanding client base of builders and the general public.

She concluded that the showroom and sales building is of historical significance and satisfies Criterion A.

With respect to Criterion D her evidence was that it is important to demonstrate that the subject place exhibits the principal characteristic of a particular class of cultural place. Because Bendigo does not have many surviving examples of this particular class of building does not preclude the acknowledgment of the building as an exemplar of post-war Modernist design as applied to a commercial building.

She added:

Key characteristics of the Modern architectural idiom developed in the post-war era include the use of steel, concrete, glass and prefabricated elements. The use of long-span structural frames and lintels meant that buildings no longer relied on loadbearing walls and greater areas of glazing were possible. These structural developments brought a new freedom to the expression of walls, windows and roofs as independent design elements and a similar freedom to the planning of interior spaces. 106 Williamson Street demonstrates these principal characteristics of this class of buildings. As Lovell Chen acknowledge elsewhere in memorandum, the building *'presents as an assembly of elements common to Modernist design thinking.'*

Her evidence was that these characteristics remain evident in the built fabric as the building is of high intactness and integrity, satisfying Criterion D. She agreed with Mr Lovell's assessment that the building satisfies Criterion E, although she took issue with some of his description of the building.

Dr Roberts agreed with Mr Lovell that the verandahs are not original and that the extent of the Heritage Overlay could be modified to only include the footprint of the building and not the verandahs. She noted that the proposed restriction of the Heritage Overlay to the built form rather than property boundary does provide for development of that significant portion of the site without the constraints associated with a Heritage Overlay.

At the conclusion of the Hearing Council provided a revised statement of significance (Document 12) which included its recommended changes to the statement of significance. Spring Design also provided its version of the modified statement of significance and a draft of the incorporated plan (Documents 18 and 15 respectively).

(iii) Discussion

The Panel notes that both experts agree the building meets the threshold for inclusion in the Heritage Overlay under Criterion E. The issue for the Panel is then what should be the extent of the Overlay and whether an incorporated document is appropriate. Part of the consideration of these elements is intertwined with the assessment of the building under Criteria A and D.

Criterion A considers the importance to the course or pattern of our cultural or natural history (historical significance).

The statement of significance focuses on the Bendigo Timber Company's role in the timber industry, joinery and kit homes which may have been evident in the first two iterations of buildings on the site. However, in the Panel's view, while the building is an example of the Modernist commercial building, it has little association with the more industrial history, based on the timber yard, joinery and kit home manufacturing activities on the site from 1920 to 1959. The Panel notes that the historic significance of the building in the statement of significance is derived from the pre 1959 activities on the site that preceded this third building. The remainder of the statement of significance is then focused on the construction and design of the building post 1959. From this respect the Panel does not agree that the building meets the threshold of importance to the course or pattern of cultural history because the buildings that were pivotal in that achievement have been destroyed by fire. The statement of significance correctly identifies the current building as a *"Modernist commercial building"* which in the Panel's view does not meet Criterion A.

Criterion D considers the importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

Both experts agree that the building is an example of a Modernist commercial building. Both also agree that there are few other examples in Bendigo. The Panel agrees with Dr Roberts that the number of similar buildings is not a basis for assessment under Criterion D. The Panel also accepts the evidence of Dr Roberts that the basic structure of the building is still evident and while Mr Lovell may believe it not a prime example of Modernist architecture, it is still relevant in the local context of Bendigo.

The Panel accepts Dr Roberts evidence that the absence of a post-war theme in the TEH does not preclude the consideration of an individually significant place. The Panel agrees with Council that because the TEH identified the post-war gap as significant it assigns a level of importance to that theme. Consequently, in the Panel's view the building satisfies Criterion D.

The incorporated plan proposed by Spring Design (Document 15) and endorsed by Mr Lovell would provide a permit exemption for the area in orange as shown in Figure 2. The proposed extent of the Heritage Overlay is shown in red.

Figure 2: Part of 114 Williamson Street, Bendigo to be covered by an incorporated plan



In effect the incorporated plan only provides for a permit exemption which, in the Panel's view, lacks sufficient detail. In addition, it is unclear whether the exemption applies to a permit required under Clause 43.01 or more generally. In the normal course of event a permit could be applied for under the Heritage Overlay. The Heritage Overlay details a number of considerations that should form part of the assessment of a proposal, including those listed in the decision guidelines. In the Panel's view, these considerations are important in assessing whether, among other things, the replacement building is in keeping with the remaining heritage fabric. Given that both Council and Spring Design agree that the Heritage Overlay should apply to the entire building, the Panel does not agree that it is appropriate to remove the requirement for a permit from part of the building covered by that Overlay.

(iv) Conclusions and recommendations

The Panel concludes:

- it is appropriate and justified to include 106 Williamson Street, Bendigo (HO931) in the Heritage Overlay
- the Heritage Overlay for HO931 should cover the building footprint only, excluding the verandahs
- an incorporated plan is not appropriate for HO931
- the statement of significance for HO931 should be replaced with the Council's modified version (Document 12)
- the citation for HO931 should be amended to remove the reference to Criterion A.

The Panel recommends:

1. **For 106 Williamson Street, Bendigo (HO931)**
 - a) **replace the Statement of Significance with the Panel preferred version in Appendix C1 and amend the citation so it is consistent with the Statement of Significance**
 - b) **amend the citation to remove the reference to Criterion A**
 - c) **amend Map 19HO so that the Heritage Overlay covers the building footprint only.**

4.2 Butts Hotel, 114 Williamson Street, Bendigo (HO932)

Exhibited statement of significance



What is significant?

Former Butts Hotel at 114 Williamson Street, Bendigo, a single storey corner hotel building built in 1876 to a design by Joseph Martin Brady, is significant.

Significant fabric includes the:

- original form and scale of the 1876 corner hotel building
- bi-chrome face brick exterior and render detailing
- patterns of openings on Williamson Street and McRae Street elevations
- stylistic elements such as cream brick trims to window and door openings, cream brick implied quoining to the building corners, a stepped brick parapet to the north-west, a high rendered panel running around the street frontage and rendered signage panels.

Later alterations including the c.1990 brick structure fronting McRae Street and other changes to the original openings are not significant.

How is it significant?

Former Butts Hotel at 114 Williamson Street, Bendigo, is of local historic and representative significance to the City of Greater Bendigo.

Why is it significant?

Historically, the former Butts Hotel at 114 Williamson Street, Bendigo, is significant for its association with the long-term operation of the Butts Hotel on this corner site from as early as 1864. The hotel business was opened by the first owner James Dickinson, shortly after the opening of the railway to Bendigo from Melbourne in 1862. By 1872 ownership of the site was transferred to Robert Newbold and in 1876, Newbold commissioned the removal of the original building and construction of the building currently located on the corner site. The adjoining building was originally constructed in 1917 and replaced by 1990. Butts Hotel continued to operate on the site until the 1950s. The hotel provided a meeting place for locals and travellers through to the 1950s.

114 Williamson Street, Bendigo is significant as an example of a typical single storey corner hotel building once commonly constructed throughout the goldfields from the 1850s. It is unusual as a surviving example of a modest-scale hotel building dating from 1876 in the city centre of Bendigo. The former Butts Hotel retains typical characteristics of the type, such as the positioning to the street without a setback, the splayed corner entrance, roof form hidden behind parapet, and plain detailing. Opening on this site by 1864, Butts Hotel's strategic positioning near the railway station and on Williamson Street, the main thoroughfare to Kangaroo Flat, is also representative of the building type established during Bendigo's early development phase. The former Butts Hotel at 114 Williamson Street is also significant as a rare and intact example of a single storey hotel building supervised by Coliban water system engineer and architect Joseph Martin Brady.

(i) The issues

The issue is whether it is appropriate and justified to include 114 Williamson Street, Bendigo in the Heritage Overlay (HO932).

(ii) Evidence and submissions

Spring Design submitted that the statement of significance for 114 Williamson Street, Bendigo should be amended and that the curtilage of the Heritage Overlay should be

reduced on its northern side. It added that it accepted the application of the Heritage Overlay to Butts Hotel but:

The building is located in the eastern section of the site, with the rest of the site accommodating the following buildings, none of which are of any heritage significance and are not proposed to be included in the Heritage Overlay:

- another single storey building to the immediate west
- a large single storey commercial building fronting Mollison Street to the north-west
- an expanse of carparking to the north and west.

Mr Lovell's evidence was that the place satisfied Criteria A and D and was worthy of inclusion in the Heritage Overlay. With respect to Criterion A, Mr Lovell concluded:

Notwithstanding that the history, as far as it has been researched, is one which would have its equivalent for many like places and hotels in particular, it is, at a local level, a history which evidences a course or pattern of Bendigo's history which is of importance.

With respect to Criterion D, he concluded:

With regard to the reference to Joseph Brady as the designer and the issue of rarity, these are not factors which are relevant to Criterion D and on the basis of further examination of the authorship of the design, potentially not accurate. In this case the identification of the designer is of interest and not of significance and could be referenced under Criterion A rather than Criterion D.

Mr Lovell recommended a number of changes to the citation to more accurately reflect the assessed significance (Document 19). He also identified an anomaly in the mapping of the Heritage Overlay which is shown in Figure 3 and recommended it be changed to the curtilage shown in Figure 4.

Council submitted that the exhibited Amendment shows the extent of the Heritage Overlay extending a distance of six metres to the northwest of the building. It accepted that this northwest façade has been modified but the curtilage was recommended to provide a level of protection to the northwest facing windows and verandah to ensure access to daylight to the building and to some separation from any future new development.

In its Part B submission Council recommended:

Amending the statement of significance for 114 Williamson Street to incorporate additional evidence of the place's heritage significance as outlined in the Statement of Evidence by Mr Lovell and reducing the extent of the Heritage Overlay as recommended in the same Statement of Evidence.

Figure 3: Exhibited HO932 Heritage Overlay



Figure 4: Proposed HO932 Heritage Overlay



At the conclusion of the Hearing Council provided a revised statement of significance (Document 13) which included the recommended changes. Spring Design also provided its

version of the modified statement of significance (Documents 19) which was similar to the Council's version.

(iii) Discussion

The Panel accepts the evidence of Mr Lovell and notes the agreement of Council. The statement of significance should be amended to include the changes recommended (Document 13) and the extent of the Heritage Overlay modified to include the footprint of the building.

(iv) Conclusions and recommendations

The Panel concludes that:

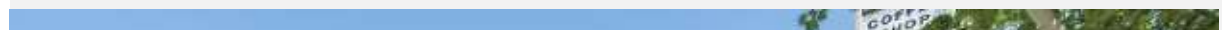
- it is appropriate and justified to include 114 Williamson Street, Bendigo in the Heritage Overlay (HO932)
- the changes to the statement of significance for HO932 proposed by Mr Lovell are appropriate
- the extent of the Heritage Overlay of HO932 should match the building footprint.

The Panel recommends:

- 2. For Butts Hotel, 114 Williamson Street, Bendigo (HO932)**
 - a) replace the Statement of Significance with the Panel preferred version in Appendix C2 and amend the citation so it is consistent with the Statement of Significance**
 - b) amend Map 19HO so that the Heritage Overlay covers the building as shown in Figure 4.**

4.3 The Bendigo Bowl, 159 Hargreaves Street, Bendigo (HO918)

Exhibited statement of significance



What is significant?

The Bendigo Bowl building at 159 Hargreaves Street, Bendigo, a ten-pin bowling alley built in 1963 to a design by Melbourne architects Moore and Hammond, is significant.

Significant fabric includes the:

- original built form and scale
- expressed structural steel frame, suspended concrete floor slab and non loadbearing face brick walls (now overpainted)
- recessed entry to Hargreaves Street including glazed entry screen and entry steps
- natural aluminium framed windows and doors including the full height windows on north elevation, and clerestory windows on north and east elevations
- extant pattern of fenestrations
- original roof mounted signage featuring a bowling pin.

How is it significant?

159 Hargreaves Street, Bendigo, is of local historic, rarity, representative and social significance to the City of Greater Bendigo.

Why is it significant?

Historically, the Bendigo Bowl building at 159 Hargreaves Street, Bendigo, is significant as a representation of the popularity of ten-pin bowling, which was introduced from America in the 1960s. By 1964, there were more than 20 bowling centres across Victoria. Opening its door in 1963, the building continues to operate as the Bendigo Bowling Centre and remains Bendigo's only bowling centre.

The Bendigo Bowl building at 159 Hargreaves Street is a rare surviving example of a 1960s modern bowling alley extant in and outside the Bendigo region. While more than 20 bowling centres existed in metropolitan Melbourne by the end of 1964, today, only one example remains intact. Outside metropolitan Melbourne, Bendigo's bowling alley is one of only a few intact surviving examples of post-war bowling alleys. The lack of comparable examples in the City of Bendigo make the subject site a rare representative example of its typology in the area. The Bendigo Bowl is a very rare survivor not only in the regional centres but across the State, and with its high level of intactness and integrity as well as its continuous use as a recreation venue, it provides important tangible evidence of the ten-pin bowling culture, originally introduced to Australia in the 1960s.

The Bendigo Bowl is a fine representative example of a Modernist (International style) building, which remains externally intact. It is significant as a representative example of the work of architects, Hammond and Moore who completed a number of commercial and residential developments in the Modernist style from the 1950s to the 1980s. The Bendigo Bowl building is also important as a typological example of a ten-pin bowling alley building erected in the 1960s during the sport's initial heyday. It demonstrates key features that are representative of its typology including its elevated, suspended concrete floor slab, flat roof form and expressed structural steel frame that allows for a large uninterrupted interior space and an extensive use of floor to ceiling glazing and clerestory windows set

above non loadbearing brickwork. It is unusual in having the roof mounted signage of a bowling pin still extant.

The Bendigo Bowl building at 159 Hargreaves Street is of social significance as a bowling alley and entertainment facility that is known, used and valued by the wider Bendigo community. Operating for 56 years, it is one of Bendigo's longest running family businesses, providing recreational space for different age groups.

(i) The issue

The issue is whether it is appropriate and justified to include the Bendigo Bowl, 159 Hargreaves Street, Bendigo (HO918) in the Heritage Overlay.

(ii) Evidence and submissions

The Bendigo Bowling Centre informed the Panel that the business is struggling and that the Heritage Overlay would make *"the sale of the business impossible."* It added that *"although the building does provide some curious design elements"* the TEH does not identify post-war Modernist development as a major theme.

The Bendigo Bowling Centre added:

Currently 159 Hargreaves Street is surrounded by major development. At one end of the block, Court Services Victoria are in the process of demolition to create a new and contemporary, multi- jurisdictional law court facility. Across the road TAFE are constructing two modern three story buildings with exterior alterations to the site. Next door Country Fire Authority are in the planning stage of redeveloping their headquarters. The site will not be consistent with its surrounding modern style, but instead has the potential to appear as a blemish in the area.

Dr Roberts evidence acknowledged that the TEH does not cover post-war development and this was acknowledged by the authors of the report. She observed that the TEH identified the post-war period as a gap that required further work. She stated:

In the absence of a gap study specifically targeting the post-war development it is important to take a cautious approach to ensure that the city does not lose any places worthy of protection.

Her evidence was that the gap in the TEH should not prevent the assessment or inclusion of a place in the Heritage Overlay and that this works should be undertaken *"as a priority before significant heritage places are lost."* She added:

There has been a marked shift in the appreciation of post-war places, buildings and structures in recent times. This has resulted in many municipalities undertaking studies that focus on the post-war era. Further, it is not unusual for gap studies to identify places of heritage significance that add layers to and expand existing historical understandings of a locality. This is where the open nature of the themes established in 'Victoria's Framework of Historical Themes' and expanded on in local Thematic Environmental Histories are an aid to assessment.

Dr Roberts stated that the citation for the Bendigo Bowl incorporated a short locality history which is an overview of the post-war economic boom and the development implications for the central area of Bendigo. The purpose of this overview was to bridge the gap in the TEH.

Her evidence was the decline in popularity of ten-pin bowling, the profitability of the business and the surrounding development are not relevant considerations in assessing the individual heritage significance of a place. She concluded:

Due to the decline in popularity of ten-pin bowling a large number of post-war bowling alleys have either been extensively altered or demolished across Victoria. Intact and operating bowling alleys from the 1960s are now rare. In assessing significance, we have identified that the Bendigo Bowl is a very rare survivor not only in the regional centres but across the State and, with its high level of intactness and integrity as well as its continuous use as a recreation venue, it provides important tangible evidence of the ten-pin bowling culture, originally introduced to Australia in the 1960s and is of cultural heritage significance both locally.

Council submitted that the Bendigo Bowl is one of only a handful of remaining purpose built bowling alleys left in Victoria which creates a challenge *“to repurpose the building without losing its connection to its bowling use.”* Council added:

If a place is special enough that it should be protected, then it should be, but the human and financial implications need to be acknowledged.

(iii) Discussion

The Panel agrees with Dr Roberts that the focus of the Amendment is whether the place meets any of the HERCON criteria to a level sufficient to justify its inclusion in the Heritage Overlay. Matters such as the profitability of the business or the level of surrounding development, while of significant importance to the owners, are not matters that the Panel can consider in assessing whether the application of the Heritage Overlay is appropriate. The citation assesses the place against Criteria A, B, D and G which are:

- Importance to the course or pattern of our cultural or natural history (historical significance).
- Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).
- Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons (social significance).

The Panel agrees that the place meets the threshold of these criteria.

As previously discussed, the Panel accepts that the Study provides an appropriate basis for assessing the places proposed to be included in the Heritage Overlay. In addition, the precinct citations are detailed and thorough and the places have been assessed against the PPN01 criteria. In the Panel’s view this provides an appropriate basis and justification for the application of the Heritage Overlay.

The Panel was not presented with any evidence which demonstrated that the application of the Heritage Overlay would have an adverse impact on the ability to sell the building. With respect to the potential to redevelop the site, the Panel’s view is that a permit application is the appropriate stage for the consideration of individual issues concerning the conservation, alteration, adaptation or demolition of the place, including the economic implications for the individual concerned.

(iv) Conclusion

The Panel concludes:

- it is appropriate and justified to include the Bendigo Bowl, 159 Hargreaves Street, Bendigo (HO918) in the Heritage Overlay.

4.4 Stables associated with St Andrew's Uniting Church (HO212) at 96 Mollison Street, Bendigo (HO926)

Exhibited statement of significance



What is significant?

The stable building at 96 Mollison Street, Bendigo, built in 1871 in association with St Andrew's Church and its manse, is significant.

Significant fabric includes the:

- original built form, roof form, fenestrations and scale
- loadbearing face brickwork and stonework
- corrugated iron roof sheeting
- unpainted timber window frames, doorframes and louvred wall vents (north and south elevations)
- large round arched openings (east elevation) and loft opening with doors (north elevation)
- bands of vertical slots in the brick and stonework along the northern and southern elevations
- extant timber (upper level), brick and bluestone flooring
- exposed roof structure including chambered trusses.

How is it significant?

The stable building at 96 Mollison Street, Bendigo is of local historic, rarity and representative significance to City of Greater Bendigo.

Why is it significant?

The stable building at 96 Mollison Street, Bendigo, is historically significant for its association with the St Andrew's Presbyterian Church in the early days of the settlement of Bendigo. The stable building was part of a complex of buildings constructed on the site in the nineteenth century to facilitate the church's activities in worship and education.

The stable building is significant due to its association with Presbyterian Minister Rev. Nish who arrived in Sandhurst from Scotland in August 1854. Rev. Nish provided church services throughout northern Victoria in the early days of settlement, preaching from makeshift and temporary structures. By 1856, a manse and associated buildings were constructed on the subject site and Rev. Nish and his family took up residence. Stable accommodation would have been critical to enable Rev. Nish to undertake his ministry work across northern Victoria and were likely also used by students attending the Presbyterian school. The stable building remains as the last extant building on the site from this time and provides tangible evidence of the evolution of the Presbyterian Church in Bendigo during the nineteenth century.

The former Presbyterian Church stables is a rare surviving example of an intact nineteenth century stable building in central Bendigo built in 1871 to a design by Vahland and Getzschmann, architects. The survival of stables in association with a church and manse is rare and the building is the only known extant example of stables associated with a church in the city centre. It is a reminder of a means of transport used by the Presbyterian ministers and students attending the St Andrews College through until the twentieth century.

The former Presbyterian Church stables is a highly intact representative example of a nineteenth century stable building. Its key design elements representative of the typology include its use of sandstone and red brick masonry, simple rectangular form, pitched corrugated iron roof with gabled parapets at either end, large openings to provide access for horses and coaches and tall proportions to allow for storage of hay above horse accommodation including loft doors. The building is distinguished by unusual bands of vertical slots along its northern and southern elevations that have been incorporated for ventilation.

(i) The issues

The issues are whether:

- it is appropriate and justified to reduce the curtilage of HO926 to five metres
- it is appropriate and justified to allow prohibited uses in HO926.

(ii) Submissions

The Uniting Church in Australia Property Trust (Victoria) (the Church) submitted that the former stables warranted the application of a heritage overlay, but the proposed curtilage was excessive. The Church added:

The proposed area extends some 20 metres east of the stables and incorporates a modest, modern, tin shed which is of no heritage significance.

The Church recommended that the curtilage be reduced from 20 metres to five metres and that the proposed schedule be amended to allow prohibited uses. In addition, it asked to correct an anomaly in HO212 which includes 24 Myers Street, Bendigo which it described as:

... not of heritage significance. This property comprises a circa 1960's brick veneer dwelling in average condition. This dwelling does not feature in the statement of significance for the former St Andrew's Presbyterian Church as having heritage significance for the property or any contributory significance for the surrounding area.

Council submitted that the proposal to reduce the curtilage of the Overlay containing the stables and the ability to allow prohibited uses was acceptable.

(iii) Discussion

The Panel agrees with the submission of the Church and accepts the Council's proposal. The Panel notes the inclusion of 24 Myers Street, Bendigo in HO212 and agrees with the description provided by the Church and its inclusion in the Heritage Overlay should be reviewed. However, HO212 is not part of the Amendment that the Panel is considering.

(iv) Conclusions and recommendations

The Panel concludes:

- it is appropriate and justified to reduce the curtilage of HO926 to five metres
- it is appropriate and justified to allow prohibited uses in HO926
- Council should review the inclusion of 24 Myers Street, Bendigo in HO212.

The Panel recommends:

- 3. For the stables at 96 Mollison Street, Bendigo (HO926)**
 - a) amend Map 19HO to reduce the curtilage of the Heritage Overlay to five metres around the building**
 - b) amend Schedule to Clause 43.01 to allow prohibited uses.**

4.5 Doherty's Garage 7-9 St Andrews Avenue, Bendigo (HO929)

Exhibited statement of significance



What is significant?

7-9 St Andrews Avenue, Bendigo, comprising the former Doherty's Garage and the former worker's cottage at the rear, is significant.

Significant fabric of the former garage at 7-9 St Andrews Avenue includes the:

- original form and scale
- loadbearing face brick walls and structural elements including timber trusses
- original openings to the front and rear elevations
- original design elements including the stepped brick parapet with cream brick and render edging, concrete lintel over the street level opening, two glazed timber sliding front doors, and the rear door with a highlight
- internal timber partitioned office and benches.

Significant fabric of the former cottage at the rear of 7-9 St Andrews Avenue includes the:

- original form and scale, loadbearing face brick walls and chimney, front verandah
- other original or early elements such as concrete lintels, timber architraves and timber-framed sash window retained behind the brick skin.

How is it significant?

7-9 St Andrews Avenue, Bendigo, is of local historic, rarity and representative significance to the City of Greater Bendigo.

Why is it significant?

The former Doherty's Garage is of historic significance as one of only a few surviving commercial buildings constructed in the Bendigo central area in the post-war period. The former Doherty's Garage, built in 1954, was originally called Aldos Auto Repairs after its two owners, Alf and Dorothy Doherty. The former Doherty's Garage was originally owned and operated by Alf and Dorothy and later their son, Howard Doherty for over 60 years until 2018. The former Doherty's Garage is one of the few remaining commercial buildings in St Andrews Street, where there was once a thriving commercial and industrial centre as part of the Market Square precinct from the 1860s until the early 1970s. (Criterion A)

The brick worker's cottage at the rear of the garage provides rare physical evidence of the Market Square precinct and the working-class residential development in the area. It remained as a residence up until the early 1970s, and later used for storage for the then owner Howard Doherty from the late twentieth century. While the tenants were mostly short-term residents, the workers' cottages in the street provided housing for labourers and market traders, as well as people from different cultural communities including Chinese, Italian and Indians, who often joined the market trades. From 1915 to the post-war period, Market Street became the centre of the Indian hawkers' community, who used to live in Hopetoun Street from about 1899 to 1915. (Criterion A)

The worker's cottage of unknown age, but probably built c.1870s and remodelled in the 1930s-50s, is significant as a rare surviving example of a building type that represents a residential development pattern particular to the former Market Square precinct. The cottage is the last building of its type remaining in Market Street today. (Criteria A and B)

The former Doherty's Garage is significant as a highly intact and representative example of a small-scale commercial building built in the post-war period. Purpose built for the family-run business, the motor garage represents a class of commercial buildings with a simple, functionalist design built for small businesses that played an important role in the commercial development of the central Bendigo area. The building retains its original form and scale. Intact features include a stepped brick parapet trimmed and cream brick with a rendered edge, concrete lintel over the street level opening, two glazed timber sliding front doors, and the rear door with a highlight. The intact internal timber partitioned office and timber benches are also important. (Criterion D)

(i) The issues

The issues are whether it is appropriate and justified to include the workers cottage in HO929.

(ii) Submissions

Council submitted that its Property Unit had advised that the workers cottage at the rear of the former Doherty's Garage site should not be included in the Heritage Overlay. Council added that this view was supported by:

...further research conducted by the City's Heritage Building Adviser, who was formally the City's Heritage Adviser. The Heritage Building Adviser believes that the workers cottage was built around the same time as the garage, with matching building materials and details. They agree that it has been built in the style of an earlier workers cottage, but aerial photographs indicate that there have been several different buildings, or modified buildings, occupying the site since the 1870s.

Council added that because the workers cottage is on a separate parcel to that of the former Doherty's Garage, it recommended changing the extent of the Heritage Overlay and statement of significance and the extent of the Heritage Overlay to include the former garage only.

Council invited the Panel to recommend that the extent of Heritage Overlay be limited to Doherty's Garage. At the conclusion of the Hearing Council provided a revised statement of significance (Document 11) which included its recommended changes.

In providing the revised statements of significance at the conclusion of the Hearing (Document 10) Council recommended the following changes to Volume 2 of the Study which reference the cottage:

- page 177 remove all references to the workers cottage
- page 181 delete the last paragraph
- page 182 delete page
- page 183 delete Figure 6 and in "Description" delete references to the workers cottage
- page 184 delete the three paragraphs above Figure 7, and delete Figure 7
- page 185 delete paragraph 1
- page 187 delete page
- page 188 delete page
- page 189 delete references to the workers cottage
- page 190 delete reference to the workers cottage.

(iii) Discussion

The brick workers cottage makes up a significant proportion of the statement of significance for HO929 both in identifying what is significant and why it is significant. The Panel notes that the statement of significance identifies that the cottage was *"remodelled in the 1930s-50s."*

While the cottage may have been replaced and rebuilt the Panel has not been presented with any detailed information that supports that contention. If aerial photos exist, copies could have been presented to the Panel to substantiate the demolition and rebuilding of the cottage. However, that information had not been provided.

The Panel notes that the proposal to remove the workers cottage from the Heritage Overlay has not been endorsed by Council.

What the Panel has in front of it is an assessment by Council's expert that the cottage is significant and along with the garage worth including in the Heritage Overlay. The Panel notes that Dr Roberts did not provide any statement to correct this view. As a consequence, the Panel does not support the removal of the workers cottage from the Heritage Overlay in the absence supporting information.

(iv) Conclusion

The Panel concludes:

- it is appropriate and justified to include the workers cottage (at the rear of the former Doherty's Garage) in HO929.

Appendix A Submitters to the Amendment

No.	Submitter
1	Andrews Foundation
2	Mary Agnew
3	Spiire on behalf of Spring Design and Development Pty Ltd
4	Spiire on behalf of Spring Design and Development Pty Ltd
5	St Andrews Uniting Church
6	National Trust Bendigo
7	Bendigo Bowling Centre
8	Country Fire Authority
9	Department of Environment, Land, Water and Planning

Appendix B Document list

No.	Date	Description	Provided by
1	16/02/2021	Directions Hearing letter	PPV
2	01/03/2021	Directions, letter and timetable	PPV
3	09/03/2021	Council Part A submission	Greater Bendigo Council
4	09/03/2021	Evidence statement of Kim Roberts of Context	Greater Bendigo Council
5	09/03/2021	Evidence Statement of Peter Lovell – 106 Williamson Street, Bendigo	Spring Design
6	09/03/2021	Evidence Statement of Peter Lovell – 114 Williamson Street, Bendigo	Spring Design
7	15/03/2021	Council Part B submission	Greater Bendigo Council
8	15/03/2021	CV of Dr Kim Roberts	Greater Bendigo Council
9	15/03/2021	Submission on behalf of Spring Design and Development Pty Ltd	Rigby Cooke Lawyers
10	17/02/2021	Email outlining changes recommended to Bendigo City Centre Heritage Study	Greater Bendigo Council
11	17/02/2021	A 'marked-up' Word version of revised statement of significance for the former Doherty's Garage and workers cottage at 7-9 St Andrews Avenue, Bendigo	Greater Bendigo Council
12	17/02/2021	A 'marked-up' Word version of a revised statement of significance for the former Bendigo Timber Company building at 106 Williamson Street, Bendigo	Greater Bendigo Council
13	17/02/2021	A 'marked-up' Word version of a revised statement of significance for the former Butts Hotel at 114 Williamson Street, Bendigo	Greater Bendigo Council
14	19/03/2021	Letter to Planning Panels Victoria re_ documentation on behalf of Spring Design and Development	Rigby Cooke Lawyers
15	19/03/2021	Draft incorporated plan submitted to Panel	Rigby Cooke Lawyers
16	19/03/2021	Email from P Lovell re incorporated plan	Lovell Chen
17	19/03/2021	Email from Z Porlai of Spiire	Spiire
18	19/03/2021	Statement of significance word version - 106 Williamson Street, Bendigo	Rigby Cooke Lawyers
19	19/03/2021	Statement of significance word version - 114 Williamson Street, Bendigo	Rigby Cooke Lawyers

Appendix C Panel Preferred Statements of Significance

Appendix C1 106 Williamson Street, Bendigo (HO931)

106 WILLIAMSON STREET, BENDIGO, STATEMENT OF SIGNIFICANCE, APRIL 2020

Heritage Place:

Former Bendigo Timber Company Store,
106 Williamson Street, Bendigo

PS ref no: HO931



Figure 1: 106 Williamson Street, Bendigo, viewed from the intersection of Williamson and Mollison Streets. (Source: Context, October 2019)



Figure 2: 106 Williamson Street, Bendigo, viewed from Mollison Street. (Source: Context, October 2019)

What is significant?

106 Williamson Street, Bendigo, built in 1959-1960 for the Bendigo Timber Company by builders Green Brothers, is significant.

Significant fabric includes the:

- original built form and scale of the building, including the low-slung asymmetrical butterfly roof;
- expressed structural steel frame;
- brick walls;
- ~~cantilevered awnings;~~
- the notable glazing pattern which features bays of tilted windows; and
- recessed entry with ~~stonework~~ stone feature wall.

How is it significant?

106 Williamson Street, Bendigo, is of local historic, representative and aesthetic significance to the City of Greater Bendigo.

Why is it significant?

106 Williamson Street is historically significant for its association with the Bendigo Timber Company which traded from the site between 1921-87. The subject building was purpose built for the company by Greens Brothers builders in 1959-60 after a fire destroyed all previous buildings on the site in January 1959. It was the third premises occupied by the Bendigo Timber Company on this site, with fires destroying the earlier two buildings.

The Bendigo Timber Company was formed as a partnership between Walter G. Hyett and George De Araugo with business operations commencing on 19 December 1921. Walter Hyett had been a prominent Master Builder in Bendigo, whilst also holding large farming interests in the Mallee region of Victoria. Consequently, he was widely known and respected throughout northern Victoria. George De Araugo was for many years the manager of Hume and Iser, timber merchants, Bendigo, with extensive experience in the timber industry. The combination of these two men laid a solid foundation for a business that was to grow into the largest timber, hardware, joinery and paint establishment operating outside the metropolitan area. A major part of the Bendigo Timber Company's operations was the manufacturing of kit form houses from the 1930s through until the 1950s under the name of Ready Cut Homes, a company that also had branches in Melbourne and Sydney. The company supplied plans, timber and a builder for the construction of these homes through a payment scheme. It was engaged in the erection of shops, hotels, stores, dwellings and every type of farm building. As the company expanded, it ceased construction operations and devoted its efforts to the supply of building materials to a rapidly expanding client base of builders and the general public.

The former Bendigo Timber Company building built in 1959-60 is a fine example of an intact Modernist commercial building constructed in the post-World War II era. It demonstrates characteristics of the modern architectural idiom developed in the post-war era. Modernist buildings frequently adopted a 'machine aesthetic' using industrially processed materials such as steel, concrete, glass and prefabricated elements. The use of long-span structural frames and lintels meant that buildings no longer relied on loadbearing walls and greater areas of glazing were possible. These structural developments brought a new freedom to

the expression of walls, windows, and roofs as independent design elements and a similar freedom to the planning of interior spaces.

The former Bendigo Timber Company building is aesthetically significant for its 'modern' style where structure and function are expressed as part of its aesthetic. Key features include expressed steel columns and extensive glazing to its principal elevations, an asymmetrical low-slung butterfly roof and clerestory windows. Of particular note are the ~~cantilevered verandahs~~, lower section tilted windows and the entry porch bound by a single steel column and ~~rubble stonework cladding~~ **stone feature wall** at the Mollison Street corner.

Primary source

Bendigo City Centre Heritage Study Stage 1, Volume 2: Individually Significant Places (GML Heritage Pty. Ltd, April 2020)

Appendix C2 114 Williamson Street, Bendigo (HO932)

114 WILLIAMSON STREET, BENDIGO, STATEMENT OF SIGNIFICANCE, APRIL 2020

Heritage Place:

Former Butt's Hotel, 114 Williamson Street, Bendigo

PS ref no: HO932

Figure 1: 114 Williamson Street, Bendigo, viewed from the intersection of Williamson and McLaren Streets. (Source: Context, November 2019)



Figure 2. 114 Williamson Street, Bendigo, viewed from McLaren Street. (Source: Context, October 2019)

What is significant?

Former Butts Hotel at 114 Williamson Street, Bendigo, a single-storey corner hotel building built in 1876 to a design by Joseph Martin Brady, is significant.

Significant ~~fabric features~~ includes the:

- original ~~external~~ form and scale of the 1876 corner hotel building;
- bi-chrome face brick exterior and render detailing;
- ~~patterns of openings on Williamson Street and McRae Street elevations~~ the size and location of original openings on Williamson and McLaren streets; and
- ~~stylistic elements such as cream brick trims~~ cream brick detailing and hood moulds to window and door openings, cream brick implied quoining to the building corners, a stepped brick parapet to the north west, ~~a high rendered panel running around the street frontage~~ and rendered signage panels.

~~Later alterations including the c.1990 brick structure fronting McRae Street and other changes to the original openings are not significant.~~

How is it significant?

Former Butts Hotel at 114 Williamson Street, Bendigo, is of local historic and representative significance to the City of Greater Bendigo.

Why is it significant?

Historically, the former Butts Hotel at 114 Williamson Street, Bendigo, is significant ~~for its association with the long-term operation of the Butts Hotel on this corner site from as early as 1864 as an early Bendigo Hotel building serving both locals and travellers.~~ The hotel business was opened by the first owner James Dickinson, shortly after the opening of the railway to Bendigo from Melbourne in 1862. By 1872 ownership of the site was transferred to Robert Newbold and in 1876, Newbold commissioned the removal of the original building and construction of the building currently located on the corner site ~~to a design by local architect Joseph Brady. The adjoining building was originally constructed in 1917 and replaced by 1990.~~ Butts Hotel continued to operate on the site until the 1950s. ~~The hotel provided a meeting place for locals and travellers through to the 1950s.~~ (Criterion A)

114 Williamson Street, Bendigo is significant as an example of a ~~typical~~ single-storey corner hotel building ~~once typical of the type commonly~~ constructed throughout the goldfields from the 1850s. It is unusual ~~as a surviving example as one of a small number of a~~ modest-scale hotel buildings ~~dating from 1876 located~~ in the city centre of Bendigo. The former Butts Hotel retains typical characteristics of the type, such as the positioning to the street without a setback, the splayed corner entrance, roof form hidden behind parapet, and plain detailing. Opening on this site by 1864, Butts Hotel's ~~strategic positioning near the railway station and on Williamson Street, the main thoroughfare to Kangaroo Flat,~~ is ~~also~~ representative of the building type established during Bendigo's early development phase. ~~The former Butts Hotel at 114 Williamson Street is also significant as a rare and intact example of a single-storey hotel building supervised by Coliban water system engineer and architect Joseph Martin Brady.~~ (Criterion D)

Primary source

Bendigo City Centre Heritage Study Stage 1, Volume 2: Individually Significant Places (GML Heritage Pty. Ltd, April 2020)