

History & Heritage

A publication of the National Trust of Australia (Victoria)

Bendigo & Region Branch June 2022



Cover story: 257 Eaglehawk Road, Long Gully

In this issue

p2 Next Branch Meeting
p2 History & Heritage
p2 Join the National Trust – Advocate for Preservation! Support! Explore! Enjoy!
p3 Cover Story: ‘Demolition by Neglect’- Petition to Council
p6 Meeting with Heritage Victoria - online
p7 Snap, Send, Solve.
p8 Letter to Council re The Bendigo Mining Exchange from the branch.
p9 New Gates being installed in Rosalind Park Fernery
p10 Consideration of heritage protection on John Beebe’s home & Observatory
p13 Danger Page Report - follow up on issues as of June 2022

Next Branch Meeting

The next branch meeting will be held on Monday 27th June, 5.30pm, at the Shamrock Hotel taking up the issues from History & Heritage. There will be a report from the East Bendigo Observatory Hearing held on 21st & 22nd June, a discussion on listed sites and how to monitor their condition and preparation for the July issue of H&H. All supporters are welcome to attend and raise issues.

History & Heritage – Branch Newsletter

Everyone has a story that, when combined with others, provide a record of the social history of our region and draws attention to the significance of local built heritage. To receive H&H or contribute a story or photograph, send a message to natrustbendigo@gmail.com To help increase circulation send it to your friends and family or sign up your organisation to receive it. To join the editorial group, contact the branch President, Peter Cox on 0447473674. Contribution deadline for July History & Heritage Friday 15 July

For previous editions of History & Heritage visit

<https://www.nationaltrust.org.au/branches-vic/bendigo-branch/>

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The National Trust of Australia (Victoria) is the state’s largest community-based heritage advocacy organisation actively working towards conserving and protecting our heritage for future generations to enjoy, representing 30,000 members across Victoria.

Cover Story

‘Demolition by Neglect’- Petition to Council

At its May Council meeting the Greater Bendigo Council decided not to take a lead role to incorporate new State Government legislation into its planning scheme to better protect heritage listed properties but it is contacting the State Government about it. Its motion and report read as follows:

From the Council meeting

The purpose of this report is to provide a response to the petition received by Council, regarding ‘demolition by neglect’.

A petition was received from the National Trust of Australia (Victoria – Bendigo and Region Branch) on 21 March 2022 (and dated 9 March 2022) with 13 signatures requesting that Greater Bendigo City Council seriously consider acting upon the Planning and Environment Amendment Act 2021 and introduce stronger measures to further protect heritage buildings and prevent ‘demolition by neglect’.

Recommended Motion That Council:

1. Acknowledges and thanks the lead petitioner and signatories for their interest in this matter.
2. Notes this report and response to the petition received.
3. Notes that City officers will: a. discuss opportunities with the Heritage Advisory Committee to educate and promote to the broader community the importance of retaining heritage places and the implications of the Planning and Environment Amendment Act 2021; b. continue to proactively discuss the implications and opportunities of the Planning and Environment Amendment Act 2021 with the Department of Environment, Land, Water and Planning; c. request the development of Practice Notes regarding the Amendment Act as they relate to building demolition; and d. continue to discourage the demolition of significant heritage buildings with developers and landowners. RESOLUTION - Resolution No. 2022/05.4 Moved: Cr Fagg Seconded: Cr Alden That the recommended motion be adopted. CARRIED

Background Information

The Planning and Environment Amendment Act 2021 (the Amendment Act) was passed into law on 23 March 2021. The amended Act inserts a definition of 'heritage building', being a building or place that has heritage projection under a planning scheme, i.e. a Heritage Overlay. As identified in the petition, the Amendment Act also incorporates a number of new provisions, and amendments to existing provisions, intended to:

- Deter people from unlawfully demolishing heritage buildings, or allowing them to fall into disrepair;
- Prevent persons from obtaining a benefit from unlawfully demolishing heritage buildings or allowing heritage buildings to fall into disrepair;
- Regulate or prohibit the development of land which had a heritage building that was unlawfully demolished (in whole or in part) or fallen into disrepair; and
- Require that a permit must not be granted for the development of land which had a heritage building that was unlawfully demolished (in whole or in part) or fallen into

disrepair, unless the development reconstructs, repairs or reinstates the heritage building. The petition requests that Council seriously consider the above provisions and introduce strong measures to further protect heritage buildings, and prevent 'demolition by neglect'. The Amendment Act was introduced partly in response to the Corkman Irish Pub in Carlton, which was demolished in October 2016 without the necessary council permit approvals.

The Department of Environment, Land, Water and Planning (DELWP) has not currently prepared any guidelines or practice notes in relation to the Amendment Act, and as such, there is no clear guidance to councils as to how the provisions can be considered or incorporated into Victorian planning schemes. With the Amendment Act provisions only coming into effect last year, there are also no precedents that can be reviewed and considered. City officers will continue to seek out information on the Amendment Act and provide information to Council as information comes to hand.

City officers sought legal advice on the Amendment Act provisions to better understand the options and opportunities that were available to the City. The legal advice confirmed the following:

- The Amendment Act provisions cannot prevent demolition or 'demolition by neglect'.
- The provisions are intended to be a deterrent. They can be explored and potentially used once demolition/ partial demolition has occurred, with a view to then regulating / prohibiting future development of that site.
- Only after demolition has occurred and a successful prosecution has occurred, can councils then investigate the introduction of planning scheme controls to prohibit or regulate future development of that site.

As noted earlier, there is currently no clear guidance on the Amendment Act and in particular, there is no guidance on how a Victorian planning scheme can be amended to give effect to the Amendment Act (after both demolition and a successful prosecution have occurred). City officers will continue to discuss the implications and opportunities of the Amendment Act with DELWP representatives.

Heritage buildings are an important part of Greater Bendigo's history and urban fabric. In order to retain significant heritage buildings, the City has undertaken heritage studies over several decades and subsequently introduced Heritage Overlays. The City continues to update and undertake new heritage studies to increase the protection of significant heritage buildings. In addition, the City's Heritage Advisor has, and will continue to provide advice to landowners and developers about the preservation, protection and restoration of heritage places.

The Branch's View:

An alternative approach might have been that the Council agreed with the petitioners to better protect heritage properties but it does not have all the information required how to best incorporate the new legislation into its planning scheme. It will engage and work with the State Government on how to best to undertake this action.

The Planning Practice Note for the new demolition by neglect legislation has now been released since the Council meeting and can be found here:

https://www.planning.vic.gov.au/_data/assets/pdf_file/0024/573423/PPN95-Local-heritage-protection-provisions_May_2022.pdf

The branch would like to hear from readers who have an opinion on this matter.

257 Eaglehawk Rd Long Gully - (Demolition by neglect or an opportunity for a wonderful new home)



257 Eaglehawk Rd Long Gully, rear view

The branch puts forward the example of a house at 257 Eaglehawk Road Long Gully, which has been neglected for years, and its interpretation of how the new legislation may be used. The Eaglehawk Bendigo Heritage Study undertaken in 1991-92 gave the site a Study Grading of B with a construction date of 1872, with the first owner being James Calverley, a miner. The citation is listed below. Under the new legislation, if incorporated into the planning scheme, Council may have greater powers to require owners to maintain heritage places. The ideal would be that Council has the power to issue a notice to the owner to secure the property, to undertake repairs to stop deterioration and inform the owner that if these actions were not carried out then future use and development of the site will be jeopardized and that the owner may face prosecution.

Therefore, the branch does not agree with Council that action cannot be taken because demolition by neglect is already taking place with this property and many others around Greater Bendigo. Indeed, it does not make much sense that Council spends large sums of money on studies to put heritage protection on properties then does nothing to protect them. Not a good investment. It needs to do the studies, monitor the condition of the heritage sites and then enforce protection by measures they claim they do not have at the moment.

History of 257 Eaglehawk Rd Long Gully (Eaglehawk Bendigo Heritage Study, 1993)

Built: c1872. Stable, long-term owner-occupancy has been the heritage of this property. For 50 years the Calverley family owned and occupied it. First listed in the 1872 rate book, this house and adjoining cottage were owned and occupied by James Calverley, a miner, engineer and speculator, until 1883. After this it became the home of William Calverley, a batteryman and miner. He remained here until 1922. William had married Annie Peterson in 1883 which probably prompted his search for a new home.

The Peterson family owned a lot to the north of this from 1886. Arthur Collins was a short-term owner-occupier, purchasing the property from Calverley in 1922 and selling it to John Mitchell in the late 1920s. Mitchell, a grazier, lived here until 1950. Early plans show this house opposite the engine house and shaft of the Needle mine this century while parish plans show J. Elliott's tenure of the site of the adjoining timber house (255) having originated in 1857.

Description: Of double fronted, rubble stone construction, this house has dressed corner stones, a simple hipped corrugated iron-clad roof, two symmetrically-placed corniced chimneys and a concave -roof verandah. The verandah(ruinous) structure is timber, with corniced stop-chamfered posts, a simple bressummer-fascia and remnant timber balustrading. The front door is four panel. There is a rear service wing (with side verandah) and what may be an altered original front fence, both of stone.

External integrity: Both side and front verandahs have almost been dismantled or fallen down; the stone has been painted; the chimney cornices are incomplete; intrusive service boxes have been added to the front; the stone fencing has been altered and part demolished; a rear attached timber service room has been partly dismantled and the ogee-pattern roof gutters partly removed or displaced.

Context: Old mainly timber housing (255,256,258,245,247) of a similar form and period are interspersed with other more recent and visually unrelated development. The site backs on to a large former gold mining area.

Significance: Architecturally the house, with its high hipped roof and concave profile verandah, is recognizable as from the mid-Victorian era although altered in detail. It forms a major part of the early housing group scattered around important former mining sites and in this case was occupied over a long period by a family strongly associated with mining (Calverley).

Meeting with Heritage Victoria

The April issue of History & Heritage featured Sampson's Cottage (listed on the State Heritage Register) in Golden Square and its demise through demolition by neglect. The branch contacted Heritage Victoria and have now set up a meeting via Microsoft Teams Meetings (see link below) for Thursday 23 June at 2pm.

To join this meeting, email Peter Cox for a link: hardhillpc@gmail.com

Amanda Bacon, Manager, Policy and Programs, Heritage Victoria will give an overview of HV enforcement powers under the Heritage Act 2017, as well as a brief demonstration of the Victorian Heritage Database and how it can identify heritage places/objects in the Bendigo region, as well as how potential enforcement matters can be reported to us.

Further information about places and objects included in the Victorian Heritage Register and the Heritage Inventory can be found by searching <https://vhd.heritagecouncil.vic.gov.au/>. The Victorian Heritage Database also contains information about locally significant places included in heritage overlays of some local council planning schemes.

Visit <https://www.heritage.vic.gov.au/> to find out more about Heritage Victoria and its role in administering the *Heritage Act 2017*.

Snap, Send, Solve.

Readers are encouraged to send in photos where they are concerned about the condition of a property.



147 Barnard Street,
Bendigo

Dear Editor,

Today was my first chance to take a photograph of this important brick miner's cottage (above). As can be seen the veranda posts are practically against the foot path. There are very few like this left in Bendigo. James Lerk

Editor's note: Council has notified the branch that there are some remedial works being undertaken and a small addition to the rear of the house. So, it is good news, James. Thanks for raising it.



147 Barnard Street, Bendigo.
Image: Google Maps

Letter from Branch to Council re The Bendigo Mining Exchange

I write on behalf of the Bendigo & Region National Trust Branch in regard to the sale of the Bendigo Mining Exchange and have some questions about the history of the building and conditions of sale.

It is understood that Council was gifted the building by the State Government but Council had to spend funds in undertaking a Conservation Management Plan. Council also had to carry out works that protected the building's integrity in terms of internal damage caused by weather and pests such as termites, birds and animals. The building had to be secured and a deteriorating roof, windows and doors needed replacement and repairs.

The branch understands that these requirements were met and that the sale in 2013 to a Ballarat company required it to implement the Conservation Management Plan which at the time of the sale was estimated to be over \$5 million dollars.



The Mining Exchange Bendigo. Image courtesy of James Lerk.

The branch is concerned that the conditions around the building and Allan's Walk is very untidy with rubbish and dirty windows providing a poor image given it is a heritage site. Allan's Walk has now been closed for a number of years and needs reopening.

The sale publicity for the building is pricing the site at \$3.95 million which illustrates that the Conservation Management Plan (CMP) has not been fully implemented. Will this now flow over to the next sale contract in that the costs associated with the implementation of the CMP will be the responsibility of the new owners?

It would be appreciated if the recent history since Council took over responsibility of the site as stated above could be confirmed. It would also be appreciated if Council could provide a copy of the Report to Council at the time of the last sale or reports concerning the CMP and a copy of the CMP itself for its members to read.

Thank you for your consideration on these matters.

And from James Lerk:

Like many in the Bendigo community I am wondering what the future holds for this iconic structure, the Bendigo Mining Exchange? Originally, we had two architectural concepts such as this, the Bendigo Arcade that ran from Pall Mall through to Hargreaves Street; built a few decades after the Beehive.



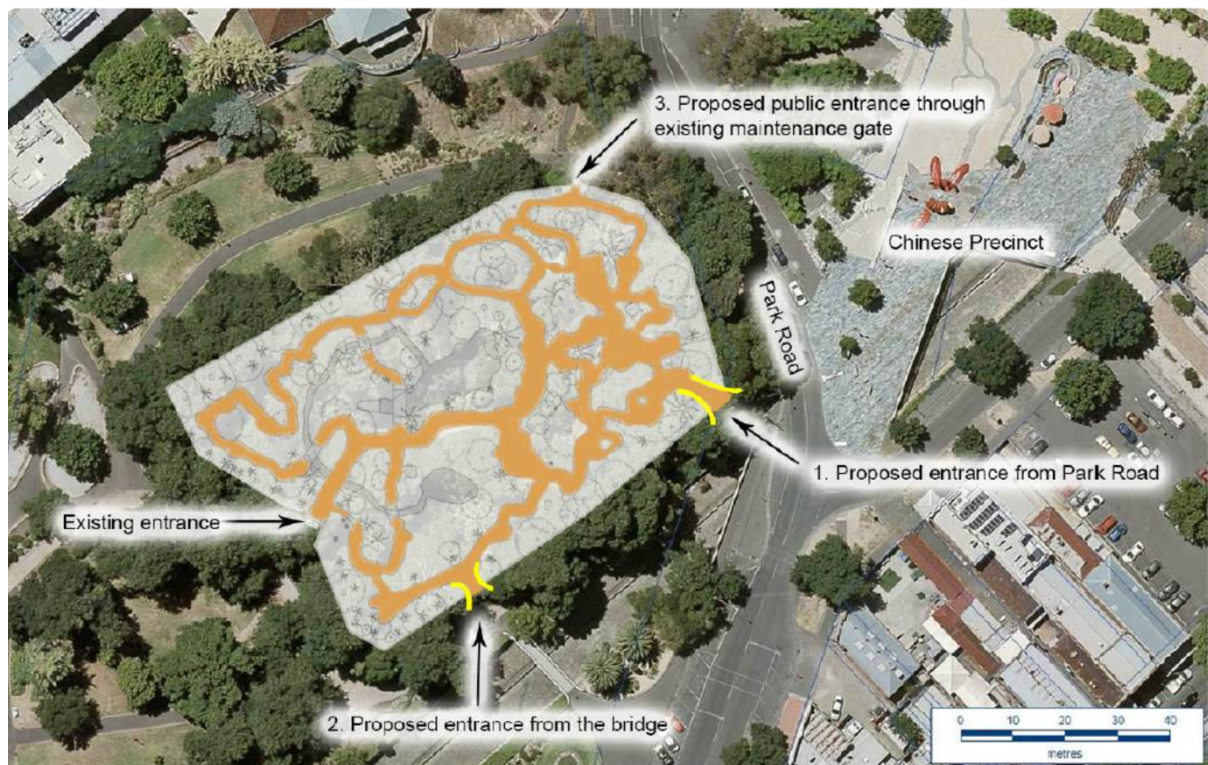
The Mining Exchange Bendigo. Image courtesy of James Lerk.

New Gates being installed in Rosalind Park Fernery

It will soon be easier to access Rosalind Park's hidden fernery, with three new public entrances being installed at the site. The fernery is listed on the Victorian Heritage Register with the project receiving approval from Heritage Victoria. City manager of parks and open space Chris Mitchell said the hidden garden currently has a single entrance and exit.

"Through this project we are opening up the fernery by creating two new entrances on the creek side of the fernery and a further new entrance on the north boundary," he said. "When complete the fernery will have a total of four entrance/exit points and will connect much better to the park's main pathway and the footbridge across the Bendigo Creek. "Many people travel through Rosalind Park along the main path which follows the creek line, and the aim of the new entrances is to increase pedestrian access into the fernery while maintaining the heritage character of the park."

The steel gates of the entrances were designed and created by local artist Yvonne George. The project also involved the removal of some vegetation, a new stone garden bed and new gravel pathways. It is expected the work will be complete by mid-year. (From Bendigo Times)



Plan for new gates. Image: Bendigo Advertiser



Fernery, Rosalind Park, Bendigo
Image supplied

Consideration of heritage protection on John Beebe's home & Observatory



Beebe house, rear view and Observatory. Images: Bendigo Branch, June 2022

Greater Bendigo Planning Scheme Amendment C271

Heritage Overlay – 55 Condon Street, Kennington. The Panel held a Directions Hearing for the above matter on 19 May 2022 by video conference. Please contact Planning Panels Victoria on (03) 8624 5712 or planning.panels@delwp.vic.gov.au.

Time Table Day 1: Tuesday 21 June 2022

Venue: Allocated 10.00am – 10.15am Preliminary matters 15 mins 10.15am – 11.15am Greater Bendigo Council represented by Bridget Mapstone of Greater Bendigo Council, calling the following expert evidence: - Heritage from Annabel Neylon of Plan Heritage 3.5hrs 11.15am – 11.30am, Break 15 mins, 11.30am – 12.30pm Council cont 12.30pm – 1.30pm, Lunch break 1 hour 1.30pm – 3.00pm Council cont 3.00pm – 3.15pm, Break 15 mins, 3.15pm – 3.30pm National Trust of Australia (Victoria) represented by Peter Cox 3 15 mins 3.30pm Day close

Time Table Day 2: Wednesday 22 June 2022.

Time Party Sub No Allocated 10.00am – 10.15am Preliminary matters 15 mins 10.15am – 11.15am Strath CCC Pty Ltd represented by Dominic Scally of Best Hooper, calling the following expert evidence: - Heritage from Anita Brady of Anita Brady Heritage 2 1 day 11.15am – 11.30am Break 15 mins 11.30am – 12.45pm Strath CCC Pty Ltd cont 12.45pm – 1.45pm Lunch break 1 hour 1.45pm – 3.45pm Strath CCC Pty Ltd cont 3.45pm – 4.00pm Break 15 mins 4.00pm – 4.30pm Council closing submission 4.30pm Day close
Times will vary according to length of submission.

To join this meeting, email Peter Cox for a link: hardhillpc@gmail.com

Some of the architectural details of Beebe's house

Images: Bendigo Branch, June 2022



Left: Part of wall to 'Beebe's section' of house, taken through rear window.

Beebe's Observatory

Images: Bendigo Branch, June 2022

Below: Detail of dome showing steel straps used in opening and closing.



Inside the telescope dome, looking up. Detail of winding mechanism to open dome

Danger Page Report/follow up on issues as of June 2022

In the May edition of H&H it was suggested that a 'Danger Page' be included in each copy. It will take some consideration to formulate it. Suggestions are welcomed. Here is a list of issues that the branch has been working on for some time.

- Bridge/culvert at Spring Gully has been repaired but is still not protected from erosion and riders underneath the structure.
- The stone buildings located at the Ravenswood Water Reserve are in poor condition, need to be secured and a Committee of Management formed to oversee the protection of the site.
- An independent assessment of the Robinson Cast Iron Collection is currently being undertaken with a report due in the coming months.
- The storage of the Doney Photographic Collection is currently being considered with a report due sometime this year.
- The Bendigo Gas Works have undergone a decontamination program and a draft master plan for the future of the site has been drawn up by Council. Council has informed the site that it will consider reopening the site for tours towards the end of 2022.
- Nanga Gnulle has a heritage overlay to protect the house and a small part of the land around it. It is considered by the branch to be at risk.
- The Vahland Fountain has been vandalized with restoration works to be undertaken over the next couple of months.
- The Bendigo Tafe gates/part fence located beside the MacGillivray Hall have been hit by a truck. Repairs are due to be completed by September.
- The branch is meeting with Heritage Victoria to discuss the 'Demolition by Neglect' of Sampson's Cottage in Golden Square.
- The branch has not received a response from its meeting on 6th May with local state government representatives, Jacinta Allan & Maree Edwards, about the future of the Bendigo School of Mines buildings.

There are numerous buildings that have been reported that are at risk of neglect and demolition throughout Greater Bendigo. Do these properties get listed here? Your feedback on how this page might work will be appreciated.

Your views are sought on heritage issues

The branch welcomes your ideas, contributions and photographs for the newsletter which is published monthly. You can keep up with the current advocacy issues at the Trust Advocate blog at <http://www.trustadvocate.org.au/>

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We acknowledge the Traditional Owners of Country throughout Victoria and recognize the continuing connection to lands, waters and communities. We pay respect to Aboriginal and Torres Strait Islander cultures; and to Elders past, present and future