

Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria

Name: Former ANZ Bank
Address: 9 Lydiard Street North,
Ballarat Central
Local Government Authority: Ballarat City



Former ANZ Bank (February 2020)

Executive Director recommendation

I recommend to the Heritage Council of Victoria that the existing registration of VHR H0110, the Former ANZ Bank, 9 Lydiard Street North, Ballarat in the Victorian Heritage Register ('VHR') be amended under section 62 of the *Heritage Act 2017* ('the Act').

STEVEN AVERY

Executive Director, Heritage Victoria

DATE OF RECOMMENDATION: 15 March 2021



Environment,
Land, Water
and Planning

Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria

Executive Director Recommendation to the Heritage Council of Victoria

The Executive Director, Heritage Victoria ('Executive Director') recommends that the Heritage Council amends the existing registration of VHR H0110, the Former ANZ Bank, 9 Lydiard Street North, Ballarat in the VHR by:

- Including additional land
- Determining categories of works or activities which may be carried out in relation to the place for which a permit is not required (permit exemptions).

The process from here

1. The Heritage Council publishes the Executive Director's recommendation (section 41).

The Heritage Council will publish the Executive Director's recommendation on its website for a period of 60 days. Submissions must be received by Heritage Council on or before **17 May 2021**.

2. Making a submission to the Heritage Council (sections 44 and 45)

Within the 60 day publication period, any person or body can make a submission to the Heritage Council. This submission can support the recommendation, or object to the recommendation and a hearing can be requested in relation to the submission. Information about making a submission and submission forms are available on the Heritage Council of Victoria's website:

<https://heritagecouncil.vic.gov.au/registrations-reviews/executive-director-recommendations/>

3. Heritage Council determination (sections 46 and 49)

The Heritage Council is an independent statutory body. It is responsible for making the final determination to include or not include the place or object in the VHR, or amend a place or object already in the VHR.

If no submissions are received the Heritage Council must make a determination within 40 days of the publication closing date.

If submissions are received, the Heritage Council may decide to hold a hearing in relation to the submission. If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

4. Obligations of owners of places and objects (sections 42 and 43)

The owner of a place or object which is the subject of a recommendation to the Heritage Council has certain obligations under the Act. These relate to advising the Executive Director in writing of any works or activities that are being carried out, proposed or planned for the place.

The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place or object before entering into a contract.

5. Further information

The relevant sections of the Act are provided at Appendix 1.

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Existing Description

There is no change to the existing description of the place.

Existing History

There is no change to the existing history of the place.

Reasons for registration in 1974

The State level cultural heritage significance of the Former ANZ Bank was recognised in 1974 by its inclusion in the Register of Historic Buildings (VHR H0110). The Former ANZ Bank is historically significant as an example of the work of the prolific bank architect Leonard Terry, who designed four adjacent banks along Lydiard Street in the 1860s. It is also significant as an early surviving bank building in Victoria and reflects the growth and development of Ballarat following the discovery of gold in 1851. The Former ANZ Bank was registered in 1974 as the Former E.S. & A. Bank.

Amendment application made on 3 December 2020

On 3 December 2020 the Executive Director made and accepted an application to amend the registration of the Former ANZ Bank (VHR H0110) by including additional land and permit exemptions to ensure consistency with current practices under the Act.

Amendment recommendation reasons

The Executive Director recommends that the Heritage Council amend this registration in accordance with section 62 of the Act because in accordance with section 32(1) he considers that:

- a) the State-level cultural heritage significance of the place would be substantially less if the land or any part of the land which is or has been used in conjunction with the place were developed; and
- b) land surrounding the place is important to the protection or conservation of the place or contributes to the understanding of the place.

Traditional Owner Information

The Former ANZ Bank is located on the traditional land of the Wadawurrung people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Wathaurung Aboriginal Corporation.

Victorian Aboriginal Heritage Register

The Former ANZ Bank is not included in the Victorian Aboriginal Heritage Register. It is in close proximity to an area of Aboriginal cultural heritage sensitivity associated with the Yarrowee River.

Change of heritage category

No change of category.

Change of name

It is recommended that the Former ANZ Bank be renamed the Former ES&A Bank (Ballarat) to reflect its initial registration details and historical use. The ES&A Bank operated in Australia until 1970, when it merged with ANZ.

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Statutory requirements under section 40

Terms of the recommendation (section 40 (3)(a))

The Executive Director recommends that the registration of the Former ANZ Bank in the VHR is amended.

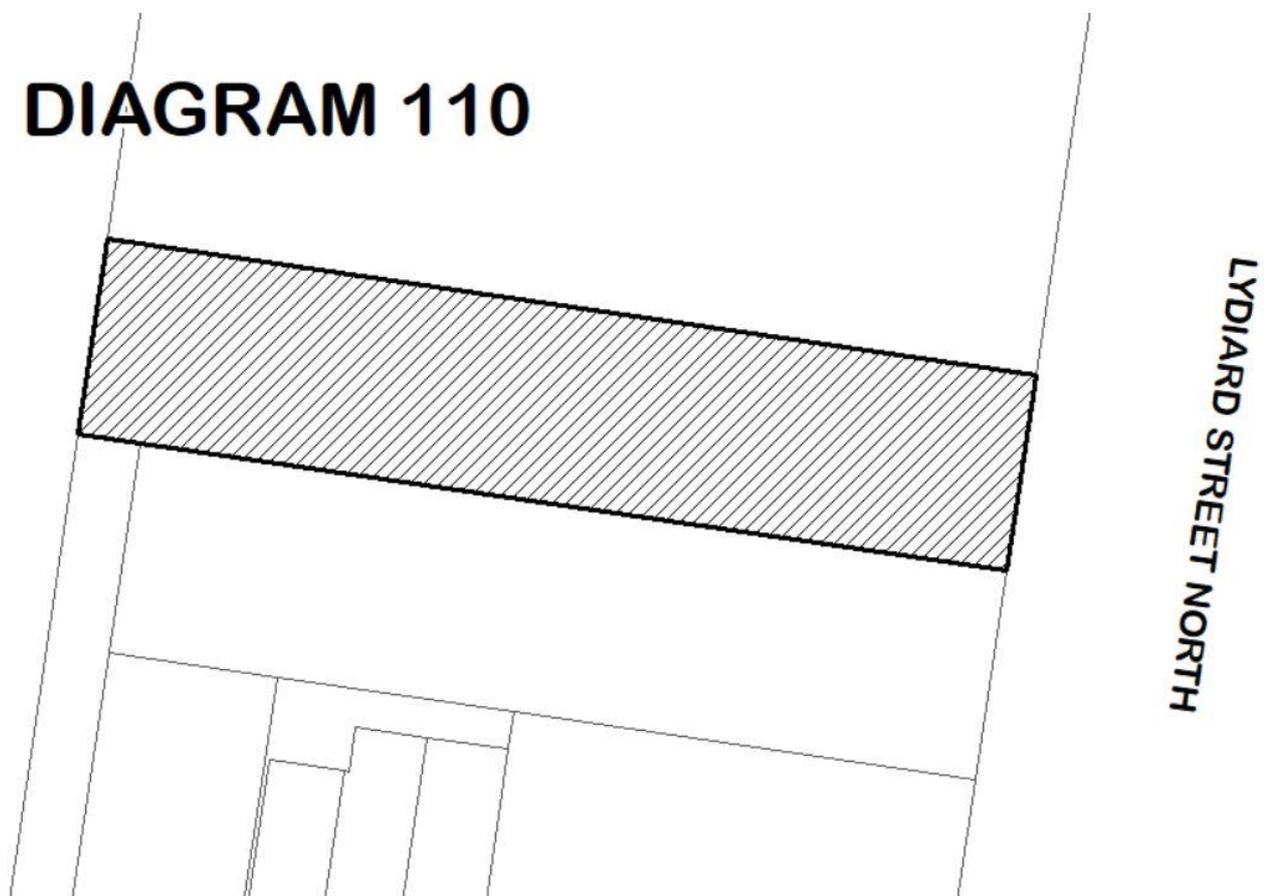
Information to identify the place or object (section 40(3)(b))

Name: Former ES&A Bank (Ballarat)

Address: 9 Lydiard Street North, Ballarat Central

Proposed extent of registration

All of the place shown hatched on Diagram 110 encompassing all of Lot 1 on Title Plan 848633.



The extent of registration of the Former E.S. & A. Bank, Ballarat in the VHR affects the whole place shown on Diagram 110 including the land, all buildings (including the exteriors and interiors) and other features.

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Aerial photo showing recommended extent



Rationale for extent

The recommended extent of registration comprises the Former ANZ Bank building, its interiors and exteriors, and the cadastral block upon which the place is located. The recommended extent is deemed sufficient for the conservation and protection of the former bank building.



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Statement of significance

Revised Statement of Significance

What is significant?

The Former ES&A Bank, Ballarat, a two-storey Renaissance Revival style building, designed c.1860 by Leonard Terry, erected on a bluestone base with a central recessed colonnaded section and balconied windows at the first-floor level.

How is it significant?

The Former ES&A Bank, Ballarat, is of historical and architectural significance to the State of Victoria. It satisfies the following criterion for inclusion in the VHR:

Criterion A

Importance to the course, or pattern, of Victoria's cultural history.

Why is it significant?

The Former ES&A Bank, Ballarat, is of historical significance as an early surviving bank building in Victoria. It reflects the early growth and development of Ballarat, in particular West Ballarat, after the discovery of gold in 1851. It is representative of buildings constructed in the prolific period of the 1860s. [Criterion A]

The Former ES&A Bank, Ballarat, is of architectural significance as a fine example of the work of prolific bank architect, Leonard Terry. Terry designed over fifty branches for the major colonial banks, mainly throughout Victoria, including the four adjacent banks near the corner of Sturt and Lydiard Streets. [Criterion A]



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Categories of works or activities (permit exemptions) recommended under section 38 (section 40(4)(b))

Introduction

The purpose of this information is to assist owners and other interested parties when considering or making decisions regarding works to a registered place. It is recommended that any proposed works be discussed with an officer of Heritage Victoria prior to making a permit application. Discussing proposed works will assist in answering questions the owner may have and aid any decisions regarding works to the place.

It is acknowledged that alterations and other works may be required to keep places and objects in good repair and adapt them for use into the future. However, under the Act a person must not knowingly, recklessly or negligently remove, relocate or demolish, damage or despoil, develop or alter or excavate all or any part of any part of a registered place without approval. It should be noted that the definition of 'develop' in the Act includes any works on, over or under the place.

If a person wishes to undertake works or activities in relation to a registered place or registered object, they must apply to the Executive Director for a permit. The purpose of a permit is to enable appropriate change to a place and to effectively manage adverse impacts on the cultural heritage significance of a place as a consequence of change. If an owner is uncertain whether a heritage permit is required, it is recommended that Heritage Victoria be contacted.

Permits are required for anything which alters the place or object, unless a permit exemption is granted. Permit exemptions usually cover routine maintenance and upkeep issues faced by owners as well as minor works or works to the elements of the place or object that are not significant. They may include appropriate works that are specified in a conservation management plan. Permit exemptions can be granted at the time of registration (under section 38 of the Act) or after registration (under section 92 of the Act). It should be noted that the addition of new buildings to the registered place, as well as alterations to the interior and exterior of existing buildings requires a permit, unless a specific permit exemption is granted.

Disrepair of registered place or registered object

Under section 152 of the Act, the owner of a registered place or registered object must not allow that place or object to fall into disrepair.

Failure to maintain registered place or registered object

Under section 153 of the Act, the owner of a registered place or registered object must not fail to maintain that place or object to the extent that its conservation is threatened.

Conservation management plans

It is recommended that a Conservation Management Plan is developed to manage the place in a manner which respects its cultural heritage significance.

Archaeology

There is no identified archaeology of State level significance at the place. However, any works that may affect historical archaeological features, deposits or artefacts at the place is likely to require a permit, permit exemption or consent. Advice should be sought from the Archaeology Team at Heritage Victoria.

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Aboriginal cultural heritage

To establish whether this place is registered under the *Aboriginal Heritage Act 2006* please contact Aboriginal Victoria. The *Heritage Act 2017* and the *Aboriginal Heritage Act 2006* are separate pieces of legislation. Please be aware that both Acts are required to be satisfied and satisfying the requirements of one Act may not satisfy the requirements of the other.

If any Aboriginal cultural heritage is discovered or exposed at any time it is necessary to immediately contact Aboriginal Victoria to ascertain requirements under the *Aboriginal Heritage Act 2006*. If works are proposed which have the potential to disturb or have an impact on Aboriginal cultural heritage it is necessary to contact Aboriginal Victoria to ascertain any requirements under the *Aboriginal Heritage Act 2006*.

Other approvals

Please be aware that approval from other authorities (such as local government) may be required to undertake works.

Notes

- All works should ideally be informed by a Conservation Management Plan prepared for the place. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.
- Nothing in this determination prevents the Heritage Council from amending or rescinding all or any of the permit exemptions.
- Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits where applicable.

General Conditions

- All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place.
- Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place are revealed which relate to the significance of the place, then the exemption covering such works must cease and Heritage Victoria must be notified as soon as possible.

Permit Exemptions

The following permit exemptions are not considered to cause harm to the cultural heritage significance of the Former ANZ Bank, Ballarat.

General

- Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of fabric and include the conservation of existing details or elements. Any repairs and maintenance must not exacerbate the decay of fabric due to chemical incompatibility of new materials, obscure fabric or limit access to such fabric for future maintenance.
- Maintenance, repair and replacement of existing external services such as plumbing, electrical cabling, surveillance systems, pipes or fire services which does not involve changes in location or scale.
- Repair to, or removal of items such as antennae; aerials; and air conditioners and associated pipe work, ducting and wiring.
- Works or activities, including emergency stabilisation, necessary to secure safety in an emergency where a structure or part of a structure has been irreparably damaged or destabilised and poses a safety risk to its users or the public. The Executive Director, Heritage Victoria, must be notified within seven days of the commencement of these works or activities.



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- Painting of previously painted external and internal surfaces in the same colour, finish and product type provided that preparation or painting does not remove all evidence of earlier paint finishes or schemes. This exemption does not apply to areas where there are specialist paint techniques such as graining, marbling, stencilling, hand-painting, murals or signwriting, or to wallpapered surfaces, or to unpainted, oiled or varnished surfaces.
- Cleaning including the removal of surface deposits by the use of low-pressure water (to maximum of 300 psi at the surface being cleaned) and neutral detergents and mild brushing and scrubbing with plastic (not wire) brushes.

Interiors

- Works to maintain or upgrade existing bathrooms and kitchens, including installing new appliances, re-tiling and the like.
- Installation, removal or replacement of carpets and/or flexible floor coverings, window furnishings, and devices for mounting artworks.
- Removal or replacement of smoke and fire detectors, alarms and the like, of the same size and in existing locations.
- Removal or replacement of existing ducted, hydronic or concealed radiant type heating provided that the central plant is concealed, and that the work is done in a manner which does not alter building fabric.
- Installation of plant within roof space, providing that it does not impact on the external appearance of the building or involve structural changes.
- Installation, removal or replacement of bulk insulation in the roof space.

Outdoor areas

- Like for like repair and maintenance of existing hard landscaping including paving, carpark and footpaths.
- Removal or replacement of overhanging sign on Lydiard Street North façade provided the size, location and material remains the same.

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Appendix 1

Heritage Council determination (section 41)

The Heritage Council is an independent statutory body that will make a determination on this recommendation under section 49 of the Act. It will consider the recommendation after a period of 60 days from the date the notice of recommendation is published on its website under section 41.

Making a submission to the Heritage Council (section 44)

Within the period of 60 days, any person or body with a real and substantial interest in the place or object may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are available on the Heritage Council's website.

Consideration of submissions to the Heritage Council (section 46)

- (1) The Heritage Council must consider—
 - (a) any written submission made to it under section 44; and
 - (b) any further information provided to the Heritage Council in response to a request under section 45.
- (2) The Heritage Council must conduct a hearing in relation to a submission if—
 - (a) the submission includes a request for a hearing before the Heritage Council; and
 - (b) the submission is made by a person or body with a real or substantial interest in the place or object that is the subject of the submission.
- (3) Despite subsection (2), the Heritage Council may conduct a hearing in relation to a submission in any other circumstances the Heritage Council considers appropriate.

Determinations of the Heritage Council (section 49)

- (1) After considering a recommendation that a place or object should or should not be included in the Heritage Register, or should be amended in the Heritage Register, and any submissions in respect of the recommendation and conducting any hearing into the submissions, the Heritage Council may—
 - (a) determine that the place or part of the place, or object, is of State-level cultural heritage significance and is to be included in the Heritage Register; or
 - (b) determine that the place or part of the place, or object, is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
 - (c) in the case of a recommendation in respect of a place, determine that the place is not to be included in the Heritage Register but—
 - i. refer the recommendation and any submissions to the relevant planning authority for consideration for an amendment to a planning scheme; or
 - ii. determine that it is more appropriate for steps to be taken under the *Planning and Environment Act 1987* or by any other means to protect or conserve the place; or
 - (d) in the case of a recommendation in respect of additional land which has been nominated to be included in the Heritage Register as part of a registered place in accordance with section 32, determine that the land be included in the Heritage Register if—

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- (i) the State-level cultural heritage significance of the place would be substantially less if the land or any part of the land which is or has been used in conjunction with the place were developed; or
 - (ii) the land surrounding the place is important to the protection or conservation of the place or contributes to the understanding of the place; or
 - (e) determine that the object is integral to understanding the cultural heritage significance of a registered place or a place the Heritage Council has determined to be included in the Heritage Register.
- (2) The Heritage Council must make a determination under subsection (1)—
- (a) within 40 days after the date on which written submissions may be made under section 44; or
 - (b) if any hearing is conducted into the written submissions, within 90 days after the completion of the hearing.
- (3) A determination that a place or part of a place, or object, should be included in the Heritage Register may include categories of works or activities which may be carried out in relation to the place or object for which a permit under this Act is not required, if the Heritage Council considers that the works or activities would not harm the cultural heritage significance of the place or object.
- (4) If the Heritage Council determines to include a place in the Heritage Register, with the consent of the owner of the place, the Heritage Council may determine to include in the Heritage Register additional land of the owner that is ancillary to the place.
- (5) If a member of the Heritage Council makes a submission under section 44 in respect of a recommendation, the member must not take part in the consideration or determination of the Heritage Council.
- (6) The Heritage Council must notify the Executive Director of any determination under this section as soon as practicable after the determination.

Obligations of owners of places and objects (section 42)

- (1) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of—
- (a) any works or activities that are being carried out in relation to the place or object at the time the statement is given; and
 - (b) any application for a planning permit or a building permit, or for an amendment to that permit, that has been made in relation to the place but not determined at the time the statement is given; and
 - (c) any works or activities that are proposed to be carried out in relation to the place or object at the time the statement is given.
- (2) An advice under subsection (1) must be given within 10 days after the statement of recommendation is given under section 40.
- (3) The owner of a place to whom a statement of recommendation has been given must advise the Executive Director in writing of an application, permit or amendment if, before a determination under section 49 or 52 in respect of a place—
- (a) an application for a planning permit or a building permit or for an amendment to that permit in relation to the place is made; or
 - (b) a planning permit or building permit or an amendment to that permit in relation to the place is granted.
- (4) An advice under subsection (3) must be given within 10 days after the making of the application or the grant of the permit or amendment.
- (5) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of the following activities or proposals if, before a determination is made under section 49 or 52 in respect of a place or object—
- (a) any activities are carried out in relation to the place or object that could harm the place or object;



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- (b) any activities are proposed to be carried out in relation to the place or object that could harm the place or object.
- (6) An advice under subsection (5) must be given within 10 days after the owner becomes aware of the activity or the proposal, as the case requires.
- (7) If, before a determination is made under section 49 or 52 in respect of a place or object, a proposal is made to dispose of the whole or any part of the place or object, the owner of the place or object must advise the Executive Director in writing of that proposal.
- (8) An advice under subsection (7) must be given at least 10 days before entering into the contract for the disposal of the place or object.
- (9) The owner of a place or object who proposes to dispose of the whole or any part of the place or object before a determination is made under section 49 or 52 in respect of the place or object must, before entering into a contract for that disposal, give a copy of the statement of proposed contract, is to acquire the place or object or part of the place or object.

Owners of places and objects must comply with obligations (section 43)

An owner of a place or object to whom section 42 applies must comply with that section.

Penalty: In the case of a natural person, 120 penalty units;
In the case of a body corporate, 240 penalty units.

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Appendix 2: Existing registration detail

Existing Category of Registration

Registered place.

Existing Extent of Registration

City of Ballarat No. 110, Former E.S. & A. Bank, 9 Lydiard Street North, Ballarat. [*Victoria Government Gazette* No 100 Wednesday, October 9 1974, p. 3648]

Existing Statement of Significance

What is significant?

The former E.S.& A. Bank was built in Lydiard Street, Ballarat for the Colonial Bank of Australasia in 1860. It was the first of four banks constructed adjacent to each other near the corner of Sturt Street, all to designs by the architect, Leonard Terry from 1860 to 1864.

Gold was first discovered in Ballarat in 1851 and the western section of the township was surveyed in that year. Ballarat initially developed as two separate towns, with that in the west favoured by businesses, professionals, wholesalers and larger manufacturers. The advent of the railway from Geelong in 1862 further encouraged the growth of western Ballarat with the subsequent construction of hotels and warehouses nearby and the northern section of Lydiard Street, where the banks were constructed, assumed great importance. Many buildings were constructed in west Ballarat during the 1860s.

The two storey rendered building, rusticated at the lower level and on a bluestone base, was designed by Leonard Terry in the Renaissance Revival style. The symmetrical facade incorporates a central recessed colonnaded section of engaged columns, Tuscan at street level and Ionic above. Projecting bays at each end have balconied windows at first floor level, with patterned architraves and hoods supported on acanthus brackets.

How is it significant?

The former E.S.& A. Bank, Ballarat is of architectural and historical significance to the State of Victoria.

Why is it significant?

The former E.S.& A. Bank, Ballarat is of architectural significance as one of a group of banks in Ballarat, all designed by the prolific bank architect, Leonard Terry, who designed at least fifty branches for all the major banks, mainly in Victoria. The Ballarat group stand as a distinctive, and probably unique, streetscape of banks. The former E. S. & A. bank is one of very few, designed by Terry, with recessed central loggia and flanking side bays.

The former E.S.& A. Bank, Ballarat is of historical significance as an early surviving bank building in Victoria. Together with the adjacent bank buildings, it reflects the early growth and development of Ballarat, in particular West Ballarat, after the discovery of gold in 1851. It is representative of buildings constructed in the prolific period of the 1860s, when many of Ballarat's public buildings were constructed.

Existing Permit Exemptions

General Conditions

1. All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object.



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2. Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such works shall cease and Heritage Victoria shall be notified as soon as possible.

Note: All archaeological places have the potential to contain significant sub-surface artefacts and other remains. In most cases it will be necessary to obtain approval from the Executive Director, Heritage Victoria before the undertaking any works that have a significant sub-surface component.

3. If there is a conservation policy and plan all works shall be in accordance with it.

Note: A Conservation Management Plan or a Heritage Action Plan provides guidance for the management of the heritage values associated with the site. It may not be necessary to obtain a heritage permit for certain works specified in the management plan.

4. Nothing in this determination prevents the Executive Director from amending or rescinding all or any of the permit exemptions.
5. Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits from the responsible authorities where applicable.

Minor Works

Note: Any Minor Works that in the opinion of the Executive Director will not adversely affect the heritage significance of the place may be exempt from the permit requirements of the Heritage Act. A person proposing to undertake minor works must submit a proposal to the Executive Director. If the Executive Director is satisfied that the proposed works will not adversely affect the heritage values of the site, the applicant may be exempted from the requirement to obtain a heritage permit. If an applicant is uncertain whether a heritage permit is required, it is recommended that the permits co-ordinator be contacted.