

# Bendigo Law Courts complex

## Conservation Management Plan

77-85 Pall Mall, Bendigo, Victoria



August 2018

Prepared by

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Prepared for

Cox Architecture on behalf of  
Court Services Victoria

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Cover: Upper stair hall, Bendigo Law Courts, c. 1900s (J H Harvey, State Library of Victoria)

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## EXECUTIVE SUMMARY

This Conservation Management Plan (CMP) for the Bendigo Law Courts at 77-85 Pall Mall, Bendigo was commissioned by Cox Architecture on behalf of Court Services Victoria (CSV), the owner and custodian of the site. The Bendigo Law Courts complex has operated as the principal judicial centre of Bendigo and the north-west region of Victoria (now Loddon Mallee) since its completion in 1896. The site is included in the Victorian Heritage Register (VHR H1466), established under the *Heritage Act 2017* (Victoria). The VHR entry is at Appendix A.

The Law Courts complex, which includes the 1896 courts building, the modern Justice Centre to its north-west and a court room in the adjacent Post Office (Figure 1), is beyond capacity. The 1896 building is constrained by poor safety standards, non-compliant facilities and services, compromised accessibility and spatial limitations which mean that it is unable to meet the service needs of all jurisdictions. These constraints, as well as the incompatibility of the historic building with the architectural character of modern court facilities, mean that there is no potential for the building to remain in use for its original purpose. It is anticipated that it will be replaced by a new judicial complex in central Bendigo within the life-span of this CMP (by 2023).

This document has been prepared to provide a framework to inform the future conservation and management of the cultural heritage values of the courts complex. Further, accepting that the subject site will no longer be the primary location for the delivery of justice in Bendigo, a key objective of this CMP is to identify options for the future use and management of the 1896 building and its setting, including consideration of the physical change and/or interventions. . This document follows the principles and processes set out in best practice guidelines, including the *Burra Charter* (2013).

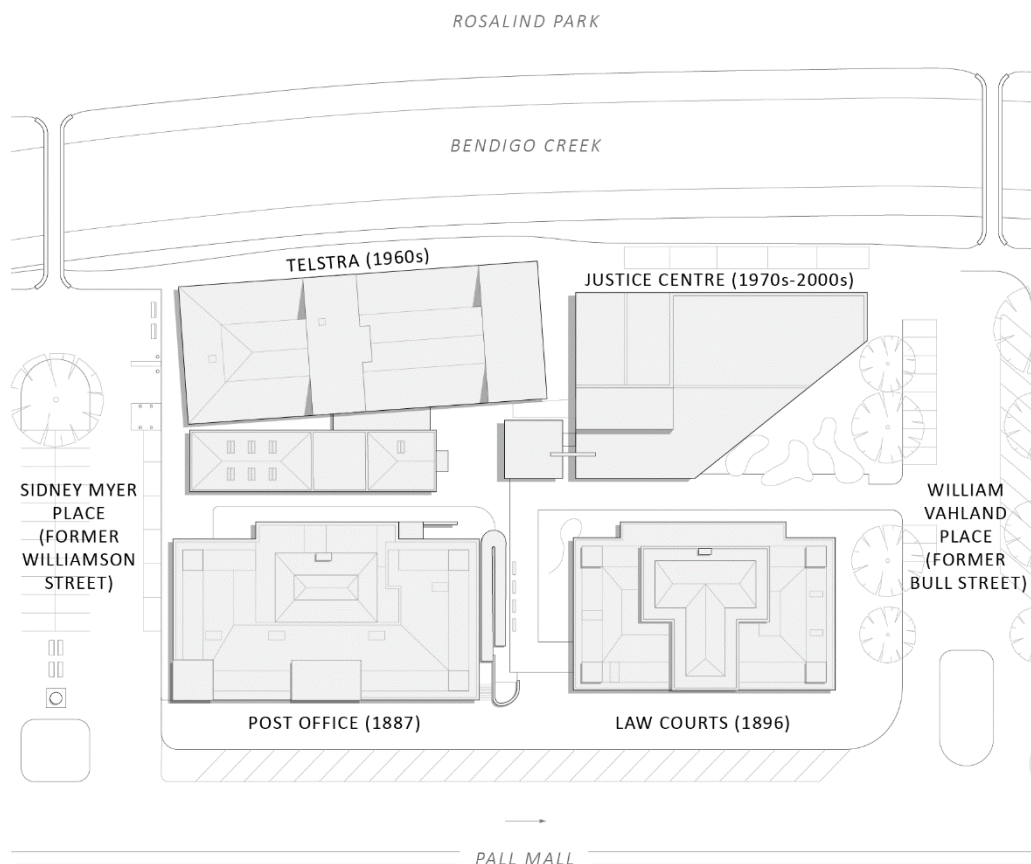


Figure 1 Site plan showing the Law Courts within Bendigo's Public Buildings Reserve

### *Exclusions and limitations*

This CMP does not address the land uses and practices of the Traditional Owners of the area now occupied by Bendigo prior to European settlement, including the Dja Dja Wurrung language community. Likewise, communal sentiment, positive or negative, as might be held by Traditional Owner groups and communities in regards to the Law Courts has not been addressed.

Also excluded was a formal appraisal of social values for the Courts complex more broadly, as might be informed by a community consultation process. A recommendation that an assessment of social values should be conducted during the life-span of this CMP is at Chapter 6 (Policy 19). This assessment should include engagement with Traditional Owner groups.

Analysis of the collection of furniture, objects, fittings and collections within the historic building was beyond the scope of this CMP. Recommendations for the assessment of these collections are at Chapter 6, policies 20 and 21.

### **Overview of the asset**

The Law Courts complex forms part of the Public Buildings Reserve addressing Pall Mall in the centre of Bendigo. The site is located between Pall Mall and Bendigo Creek and is flanked by former Post Office (1887) to its south-west and the conservatory grounds to its north-east on the opposite site of Bull Street. The rectangular site has an area of approximately 2,700 square metres, with a frontage of c. 42m to Pall Mall. Built form adjacent to the 1896 Law Courts building includes the former Post Office; the Justice Centre, to its north-west; and a Telstra-occupied building (c. 1960s) to the south-west of the Justice Centre. A laneway to the rear of the Law Courts and the Post Office, is part of the original site planning. The emphasis of this report is on the historic building.

The 1896 building is a free-standing structure in an understated French Second Empire mode with four rendered facades articulated by superimposed arcuated and trabeated decorative systems. It is a substantial three-level structure, rising approximately 14.5 metres to the parapet, with a tall mansard roof above. The building is a fine and intact, albeit relatively late, example of a large regional court complex in the French Second Empire style. It incorporates the typical massing of the style incorporating pavilion forms with mansard roofs at the entry and corners and richly adorned wall surfaces incorporating a lavish *appliqué* of classical detailing in render. The interiors are distinguished by an unusually high degree of ornament and decoration, particularly the public areas and spaces relating directly to judicial operations. Original fittings and furniture are extant throughout.

The 1896 building is also a key component of an exercise in urban regeneration and beautification during the 1880s-90s which marked the consolidation of Bendigo as one of Australia's great inland centres.

### **Findings**

The assessment of significance undertaken for this CMP has found that the Bendigo Law Courts satisfies the VHR threshold for: Criterion A (historical significance), Criterion D (principal characteristics), Criterion E (aesthetic significance).

The 1896 building is of historical significance to Victoria as a reflection of the State's economic growth during the second half of the nineteenth century. The extravagance of the Colonial Government-funded building, including the external presentation to all elevations, the lavish interior details and the furniture and fittings, was an expression of the significant contribution to the State's finances of the Bendigo goldfields since the 1850s.

Bendigo's Law Courts in concert with the Post Office (also delivered by the Public Works Department) occupy Bendigo's Public Buildings Reserve on Pall Mall. Collectively, these monumental civic buildings are of historical significance at the State level as the core component of an urban regeneration undertaking. An urban landscape of this scale and grandeur is uncommon in Victoria outside Melbourne.

The 1896 building is the only nineteenth century court building in Victoria to adopt an arrangement of stacked courts while simultaneously aspiring to separate the circulation and functional zoning of court participants. The outcome is a rich and complex internal plan that remains remarkably intact as built and demonstrates the operation of a major multi-jurisdictional judicial complex of the late-nineteenth century.

From an architectural perspective, the 1896 building is significant as a fine and intact example of a large regional court complex in the French Second Empire style. It is also unusual for having been designed to be appreciated in-the-round, with a high degree of decorative detail to the north-east, south-east and south-west elevations, and a breakfront arrangement with full height arcades to the north-west (rear) elevation. The main staircase, vestibules and principal court rooms are largely intact as built, retain their original decorative treatments (elaborately moulded and enriched plasterwork) and are expressive of the judicial operations for which they were designed. The office/support spaces to either side of the central core generally have a lesser degree of decorative detail. Original fittings and furniture are extant throughout.

## **Recommendations**

The core recommendations of this CMP are summarised below:

### *Conservation*

The 1896 building is an unusually intact example of a nineteenth century court complex in the Victorian (and possibly Australian) context. All elements and areas of the building contribute, to some extent, to the building's ability to demonstrate its cultural heritage significance. Even where change has occurred there exists, in most cases, the potential to re-establish the original plan form, and in some cases, the potential to retrieve or reveal elements of the original decorative detail.

To assist in guiding change to the building in a manner that minimises impacts on its cultural heritage values, a distinction has been drawn between areas, elements and attributes that are 'core' to significance, and those that provide a 'supporting' role. These distinctions are summarised as follows:

- Core elements, areas and attributes are intact as built; and/or elaborately detailed; and/or directly expressive of the building's judicial function.
- Supporting elements, areas and attributes are generally intact as built, although they do include areas where change has occurred as related to judicial operations. In general, supporting elements and areas have a lower degree of decorative detail as compared to elements and areas of core significance. This category includes areas that are not directly expressive of judicial operations.

Conservation objectives for the Bendigo Law Courts include maintaining:

- the external presentation of the 1896 Law Courts building, as a free-standing structure in the French Second Empire style;
- the elaborately moulded and enriched plasterwork in the 'core' spaces (including the vestibules, staircase, Supreme Court and Police Court);

- the interior planning as related to the building's original use and operation, including multiple points of entry to the court rooms, and internal iron gates for the segregation of those attending court;
- original decoration and details in 'supporting' spaces, including the spaces to the north-east and south-west of the central staircase and court spaces ; and
- original furniture, object, fittings and collections (books and associated documentary material).

### *Management*

- CSV should comply with all applicable legislation, including the *Heritage Act 2017* (Victoria).
- The heritage curtilage for the Bendigo Law Courts should be defined as the cadastral block for 77-85 Pall Mall, Bendigo. This includes the space between the Post Office and Law Courts.
  - > *Action:* The VHR entry for the Law Courts should be amended under the *Heritage Act 2017* Part 3 to include both the 1896 building and an appropriate area of land (heritage curtilage). The VHR entry should also updated to include the Statement of Significance at in this CMP, a Permit Policy that references this CMP and a suite of permit exemptions.
- Views of the Law Courts from Pall Mall should be maintained.
- Programs of priority maintenance, remedial works and cyclical maintenance should continue to form the basis for on-going care of the significant areas, elements, attributes and fabric at the Bendigo Law Courts. These are 'core' and 'supporting' elements, areas and attributes.
- A key consideration in the identification of a future use for the 1896 building will be to strike a balance between maintaining the assessed significance of the place and finding a sustainable use. In this regard, the key test will be the degree to which the legibility of the architectural and judicial program is impacted by the proposed works.
- Where physical change is required to support a new use, the overriding objectives should be to retain and conserve 'core' areas, elements and attributes, and to plan and undertake works in a manner that is sensitive to the valued form and presentation of the building and to minimise impacts on the legibility of the architectural and judicial program. General principles relating to change, in descending order of preference, are that:
  - > Change should be focussed on the site to the north-west of the historic building;
  - > External change to the Law Courts building should be quarantined to the rear; and
  - > Internal change should be focussed on 'supporting' areas and elements.
- A formal appraisal of social value as related to the Law Courts should be undertaken to enable an assessment against Criterion 'G' of the Heritage Council of Victoria criteria.
  - > *Action:* A social values assessment should be completed within the life-span of the CMP (by 2023) to identify groups or communities that have an attachment to the place. This assessment should include engagement with Traditional Owner groups. Outcomes of the social values assessment may inform the interpretation below (see below).
- An assessment of the furniture, objects and fittings at the Bendigo Law Courts should be undertaken to establish condition, significance and protocols for management.

- > *Action:* An assessment of the collections of furniture, objects and fittings at the Law Courts should be completed within the life-span of this CMP (by 2023).
- An assessment of the collection of books and documentary material relating to the history and delivery of justice in Bendigo since the mid-nineteenth century at the Bendigo Law Courts should be undertaken to establish condition, significance and protocols for management.
  - > *Action:* An assessment of the collections of books and documentary material at the Law Courts should be completed within the life-span of this CMP (by 2023).
- A Heritage Interpretation Plan (HIP) should be prepared in anticipation of the building no longer serving as the centre of judicial activities in Bendigo. The HIP should be informed by the outcomes of the research for this CMP, as well as the social values assessment. In preference, the outcomes would be delivered as part of a future adaptive re-use of the site.
  - > *Action:* Prepare a HIP in anticipation of proposed change at the Law Courts, to capture information and values while the building is still in use for judicial purposes.





## 1.0 HISTORY

The following presents a chronological history of the conception, construction, use and development of the Bendigo Law Courts. Consistent with the *Burra Charter*, the aim is to gather information about the place sufficient to understand significance.<sup>1</sup>

The building is oriented on an axis to true north. The south-east elevation is generally referred to here as the Pall Mall elevation; the north-west elevation is the rear, or Justice Centre elevation; the north-east addresses the conservatory gardens; and the south-west addresses the Post Office.

### 1.1 Bendigo in the 1890s

Bendigo in the 1890s was a substantial settlement, fundamentally shaped by the gold rushes which began in 1851 and were sustained by quartz reef mining from the 1860s (discussed further below).

#### 1.1.1 *Gold wealth and urban development*

The discovery of gold in the Bendigo region, then the Sandhurst mining division, came only months after the Port Phillip District separated from New South Wales in 1851. Within a year of the *Argus* observing that 'gold miners [had] assembled on Bendigo Creek', 15,000 people had arrived in the district to try their luck on the goldfields.<sup>2</sup>

A government camp was established on the rise to the north of the creek in December 1851. Also known as Camp Hill, it became one of the largest government camps in the goldfields, comprising commissioners' quarters, police barracks, a licence tent, gold receivers' offices, stables and a log lockup.<sup>3</sup> In 1853, the camp was the site of a large protest by miners prompted by mining fees imposed by the Victorian colonial government.<sup>4</sup>

The formal government survey of Sandhurst of 1854 was prepared by Surveyor General Andrew Clarke, although the earliest designs have been attributed to Assistant Surveyor Richard Larritt. It was Larritt that designed the nucleus of the township to the south of the Bendigo Creek. At the north of the township grid was Pall Mall, a strip almost 100 metres wide extending to the Bendigo Creek. This was the future location of Bendigo's Public Buildings Reserve, including the Law Courts (Figure 2).<sup>5</sup>

The Municipal District of Sandhurst was created on 23 April 1855 and declared the City of Sandhurst in 1871. The municipality was officially renamed the City of Bendigo in 1891, after a popular vote. Indicative of Bendigo's early wealth, in 1855 there were 1,532 rateable properties in the township, with a combined value of £99,021.<sup>6</sup>

In 1856, Gold Commissioner Joseph Panton proposed redeveloping the government camp by removing the temporary structures and reserving it as a park. Despite Panton's proposal, government buildings continued to be constructed on Camp Hill (Figure 3). In 1857, the Public Works Department (PWD) built the Supreme Court, adjacent to the gaol reserve, and in 1877 the Camp Hill School was built on the site of the military barracks (Figure 3).<sup>7</sup>

Approximately 24 hectares (60 acres) of the government reserve was given over to Sandhurst Council for recreation in 1861. Plantings, ornamental fencing, a fernery and a cascade designed by prominent local architect William Vahland were added in the 1870s and 1880s (Figure 4).<sup>8</sup> The alignment of the Bendigo Creek was also modified at this time, associated with the introduction of a deep bluestone-lined cutting at the base of Camp Hill.



Figure 2 Survey of Section C of Sandhurst, 1854 (detail): the approximate location of the future Public Buildings Reserve is indicated  
Source: FEAT635, Historic Plan Collection, VPRS 8168/P5, Public Record Office Victoria

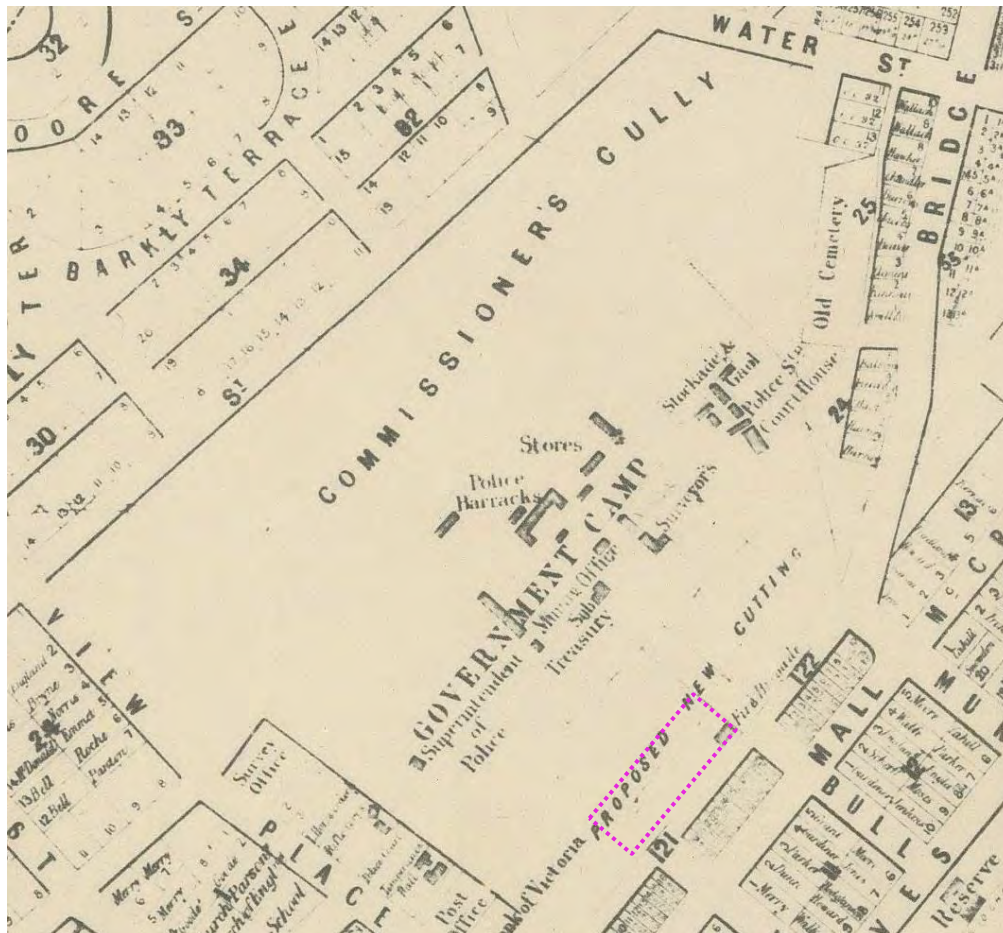


Figure 3 Sandhurst Government Camp, 1867: development contemplated for the north-west side of Pall Mall, partially occupying the Public Buildings Reserve (indicated), did not eventuate  
Source: Department of Lands & Survey, State Library of Victoria



Figure 4 View looking south from the Government Camp towards Bendigo city centre, 1876  
Source: State Library of Victoria

An engraving of 1878 shows Bendigo's central grid and Rosalind Park 25 years after the gold rushes began (Figure 5). Rosalind Park can be seen as planted out with ornamental arrangements of trees, pathways, fountain and a number of rotundas indicative of its recreational use. The township, particularly to the south of Pall Mall and along View Street, was substantially developed. A number of public buildings are visible, including the Town Hall, Camp Hill school, Bendigo Hospital, government offices and masonic hall, as well as a number of churches. Pall Mall can be seen as the division between the commercial centre of Sandhurst and the rise of the Government Reserve.

Whereas other 1850s gold mining centres struggled to sustain their development after the initial gold rush period, Bendigo's good fortune continued with the mining of its vast quartz reefs containing gold ore. The Bendigo-Eaglehawk field was the 'world's greatest nineteenth century quartz mining centre.'<sup>9</sup> The wealth of this field was extraordinary: the collective value of mining stock of Sandhurst by late 1871 was close to £10,000,000. Although there was a dip in yields in the late 1880s, the 'mining revival' by the 1890s meant that Bendigo was saved the worst of the economic depression which hit the colony.<sup>10</sup>

The *Bendigo Independent* declared in 1891 that 'Sandhurst [was] unaffected by the prevailing depression', noting the continued building works in the city.<sup>11</sup> In 1895, a year before the Law Courts was opened, W B Kimberley compiled an illustrated book on Bendigo, a 'comprehensive history of her past, and a *resumé* of her resources'. He introduced the city as 'one of the prodigy cities of Australia', whose 'rapid growth ... has seldom been rivalled in all history in any country'<sup>12</sup>.

With it have come the essential elements of stability and permanency, and the nucleus of a still greater centre.<sup>13</sup>





Figure 5 Perspective view looking north-west over Sandhurst in 1878, with Rosalind Park in the centre: the approximate location of the Public Building Reserve is indicated  
Source: *Illustrated Australian News*, held by State Library of Victoria

The population of the City of Bendigo in the mid-1890s was 29,341, and the municipality had a rateable valuation in 1894-95 of £177,290, which was an increase on the previous year. The population of Bendigo increased by nearly 5,000 in the period between 1891 and 1897, a period when the populations Ballarat and Geelong were stagnant and Melbourne's fell by over 30,000.<sup>14</sup>

Despite Victoria being in the midst of a severe economic depression writers of *Bendigo and Vicinity* expressed confidence in Bendigo's future:

Bendigo may well be considered to possess many unique advantages likely to encourage an influx of population to the district. Her magnificent gold resources, with all her extent of gold-bearing reefs yet to be opened up, and the vast possibilities in deep mining, her thousands of acres awaiting the capitalise to make wine flow from them, her gardens yielding some of the richest fruits in the colony ... The future of Bendigo is assured, for she has all the requisite essentials to greatness ...<sup>15</sup>

## 1.2 Sandhurst Public Buildings Act 1882

By the late-1870s, Sandhurst City Council was considering sites for new public buildings, including accommodation for government offices and post and telegraph office. In May 1879 it was reported that, 'the Minister of Public Works had intimated his willingness to erect large public buildings in

Sandhurst', indicating that both the Council and the Victorian Government were committed to the proposal.<sup>16</sup>

Two locations were contemplated for the public buildings. One (ultimately selected) was known as the 'centre block' on the government reserve addressing Pall Mall, between Williamson Street and Bull Street. The other was at the Charing Cross intersection, at the south end of View Street, a site previously reserved for a market. A sub-committee was appointed to, 'ascertain the area required and report on the most suitable sites in the city'.<sup>17</sup> The *Bendigo Advertiser* advocated in June 1881 for an application to the government to 'remove ... all legal difficulties' to use the site within the reserve fronting Pall Mall.<sup>18</sup>

A public meeting attended by 1,000 people was held at the Town Hall in Hargreaves Street in December 1881 to resolve the matter. A number of locations were discussed, with 'a great diversity of opinion ... as to the most eligible site'.<sup>19</sup> The 'centre block' was selected by the Council, despite petitioning from a small group for the Charing Cross location, sometimes referred to as the 'View-pointers', whose commercial interests would have benefited from proximate public buildings.<sup>20</sup>

The public meeting was held during the brief, but consequential, tenure of Bendigo-based parliamentarian and miner Robert Burrowes. Burrowes was minister of mines in the government of Bryan O'Loughlen between September 1881 and March 1882, as the public buildings site issue was gaining momentum. As noted in Burrowes' entry in the *Australian Dictionary of Biography*:

... from September 1881 to March 1882 [Burrowes] was minister of mines in the O'Loughlen government. In this office his advocacy with the minister of public works endowed Bendigo with some of the best governmental buildings in Victoria, notably the Post Office and Law Courts in Pall Mall ...<sup>21</sup>

Burrowes' persistency in advocating for the new public buildings, was supported by other local members including Robert Clark, the minister of mines in the previous government of 1880, and John Quick, who was later prominent in the early Federation movement.

The use of the 'centre block' site required an Act of Parliament to be passed.<sup>22</sup> The *Sandhurst Public Buildings Site Bill* was introduced to Parliament in May 1882. It '[provided] for adding certain portions of Pall Mall, Sandhurst, to Rosalind Park; and for setting part [a] portion of Pall Mall as a site for a Post office and other public buildings.'<sup>23</sup>

A petition was received by one member of the Legislative Council arguing that Pall Mall was liable to flooding, and therefore constructing buildings there would be more expensive than in other locations.<sup>24</sup> However, the Bill was passed with no amendments.<sup>25</sup>

In early June 1882, a contract was let for the foundations for New Public Offices at Sandhurst – prior to the legislation having been passed.<sup>26</sup> The *Sandhurst Public Buildings Act* was passed on 27 June 1882, and signed by the Governor on 4 July 1882.<sup>27</sup>

The public offices, now known as the Bendigo Post Office, were constructed between 1882 and 1887, to a design by Public Works Department architect George W Watson. Once completed, the building was the most extensive of its type in Victoria, outside Melbourne. The building comprised a substantial mail room, offices for postmaster, money orders and telegrams, sub-treasury on the ground floor, and police office, surveyors' offices, water supply office, and rooms for the caretaker's residence on the first floor.<sup>28</sup> An engraving of the building, prepared prior to its completion, shows it surrounded by parkland with a mine shaft to the south-west (Figure 6). Mining activity also occurred on the future site of the Law Courts – this is not indicated in the 1884 engraving. The finished public building can be seen in a photograph of c. 1889, with grand entrances from Pall Mall and its south-west elevation (Figure 7).





Figure 6 Engraving of Bendigo (detail), 1884, looking south from Rosalind Park, during the construction of the Bendigo Post Office  
Source: A C Cooke, State Library of Victoria



Figure 7 The General Post Office and Public Buildings, c. 1889-91: view from Pall Mall  
Source: Charles Rudd, State Library of Victoria

### 1.3 Courts in Bendigo

Courts for different jurisdictions were established in Bendigo from the 1850; purpose-built premises were often constructed months or years after the court had commenced operation. Some courts were operated by the Victorian colonial government, and others were administered by the police and Sandhurst Council.

A Court of Petty Sessions (also known as the Police Court and the Magistrate's Court) at the Bendigo goldfields was established in December 1852, with Lieutenant-Governor of Victoria Charles La Trobe noting a site at the junction of the Bendigo Creek and Golden Gully, 'where a Court of Petty Sessions is to be held'.<sup>29</sup> By late 1854, a court had been established at Sandhurst, with a hearing held before the magistrate for auctioneers accused of horse stealing.<sup>30</sup> Misdemeanours heard included 'sly grog selling', 'resisting the Chinese Protector' 'drunk and disorderly' and 'furious driving', '<sup>31</sup> A County Court was also established in Bendigo in 1854, with a Mr Campbell appointed as acting Bailiff of the court in March of that year.<sup>32</sup>

The inadequacies and lack of permanent court accommodation in the growing town was noted in December 1855 in a *Bendigo Advertiser* report on recent proceedings of the Court of Petty Sessions:

Several other cases on the sheet we postponed till the next day. While the Court is occupied by the Sessions of County Court, all police business is greatly impeded; a small room, just large enough to contain two Magistrates, the Clerk of Petty Sessions, three constables, one defendant, and a witness, leaving a very small corner for a report, generally used as a lock up keepers room, being the only accommodation that can be allowed; while the business is still further impeded by the public not knowing where the Bench is sitting ... it is time that another Court-house was provided.<sup>33</sup>

A District Police Court, or Warden's Court, was constructed in View Street in c. 1859 and was in operation until the construction of the Law Courts building (Figure 8).<sup>34</sup> The Warden's Court was responsible for mining matters, including licensing.



Figure 8 Bendigo District Police or Warden's Court building (constructed in 1859), shown at the time of its adaptation to the Bendigo Trades Hall, c. 1890s  
Source: 'About Us', Bendigo Trades Hall Council and Literary Institute, <https://bgothc.com.au>

By the mid-1850s, the Victorian Supreme Court had six locations for its regional Circuit Court, including the growing gold districts of Sandhurst, Ballarat and Mount Alexander (Castlemaine). The first Bendigo Circuit Court was held in February 1857, with the *Bendigo Advertiser* noting that the residents of Bendigo should ‘congratulate themselves’ that they were no longer ‘called upon to dance attendance at Castlemaine’, where a Circuit Court had been operating since 1852.<sup>35</sup> By late 1857, plans had been developed for the construction of a court house in Bendigo. The Victorian government decided to construct the building within the Government Reserve, breaking ‘a pledge ... that no more public buildings should be erected in the Camp ground.’<sup>36</sup> By October 1858, the building was under construction, built to a design by the Public Works Department (PWD).<sup>37</sup> Although not yet complete, the building was opened to court operations in February 1859, and the ‘new temple of justice’ was described as:

... well worth of being called an edifice, both from its commanding position and its internal arrangements ... the building will be a great ornament to that part of the town in which it is situated.<sup>38</sup>

At the opening of the Bendigo Circuit Court proceedings in 1860 Justice Redmond Barry donated two books of reference, ‘Archbold’s *Criminal Law* and Roscoe’s *Nisi Prius* ... entrusted to [him] to be deposited in this Court for the use of the members of the legal profession’.<sup>39</sup> In contributing the books to the Bendigo Court collection, Barry noted the importance of the Supreme Court Library, Melbourne, in the ongoing education of both legal professionals and the police.<sup>40</sup>

As early as the mid-1860s the local legal fraternity was complaining about the unsuitability of the Camp Hill location of the Court House, with the following written by local barristers and solicitors sent to authorities in Melbourne in 1865:

... the Supreme Court house and law offices at Sandhurst are erected on a hill, the approach to which is very abrupt ... and at an inconvenient distance from the business parts of the town.

... the building, in addition to being used for the sittings of the Circuit Court four times a year, is also used as a Court of General Sessions four times a year, for the sittings in the Court of Mines about eight times a year, and of the County Court about eight times a year, irrespective of the number of consecutive days occupied during the sittings of the several courts.

... the present Court-house is in a dilapidate and insecure state, and that a large sum of money will be required for its amendment.<sup>41</sup>

The writers of the letter urged that rather than spending money on repairing the existing Court House, a new building should be constructed ‘on a more accessible and convenient site’.<sup>42</sup>

#### 1.4 Bendigo Law Courts

It is unclear whether the 1880-1882 Parliamentary and Council deliberations on the reservation of the Pall Mall Public Buildings site included consideration of it being used for a purpose-built court building. The *Sandhurst Public Buildings Site Act* does not specify the use of the site for a court house, only referring to a ‘post office and other public buildings, and for such purposes connected therewith as the Boards shall think fit’.<sup>43</sup> On receipt of the plans for the post office and public buildings structure from in 1882, the Sandhurst Mayor reportedly expressed surprise that no provision had been made in this building for law courts.<sup>44</sup>

Efforts to persuade the government to commit to the law courts’ construction were intensified in the mid-1880s. In 1885, a motion was issued at the finance committee of the Sandhurst Council:



... to induce the Government to complete the public buildings, according to the original plan, by extending the structure now in the course of erection to the Bull-street corner of the block ... This portion would include the law courts and law offices.<sup>45</sup>

The request was received by the Solicitor-General in September 1885. The Mayor, accompanied by local member D Sterry, met with the Minister of Public Works in April 1886, and a motion was passed by the Council to, 'point out the necessity of placing a sum of money' on the estimated cost of constructing the law courts to the colony's treasurer.<sup>46</sup> In June 1886, the *Bendigo Advertiser* reported that:

... the erection of the new law courts at Sandhurst will be proceeded with as soon as the contractor of the public buildings hands over the ground ... expected to be in about six months' time.<sup>47</sup>

This exchange reveals that proposals for the provision of new law courts for Bendigo had shifted from forming part of the post office and public buildings to accommodation in a separate building. However, construction was delayed by several years and did not commence until the early 1890s.

In 1888, councillors were advised that 'an endeavour was being made to shelve' the law courts, with the Treasurer reportedly delaying requisition of funds on the need for 'further information'.<sup>48</sup> As perceived by Bendigo representatives, there was a reluctance by the Melbourne-based government officials to fund the regional court building. One newspaper correspondent attributed the delay to the government having not approved the site, on account of the expense of 'excavating the old gold workings'.<sup>49</sup> The *Bendigo Advertiser* argued that it was not solely a local concern, as there 'is a great deal of law business done in the City of Sandhurst, and it is very far from being all of a local character'.<sup>50</sup> Proposals were made to entice Melbourne-based officials to Bendigo to instigate construction, including a suggestion that the Commissioner of Public Works be invited to the Easter Fair, creating an opportunity to lay the foundation stone.<sup>51</sup>

In 1890, preparations for the building's construction became more realistic. In April it was announced that the business of the Warden's Court would be transferred to the new Law Courts, and in May 1890 tenders were called for 'the laying of foundations etc of the new Sandhurst Law Courts', with construction commencing in July.<sup>52</sup> The efforts to entice a representative of the government for a ground-breaking ceremony paid off, and in October 1890 the foundation stone was laid by the Governor of Victoria at a ceremony attended by a 'concourse' of onlookers.<sup>53</sup>

#### 1.4.1 Construction and design

The new Law Courts building was designed by George W Watson (1850-1915) of the Public Works Department (PWD). Watson had been with the PWD since 1872 and was the architect of the adjacent Bendigo Post Office and Public Buildings of 1887. The Law Courts building was designed in the same French Second Empire style as the Post Office, resulting in a unified pair of monumental civic buildings on Pall Mall. A sketch of the design was presented to the council in July 1890, with the town clerk instructed to place the sketch in a shop window 'for the inspection of the citizens' (Figure 9).<sup>54</sup>

The foundations were complete by the end of 1891. The contract for that stage of work, delivered by R C Browne, was between £12,000 and £13,000.<sup>55</sup> Their completion was followed by a break in construction.

The early 1890s was a period of economic decline across the colony, prompting a correspondent for the *Bendigo Advertiser* to express concern about continued funding for the building's construction as a means of depression relief:

[Local members of Parliament] must know what a great benefit to their constituents the work would be, now that we are passing through such a season of

depression. The amount of money that would circulate through the town would enable us to wade through with much less distress than if there were no big works going on.<sup>56</sup>

Tenders for the construction of the Law Courts building were called in mid-1892, with Messrs McCulloch and McAlpine appointed.<sup>57</sup> By January 1893, construction was well underway. The *Leader* newspaper reported that:

These buildings, which are now in course of erection, will, when completed, concentrate all Government business in the Mall, and be of great convenience to the public. At present the courts, &c., are situated in all parts of the city, and the buildings are of the most obsolete description, having been erected in the early days of the colony. The buildings ... will provide accommodation for a supreme court with its offices, a police court and a warden's court, each with offices, retiring rooms &c. The police court, which is situated on the ground floor, will be in close proximity to the city lockup, which is also to be removed from its present inconvenient position opposite the town hall. The supreme court, which is situated over the police court, and on the first floor, will be provided with everything necessary for the carrying out the duties of the court in an efficient manner, and will be equal in size to any similar court in Victoria. Ample accommodation is furnished for the public having business at the courts, large vestibules and approaches being provided for free access to all parts of the edifice. The building, which is being carried out by Mr G W Watson ... of the public department, will cost when complete about £50,000.<sup>58</sup>

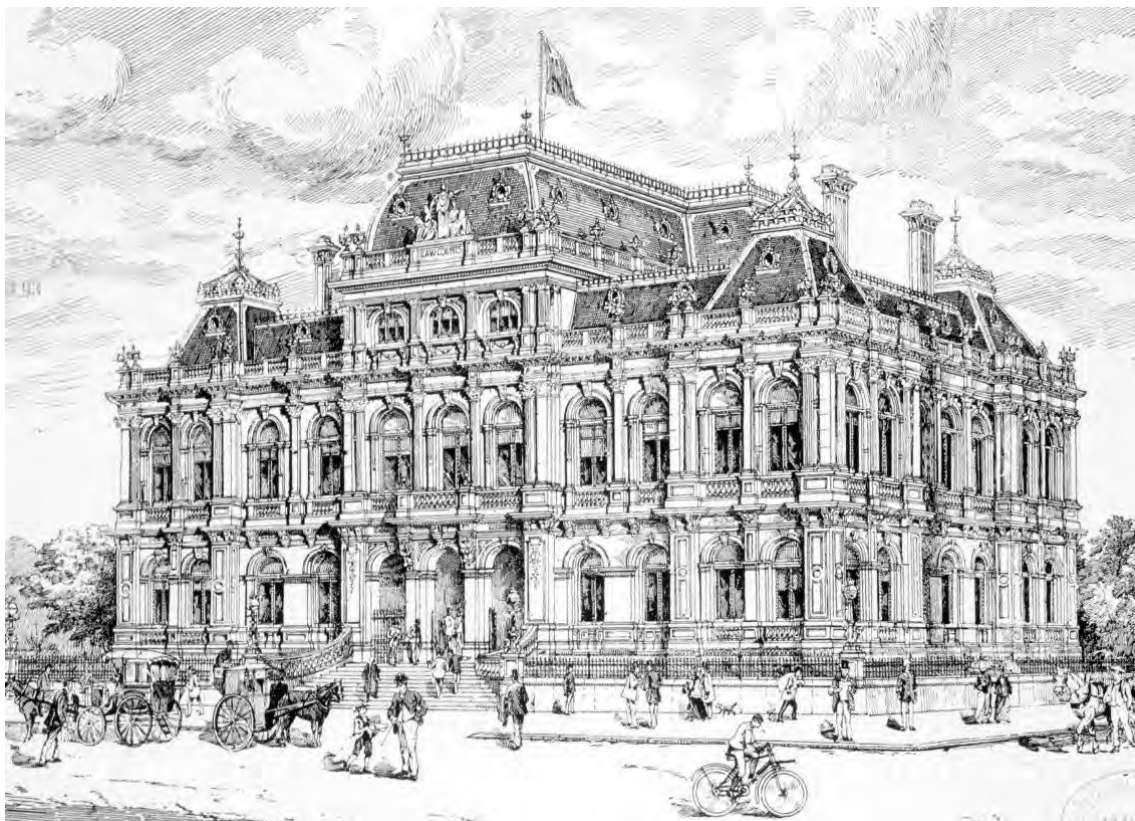


Figure 9 Perspective view of Bendigo Law Courts, 1893, then under construction  
Source: *Illustrated Australian News*, held by State Library of Victoria

The *Age* reported that as the building's location resulted in an excision of parkland, it was a condition that 'the building ... be commanded from all sides, the back and side elevations should be as rich in detail as the front' (Figure 9).<sup>59</sup> (A physical description of the Law Courts is at Chapter 2.)

As noted, construction of the Law Courts took place at a time of high unemployment across Victoria. In 1892, the project was included in a list of 'relief work' schemes – it is unclear how much the employment relief influenced the timing of the building's construction. Concerns were reported in the local newspaper about the contractors employing 'very few local men', the inference being that Chinese workers were employed at a cheaper rate.<sup>60</sup> It is believed that the asymmetry of the tiling in the building is a result of cultural beliefs held by Chinese workers who laid the tiles.

In March 1895, as the building neared completion, contractor S Bennett and Son of South Yarra was appointed to undertake the interiors of the three court rooms.<sup>61</sup>

The Law Courts was important in bringing all court activity in Bendigo under one roof, rather than separate buildings for each court jurisdiction, as had been the case since the 1850s. The internal spaces reflected the court hierarchy, with the grandest and most decorated space reserved for the Supreme Court and the Police (Magistrate's) and Warden's courts progressively smaller and less detailed. The Supreme Court and upper levels of the building were accessed via a generously proportioned and richly decorated staircase (Figure 11). As well as the court functions, the Law Courts included offices for the Mining Department and the Department of Public Works.

As part of the construction of the Law Courts, two ancillary buildings were provided behind the new building, being a police lock up/watch house and a caretaker's residence (Figure 14). The buildings, which were to be 'only temporary', were constructed by J R Fisher for £887, a decision apparently made to save costs as the original proposal was for outbuildings worth £9,000.<sup>62</sup>

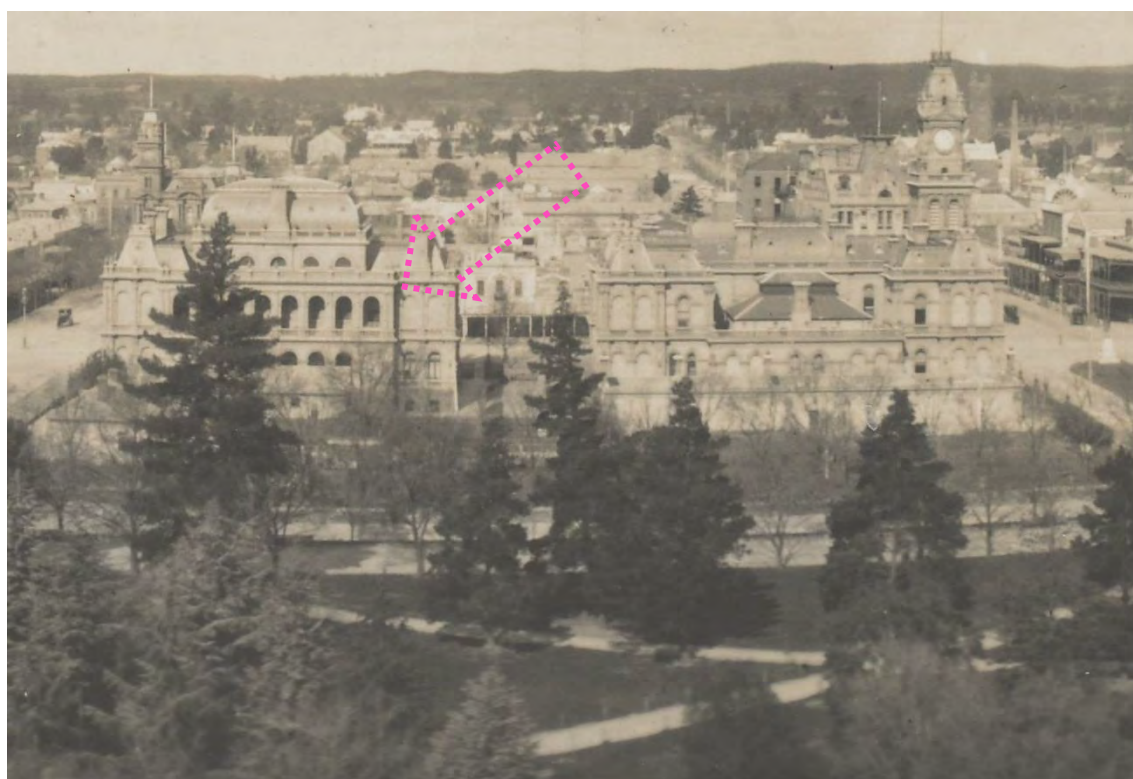


Figure 10 View of Bendigo from Rosalind Park, 1905, the rear of the Law Courts is indicated  
Source: Robert Scott, State Library of Victoria



Figure 11 Upper stair hall, Bendigo Law Courts, c. 1900s  
Source: J H Harvey, State Library of Victoria

#### 1.4.2 *Opening and reception*

As a substantial and prominent public building, the completed Law Courts attracted attention locally and further afield, with varied responses. In 1895, prior to the building's opening, the *Bendigo & Vicinity* publication described the building as: '... handsome ... without a doubt, the best in the colony out of Melbourne.'<sup>63</sup> The *Bendigo Advertiser*, unsurprisingly, gave a lengthy and favourable report of the opening of the 'handsome pile' in February 1896, with its report on the event including the summaries of the speeches given by dignitaries, including the Minister of Public Works and the architect, G W Watson.<sup>64</sup> The article's author noted the arrangement of rooms and spaces within the building:

The building has been so designed as to place the courts as near as possible to the centre, for the purpose of keeping the rooms as cool as possible, the buildings [sic.] at the back being closed with arcades ... In planning this court every care was taken to provide separate entrances for the public, the court officials and people doing business there.<sup>65</sup>



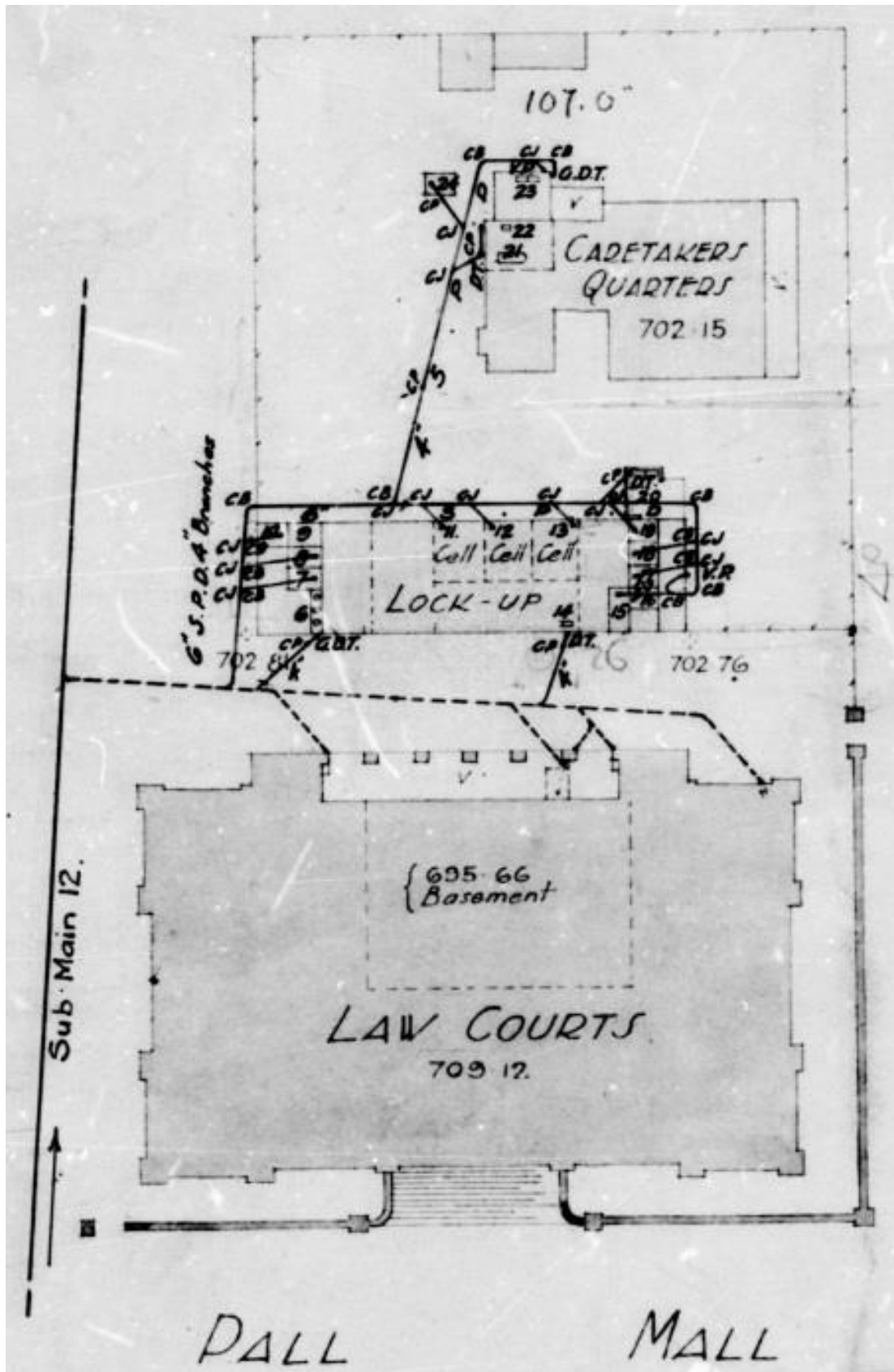


Figure 12 Drainage plan, c. 1926, showing location of the three buildings on the Law Courts site  
 Source: LCB-10-202, Public Works Department plans, Public Record Office Victoria

The other local newspapers, the *Bendigonian* and the *Bendigo Independent*, also included fulsome reviews of the new building. More broadly, the opening of the Law Courts was reported across the state, likely in part due to the downturn in building during the economic depression. The *Ballarat Star* wrote that the 'second block of the palatial public buildings [was] authorised during the boom time', and observed that 'not much enthusiasm was shown on the occasion of the opening.'<sup>66</sup>

One of the criticisms of the building was that its size, detailing, and cost were excessive for a regional town.<sup>67</sup> The Law Courts cost £39,000, and the adjacent post office £50,000, compared with the Melbourne Law Courts (Supreme Court), which eventually over £300,000 when it was constructed in the early 1880s.<sup>68</sup> After a visit to Bendigo in 1893, John Stanley James, writing as the correspondent the Vagabond, concluded that the Law Courts was 'a massive structure, another instance of how money goes without any return'.

A regularly repeated local argument supporting the building's scale was that Bendigo's economic contribution to Victoria was hugely significant and should be reflected in its public buildings. Even the *Bendigo Independent* claimed that despite its great expense, Bendigo deserved to have received a reward of the 'loan boom season' of the preceding decade. However, it conceded that:

... now that our share of the Government loan plunder is sure, there is no harm in frankly admitting it that the Bendigo Law Courts represent a shameful waste of money ... Everyone in Bendigo now laughs at the idea of the Law Courts having ever been really required.<sup>69</sup>

Such grievances were addressed at the building's opening, with the apparently more supportive *Bendigo Advertiser* noting one speaker addressed the:

... carping critics [who] complained that the law courts were in advance of the requirements of Bendigo. [However] a city that had given £46,000,000 worth of gold to the wealth of the colony was worthy of the buildings.<sup>70</sup>

A review in the 1904 *Cyclopedia of Victoria* expressed concerns about the clarity of the building's architectural form being overwhelmed by the applied decorative detail:

The Supreme Court presents the most elegant interior of any similar building in Australia, the modelling of the ceiling being very rich ... the lower lights [of the windows] have the names of the four most distinguished jurists ... On the upper lights are the names of four colonial jurists ... The building is an admirable one from an artistic point of view, excepting that construction has been subordinated to decoration, and an essential canon of architecture has been thus overlooked.<sup>71</sup>

## 1.5 Use and operation

The first session of the newly opened Supreme Court was held on 11 February 1896, when Justice Hodges 'presided in the new building which centralised all the courts in the city'.<sup>72</sup> Concerns about the acoustic quality of the court rooms were soon raised, with 'the judge's remarks to the jury ... heard imperfectly from the press box.'<sup>73</sup> Likewise, in the Police Court, the press box was altered within a year to be on the same height as the magistrate to ensure the journalists could hear the judge's remarks.<sup>74</sup> The first hearings at the Supreme Court were criminal cases, and included larceny, sheep stealing, concealment of birth, statutory rape, assault and robbery.<sup>75</sup> The Law Courts continued to accommodate hearings and proceedings relating to a wide range of legal issues through the twentieth century and into the twenty-first century.

### 1.5.1 Twentieth century

By the early twentieth century, however, there were signs that the building's condition had not lived up to the expectations. In 1903, former city architect, George Knight wrote in the *Bendigo Advertiser* that

despite the perceived quality of the workmanship at the Bendigo Law Courts, that the ‘beautiful plastering’ of the stair hall and the Supreme Court was ‘a wreck ... cracked and peeling in every direction.’<sup>76</sup> It was, he wrote, ‘the greatest architectural disaster’ he had ever seen. Knight blamed the use of Melbourne contractors, noting that Keene’s cement was used in Bendigo regularly, but ‘Bendigo practical plasterers ... make no such failures’.<sup>77</sup> It is not known if any internal repair work was undertaken at this time; no plaster repair works have been identified in the PWD contract works.<sup>78</sup> In 1909, however, the Minister for Public Works gave ‘instructions for [the] complete overhaul’ of the Law Courts building, including £600 to employ painters.<sup>79</sup>

The building was (and remains) intensively used. Statistics prepared in 1909 by the clerk of Petty Sessions show that six County Court sessions were held, with 37 cases tried over a total of 62 hours. The Court of Insolvency held six sessions over 21 hours, and the Court of General Sessions held two sessions over five days.<sup>80</sup>

The Law Courts generally remained intact to its 1896 state through the twentieth century, including the courts, circulation spaces and offices. During the mid-twentieth century, much of the ornamentation to the parapet of the Law Courts building was removed, including urns and the central statuary. This detailing can be seen in an elevated Victorian Railways photograph of the c. 1940s (Figure 13).



Figure 13 Elevated view of the Law Courts from the Post Office, c. mid-twentieth century: the central statuary (since removed) is visible

Source: Victorian Railways Collection, State Library of Victoria

While little change was undertaken to the Law Courts building, works were undertaken to the buildings to the rear (north) of the site (Figure 14). In 1902, the watch house was criticised by the city’s health officer as being insanitary.<sup>81</sup> The lack of ventilation was considered a problem, and it was noted that it was ‘severe punishment in itself to keep [prisoners] cooped up in the cells on hot nights’.<sup>82</sup>

In 1939, the 1890s watch house was replaced with a two-storey brick building for police offices, at a cost of £5,800 (Figure 15). The new building housed the motor registration branch, watch house and criminal investigation branch, as well as a lecture and recreation room, and accommodation for single constables.<sup>83</sup> This building was replaced in the c. 1970s with a splayed south-east elevation to allow views of the rear of the building from Bull Street and Rosalind Park. The construction of this building (now referred to as the Justice Centre) required the demolition of the 1890s caretakers' cottage, which had been occupied at least into the 1950s.<sup>84</sup>

In the late twentieth century, the heritage significance of the building was recognised. In 1976, it was classified by the National Trust of Australia (Victoria) as being of State significance, and the building was added to the Register of Government Buildings, later the Victorian Heritage Register, in 1982.



Figure 14 Looking west along Pall Mall with Law Courts in centre, 1905. Note two small buildings to rear of Law Courts  
Source: Robert Scott, State Library of Victoria





Figure 15 Bendigo Law Courts, 1964, with 1939 police office building visible at right (indicated)  
Source: John Collins, State Library of Victoria

### *Twenty-first century*

More recently, the capacity of the Bendigo Law Courts to deliver the court services has come under pressure as the way courts are run has changed. In 2012, an article in the *Age* newspaper quoted the Chief Magistrate, Ian Gray, who stated that the building was ‘totally inadequate’ as a modern court complex, citing security risks, while the president of the Bendigo Law Association, Michelle O’Sullivan, observed that there was a lack of accommodation to hold meetings with clients.<sup>85</sup>

The Law Courts continues to be used continuously for the Loddon Mallee region court services. It is used daily for Magistrates Court hearings, with regular sittings of the Children’s Court, Victorian Civil and Administrative Tribunal and the Federal Magistrates Court, with monthly County Court sessions and also sits every month and Supreme Court approximately biannually.<sup>86</sup>



## 2.0 PHYSICAL DESCRIPTION

The principal focus of the following is the built fabric of the historic Law Courts building, opened in 1896. Reference is also made to the Justice Centre and to Court Room no. 5, a modern fit-out in the former Post Office (first floor). Consideration of key views and visual relationships is at Section 2.5.

Site visits were conducted on 15 May and 23 July 2018. All parts of the historic building were inspected with the exception of subfloor areas and some sections of the roof. Original drawings of the building are at Appendix B.

The collections of furniture, fittings and objects/books are not addressed below. Recommendations that analyses of these items and collections should be undertaken in the future are at Chapter 6.

### 2.1 The site and its context

The historic law courts complex forms part of the Public Buildings Reserve addressing Pall Mall in the centre of Bendigo (Figure 16). The site is located between Pall Mall and Bendigo Creek and is flanked by former Post Office (1887) to its south-west and the conservatory grounds to its north-east on the opposite side of William Vahland Place (formerly) Bull Street. The rectangular site has an area of approximately 2,700 square metres, with a frontage of c. 42m to Pall Mall. The Post Office and Law Courts as well as the RSL Soldiers Memorial Institute to the south-west of the Post Office, are the only development on the north side of Pall Mall. The site slopes slightly downwards from Pall Mall to the Bendigo Creek.

Built form adjacent to the 1896 Law Courts building includes the former Post Office; the Justice Centre, to its north-west; and a Telstra-occupied building (c. 1960s) to the south-west of the Justice Centre. A laneway to the rear of the Law Courts and the Post Office, is part of the original site planning.



Figure 16 Aerial view of Bendigo's Public Buildings Reserve with the Law Courts complex indicated  
Source: [www.nearmap.com](http://www.nearmap.com), accessed 3 August 2018

## 2.2 Law courts building (1896) exterior

The Bendigo Law Courts building of 1896 remains substantially intact, externally, to its original form and detailing (Figure 17). The building is a free-standing structure in an understated French Second Empire mode with four rendered facades articulated by superimposed arcuated and trabeated decorative systems. The building's box-like appearance is subtly relieved by pavilion forms, capped with straight-sided mansard roofs, at the eastern and western ends of the principal façade (Figure 18). The resulting building is a substantial edifice. An implied central pavilion at the Pall Mall entry raises over fourteen metres from the footpath to its parapet and is capped with a convex mansard roof rising two further storeys in height. A two-level arcade provides the primary expression towards Rosalind Park to the rear.

The external rendered surfaces of the Law Courts were originally coloured by a red/yellow wash intended to emulate freestone.<sup>87</sup> Paint colours to the building's exterior were set out in the superstructure specification which called for two external colours being divided between the metal and timber elements. The ornamental iron roof crestings and finials, the palisade fence, gates (apart from those at the front arcade), the pedestal lamp pillars and the metal work of the lamps were required to be 'chocolate picked out with gold'. No instances of this arrangement were identified during the recent inspections. The window sashes and frames, fanlights, woodwork of lunettes and all the external doors and their frames were to be 'bronze-green'. A similar colour continues to be used for these elements.

### 2.2.1 Pall Mall (south-east) elevation

The main entry to the building is by way of a grand stair to a 'ground floor' entry situated half a level above the street. This entry is largely redundant today having been replaced by a basement entry accessed from the courtyard to the south-west of the building. A curved bluestone balustrade flanks the wide flight of bluestone stairs leading up from Pall Mall to the main entrance arcade set within a central mansard-roofed 'pavilion' volume. To the east and west, light wells to basement areas along the Pall Mall and Bull Street frontages are enclosed by cast iron palisade fences on high bluestone plinths, the palisade being interrupted by large bluestone pedestals surmounted by lamp standards (these are replacements of the originals, and may date to the 1950s, see Figure 19). The entrance arcade was designed to display law notices in the three bays presenting to the street. These directed users to the three courts accessed via pairs of entrance doors to either the end of the arcade. Piers to the entrance arcade are finished in Harcourt granite and rise to a cantilevered balcony supported by elaborate console brackets above the central entrance archway.

The horizontal expression of the Pall Mall facade generally reflects the building's three main internal floors. The basement floor is faced in rusticated bluestone providing a plinth for the rendered facades above. At ground floor level, a trabeated system of attached piers is superimposed over the arcuated arrangement with the central entry and adjacent window openings expressed as 11 bays across the facade. Piers include central panels broken by a lion's head medallion and terminating at first floor level in a group of inter modillion brackets. Pilasters presenting as Corinthian columns provide a second superimposed trabeated system to the first floor. These occur in pairs at key junctions. Increased floor-to-ceiling height at first floor level combined with a more elaborate system of applied ornament creates a composition recalling the character of a *piano nobile* of a Venetian palazzo. The Corinthian cornice is balustraded. Urns to the balustrade, evident in early images, were removed in the 1950s.

To each end of the south-east elevation, slate-clad mansard roofs are punctuated by small lunettes. Hoods to these elements are early additions. Mansard towers to the corner pavilions are crowned with an elaborate composition in lead incorporating grotesque masks and wrought iron finials encircled by crowns (Figure 20). Similar finials mark the corners of the railing to a widow's walk above the central mansard. As constructed, the roof parapet directly above the central entrance archway incorporated a sculptural group symbolising Justice modelled by Scurry and Wardrop (since removed).





Figure 17 Pall Mall (south-east) elevation



Figure 18 Mansard roofs at eastern corner of the building: the rear elevation is partially visible to the right





Figure 19 Main stairs with later lamp standard



Figure 20 Mansard roofs to corner pavilions incorporate grotesque masks as acroteria and wrought iron finials; venting to the later waste water system is evident at the rear

### 2.2.2 *North-west elevation*

The north-west (or rear) elevation is visible from elevated vantage points in Rosalind Park. This explains, in part, the reason for its dramatic and highly-articulated presentation. The adoption of a breakfront expression, incorporating deep arcaded verandahs, was also conceived to manage solar gain in the main courtroom spaces (Figure 21).

At ground floor level, an arcade at the rear of the Law Courts was designed to provide secure access to the building by judges, wardens, council magistrates and prisoners under escort. The rear arcade also provided access via independent doors to the basement, the principal floor of the Police Court and its prisoners dock. At either end of the rear arcade spiral staircases provided access to courts and associated offices and holding areas at the upper levels.



Figure 21 North-west elevation (part)



### 2.2.3 *North-east and south-west elevations*

As constructed, the symmetrical design of the Law Courts produced almost identical elevations to the north-east and south-west sides of the building. These elevations are articulated as seven bays rather than 11 as is the case along Pall Mall achieved by reducing the width of the corner breakfront elements and the absence of the requirement to provide a grand central staircase and entry arcade with its crowning mansard (Figure 22). Otherwise, these facades precisely reiterate the superimposed arcuated and trabeated decorative systems found of the principal façade.

On these less-expansive elevations, the same shallow modelling present on the principal facade is sufficient to articulate the corner pavilions as distinct elements. Modern disabled access has been introduced at the southern corner of the building providing compliant access to the basement registry from the laneway. The south-western elevation is chiefly visible from a laneway between the Law Courts and the adjacent former Post Office. Consequently, the change is reasonably unobtrusive (Figure 23). Despite its prominence in views from the conservatory ground to the east, and its role as a key public façade, the Bull Street elevation adopts the same understated approach and is identical apart from railings and light wells to basement areas along the street frontage.



Figure 22 North-east elevation



#### 2.2.4 Alterations

The key alteration to the exterior, in terms of the original presentation of the building to Pall Mall, is the removal of the central statuary group and flanking urns from the upper parapet (see Figure 9 and Figure 12 in Chapter 1). These works occurred in the 1950s and were required due to their failure:

The urns and statuary were both constructed of hand-packed pressed cement. The urns were assembled in segments on site and anchored using long wrought iron dowels set into the parapet block and rising the full height of the urn. Festooning, drapes and other decoration were separately moulded using iron wires internally for reinforcement and externally for attachment to the bowl body. This method of fixing often caused fracturing due to Thermal stresses at points of close contact between the cement body and iron dowels and the wires attaching and reinforcing the decoration frequently rusted through, allowing the mouldings to drop off.<sup>88</sup>:

Other changes include the construction of a disabled access ramp to the basement in the southern corner of the building and the addition of the Judge's toilet to the upper rear balcony. The disabled access ramp has been created through adaptation of the previously-existing light well with an early basement window converted into a doorway (Figure 23). As noted above, the presentation of the building to Pall Mall is largely unchanged by these works although the works are evident from the space between the Law Courts and the Post Office. The construction of a public toilet in the centre of the rear balcony at first floor level has been less than sympathetic to the character of the Law Courts. The cement block enclosure is visible from the neighbouring park and from vantage points in Bull Street.



Figure 23 Ramped access to the basement, at the south of the Law Courts

The external spaces around the building have also experienced some, reasonably modest change since 1896, including the loss of the pedestal lamp globe mounts and the demolition of a gate at the pedestrian entrance to the rear laneway from Bull Street. Photographs of the neighbouring Post Office

dating from the 1930s show that the pedestal lamp globe mounts had disappeared even at that stage. Illumination from the pedestal lamps was not restored until the 1950s when a tapered glass fitting was installed.

Toilets and other plumbing facilities have been installed progressively at the Law Courts since the 1920s requiring external venting at roof level. These accretions are generally located around the northern corner and within the rear arcade. Further to this, extensive works to the roof drainage system have been undertaken over time. While these works have not substantively affected the appearance of the Law Courts, they have resulted in a change from the original materials, in particular the replacement of lead box gutters, valley gutters and some sections of the roof. Walkways and plant platforms have been introduced at roof level although these are typically concealed from vantage points around the building.

### **2.3 Law Courts building (1896) interior**

Room numbering used in the following description is provided at Figure 24 and Figure 30 and Figure 40, Historic plans are provided at Appendix B. The spaces are considered in a sequence that prioritises the most publicly accessible spaces with the ground floor considered at 2.3.1; first floor at 2.3.2, followed by the basement at 2.3.4 and the attic spaces at 0.

The planning of the Bendigo Law Courts building is unusual. The convention for multi-jurisdictional courts, such as the Melbourne Supreme Court, was to provide a number of courts over a single level. At Bendigo, architect, George Watson was constrained by a relatively small site and a brief requiring three courts each to be provided with dedicated access for the various court users. He attempted to reconcile these challenges by configuring the building over a series of staggered levels.

Consistent with nineteenth century view of the participants in legal process, the various spaces incorporate a hierarchy of scale and quality reflecting the status of the participants in the system – litigants, barristers, jurors, judges, witnesses and the public. In particular, the architectural enrichments and wall and joinery treatments throughout the building reflected the use to which these individual rooms were originally assigned. As the venue for the proceedings of the superior court in Victoria, the Supreme Court chamber is the most considered and most lavishly-appointed space in the building.

The Bendigo Law Courts building is constructed on deep concrete footings, with a bluestone substructure and a brick and stone superstructure. The structural design of the building incorporates iron beams to facilitate the wide spans required for stacking of the court spaces. In addition to the circulatory requirements and the hierarchical signals expected of the interior spaces, the placement of these beams influenced the arrangement of the building. The use of boxed iron beams at first floor level allowed a wall to be carried between the Library (F19) and Jury room (F20) resulting in the development of the Sherriff's offices (F13 and F14). The wide vestibule spaces were formed and supported by a two-way system of steel girders, expressed in the ceilings of these spaces as a grid of coffering with applied decorative mouldings. Similarly, large crossed girders support the floor of the Supreme Court (F03) and are expressed in the coffered ceiling of the Police Court below (G03).

In addition, Tragerwellblech vaults were created above the two vestibules (B13 and B16), lobbies and cross passages of the basement. This device was often used to provide solid floors over wide spans and to enable some amount of fire separation between floors. The system used at the Law courts comprised proprietary brand Tragerwellblech iron sheets sprung between rolled steel joists or walls. The sheets are lapped and rivet jointed and filled in with concrete which brought the finished top surface up to the level required to either tile or otherwise cover the floor above. This structural flooring system is known to have been used in Victoria since c. 1880 and is evident in other public buildings produced under the auspices of the PWD including the Bendigo Post Office (1887) and Melbourne Public Records Office (1904).

### 2.3.1 Ground floor

As completed in 1896, visitors to the Law Courts approached the building from Pall Mall by a wide flight of steps leading to an arcade half a level above the street. As noted at 2.2.1 this arcade was designed to display law notices in three individual bays which directed users to the internal vestibules, and to the various courts beyond, via pairs of entrance doors at the ends of the arcade. This level is described in contract drawings as the 'ground floor' although it is elevated above nearby streets and laneways. These ground floor vestibules (G10 and G13) provide access to a wide set of scissor stairs which comprise the principal vertical circulation through the building and separate the eastern vestibule from the western vestibule at this level. The stairs provide access to broadly similar vestibule spaces in the basement and at first floor level.

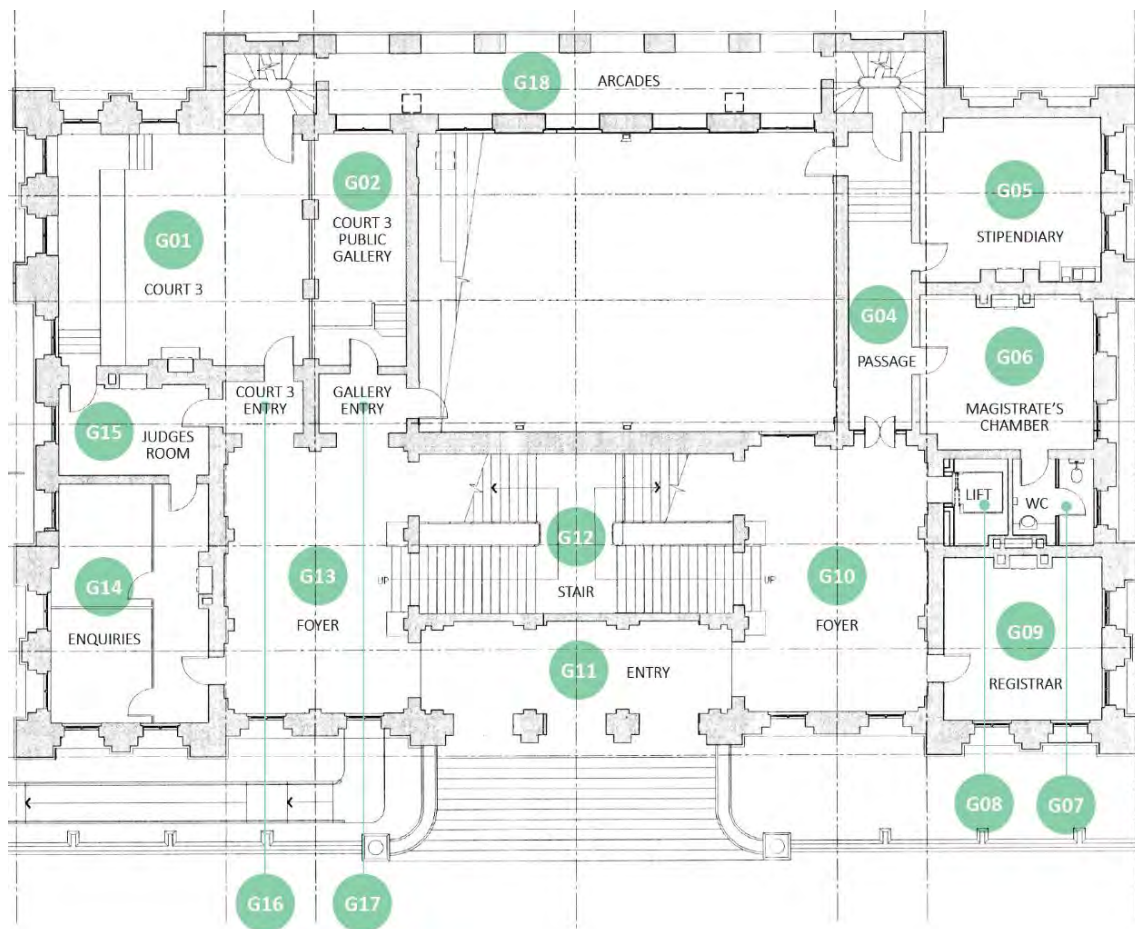


Figure 24 Ground floor plan

#### Key ground floor spaces

- Vestibules and stairs (G10, G12 and G13)
- Police Court/Court 2 (G03)
- Wardens' Court/Court 3 (G01)
- Offices (G04, G05, G06, G09, G14 and G15)

#### Vestibules (G10, G13)

The ground floor vestibules (or foyers) are expansive public areas located to the north-east and south-west of the scissor stairs. Wall surfaces in the vestibules are richly detailed and incorporate arches and



Corinthian pilasters finished in Keene's cement (Figure 25). This was originally unpainted but has subsequently been overpainted in cream and white reducing the fineness of the plaster mouldings. Keene's cement is a proprietary brand plaster which has the characteristics of being very hard, yet workable and capable of a highly polished gloss finish. It was frequently used in public areas of nineteenth century buildings. The ceilings also incorporate elaborate plaster mouldings, now also overpainted.

Floor surfaces in these spaces retain original encaustic tiles. These simulate small mosaic tiles and are arranged as a body pattern having regularly placed medallions with a darker border.

The doors and door surrounds leading from the vestibules are constructed from cedar with a French-polished finish. The window joinery was painted in white enamel.

The open scissor stair connecting the ground and first floor vestibules comprises finely tooled basalt treads. The specification called for the cast iron balustrade panels to be painted a bronze green. They are currently painted black. The deeply moulded handrails are French polished cedar, supported on blackened cast iron wall brackets.



Figure 25 Ground floor vestibule showing stairs to the basement, a window light to the bench of the Police Court (centre) and a corridor to the Magistrate's and Clerk of Court's rooms (right)

#### *Police Court/Court 2 (G03/B03)*

The largest space on the ground floor is occupied by the Police Court (now the Magistrate's Court, or Court 2). The floor of the Police Court is at street level, a half-level below the ground floor. It is accessed from a landing on the scissor stair halfway between the two floor levels. The raked public

gallery is accessed from the west vestibule at ground floor level, and the Magistrate's bench at the north-eastern end of the court is accessed from an elevated doorway via the private passage adjacent to the Magistrate's Room (Figure 26 and ).

In contrast to the architectural elaboration of the Supreme Court (F03), the expression of the Police Court chamber is more reserved, dominated by its deep coffered plaster ceiling, a series of arched windows and its large fireplace. The 1986 heritage assessment noted, 'the decorative scheme for this court space was not referred to in the Specification and from a preliminary investigation of surface finishes would appear to have had a single colour scheme covering the full wall which was probably painted'<sup>89</sup>. A boarded timber dado in varnished oregon was incorporated into the design and was carried through to the individual court fittings. Door and window joinery was painted in white enamel (Figure 28). The original floor covering was most probably a linoleum similar to that generally use throughout the building.

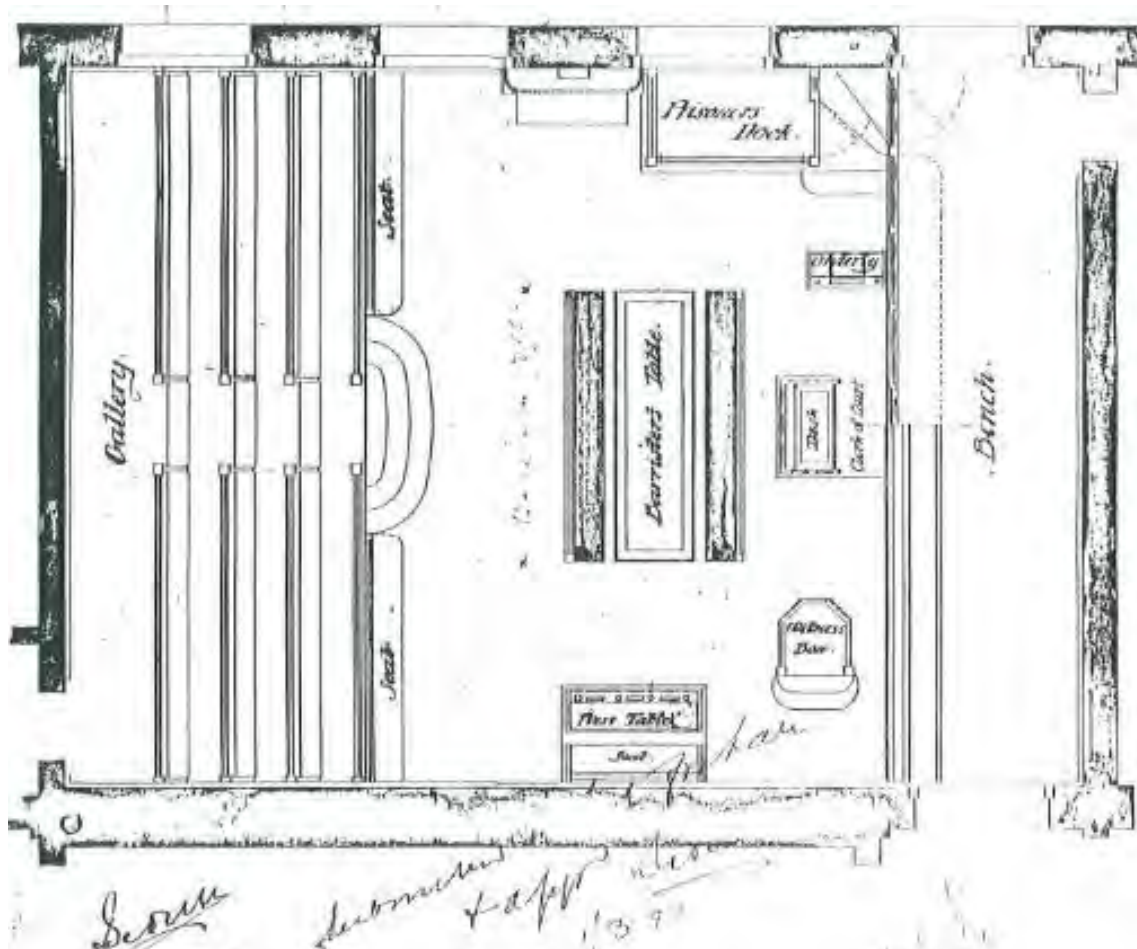


Figure 26 Sketch plan of the Police Court, 1896  
Source: Hermes (Heritage Victoria database)



Figure 27 Public gallery



Figure 28 View of Court 2, the former Police Court, from the raked seating



*Wardens Court/Court 3 (G01)*

Broadly speaking, the Warden's Court (Figure 29) adopts a straightforward arrangement with a raised public gallery accessed from the western vestibule and the bench accessed from the Warden's Room at opposite ends of the chamber. The public gallery is located within a three-bay arcade. Surprisingly, this is not aligned with the three flanking windows behind the Warden's Bench. A continuous impost moulding extends around the room, the coffered ceiling and the large centrally located fireplace. The window and other joinery was specified to be grained in imitation of a light oak, set against the kauri pine fittings and varnished oregon dado. Much of the joinery has subsequently been overpainted. The linoleum floor covering in this room was the same as in the Supreme Court, with a plain brown body linoleum and a Greek meander pattern border. This appears to survive beneath modern carpet.

*Ground floor offices and corridors (G04, G05, G06, G09, G14 and G15)*

The ground floor offices were constructed as comparatively utilitarian spaces without the elaborate architectural enrichments found in the courts or vestibules. They were finished with straightforward plastered walls and painted joinery. Offices typically include: a marble fireplace, a simple coved cornice and small ceiling rose for a pendant downlight. Offices were fitted with wide timber-slatted venetian blinds and probably had a plain brown body linoleum floor covering. Early colour schemes appear to have been based on either various hues of ochres or greens.

Consistent with the hierarchical approach to all spaces in the building, offices such as the Warden's Room (G15), the Magistrate's Room (Stipendiary Chamber, G05) incorporate more elaborate detailing and are distinguished by their French polished cedar window and door joinery and typically included a timber fire place surround. The Judge's Room is further enhanced by a highly decorated register grate surrounded by ceramic tiles. A small lift has been constructed in the western sections of the ground floor witness room. The balance of the room has been converted into a bathroom accessed from the Clerk of Court's room (Magistrates room, G06).



Figure 29 Public gallery of the Warden's Court viewed from the bench

The chief ground floor passage (G04) provides private access to Magistrate's and Clerk of Court's rooms. It continues the paving of the main vestibules with skirtings in Keene's cement (subsequently overpainted). The double doors to the passage are constructed in French polished cedar with leadlight upper panels, the surrounding joinery and framing to sidelights and fanlights have been painted. The ceilings of the corridor have simple coved cornices.

#### *Alterations*

The key alterations at ground floor level relates to the construction of a lift adjacent to the eastern vestibule (G10). The balance of the former strongroom (G07) provides a small bathroom for the Magistrates Chamber to the north accessed by way of a new opening (G06).

#### *2.3.2 First floor*

On the first floor the two main vestibules are connected by a wide gallery directly above the main entrance arcade, creating one expansive and unified space. However, circulation through this space is controlled by iron gates located at the head of the scissor stairs and at the gallery creating a secure area for the Judge and Jury, oriented around the western vestibule - the Jury room (F20), Judge's Associate's office (F22) and the Law Department (the Law Library, F19) were all accessed from this area. Visitors and witnesses were confined to the eastern first floor vestibule (F15). Along with the public sections of the court room, offices for the Sheriff (F14) and the Sheriff Registrar (F12/F13) and accommodation for witnesses were accessed from the eastern vestibule.

The Supreme Court Chamber dominated the first floor and was the largest single space in the whole building. It had four doorways, corresponding to the four disciplines requiring separate access to the chamber, namely: the Judge, the jury who entered from rooms to the west of the chamber and the public along with prisoners and their legal counsel who entered through separate entries from the east.

At the rear of the building, an open arcade connected the two private staircases on the first floor and allowed discreet access between the Barrister's room and the Judge's Chamber without entering the public circulation areas.

#### **Key first floor spaces**

- First floor vestibules and stairs (F15, F16 and F18)
- Supreme Court Chamber (F03)
- Offices and corridors (F01, F02, F04, F05, F06, F07, F08, F09, F10, F11, F12, F13, F14, F19, F20)

#### *First floor vestibules (F15 and F18)*

The first floor vestibules are expansive public areas located either side of the scissor stairs. The spaces generally reiterate the detailing of their counterparts on the floor below (Figure 31). On the first floor the two main vestibules form a single unified area and the effect is grander as a consequence of the uninterrupted spaces (Figure 32 and Figure 33). As for the ground floor level, wall surfaces incorporate arches and Corinthian pilasters finished in Keene's cement. Ceilings incorporate elaborate plaster mouldings. Again, these surfaces have been painted some years after construction with a consequential loss of fineness and detail. Floor surfaces of the vestibules retain original encaustic tiles. Doors and door surrounds leading from the vestibules retain cedar joinery with a French-polished finish.

At first floor level the secure area of the Judge and Jury was separated from the public area by two pairs of brass and iron gates which survive.



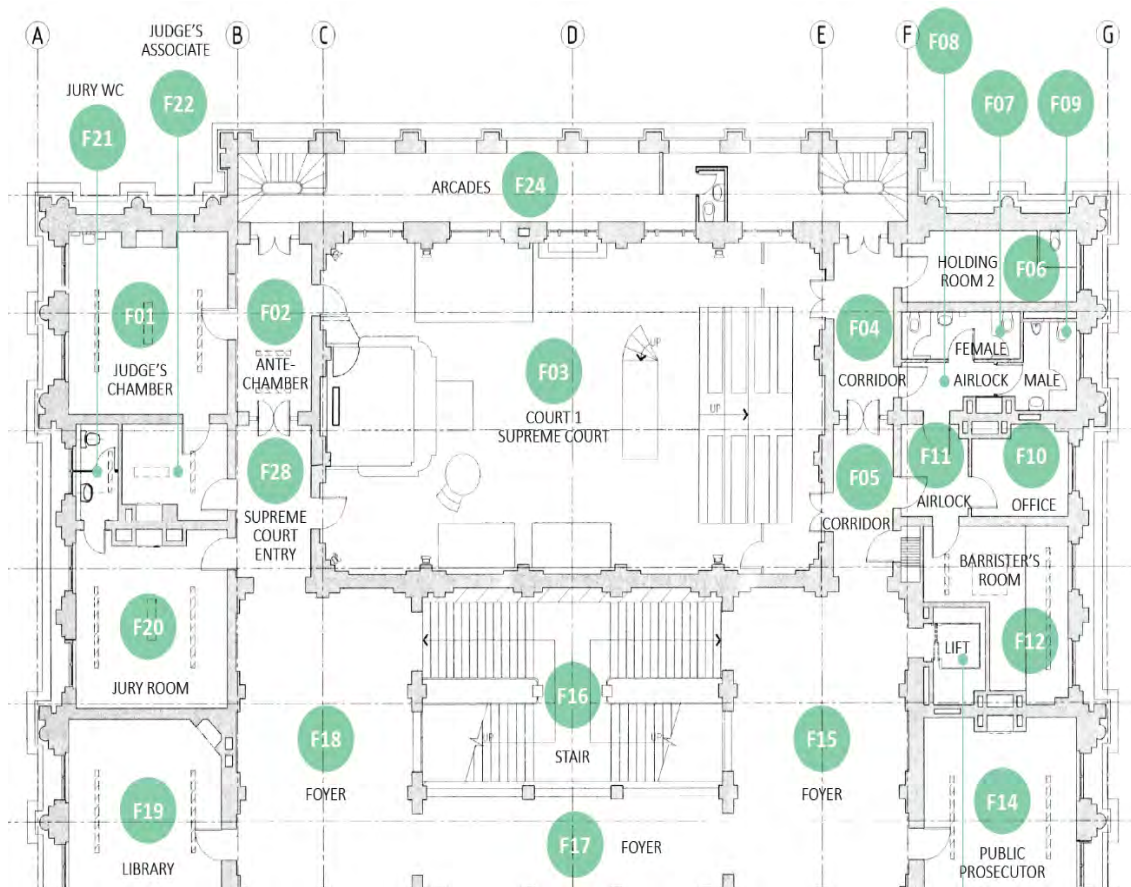


Figure 30 First floor plan



Figure 31 First floor level, eastern vestibule



Figure 32 Scissor stairs and western vestibule at first floor level viewed from the eastern vestibule



Figure 33 Passageway linking the east and west vestibules on the first floor

### *Supreme Court Chamber (F03)*

The Supreme Courtroom is the largest and most opulent space in the Law Courts. Original detailing is intact and its design and function remain clearly legible. It retains its four original doorways, each opening onto an independent lobby corresponding to the four disciplines requiring access to the chamber, namely, the judge, the jury, the public and finally the prisoner and their legal counsel.

The chamber has the proportions of a double cube. Arches and Corinthian pilasters lining the walls continue the decorative scheme established in the vestibules while the four walls are expressed as a continuous arcade with arcuated elements variously serving as windows or elaborate wall enrichments. Detailing found elsewhere in the building is further elaborated in the Supreme Court chamber by timber panelling to dado height. Above a deep bracketed cornice, lunette vaulting produces an unusual transition between the cornice and the coffered ceiling above. Vaulting to the lunettes includes generous floriated detailing adding complexity to an unusual decorative and spatial effect. Lunettes to the north provide light to the chamber. Those to the south open onto the attic space.

An 1896 photograph of the Chamber appears in *The Bendigonian* (Figure 34) providing the only record of the original internal appearance of the Supreme Court Chamber. The floor covering is visible in the photograph and appears to be the same as existing with the brown body linoleum and the three colour Greek key border pattern. The 1986 assessment observed that the, 'wall colour is even and does not change at the intersection with attached columns or architectural detail. It is not quite equal to the strong white of the platform bases of the counsellors' and reporters' benches thereby suggesting a single colour for the full wall and may have been either painted or unpainted'.

A review of the image undertaken in the preparation of the current CMP was neither able to support or to discount this suggestion. However, it is noted that James Smith's *Cyclopedia of Victoria*, published in 1903, state that the 'lavishness of [the Law Courts'] detail ... is especially observable in the spacious corridor ... which 'is finished in Keene's cement'. The author made no similar observation in relation to the Supreme Court chamber suggesting that it was not finished in the unpainted Keene's cements used in vestibules.

Beyond the lavish application of reasonably orthodox Italianate detailing to wall ceilings and floors, the chamber incorporates a number of bespoke elements designed and manufactured explicitly for the space. Frosted glass windows to the north of the room honour prominent members of the legal profession including legal writers such as Fortescue, Littleton, Coke and the recently-deceased (in 1894) William Blackstone. Others acknowledge the contribution made by great judicial figures such as Holt, Mansfield and Sir Edward Coke. Another salutes Sir Redmond Barry and Sir William Stawell. A small fireplace in the centre of the north-western wall incorporates tiling with the inscription, 'Be just and fear not: Let all the ends thou aimst at be thy Country's, thy God's and truths'.

The survival of original joinery and furniture elements is key to the legibility of the space. The Judges' Bench, Associate's Desk, Jury Box, Reporters' Seats and Desks, Judges' Orders' Benches (3 no.), Barristers' and Solicitors Seats and Tables Witness Box were fabricated from cedar. Some of these elements are visible at Figure 34.

The joinery completed as part of the superstructure contract comprised the cedar and blackwood dado and cedar doors, door and fireplace surrounds, all French polished. The window joinery was painted in white enamel. The 1896 photograph confirms that the original colour of the prisoner's dock bars and cast iron jury box balustrade panelling was light, possibly white and documents the changes that have affected the arrangement and appearance of furnishings. It shows the jury box in its original position on the south wall and the witness stand as being on step lower than at present. It also shows the various items of loose furniture originally located in the chamber.





Figure 34 Interior of Supreme Court  
Source: *Bendigonian*, 13 February 1896, p. 8



Figure 35 Supreme Court chamber viewed from the bench with entries for the prisoner (left) and public (right) visible



Figure 36 Supreme Court Chamber, ceiling



Figure 37 Left: Frosted glass window in the Supreme Court; Right: Tiling in the fireplace



*First floor offices and corridors*

As at the ground floor, the first floor offices were generally constructed without elaborate architectural enrichments, being finished with straightforward plastered walls and painted joinery.

Offices typically include a marble fire place, coved cornices and small ceiling rose for a pendant downlight. More important offices such as the former Sheriff's Office (F14) have a richer ceiling cornice and a bordered linoleum floor covering, and the most elite spaces such as the Library (F19, Figure 38) and most importantly the Judge's Chamber (F01) are further distinguished by their French polished cedar window and door joinery. The Judge's Room in particular is enhanced by a highly decorated register grate surrounded by ceramic tiles. The Prisoner's Holding Room (Room, F06) retains bare floorboards and plain walls and sits at the opposite end of this hierarchy (Figure 39).

A steep staircase/ladder from a closet in the eastern vestibule originally provided access from the first floor to the attic areas. This has been rendered redundant by improved attic access provided from room F12 in recent years.

The first floor passages (F02, F04 and F05) continue the paving of the main vestibules and have skirtings in Keene's cement (now painted). The double doors to these areas are finished in French polished cedar with leadlight upper panels. An exit from F04 to the external arcade at the rear of the building the surrounding joinery and framing to sidelights and fanlights has been painted. Ceilings in corridors have simple coved cornices.

A lift has been constructed in the southern section of the Sherriff's Registrar (Barrister's Room, F12) producing an awkward L-shaped office. The early appearance of this area has been further compromised by the introduction of a wall-mounted ladder and platform providing safe access to the attic.

The Barrister's room (F07) has been converted into male and female toilets through the introduction of lightweight partitions and sanitary fittings. Another toilet has been introduced to the north of the Jury Room (F20) in the eastern section of the Judges Associate's Room (F22).



Figure 38 Library (F19)



Figure 39 Prisoner's holding room (F06)

### 2.3.3 *First floor alterations*

As for the ground floor, the key alteration at first floor level relates to the installation of a lift (F13) in the southern corner section of the barrister's Room (F12). A small bathroom (F21) has been constructed to the north of the Jury Room (F20) accessed by way of a new opening.

The Supreme Court chamber is notable for the extent to which it has remained unaltered. The principal changes to the chamber are the exchange of the jury box and the witness stand which required some alteration to the perimeter dado panelling and to the fitted linoleum. The service arrangements to the chamber include the partial electrification of the two chandeliers, the conversion of the cast iron fireplace grate to gas.

### 2.3.4 *Basement*

As a consequence of the elevated ground floor arrangement, the basement is not fully subterranean and received a reasonable amount of natural daylight, particularly on the eastern side where it is served by light courts. It provided office accommodation for various regional offices of government departments as well as additional accommodation for the Law Courts. There were five offices in the basement, arranged around two large vestibules reflecting similar spaces on the floors above. The western vestibule is connected by a passage to the rear arcade. Strong rooms were incorporated into the design of the eastern and western office groups.



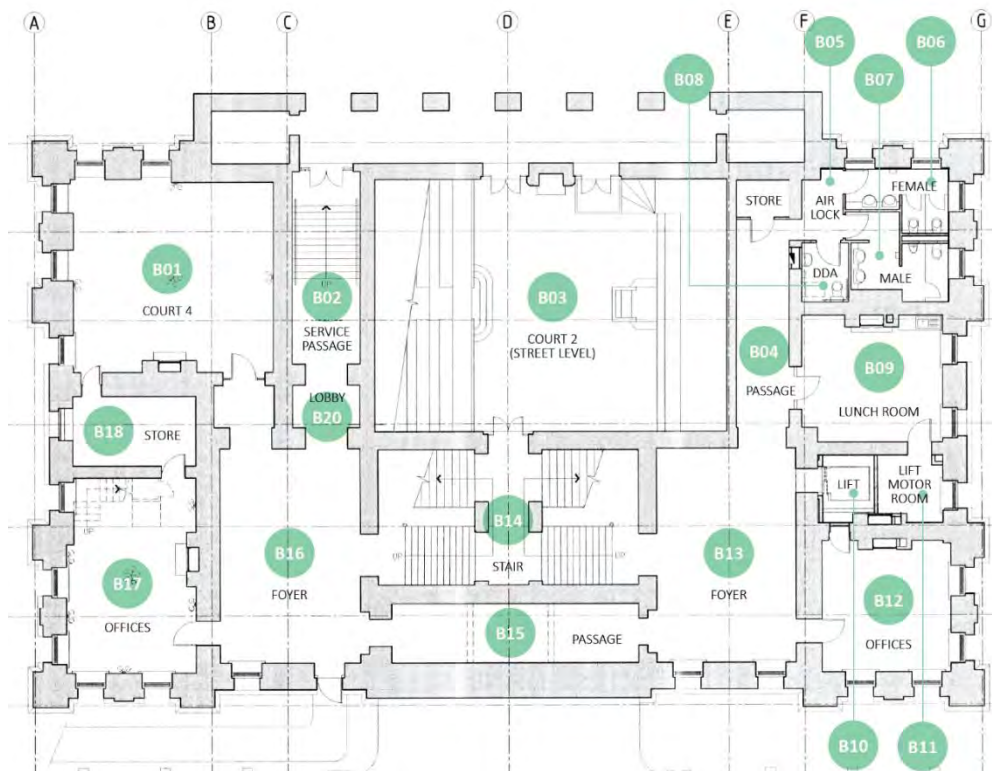


Figure 40 Basement plan

#### Key basement spaces

- Basement vestibules Lobbies and Passages (B02, B04, B13, B15, B16, B19 and B20)
- It is noted that the lower sections of Police Court/Court 2 (B03) occupy much of the floor area at basement level. This space has been discussed at Section 2.3.1 above.

#### Basement vestibules, passages and offices

The basement vestibules, lobbies and passages are paved with Mintaro slate flagstones with narrower border slates and skirtings in Keene's cement. The door and window joinery facing onto these spaces is painted. The ceilings of all these spaces, excepting the rear stairway (B02), are lined with deeply corrugated patent Traegerwellblech vaulting supported on riveted plate iron beams. The rear of passage B02 has a flat ceiling with no cornices. The walls of some spaces retain evidence of a dadoed paint finish beneath modern painted finish.

The basement offices are more austere than those on the upper floors (Figure 41). They were all finished with painted joinery and dados but without cornices or ceiling roses. Rooms were provided with central pendant gas lights.

The two strong rooms (B10/B11 and B18) were designed to have simple barrel vaults and walls lined in rough pick-faced basalt blocks and whitewashed which survive to varying degrees. The steel doors to the strongrooms are set in the deep wall openings. Floors are laid with slate flagstones and windows are fitted with bars. Both strong rooms have been altered. The introduction of a lift has divided the eastern strongroom into two spaces containing the lift (B10) and the lift motor room. The western strong room has also been altered with the introduction of a second entry providing access to the office to its north.



Figure 41 Office B01 in the eastern section of the basement



Figure 42 Former strong room (B18), with modern door at right

### 2.3.5 Alterations

The key alterations at ground floor level relate to the adaptation of the two former strong rooms. The western strongroom (B18) has been converted into an office with an additional entry from the north introduced. A lift has been constructed in the western section of the eastern strongroom (B10). The balance of the former strongroom (B11) provides a lift motor room.

### 2.3.6 Roof and attic areas

The attic was not designed as habitable space and largely comprises unlined roof spaces accessed by a system of timber gangways around the south-eastern and north-western sections of the roof. These gangways appear to date from the original construction of the building. The key exceptions are located in the central sections of the building.

The tall space of the Supreme Court chamber occupies the first and attic storey levels of the building. A two-storey attic space is located immediately to the south of the Supreme Court at this level.

As designed, access to the attic was provided by steep staircase/ladder provided access from the first floor. Safe access to the attic space has been provided from the Barrister's Room (F10) in recent years.



Figure 43 Two-storey attic space to the south of the Supreme Court chamber (at left); typical attic gangway (at right)



### 2.3.7 Alterations

The key alterations in the roof and attic areas derive from the construction of plant platforms in attic spaces above ceilings, the provision of safe ladder access from the Barrister's Room (F12) below and the introduction of concealed walkways to the roof areas.

## 2.4 Justice Centre

The land to the rear of the Law Courts was originally occupied by a lock-up and caretaker's cottage (see Chapter 2). A two-storey police station was introduced on the site of the lock-up by 1939, and the cottage was replaced by the 1960s. By the early 1970s, the late-nineteenth century residence and police station were replaced with a new two and three storey police station.<sup>90</sup> This structure had a splayed south-east elevation, opening up views of the Law Courts' rear elevation (Figure 44). This building was upgraded, extended and re-named (Justice Centre) in 2013. The works included a new court room (Court Room no. 6), which is entered from a double-height pavilion to the south-west of the building envelope.

Court Room no. 5 is a modern (2013) fit-out of a dis-used space on the first floor of the former Post Office (Figure 45 – Court room no. 5 fit out, on the first floor of the Post Office).



Figure 44 Justice Centre, right



Figure 45 Court room no. 5 fit out, on the first floor of the Post Office

## 2.5 Views

The Law Courts is a large and prominent public building which, together with the Post Office, forms the epicentre of Bendigo's central civic precinct. The 1896 building is situated to the east side of the block, addressing Pall Mall. The keys views of the building are from Pall Mall looking front-on (Figure 17), from the north-east (Figure 46) and from the south-west (Figure 47). As discussed above, each of these elevations adopts the same architectural expression.

The rear elevation, addressing the laneway, is quite distinct, with a breakfront expression incorporating deep arcaded verandahs (Figure 48). As noted at Section 2.2.2 this response was conceived for both practical reasons (to manage solar gain in the main courtroom spaces) and for aesthetic reasons (the building is visible in elevated vantage points from Rosalind Park).





Figure 46 View of the Law Courts from the north-east



Figure 47 View of the Law Courts (part) from the south



Figure 48 Rear elevation of the Law Courts



### 3.0 ANALYSIS OF EVIDENCE

This analysis of the Bendigo Law Courts is informed by the evidence presented in Chapter 1 'History' and Chapter 2 'Physical description' and is based on the methodology set out in James Kerr's *Conservation Plan*<sup>91</sup> It also has regard for the definitions of historic, aesthetic and social values included in the 'Understanding and assessing cultural significance' Practice Note to the *Burra Charter* 2013.<sup>92</sup>

A statement of significance is provided at Chapter 4.

#### 3.1 Historic value

The *Burra Charter* Practice Note provides the following description of historic value:

Historic value is intended to encompass all aspects of history—for example, the history of aesthetics, art and architecture, science, spirituality and society. It therefore often underlies other values. A place may have historic value because it has influenced, or has been influenced by, an historic event, phase, movement or activity, person or group of people. It may be the site of an important event. For any place the significance will be greater where the evidence of the association or event survives at the place, or where the setting is substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of such change or absence of evidence.

The following addresses the Bendigo Law Court as a place that:

- Was purpose-built as a multi-jurisdictional courts complex to serve Bendigo and the broader region; and
- Provides evidence of Bendigo's consolidation as a major inland centre during the 1880s-90s

##### 3.1.1 Victoria's court system

The subject site is one of Victoria's major regional courts, serving Bendigo and the Loddon Mallee region. A number of court jurisdictions operate at the complex, including the Bendigo Magistrates' Court, the County Court Victoria (circuit court), the Supreme Court of Victoria (regional circuit) and the Coroners Court, as well as the Victorian Civil and Administrative Tribunal and Family Law and Child Support.

In order to assess the historical value of the Law Courts, the building has been placed in the context of the Victorian court system. The history of the development of the court system in Victoria has largely been drawn from Simon Smith (ed.), *Judging for the People: A Social History of the Supreme Court in Victoria 1841-2016*, Royal Historical Society of Victoria, Allen & Unwin, Crows Nest, 2016.

A formal legal system in Victoria had its beginnings in 1836, with a public meeting of settlers of the Port Phillip District expressing a desire for a 'local legal presence' in June 1836, and the appointment of Captain William Lonsdale as the first police magistrate at Port Phillip in September 1836. By 1840, a Court of Petty Sessions, Court of Quarter Sessions and a Court of Requests, for minor civil matters, had been established.<sup>93</sup>

The first Supreme Court building in the Port Phillip District was opened in 1841, at a time when the population was 11,739.<sup>94</sup> In October 1840, La Trobe had requested that the Colonial Secretary sanction the construction of 'a permanent Gaol and Court House', with a recently completed works store at the corner of Bourke and King streets used as a temporary court.<sup>95</sup>

The first Resident Judge of the District of Port Phillip, John Walpole Willis, arrived from Sydney in March 1841, but was dismissed from the position two years later. The establishment of the Supreme Court in Melbourne negated the requirement to travel to Sydney to hear more serious cases. A second Supreme Court building was constructed on La Trobe Street in 1843, to the rear of the gaol on Russell Street.<sup>96</sup> The next court house built in the Port Phillip District was at Portland (in 1842-43), demonstrating the importance of the Western District wool trade to the colonial economy. This bluestone building is now the earliest surviving court house in Victoria.<sup>97</sup> Hearings for criminal and insolvency matters, including a Court of Quarter Sessions were held at Portland, and there were suggestions as early as 1843 that a Circuit Court might be held at Portland, as well as Geelong.<sup>98</sup> Although the New South Wales government did not encourage the extension of the Port Phillip District court system, in November 1849 it was decided that the Supreme Court's civil and criminal operations would travel to Geelong as a Circuit Court.<sup>99</sup>

The administration of the legal system changed with Victoria's separation from New South Wales in 1851. At the time of separation, Sir William a'Beckett was the resident judge of the Supreme Court, and he was provisionally gazetted as the Chief Justice of the Supreme Court of Victoria in January 1852, with Redmond Barry and Edward Eyre Williams appointed as judges. The Supreme Court added Portland, nearly ten years after it was first proposed, and Mount Alexander (Castlemaine) to its regional circuit in 1852. New Circuit Courts in the growing gold towns of Ballarat, Sandhurst and Beechworth were added in the mid-1850s, followed by Ararat (1860) and Maryborough (1861).<sup>100</sup> The first Circuit Court in the east of the colony was established at the agricultural centre of Sale in 1866.

The Circuit Court operation of the Supreme Court was sometimes known by an old English term, 'assize' or courts of assize. The term was formalised in the mid-1870s, with a judicial restructure designating 17 assize courts: Ararat, Ballarat, Beechworth, Port Fairy, Castlemaine, Geelong, Hamilton, Maryborough, Sale and Bendigo were joined by Benalla, Echuca, Horsham, Shepparton, Stawell, St Arnaud and Warrnambool. The locations of these courts are indicative of towns of both economic and regional importance outside of Melbourne. The term 'assize court' was replaced by 'supreme court', coupled with the geographical location in the 1890s, hence the Bendigo Supreme Court. It was in the early 1890s that a Supreme Court circuit was established in East Gippsland with the opening of a Bairnsdale assize, with a substantial new court house constructed in 1893 (Figure 49).<sup>101</sup>

The regularity of the Circuit Court visits to regional towns through the nineteenth century depended on the size of the city and the requirement for Supreme Court services. In 1865, for example, the Circuit Court held hearings in Sandhurst in February, April, July and October, whereas Portland in the south-west of the colony, the Circuit Court sat in April and October. The number of hearings at these two locations is indicative of the growing population and the economic importance of Bendigo, resulting in higher numbers of criminal and civil cases, in comparison to the earlier port town. The loss of its Circuit Court to Port Fairy is reflective of Portland's diminished standing after the 1860s. As noted by Don Garden in *Judging for the people*, the Supreme Court circuit would 'descend' on regional towns:

The judge was accompanied by his personal support staff, which included, as a minimum, an associate and a messenger or tipstaff. Completing the personnel were officers from the Crown Solicitor's office, prosecutors, barristers, accessed, complainants and witnesses.<sup>102</sup>

By the 1890s, when the Bendigo Law Courts was constructed, the Supreme Court regional circuit comprised 18 different locations, with Bairnsdale added to those courts listed above. Based on newspaper references, Ballarat and Bendigo were the most heavily used of the courts, correlating with their status as large regional centres.<sup>103</sup>



Figure 49 Bairnsdale Court House (1893), pictured in the early twentieth century: informed by Queen Anne precedents  
Source: State Library of Victoria

Aside from the Supreme Court, a number of other jurisdictions were established soon after Victoria's separation from New South Wales. The County Court system was established in 1852, to hear civil matters under the value of £50. The County Courts continued the functions of the Courts of Request which had operated under the New South Wales jurisdiction.<sup>104</sup> As a result of the unrest on the Victorian goldfields, including a protest of 10,000 miners at Sandhurst in August 1854, a Royal Commission was held into conditions at the gold fields. A system of courts, known as local courts was subsequently established in 1855, as recommended by the Gold Fields Commission, as it was known. This included the appointment of a new officer, a 'warden', to adjudicate matters of mining and 'the administration of justice for the auriferous districts' through local boards.<sup>105</sup> It was proposed to have one warden for each gold district of Beechworth, Castlemaine, Sandhurst and Ballarat. Although there is some ambiguity within the Royal Commission's report as to the structure of local boards, in May 1855 the Gold-Fields Law Amendment Bill was tabled in Parliament, which established Local Courts as dispute settling bodies, with miner representatives elected to the boards, perhaps as a 'democratic gesture' by the government of the legitimate political aspirations of miners.<sup>106</sup> There were concerns of the conflict of interest of the elected miners, with a correspondent asking the Bendigo Advertiser:

[If I] find a good quartz reef, and apply for a lease ... what guarantee have I that some of those Local Court gentlemen – all gentlemen miners – will not rush round my claim before I secure my licence?<sup>107</sup>

The powers of the Local Courts were replaced in early 1858 by Courts of Mines or Mining Wardens Courts. These courts were to be presided over by a judge with appeal rights to the Supreme Court and legal representation permitted, a right which had been denied in the Local Courts.<sup>108</sup>

As the population and importance of the regional centres grew, many early court buildings were replaced with larger buildings, increasing accommodation and capacity. Ballarat's 1850s court was superseded by a new building in 1867-68 in Lydiard Street, which was in turn replaced in the early 1900s

and again in 1941 and 2000.<sup>109</sup> Likewise, new court houses were constructed in the regional centres of Stawell (1878-79), Castlemaine (1878-79) and Maryborough (1892). These buildings generally comprised a single court room to house the various jurisdictions, unlike Bendigo's Law Courts, as well as associated offices and public spaces. The construction of the Maryborough court house, like the Bendigo Law Courts, provided a level of relief work during the 1890s economic depression.<sup>110</sup>

The Bendigo Law Courts building of 1896 is unusual in not having been replaced or subject to significant interventions since its construction.

### 3.1.2 *Bendigo's consolidation as an inland centre*

By the late nineteenth century urban and regional centres in Victoria were undergoing programs of 'beautification'. These improvements were tied to a sense of permanency of these now 30-year-old gold towns, to the wealth of the colony and to a growing understanding of the importance of urban amenity for residents. In Melbourne in this period, thoroughfares including St Kilda Road, Royal Parade and Flemington Road were 'improved', providing ceremonial points of access to the city. In the gold rush-era town of Maryborough, three major public buildings (Court House, Post Office, Town Hall) were constructed around a civic square.

Bendigo, likewise in this period, shifted from a mining town to an assured and stable regional centre, with an increased focus on 'improving' the city for its residents and visitors. Unlike Melbourne and other mining centres, Bendigo's economy had remained relatively stable into the 1890s, even recording small population increases and a continuation of building works. As noted by a correspondent to the *Bendigo Independent* in 1892, 'Bendigo ... has a reputation to maintain as the inland capital and show place of Northern Victoria', and as such, expenditure on beautification schemes was justified.<sup>111</sup> In this period Pall Mall was recast from a wide, unmade street (Figure 50) to the city's principal civic boulevard.

Richard Larritt's original 1850s survey for the Bendigo town provided for the unusually wide Pall Mall, which although reduced by the public building reserve remained a generously proportioned thoroughfare. The reservation of the public buildings site fronting Pall Mall in 1880, along with the development of the former Camp Reserve site as Rosalind Park from the 1870s, was impetus for the improvement of Pall Mall, and a consolidation of its role as the city's principal thoroughfare. By 1895, the pairing of the Law Courts and the Post Office, 'fronting the main thoroughfare of Bendigo, with a dark background of trees of Rosalind Park, and wide street in front' made a 'fine picture'.<sup>112</sup> A sense of comparison with gold-rush era 'sister city' Ballarat was clear in some newspaper correspondence, with one 'disgusted visitor' remarking that if improvements were made it would 'elevate Bendigo to an equal footing' with Ballarat.<sup>113</sup> The journalist known as the Vagabond, writing in 1893, described Pall Mall as the 'Broadway of Bendigo ... much broader than Collins Street or Regent Street, London.'<sup>114</sup>

The construction of both the W C Valhand designed Alexandra Fountain at Charing Cross in 1881 and the Discovery of Gold Monument at its eastern end in 1906, further signalled Pall Mall's ceremonial and civic purpose. The location of the new Returned Soldiers Memorial Hall fronting Pall Mall in 1921 further demonstrates the thoroughfare's role in the Bendigo community. By the twentieth century, this was recognised by newspaper reporting on Bendigo's progress. Likewise, photographic postcards of Bendigo commonly featured Pall Mall as viewed from its east or west (Figure 51, Figure 52). While it does not appear that there was an overall masterplan for Pall Mall, the combination of public buildings, wide street, the gardens of Rosalind Park, the statuary, and the street trees have contributed to a significant Victorian streetscape in the State context.





Figure 50 View looking north-east along Pall Mall, c. 1860  
Source: State Library of Victoria



Figure 51 View looking south-west along Pall Mall with the Discovery of Gold Monument in foreground, and Law Courts at right, c. 1909  
Source: State Library of Victoria





Figure 52 View north-east along Pall Mall, with street plantings, Returned Soldiers Memorial Hall, Post Office and Law Courts (part) visible, c. 1920s-1930s  
Source: Rose Postcard Series, State Library of Victoria

### 3.1.3 *Comment*

The Bendigo Law Courts was the biggest and most lavish court house constructed outside of Melbourne, comprising multiple court rooms and a scale not seen at other regional courts. Whereas the earlier court house, housing the Circuit Court, had been constructed in 1859 within the Government Camp and at a distance from the burgeoning town. The reservation of the Public Buildings Site in the early 1880s enabled Pall Mall to become the civic and ceremonial focus of Bendigo, and the buildings subsequently constructed on the broader site reflect this. The substantial Law Courts, unlike other nineteenth century court house complexes in Victoria, housed court rooms for a number of jurisdictions. The building's location on Pall Mall and its grand scale is reflective both of Bendigo's consolidation from mining town to populous city and important regional centre, and is reflective of the significant and disproportionate wealth generated for the Victorian economy.

## 3.2 Scientific value

Scientific value is described in the *Burra Charter* Practice Note as follows:

Scientific value refers to the information content of a place and its ability to reveal more about an aspect of the past through examination or investigation of the place, including the use of archaeological techniques. The relative scientific value of a place is likely to depend on the importance of the information or data involved, on its rarity, quality or representativeness, and its potential to contribute further important information about the place itself or a type or class of place or to address important research questions ...

To appreciate scientific value, ask:

- Would further investigation of the place have the potential to reveal substantial new information and new understandings about people, places, processes or practices which are not available from other sources?

This value has application the Bendigo Law Courts as a substantially intact example of a late nineteenth century court complex which retains the ability demonstrate all major aspects of the operation of the judiciary.

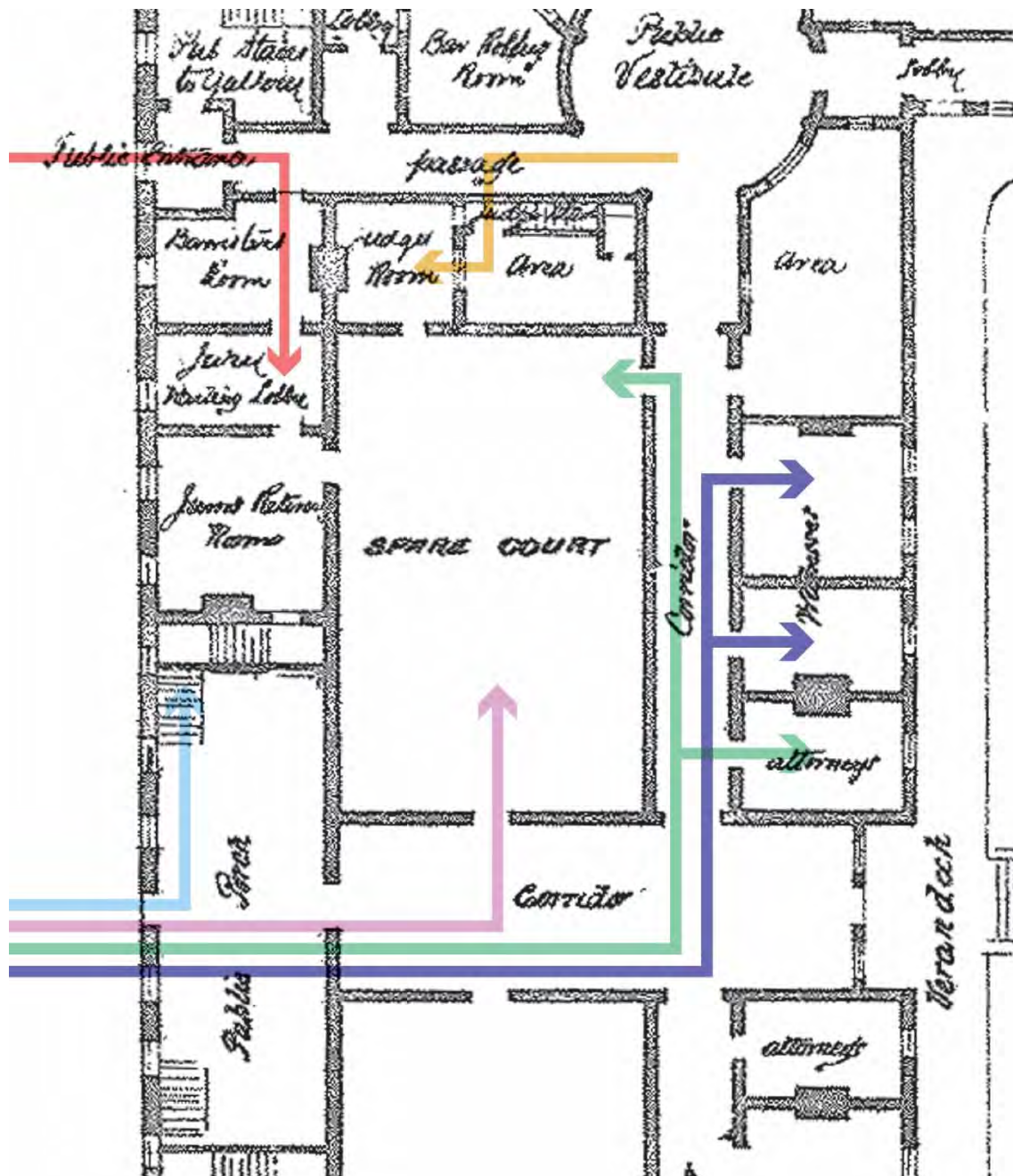
### 3.2.1 *Planning and circulation*

The planning of court houses came under review from the early nineteenth century, with attempts being made to define and separate the circulation and functional zoning of court participants. An early example (1809) was a concept for a law courts by French architect J N.L. Durand which comprised a spinal public hall giving access to six apsidal court rooms each set in a square enclosure.

The theme of a centralised public hall was applied in several built examples including: the Four Courts, Dublin designed by James Gandon, completed 1802; the London Law Courts by G E Street completed 1882; and the Palais de Justice, Brussels by J Poelaert, completed in 1883. These and other examples exerted a notable influence on the design of court house complexes in Australia. In particular the Melbourne Supreme Court (1874-1884) designed by Arthur Ebdon, in partnership with Alfred Louis Smith, owes a debt to the European precedents referenced above.



Figure 53 Oblique aerial view of the Supreme Court, Melbourne, looking south-east  
Source: Sarah Anderson, 2014, courtesy of the Judicial College of Victoria



## Key



	Public		Witnesses
	Litigants		Jurors
	Barristers		Judges

Figure 54 Separation of users, Melbourne Law Courts: ground floor plan (detail), 1881  
Source: Lovell Chen collection (scan)



As was the case for the London Law Courts, the separation of function and circulation was stipulated in the competition brief for Melbourne's Supreme Court. This sprawling edifice, occupying an entire city block provided dedicated entrances for litigants, barristers, witnesses, judges, jurors and the general public. The architects' response was a series of interconnected pavilions (Figure 53) to an extremely complicated layout (Figure 54). Internal and external movement relied substantially on surrounding streets and the circulation was rarely used as intended – or understood.

A different plan was adopted for the Bendigo Law Courts, with stacked court rooms accessed by a series of vertical and lateral circulation spaces. This may have been a response to the challenge of accommodating three different court rooms (Supreme Court, Police Court and Wardens Court) within the restricted site.

The stacking of court rooms was facilitated in the twentieth century by the introduction of elevators and, as with Bendigo, was necessitated by constrained sites. Notable recent examples include the County Court in Melbourne and the Supreme Court Buildings in Sydney. The High Court in Canberra also uses a stacked court system resulting in a building as rich and complex as Bendigo in terms of planning, spatial sequence and hierarchy (Figure 55).

In Australia the closest comparable nineteenth century court building to Bendigo is the former Adelaide Supreme Court, built in 1867-68. The Adelaide example is similar to Bendigo in that it is a two-storey building. However rather than having stacked court rooms, the two courts are located side by side on the first floor. As at Bendigo, public access to the Courts is via a central main stair and judges are provided with a private entrance and separate staircases with a passage between the courts and their chambers made available by an arcaded rear balcony.



Figure 55 The High Court, Canberra

Source: [www.abc.net.au/news/](http://www.abc.net.au/news/), accessed 2 August 2018

### 3.2.2 *Comment*

The Bendigo Law Courts is probably the only nineteenth century court complex in Australia to adopt an arrangement of stacked courts while simultaneously aspiring to separate the circulation and functional zoning of court participants. The outcome is a rich and complex internal plan that remains remarkably intact as built. Even where areas have been altered the works are generally reversible and the original arrangement retrievable.

The building itself has limited potential to reveal new information and new understandings about people, places, processes or practices which are not available from other sources, including the original drawings.

### 3.3 **Aesthetic value**

Aesthetic value is described in the *Burra Charter* Practice Note as follows:

Aesthetic value refers to the sensory and perceptual experience of a place – that is, how we respond to visual and non-visual aspects such as sounds, smells and other factors having a strong impact on human thoughts, feelings and attitudes. Aesthetic qualities may include the concept of beauty and formal aesthetic ideals. Expressions of aesthetics are culturally influenced.

As noted in the Practice Note, relevant questions to ask when considering aesthetic value include:

- Is the place distinctive within the setting or a prominent visual landmark?
- Does the place have qualities which are inspirational or which evoke strong feelings or special meanings?
- Does the place show a high degree of creative or technical achievement?

In the context of the Bendigo Law Courts, aesthetic value has applications as:

- An example of French Second Empire architecture in Victoria
- A major work by the Public Works Department (PWD) in a regional city
- A significant work of George William Watson (1850-1915) of the PWD

#### 3.3.1 *French Second Empire architecture in Victoria*

The French Second Empire style derives from the 'empire' established by Louis Napoleon following his 1852 assumption of the title 'Emperor Napoleon III'. It employed the classical vocabulary of nineteenth century Renaissance Revival styles to produce richer surface treatments and more plastic effects. Buildings were typically lavish in terms of their decoration, extending the classical palette to include garlands and swags. Its success, however, lay in its capacity to produce three-dimensional compositions through the incorporation of breakfront pavilion forms at the ends and centres of buildings. These were typically capped either with especially tall straight sided mansard roofs or, even more theatrically, with convex domed or concave bell-like mansard arrangements producing lively and surprising skylines. Towers, a long-accepted feature of local Italianate architectural traditions, were reimagined as richly-embellished mansard-roofed Parisienne spires.

In Victoria, the Melbourne Town Hall was an early and influential evocation of French Second Empire design. Construction began on the site of an earlier Town Hall at the corner of Swanston and Collins streets in 1867.<sup>115</sup> The new Town Hall consisted of a two-storey section of giant order Corinthian columns and pilasters, above a rusticated bluestone plinth and surmounted by an attic storey with slate mansard roofs and a corner clock tower (Figure 56). The main, Swanston Street, facade was articulated as five bays with one central and two end pavilions. A central portico was added to this facade some 20



years later in a style matching that of the 1867 building, underscoring the currency of the approach into the 1880s.

### 3.3.2 *French Second Empire and the Public Works Department*

For the architects of the Public Works Department (PWD), 1880 was the start of an exciting decade of public building in Victoria. Until 1878, the PWD had been dominated by William Wardell, its Inspector-General and Chief Architect for 17 years. Under Wardell, the Department produced large numbers of public buildings throughout Victoria, almost all of which demonstrated the austere elegance that had become his trademark. With Wardell's departure in 1878, the Department's designers were freed from the constraints of the earlier years, and the body of work they produced displayed a wider variety of styles and greater innovation in the use of materials. This period ended with the economic depression of the early 1890s.

The architecture produced in those years can be divided into two distinct periods to either side of 1885. Between Wardell's departure and the mid-1880s the house style of the PWD tended towards increasingly flamboyant classicised designs including those to a French Second Empire expression. Around 1885, further internal changes in the Department, combined with a major shift in the local architectural thought, saw greater emphasis on English Queen Anne and American Romanesque modes. Associated with these emergent styles was the use of pressed red bricks combined with bands and mouldings of render, a combination that would remain fashionable into the Edwardian era.



Figure 56 The new Melbourne Town Hall, Charles Nettleton, photographer, 1870  
Source: State Library of Victoria

The PWD was the chief author of architectural designs for law courts in regional Victoria. These were typically of a modest scale comprising a central tall court room volume flanked by offices and service spaces. Despite their differing external expressions, examples at Traralgon (1885) and Carlton (1887) illustrate the restraint that was usually applied to court house designs. The massive scale of the Law Courts at Bendigo and the use of French Second empire design is atypical the PWD-designed court houses both in terms of its scale and character. In fact no other examples of French Second Empire expression for any PWD buildings outside of Melbourne and Bendigo has been identified. The opulence of the designs appears to have reflected local expectations that Bendigo – a town which had contributed disproportionately to Victoria’s economy over the previous four decades – was to be rewarded in a manner consistent with its benefaction and its aspiration.

### 3.3.3 *George William Watson (1850-1915)*

Colonel George William Watson was a key figure during this period. Watson was born in London in 1850.<sup>116</sup> He completed his education before emigrating to Victoria at 21 years of age. He was engaged as a temporary draftsman by the PWD in October 1872. In the period from 1875-78, Watson worked on: the Post Office, Court House and Public Offices at Alexandra and the Sale Police Station in 1875; the Police lock-up in Wodonga in 1876; the Carlton Police Station in 1877; and the Richmond Police Station in 1878.

George Watson was among those to progress rapidly through the PWD after Wardell’s Departure in 1878. Watson was quickly promoted to the role of Architect (Grade II) in charge of Central Division, designing regional post offices at Richmond (1879), Port Fairy (1879-80) and Shepparton (1881). After later success as the designer of grand buildings including the Bendigo Post Office (completed 1887) and Law Courts (1896), he was promoted to Chief Architect of the PWD in 1910. Watson died in office in 1915 aged 64.

As architect in charge of Central Division, Watson had designed the Shepparton Post Office and Court House in 1881 (Figure 57) just one year before the first of his buildings at Bendigo. At Shepparton he had experimented with a combination of stilted segmental Florentine arches on a building whose overall form was box-like and was, apart from its mansard-roofed tower, little different in spirit from buildings of the Wardell period. However, subsequent buildings such as the Bendigo Post Office were new and innovative, particularly within the Public Works Department. The plasticity of its break-fronted form was far removed from the austerity of the Wardell period and in fact it was a major stylistic step both within the Department and for its architect.

The direct progenitor of the Law Courts, the Bendigo Post Office, is a more fluid and highly modelled interpretation of the French Second Empire style than many of the examples that preceded it. It is typical of the 1880s in its eclecticism and foreshadowed the manner in which classical architecture would develop into the 1890s. Ideas such as combining the French Second Empire and Italian palazzo styles with two different forms of Mansard roofs, then adding a great variety of decorative swags, brackets and masks in the render as well as the roof leadwork signalled the trend of the next decade for those who continued to work with classical elements.



Figure 57 Post Office, Shepparton, c. 1909, designed by George William Watson  
Source: State Library of Victoria (Shirley Jones collection of Victorian postcards)

However, interest in this approach (outside of specific applications such as suburban town halls) diminished through the 1880s and it is unusual that Watson would return to a mode for the Law Courts which had outlived its currency. This may, simply, have reflected a desire to acknowledge buildings traditions that had emerged in Bendigo through the 1870s and 1880s which frequently incorporated Second Empire influences. German architects such as Wilhelm Vahland, and Robert Getzschmann, in particular, established prestigious practices in Sandhurst. Between them, these men built many of Bendigo's finest buildings and structures, including the Mechanics' Institute (1864- 78), Alexandra Fountain (1881), Town Hall (1885) and School of Mines (est. 1870s)<sup>117</sup> around Pall Mall. Their work adopted a palette of architectural elements including giant order columns, rustication and the French mansard roof. Consequently, when Watson began work on the Bendigo Post Office he was operating in a rich urban landscape whose earlier work had established a strong architectural character and an aspirational tone.



Figure 58 Bendigo Post Office, south-east (Pall Mall)  
Source: Lovell Chen collection (scan)

However, it is useful to recall the development of the design as outlined in Chapter 1. While no design survives, it is known that the Post Office and Law Courts had initially been conceived as a single, presumably monumental, structure. By 1886, it had become apparent that the Law Courts would be developed at a later date as a stand-alone building. As the architect of all components of the project, it appears that Watson continued with his original inspiration to unify the entire block between Bull and Williamson streets with a consistent architectural vision rather than producing a collection of complementary buildings. In this way, Watson chose to create a streetscape of architectural power and force at the expense of variety and grain.

#### 3.3.4 *Comment*

Bendigo Post Office and Law Courts are most usefully considered as a pair of well resolved buildings to a shared French Second Empire expression. Both were designed in a style that represents a brief interlude in the PWD and Watson's work. While the Department's dalliance with architecture to a French Second Empire design signalled a substantial break from the Wardell period, the association was short-lived and does not usefully inform the Queen Anne/Romanesque modes preferred for public buildings of the 1890s. While the Law Courts comprise a competent design, the long delay between the



two building programs produced a court building which would, at the time of its opening, have presented as somewhat regressive. As noted, the form and style of the Law Courts was guided by Watson's earlier work at the Post Office (and that of a generation of earlier Bendigo architects). However, the absence of freshness or novelty is not seen to diminish the success of the Law Courts. The building, particularly as part of the broader group, survives as Watson's most substantial and distinguished work with his return to French Second Empire sources in 1896 producing a grand urban gesture rather than a stylistic one. The result is unique within regional Victoria. In size and scale these buildings rivalled their Melbourne counterparts and the Post Office in particular is widely regarded as the most splendid of its kind outside an Australian capital city.

### 3.4 Social value

The 'Understanding and assessing cultural significance' Practice Note to the *Burra Charter* 2013 provides the following definition of scientific value:

Social value refers to the associations that a place has for a particular community or cultural group and the social or cultural meanings that it holds for them.<sup>118</sup>

The social value of a heritage place has been described as, 'the special meanings attached to places by groups of people (rather than by individuals)'.<sup>119</sup> A critical consideration in establishing the social significance of a place is its value to the present community. This sense of communal attachment is typically associated with places that are publicly accessible, or have otherwise been, 'appropriated into the daily lives of people'.<sup>120</sup> Places recognised as having social value include those that:

- Provide a spiritual or traditional connection between past and present
- Tie the past affectionately to the present
- Help give a disempowered group back its history
- Provide an essential reference point in a community's identity or sense of itself
- Loom large in the daily comings and goings of life
- Provide an essential community function that over time develops into a deeper attachment that is more than utility value
- Have shaped some aspect of community behaviour or attitudes
- Are distinctive – the old clock tower in a town or an architectural folly – features that lift a place above the crowd, making it likely that special meanings have been attached to that place
- Are accessible to the public and offer the possibility of repeated use to build up associations and value to the community of users
- Places where people gather and act as a community, for example places of public ritual, public meeting or congregation, and informal gathering places<sup>121</sup>

Indications of a community's attachment to a place might be reflected in a history of communal action to protect the place from development; inclusion in local walking tours; and representation in postcards or websites for the area.

Social significance or value is typically established through community consultation, sometimes in the form of survey questionnaires, interviews with members of the relevant communities or public discussion workshops. Opinion pieces in the local print media, and views expressed in talk-back radio shows can also be forums for the expression of community sentiment. Community consultation is rarely a 'scientific' process, although it is generally the case that the broader the cross-section of the community invited to express opinions, the greater the certainty about the outcomes.

No formal appraisal of social values was undertaken in the course of this CMP. Such a process has the potential to indicate that a community or group has some degree of social attachment to the building. In the case of Bendigo's Law Courts, these groups are likely to include:

- Members of the judiciary, particularly the local judiciary, for whom the building is the epicentre of its activities and has been since the mid-1890s. For this group there may be a particular interest in the use (judicial operation) of the building.
- The Bendigo public at large, recognising that the Law Courts is a prominent and visually distinguished building that is associated with a significant phase in the city's growth and consolidation, and regularly features as a backdrop in postcards of the City and ceremonial events/parades. For this group there may be a particular interest in the external presentation of the building.

## **4.0 SIGNIFICANCE**

### **4.1 Assessment against Heritage Council of Victoria criteria**

The following assessment against the Heritage Council of Victoria criteria is informed by the evidence presented at Chapters 1, 2 and 3. The *Victorian Heritage Register Criteria and Threshold Guidelines*, endorsed by the Heritage Council 6 December 2012 and reviewed and updated 5 June 2014, have also been referenced.

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

The Bendigo Law Courts complex was designed by George Watson of the Public Works Department (PWD) in the late-1880s, built between 1891 and 1895 and has been in use for its original intended purpose since 11 February 1896.

The building is of historical significance to Victoria as a reflection of Victoria's economic growth during the second half of the nineteenth century. The extravagance of the Colonial Government-funded building, including the external presentation to all elevations, the lavish interior details and the furniture and fittings, was an expression of the significant contribution to the State's finances of the Bendigo goldfields since the 1850s.

Bendigo's Law Courts in concert with the Post Office (1887, also delivered by the PWD) occupy Bendigo's Public Buildings Reserve on Pall Mall. Collectively, these monumental civic buildings are of historical significance at the State level as the core component of an urban regeneration undertaking which saw the consolidation of Bendigo as one of Australia's great inland centres during the 1880s/90s. The Law Courts and the Post Office, collectively, also represent a significant project delivered by the PWD outside Melbourne.

The 1896 building is of local and regional historical significance as the principal judicial complex in Bendigo and for the broader region since its completion.

#### **Criterion B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.**

The planning of the Bendigo Law Courts is uncommon in Victoria. It is the only nineteenth century court complex in the State to adopt an arrangement of stacked courts while simultaneously aspiring to separate the circulation and functional zoning of court participants. The outcome is a rich and complex internal plan that remains remarkably intact as built and demonstrates the operation of a major multi-jurisdictional judicial complex of the late-nineteenth century.

This criterion is considered to be met at a local and regional level.

#### **Criterion C: Potential to yield information that will contribute to an understanding of Victoria's cultural history.**

The Bendigo Law Courts building of 1896 has limited potential to reveal new information and/or understandings about judicial processes and practices which are not available from other sources. These sources include, but are not limited to, the original drawings of the Bendigo Law Courts (held at the Public Record Office Victoria) and the Supreme Court of Victoria in Melbourne, an earlier and larger court complex, the planning of which also achieves the separation of circulation and functional zoning of court participants.

This criterion is not considered to be met at any level.

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

The Bendigo Law Court building of 1896 is significant as a fine and intact, albeit relatively late, example of a large regional court complex in the French Second Empire style. It incorporates the typical massing of the style incorporating pavilion forms with mansard roofs at the entry and corners and richly adorned wall surfaces incorporating a lavish appliqué of classical detailing in render. Functionally and physically it demonstrates the principal characteristics of a regional court complex and meets this criterion at a state, regional and local level.

**Criterion E: Importance in exhibiting particular aesthetic characteristics.**

The Bendigo Law Courts is of architectural significance as an ornate and exuberant example of French Second Empire design applied to a major public building. These elements generate greater architectural force through their association with almost identical detailing to the adjacent Post Office.

The Law Courts building is unusual for having been designed to be appreciated in-the-round, with a high degree of decorative detail to the north-east, south-east and south-west elevations, and a breakfront arrangement with full height arcades to the north-west (rear) elevation.

The main staircase, vestibules and principal court rooms are largely intact as built, retain their original decorative treatments (elaborately moulded and enriched plasterwork) and are expressive of the judicial operations for which they were designed. The office/support spaces to either side of the central core generally have a lesser degree of decorative detail. Original fittings and furniture are extant throughout.

The ceremonial boulevard (Pall Mall), of which the Law Courts is a key feature, is of aesthetic significance in the State context. The development of Bendigo's Public Buildings Reserve was contemporary with the beautification of the Government Camp (now Rosalind Park) and the construction of a series of major municipal and commercial premises on the south side of Pall Mall, including the Shamrock Hotel (as rebuilt in 1897) and the Mechanics Institute and School of Mines (1864-89). Collectively, these works delivered a new boulevard for Bendigo with a distinguished landscaped backdrop. An urban design composition of this scale and grandeur is uncommon outside Melbourne, a notable equivalent in Victoria being Sturt Street in Ballarat. It is also noted that civic buildings of this scale are unusual in Victoria outside Melbourne.

The Law Courts has been recognised as a significant building in the local and State context for many years and this criterion is met at all levels of heritage listing.

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

The subject site does not satisfy this criterion.

The Law Courts, while lavishly detailed, does not demonstrate a high degree of creative or technical achievement.

**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.**

No formal appraisal of social values was undertaken in the course of this CMP.

It is possible that there exists a degree of communal sentiment for the Law Courts on the part of the Victorian judicial community, particularly in the Bendigo and Loddon Mallee region. This sentiment is



likely to relate to the use of the building, as well as its formal presentation and internal character. Further, the Bendigo community at large may have a collective attachment to the place as associated with the building as a civic landmark that recalls the city's post Gold Rush heyday and emergence as a major inland centre.

Traditional Owner groups can also be expected to have a connection to the subject site related to its location, in proximity to a watercourse and elevated land, and to its use for the delivery of justice in a manner at odds with traditional practice.

Having regard to the above limitations this criterion has not been established as met at any level.

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

Research for this CMP has not revealed associations between the Law Courts and individuals of importance to Victoria's history that satisfy this criterion. It is possible that further research may reveal such associations.

This criterion is not considered to be met at any level.

## **4.2 Statement of significance**

The following Statement of Significance has been prepared based on the preceding assessment of significance of the Bendigo Law Courts. It reaches different conclusions to the existing VHR Statement of Significance (Appendix A).

Recommendations for amending the VHR entry for the place to reflect the outcomes of this CMP are included at Chapter 5 and Chapter 6.

### *What is significant?*

The Bendigo Law Courts complex was designed by George Watson of the Public Works Department (PWD) in the late-1880s, built between 1891 and 1895 and has been the principal seat of the judiciary in the Loddon Mallee region since 11 February 1896. The building is designed in the French Second Empire style, incorporating the typical massing of the style with pavilion forms capped by mansard roofs at the entry and corners. Its exterior walls are lavishly finished with arcuated and trabeated detailing expressed in render. The three main court spaces and vestibules are flanked on either side by rooms for juries, judges, witnesses, barristers, prisoners, sheriffs and other court officials. Access for the judge and prisoners is from the rear. The public enter through grand vestibules on either side of a central stone staircase which leads to the Supreme Court on the first floor.

The building is largely intact as built. The major external change occurred during the 1950s when the central statuary group and flanking urns were removed from the upper parapet due to deterioration. Internal alterations have also been limited, including the introduction of a ramp down to a new registry in the basement.

The building continues its original function, and houses Magistrates, County and Supreme courts. It is a dominant feature of Bendigo's historic precinct of public buildings, including the Bendigo Post Office which Watson designed approximately a decade before the Law Courts.

### *How is it significant?*

The Bendigo Law Courts building is of historical, architectural and aesthetic significance to the State of Victoria and locally/regionally. The building may of also

be of social value to the local community and to the Victorian judiciary both regionally and at large.

*Why is it significant?*

The Bendigo Law Courts building (1896) is of historical significance to Victoria as a reflection of the State's economic growth during the second half of the nineteenth century. The extravagance of the Colonial Government-funded building, including the external presentation to all elevations, the lavish interior details and the furniture and fittings, was an expression of the significant contribution to the State's finances of the Bendigo goldfields since the 1850s.

Bendigo's Law Courts in concert with the Post Office (1887, also delivered by the PWD) occupy Bendigo's Public Buildings Reserve on Pall Mall. Collectively, these monumental civic buildings are of historical significance at the State level as the core component of an urban regeneration undertaking which saw the consolidation of Bendigo as one of Australia's great inland centres during the 1880s/90s. An urban landscape of this scale and grandeur is uncommon outside Melbourne, a notable equivalent in Victoria being Sturt Street in Ballarat. The Law Courts and the Post Office, collectively, also represent a significant project delivered by the PWD outside Melbourne.

The Bendigo Law Courts is the only nineteenth century court complex in Victoria to adopt an arrangement of stacked courts while simultaneously aspiring to separate the circulation and functional zoning of court participants. The outcome is a rich and complex internal plan that remains remarkably intact as built and demonstrates the operation of a major multi-jurisdictional judicial complex of the late-nineteenth century.

The Bendigo Law Court building of 1896 is significant as a fine and intact, albeit relatively late, example of a large regional court complex in the French Second Empire style. It incorporates the typical massing of the style incorporating pavilion forms with mansard roofs at the entry and corners and richly adorned wall surfaces incorporating a lavish *appliqué* of classical detailing in render.

The Law Courts building is unusual for having been designed to be appreciated in-the-round, with a high degree of decorative detail to the north-east, south-east and south-west elevations, and a breakfront arrangement with full height arcades to the north-west (rear) elevation.

The main staircase, vestibules and principal court rooms are largely intact as built, retain their original decorative treatments (elaborately moulded and enriched plasterwork) and are expressive of the judicial operations for which they were designed. The office/support spaces to either side of the central core generally have a lesser degree of decorative detail. Original fittings and furniture are extant throughout.

It is possible that there exists a degree of communal attachment for the Law Courts on the part of the Victorian judicial community, particularly in the Bendigo and Loddon Mallee region. This sentiment is likely to relate to the use of the building, as well as its formal presentation and internal character. The Bendigo community at large may also have a collective attachment to the place as associated with the building as a civic landmark that recalls the city's Gold Rush heyday and consolidation as a major inland centre. Traditional Owner groups can also be expected to have a connection to the subject site related to its location, in

proximity to a watercourse and elevated land, and to its use for the delivery of justice in a manner at odds with traditional practice.

#### *Local/regional significance*

The 1896 Law Courts building is of local and regional historical significance as the principal judicial complex in Bendigo and for broader region since its completion.

### **4.3 Attributes related to significance**

Areas, elements and attributes that relate to the values described in the 'Assessment against Heritage Council of Victoria criteria' (Section 4.1) are identified in Table 1.

Table 1 Summary of heritage values and related attributes

Heritage Council criteria	Attributes
(a) Importance to the course, or pattern, of Victoria's cultural history	<p>The 1896 Law Courts building, including its: external presentation; internal details, planning and circulation; and the collection of moveable furniture, objects and fittings</p> <p>The historic and urban planning relationship between the Post Office and the Law Courts</p>
(b) Possession of uncommon, rare or endangered aspects of Victoria's cultural history.	<p>The external presentation of the 1896 Law Courts building, and its contribution to the urban setting</p> <p>Evidence of the internal plan, which was designed to achieve the separation of circulation and functional zoning</p>
(d) Importance in demonstrating the principal characteristics of a class of cultural places and objects.	The external presentation of the 1896 Law Courts building
(e) Importance in exhibiting particular aesthetic characteristics.	<p>The external presentation of the 1896 Law Courts building, to all elevations</p> <p>The internal details and decorative treatment of the main staircase, vestibules and principal court rooms</p>

### **4.4 Levels of significance**

The Statement of Significance provides an overview of the general nature of significance of the Bendigo Law Courts. As noted, the 1896 building is largely intact as built and is of historic and architectural significance to Victoria and locally, both in its own right and as part of a significant urban construct. The following details the contribution that the individual areas, elements, attributes and fabric make to the overall significance of the place.

As a general comment, the 1896 building is an unusually intact example of a nineteenth century court complex in the Victorian (and possibly Australian) context. All elements and areas of the building contribute, to some extent, to the building's ability to demonstrate its cultural heritage significance. Even where change has occurred (noted at Figure 59, Figure 60 and Figure 61) there exists, in most cases, the potential to re-establish the original plan form, and in some cases, the potential to retrieve or reveal elements of the original decorative detail.

The purpose of the distinctions drawn at Table 2 is to assist in guiding change to the building in a manner that minimises impacts on its cultural heritage values.

Table 2 Definitions of levels of significance

Level of significance	Definition
Core elements, areas and attributes	<p>Core elements, areas and attributes are those that are: intact as built; and/or elaborately detailed; and/or directly expressive of the building's judicial function.</p> <p>Elements and areas of core significance include:</p> <ul style="list-style-type: none"> <li>• The south-east (Pall Mall), north-east, and south-west elevations, being the principal elevations within the urban context</li> <li>• The roof</li> <li>• The entry to Pall Mall and the arcaded vestibule (G11)</li> <li>• The main staircase (B14, G12 and F16); vestibules (G10, G13, F15 and F18); the Police Court, former (B03); the Supreme Court (F03); and the Warden's Court, former (G01/G02)</li> <li>• The original planning of the 1896 building, including internal iron gates and the multiple entries to the building and to each of the court rooms (Figure 62, Figure 63 and Figure 64)</li> <li>• Collection of moveable elements (furniture) and fittings within the 1896 building</li> <li>• The laneway between the Law Courts and the Post Office to the depth of the Law Courts</li> </ul>
Supporting elements, areas and attributes	<p>Supporting elements, areas and attributes of the 1896 building are generally intact as built, although they do include areas where change has occurred as related to judicial operations (see annotations at Figure 59, Figure 60 and Figure 61). In general, supporting elements and areas have a lower degree of decorative detail as compared to elements and areas of core significance. This category includes areas that are not directly expressive of judicial operations.</p> <p>Supporting elements and areas include:</p> <ul style="list-style-type: none"> <li>• Offices and service spaces to the east and west sides of the 1896 building (B5, B6, B7, B8, B9, B10, B11, B12, B17, B18, G04, G05, G06, G07, G08, G09, G14, G15, G16, G17, F06, F07, F08, F09, F10, F11, F12, F13, F14, F18, F19, F20, F21, F22)</li> <li>• Basement vestibules (B13 and B16)</li> <li>• Rear elevation, addressing the service lane to the rear, including the rear arcade (G18 and F24)</li> <li>• Service lane to the rear of the Law Courts</li> <li>• The roof space of the 1896 building</li> </ul>
Contemporary elements and areas	<p>Contemporary elements and areas are of recent origin. These elements/areas are not of heritage significance in themselves. However, they do support the on-going operation of the 1896 Law Courts – an attribute of local/regional significance. These elements are:</p> <ul style="list-style-type: none"> <li>• The Justice Centre, to the extent that the building supports the operation of the historic Law Courts</li> </ul>



Level of significance	Definition
	<ul style="list-style-type: none"> <li>The modern fit out of Court Room no. 5, within the former Post Office (first floor)</li> </ul>

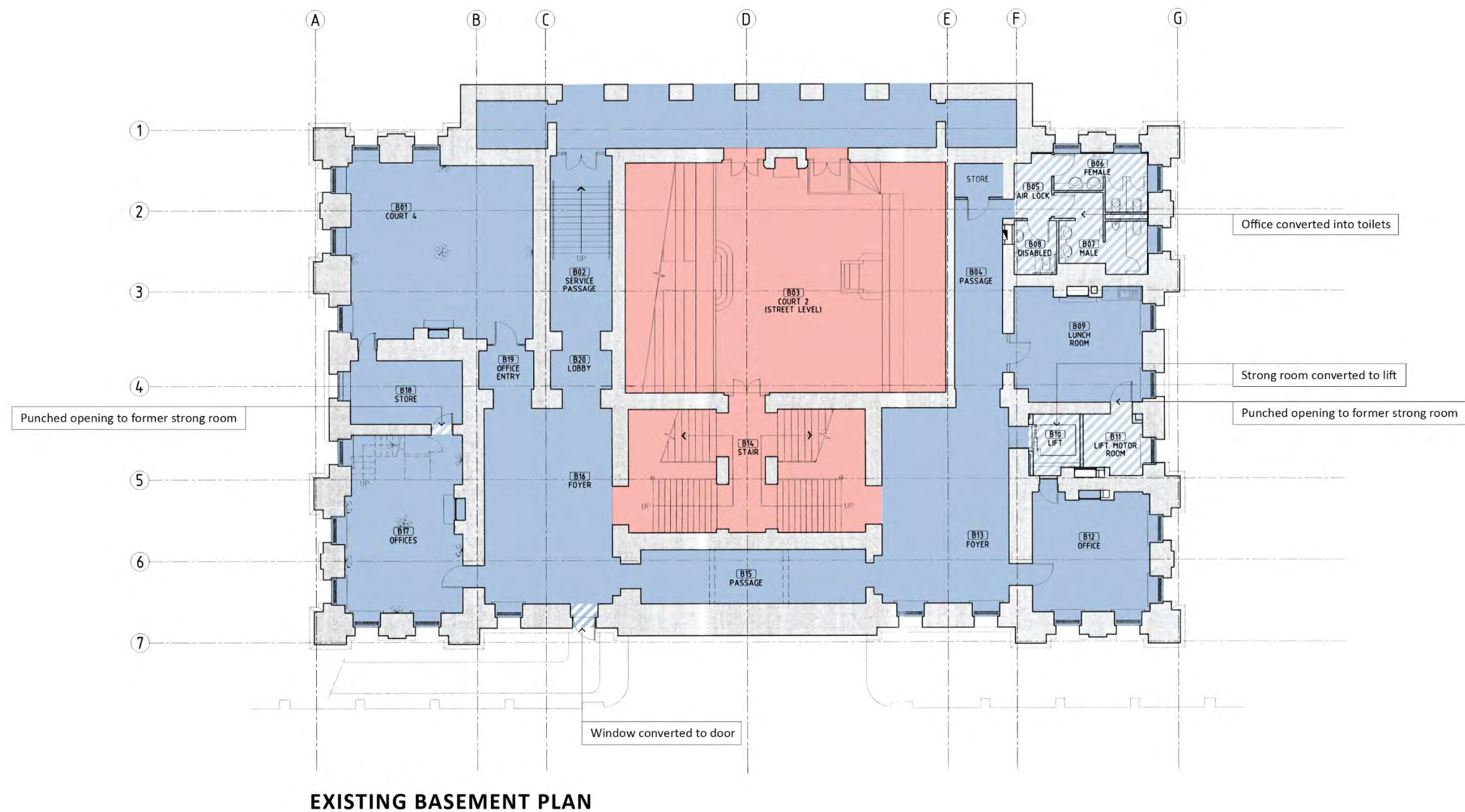
#### 4.5 Implications of significance

Implications arising from the summary of significance are identified at Table 3.

Table 3 Summary of implications of significance

Level of significance	Implications
Core elements, areas and attributes	Elements, areas and attributes of core significance should be retained and conserved according to the principles of the <i>Burra Charter</i> . It is noted that, subject to the future use of the building, it may not be possible for all of the moveable elements to be retained <i>in situ</i> .
Supporting elements, areas and attributes	Supporting elements, areas and attributes should be conserved and maintained. However, there exists some flexibility with regard to potential alteration and change to support a sympathetic and sustainable new use for the building (see also Chapter 5). Where change has previously occurred (i.e adaptation of the east strong room as a lift; the introduction of WCs/wet areas; and the punched opening in the wall for new entry to registry), future actions should not further erode the legibility of the architectural program.
Contemporary elements and areas	These areas and elements provide greater flexibility with regard to potential alteration and change to support the on-going use and operation of the historic Law Courts building.





**Key**

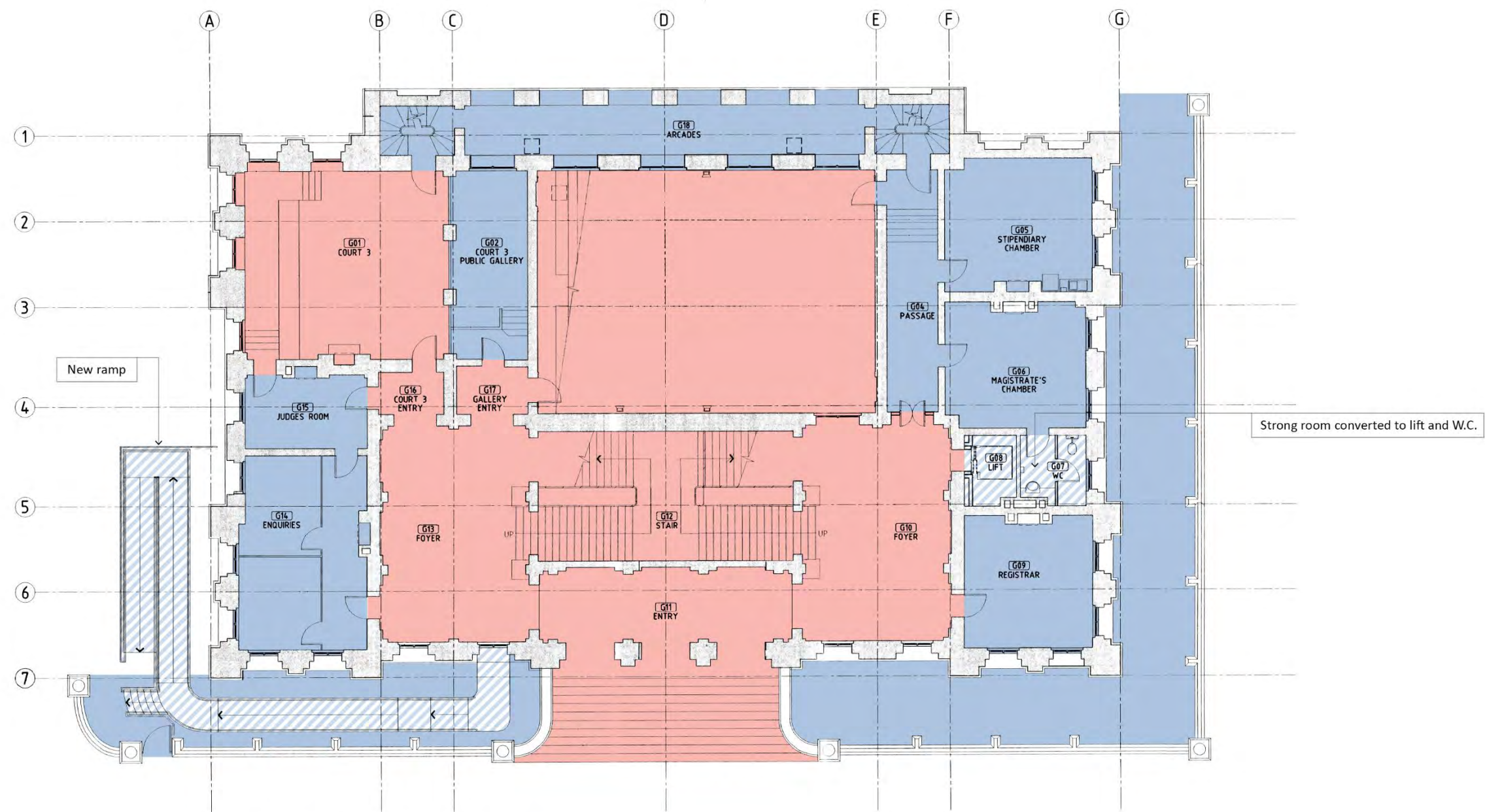
- Core elements and areas
- Supporting elements and areas
- Supporting elements and areas - where change has occurred



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enquiry@lovellchen.com.au  
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Figure 59 Core and supporting areas, elements and attributes: basement





EXISTING GROUND FLOOR PLAN

Key

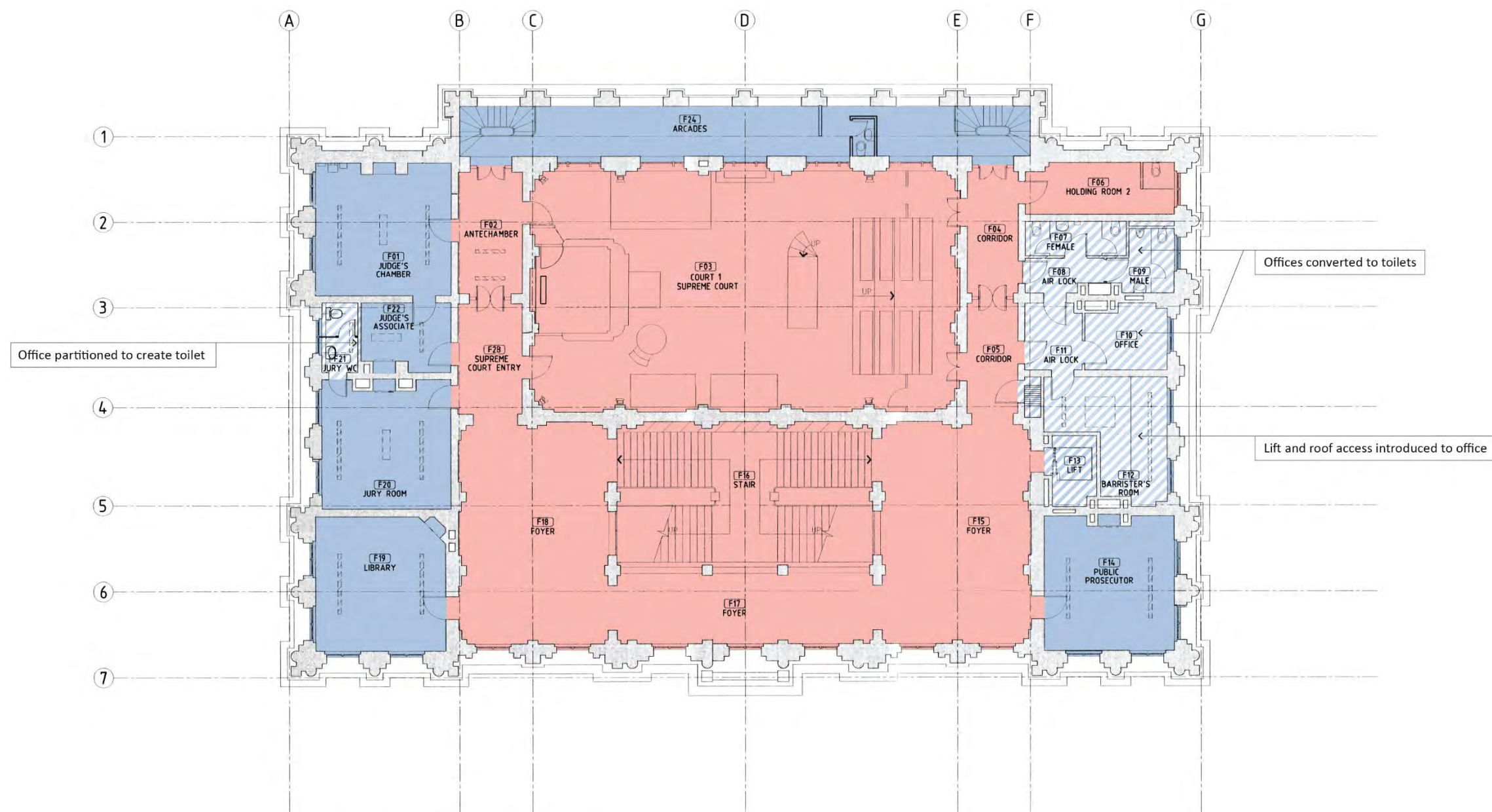
- Core elements and areas
- Supporting elements and areas
- Supporting elements and areas - where change has occurred



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Figure 60 Core and supporting areas, elements and attributes: ground floor





EXISTING FIRST FLOOR PLAN

Key

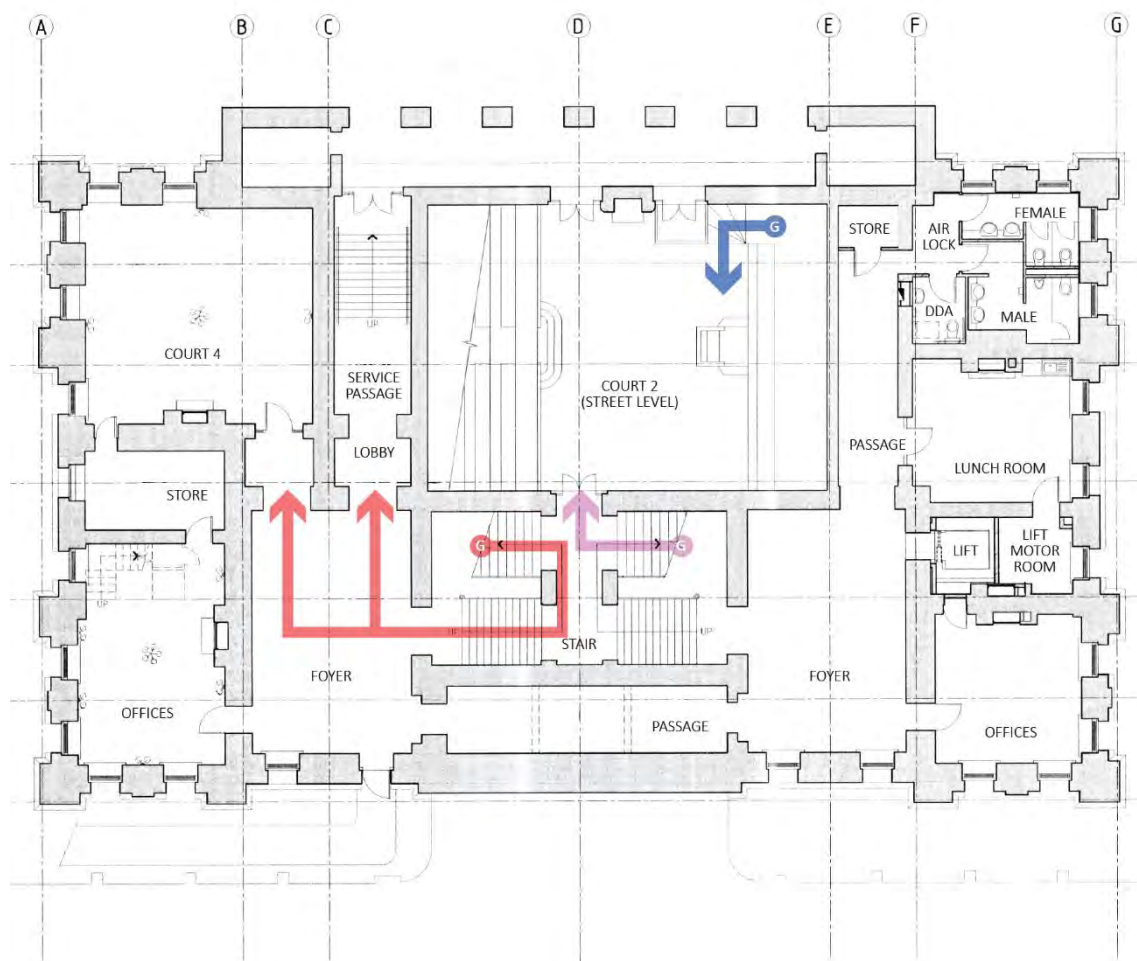
- Core elements and areas
- Supporting elements and areas
- Supporting elements and areas - where change has occurred



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Figure 61 Core and supporting areas, elements and attributes: first floor





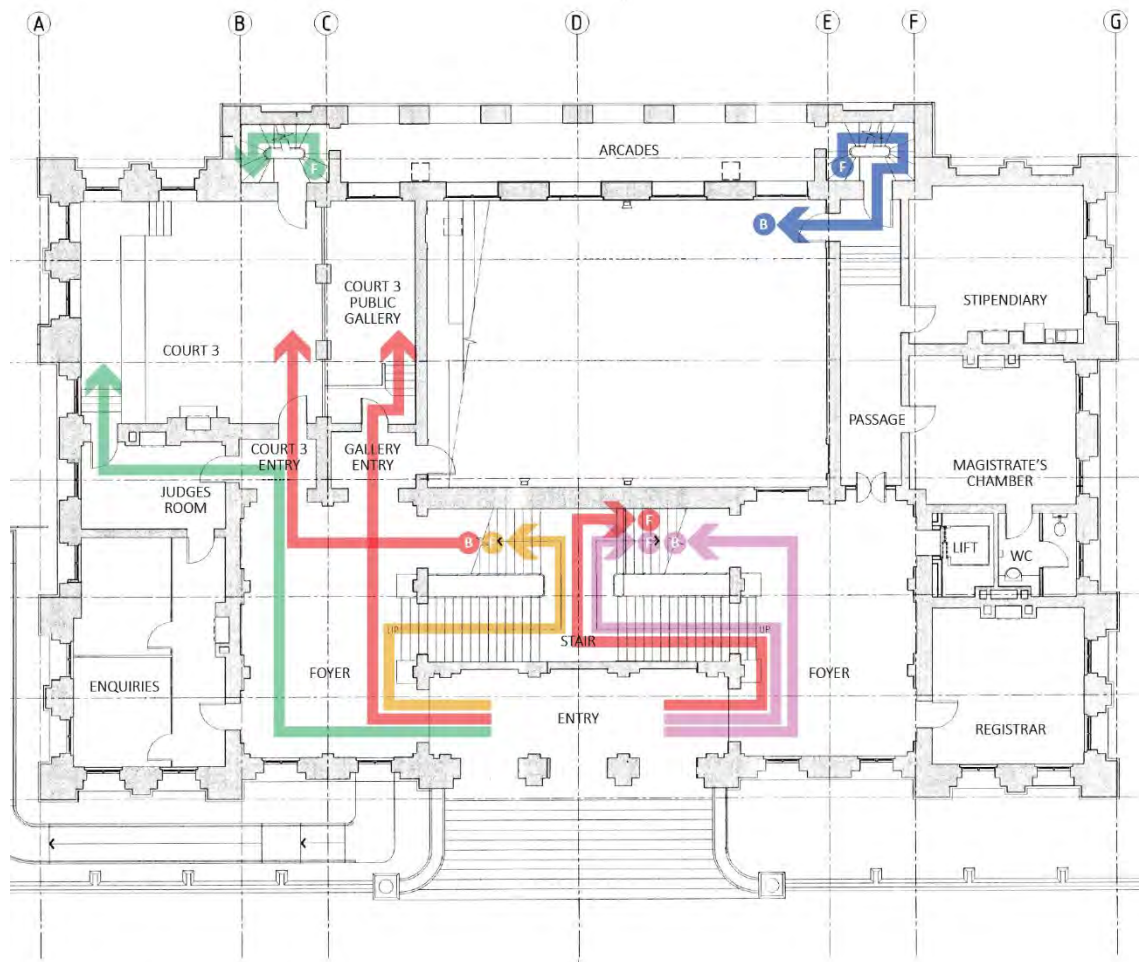
## EXISTING BASEMENT PLAN

Key Circulation



<span style="display: inline-block; width: 20px; height: 10px; background-color: #4CAF50; border: 1px solid black;"></span> Judge	<span style="display: inline-block; width: 20px; height: 10px; background-color: #F44336; border: 1px solid black;"></span> Public
<span style="display: inline-block; width: 20px; height: 10px; background-color: #E91E63; border: 1px solid black;"></span> Legal profession	<span style="display: inline-block; width: 20px; height: 10px; background-color: #FFEB3B; border: 1px solid black;"></span> Jury
<span style="display: inline-block; width: 20px; height: 10px; background-color: #2196F3; border: 1px solid black;"></span> Prisoner	

Figure 62 Circulation and planning, as built: basement



## EXISTING GROUND FLOOR PLAN

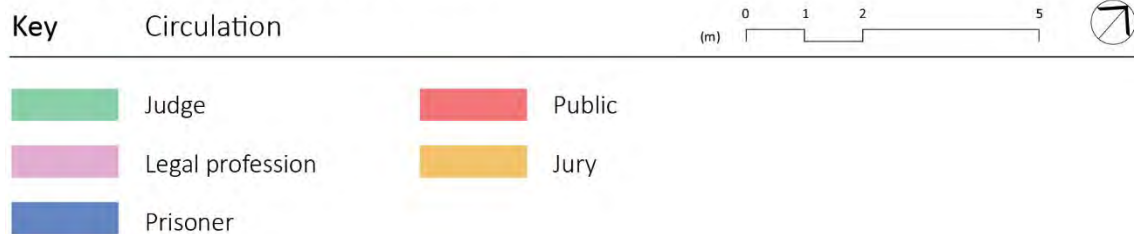
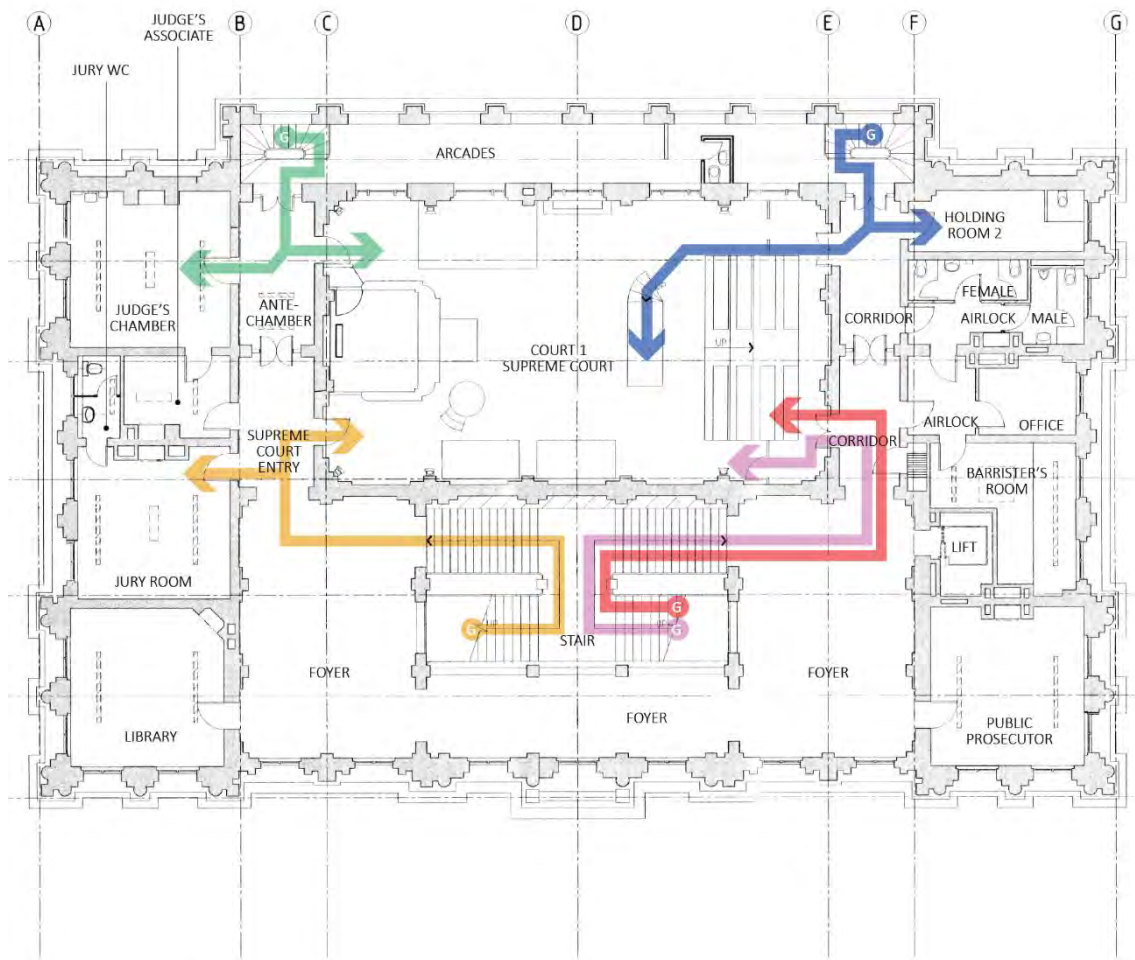


Figure 63 Circulation and planning, as built: ground floor





## EXISTING FIRST FLOOR PLAN

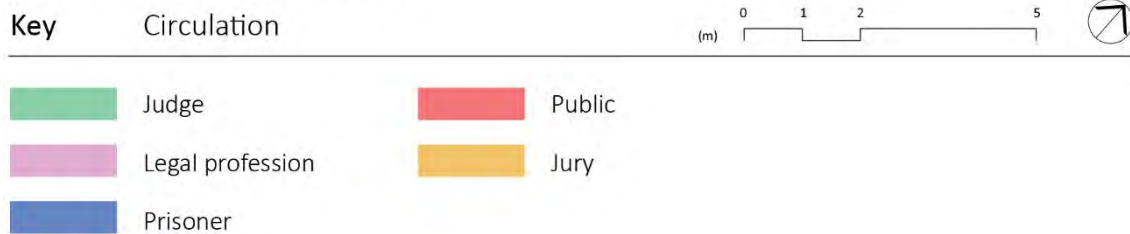


Figure 64 Circulation and planning, as built: first floor



## 5.0 OPPORTUNITIES AND CONSTRAINTS

The following establishes a framework for the policies at Chapter 6. The policies, while addressing the conservation of the Law Courts and the site's assessed values, equally recognises that the future of the historic building depends upon it having a sustainable and viable future use. As such, the following addresses:

- Expectations of judicial architecture in the twenty-first century
- The statutory recognition of the Bendigo Law Courts for heritage reasons
- The application of planning and building regulations and controls
- The interests of stakeholders
- The condition of the built fabric (1896 building), furniture/fittings (1896 building) and the setting
- Physical considerations relating to the 1896 Law Courts building including:
  - > Its external presentation;
  - > The potential for internal alterations and consolidation of spaces;
  - > The introduction of services; and
  - > Management of circulation –lateral and vertical

### 5.1 The architecture of justice in the twenty-first century

Bendigo's historic Law Courts (completed 1896) stands as a landmark of the city's consolidation as one of Australia's great inland centres. It also provides evidence of the role of the judiciary in late-nineteenth century colonial society. The building projects messages of power and severity, adjectives that might equally be applied to contemporary court complexes in Victoria (including the Bendigo Law Courts), and elsewhere across Australia.

The delivery of justice is a dynamic process, subject to a range of social and political forces. In terms of architectural character, the evolution of the judiciary since the 1890s has rendered the Bendigo Law Courts an anachronism; the building's formal qualities and internal planning are at odds with expectations and trends in contemporary court architecture. In a 2016 issue of *Architect Victoria* addressing the future of court architecture, the guest editor (architect Mark Wilde) noted that:

Certain contemporary values do seem both clear and worthy of expression for the architecture of a court house:

- Openness (transparency and accessibility)
- Fairness (equality and balance)
- Stability (calming, serenity, respectfulness and security)
- Sustainability (enduring in all respects)
- Belonging (to place, to community)<sup>122</sup>

The challenge of reconciling nineteenth century court infrastructure with contemporary judicial expectations is not specific to Victoria, or Australia. In September 2016, the British Ministry of Justice issued a Statement by the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals titled 'Transforming Our Justice System'. In the introductory remarks the Lord Chancellor comments on the value of legal services to the economy and the justice system as a world leader but notes that to maintain this position there is need for radical change. In particular, '[it will require] modern IT and processes and to be located in buildings which are fit for purpose.'<sup>123</sup> Expanding on this issue the Lord Chancellor noted:

As the courts and tribunals are modernised we will need fewer buildings, used more efficiently with courtrooms which are more adaptable. In many cases, attending hearings in person will only be needed where there is no other alternative; parties will be able to engage virtually or online rather than have to take time to attend hearings in person. [Britain] currently has over 400 court and tribunal buildings, many of them old, small, inefficient, yet expensive to maintain. In 2014-15, around half (48%) of courts and tribunals were used for less than half of the time. Many will be closed over the next four years to fund investment in fewer, more modern buildings that can better serve people's needs.<sup>124</sup>

In Australia, whose judicial systems derive from British precedents, these issues are of direct relevance.

The Bendigo Law Courts building of 1896 is constrained by: poor safety standards; non-compliant facilities and services; compromised wayfinding and accessibility; limited information and communications technology; and spatial constraints which mean that it is unable to meet the service needs of all jurisdictions, needs that are anticipated to increase significantly in the years ahead.<sup>125</sup> These constraints, as well as the incompatibility of the historic building with the architectural character of modern courts, mean that there is no potential for the building to remain in use for its original purpose.

## 5.2 Significance

As noted at Chapter 1, the Bendigo Law Courts complex has long been recognised as a place of heritage significance. As well as its inclusion in the Victoria Heritage Register (see Section 5.3.1 below), the complex is subject to statutory heritage controls under the City of Greater Bendigo Planning Scheme (Section 5.3.2). It has also been classified by the National Trust of Australia (Victoria) as a building of State significance and is included in the Register of the National Estate (RNE) in its own right and as part of the 'Public Buildings Group'. There are no statutory requirements as a consequence of the National Trust classification or the entries in the RNE. Citations for the statutory and non-statutory listings referenced above are at Appendix A.

### 5.2.1 *Implications of significance*

As identified in Chapter 4, the Bendigo Law Courts is of historical and architectural significance to Victoria and locally. Implications arising from this assessment are that key aspects and attributes of the place should be conserved to retain this significance, including:

- The external presentation of the 1896 Law Courts, as a free-standing structure in the French Second Empire style
- The elaborately moulded and enriched plasterwork in the key public areas (vestibules, staircase, Supreme Court and Police Court)
- The interior planning as related to the building's original use and operation, including multiple points of entry to the court rooms
- Internal metal gates within the vestibules and staircase for the segregation of those attending court (Figure 65)
- Original decoration and details in 'supporting' spaces, including the spaces to the north-east and south-west of the central staircase and court spaces
- Original furniture and fittings throughout





Figure 65 Gates for segregation of court attendees, first floor

### 5.3 Statutory obligations

The Bendigo Law Courts complex is subject to the provisions of the following:

- Heritage Act, 2017 (Victoria)
- Planning and Environment Act, 1987 (City of Greater Bendigo Planning Scheme)
- Building Code of Australia
- Disability Discrimination Act, 1992
- Aboriginal Heritage Act, 2006

#### 5.3.1 *Heritage Act 2017* (Victoria)

The *Heritage Act 2017* is the Victorian Government's key piece of (non-Indigenous) cultural heritage legislation. It provides a legislative framework for the protection and conservation of places and objects of cultural heritage significance in Victoria.

The Act identifies and protects heritage places and objects that are of significance to Victoria, including:

- Historic archaeological sites and artefacts
- Historic buildings, structures and precincts
- Gardens, trees and cemeteries
- Cultural landscapes
- Shipwrecks and relics
- Significant objects

As well as establishing the Victorian Heritage Register (VHR), the Act also establishes the Heritage Inventory (HI, discussed further below) and the Heritage Council of Victoria.

#### *Victorian Heritage Register*

The Bendigo Law Courts is included in the VHR (ID H1466) as place of historical, architectural and aesthetic significance to Victoria. The extent of registration is given as 'Law Courts, 77-85 Pall Mall, Bendigo'. There is no permit policy or suite of permit exemptions associated with this registration.

The registration dates to the old Government Buildings Register. Only the buildings at the site are subject to controls under the *Heritage Act* and of these only the 1896 building is of heritage significance. The registration should be updated to include land and to identify an appropriate heritage curtilage (see Policy 9, Chapter 6). The review of the registration should also include: a new permit policy that references this CMP, and a suite of permit exemptions (see Policy 18, Chapter 6)

#### *Works applications*

A permit is required from Heritage Victoria for all works to buildings/elements and land included within the extent of registration (with the exception of works which are permit exempt), pursuant to Section 93 of the *Heritage Act 2017*. 'Works' requiring a permit from Heritage Victoria are identified as follows:

- Building extensions, constructions, interior works, demolition or relocation of buildings and structures, changes of colour schemes and signage.
- Construction of new buildings and garden structures such as fences or decks, pathways and driveways, and changes of materials.
- Works to registered trees and gardens which are not regular maintenance works.
- Excavations at registered sites or damage or alteration to an archaeological artefact.
- Relocation, repair and conservation treatment of objects.<sup>126</sup>

Where a permit is required, an application is made to the Executive Director (ED) of Heritage Victoria which includes an application form, application fee, property title, heritage impact statement, architectural drawings and any other relevant information which will assist in the assessment of the application.

The following matters to be considered in determining applications are identified at Section 101 of the *Heritage Act 2017*:

- (2) In determining whether to approve an application for a permit, the Executive Director must consider the following—
  - (a) the extent to which the application, if approved, would affect the cultural heritage significance of the registered place or registered object;
  - (b) the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or registered object;
  - (c) any submissions made under section 95 [*s. 95 refers to written submissions received during public notice of an application*] or 100 [*s.*

*100 refers to submissions received as part of the referral process to responsible authorities and municipal councils];*

- (d) if the applicant is a public authority, the extent to which the application, if refused, would unreasonably detrimentally affect the ability of the public authority to perform a statutory duty specified in the application;
  - (e) if the application relates to a listed place or to a registered place or registered object in a World Heritage Environs Area, the extent to which the application, if approved, would affect—
    - (i) the world heritage values of the listed place; or
    - (ii) any relevant Approved World Heritage Strategy Plan;
  - (f) any matters relating to the protection and conservation of the registered place or registered object that the Executive Director considers relevant.
- (3) In determining whether to approve an application for a permit, the Executive Director may consider—
- (a) the extent to which the application, if approved, would affect the cultural heritage significance of any adjacent or neighbouring property that is—
    - (i) included in the Heritage Register; or
    - (ii) subject to a heritage requirement or control in the relevant planning scheme; or
  - (b) any other relevant matter.<sup>127</sup>

The Executive Director has a statutory timeframe of 60 days in which a permit application must be processed, however, an additional 60 days can be granted by the Heritage Council – an extension of time typically occurs for complex applications. The initial 60-day timeframe may be extended if additional information is requested, at which time the ‘clock’ stops until that information is provided. If the proposed works could have a detrimental impact on the significance of the place, the permit application may be advertised in a local newspaper and by way of signs at the subject site. The application would be advertised for a duration of (a minimum of) 14 days and interested parties are invited to provide submissions in relation to the proposal.

The permit application would also be referred to the Responsible Authority (generally the local Council) for comment. The *Heritage Act 2017* formalises arrangements for referral of permit applications to relevant councils or responsible authorities and requires the Executive Director, Heritage Victoria, to consider any submission in relation to these referrals in determining permit applications.

Following advertising and comments from the Responsible Authority, the Executive Director will assess the application, and if the proposal is appropriate a permit is issued. If a permit application is refused or an applicant does not agree with the conditions imposed on the permit, there is an avenue of appeal to the Heritage Council of Victoria. The appeal must be lodged within 60 days of the Executive Director’s determination.

If the proposed works are minor in nature and/or do not affect areas of heritage significance, it may be possible to apply for a permit exemption under Section 92(3) of the *Heritage Act 2017*. In this instance a formalised permit application process is not required, however detailed correspondence and documentation is still lodged with Heritage Victoria to enable the proposal to be assessed.

### *Heritage Inventory*

Significant archaeological sites which are more than 75 years old (this includes all archaeological sites which are more than 75 years old except sites which are determined to be of low archaeological value), as well as all approved sites of archaeological value which are less than 75 years old, are protected under the *Heritage Act 2017*.

Section 132 of the *Heritage Act 2017* specifies that it is an offence to disturb an archaeological site or artefact unless approval (by way of consent) has been obtained from the Executive Director of Heritage Victoria. The *Heritage Act 2017* also includes review rights for consent to disturb an archaeological site.

Any works which disturb an archaeological site must immediately cease and Heritage Victoria contacted immediately. In order to determine the potential for archaeological remains within a site and where ground disturbance is proposed (regardless of inclusion on the VHI), a predictive archaeological assessment is typically undertaken. This assessment would generally comprise historical research to establish the progressive development and evolution of a given site over time, as well as an assessment of the current site conditions. This assessment would identify areas of the site which have been subject to disturbance, and consequently areas of greater or lesser archaeological potential. This predictive assessment assists to ensure that all archaeological remains are appropriately managed. If the site is included on the VHI, or if the assessment determines that there is archaeological potential, the predictive archaeological assessment would form part of an application to Heritage Victoria for consent to carry out work, and would also inform future works on the site.

If required, a consent application would also require the following archaeological investigation documentation to be submitted to Heritage Victoria:

- Outline of proposed development works, identifying the area of heritage impact
- Statement of significance for the Heritage Inventory site
- Research design
- Excavation methodology
- Artefact retention policy
- Artefact management proposal
- Curriculum vitae of the project archaeologist and conservator
- Letter detailing engagement of project conservator.
- Consent application fee

Archaeological consent for works to historical archaeological sites will incur fees depending on the type of work proposed (i.e. uncover and expose an archaeological site, excavate an archaeological site or part of an archaeological site, damage and disturb an archaeological site, test archaeological investigations, or consent to possess or dispose of archaeological artefacts).

The Bendigo Law Courts site is not included in the Heritage Inventory (HI). However, there exists some potential for the site to yield sub-surface artefacts related to previous land uses, particularly the section of the site in proximity to the creek. Based on research for this CMP that area has not been subject to significant ground disturbance since the 1890s (see Policy 24, Chapter 6).

#### 5.3.2 *Planning and Environment Act, 1987: City of Greater Bendigo Planning Scheme*

Heritage places of local significance are identified in the local Planning Scheme and protected through a Heritage Overlay. Local Government Authorities are responsible for issuing planning permits for the use and development of heritage places under the *Planning and Environment Act 1987*. The relevant planning scheme under the *Act* is the City of Greater Bendigo Planning Scheme, which identifies the zoning for the site and applicable overlays.



The Bendigo Law Courts is included as a site-specific Heritage Overlay (HO227) in the Planning Scheme, consistent with its Heritage Victoria registration (Figure 66). The HO includes the 1896 Law Courts building and the land to the north-west (the Justice Centre). This is consistent with the cadastral boundary for 77-85 Pall Mall. The Law Courts complex is also in HO3 'Bendigo Civic Precinct'.

Pursuant to the Heritage Overlay provisions at Clause 43.01-2, no permit is required to develop a heritage place which is included in the VHR. This is on the basis that the Heritage Victoria is the responsible authority for heritage issues on the site; all works at the site are subject to the permit requirements of the *Heritage Act*. It is noted, however, that all applications made to ED, Heritage Victoria, are required to be referred to the local Council (in this case the City of Greater Bendigo) for comment. Further, Section. 101 (3)(a)(ii) of the *Heritage Act* allows the ED to consider potential impacts on the cultural heritage significance of any adjacent or neighbouring property that is subject to a heritage control. In the context of the Law Courts, this means that the ED may consider the impacts of future works at the Law Courts on the Bendigo Civic Precinct.



Figure 66 Detail of City of Greater Bendigo Planning Scheme map 19 HO: the Law Courts complex is HO227

Source: City of Greater Bendigo Planning Scheme online, accessed 31 July 2018

*Schedule 5 to the Design and Development Overlay*

Bendigo's Public Buildings Reserve is subject to controls under Schedule 5 to the Design and Development Overlay (DDO5). The design objectives of DDO5 have a heritage dimension and are as follows:

- To allow for increased development densities while ensuring that the heights of new buildings fit reasonably with Bendigo's character and protect the amenity of public spaces.
- To ensure the heights of new buildings are generally consistent with the 'low rise' character of the CBD while responding to substantial heritage buildings in some locations.
- To protect streets and other public spaces from overshadowing by new development.
- To ensure that the built form of new development contributes to the CBD's physical environment by controlling building front and side setbacks.
- To promote active frontages to streets, walkways and public spaces. To ensure street spaces are safe, welcoming and provide weather protection for footpaths in the areas of highest pedestrian activity.

New development within the Public Buildings Reserve should be a maximum height of 12m above ground level, and any building above three storeys should include upper levels setbacks to avoid overshadowing.

*Rosalind Park Masterplan and Management Framework*

The Rosalind Park Masterplan and Management Framework, prepared by the City of Greater Bendigo and adopted by the City of Greater Bendigo Council on 17 December 2014, sets a vision for the future development and management of Rosalind Park and its environs. The masterplan has implications for the future management of Bendigo's Public Buildings precinct.

The masterplan promotes the removal of the Telstra building and Justice Centre to the rear (north-west) of the former Post Office and Law Courts respectively, and the delivery of a pedestrian plaza in this location (Figure 67). The masterplan anticipates that, 'The creation of a large public plaza in a central and attractive location has the potential to be a focus for community activities and events'.<sup>128</sup>

It is noted there are alternative ways that the land to the rear of the Law Courts and Post Office could be managed, including the introduction of built form in this location to support the on-going use of the principal historic buildings. These issues are discussed below and at Chapter 6.

5.3.3 *National Construction Code (BCA) compliance*

The National Construction Code addresses all building compliance requirements as related to specified classes of buildings. In Victoria the NCC operates in conjunction with the *Victorian Building Regulations* 2018 and under the provisions of the *Building Act*, 1993. In its formulation and reference to relevant construction standards the NCC has necessarily been developed for new construction. In this regard the application, wholesale to the refurbishment or redevelopment of a heritage building has the potential to have significant impacts, particularly if a 'full compliance' with the code is triggered.

Addressing this issue, the *Victorian Building Regulations*, 2018, provide for some flexibility where alterations are proposed to existing buildings, under Part 16, Regulation 233.

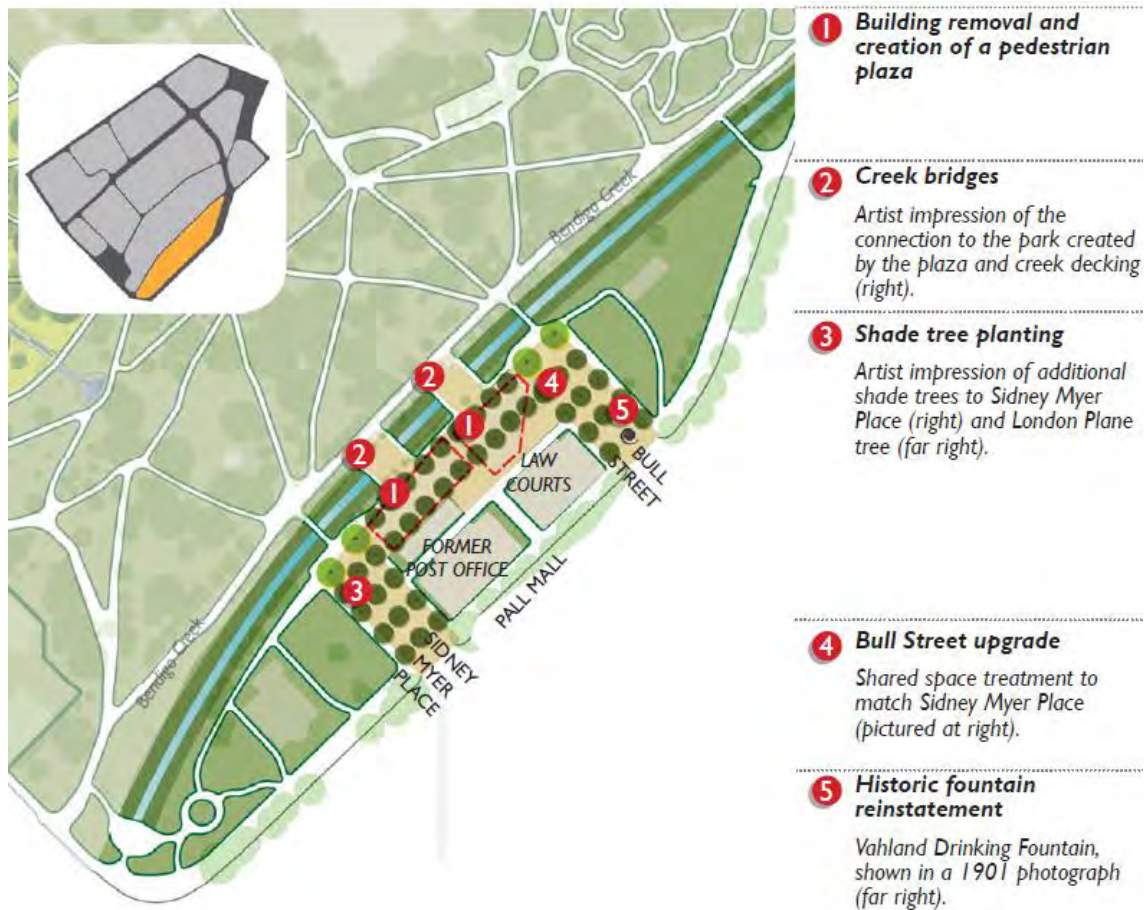


Figure 67 Rosalind Park masterplan (2014), detail: 'Between Pall Mall & Bendigo Creek'  
Source: City of Greater Bendigo, Rosalind Park, Masterplan and Management Framework

This regulation states as follows:

**233 Alteration to existing building**

- (1) Building work to alter an existing building must comply with these Regulations.
- (2) Subject to regulations 234 and 236, if the proposed alterations to an existing building, together with any other alterations completed or permitted within the previous 3 years, relate to more than half the original volume of the building, the entire building must be brought into conformity with these Regulations.
- (3) Despite subregulations (1) and (2) and subject to subregulation (6), the relevant building surveyor may consent to partial compliance of building work or an existing building with subregulation (1) or (2).
- (4) In determining whether to consent to partial compliance with subregulation (1) or (2) in respect of any alteration to a building, the relevant building surveyor must take into account—
  - (a) the structural adequacy of the building; and
  - (b) the requirements necessary to make reasonable provision for—

- (i) the amenity of the building and the safety and health of people using the building; and
  - (ii) avoiding the spread of fire to or from any adjoining building.
- (5) Any consent to partial compliance under subregulation (3) must be in the form of Form 18.
- (6) If any part of the alteration is an extension to an existing building, the relevant building surveyor may only consent to partial compliance in respect of the extension if the floor area of the extension is not greater than the lesser of—
  - (a) 25% of the floor area of the existing building; and
  - (b) 1 000 m<sup>2</sup>.

In addition, the *Building Act*, 1993 provides for further consideration of dispensation to compliance requirements in the case of buildings included on the Victorian Heritage Register. The relevant section states:

*28 Historic buildings and special buildings*

- (1) Despite section 24, the relevant building surveyor may issue a building permit for the carrying out of building work that does not comply with the building regulations if the work is to be carried out on, or in connection with—
  - (a) a building included on the Heritage Register established under the Heritage Act 2017.
- (2) The building permit may be issued to enable the carrying out of work appropriate to the style, manner of construction and materials of the building.
- (3) In deciding an application for a building permit in respect of a building to which subsection (1) applies, the relevant building surveyor must take into account—
  - (a) the structural adequacy of the building; and
  - (b) the requirements necessary to make reasonable provision for the amenity of the building and the safety and health of people using the building.
- (4) The consent and report of the Executive Director under the Heritage Act 2017 must be obtained to an application to demolish or alter a building which is on a register established under that Act.

In developing a response to building regulatory requirements a third factor to consider is that of the opportunity to develop 'Performance Solutions' to the NCC 'Performance Requirement' as opposed to applying 'Deemed-to-Satisfy' solutions. In adopting such an approach there may be scope to demonstrate that traditional construction practice as supported by relevant expert advice can meet the performance requirements of the NCC, albeit not compliant with current new construction standards.

Having regards to the above considerations in developing a design response to conservation and new works careful consideration needs to be given to the actions which might trigger full code compliance obligations and if this is the case, the nature of dispensations which might be sought. Activities and

compliance requirements which have the potential to have the greatest impact on the fabric include those at Table 4.

Table 4 Impacts associated with compliance requirements

<b>Issue</b>	<b>Potential impact</b>
Hazardous materials removal	Loss of evidence of original and early decorative finishes. Destruction of significant fabric.
Seismic compliance	Introduction of new structure requiring significant intervention into original fabric.
Energy performance (NCC Section J) compliance	Replacement of original materials (glass) and introduction of insulating material.
Fire protection and separation	Introduction of fire services and new fabric to provide fire separation.

#### 5.3.4 *Disability Discrimination Act, 1992*

Access for people with a disability as relevant to future works to the Bendigo Law Courts are addressed under the *Disability Discrimination Act, 1992*, and also under the NCC and the Australian Human Rights Commission 'Premises Standards'. While the DDA sets out compliance requirements it is a document which also provisions for complaints where these requirements are not met. In the case of the NCC, the requirements under Part D3 are express requirements which must be met under the Deemed to Satisfy provisions or by way of a Performance Solution. Additionally, the Premises Standards provide guidance on both new works and works to existing buildings to meet access requirements.

Having regard to these documents bringing heritage buildings into compliance typically requires a carefully resolved design response which frequently requires a balancing of access and heritage outcomes. Given the absolute need to provide equitable access, design solutions for upgrading and reuse need to be developed in a manner which optimises access points and paths of travel to avoid multiple interventions. As related to the 1896 Law Courts building, it should be noted that universal access to all levels of the building is unlikely to be achievable due to the complexity of the plan – the building is arranged over five levels.

#### 5.3.5 *Aboriginal Heritage Act, 2006 (Victoria)*

The main purpose of the *Aboriginal Heritage Act 2006* is to provide for the protection of Aboriginal cultural heritage in Victoria. Large developments and other high impact activities in culturally sensitive landscapes have the potential to cause harm to Aboriginal cultural heritage. In order to mitigate potential harm, a cultural heritage management plan may be required to assess an area to determine the nature of any Aboriginal cultural heritage present in the area and recommend measures to manage and protect the identified cultural heritage. Regulation 7 of the Aboriginal Heritage Regulations 2018 states that 'a cultural heritage management plan is required for an activity if— (a) all or part of the activity area for the activity is an area of cultural heritage sensitivity; and (b) all or part of the activity is a high impact activity.'<sup>129</sup> 'High impacts activities' are specified at Division 5 of Part 2 of the Regulations.

The Bendigo Law Courts is in an identified area of Aboriginal cultural heritage sensitivity. Subject to the nature of any future works, a cultural heritage management may be required for development at the site.



## 5.4 Stakeholders

At a general level, stakeholders as related to the Bendigo Law Courts fall into two categories: statutory and/or services authorities responsible for ensuring the appropriate management of the asset, and individuals or groups with a particular interest in the place.

Stakeholders likely to have an interest in and/or concern for the Law Courts are identified below.

### 5.4.1 *Heritage Victoria*

Heritage Victoria is concerned with the protection and conservation of the identified heritage values of the Bendigo Law Courts.

### 5.4.2 *The City of Greater Bendigo*

Bendigo Council has a strong interest in the protection and maintenance of the Law Courts, which makes a significant contribution to the city's civic identity. The City of Greater Bendigo also owns the Post Office. Both buildings within HO3, 'Bendigo Civic Precinct'.

Council's aspirations for the Law Courts and the Post Office are articulated in the Rosalind Park Masterplan and Management Framework of 2014 (see Section 5.3.2). The Council will be a referral authority for major works applications at the Law Courts site.

### 5.4.3 *The judiciary*

Members of the judiciary, particularly the local judiciary, for whom the building is the epicentre of its activities and has been since the mid-1890s. For this group there may be a particular interest in the use (judicial operation) of the building.

### 5.4.4 *Indigenous community*

Reasons for the Indigenous connection, positive and/or negative to the subject site relate to its location and to its use. The site is in proximity to a watercourse (albeit modified) and elevated land and can reasonably be expected to have been a place of congregation associated with traditional land management practices. As related to the use of the subject site for the delivery of justice, it can be anticipated that Traditional Owner groups may feel a degree resentment to an imposed judicial system (this was a basis for the establishment of the Koori Court under the *Magistrates Court Act 1989* (Victoria)).<sup>130</sup>

### 5.4.5 *Associations and special interest groups*

A number of associations/groups have an interest in the Law Courts, both in its own right and as part of Bendigo's historic core. These include associations/groups whose principal areas of interest relate to heritage and local history.

It can be anticipated that the National Trust of Australia (Bendigo branch) and Bendigo Historical Society would be concerned with the formal architectural qualities of the 1896 Courts building, as well as the promotion of the building's associations with a transformative phase in the city's evolution.

### 5.4.6 *General public*

The Law Courts and Post Office are long-standing and prominent features of Bendigo's urban landscape. It is also a visually distinguished building that is associated with a significant phase in the city's growth and consolidation, and regularly features as a backdrop in postcards of the City and ceremonial events/parades. It can be anticipated that there will be a high degree of public interest in proposals for change, new works and adaptive re-use of the Law Courts.

## 5.5 Condition and presentation

### 5.5.1 *Built fabric (1896 building)*

The external presentation of the Law Courts building has not changed significantly since construction, the major change being the removal of the parapet-mounted urns and statuary in the 1950s.

The building is generally in a sound condition externally, and there are no known impediments to the on-going use of the building or its adaptation as a consequence of structural integrity.

An appraisal of hazardous materials at the building was not seen during the preparation of this HMP.

### 5.5.2 *Moveable items and fittings*

There is a significant and extensive collection of furniture and fittings in the 1896 building. Analysis of the collection was beyond the scope of this report. However, the items identified in the Trethowan/Peck report of 1986 are understood to still be at the site.<sup>131</sup>

Likewise, the collection of books at the building was not assessed during research for this report.

### 5.5.3 *The setting*

Elm plantations flanking Bendigo Creek are a long-standing feature of the landscape. The trees are a visual link to the Public Buildings Reserve's origins as part of the park, and form a backdrop to the Courts in views from Pall Mall.

The elms within Rosalind Park are generally in excellent condition, and benefit from the park's irrigation system and management regime. The trees to the south side of the creek may date to 1960s/70s, and have less favourable growing conditions. The trees are conspicuously smaller as consequence (Figure 68). Advice from an arborist should be sought to establish their condition, and to identify measures for tree protection.



Figure 68 Elms on the south side of Bendigo Creek are to the left of the photograph

## 5.6 Physical constraints

### 5.6.1 Site planning and presentation

The two principal buildings at the Public Buildings Reserve were completed almost a decade apart. From a planning perspective, they have a common set back from Pall Mall. They also share a common point of entry, being the courtyard space between the two buildings. The Public Buildings Reserve does not, however, appear to have been the subject of a masterplan in the 1880s.

Development to the rear of the two principal buildings has been generally ad hoc, including the Telstra building on the site of a former nursery and the various iterations of development to the rear of the Law Courts.

Apart from the two principal buildings, consistent features of the Public Buildings Reserve are the service lane that run between Sidney Myer Place and William Vahland Place, and the courtyard/formal entry between the two buildings, accessed from Pall Mall – as referenced above. These laneways should be retained.

### 5.6.2 Floor area

The planning and construction of the 1896 building, and the generosity of the main staircase and vestibules, is such that only c. 43% of the gross floor area (c. 870 square metres) is useable. That equates to approximately 372 square metres of useable floor area.

### 5.6.3 Access

Disabled access to the Law Courts is either via an entry adjacent to the sally port (a secure point of entry/egress for prisoners) directly onto a staircase or via a non-compliant ramp leading to the basement, and then via a lift (also non-compliant) to the ground and first floors. This arrangement has been described as failing to provide a 'dignified equitable entry point and access to and within the building'.<sup>132</sup>

One possible improvement to these arrangements is to adapt the stairs within the existing service corridor B02 to a compliant ramp – i.e. the entry next to the sally port. That option may be more appropriate to consider once the building is no longer in use as a courts facility.

There is very limited potential to provide disabled access through the main entry to Pall Mall without significant interventions to the fabric or the construction of a prominent ramp.

### 5.6.4 Circulation

Vertical circulation is via a modern lift at the north end of the building, extending from the original basement strong room. There is limited potential to provide a second lift within the existing envelope. One option – a lift rising from the north half of B17, and extending through the north half of G14 and the south of F20 – might be considered.

The main staircase within the building does not meet current requirements in terms of balustrade heights, balustrade configuration, handrail thickness, continuity of handrails, tactile tiles and contrasting non-slip nosings to the treads.<sup>133</sup>

### 5.6.5 Services

It is understood that current arrangements for heating and cooling the building are adequate. Upgrading these services presents challenges due to the level of ornament in the building – a sophisticated design approach would be required. There is, however, generous attic space for the accommodation of plant.

The building is non-compliant in terms of smoke detection and alarm systems, emergency lights and exit signs and the locations of fire hydrants.<sup>134</sup>

## 6.0 CONSERVATION POLICIES AND MANAGEMENT GUIDELINES

This conservation policy is based on the assessment of cultural significance at Chapter 4 and informed by the opportunities and constraints identified at Chapter 5.

### 6.1 Definitions

The terminology used in this chapter is of a specific nature. The following definitions are from the *Burra Charter, 2013* (Article 1), as endorsed by a large number of statutory and national heritage bodies.

*Place* means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.

*Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

- > Cultural significance is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, records, *related places* and *related objects*.
- > Places may have a range of values for different individuals or groups.

*Fabric* means all the physical material of the *place* including elements, fixtures, contents and objects.

*Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*.

*Maintenance* means the continuous protective care of a *place*, and its *setting*.

Maintenance is to be distinguished from repair which involves *restoration* or *reconstruction*.

*Preservation* means maintaining a *place* in its existing state and retarding deterioration.

*Restoration* means returning a *place* to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.

*Reconstruction* means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material.

*Adaptation* means modifying a *place* to suit the existing *use* or a proposed use.

*Use* means the functions of a *place*, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

*Compatible use* means a *use* which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.

*Setting* means the immediate and extended environment of a *place* that is part of or contributes to its cultural significance and distinctive character.

*Related place* means a *place* that contributes to the *cultural significance* of another place.

*Related object* means an object that contributes to the *cultural significance* of a *place* but is not at the place.

*Associations* mean the special connections that exist between people and a *place*.

*Meanings* denote what a *place* signifies, indicates, evokes or expresses to people.

*Interpretation* means all the ways of presenting the *cultural significance* of a *place*.

## 6.2 General policies

### Policy 1 Significance as the basis for future conservation and management

*The Statement of Significance included in this CMP should be the principal basis for the management and conservation of the Bendigo Law Courts.*

Specific conservation objectives include:

- Managing in accordance with the significance attributed in this CMP (Chapter 4). In general terms, the implications of the identification of significance are as follows:
  - > Core elements, areas and attributes should be retained and conserved according to the principles of the *Burra Charter*. These elements, areas and attributes are identified at Section 6.3 'Conservation of significant attributes and elements'. See also Chapter 4.
  - > Supporting elements, areas and attributes should be conserved and maintained. However, there exists some flexibility with regards to potential alteration and change to support a sustainable new use for the building (see Policy 13 'Use'). Supporting elements, areas and attributes are identified at Section 6.3 'Conservation of significant attributes and elements'. See also Chapter 4.
  - > Contemporary elements and areas provide greater flexibility with regards to potential alteration and change, to support the on-going use and operation of the historic Law Courts building. Contemporary elements/areas are the Justice Centre and Court room no. 5, located in the Post Office.
- A sensitive and respectful approach to adaptation, new works and future development (see policies 15, 16 and 17).

### Policy 2 Adoption of the Burra Charter

*The conservation and management of Bendigo Law Courts should be carried out in accordance with the principles of the Burra Charter (2013).*

When assessing the suitability of proposed works to significant elements and attributes at the Bendigo Law Courts the principles of the *Burra Charter* and its practice notes should be referenced. These principles provide guidance on the conservation and adaptation of places and elements identified as being of cultural heritage significance.

### Policy 3 Adoption of policies

*The policies included in this CMP should be endorsed and adopted by the present and future owners, or managers, of the Bendigo Law Courts and should form the primary guide for its management.*

This CMP should inform on-going management and future development of the Bendigo Law Courts. The present and future owners of the site should adopt and implement the policies of the CMP as the key guiding reference in terms of managing change and future development within the site.

### Policy 4 Specialist advice and skills

*Advice from qualified heritage practitioners should be sought before any action is proposed or undertaken that could have an impact on the heritage values of the Bendigo Law Courts.*

Where works to core and/or supporting elements or attributes are proposed, or where technical advice is needed, it is important to select consultants and contractors with proven experience in the relevant



field. This applies to the development of strategic approaches to undertaking works, as well as to the delivery of conservation works.

#### **Policy 5 Compliance with legislation**

*Court Services Victoria should comply with all applicable legislation, including the Heritage Act 2017 (Victoria).*

Statutory obligations pertaining to heritage legislation that applies to the Law Courts complex are summarised at Chapter 5 (Section 5.3). These obligations should be observed by Court Services Victoria (CSV) and future owners/custodians of the heritage place. As noted at Policy 18, a priority should be updating the entry to the VHR.

#### **Policy 6 Stakeholder liaison**

*Court Services Victoria should consult with all stakeholders identified at Chapter 5 (Section 5.4) and other parties/individuals as relevant, on matters with the potential to impact on the heritage values of the Law Courts.*

Individuals and organisations (stakeholders) with a particular interest in the Bendigo Law Courts should be advised of any proposals with the potential to impact on the identified values of the place and provided with opportunities to comment. This may be conducted via public advertising (general public) or direct contact. Engagement with Traditional Owner groups should be undertaken by appropriately skilled and qualified consultants/individuals.

#### **Policy 7 Review of the CMP**

*Consistent with best practice, this CMP should be reviewed and updated every five years (by 2023).*

It is generally recommended that a CMP should be updated every five years.

Relevant considerations in undertaking a review of this CMP are to incorporate any new information that comes to light, particularly where there is the potential for the new information to result in a reassessment of values.

Triggers for a review of a CMP at an earlier stage include: major physical change to the place, including change as a result of an accident or misadventure (i.e. vandalism or fire); and the CMP is found to be out of date with regard to significance.

### **6.3 Conservation policies**

#### **Policy 8 Conservation of significant attributes and elements**

*‘Core’ and ‘supporting’ areas, elements and attributes at the Bendigo Law Courts should be conserved.*

As noted at Section 6.1, conservation means all the processes of looking after a place so as to retain its cultural significance.

Core areas, elements and attributes are the:

- South-east, north-east, and south-west elevations
- Roof
- Entry to Pall Mall and the arcaded vestibule (G11)
- Main staircase (B14, G12 and F16); vestibules (G10, G13, F15 and F18); the former Police Court (B03); the Supreme Court (F03); and the former Warden’s Court (G01/G02)
- Collection of moveable elements (furniture) and fittings within the 1896 building

- Original planning of the 1896 building, including internal iron gates and the multiple entries to the building and to each of the court rooms
- The laneway between the Law Courts and the Post Office to the depth of the Law Courts (Figure 70)

Supporting areas, elements and attributes are the:

- Offices and service spaces to the east and west sides of the 1896 building (B5, B6, B7, B8, B9, B10, B11, B12, B17, B18, G04, G05, G06, G07, G08, G09, G14, G15, G16, G17, F06, F07, F08, F09, F10, F11, F12, F13, F14, F18, F19, F20, F21, F22)
- Basement vestibules (B13 and B16)
- Rear elevation, addressing the service lane and the rear arcade (G18 and F24)
- Service lane to the rear of the Law Courts (Figure 70)
- Roof space of the 1896 building

#### **Policy 9      Heritage curtilage**

*The heritage curtilage for the Bendigo Law Courts should be defined as the cadastral block for 77-85 Pall Mall, Bendigo. This includes the space between the Post Office and Law Courts.*

The 'heritage curtilage' for a building, complex or site has been defined as, 'the area of land ... surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance'.<sup>135</sup> A heritage curtilage should include all significant elements and establish an area which is managed to ensure the maintenance of heritage significance. Identification of land to be included within a heritage curtilage does not preclude change within this area. Land within a heritage curtilage does, however, need to be managed so as not to adversely impact on the setting, presentation or significance of a heritage place.

The building of significance at the subject site is the Law Courts of 1896. The Justice Centre is not of architectural significance. However, it does support the on-going operation of the 1896 Law Courts, which is an attribute of local/regional significance. In this sense, the Justice Centre perpetuates an unbroken tradition, whereby development between the Law Courts and Bendigo Creek has assisted in sustaining the principal heritage asset. The nature and scale of built form to the rear of the Law Courts has evolved over time in response to the demands placed on the historic building: from small, timber structures in the 1890s to a large two and three-level building occupying much of the site today.

A relevant consideration in contemplating an appropriate heritage curtilage for the Law Courts includes providing a viable footprint for development to the north-west of the Law Courts to support the historic building. This is, primarily, a practical consideration and recognises the significant constraints that apply to the future management of the historic building (see policies 13 and 15). There is, as discussed above, an historic underpinning to this rationale, but the key consideration is practical.

The curtilage for the Law Courts should include the space between the Law Courts and the Post Office, to a depth of the Law Courts building (Figure 69). This is a 'core' space that is critical to the presentation of the Law Courts. This space is also critical to managing the relationship between the Post Office and the Law Courts, a relationship that is of State-level significance; as noted in the Statement of Significance at Chapter 4, '... these monumental civic buildings are of historical significance at the State level as the core component of an urban regeneration undertaking which saw the consolidation of Bendigo as one of Australia's great inland centres during the 1880s/90s ...' On this basis, it may also be appropriate to consider a registration for the Public Buildings Reserve (Figure 69).

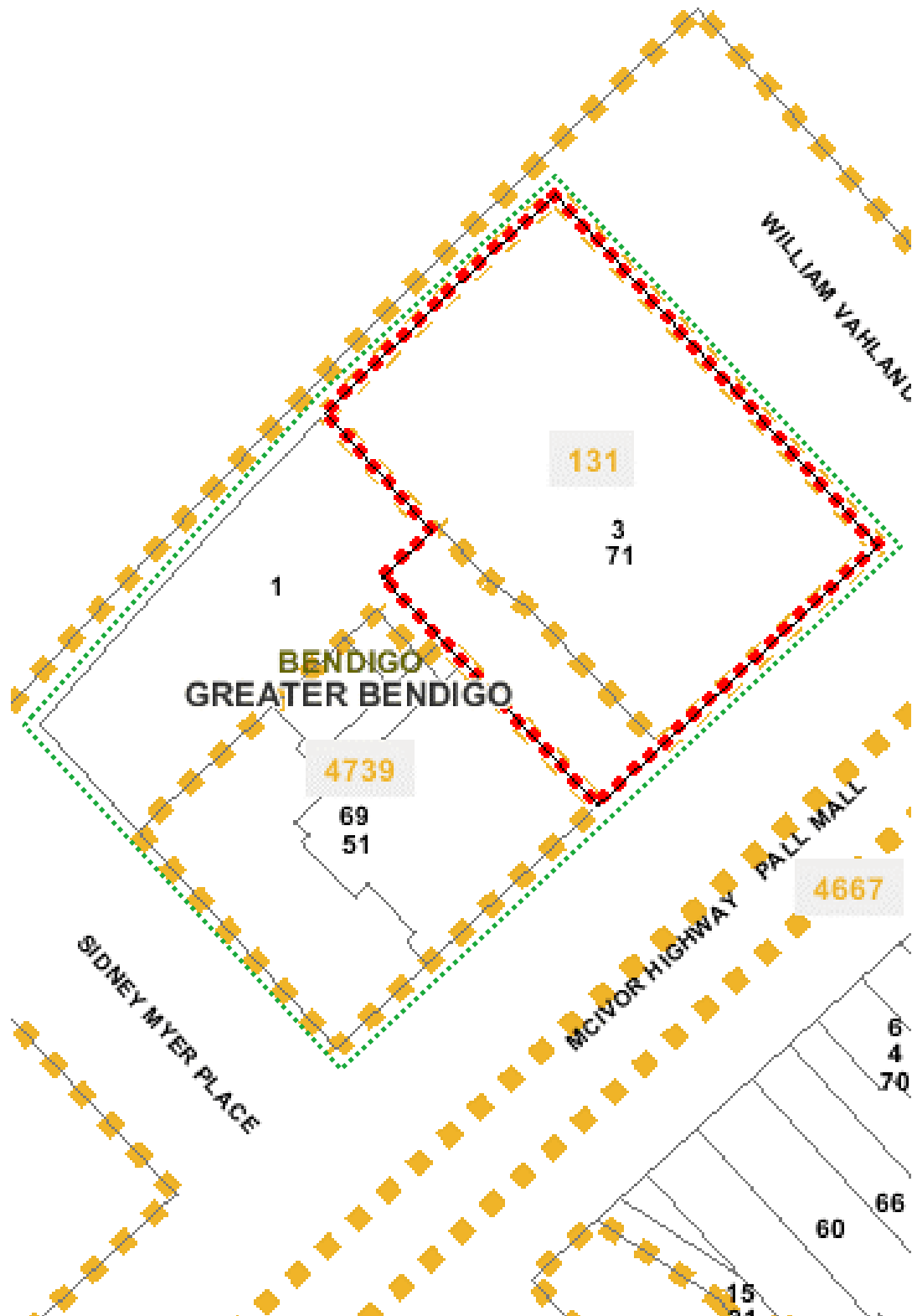


Figure 69 The recommended heritage curtilage for the Law Courts is in red; the green line is a recommended curtilage for the Public Buildings Reserve  
 Source: [services.land.vic.gov.au/maps/hermes.jsp](https://services.land.vic.gov.au/maps/hermes.jsp), accessed 7 August 2018

## Policy 10 Views

*Views of the Law Courts that are central to an understanding of the building's historical and aesthetic significance should be maintained.*

The Law Courts is located to the east side of the Public Buildings Reserve, addressing Pall Mall. The most important views of the building are from Pall Mall, specifically views from the south-east, north-east and south-west (Figure 70).

The rear elevation, addressing the service lane and Justice Centre, is quite distinct, with a breakfront expression incorporating deep arcaded verandahs. This response was conceived for both practical reasons (to manage solar gain in the main courtroom spaces) and for aesthetic reasons (the building is visible in elevated vantage points from Rosalind Park). It is noted that openings at the north end of the rear elevation have been blocked, associated with the introduction of WCs/wet areas. The rear elevation is an element that supports an understanding of the site's cultural heritage values.

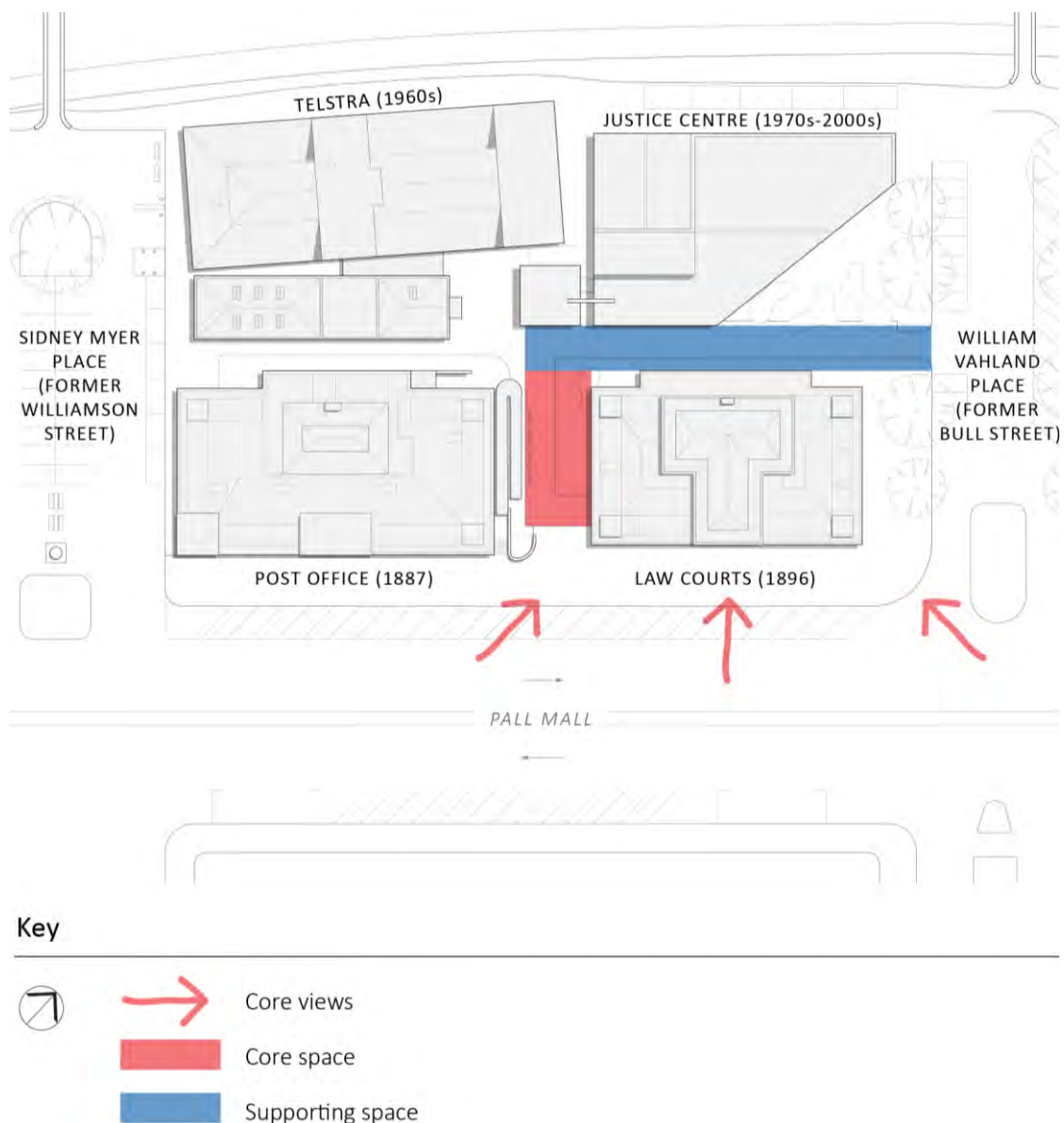


Figure 70 Core views of Bendigo Law Courts

### **Policy 11 Remedial works and cyclical maintenance of significant built fabric**

*Programs of priority maintenance, remedial works and cyclical maintenance should form the basis for on-going care of the significant built fabric at the Bendigo Law Courts.*

The fabric of historic buildings and fabric will deteriorate over time due to the effects of age, weather and use. Poor maintenance can hasten the decline and decay of fabric, which can be expensive to rectify if not promptly addressed. It may also result in the loss of significant heritage fabric which can in turn impact on the heritage values of the place.

The establishment of a cyclical maintenance programme will help to retard deterioration and, following any refurbishment works, to prevent future deterioration of restored original or introduced new material. Broadly, the approach to maintenance should firstly be to maintain and ensure that the significant original and early fabric does not deteriorate further and secondly to maintain all existing fabric. *Ad hoc* repairs or patch ups should be avoided.

Regular inspections of the building's fabric should occur, with an emphasis on susceptible areas such as guttering and downpipes, door and window openings. Generally, day-to-day maintenance work can be carried out in accordance with the conservation policies and without reference to a conservation specialist. However, major maintenance works should be undertaken under the direction of an appropriately qualified conservation practitioner.

The primary aim of repair work should be to retain as much of the historic material as possible. In most cases involving repairs to significant fabric, the advice of a heritage practitioner will be required prior to undertaking the works, to ensure the significant fabric is treated appropriately.

#### **Maintenance**

Maintenance addresses all existing components of the place, including fabric and setting. Introducing new elements (such as new structures) or changing and adapting the existing building are not matters of maintenance and are addressed in policies and recommendations included elsewhere in this CMP.

Typical maintenance works at the Bendigo Law Courts include:

- Cleaning out drainage systems and other water storage and drainage areas
- Maintaining and securing external wall fabric, glazing and joinery in an appropriate and sympathetic manner (may require specialist input)
- Maintaining building services
- Replacing or upgrading services (may require specialist input for substantial works)
- Maintaining existing power or pipelines or other services where this involves no alteration to the fabric of the place

Regular monitoring of the condition of significant fabric is also an important aspect of maintenance.

With regard to the recommended cyclical inspection and maintenance programme, the following sets out a desirable minimum program for cyclical maintenance.

Annual:	Roof cladding, gutters, downpipes, drains and surface drainage, bird-proofing, roof space, security and fire precautions, plumbing, electrical and data cables and appliances, windows and doors and general safety. Ceilings, floors, stairs, joinery, fixtures and fittings, tiling and building services.
4–5 years:	External walls, external joinery other than for windows and doors and lighting.



## Repairs

From a heritage perspective it is generally recommended that repairs of significant buildings and structures should involve replacing ‘like with like,’ i.e. the replacement of material (missing, deteriorated or broken) with fabric to match the existing. Accepting this principle, it is also important to determine if the material proposed for replacement is appropriate (it may not be original). The advice of a qualified heritage practitioner should be sought on this. Wherever possible, only actual decayed fabric of a heritage structure should be replaced, instead of the whole host element.

Repairs to significant structures should also, in preference, be carried out by appropriately skilled staff or contractors, and may require in some cases prior analysis of the composition of the fabric to be repaired/replaced.

Specialist input may also be required for the identification and eradication of any damage caused by pest infestations. Rectification may involve repair to, or replacement of, damaged fabric.

## Policy 12 Hazardous materials

*Removal of hazardous materials from the Bendigo Law Courts should seek to minimise physical impacts on core and supporting areas and elements.*

As noted in Chapter 5, the presence (or otherwise) of hazardous material at the Bendigo Law Courts was not confirmed during research for this CMP.

In the event that there is a requirement for removal of hazardous materials, the key consideration from a heritage perspective will be to conduct their removal with minimal physical impacts on the presentation and character of the Law Courts. This includes recording evidence of early decorative treatments where there is a requirement to remove paint.

## 6.4 Use, adaptation and change

### Policy 13 Use

*Future uses of the Bendigo Law Courts should be compatible with the assessed values of the place so that its cultural significance is maintained and conserved.*

#### *Requirement for change*

The Law Courts building of 1896 has served the use for which it was designed for 122 years (at the time of writing). This use is no longer viable, as revealed by analysis commissioned by CSV in 2016 which demonstrated that options for refurbishment and expansion would be costly, inappropriately invasive to the building fabric would not provide the level of future-proofing required for a major court complex. While it is recognised that the cessation of judicial use will diminish the cultural heritage significance of the heritage place, it is also noted that there is limited capacity under the *Heritage Act 2017* and the *Planning and Environment Act 1987* to prevent a change of use to a heritage place where the existing use is no longer viable. Managing access to heritage places is also generally beyond the control of the two Acts.

#### *Options*

The following high-level discussion of options for the future use of the Law Courts is not informed by a feasibility study or local needs analysis, as would desirably have been the case. It is intended to provide a context for the matrix of options for future management of the building at Table 5.

*Justice Centre:* Continued use of the historic building for judicial purposes and/or operations would be compatible with the building’s historic values and its location at the epicentre of Bendigo’s legal

precinct. This might take the form of a 'Justice Centre' (or similar model), including law offices, chambers, commercial offices, commercial tenancies (i.e. café), local premises for the Judicial College of Victoria and a small museum, or exhibit. It is possible that this model would enable the historic building to operate independently of land to the north-west.

*Museum:* It is improbable that use of the 1896 building as a museum would be viable without substantial Council/State Government support. It is also noted that a museum of the judiciary may be better suited to Melbourne's Supreme Court, given its pre-eminence as the centre of the Victorian judicial system, the presence of the Supreme Court Library and the comparative size and accessibility of the Melbourne market.

*Community-based and/or arts use(s):* As noted, analysis of what services/activities are required in central Bendigo was not available to the authors of this CMP. However, with regards to community-based and/or arts use(s) it is noted that the Bendigo Art Gallery is located nearby, on the west side of Rosalind Park (View Street). It is also understood that the historic core of the nearby TAFE site is proposed for use as community facilities. As a consequence, it is anticipated that there may not be sufficient demand for further community-based and/or arts accommodation in the vicinity.

*Institution:* Use of the 1896 building as a university campus (or similar) would depend upon there being a strong commitment to the building on the part of the institution. It can be anticipated that such a use would be necessarily invasive to the building fabric (to address issues relating to vertical and lateral circulation, and to provide lectures theatres and the like). It can also be anticipated that use by an institution may require development on the site to the north-west of the Law Courts.

*Commercial use:* A commercial use (i.e. hotel, retail, office) would be dependent upon the redevelopment of the site to the north-west. The delivery of viable uses for spaces within the Law Courts building to support the core commercial operation (located to the north-west) would be necessarily aggressive in terms of interventions to the fabric. The limitations of the existing building, where only approximately 45 per cent of the floor space has the potential for active program, is a major constraint, and would require consolidation of spaces. A commercial operator may also have an interest in bridging the rear service lane, to create direct upper level connections with the historic building.

#### *Options analysis*

A key aspiration of this CMP is to provide constructive direction with regards to the identification of a viable and sustainable use. A key consideration in any future use will be to strike a balance between maintaining the assessed significance of the place and finding a sustainable use. The key test will be the degree to which the legibility of the architectural and judicial program is impacted. A summary of future management options is provided at Table 5.

Table 5 Future management: matrix of options

	<b><i>Approach</i></b>	<b><i>Heritage impact</i></b>	<b><i>Use</i></b>	<b><i>Comment</i></b>
1	No change to 1896 building, exterior and interior  Services, access and compliance upgraded  Justice Centre site subdivided and redeveloped	Cessation of judicial use would diminish the building's cultural heritage values  Upgrades of services, access and compliance would need to be sensitively handled  Development on the Justice Centre site no higher than	Museum, Justice Centre, community-based and/or arts use	Unlikely to be economically unviable due to the constraints of circulation, access and useable area

	<b>Approach</b>	<b>Heritage impact</b>	<b>Use</b>	<b>Comment</b>
		the parapet of the historic building (c. 14.5m), subject to the provisions of DDO5		
2	<p>Localised interventions to 'supporting' areas and elements – i.e. consolidation of spaces</p> <p>New external vertical circulation core to the rear of the Law Courts</p> <p>Services, access and compliance upgraded</p> <p>Justice Centre site subdivided and redeveloped</p>	<p>Minimal impact on the legibility of the architectural and judicial program</p> <p>External change quarantined to the rear ('supporting' elevation)</p> <p>Cessation of judicial use would diminish the building's cultural heritage values</p> <p>Upgrades of services, access and compliance would need to be sensitively handled</p> <p>Development on the Justice Centre site no higher than the parapet of the historic building (c. 14.5m), subject to the provisions of DDO5</p>	Justice Centre, office, institution	Likely to be economically unviable due to the constraints of circulation, access and useable area
3	<p>Localised interventions to 'supporting' areas</p> <p>Services, access and compliance upgraded</p> <p>Site to the north-west of the Law Courts replaced with structure that supports the on-going use of the 1896 building. This approach assumes that some form of connection (subterranean or bridge) will be required, and that vertical access would be incorporated into the new-build</p>	<p>Minimal impact on the legibility of the architectural and judicial program</p> <p>External change quarantined to the rear (elevation of supporting significance)</p> <p>Cessation of judicial use diminishes cultural heritage values</p> <p>Services, access and compliance upgrades sensitively handled</p> <p>Development on the Justice Centre site no higher than the parapet of the historic building (c. 14.5m), subject to the provisions of DDO5</p>	Hotel, retail	Potentially viable from an economic perspective

	<b>Approach</b>	<b>Heritage impact</b>	<b>Use</b>	<b>Comment</b>
4	<p>Interventions to 'supporting' areas and some areas of 'core' significance</p> <p>Services, access and compliance upgraded</p> <p>Justice Centre site replaced with structure that supports the on-going use of the 1896 building. This approach assumes that some form of connection (subterranean or bridge) will be required, and that vertical access would be incorporated into the new-build</p>	<p>Impacts on the legibility of the architectural and judicial program</p> <p>External change quarantined to the rear (elevation of supporting significance)</p> <p>Cessation of judicial use diminishes cultural heritage values</p> <p>Upgrades of services, access and compliance need to be sensitively handled</p>	Hotel, retail, office	<p>Potentially viable from an economic perspective</p> <p>It may be challenging to achieve Heritage Victoria support for this degree of intervention</p>

#### **Policy 14 Contextual presentation**

*The contribution of the Bendigo Law Courts as a core component of Bendigo's Public Buildings Reserve and the Pall Mall 'boulevard' should be retained.*

In anticipation of a change of use at the Law Courts, emphasis should be placed on reinforcing the visual prominence of the historic building and its relationship with the Post Office in views along Pall Mall.

#### **Policy 15 Changes to the 1896 Law Courts building**

*Physical alterations to the 1896 building should be limited to works that do not diminish the building's cultural heritage values.*

The 1896 Law Courts building does not have a history of adaptation and alteration. Where change has occurred, it has been driven by technological and sanitary improvements, as well disabled access – see, for instance, the introduction of WCs, the lift and the access ramp to the basement. Change at the Law Courts site has traditionally been focussed on the land to the north-west of the historic building.

##### *General principles*

The future use of the 1896 Law Courts building is likely to require change. Where this occurs, the overriding objectives are firstly to retain and conserve 'core' areas, elements and attributes, and secondly to plan and undertake works in a manner that is sensitive to the valued form and presentation of the building and to minimise impacts on the legibility of the architectural and judicial program.

General principles, in descending order of preference, are that:

- Change should be focussed on the site to the north-west of the historic building;
- External change to the Law Courts building should be quarantined to the rear; and
- Internal change should be focussed on 'supporting' areas and elements.

More detailed guidance on future change at the Law Courts is included at Table 6 and Table 7.

Table 6 Bendigo Law Courts building (1896) exterior – principles to guide change

Element	Principles to guide future change
Building envelope	<p>The building envelope should be retained, including the roof form. Visible interventions or change should not be contemplated to the south-east, north-east or south-west elevations. (The north-west elevation is discussed below.) There is no potential for over-painting or removing render, and the introduction of applied details should be avoided. (Signage is addressed at Policy 15.)</p> <p>New openings and modifications to existing openings should not be contemplated, particularly to elevations visible from Pall Mall.</p> <p>The building's existing external presentation should be maintained. The original specification, which specified the application of a 'warm red/yellow wash intended to emulate freestone'<sup>136</sup> should be the key reference for managing the building's external presentation.</p> <p>Likewise, the original colours specified for the metal and timber elements should be maintained. The ornamental iron roof crestings and finials, the palisade fence and the gates (apart from those at the front arcade) should be 'chocolate picked out with gold'. The window sashes and frames, fanlights, woodwork of lunettes and all the external doors and their frames should be 'bronze-green'.</p> <p>Where there is a requirement to accommodate plant on the roof, the existing arrangement should be maintained, where units are concealed from ground level vantage points.</p> <p>There is no heritage imperative to reinstate the statuary and urns removed in the 1950s. However, in the event that this action is pursued, the works should be accurately reinstated based on the original documentation.</p> <p>The entry arcade (G11) should not be enclosed.</p>
Rear (north-west) elevation	<p>Localised change has occurred to the rear, including in-filling of openings related to the introduction of WCs at the north of the building. It is also assessed as an element that 'supports' the significance of the place but is not 'core'. On this basis, and on the understanding all efforts to avoid the requirement for change to the other elevations will be explored, some degree of intervention can be contemplated to the rear to support a sustainable use for the building. These interventions might include:</p> <ul style="list-style-type: none"> <li>• A lift/services core, located within the service lane (subject to the requirement to retain the laneway as a trafficable thoroughfare, as noted below). This approach might be contemplated in the event that a self-sustaining use for the Law Courts is identified, independent of the site to the north-west; and</li> <li>• Introducing an elevated bridge between a new-build on the site to the north-west and the historic building. Such an approach would need to be carefully considered in terms of the interface with the</li> </ul>



Element	Principles to guide future change
	<p>historic building, siting (set back from William Vahland place) and materials (lightweight).</p> <p>The rear arcade should not be enclosed.</p>
Rear service lane	<p>The service lane should remain legible and useable as a laneway.</p> <p>There is potential for the width of the laneway to be reduced.</p>
Access	<p>There is potential to replicate the arrangement at the south of the building, whereby a ramp is introduced in the light court at the north of the building.</p> <p>Activating the main entry to Pall Mall is a challenging proposition from a heritage and compliance perspective. The advice of an access consultant should be sought with regards achieving compliance. It should be accepted that there will always be a requirement for main entry to be supported by other points of access (see also Table 3 'Access').</p>
Standard lamps	<p>The existing external standard lamps are not original. However, they are of long-standing (1950s) and should be retained, unless there is a strong imperative for their replacement. Where there is a requirement for replacement, reference should be made to the form of the lamps originally specified.</p>

Table 7 Bendigo Law Courts building (1896) interior – principles to guide change

Element	Principles to guide future change
Roof space	<p>There are generous attic spaces at the building, including a two-storey space to the south of the Supreme Court. These spaces can reasonably be contemplated for activation for services and/or program, subject to resolution of access and the provision of natural light.</p>
Access	<p>It may be possible to provide a compliant service ramp within the existing service corridor B02, which is accessed from the rear service lane.</p>
Lift	<p>If required, as part of a thorough and considered adaptive program for the building, it may be possible to consider a second lift in the south-west of the building, rising from the north half of B17, and extending through the north half of G14 and the south of F20.</p>
Consolidation of spaces	<p>Consolidation of spaces at the building has occurred before, notably the integration of B17, B18 and B01 for use as a registry/office. Where there is a requirement for consolidation of spaces, the preferred location is the basement, where there is a generally lower level of decorative detail. As far as possible original elements, including fireplaces, strong room doors and evidence of the 1890s planning, should be retained.</p>

## Policy 16 Signage

*Signage should not diminish the building's cultural heritage values.*

The Law Courts was designed without signage applied to the building exterior. This approach should be continued.

Where there is a requirement for signage – i.e. wayfinding and/or tenancy naming – the approach should be to introduce freestanding signs to in the courtyard between the Post Office and Law Courts, or to fix signs to the perimeter railings. Signs should not to be fixed to the building exterior.

## Policy 17 New development

*The introduction of new works to the north-west of the Law Courts should be sensitive to the heritage values of the place, including the presentation of the Law Courts from Pall Mall and the building's relationship with the Post Office.*

New works can be contemplated on the site to the north-west of the Law Courts. There is no heritage imperative to retain the splayed arrangement of the present Justice Centre. Development on this site should be no higher than the main parapet of the Law Courts (c. 14.5m). Basement levels can be considered (Figure 71).

Infilling the space between the Post Office and Law Courts should be not be contemplated. Such an approach would: alter the relationship between the two buildings; conceal an elevation of the two nineteenth century civic buildings; and diminish an ability to perceive them as free-standing structures designed to be seen in-the-round.

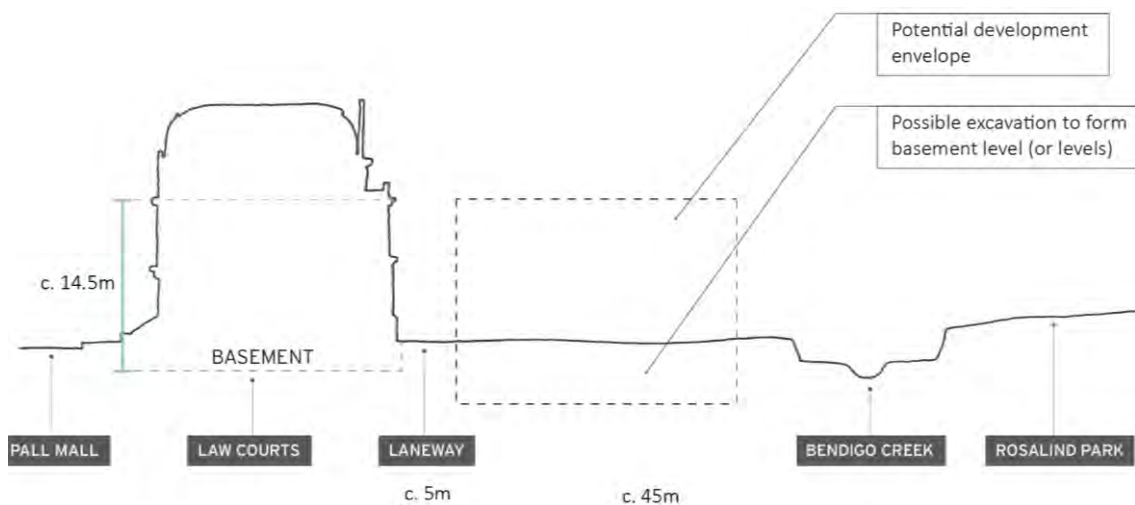


Figure 71 Site 1 – Bendigo Law Courts: potential development envelope

## 6.5 Management policies

### Policy 18 Statutory controls

*The VHR entry for the Bendigo Law Courts should be updated to reflect the outcomes of this CMP.*

This CMP has found that the 1896 Law Courts building is of historical, architectural and aesthetic significance to Victoria. While these values align with the existing VHR entry, the reasons for their identification are different.

The VHR entry should be updated to include the Statement of Significance at Chapter 4 of this CMP. The VHR entry should also be amended to include a Permit Policy that references this CMP, and a suite of permit exemptions to assist with the on-going management of the Law Courts.

A key consideration regarding the management of the place under the *Heritage Act 2017* is that the entry should be amended under Part 3 of the Act to include both the building and an appropriate area of land – see Policy 9 ‘Heritage curtilage’.

As noted at Policy, 9, recognising that the relationship between the Post Office and the Law Courts is of State-level significance; it may also be appropriate to consider a registration for the Public Buildings Reserve.

### Policy 19 Social values

*A formal appraisal of public attachment (or social value) as related to the Law Courts should be undertaken to enable an assessment against Criterion ‘G’ of the Heritage Council of Victoria criteria.*

As noted, a formal assessment of the communal attachment for the Law Courts was not undertaken for this CMP. Commentary in this report regarding the potential for those values to exist is therefore based on reasonable assumptions as opposed to evidence.

A social value assessment of the courts should be undertaken within the life-span of the CMP (by 2023) to identify groups or communities that have an attachment to the place. This assessment should include engagement with Traditional Owner groups.

In the event that such groups/communities are identified, and the place is considered to meet the threshold for social values – at the local and/or State level – the objective would be to work with those groups/communities to develop approaches to managing those values. This objective recognises that there is limited capacity under the *Heritage Act 2017* and the *Planning and Environment Act 1987* to prevent a change of use to a heritage place where the existing use is no longer viable (as noted at Policy 13).

#### *Approaches to identifying and assessing social value*

Concepts of communal attachment to places derived from experience and practice have achieved widespread levels of recognition in heritage practice over the past 20 years. Over a similar period, challenges associated with the assessment and management of social value through existing statutory regimes have become increasingly evident.

A review of approaches to the identification, assessment and management of social value was the subject of a report prepared for the Heritage Council of Victoria by Lovell Chen and the Australian Centre for Architectural History, Urban and Cultural Heritage (ACAHUCH) in May 2018. The report (which is not public) makes recommendations for the preparation of guidelines to support heritage practitioners, community groups and statutory authorities to identify and assess places of social value to a community group, or groups, through the collection of an evidence base.

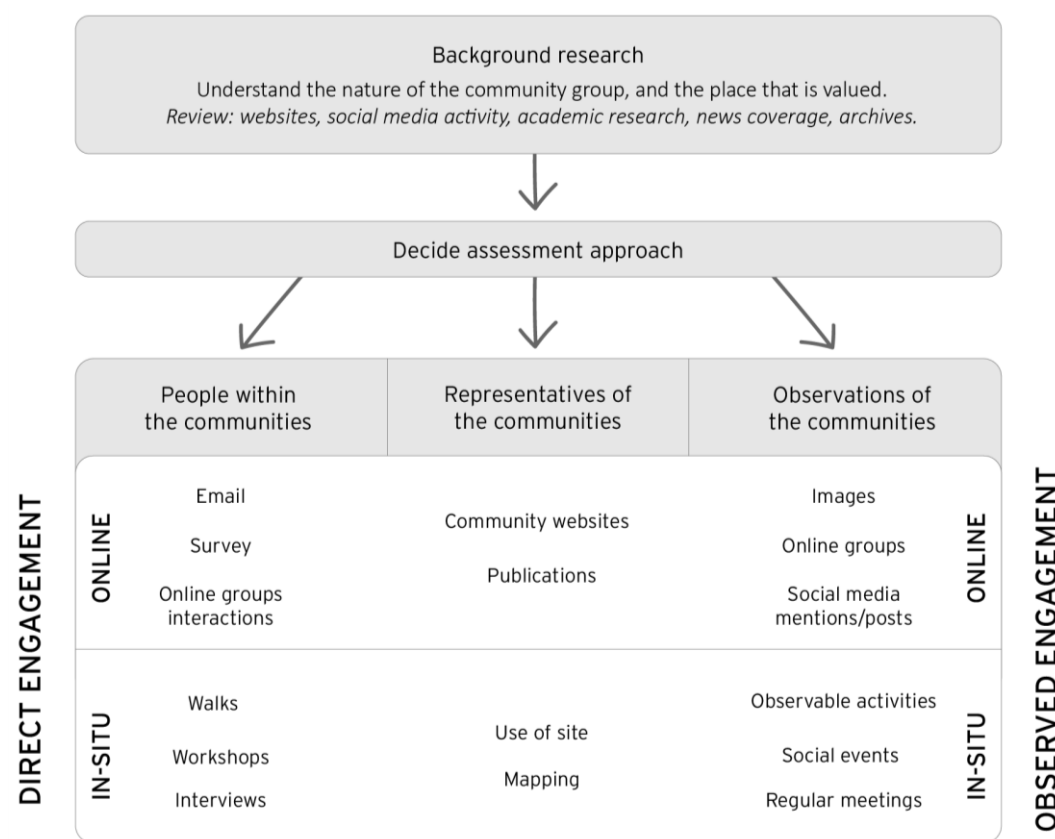


Figure 72 An approach to assessing social value  
Source: Lovell Chen and ACAHUCH, *Assessing and managing social value*, report for the Heritage Council of Victoria, May 2018

In most cases, methods for collecting evidence of social value will include a combination of background research, observation and direct engagement with community groups – a graphic representation of the recommended assessment process is at Figure 72.

Regardless of which technique, or combination of techniques, is adopted, the outcomes should establish:

- The intensity of the group's attachment to the place;
- The length of time that the community (or communities) have retained an attachment to the place (time depth); and
- The nature of the community group, or groups, by whom a place is valued (large/small, united/fragmented, informal/formal etc).

At Bendigo Law Courts it is possible that there exists a degree of communal sentiment for the Law Courts on the part of the Victorian judicial community, particularly in the Bendigo and Loddon Mallee region. In addition, the Bendigo community at large may have a collective attachment to the place associated with the building as a civic landmark that recalls the city's Gold Rush heyday and consolidation as a major inland centre. Also, as discussed at Section 5.4.4, it can be anticipated that Traditional Owner groups will have a connection to the site related both to its location (in proximity to a watercourse and elevated vantage point) and to its use (an imposed system of justice). If this were to be demonstrated to be case, it can be anticipated that these groups/communities would have quite distinct aspirations for the management, or recognition, of their connection to the place.

Outcomes of the social values assessment may inform the interpretation below (see below).

**Policy 20 Furniture, objects and fittings**

*A detailed assessment of the furniture, objects and fittings at the Bendigo Law Courts should be commissioned and completed within the life-span of this CMP (by 2013).*

The collections of furniture, objects and fittings at the Law Courts has been assessed as being of significant value to the heritage values of the Law Courts. However, an assessment of the furniture was outside the scope of this CMP.

Using the analysis set out in the Conservation analysis prepared by Bruce Trethowan, Robert Peck & Co (1986) as a guide, the analysis should establish the condition and significance of items/elements, in their own right and as part of the collection, and protocols for management. The assessment should include but not be limited to those items identified at Table 8.

Table 8 Classes of furniture, objects and fittings

<b><i>Class</i></b>	<b><i>Examples</i></b>
Moveable furniture	Benches, bookcases, chaise lounges, chairs, court boxes, cupboards and tables
Objects	Clocks, writing slopes, footstools, hallstands, paintings, safes, screens, writing pedestals, easels, fenders
Fittings	Gasoliers, chandeliers, fire boxes

**Policy 21 Collections**

*An assessment of the collection of books and judicial paraphernalia at the Bendigo Law Courts should be commissioned and completed within the life-span of this CMP (by 2013).*

The Bendigo Law Courts includes a collection of books and documentary material relating to the history and delivery of justice in Bendigo since the mid-nineteenth century. The book collection is understood to include the two books donated by Justice Redmond Barry to the Bendigo Circuit Court at the opening of the original court facility in 1860 – Archbold's *Criminal Law* and Roscoe's *Nisi Prius*.

This contents, condition and significance of these collections should be assessed by an appropriately qualified consultant during the life-span of this CMP (by 2023).

**Policy 22 Recording**

*Court Services Victoria, and subsequent owners, should maintain a record of significant interventions to the 1896 Law Courts building, its setting and collections.*

Records of works/interventions to the Law Courts building should be maintained by CSV. The record (or file) should include copies of all superseded architectural drawings, and photography of the affected areas before and after the works.

CSV should also compile a visual record of the 1896 building prior to the cessation of its use for judicial activities. The outcomes of this process have the potential to inform future interpretation of the complex (see Policy 23).

Of particular importance is a record of any works with the potential to impact on the original planning of the courts complex; the significance of these aspects of the building are unlikely to be immediately apparent.



**Policy 23 Interpretation and promotion of heritage values**

*CSV and subsequent owners of the Law Courts should promote and disseminate information about the heritage values of the place.*

Strategies for the promotion and dissemination of information about the cultural heritage values of the Law Courts should be prepared in the form of a Heritage Interpretation Plan (HIP). Recommendations for interpretation should be informed by but not limited to consideration of: best practice principles (including the *Burra Charter* 2013 practice note 'Interpretation'); the identified heritage values of the place; and the anticipated audience for interpretation.

Interpretation can be undertaken via a range of tools and methods. Information can be presented in a readable format (printed or electronic, including brochures, pamphlets, books and websites); through on-site signage; through the display of objects/artefacts; and through art works.

In preference, the HIP would be prepared within the life-span of this CMP to capture information and values while the building is still in use for judicial purposes.

**Policy 24 Archaeology**

*The discovery of historical archaeological artefacts and objects, which can contribute to an understanding of the Law Courts site and its context, should be reported to Heritage Victoria*

The Law Courts site has been subject to significant disturbance, including mining activity, the re-alignment of the creek, the construction of the Courts complex in the 1890s and twentieth century works to the north-west of the historic building. However, there exists some potential for subsurface artefacts at the site, including the area of at-grade car parking at the far north-west of the site, next to the creek.

It is recommended that a qualified historical archaeologist is engaged to undertake a predictive assessment of the site prior to the commencement of any works. A predictive archaeological assessment typically comprises a desk-top study of historical documentation/sources, and a site inspection. The deliverable is a written report that identifies zones/areas of potential sensitivity, and other recommendations as appropriate.

Subject to the outcomes of the predictive study, ground disturbance works would require the approval of the Executive Director, Heritage Victoria. This would take the form of a Consent to Excavate or Damage. Consents and permits for archaeological work, such as excavations, are only issued to qualified historical archaeologists.

**Policy 25 Risk preparedness**

*A Risk Management Strategy should be integrated into the broader management and administration of the Bendigo Law Courts.*

Risk preparedness and management is an important means of protecting and conserving the values of heritage places. While a detailed assessment of risk is beyond the scope of this report, the following table describes potential threats and hazards posed to the physical fabric at the subject site by environmental and man-made factors.

Table 9 Analysis of risk to the Bendigo Law Courts

<b>Threat</b>	<b>Probability</b>	<b>Preparation/ Response</b>
Vandalism and theft	Moderate	Vandalism and theft are always possible and a normal level of awareness and security should be observed. Internal and external security cameras could be maintained.
Fire	Always present	Maintain a fire suppression and warning system. Ensure there is an evacuation plan in place, and conduct regular training and rehearsals. Ensure that combustible materials do not come into contact with hot lights. Ensure that extinguishers, fire blankets etc, are located within reach of potential sources of fire. Maintain electrical systems in good order. Maintain liaison with fire brigade to regularly test and monitor systems.
Flood	Possible	Localised internal flooding, from toilets, sinks and pipe work, is always possible. Maintenance of wet areas and pipe work is a means of minimising this possibility.
Water ingress	Moderate	Rainwater goods (gutters, downpipes and sumps) should be repaired (where required), maintained, installed and kept clear. Inspect and maintain roofs, windows and doors regularly.



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## **APPENDIX A**

### **HERITAGE CITATIONS**

- A.1 Victorian Heritage Register
- A.2 City of Greater Bendigo citation
- A.3 National Trust (File number B5126, State significance)
- A.4 Register of the National Estate (Public Buildings Group)
- A.5 Register of the National Estate (Law Courts)



Victorian Heritage Register

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<b>VICTORIAN HERITAGE REGISTER NUMBER</b>	H1466
<b>NAME</b>	LAW COURTS
<b>LOCATION</b>	77-85 PALL MALL BENDIGO, Greater Bendigo City
<b>LOCAL GOVERNMENT AREA</b>	GREATER BENDIGO CITY
<b>CATEGORY</b>	Heritage place
<b>GAZETTAL DATES</b>	<b>GAZETTAL TYPE</b>
20/08/1982	Addition
12/10/1988	Amendment
23/05/1998	Amendment



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**EXTENT:** Amendment of Register of Government Buildings  
Bendigo City  
Law Courts, Pall Mall, Bendigo.  
[*Victoria Government Gazette* No. G39 12 October 1988 p3087]

Transferred to the Victorian Heritage Register 23 May 1998 (2 years after the proclamation of the Heritage Act 1995 pursuant to the transitional provisions of the Act)



## STATEMENT OF CULTURAL HERITAGE SIGNIFICANCE:

### What is significant?

The Bendigo Law Courts building was designed by the Victorian Public Works architect George W. Watson in the Victorian Second Empire style and built in 1892-96 by contractors McCulloch and McAlpine. Reminiscent of an Italianate palazzo, the exterior of this extravagant stuccoed masonry building with bluestone base features mansard roofs, dormer windows, and facades with arcuated systems of openings, superimposed piers and Corinthian pilasters. The courts and vestibules are flanked on either side by rooms for the jury, judge, witnesses, barristers, prisoners, sheriff, and other court officials. Access for the judge and prisoners is from the rear. The public enter through grand vestibules on either side of a central stone staircase which leads to the Supreme Court on the first floor. The major visual alteration to the building occurred during the 1950s when the central statuary group and flanking urns were removed from the upper parapet due to deterioration of the cement and wrought iron dowels. Today, the building continues its original function, and houses Magistrates, County and Supreme Courts. It is a dominant feature of Bendigo's historic precinct of public buildings designed in similar style, among which is the Bendigo Post Office which Watson designed ten years before the Law Courts.

### How is it significant?

The Bendigo Law Courts building is of historical, architectural and aesthetic significance to the State of Victoria.

### Why is it significant?

The 1896 Bendigo Law Courts building is historically significant as a major work of the Victorian Public Works Department and of architect George W. Watson (1850-1915), who was Chief Architect in the Department between 1910 and 1915. It is also historically important for its continuous association with the legal process in one of Victoria's biggest inland centres over the past 100 years. Bendigo Law Courts is historically important for the physical exuberance and magnificence of the building which illustrates Bendigo's transition from mining town to a prosperous, permanent metropolis built on the wealth of gold. The building is also historically important for housing an extensive collection of nineteenth and early twentieth century furniture and fittings, much of which has been identified as part of the original building.

Bendigo Law Courts is architecturally significant for its rarity in Victoria as an example of the French Second Empire style of architecture applied to a building used exclusively for the administration of justice. Of ten justice buildings erected in this style in Victoria between 1875 and 1896, Bendigo Law Courts is the only one of these that was not combined with other buildings (e.g., post offices, municipal offices, and police stations).

Bendigo Law Courts is aesthetically significant for its high qualities of design and construction, which are reflected in the building's innovative planning, axial expression, carefully proportioned hierarchical spatial arrangement, internal decoration, fittings and refined detailing.

**PERMIT EXEMPTIONS:**

**BENDIGO LAW COURTS, PUBLIC OFFICES  
OFFICES, PUBLIC  
PALL MALL**

**SURVEY DATE: 1991-2  
AUSTRALIAN HERITAGE COMMISSION REGISTER: R  
STUDY GRADING: A  
CONSTRUCTION DATE: 1890-96  
FIRST OWNER: VICTORIAN COLONIAL GOVERNMENT**



**CITATION:**

**History**

'The law courts were designed to complement the earlier post office alongside, and were similarly to be viewed from all sides. Originally there were urns and statuary along the parapet which were removed for 'safety.' An eye-witness recalls that it took a team of men one week to dislodge the 'unsafe' statuary. The rich architectural detail and statuary were modelled by sculptors, Scurry and Wardrop, of Melbourne.

No expense was spared and the building is a delight to visit. Stawell stone was used for the staircase and sombre bluestone for the basement. There is fine woodwork and stained glass, some commemorating prominent men of law. The Supreme, Police, Lands, and Warden's Courts were originally housed here. For many years the rear view of this fine building was obscured by a police station. This was recently replaced by the present building which treats the court house with far more sympathy' Butcher & Flanders p.38.

**BENDIGO & EAGLEHAWK HERITAGE STUDY-SIGNIFICANT SITES  
GRAEME BUTLER & ASSOCIATES**





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## **Victorian Heritage Database place details - 31/7/2018**

### **Bendigo Law Courts**

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**Location:**

Pall Mall, BENDIGO, GREATER BENDIGO CITY

**Heritage Inventory (HI) Number:**

**Listing Authority:** HI

**Extent of Registration:**

**Statement of Significance:**

Completed in 1896 the Law Courts were designed by the Public Works Department in the Neo-Classical style with both Italian and French influences, and were built in rendered brick on a Harcourt Bluestone Base. The Supreme Court and Vestibule have excellent examples of mosaic floor tiling, brass work and elegant but robust cast iron work. The finely detailed plasterwork and joinery are particularly noteworthy.

Classified: 21/04/1976

Revised: 20/04/1978

**Description**

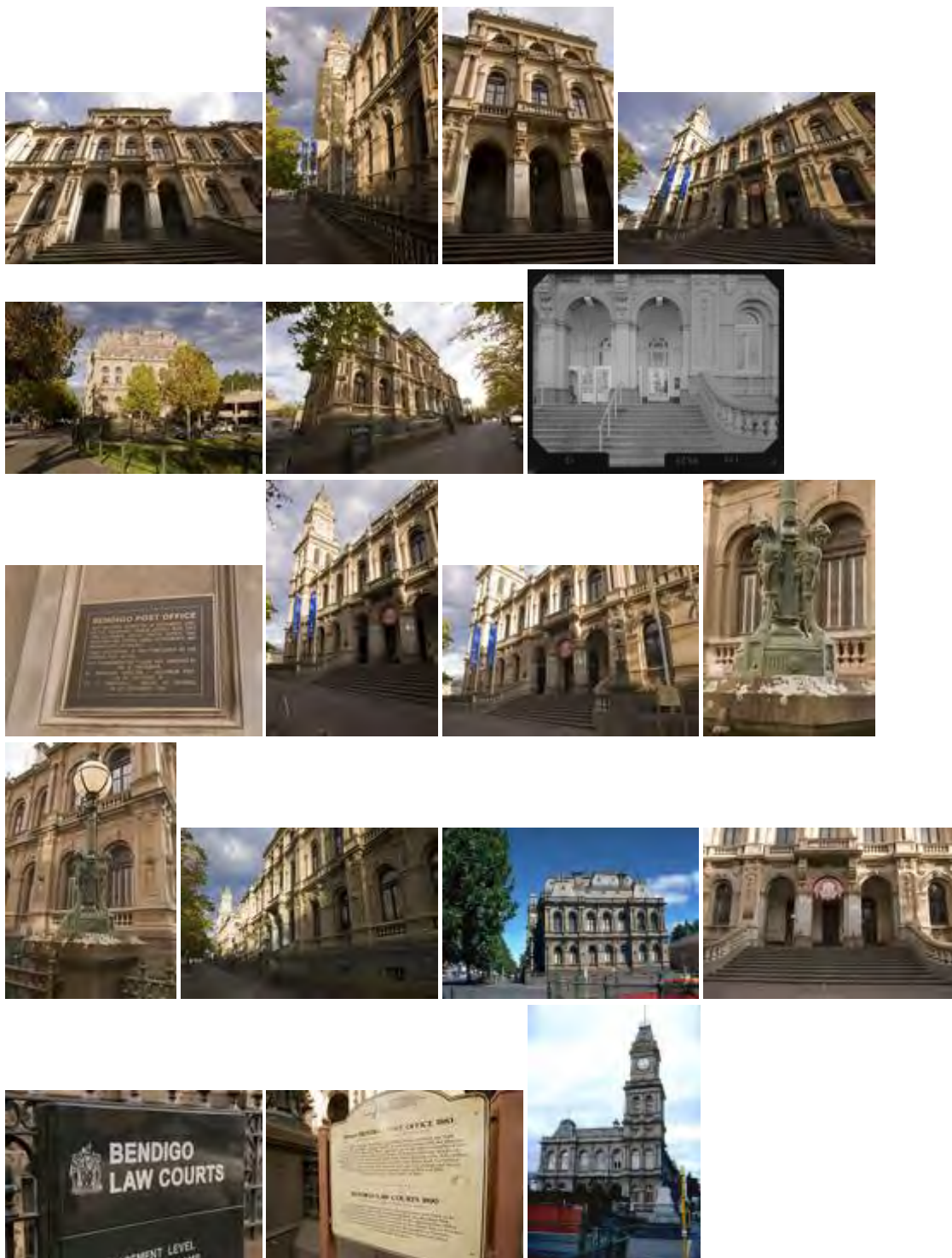
Heritage Study	
Year Construction Started	



Architect / Designer	
Architectural Style	
Heritage Act Categories	
Municipality	["GREATER BENDIGO CITY"]
Other names	
History	

[Send Feedback](#)

## Photographs



<b>List</b>	Register of the National Estate (Non-statutory archive)
<b>Class</b>	Historic
<b>Legal Status</b>	<a href="#">Registered</a> (21/03/1978)
<b>Place ID</b>	4312

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**Place File No** 2/06/200/0023

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**Statement of Significance**

Both buildings mostly in the renaissance order of architecture, typical of Bendigo in its boom period. The post office was built in 1887 and the law courts in 1896.

(The Commission is in the process of developing and/or upgrading official statements for places listed prior to 1991. The above data was mainly provided by the nominator and has not yet been revised by the Commission.)

**Official Values Not Available****Description**

Post Office: the foundation stone laid in 1883 and the two storey Renaissance style building with clock tower was completed in 1887.

Law Courts: construction began in 1892 and was completed in 1896. It is a two storey Renaissance style building. Both buildings were built by McCulloch and McAlpine.

**History Not Available****Condition and Integrity Not Available****Location**

51-71 Pall Mall, Bendigo.

**Bibliography Not Available**

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## Place Details

[Send Feedback](#)

### Bendigo Law Courts, 69 Pall Mall, Bendigo, VIC, Australia

#### Photographs



<b>List</b>	Register of the National Estate (Non-statutory archive)
<b>Class</b>	Historic
<b>Legal Status</b>	<a href="#">Registered</a> (21/03/1978)
<b>Place ID</b>	4314
<b>Place File No</b>	2/06/200/0023

#### Statement of Significance

The Bendigo Port Office and Law Courts comprise the finest Boom style public buildings in Victoria. The exterior of the Law Courts with its elaborate facades and decorative roof forms matches its predecessor, the Port Office in every way. The interior is among the finest in Australia. The staircase is unsurpassed in any other public building in Victoria, the court room is also most significant the superb stucco work, filing cabinet making and metalwork combine to create a magnificent whole.

(The Commission is in the process of developing and/or upgrading official statements for places listed prior to 1991. The above data was mainly provided by the nominator and has not yet been revised by the Commission.)

#### Official Values Not Available

#### Description

The Bendigo Law Courts were erected in 1892-6 by the Public Works Department. The architect was G W Watson. The contractors were McCulloch and McAlpine. The two storey brick structure has rendered facades with arcuated systems of openings and superimposed piers and Corinthian pilasters. The roof is clad in slate. The interior is planned around a grand stone staircase leading to the supreme court room on the first floor.

#### History Not Available

#### Condition and Integrity

Additional buildings to the rear now hide the park facade.

#### Location

69 Pall Mall, corner Bull Street, Bendigo.

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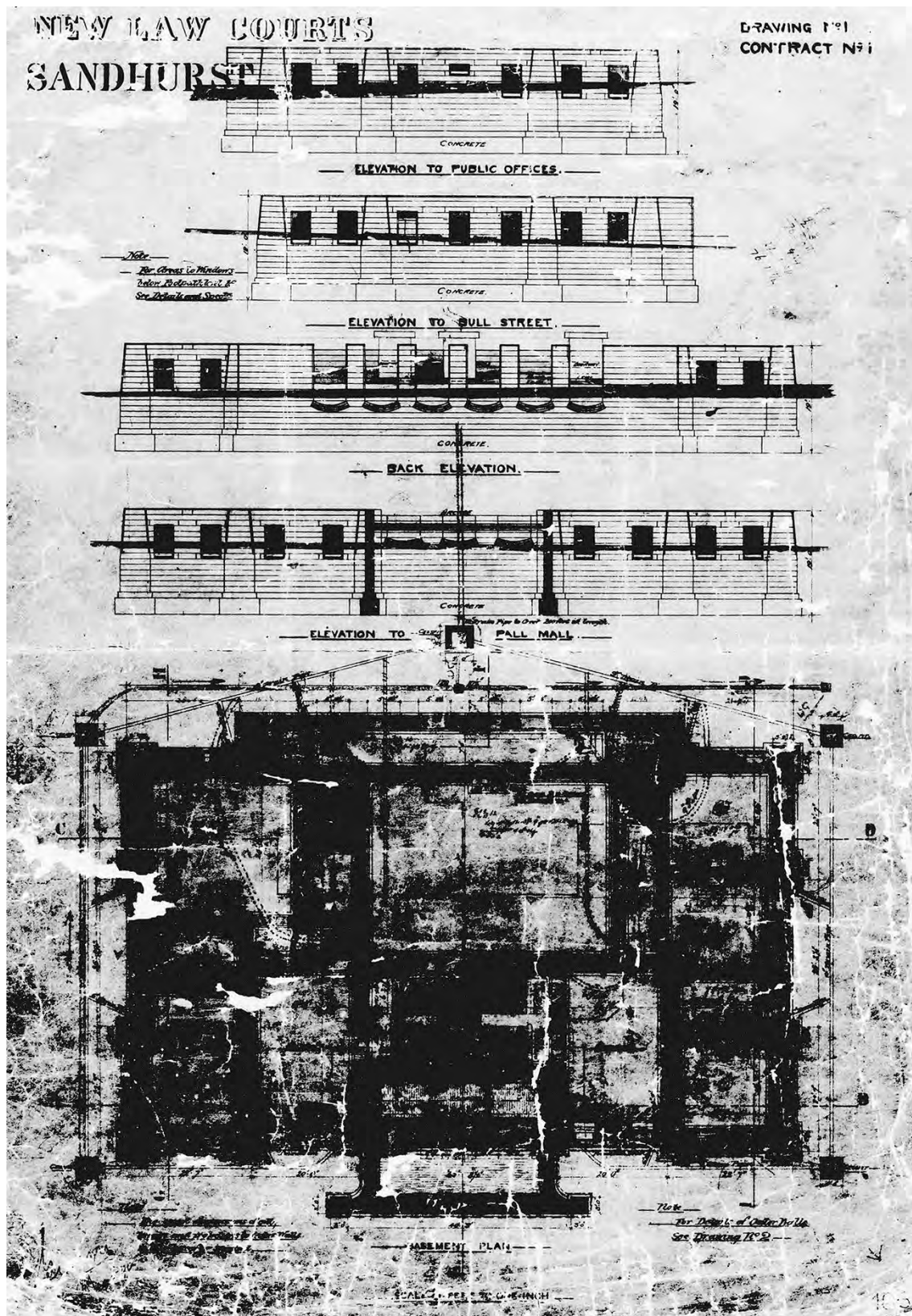


Figure 1 New Law Courts Sandhurst Drawing No. 1, Contract No. 1  
Source: Public Works Department, PROV LCB 10.3

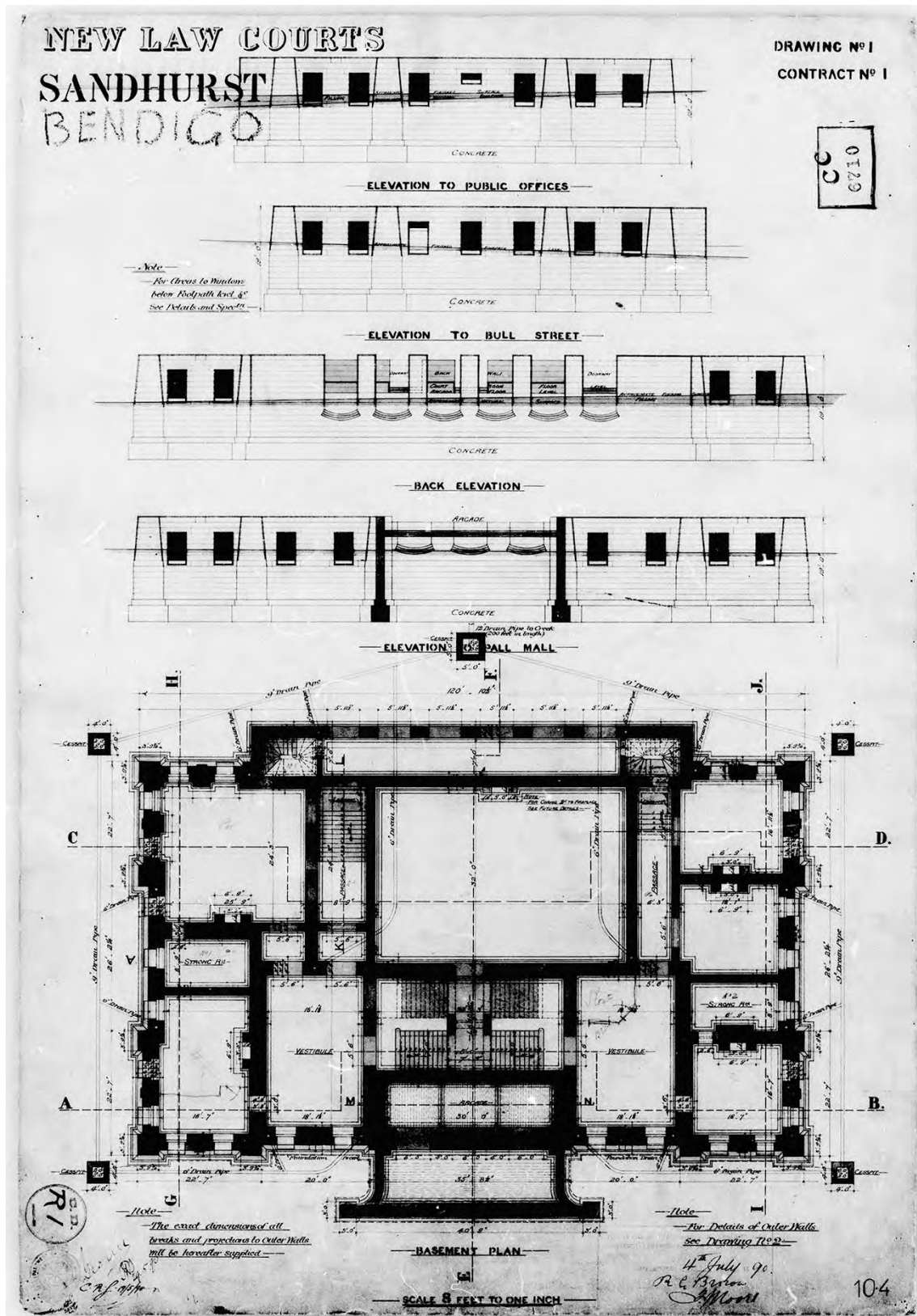


Figure 2 New Law Courts Sandhurst Drawing No. 1, Contract No. 1  
Source: Public Works Department, PROV LCB 10.4

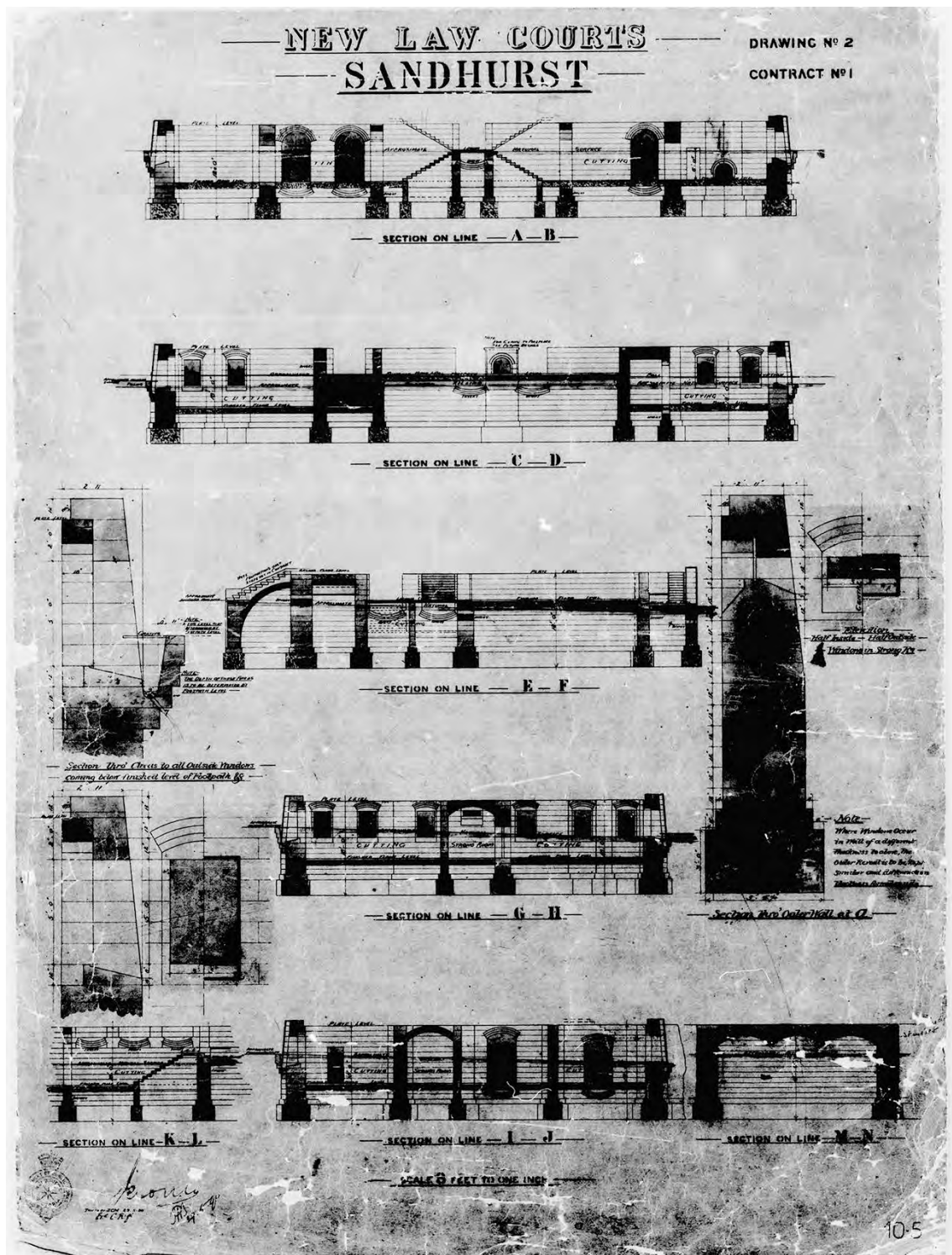


Figure 3 New Law Courts Sandhurst Drawing No. 2, Contract No. 1  
 Source: Public Works Department, PROV LCB 10.5

B 6



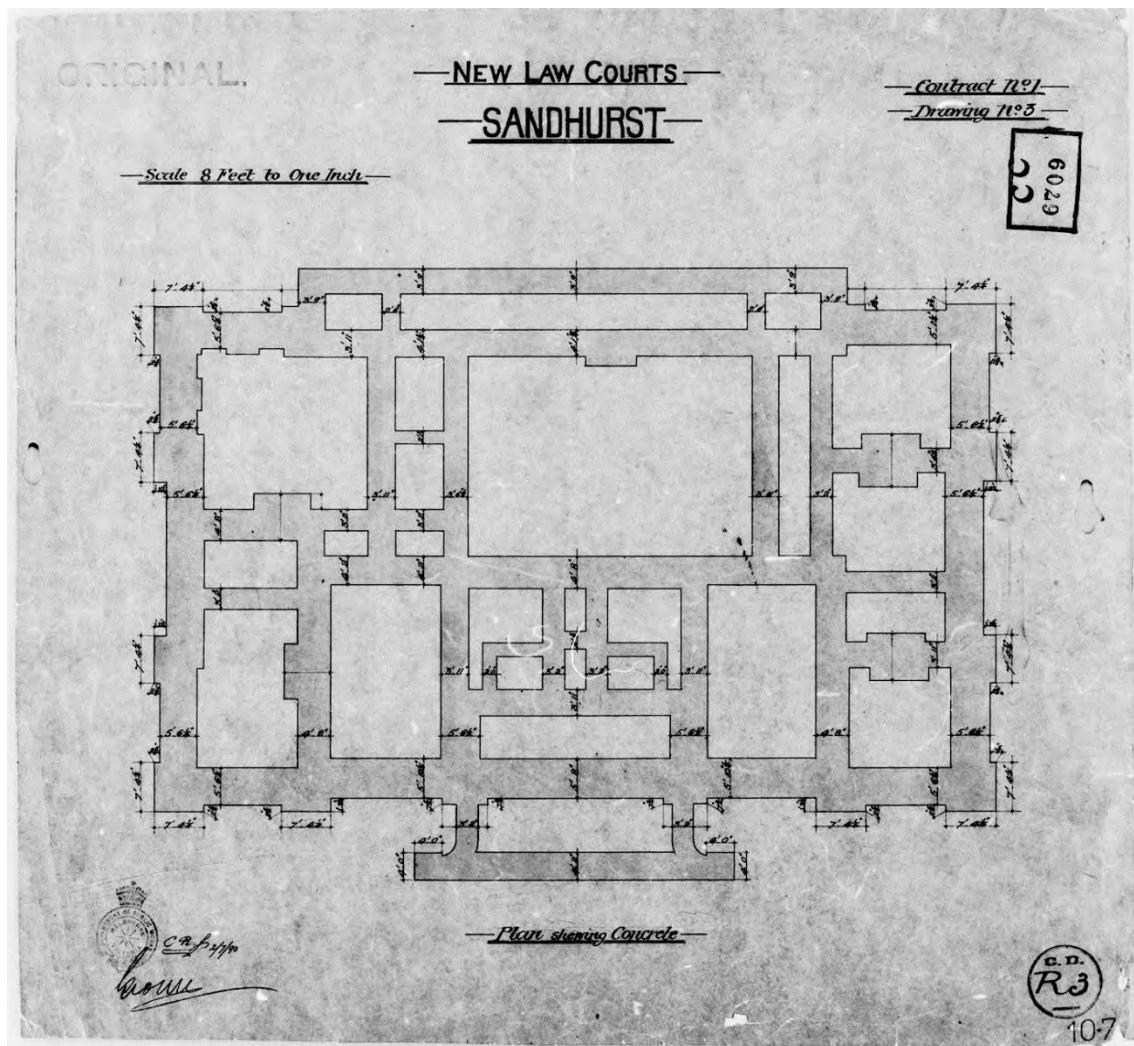


Figure 5 New Law Courts Sandhurst Drawing No. 3, Contract No. 1  
Source: Public Works Department, PROV LCB 10.7



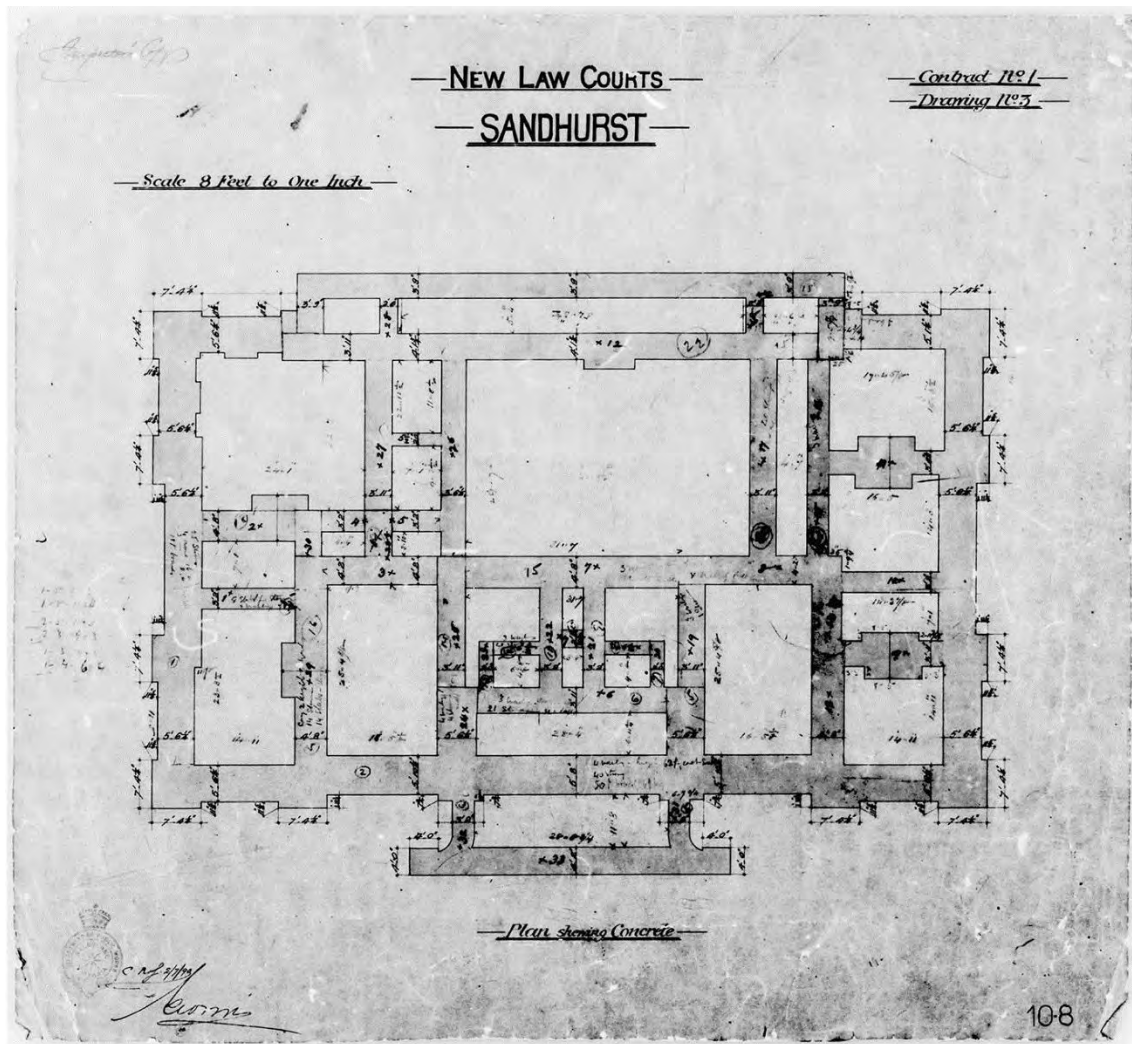


Figure 6 New Law Courts Sandhurst Drawing No. 3, Contract No. 1  
Source: Public Works Department, PROV LCB 10.8

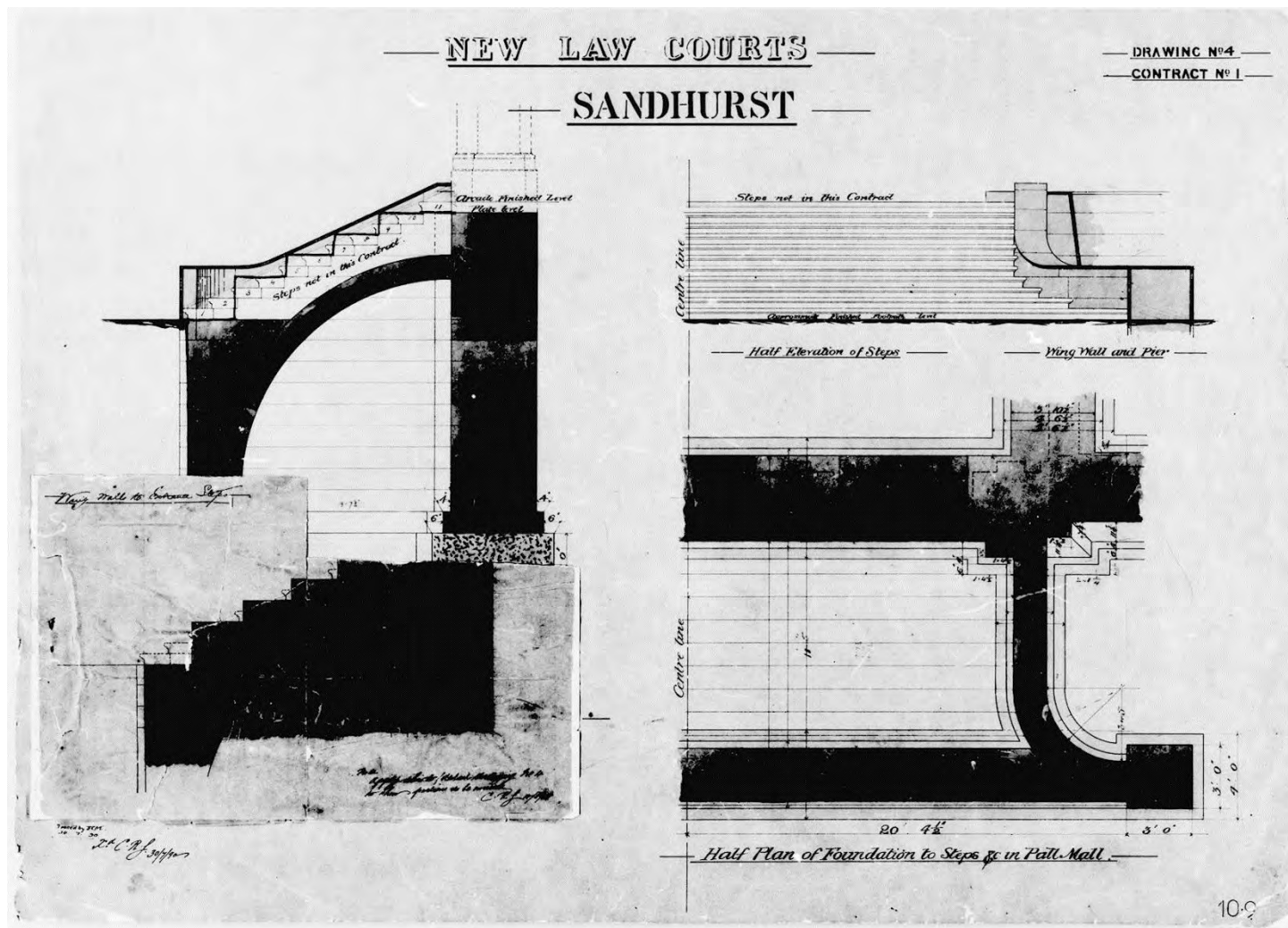


Figure 7 New Law Courts Sandhurst Drawing No. 4, Contract No. 1  
 Source: Public Works Department, PROV LCB 10.9

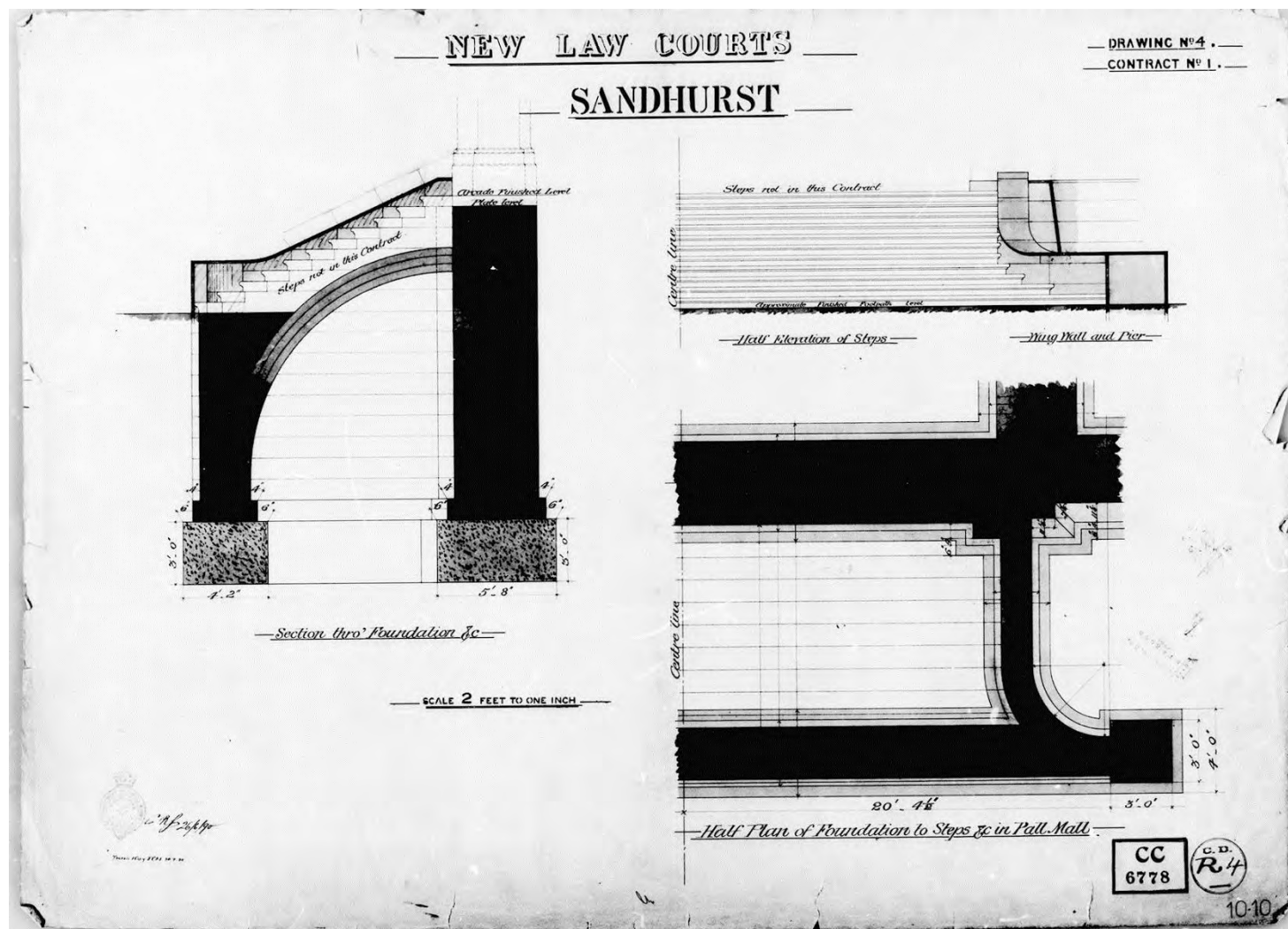


Figure 8 New Law Courts Sandhurst Drawing No. 4, Contract No. 1  
Source: Public Works Department, PROV LCB 10.10

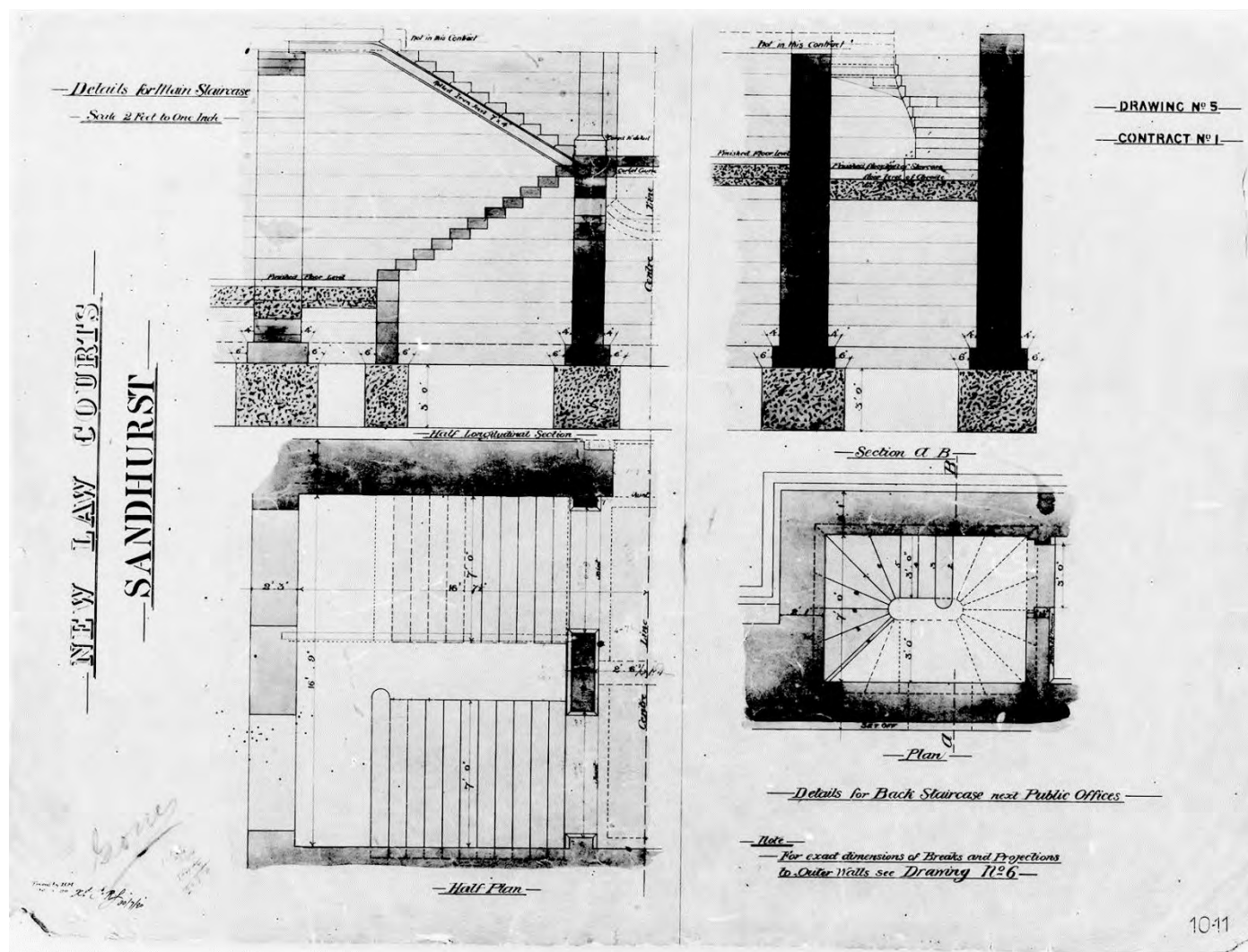


Figure 9 New Law Courts Sandhurst Drawing No. 5, Contract No. 1  
 Source: Public Works Department, PROV LCB 10.11

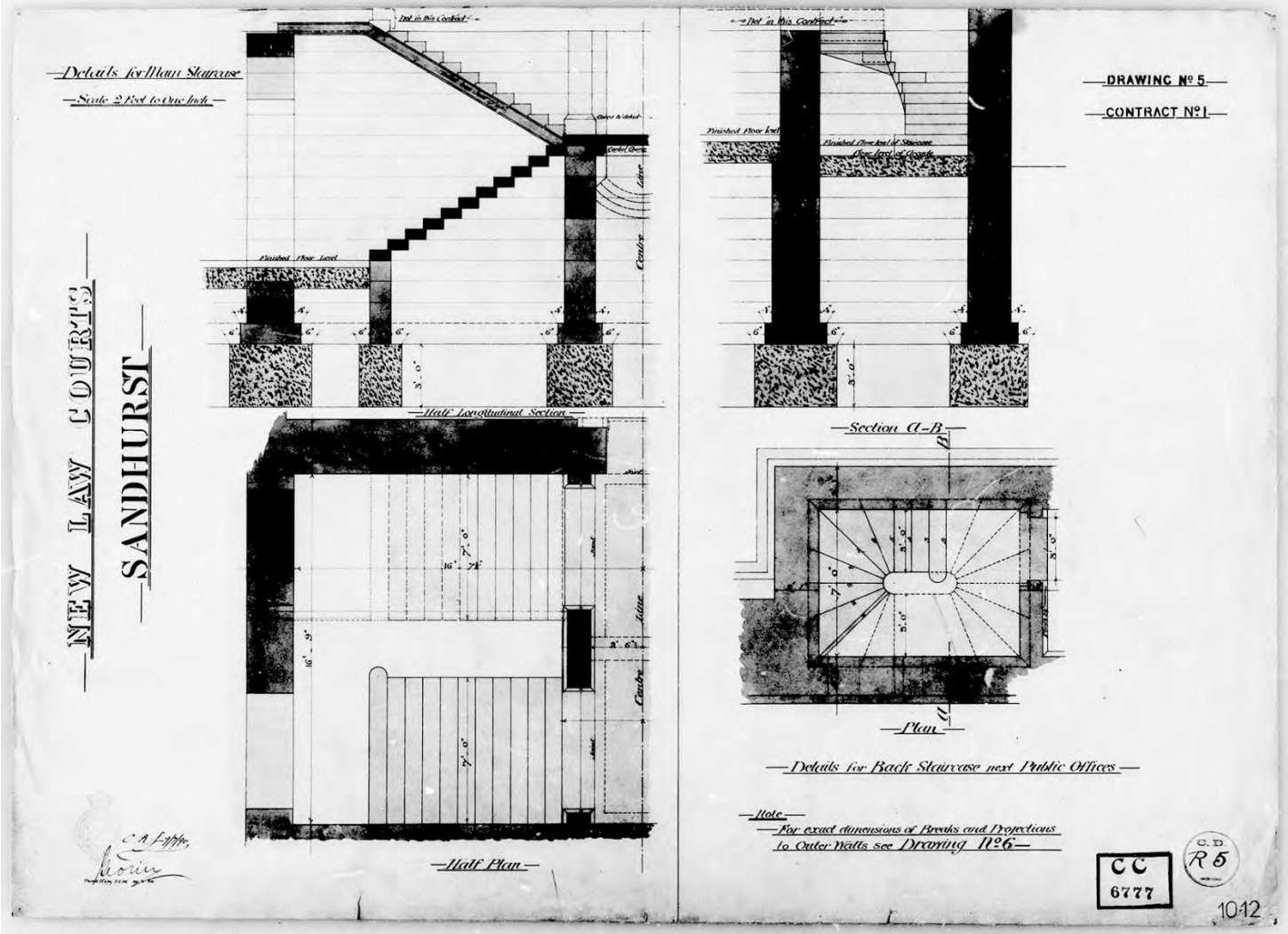


Figure 10 New Law Courts Sandhurst Drawing No. 5, Contract No. 1  
Source: Public Works Department, PROV LCB 10.12



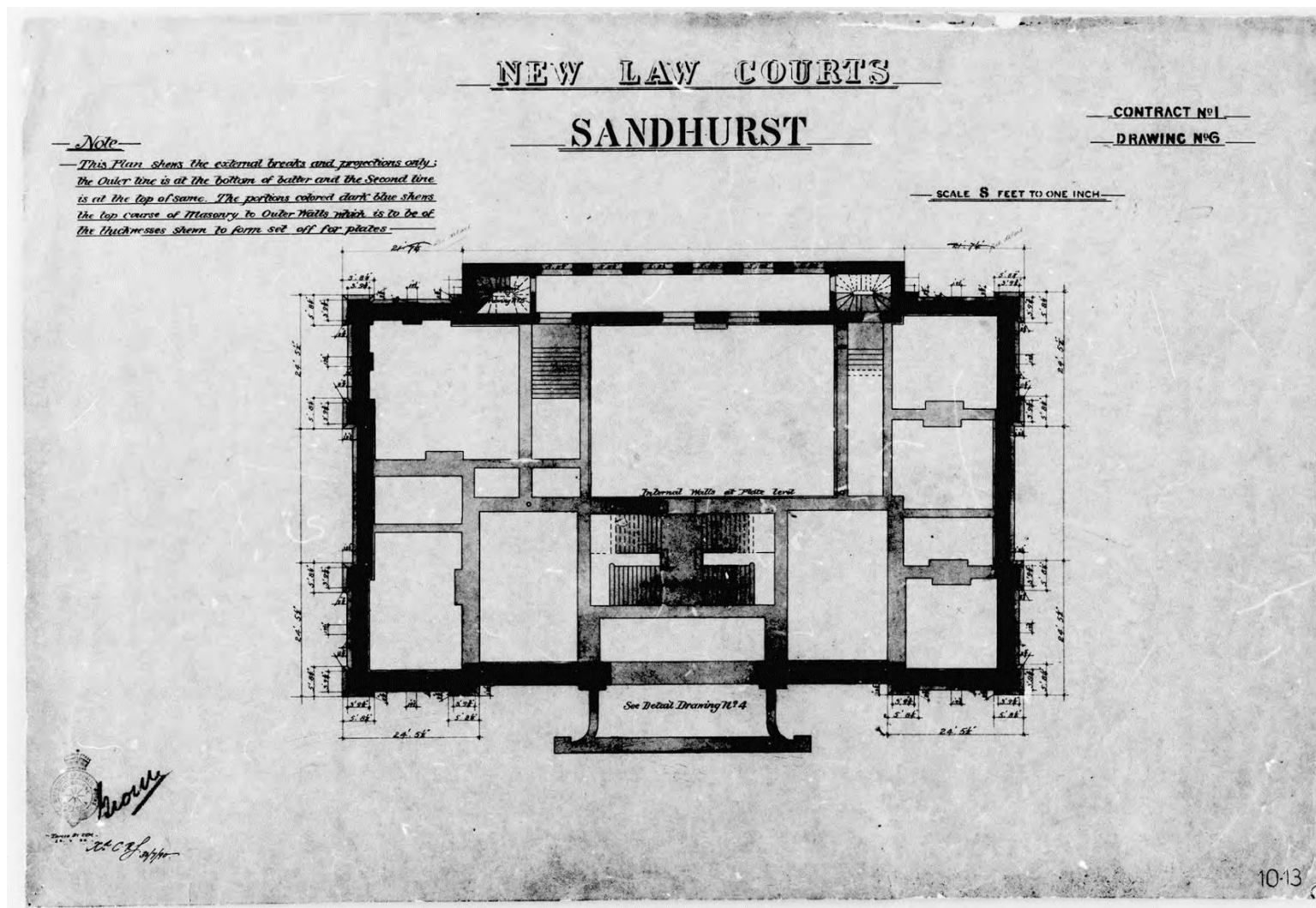


Figure 11 New Law Courts Sandhurst Drawing No. 6, Contract No. 1  
Source: Public Works Department, PROV LCB 10.13





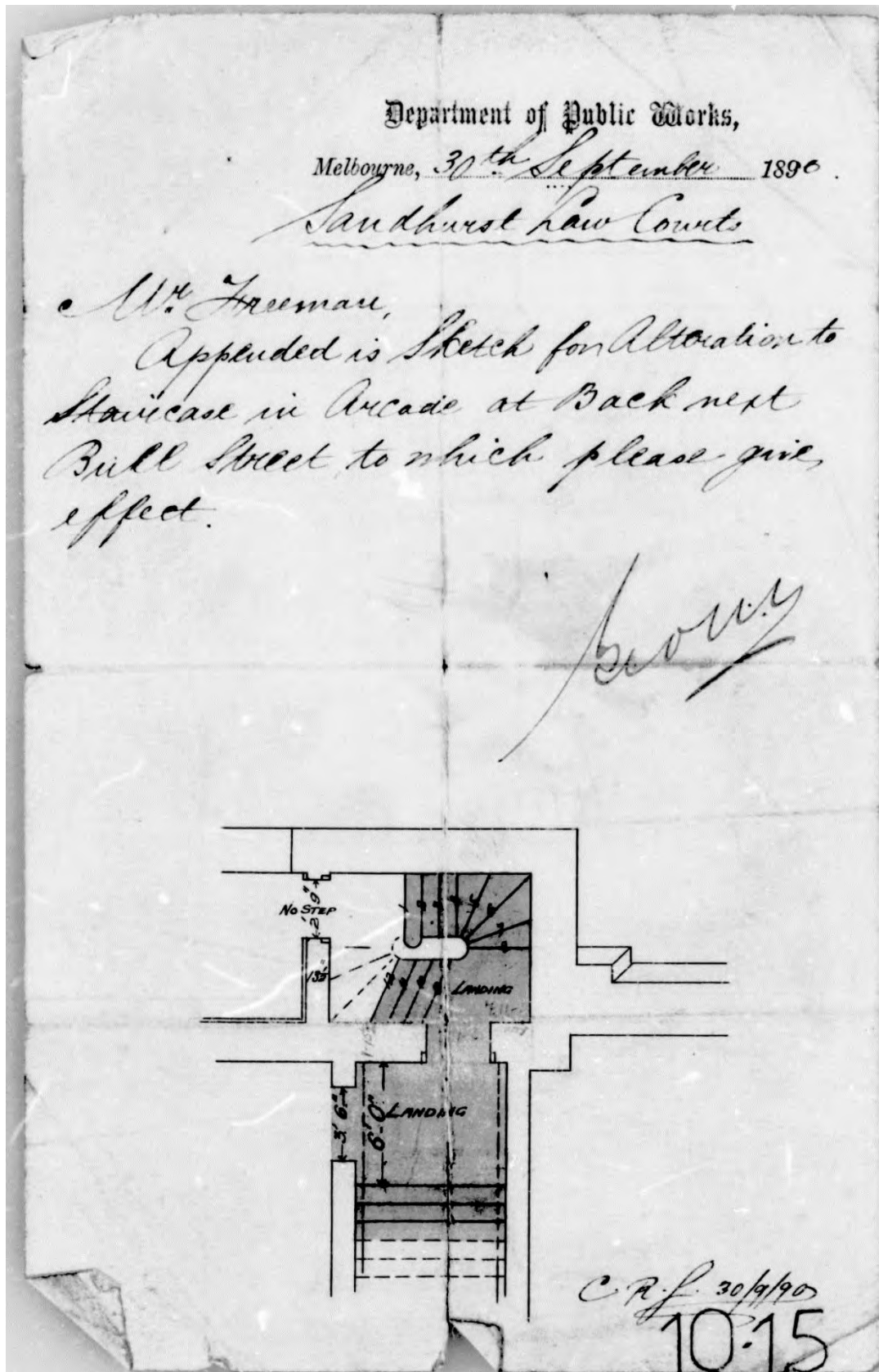


Figure 13 Sandhurst Law Courts, sketch for alterations to staircase in arcade at back next to Bull Street

Source: Public Works Department, PROV LCB 10.15

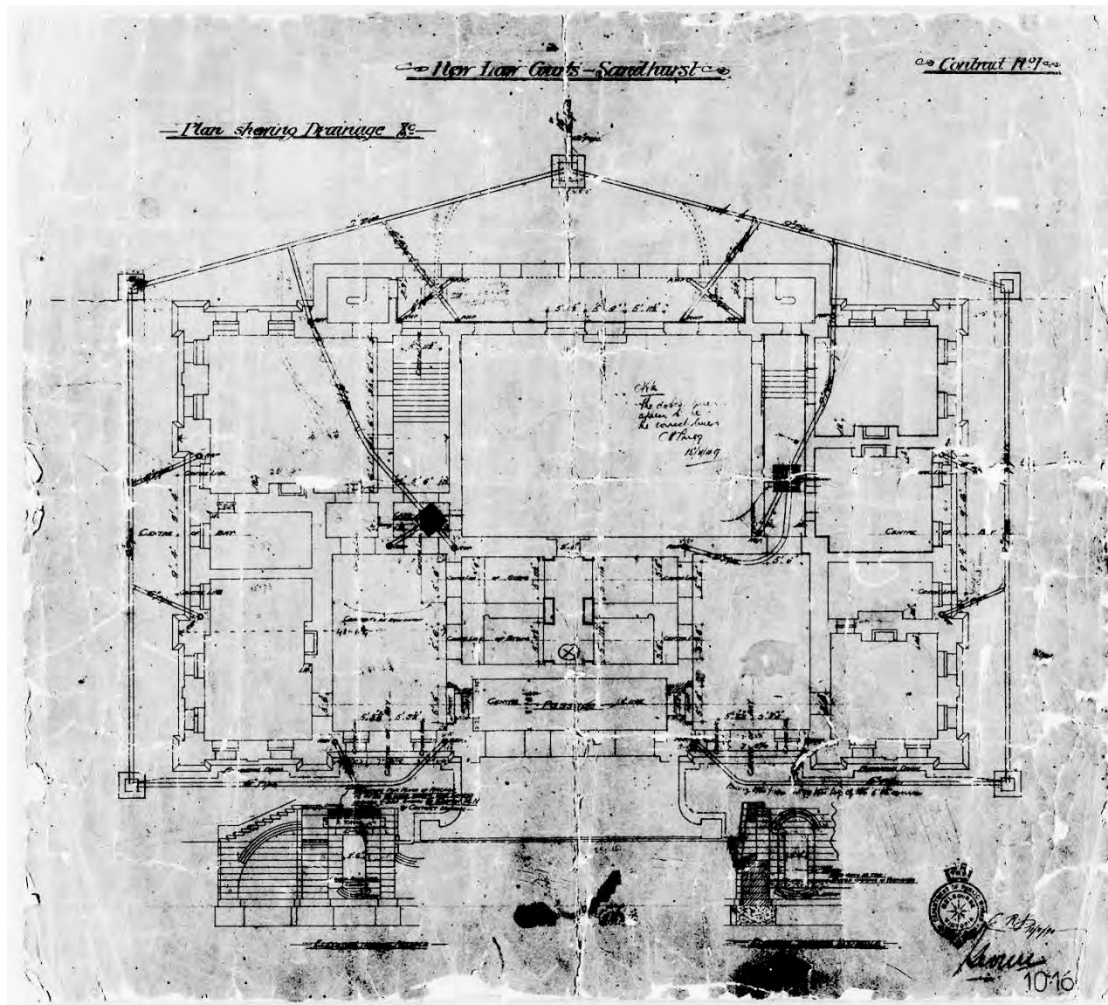


Figure 14 New Law Courts Sandhurst  
Source Public Works Department, PROV LCB 10.16

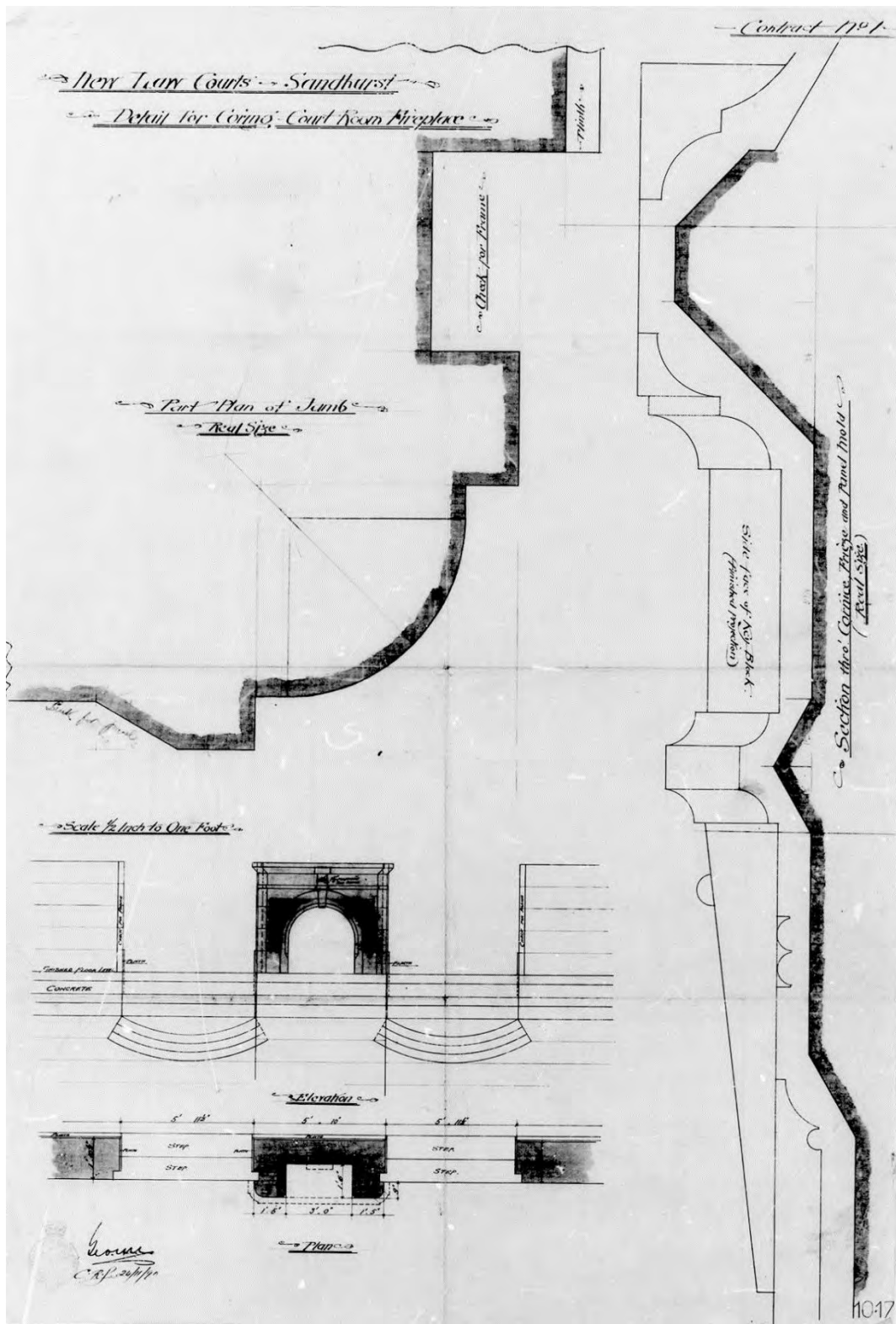


Figure 15 New Law Courts Sandhurst, Detail for Coring – Court Room Fireplace  
Source: Public Works Department, PROV LCB 10.17

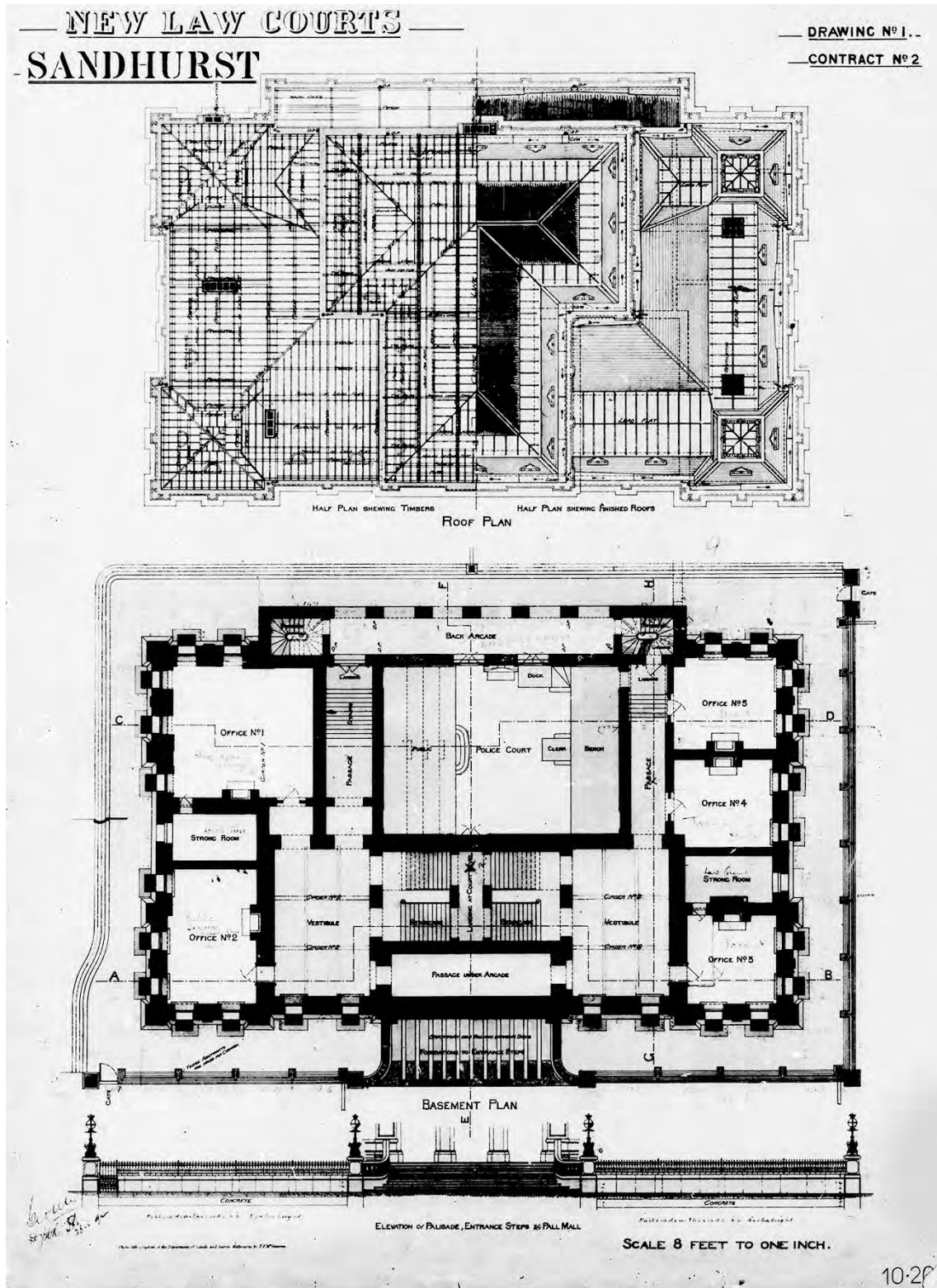


Figure 16 New Law Courts Sandhurst, Floor Plan and Basement Plan, Drawing No. 1, Contract No. 2  
Source: Public Works Department, PROV LCB 10.20



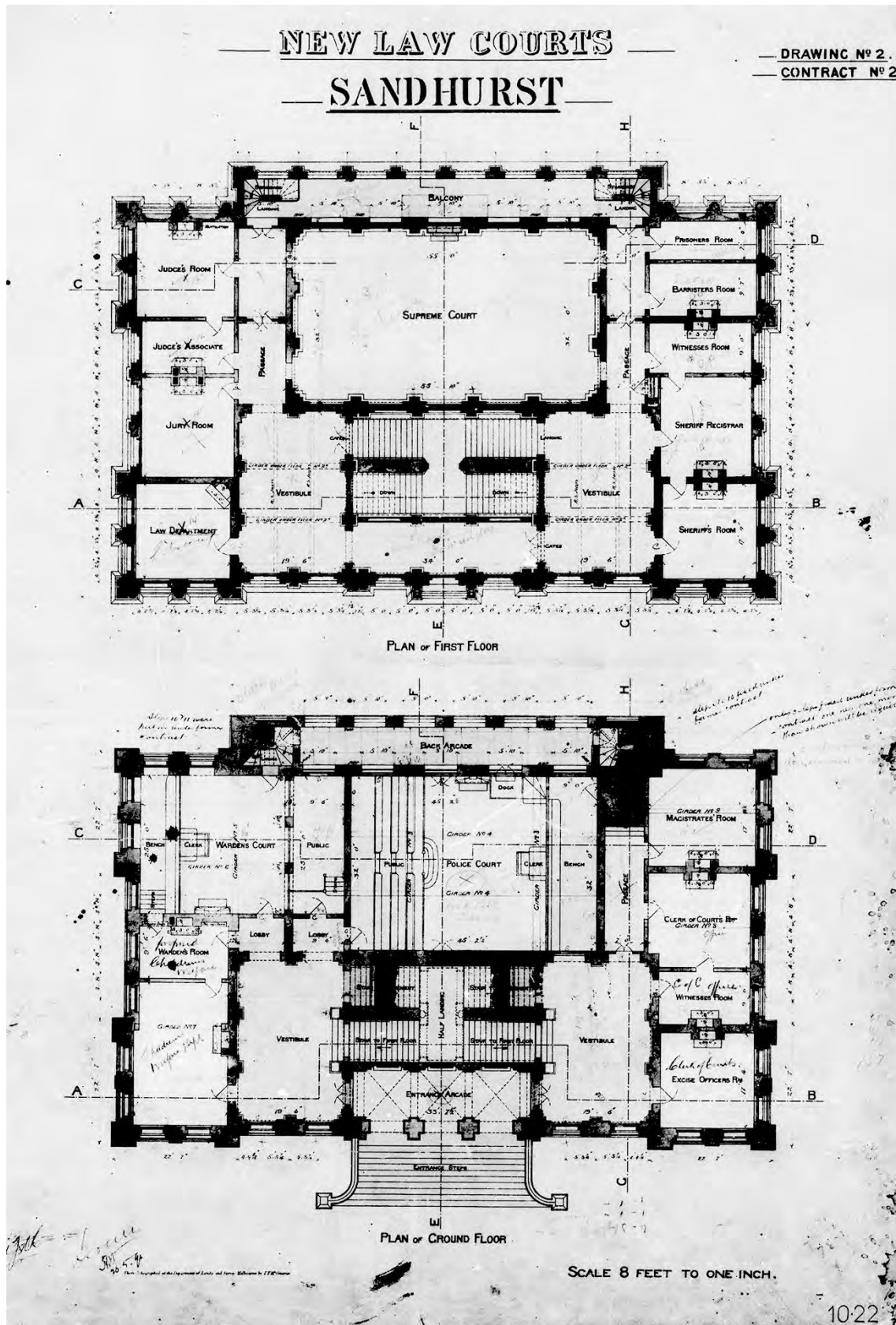


Figure 17 New Law Courts Sandhurst, First Floor and Ground Floor, Drawing No. 2, Contract No. 2  
Source: Public Works Department, PROV LCB 10.22



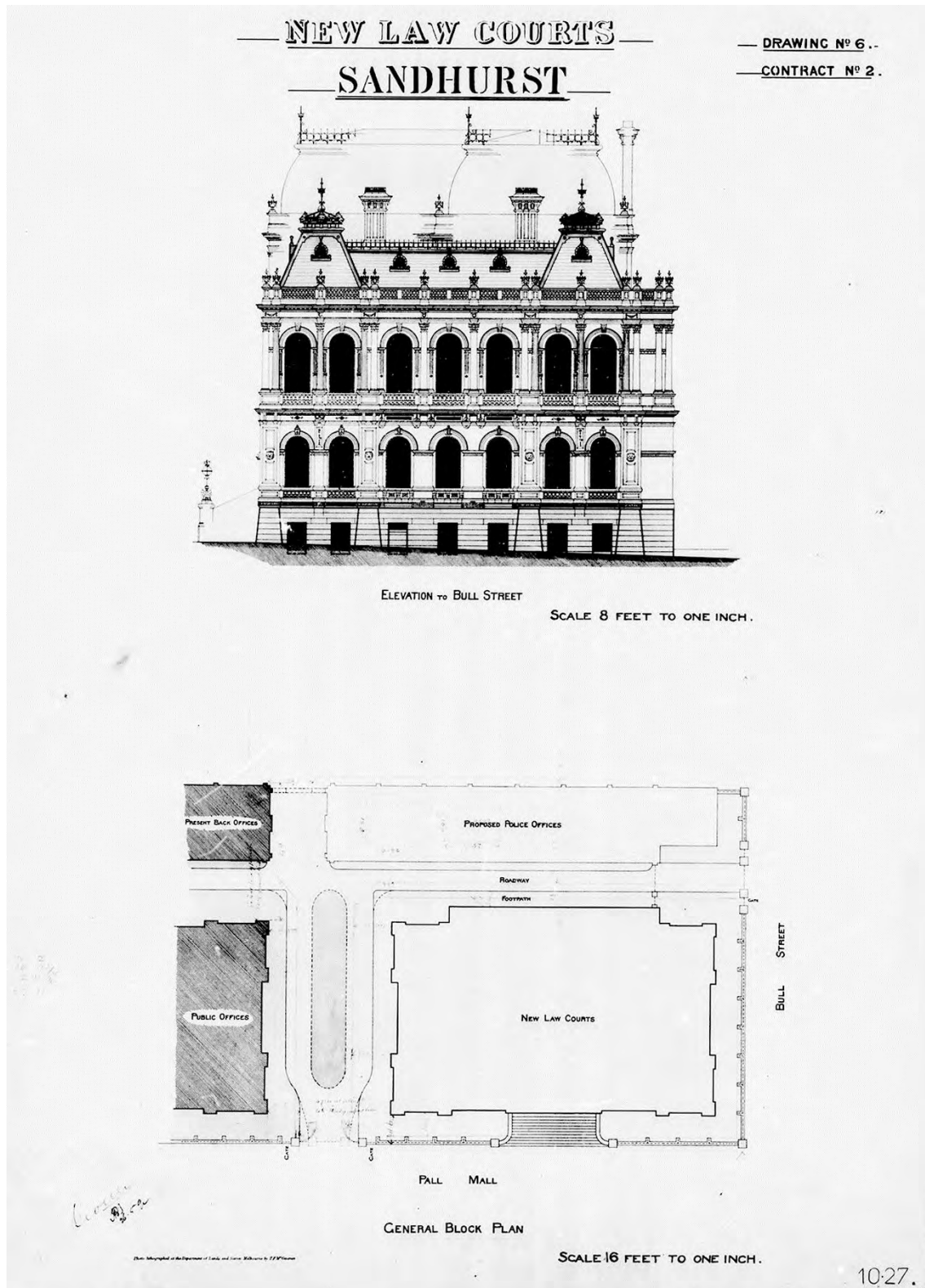


Figure 18 New Law Courts Sandhurst, Drawing No. 6, Contract No. 2  
Source: Public Works Department, PROV LCB 10.27

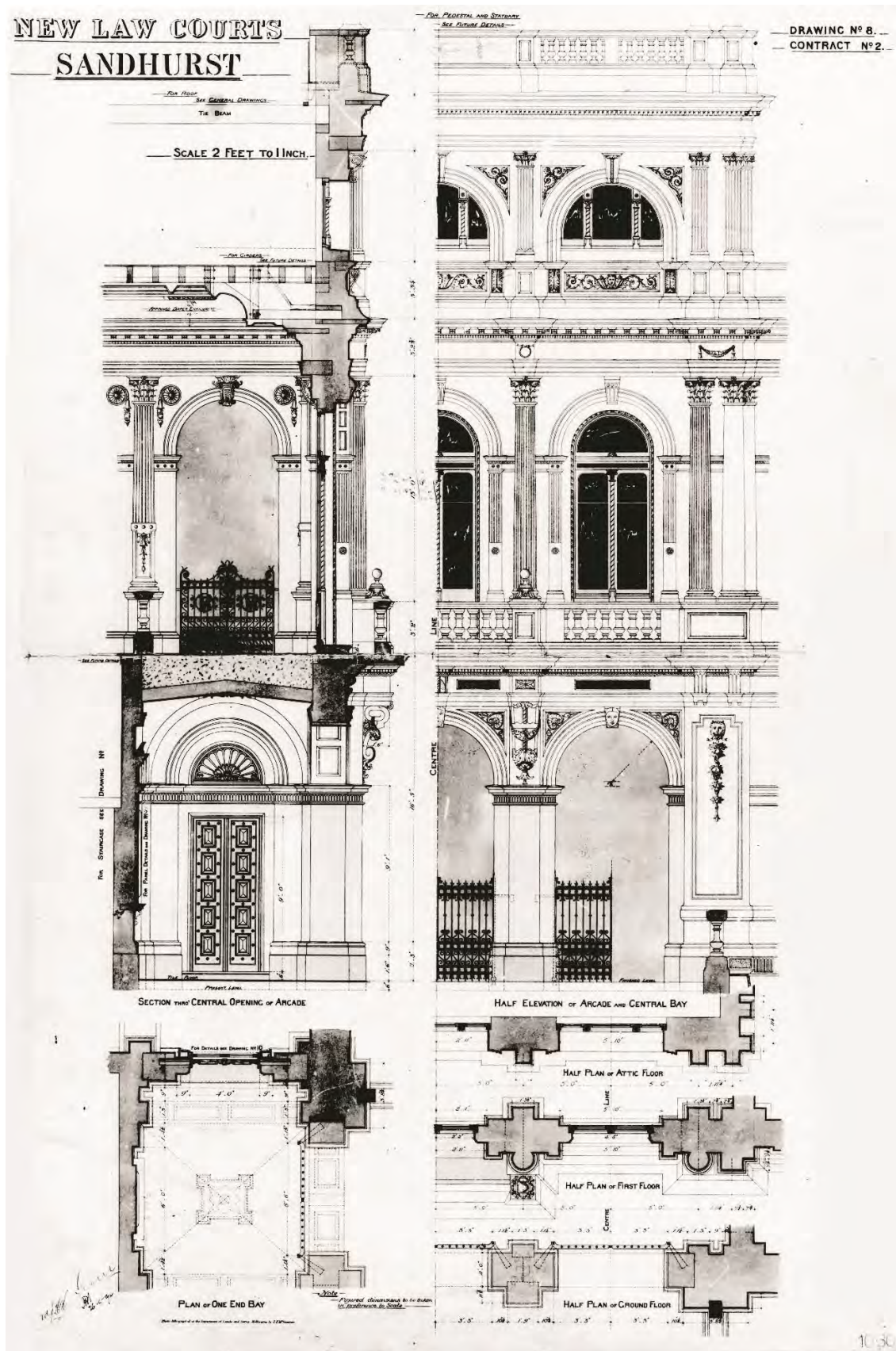


Figure 19 New Law Courts Sandhurst, Drawing No. 8, Contract No. 2  
Source: Public Works Department, PROV LCB 10.30



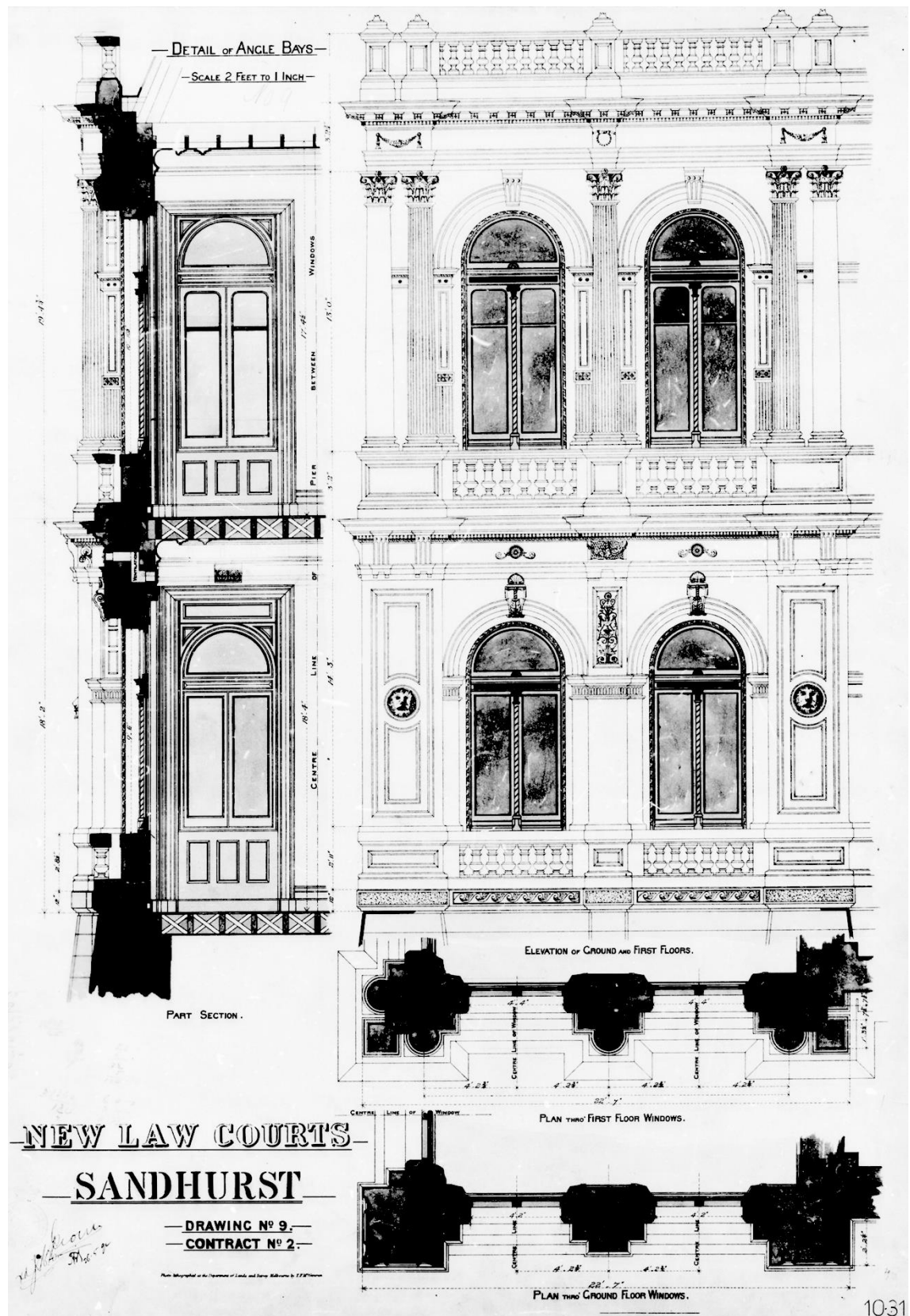


Figure 20 New Law Courts Sandhurst, Drawing No. 9, Contract No. 2  
Source: Public Works Department, PROV LCB 10.31

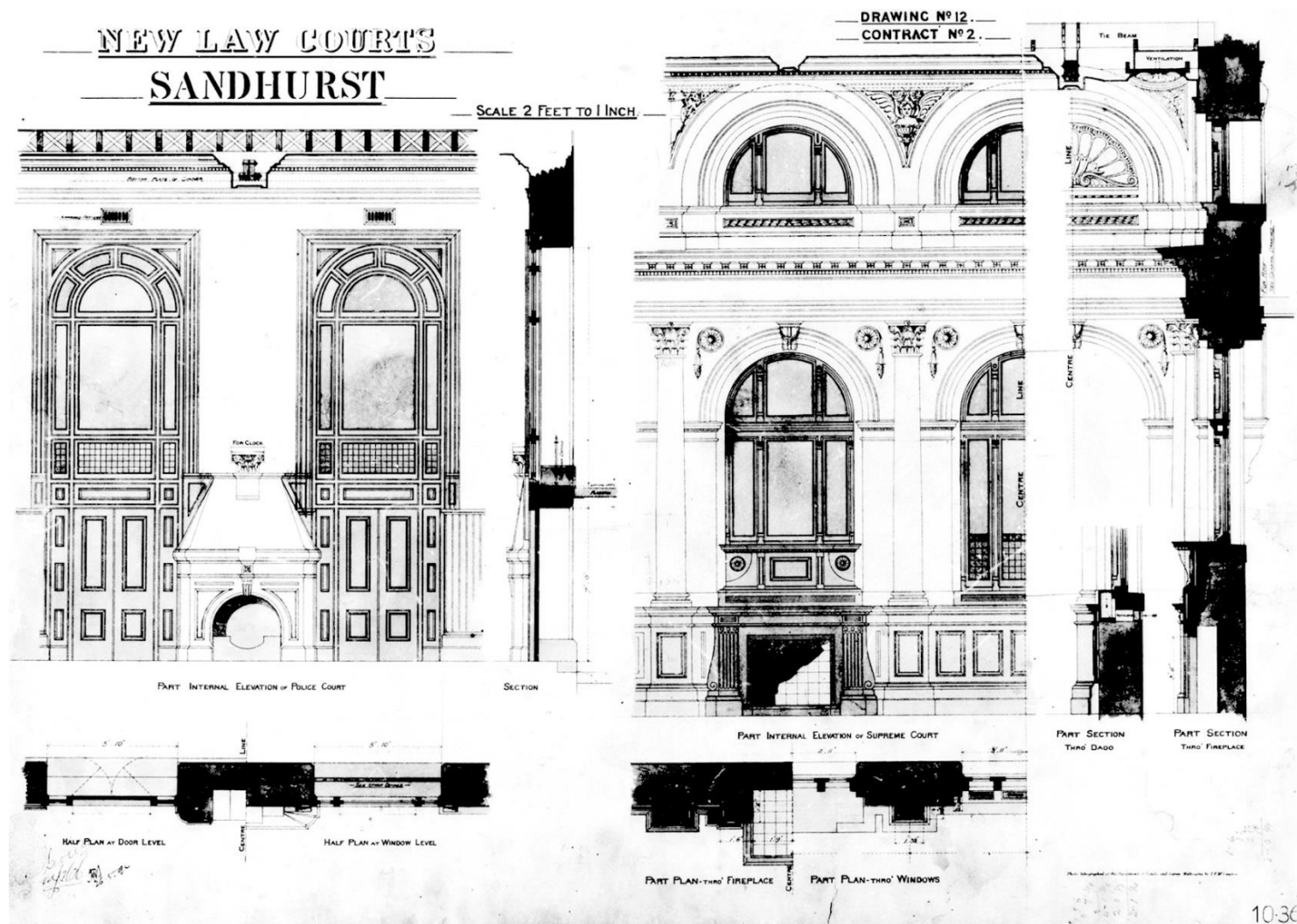


Figure 21 New Law Courts Sandhurst, Drawing No. 12, Contract No. 2  
Source: Public Works Department, PROV LCB 10.36

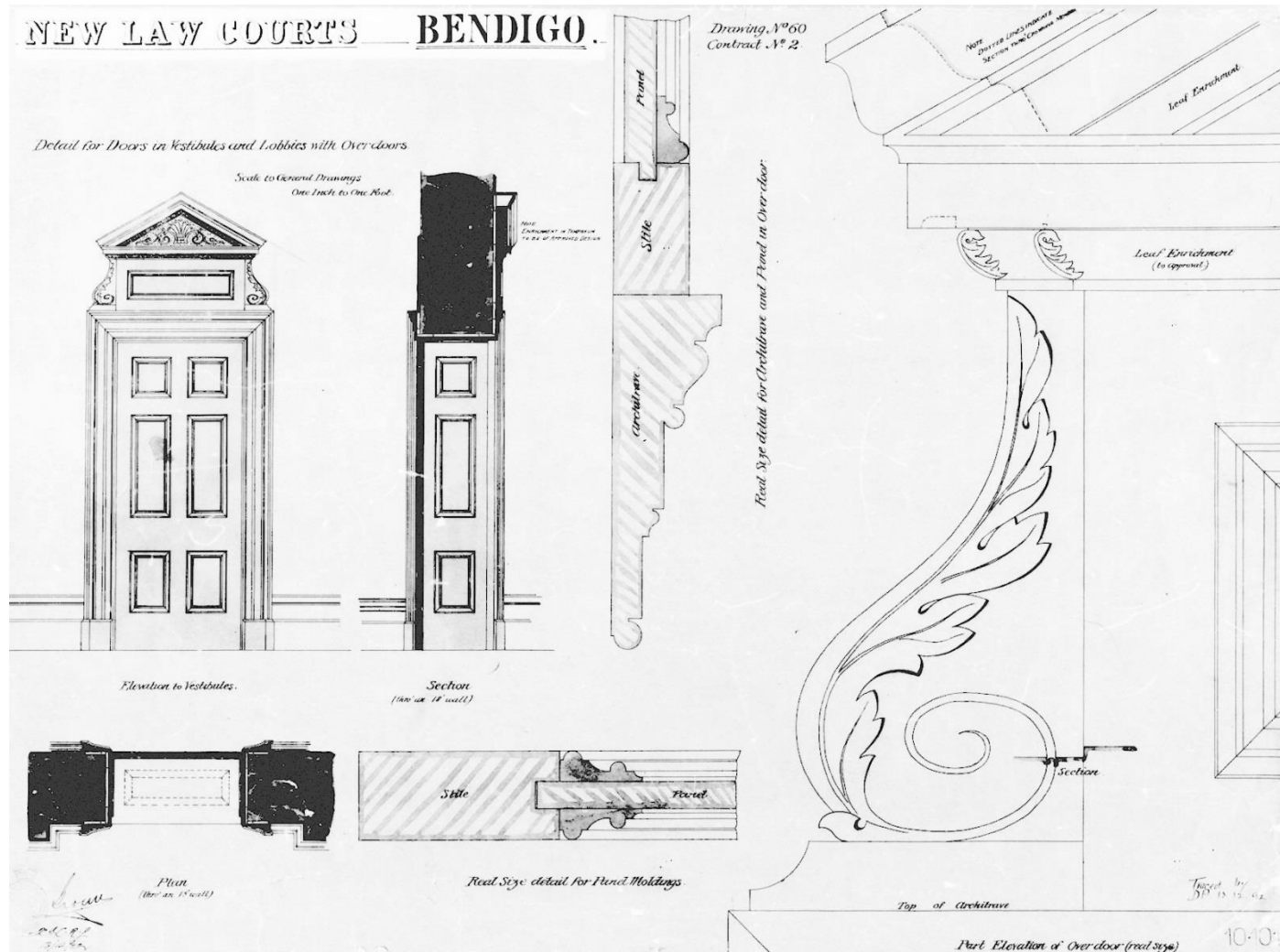


Figure 22 New Law Courts Bendigo, Drawing No. 60, Contract No. 2  
Source: Public Works Department, PROV LCB 10.101

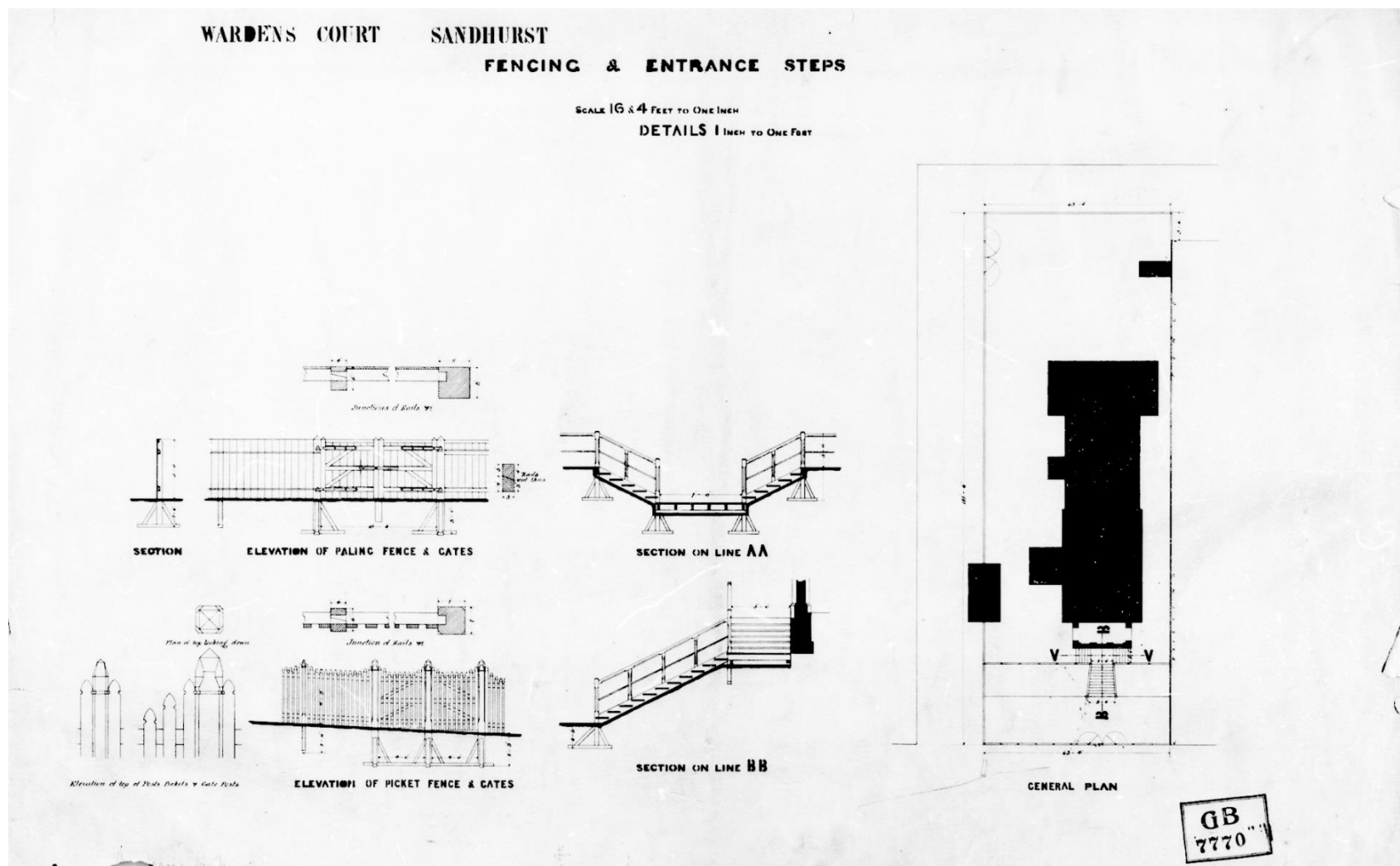


Figure 23 Warden's Courts Sandhurst, Fencing & Entrance Steps  
Source: Public Works Department, PROV LCB 10.198



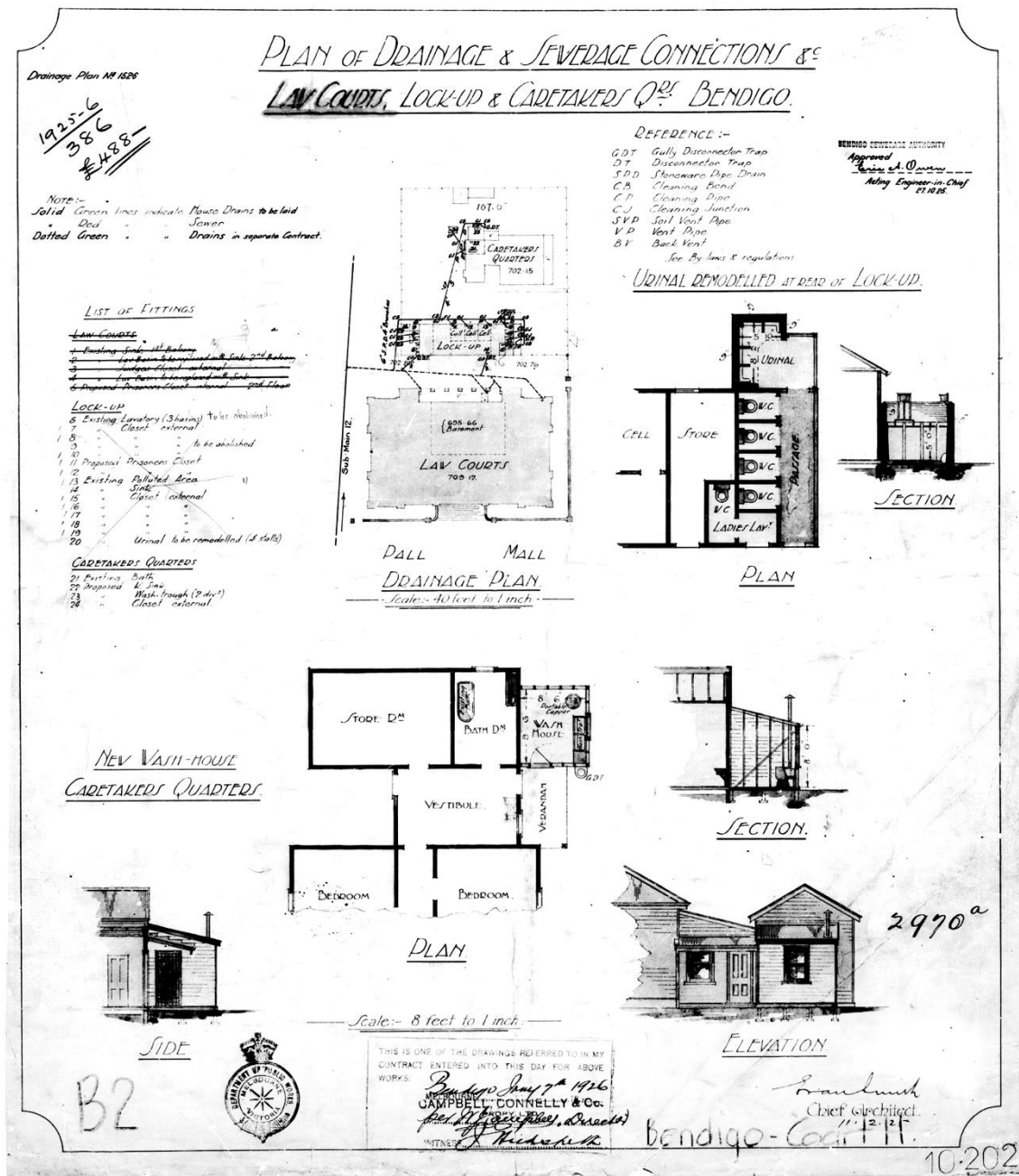


Figure 24 Plan of Drainage & Sewerage Connections Law Court, Lock up & Caretakers Qtrs. Bendigo  
Source Public Works Department, PROV LCB 10.202

# NEW LAW COURTS SANDHURST

DRAWING No. 91

CONTRACT No. 2

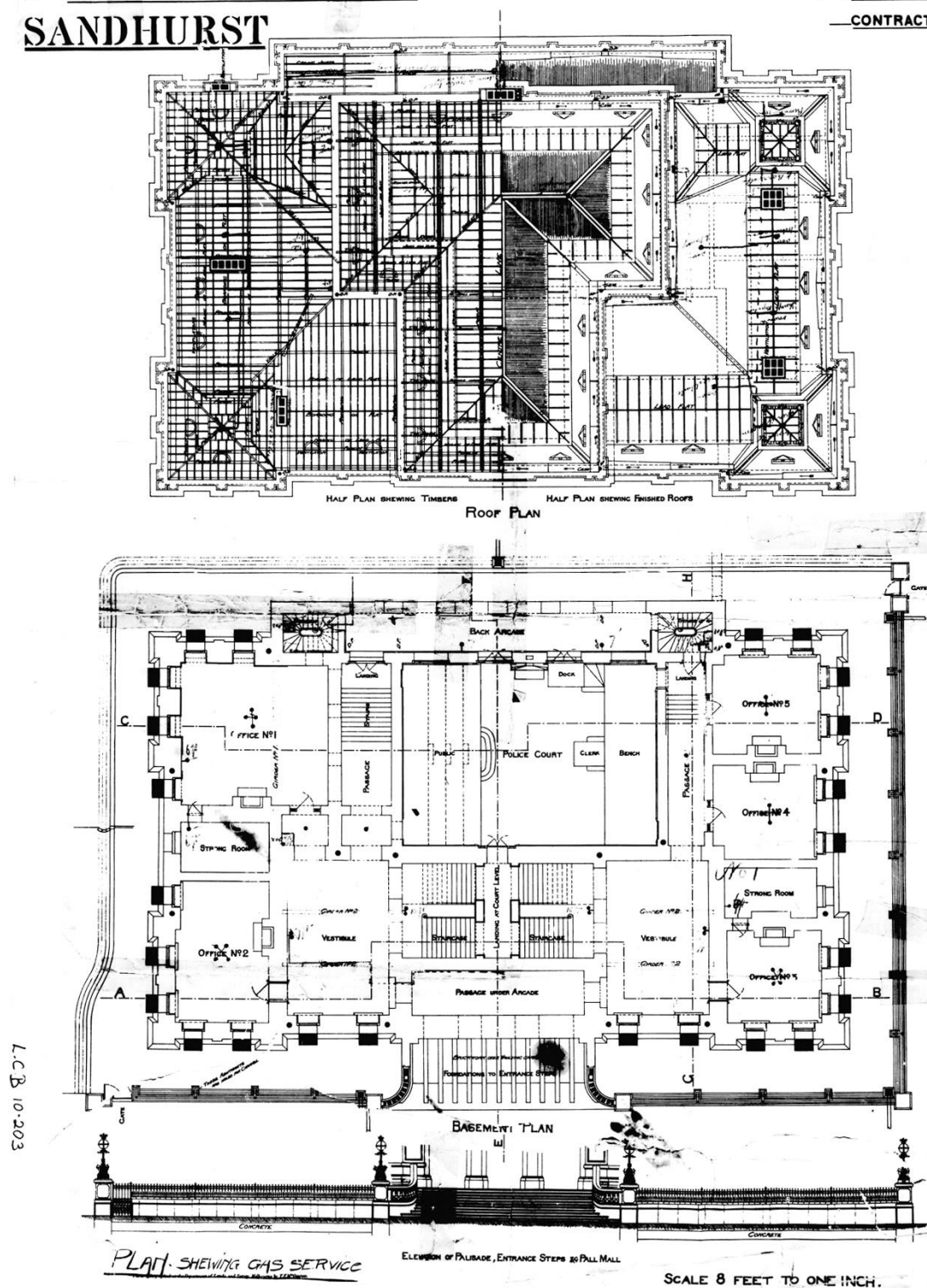


Figure 25 New Law Courts Sandhurst, Drawing 91, Contract No. 2  
Source: Public Works Department, PROV LCB 10.203

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