

**Former Primary School and Avenue of Honour**

**93 Strickland Road, East Bendigo**

**Heritage Council Registrations Committee**

**Hearing – 3 May 2016**

**Members – Lindsay Merritt (Chair), Penelope Smith, Paul Coffey**

# Decision of the Heritage Council

After considering the Executive Director’s recommendation and submissions received, and after conducting a hearing, pursuant to Section 42(1)(c) of the *Heritage Act 1995* the Heritage Council has determined that the Former Primary School and Avenue of Honour at 93 Strickland Road, East Bendigo, does not meet the significance threshold for inclusion in the Victorian Heritage Register in relation to any of the Heritage Council's Criteria for Assessment of Places of Cultural Heritage Significance, is therefore not of cultural heritage significance to the State of Victoria and does not warrant inclusion in the Victorian Heritage Register.



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| **Lindsay Merritt (Chair)** |  | **Penelope Smith** |  | **Paul Coffey** |

**Decision Date – 30 June 2016**

Date of Detailed Reasons – 19 July 2016**APPEARANCES/submissions**

**Executive Director, Heritage Victoria** (‘the Executive Director’)

Submissions were received from the Executive Director. Dr Marina Larsson (Principal - Assessments, Heritage Victoria) and Mr John Hawker (Heritage Officer, Horticulture - Heritage Victoria) appeared at the hearing and made verbal submissions on behalf of the Executive Director.

**Written submissions pursuant to s40(2)(iv) of the *Heritage Act 1995* were received from the following:**

* Ms Gemma Starr, who appeared and made verbal submissions to the hearing.
* Mr Julian Poloniato, who appeared and made verbal submissions to the hearing.
* Ms Teresa Bisucci of Best Hooper Solicitors on behalf of KPD Pty Ltd & Dunlop Pitson Earthmoving Pty Ltd (‘the Owners’), accompanied by statements of expert evidence by Dr Leo Martin, Director - GJM Heritage, and Mr Simon Howe, Arborist – John Patrick Pty Ltd. Ms Bisucci appeared on behalf of the Owners and called Dr Martin and Mr Howe to give expert witness testimony.
* Greater Bendigo City Council, whose representative Ms Danielle Orr also attended the hearing and was available to answer any questions, but at the time of the hearing did not seek to make a formal verbal submission.

**WRITTEN SUBMISSIONS RECEIVED DURING ADVERTISING OF THE EXECUTIVE DIRECTOR’S RECOMMENDATION OF 27 NOVEMBER 2015.**

Pursuant to s38 of the *Heritage Act 1995* (‘the Act’), written submissions were received during advertising of the Executive Director’s recommendation. A full list of submitters is included below.

S38 submission in support of the Executive Director’s recommendation:

A s38 submission in support of the Executive Director’s recommendation, which did not request that a hearing be held, was received from the Owners (C/o Mr Gerard Gilfedder of Currie & Brown).

S38 submissions objecting to the Executive Director’s recommendation:

A s38 submission objecting to the Executive Director’s recommendation and requesting a hearing was received from Ms Gemma Starr.

A s38 submission objecting to the Executive Director’s recommendation and requesting a hearing was received from Mr Julian Polionato.

A s38 submission objecting to the Executive Director’s recommendation and requesting a hearing was received from Mr Donald Waight.

# Introduction

## The Place

1. The Former Primary School and Avenue of Honour at East Bendigo, located at 93 Strickland Road, East Bendigo, consists of a red brick school building, an avenue of honour, other commemorative trees, some remnant garden beds and broader school grounds (‘the Place’).
2. The school building is a single storey, red brick building on a granite base, with a slate roof (‘the school building’). Much of the materials were reportedly reused from nearby powder magazine buildings which were demolished at the time of construction. Built as a two classroom school, the front façade of the building is asymmetrical with a side entrance porch. A rendered parapet above this entrance porch contains a pediment containing the information ‘1915 Bendigo East School No. 3893’. The main roof comprises two offset hipped roof sections with exposed rafter ends. The upper portion of the building is of rough cast render with brick-quoined corners. Large sets of double hung windows at the front of the building are multi-paned and simple rectangular chimneys are of rough cast render with simple contrasting rectangular features. A verandah originally lined the width of the north rear of the school building and this has been enclosed with weatherboards to create more internal space. The western wall contains two rows of protruding bricks which were part of the original construction, to enable a future building extension which was never undertaken.
3. The Bendigo East School (‘the school’) was officially opened by Mr Frank Tate, Director of Education, on 7 April 1916. Approximately two months later, on 16 June 1916, Arbor Day was celebrated at the school with the planting of an ‘Anzac Avenue’ along a path from the front gate on Strickland Road (‘the pathway’) to commemorate the landing of soldiers at Gallipoli. The school’s ‘Anzac Avenue’ was one of an estimated 37 known to have been planted by school children throughout Victoria during mid-1916 as part of a program led by the Education Department, which included a recommendation to schools on 18 May 1916 that commemorative avenues be planted (‘the 1916 plantings recommendation’). At around this time, avenues of honour were also planted across Victoria to commemorate fallen WWI soldiers (‘the wider commemorative plantings phenomenon’). There were other commemorative plantings at the Place away from the pathway (‘the other commemorative plantings’). Anzac Day was celebrated at the Place in the years subsequent to 1916 and on 11 December 1920 the school’s ‘Anzac Avenue’ was officially opened. Embossed copper plates, mounted on wood, were fixed in front of the trees in memory of individual soldiers from the district who had seen active service in WWI. There is evidence that as many as 32 plaques may have been made and affixed (‘the name plaques’). Plaques were removed from their locations at some stage before 1964, mounted on a board and displayed in the school building. These are now located and displayed at Bendigo Sub - Branch of the Returned Services League.
4. The Avenue of Honour within the Place runs on both sides of the pathway that extends from the school building entrance to the front gate on Strickland Road (‘the Avenue of Honour’). Of the original trees planted, two sugar gums, one red ironbark (possibly a replacement planting), one sugar gum stump and one dead sugar gum remain. There is a yellow gum in the same location near the pathway that is not within the pattern of the remaining Avenue of Honour trees. It is also estimated that four sugar gums remain of the other commemorative plantings. It is one of the earliest known school-based avenues of honour in Victoria in which some remnant trees are extant.
5. The school moved to a new location circa 1999 and the Place was vacant for a period of time. In 2007, land comprising the Place was rezoned and the freehold was sold. The same land was then re-sold in 2012. Some vegetation was removed in 2014.

## Nomination

1. A nomination (‘the Nomination’) for part of the Place, namely the Avenue of Honour and the other commemorative plantings, to be included in the Victorian Heritage Register (‘the Register’) was lodged with the Executive Director on 24 September 2015.

**Interim Protection Order**

1. The Nomination was accompanied by a request for an Interim Protection Order (‘IPO’). On 28 September 2015 an IPO was issued in relation to the Place by the Executive Director in accordance with s56 of the Act. The IPO was issued because it was the Executive Director’s view that there was a prima facie case for the inclusion of the Place in the Victorian Heritage Register on the grounds that the Avenue of Honour was potentially one of the earliest commemorative plantings of its type in Victoria, and that the place was at risk because it did not have any heritage protection at that time. The area covered by the IPO was described as ‘Former Primary School No.3893, 93 Strickland Road East Bendigo, Lot 2, PS606769’ and was larger than the extent nominated, in order to enable the cultural heritage significance of the Place (including the school building, grounds and Avenue of Honour) to be assessed.

## Recommendation of the Executive Director

1. On 27 November 2015, the Executive Director, under s32(1)(b) of the Act recommended that the Place not be included in the Register.
2. The reasons for the Executive Director’s 27 November 2015 recommendation (‘the Recommendation’) were outlined in a report titled ‘Assessment of Cultural Heritage Significance and Executive Director Recommendation to the Heritage Council’. The Recommendation was publicly advertised for 60 days. Submissions were invited within this time in response to the Recommendation in accordance with s38 of the Act. One submission in support of the Recommendation was received which did not request that a hearing be held. Three submissions objecting to the Recommendation, and requesting that a hearing be held, were received.
3. After considering the s38 submissions received and in accordance with s40(2) of the Act, the Committee called for written submissions and a hearing was scheduled for 3 May 2016.

**Site Inspection**

1. On 2 May 2016, the Committee made a site inspection of the Place accompanied by the Heritage Council Hearings Coordinator. Mr Gerard Gilfedder and Mr Stephen Pitson, for the Owners, provided access to the Place. No submissions were sought or received by the Committee at the time of the site inspection.

**Preliminary and Other Matters**

*New Material*

1. During the course of the hearing some new written material was introduced by Ms Starr in the form of a summary of her submissions and photographs relating to the site. All other parties were given the opportunity to comment on the admissibility of the new material. No objections were received and the Committee determined to accept the new information.

*Future Use of the Place*

1. Some submissions received referred to the future use of the Place. The Committee appreciates that there is at times community concern about the potential development of places. However, the role of this Committee is to determine the cultural heritage significance of the Place in its current state. It is not the Committee’s task to consider the future development or use. Submissions dealing with these matters have not been considered by the Committee in reaching its decision.

*Planning Scheme Considerations*

1. Some submissions received referred to planning scheme considerations. The Committee appreciates that the parties to Heritage Council hearings are, at times, party to concurrent hearings being held in other forums in relation to planning matters. However, the role of this Committee is to determine the cultural heritage significance of the Place in accordance with the Act. It is not the Committee’s task to consider any planning scheme considerations that may be heard in another forum. Submissions dealing with planning matters have not been considered by the Committee in reaching its decision.

*Conflicts of Interest*

1. The Chair invited Committee members to declare any interests that they may have in relation to the Place or parties to the hearing. Committee members stated that there were no relevant conflicts of interest.

*Notice of decision*

1. On 30 June 2016, the Committee, being aware that the IPO did not have effect beyond 30 June 2016, made its determination and provided all parties with a notice of its determination as per page one (1) of this report. This report provides the detailed reasons for that 30 June 2016 determination.

**Issues**

1. The following sections are not intended to be a complete record of submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position the Committee has taken on each issue.
2. Any reference to Criteria refers to the ‘Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance’ (as adopted by the Heritage Council on 7 August 2008, replacing the previous criteria adopted by the Heritage Council on 6 March 1997) [**Attachment 1**].
3. Any reference to the Guidelines refers to the ‘The Victorian Heritage Register Criteria and Threshold Guidelines’ (as adopted by the Heritage Council on 6 December 2012 then reviewed and updated on 5 June 2014).

**Summary of issues**

1. The Committee notes that the school building and most of the grounds around it were not originally nominated, but that they were encompassed in the extent of the IPO and therefore in the Place, as assessed. The vast majority of submissions received relate to the Avenue of Honour and the other commemorative plantings. A large part of this decision document, therefore, focuses on the issues as they relate to the Avenue of Honour. The Committee notes that submissions in many cases did not refer in substance to the school building or grounds, other than those encompassing the Avenue of Honour or the other commemorative plantings.
2. The Place was nominated on the basis that it satisfies Criteria A and G. In addition to these Criteria, the Executive Director deemed it appropriate to also assess the Place in relation to Criteria B, D and E for the purposes of the Recommendation, and some parties made submissions in relation to all of Criteria A, B, D, E and G.
3. The Executive Director, in the Recommendation not to include the Place in the Register and in submissions to the hearing, submitted that that Place is not of State level cultural heritage significance. The Executive Director submitted that there are large numbers of places throughout the State that demonstrate associations with the education of children in Victoria and with the wider commemorative plantings phenomenon and argued that the Avenue of Honour has lost its intactness and integrity to the point where its cultural heritage values and form cannot be convincingly read. The Executive Director submitted that the Place is not in possession of rare, uncommon or endangered aspects of Victoria’s cultural history; that the school building is architecturally unremarkable and of a less distinctive design as compared with other primary school buildings from the same period; that the Place does not advance an understanding or appreciation of other places in the same class; and, that there is little evidence to demonstrate a relevant association with the Place by the community.
4. Ms Starr submitted that the Place is of significance at a State level and meets the threshold for inclusion in the Register under Criteria A, B, D and G. Ms Starr argued that the Avenue of Honour is of historical significance for its association with World War I and with the wider commemorative plantings phenomenon, that it is a rare and endangered example within its class or sub-class and one of the earliest of its type, that it is an intact and notable example of an Avenue of Honour and that there is evidence of a regular and long-term engagement with the Place by the Bendigo East community.
5. Mr Poloniato submitted that the Avenue of Honour is of significance to the State of Victoria for its association with World War I, for being a complete and full implementation of the 1916 plantings recommendation and for its uniqueness within its class. Mr Poloniato submitted that the lack of intactness in the Avenue of Honour should not detract from its cultural heritage significance.
6. Greater Bendigo City Council, in its written submission, agreed with the submission of the Executive Director that the Place is not of cultural heritage significance to the State of Victoria and should therefore not be included in the Register as the Place did not satisfy any of the Criteria at a State level. Greater Bendigo City Council submitted that the Avenue of Honour was neither an outstanding nor intact commemorative planting and that its substantial loss of integrity resulted in a difficulty in reading and interpreting it as an avenue of honour.
7. Ms Bisucci for the Owners submitted that the Place is not of cultural heritage significance to the State of Victoria in relation to any of the Criteria. Ms Bisucci submitted that it is difficult to read the Avenue of Honour as a commemorative planting and therefore demonstrate the relevant historical associations, that it is not rare, uncommon or endangered, nor a notable or intact example or of aesthetic value within its class at a State level, and that there is no evidence of the relevant associations with the Place by a community. The Owners stated that they also rely on the expert witness testimony and expertise of Dr Martin and Mr Howe in submitting that the Place is not of cultural heritage significance to the State of Victoria and should not be included in the Register.
8. In his expert testimony, Dr Martin agreed with the Executive Director in submitting that the Place is not of significance at a State level in relation to the Criteria, that the compromised integrity and intactness of the Avenue of Honour reduce the ability to read relevant historical associations, that neither the Avenue of Honour nor the other commemorative plantings are rare, unique or notable, and that neither the school buildings nor other parts of the Place are notable examples of their type.
9. In his expert testimony, Mr Howe submitted that the trees remaining in the Avenue of Honour are in poor condition and that the Avenue of Honour is so low in its intactness and that its form is so compromised that it can no longer be read as an avenue of honour. Mr Howe submitted that the Avenue of Honour does not warrant inclusion in the Register.

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

1. The parties agreed that the Place is of historical importance but disagreed on the level of significance.

*Submissions and evidence*

1. The Executive Director submitted that neither the Avenue of Honour nor the other commemorative plantings allow the wider commemorative plantings phenomenon to be better understood than most other places in Victoria with substantially the same association, and that many avenues of honour of a great variety survive. The Executive Director submitted that the loss of intactness and integrity of the Avenue of Honour and the other commemorative plantings has compromised the capacity to read the cultural heritage values of the Place. The Executive Director agreed that the Avenue of Honour is an early example and is clearly of historical interest, but submitted that the Place does not meet the threshold for State level cultural heritage significance. The Executive Director further submitted that the existence of the school building does not elevate the Place to State level significance.
2. Ms Starr submitted that the Place is of historical significance to the State of Victoria under Criterion A as one of the earliest school-based avenues planted and as one that is still extant alongside a school building, as an avenue associated with and planted in accordance with the 1916 plantings recommendation, for its associations with certain persons through their commemorative plaques, and for its particular form.
3. Mr Poloniato submitted that the Place is of historical significance to the State of Victoria as an early school-based avenue of honour and in particular, for its clear association with, and implementation of, the 1916 plantings recommendation, which Mr Poloniato submitted can be read because the Avenue of Honour is still intact.
4. Greater Bendigo City Council submitted that the Avenue of Honour is among the earliest commemorative plantings associated with World War I but supported the Recommendation in submitting that its loss of intactness and integrity makes it difficult to read and interpret as an avenue of honour. Greater Bendigo City Council submitted that the Place does not satisfy Criterion A and should not be included in the Register.
5. The Owners submitted that the Place does not satisfy Criterion A at a State level as it does not demonstrate the clear association of historical importance with the commemorative plantings movement which would allow it to be understood better than most other places or objects in Victoria with the same association. The Owners further submitted that the Avenue of Honour and other commemorative plantings at the Place are not the first commemorative plantings at a school during World War I, that they are not unusual and not influential, that the condition of the Avenue of Honour is significantly deteriorated, that the name plaques are not extant and that there is uncertainty as to which of the original trees remain.
6. Dr Martin is of the view that the Place does not satisfy Criterion A at a State level. Dr Martin’s witness statement provided evidence in the form of correspondence from the 1920s raising the possibility that many of the original 1916 commemorative plantings at the Place may have been removed by vandals in 1920. Mr Martin stated that the eventual loss of more than half of the trees within the Avenue of Honour and the removal of the name plaques has compromised the capacity of the Avenue of Honour to be read as associated with World War I, and that this compromises its commemorative function. Dr Martin attested that while the school building reflected the theme of rural education, it did so no more than many other school buildings across Victoria.
7. In his supplementary statement, in reply to other submissions and when questioned by Ms Starr and Mr Poloniato as to his assessment in relation to Criterion A, Dr Martin submitted that being one of the earliest avenues of honour associated with World War I would not be sufficient to satisfy Criterion A under the Guidelines. Dr Martin further stated that the lack of intactness of the Avenue of Honour and the poor condition of its trees makes it difficult to read as a commemorative planting and that in his view it does not satisfy Criterion A at a State level.
8. Mr Howe in his expert statement and testimony gave his view that the intactness of the Avenue of Honour is such that it no longer reads as an avenue of honour.

*Discussion and conclusion*

1. The Committee finds that Criterion A is not satisfied at a State level in relation to the Place.
2. It was accepted by all parties that the Place is of historical importance to members of the East Bendigo community for its association with education and with World War I and the related commemorative plantings and the Committee recognises the historical importance of each of these associations. The Committee finds, however, that based on its site inspection and on all the material before it, the Place does not allow these associations to be understood better than most other places in Victoria with substantially the same associations.
3. The Committee is of the view that the condition of the Avenue of Honour and of the trees within it is significantly deteriorated and that there is uncertainty as to which of the original trees remain. These factors, alongside the absence of the name plaques, mean that the form of the Avenue of Honour as an avenue of trees is compromised, that it is indeed difficult to read as a commemorative planting, and that the historical associations argued by Ms Starr and Mr Poloniato are not, in fact, able to be read or understood at the Place in the terms of the Guidelines. The Committee is of the view that it is very difficult to read the cultural heritage values of the Place and see the associations put to the Committee.
4. The Committee recognises that the Avenue of Honour was indeed an early avenue of honour, that it is directly associated with the 1916 plantings recommendation and that it is still extant, associated with a school and located alongside a school building. The Avenue of Honour cannot, however, be readily appreciated better than most other places in Victoria associated with the same historical periods, processes or movements.
5. The Committee agrees with the Executive Director that the Place is not of importance to the course, or pattern, of Victoria’s history and determines that the Place does not satisfy Criterion A at a State level.

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

1. The parties disagreed as to whether the Place satisfies Criterion B.

*Submissions and evidence*

1. The Executive Director submitted that the Place does not satisfy Criterion B because a significant number of avenues of honour survive and this class of place is not rare or endangered, because a loss of intactness and integrity is evident in the Avenue of Honour which makes the cultural heritage values difficult to read, and because the Place does not contain the features that would allow it to meet the threshold in relation to Criterion B.
2. Ms Starr submitted that the Place satisfies Criterion B at a State level as a rare surviving example of a school-based avenue of honour and as one that includes one of the earliest commemorative plantings. Ms Starr further submitted that the two-row form close to the school gates along the pathway is a unique feature at a State level and that the Place is part of a class that is endangered to the point of rarity.
3. Mr Poloniato submitted that the Place is rare in its possession of features that were not replicated in other similar places and that it satisfies Criterion B as a rare example of an extant avenue of honour next to an extant school building.
4. The Owners submitted that the Place is not uncommon and does not contain features to satisfy Criterion B at a State level, noting the existence of over 300 avenues of honour in Victoria, including 10 that are in the Register. The Owners submitted that each avenue of honour in the Register was larger and more intact than the Avenue of Honour at the Place and that each used similar species of trees.
5. Dr Martin’s witness statement submitted that that the Place does not satisfy Criterion B at a State level and provided a summary of the other avenues of honour in the Register, submitting that each one is larger and more intact by many measures than the Avenue of Honour at the Place. Dr Martin supported the Executive Director’s view that the Place, including the built fabric, is not uncommon, does not contain any unusual features and is not endangered to the point of rarity.
6. In his supplementary witness statement and in verbal submissions made in reply to the questions directed to him by Ms Starr, Dr Martin argued that submissions made as to the significance of the Avenue of Honour relied on the use of multiple qualifiers, including the use of terms such as ‘school-based Avenue of Honour’, ‘earliest remaining commemorative planting’, and ‘two-row avenue form’. Dr Martin submitted by way of reply to the use of such qualifiers that, in his opinion, the Avenue of Honour was not uncommon or rare but ‘simply one of over 300 [avenues of honour] identified in Victoria’.

*Discussion and conclusion*

1. The Committee finds that Criterion B is not satisfied at a State level.
2. The Committee notes the evidence presented by parties and expert witnesses as to the large number of extant commemorative plantings across Victoria associated with World War I and the wider commemorative plantings phenomenon, including those in the Register, and notes the submissions made relating to the compromised intactness, integrity and form of the Avenue of Honour as compared with them, particularly the commemorative plantings in the Register.
3. The Committee agrees that the Place has its own unique history and association with the wider commemorative plantings phenomenon and with the Bendigo region and community, but further notes that there are many other avenues of honour and commemorative plantings in Victoria, that many are highly notable, highly intact and of high integrity, and that a significant number are included in the Register.
4. The Committee agrees with the Executive Director that, based on all the evidence presented to this hearing, the Place does not meet the required threshold as to being in possession of uncommon, rare or endangered aspects of Victoria’s cultural history, and therefore does not satisfy the requirements under Criterion B at a State level.
5. The Committee determines that the Place does not satisfy Criterion B at a State level and should not be included in the Register on the basis of this Criterion.

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

1. The parties disagreed as to whether the Place satisfies Criterion D.

*Submissions and evidence*

1. The Executive Director submitted that none of the elements of the Place are notable, fine, highly intact, influential or pivotal in the terms of the Guidelines and that the Place as a whole does not meet the threshold in relation to Criterion D. The Executive Director submitted that the school building is architecturally undistinguished and is not uncommon in its features or as an example of its class. The Executive Director submitted that the Avenue of Honour is one of many associated with the wider commemorative plantings phenomenon and is not a notable example, nor highly intact, fine or influential within this class. The Executive Director further noted the loss of integrity and intactness of the Avenue of Honour submitting that it was not a notable example within its class.
2. Ms Starr submitted that the Place is of State level significance and that both the school building and the Avenue of Honour are of State level significance in the terms of Criterion D. Ms Starr submitted that the Avenue of Honour is a fine example of a school-based avenue of honour and that the association between the Avenue of Honour and the 1916 plantings recommendation is further evidence of its significance in relation to Criterion D. Ms Starr further submitted that the view from the school gate allows the Avenue of Honour to be appreciated and that the Avenue of Honour is still intact.
3. Mr Poloniato submitted that the Avenue of Honour is of importance as a better representation of the 1916 plantings recommendation than other similar places that are extant, and that the Avenue of Honour is still distinguishable. Mr Poloniato submitted that notable features of the Place include that the Avenue of Honour consists of native trees and was planted in two rows along a pathway.
4. Greater Bendigo City Council submitted that the Avenue of Honour is not an outstanding or intact example within its class and that the Place does not meet the threshold needed to satisfy Criterion D.
5. The Owners submitted that the Avenue of Honour is not a notable example within its class, that its commemorative function and conception is not of State-level significance, that the Avenue of Honour is compromised by both the destruction and loss of most original trees and the lack of on-site name plaques, and that Criterion D is not satisfied at a State level.
6. Dr Martin in his expert witness statement submitted that the Avenue of Honour was a modest example within its class and was ‘designed to commemorate local loss’ associated with World War I. Dr Martin is of the view that the Place possesses no characteristics that would distinguish it at a State level and that the Avenue of Honour is compromised in its form by the loss of most of the original plantings. In his supplementary expert statement and in reply to questions put to him by Ms Starr, Dr Martin submitted that all parties to the hearing acknowledge that the vast majority of the trees of the Avenue of Honour no longer exist and that the name plaques are no longer located at the Place, making it difficult to read the Avenue of Honour as an example within its class. Dr Martin therefore submitted that it cannot be considered to demonstrate the principal characteristics of an avenue of honour.
7. Mr Howe submitted his expert view that the intactness of the Avenue of Honour was such that it no longer reads as a discrete avenue but appears as part of a broader group of trees. Mr Howe further submitted that the condition of the individual trees is very low and that the Avenue of Honour does not warrant inclusion in the Register.

*Discussion and conclusion*

1. The Committee is of the view that the Place does not satisfy Criterion D at a State level.
2. In relation to the Avenue of Honour, the Committee agrees with the Executive Director that it is not notable, fine, highly intact, influential or pivotal in the terms of the Guidelines and that, on the evidence before the Committee, its clear loss of integrity and intactness means that it does not demonstrate the principal characteristics of an avenue of honour at a State level.

**Criterion E - Importance in exhibiting particular aesthetic characteristics**

1. The parties disagreed as to whether the Place satisfies Criterion E.

*Submissions and evidence*

1. In the Recommendation the Executive Director argued that the Place is aesthetically unremarkable, does not exhibit particular aesthetic characteristics and does not compare favourably with other places in the same class.
2. Ms Starr and Mr Poloniato both noted the aesthetic characteristics of the Avenue of Honour and its unique characteristics as a school-based avenue of honour for its use of native trees and for its location along the pathway leading from the front school gate.
3. Greater Bendigo City Council submitted that the Avenue of Honour is not an outstanding example within its class, that it has suffered a substantial loss of intactness and integrity as an avenue of honour and that the Place does not meet the threshold needed to satisfy Criterion E.
4. Dr Martin and Mr Howe both provided their expert view that the Avenue of Honour was in relatively poor condition and was of low integrity and intactness as a commemorative planting. Mr Howe submitted that the form of an avenue of honour is difficult to read and that the condition of the individual trees is very low, such that he does not consider them to be ‘viable specimens’.

*Discussion and conclusion*

1. The Committee finds that Criterion E is not satisfied at a State level.
2. The Committee is of the view that the whole Place is aesthetically unremarkable and does not exhibit particular aesthetic characteristics that would allow it to be assessed as having the aesthetic qualities of other, finer examples of commemorative plantings. The Committee notes that the aesthetic characteristics of the Avenue of Honour do not appear to be valued in the terms of Criterion E and that no evidence was provided of ongoing critical recognition or meaningful public acknowledgement of the Place in the terms of Criterion E.
3. The Committee notes that few submissions were specifically made in relation to Criterion E.
4. The clear loss of integrity and intactness in Avenue of Honour, and the poor condition of the trees that constitute it, further demonstrate that the Place exhibits significantly degraded aesthetic qualities and does not reach the threshold to satisfy Criterion E at a State level.

**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.**

1. The parties disagreed as to whether the Place satisfies Criterion G.

*Submissions and evidence*

1. The Executive Director submitted that the Place is not of social significance at a State level and noted that while the Place may be of some significance to the Bendigo and East Bendigo communities, it does not meet the threshold at a State level in relation to Criterion G.
2. Ms Starr submitted that the Place satisfies Criterion G at a State level for the special and enduring association between the Place and the immediate and wider Bendigo community including teachers, students, veterans and their descendants, and that this has been demonstrated by the direct and active association by the community with the Place through social media and other means. Ms Starr further submitted that it was highly likely there had been regular commemorative events held at the Place until 1999 and that local residents remembered speeches being held at the Place.
3. Greater Bendigo City Council agreed with the Executive Director in submitting that the Place does not meet the threshold needed to satisfy Criterion G.
4. The Owners submitted that the Place does have the requisite social significance to satisfy Criterion G at a State level and that there was no evidence to demonstrate a regular or long-term engagement with the Place.
5. Dr Martin’s expert witness statement and verbal submissions noted the connection with the Place and parts of the Bendigo community, but Dr Martin further stated that there is no evidence that the connection by any community or communities with the Place was a connection that satisfied Criterion G at a State level.
6. Dr Martin, in response to other parties’ submissions, stated that the memory of the existence and the function of the Avenue of Honour had faded and that there was no evidence that would allow Criterion G to be satisfied at a State level.
7. Mr Howe in his expert statement argued that the absence of the Avenue of Honour in the records of certain key recent academic projects and research suggests that the associations contemplated by Criterion G are unlikely to exist to the State level threshold required by Criterion G.

*Discussion and conclusion*

1. The Committee finds that Criterion G is not satisfied at a State level.
2. The Committee is of the view that the evidence before it clearly demonstrates that the form of the Avenue of Honour is significantly compromised, as compared with other avenues of honour across Victoria. This loss of intactness and integrity alone shows that the commemorative function of the Avenue of Honour was long ago compromised. The Committee finds that there is a lack of evidence as to a regular, ongoing and long-term engagement with the Place, which brings into doubt the meaningful association of the Bendigo and East Bendigo communities with it at a State level in the terms of Criterion G.
3. The Committee believes that the evidence before it does not adequately demonstrate a regular and long-term engagement with the Place by a community such that Criterion G can be satisfied at a State level.
4. The Committee notes that the Place has its own unique history and association with the with the Bendigo and East Bendigo communities, but agrees with the Executive Director that a strong or special association in the terms of Criterion G is not evident. The Committee therefore determines that the Place does not satisfy Criterion G at a State level.

**Conclusion**

1. The Committee determines that the Former Primary School and Avenue of Honour at 93 Strickland Road, East Bendigo, does not meet the significance threshold for inclusion in the Victorian Heritage Register in relation to any of the Heritage Council's Criteria.
2. The Committee recognises that the Avenue of Honour located at the Place is of significance to, and is valued by, members of the Bendigo and Bendigo East communities, but determines that the Place is not of cultural heritage significance to the State of Victoria, and should therefore not be included in the Victorian Heritage Register.
3. The Committee notes the extensive research completed and the detailed submissions prepared by members of the Bendigo community for this hearing, and commends Ms Starr, in particular, for her efforts in relation to the submissions made to this hearing, which have allowed for a more complete understanding of the Place than existed before the hearing process.

**ATTACHMENT 1**



**HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE**

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| CRITERION A | Importance to the course, or pattern, of Victoria’s cultural history. |
| CRITERION B | Possession of uncommon, rare or endangered aspects of Victoria’s cultural history. |
| CRITERION C | Potential to yield information that will contribute to an understanding of Victoria’s cultural history. |
| CRITERION D | Importance in demonstrating the principal characteristics of a class of cultural places or objects. |
| CRITERION E | Importance in exhibiting particular aesthetic characteristics. |
| CRITERION F | Importance in demonstrating a high degree of creative or technical achievement at a particular period. |
| CRITERION G | Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions. |
| CRITERION H | Special association with the life or works of a person, or group of persons, of importance in Victoria’s history. |

**These were adopted by the Heritage Council at its meeting on 7 August 2008, and replace the previous criteria adopted by the Heritage Council on 6 March 1997.**