

Statement of Recommendation from the Executive Director, Heritage Victoria

Capital Theatre (former Masonic Hall), H0119
50-56 View Street, Bendigo, Greater Bendigo City
Dja Dja Wurrung Country



Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that the *Capital Theatre (former Masonic Hall)*, located at 50-56 View Street, Bendigo, Greater Bendigo City in the Victorian Heritage Register (VHR) be amended.

In accordance with section 62 of the *Heritage Act 2017* (the Act), I suggest that the Heritage Council determine:

- to include additional land in the VHR (section 49(1)(d)(i) and ii) of the Act); and
- that the categories of works or activities which may be carried out in relation to the place for which a permit is not required (specific permit exemptions) would not harm the cultural heritage significance of the place (section 19(3) (a) of the Act)



STEVEN AVERY
Executive Director, Heritage Victoria
Date of recommendation: 13 May 2024

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.

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

Within the 60-day publication period, any person or body may make a written 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's website.

3. Heritage Council determination (sections 46, 46A 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. The Heritage Council must conduct a hearing if the submission is made by a person or body with a real or substantial interest in the place or object. 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, 42A, 42B, 42C, 42D 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 or object.

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.

Description

The following is a description of the Capital Theatre (former Masonic Hall), hereafter referred to as the Capital Theatre, at the time of the site inspection by Heritage Victoria in December 2023

The Capital Theatre is located on the traditional land of the Dja Dja Wurrung.

The Capital Theatre is an imposing cement rendered building, set on a stone base, and designed in a Classical Revival style. Decoration is confined to the front facade which is dominated by a giant Corinthian portico. A flight of stairs leads to this pedimented portico, and single bay wings flank the central section, which is recessed behind the portico and rusticated at the lower level. The protruding side wings are defined by corner Corinthian pilasters and a balustraded parapet above and contain quoined arch-headed windows at ground level and rectangular windows with segmental pediments above.

The building itself was originally divided into a private (for Lodge members only) and a public section, the latter including a tavern at ground level and a concert hall above. Separate entrances from the front portico were provided for private and public use. Walls of the entry hall and lodge room were decorated with classical columns and panels ornamented with Masonic emblems.

The upper level of the building contained a large hall, which is now used as a theatre with a stage and proscenium at the northwestern end. The Capital Theatre is decorated with Masonic emblems.

Description images



2015. Bendigo Capital Theatre. Source: denisbin, via Flickr.



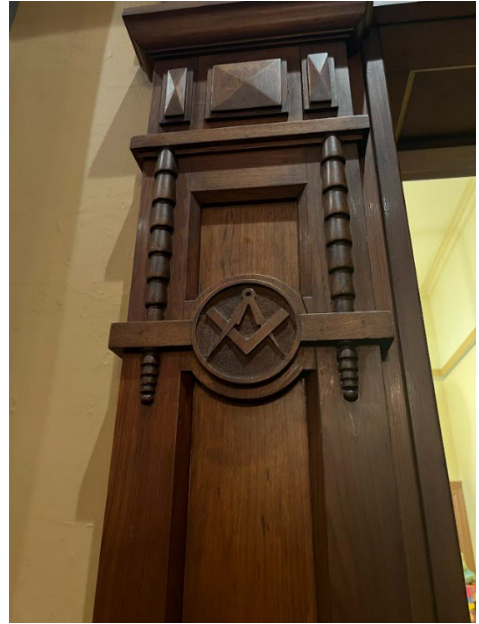
2023. Interface between original building and 1890 extension. 1890 extension was never rendered.



2023. Ground level right of way to ground floor of 1890 extension.



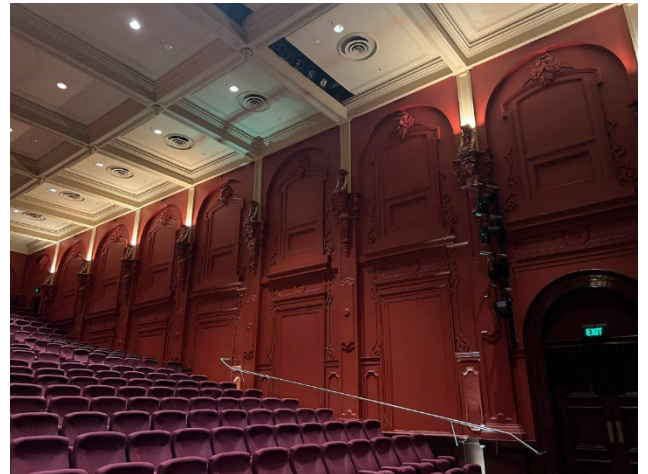
2023. Inside entrance portico, view of Corinthian column.



2023. Masonic emblem to door frame.



2023. Bendigo Bank Theatre, former Lodge Room



2023. Theatre with auditorium seating (former Main Hall).

History

Freemasonry in Bendigo

The origins of Freemasonry are thought to trace back to Medieval English stonemason's guilds. Masons working on large projects organised themselves into guilds, and from the 1600s began accepting non-masons, known as speculative or 'free' masons, whose morals aligned with that of the guild. By the eighteenth century, freemasonry had spread to the rest of Europe and America, and meetings were typically held in inns or taverns until the first purpose-built lodge was constructed in England in 1774. Masonic lodges developed codes of practice which evolved into a formalised structure with associated rituals. Values of the freemasons included fraternity, community and charitable works, and the practice of moral and social virtue.

The first recorded Masonic gathering in Australia took place in Sydney in 1803. The first lodge in Bendigo was established in 1854. By 1866 there were three lodges in Bendigo, the original Golden Lodge, and two breakaway groups, the Corinthian and Zenith Lodges. The first purpose-built hall was erected in Myers Street in 1855, but as membership of all three lodges continued to grow so did the need for a larger hall. In 1866, the Golden and Corinthian Lodges agreed to purchase two blocks of land on View Street jointly for the construction of a new temple. The Golden and Corinthian Lodge was officially formed in 1872, the same year that Lodge members William Vahland and Robert Getzschmann were appointed to design the new Hall (now Capital Theatre).

Vahland and Getzschmann

William Charles Vahland was a German-born architect who received a technical education at the *Baugewerkschule* in Holzminden, Germany. He emigrated in 1854, and after finding no luck on the goldfields began his architectural career. In 1857 he entered a partnership with Robert Getzschmann, who had arrived in Victoria some years prior in 1849. Vahland and Getzschmann's architectural output was prolific, comprising a series of churches, schools, banks, hotels, private residences and theatres across country Victoria, southern New South Wales and in Napier, New Zealand. Vahland is understood to have been the principal design force of the partnership, and he continued the practice after Getzschmann's death in 1875.

The Masonic Hall

Work commenced on construction of the building in 1873 with the laying of the foundation stone. The building was completed in 1874 to a Classical Revival design and with a south-west aspect to View Street. The building itself was divided into a private and a public section, the latter including a tavern at ground floor and a concert hall above. Separate entrances from the front portico were provided for private and public use. The Masonic section occupied the northern side of the building at ground floor level and included a lodge room at the rear, a library and reading room, and other affiliated rooms.

The tavern, later known as the Masonic Hotel (Masonic Shades Hotel, or 'The Shades'), occupied the basement and ground floor of the southern side of the building and included a sitting room, parlours, billiards room, bedrooms, kitchen, cellars and servants' rooms. It appears that two public entrances were provided for in this section, one directly from street level into the basement, the other from the public entry hall.

The other public area was an upper-level hall, with a removeable stage at the southeastern end of the space, and a balcony over the gallery to the northwestern end. It was an unusually large hall, believed to be the largest hall in Victoria at the time of construction, except for the Melbourne Town Hall. The hall was used by both Lodge members for Masonic purposes and the wider community for social events.

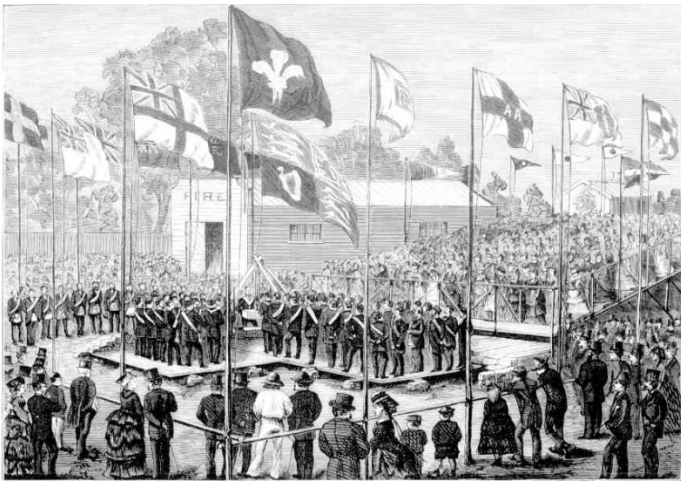
The popularity of the upper-level hall as a venue resulted in the enlargement of the building in 1890 to a design by Vahland. In 1887, the decision had been made to purchase a strip of land to the immediate west to accommodate a future extension, on the condition that a ground floor level right-of-way be maintained to allow fire fighting vehicles access to the rear of the fire station. At the first floor, the hall was extended with a new stage and proscenium constructed at the northwestern end.

Twentieth century

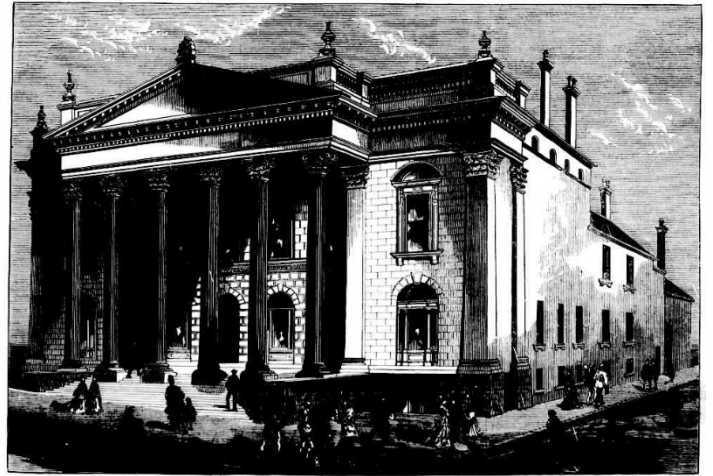
The hall was being used as a cinema as early as 1909, and in 1912 'The Masonic' or 'Masonic Theatre' was leased by West's Pictures and renamed 'The New Britannia', (later the Capitol, then Capital Theatre). The Masonic Hotel was closed in the 1920s following the cancellation of its liquor license.

Alterations were made to the building in the twentieth century. In the late 1920s the Masonic rooms on the ground floor were transformed into one space forming a lower hall, which was used as a dance venue. By 1952, the upper hall was converted back to a live theatre, and it was in use until the building's closure in 1977 due to fire risk. The Lodge was relocated to a new building in 1983. In 1987, in response to a community campaign to save the theatre, the Marong, Strathfieldsaye and Eaglehawk municipalities of Bendigo purchased the former Masonic Hall and the former fire station. Renovations began in 1989 and the building was officially reopened in 1991 as a theatre.

Historical images



July 1873. Laying the foundation-stone of the Sandhurst Capital Theatre. Source: Illustrated Australian News for Home Readers, via Trove.



August 1873. The new Masonic-Hall, Sandhurst. The Australasian Sketcher with Pen and Pencil, via Trove.

Selected bibliography

Allom Lovell & Associates. The Former Capital Theatre (former Masonic Hall) and Fire Station Conservation Management Plan. 2001.

Bendigo Advertiser. "Sandhurst buildings in course of erection." 18 June 1874. <http://nla.gov.au/nla.news-article88231529>.

Illustrated Australian News for Home Readers. "Laying of the foundation stone of the Sandhurst Capital Theatre (former Masonic Hall)." 15 July 1873. <http://nla.gov.au/nla.news-article60448019>.

Illustrated Australian News for Home Readers. "Opening of a new Capital Theatre (former Masonic Hall) at Sandhurst." 4 November 1874. <http://nla.gov.au/nla.news-article60446969>.

The Age. "Sandhurst." 25 June 1873. <http://nla.gov.au/nla.news-article198573809>.

The Australasian Sketcher with Pen and Pencil. "The new Capital Theatre (former Masonic Hall), Sandhurst." 9 August 1873. <http://nla.gov.au/nla.news-article60606847>.

The Herald. "The new Capital Theatre (former Masonic Hall) at Sandhurst." 22 October 1874. <http://nla.gov.au/nla.news-article244330313>.

Further information

Traditional Owner Information

The place is located on the traditional land of the Dja Dja Wurrung people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Dja Dja Wurrung Clans Aboriginal Corporation.

Victorian Aboriginal Heritage Register

The place is not included in the Victorian Aboriginal Heritage Register.

Integrity

The integrity of the place is very good. The cultural heritage values of the Capital Theatre can be easily read in the extant fabric.

The current use of the building as a theatre is aligned with the cultural heritage values of the place, and the freemasons' long history of public uses being accommodated in this building.

(December 2023)

Intactness

The intactness of the place is very good.

Original fittings and fixtures all appear to be intact. There has been some change to accommodate the introduction of tiered seating to the upstairs theatre, but this is reversible. Lighting rigging and projectors have been introduced to accommodate current use of the building though the impact is minimal.

(December 2023)

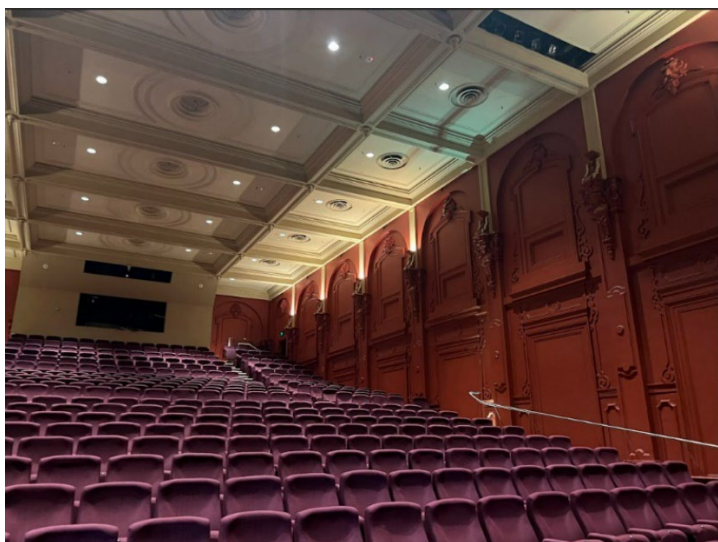
Condition

The condition of Capital Theatre is very good.

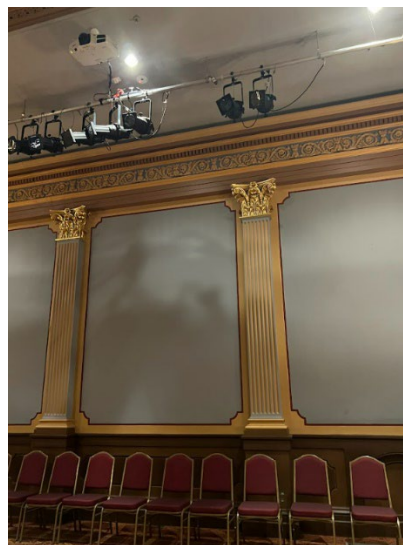
(December 2023)

Note: The condition of a place or object does not influence the assessment of its cultural heritage significance. A place or object may be in very poor condition and still be of very high cultural heritage significance. Alternatively, a place or object may be in excellent condition but be of low cultural heritage significance.

Intactness/ Integrity/ Condition images



2023. Introduced tiered seating to theatre.



2023. Lighting rigging and projectors fixed to ceiling

Amendment recommendation

State-level cultural heritage significance of the place

The State-level cultural heritage significance of the Capital Theatre was recognised in 1974 by its inclusion in the Register of Historic Buildings.

Amendment application

On 24 April 2024 the Executive Director made and accepted an application to amend the registration of the place to ensure it is consistent with current practices under the Act.

Additional land

The Executive Director recommends that the Heritage Council amend this registration because in accordance with section 40(4)(c)(i) and (ii):

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

Assessment and summary under section 40(4)(c)(i)

- Only the Capital Theatre is currently included in the VHR. None of the property or land beyond the footprint of the building is included in the VHR.
- The grounds of the former Masonic Hall are small; with some undeveloped land existing at the rear of the building. Any development would occur close to the registered building.
- Any new buildings, works or development on the undeveloped land would have the potential to diminish the setting and context of the registered building and the relationship of the building to Rosalind Park at the rear and substantially reduce the State-level cultural heritage significance of the place.
- Including additional land will ensure that all works are managed through an approvals process consistent across the entirety of the site and would provide certainty for all parties.

Assessment and summary under section 40(4)(c)(ii)

- Only the Capital Theatre itself is currently registered, and this is insufficient to protect, conserve and allow for a proper understanding of the registered building.
- Including an area of land around the building will enable works immediately adjacent to the building (for example, new building additions) to be managed under an approval process.
- Inclusion of an area of land around the Masonic Hall will also enable works that could potentially impact the conservation of the building, such as drainage, landscaping and paving, to be managed under an approval process.
- Inclusion of an area around the building provides a setting for the place

Statutory requirements under section 40

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

The Executive Director recommends that the registration of Capital Theatre (former Masonic Hall) in the VHR is amended.

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

Number: H0119

Category: Registered Place.

Name: Capital Theatre (former Masonic Hall)

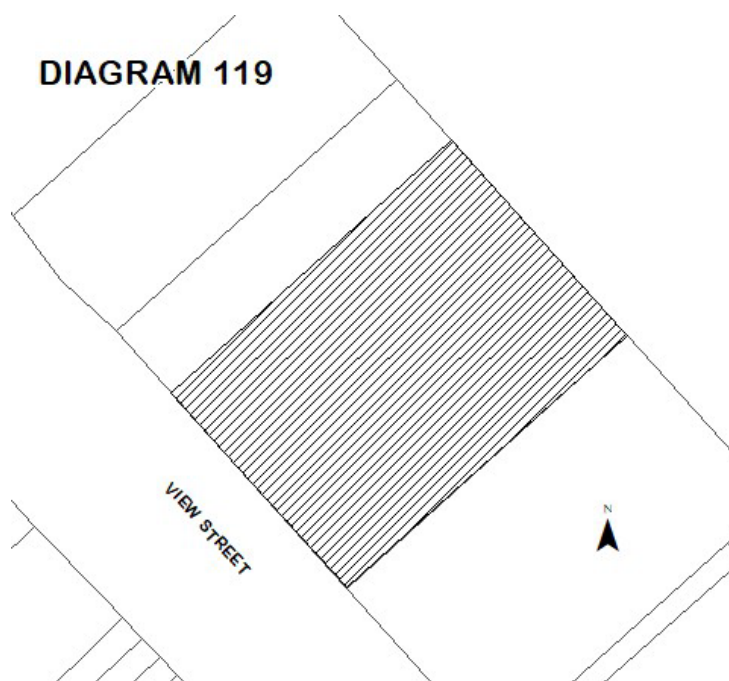
Location: 50-56 View Street Bendigo

Municipality: Greater Bendigo City

Proposed extent of registration

The Executive Director recommends that the extent of registration for the Capital Theatre (former Masonic Hall) be gazetted as:

All of the place shown hatched on Diagram 119 encompassing that part of Consolidated Plan 172110 representing the building and land occupied by the Capital Theatre (former Masonic Hall) but excluding the land to the north-west occupied by the abutting former Bendigo Fire Station (H1334).



Aerial photo of the place showing proposed extent of registration



Note: This aerial view provides a visual representation of the place. It is not a precise representation of the recommended extent of registration. Due to distortions associated with aerial photography some elements of the place may appear as though they are outside the extent of registration.

Rationale for the extent of registration

The recommended extent of registration comprises the Capital Theatre (former Masonic Hall) and the 1890 extension including ground floor level right of way that provides access to the rear of the site. This extent comprises the original parcel of land purchased by the Golden and Corinthian Lodges as well as the strip purchased to the immediate west after Lodge membership had grown. The registration abuts with the extent for the former Bendigo Fire Station (H1334).

The recommended extent of the registration is the same as the nominated extent of registration.

It should be noted that everything included in the proposed extent of registration including all of the land, all hard landscape features and the entirety of the building (exteriors, interiors and fixture) is proposed for inclusion in the VHR. A permit or permit exemption from Heritage Victoria is required for any works within the proposed extent of registration, apart from those identified in the categories of works or activities in this recommendation.

Summary of cultural heritage significance (section 40(4))

Statement of significance

What is significant?

The Capital Theatre (former Masonic Hall) Bendigo, a cement rendered building designed in the Renaissance Revival style by Bendigo architects William Charles Vahland and Robert Getzschmann in 1874. At the time of construction, the building housed several public and private uses, including lodge rooms, a tavern, and a concert hall that was later converted to a theatre.

How is it significant?

The Capital Theatre (former Masonic Hall), Bendigo is of historical and architectural significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion A

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

Criterion D

Importance in demonstrating the principal characteristics of a class of cultural places and objects

Why is it significant?

The Capital Theatre (former Masonic Hall) is historically significant due to associations with freemasonry, which played a long and important role in the cultural life of Victorian towns. The large and impressive building is illustrative of the strength of the freemason community in Bendigo and the importance it played in the development of the goldfields town from its early establishment in 1854. The Hall provided a focus for their activities and made a statement about their influence and role in the community. It is also significant for the important role it played in the wider community as a venue for a variety of activities, from its construction in 1874, through to the present day. Alterations from the 1890s onwards have emphasised public use in this centrally located building, accommodating various forms of entertainment. [Criterion A]

The Capital Theatre (former Masonic Hall) is architecturally significant as an important and largely intact example of the work of Bendigo architects, Vahland and Getzschmann, who were both members of the lodge and architects who executed many buildings in the Bendigo area. As one of the founding members of the Golden and Corinthian Masonic Lodge in Bendigo, Secretary of the Lodge for 47 years and Past Deputy Grand Master in Bendigo, Vahland's close association with freemasonry is of significance as architect of the building. The Hall is an outstanding example of the large-scale application of the Corinthian order to the classical temple form. The adoption of a temple form for Masonic buildings is illustrative of the ideas of freemasons, heightened by the use of allegorical references to freemasonry in the interior detailing. The imposing front façade also contributes to the streetscape of View Street, one of the finest groups of nineteenth century buildings in Victoria. [Criterion D]

Recommended permit exemptions under section 38

Introduction

A [heritage permit](#) is required for all works and activities undertaken in relation to VHR places and objects. Certain works and activities are [exempt from a heritage permit](#), if the proposed works will not harm the cultural heritage significance of the heritage place or object.

Permit Policy

The Masonic Hall and Fire Station Conservation Management Plan prepared by Allom Lovell & Associates (2001) provides useful guidance for management of the place with respect to its cultural heritage significance. It is recommended that this Conservation Management Plan is updated or reviewed to reflect current issues and practices in the management of the place's cultural heritage significance.

Permit Exemptions

General Exemptions

General exemptions apply to all places and objects included in the VHR. General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which do not harm its cultural heritage significance, to proceed without the need to obtain approvals under the Act.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#)

Specific Exemptions

The works and activities below are not considered to cause harm to the cultural heritage significance of the Capital Theatre (former Masonic Hall) subject to the following guidelines and conditions:

Guidelines

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.
5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.

6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor.
7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the *Heritage Act 2017* must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. 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.

Conditions

1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the *Aboriginal Heritage Act 2006*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.
4. If during the carrying out of works or activities in accordance with specific exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
5. If during the carrying out of works or activities in accordance with specific exemptions any suspected human remains are found the works or activities must cease. The remains must be left in place and protected from harm or damage. Victoria Police and the State Coroner's Office must be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the *Aboriginal Heritage Act 2006*, all details about the location and nature of the human remains must be provided to the Secretary (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

1. Maintenance, like for like replacement and demolition of tiered seating to upper hall.
2. Maintenance, repair, replacement, upgrade, and removal of lighting and sound equipment. Replacement must use existing penetrations where possible and must not require cutting or chasing into early or original fabric.

Existing registration details

Existing extent of registration

City of Bendigo. No. 119. Capital Theatre (former Masonic Hall), 50-56 View Street, Bendigo.

[*Victoria Government Gazette* No 100 Wednesday, October 9 1974 p.3648]

Existing statement of significance

What is significant?

The former Capital Theatre (former Masonic Hall) was constructed in View Street, Bendigo in 1873-1874 for both public and private use. Designed by prolific Bendigo architects, Vahland and Getzschmann, the building contained lodge rooms, a public tavern and a concert hall, and in 1889-90 the same architects designed additions to the building, which included converting the concert hall to a theatre.

The Golden Lodge of Sandhurst was established as the first Masonic lodge in Bendigo in 1854, the year the town centre was laid out. Other lodges were subsequently formed in Bendigo and membership grew through the 1860s, resulting in the Golden and Corinthian Lodges purchasing two blocks of land in a prominent position in View Street in 1866 with the intention of erecting a new temple. The two lodges amalgamated in 1872 and subsequently appointed architects to design their new building, at a time when Bendigo was developing into a substantial city. Extensive quartz mining from the late 1850s provided Bendigo with a firm economic base and resulted in the construction of large numbers of impressive buildings, particularly in View Street and Pall Mall. (

The former Capital Theatre (former Masonic Hall) is an imposing cement rendered building, set on a stone base, and designed in a Renaissance Revival style. Decoration is confined to the front facade which is dominated by a giant Corinthian portico. A flight of stairs leads to this pedimented portico, and single bay wings flank the central section, which is recessed behind the portico and rusticated at the lower level. The protruding side wings are defined by corner Corinthian pilasters and a balustraded parapet above and contain quoined arch-headed windows at ground level and rectangular windows with segmental pediments above.

The building itself was divided into a private and a public section, the latter including a tavern at ground level and a concert hall above. Separate entrances from the front portico were provided for private and public use. The Masonic section occupied the northern side of the building at ground floor level and included a lodge room at the rear, a library and reading room, and other affiliated rooms. Walls of the entry hall and lodge room were decorated with classical columns and panels ornamented with Masonic emblems.

The tavern, which became known as the Masonic Hotel, occupied the basement and the ground floor of the southern side of the building and included a sitting room, parlours, billiard room, bedrooms, kitchen, cellars and servants' rooms. It appears that two public entrances were provided for this section, one directly from street level into the basement, the other from the public entry hall.

The upper level of the building contained a large hall with balcony at the north end and removable stage at the south end. It was an exceptionally large hall, believed to be the largest in Victoria at the time of construction, with the exception of the Melbourne Town Hall. Elaborately decorated with Masonic emblems, this hall was used for Masonic purposes as well as being available to the wider community for social events.

The popularity of the hall resulted in the enlargement of the building in 1889-90 to a design by Vahland and Getzschmann. A brick extension was constructed to the north of the building, incorporating a right of way to allow for access for fire fighting vehicles to the rear of the adjacent fire station. At first floor level the hall was extended with new proscenium and stage with storage under. This Capital Theatre (former Masonic Hall) Theatre, opened in April 1890, providing a venue for light drama and concerts. It was subsequently used as a cinema, with films shown from at least 1909. The space was leased by West's Pictures in 1912 and renamed The New Britannia, then the Capitol Theatre c.1930 (later the Capital Theatre). The hotel closed in the early 1920s after its liquor licence was cancelled and the spaces were leased for various purposes.

Alterations were made to the building in the twentieth century. In the late 1920s Masonic rooms on the ground floor were transformed into one space, forming a lower hall, which was used as a dance venue. By 1952, the Capital Theatre was converted back to a live theatre, and it was in use until closure in 1977, due to fire risk. The Lodge relocated to a new building in 1983.

The building and the adjacent former fire station were sold to three local councils, Strathfieldsaye, Eaglehawk and Marong in 1987 for development into an arts centre.

How is it significant?

The former Capital Theatre (former Masonic Hall), Bendigo is of architectural and historical significance to the State of Victoria.

Why is it significant?

The former Capital Theatre (former Masonic Hall), Bendigo is of historical significance due to its associations with freemasonry, which played a long and important role in the cultural life in Victorian towns. The large and impressive building is illustrative of the strength of the freemason community in Bendigo and the importance it played in the development of the goldfields town from its early establishment in 1854. The Hall provided a focus for their activities and made a statement about their influence and role in the community.

It is also significant for the important role it played in the wider community as a venue for a variety of activities, from its construction in 1874, through to the present day. Alterations from the 1890s onwards have emphasised public use in this centrally located building, accommodating various forms of entertainment.

The former Capital Theatre (former Masonic Hall), Bendigo is of architectural significance as an outstanding example of the large scale application of the Corinthian order to the classical temple form. The imposing front facade is unsurpassed in a building of this type in Victoria. The adoption of a temple form for Masonic buildings is illustrative of the ideals of the freemasons and this is a particularly well executed example, heightened by the use of allegorical references to freemasonry in the interior detailing.

It has architectural significance as an important and largely intact example of the work of Bendigo architects, Vahland and Getzschmann, who were both members of the lodge and architects who executed a large number of buildings in the Bendigo area. As one of the founding members of the Golden and Corinthian Masonic Lodge in Bendigo, secretary of the lodge for forty-seven years and Past Deputy Grand Master in 1861, Vahland's close association with freemasonry in Bendigo is of significance as architect of the building. Together with a wide range of buildings designed by this firm, the Capital Theatre (former Masonic Hall) stands as an important example of their work.

The building contributes to the streetscape of View Street, one of the finest precincts of nineteenth century buildings in Victoria.

[Online Data Upgrade Project 2004]

Existing permit policy and 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.
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.

Appendix 1

Heritage Council determination (section 49)

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. The owner can also make a submission about proposed permit exemptions (Section 40(4)(d)).

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.

Conduct of hearings by Heritage Council in relation to a recommendation (section 46A)

(1) The Heritage Council may conduct a hearing in relation to a recommendation under section 37, 38 or 39 in any circumstances that the Heritage Council considers appropriate.

(2) The Heritage Council must conduct a hearing if—

- (a) a submission made to it under section 44 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, object or land that is the subject of the submission.

Determinations of the Heritage Council (section 49)

(1) After considering a recommendation that a place, object or land should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing, the Heritage Council may—

- (a) determine that the place or object is of State-level cultural heritage significance and is to be included in the Heritage Register; or
- (ab) in the case of a place, determine that—
 - (i) part of the place is of State-level cultural heritage significance and is to be included in the Heritage Register; and
 - (ii) part of the place is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (ac) in the case of an object, determine that—
 - (i) part of the object is of State-level cultural heritage significance and is to be included in the Heritage Register; and
 - (ii) part of the object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (b) determine that 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 or part of the place is not to be included in the Heritage Register but—
 - (i) refer the recommendation and any submissions to the relevant planning authority or the Minister administering the Planning and Environment Act 1987 to consider the inclusion of the place or part of the place in a planning scheme in accordance with the objectives set out in section 4(1)(d) of that Act; 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 part of the place; or
 - (ca) in the case of a recommendation in respect of an object nominated under section 27A, determine that the object, or part of the object, is to be included in the Heritage Register if it 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; or
 - (d) in the case of a recommendation in respect of additional land nominated under section 27B, determine that the additional land, or any part of the additional land, is to be included in the Heritage Register if—
 - (i) the State-level cultural heritage significance of the place, or part of the place, would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the place were developed; or
 - (ii) the additional land or any part of the additional land surrounding the place, or part of the place, is important to the protection or conservation of the place or contributes to the understanding of the place.
- (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, within 90 days after the completion of the hearing.
- (3) A determination made under subsection (1)(a), (ab), (ac), (ca) or (d)—
- (a) may include categories of works or activities which may be carried out in relation to a place, object or land, or part of a place, object or land, 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, object or land; and
 - (b) must include a statement of the reasons for the making of the determination.
- (4) If the Heritage Council determines to include a place, or part of a place, in the Heritage Register, the Heritage Council may also determine to include land that is not the subject of a nomination under section 27B in the Heritage Register as part of the place if—
- (a) the land is ancillary to the place; and
 - (b) the person who owns the place, or part of the place—
 - (i) is the owner of the land; and
 - (ii) consents to its inclusion.
- (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 (section 42, 42A, 42B, 42C, 42D)

42 Obligations of owners—to advise of works, permits etc. on foot when statement of recommendation given

- (1) The owner of a place, object or land 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, object or land at the time the statement is given; and
- (b) if the place, object or land is a place or additional land, any application for a planning permit or a building permit, or any application for an amendment to a planning permit or a building permit, that has been made in relation to the place or additional land 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, object or land 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.

42A Obligations of owners before determination or inclusion in the Heritage Register—to advise of permits

(1) This section applies if—

- (a) an owner of any of the following is given a statement of recommendation—
 - (i) a place or object nominated under section 27;
 - (ii) an object nominated under section 27A;
 - (iii) land nominated under section 27B; and
- (b) any of the following occurs within the statement of recommendation period in relation to the place, object or land—
 - (i) the making of an application for a planning permit or a building permit;
 - (ii) the making of an application for an amendment to a planning permit or a building permit;
 - (iii) the grant of a planning permit or building permit;
 - (iv) the grant of an amendment to a planning permit or building permit.

(2) The owner must advise the Executive Director in writing of—

- (a) the making of an application referred to in subsection (1)(b)(i) or (ii), within 10 days of the making of the application; or
- (b) a grant referred to in subsection (1)(b)(iii) or (iv), within 10 days of the owner becoming aware of the grant.

42B Obligations of owners before determination or inclusion in the Heritage Register—to advise of activities

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period it is proposed that activities that could harm the place, object or land be carried out.

(2) The owner, not less than 10 days before carrying out the activities, must advise the Executive Director in writing of the proposal to do so.

42C Obligations of owners before determination or inclusion in the Heritage Register—to advise of proposal to dispose

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period a proposal is made to dispose of the whole or any part of the place, object or land.

(2) The owner, within 10 days after entering into an agreement, arrangement or understanding for the disposal of the whole or any part of the place, object or land, must advise the Executive Director in writing of the proposal to do so.

42D Obligations of owners before determination or inclusion in the Heritage Register—requirement to give statement to purchaser

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) the owner proposes to dispose of the whole or any part of the place, object or land within the statement of recommendation period.

(2) Before entering into an agreement, arrangement or understanding to dispose of the whole or any part of the place, object or land during the statement of recommendation period, the owner must give a copy of the statement of recommendation to the person who, under the proposed agreement, arrangement or understanding, is to acquire the place, object or land or part of the place, object or land.

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

An owner of a place, object or land who is subject to an obligation under section 42, 42A, 42B, 42C or 42D must comply with that obligation.

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