



16 November 2021

6 Parliament Place  
East Melbourne  
VIC 3002

Mayor Cr Andrea Metcalf and Councillors  
Greater Bendigo City Council

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## **Re: New powers to protect heritage buildings from “Demolition by Neglect”**

Dear Mayor and Councillors,

The National Trust of Australia (Victoria) (National Trust) is the state’s largest community-based heritage advocacy organisation actively working towards conserving and protecting our heritage for future generations to enjoy, representing 30,000 members across Victoria. As Victoria’s premier heritage and conservation organisation, the National Trust has an interest in ensuring that the wide range of natural, cultural, social, and Indigenous heritage values of the municipality are protected and respected, contributing to strong, vibrant and prosperous communities.

We write regarding recent changes introduced by the State Government to the *Planning and Environment Act 1987*, which include stronger measures to allow Local Government to protect heritage buildings.

The National Trust is concerned about vacant neglected heritage buildings in Greater Bendigo. Often, such properties are left unattended and neglected, and are open to vandalism to the extent that the only alternative is demolition. While there are many buildings that fall into this category, it has been brought to our attention that “Nanga Gnulle” at 40 Harley St Bendigo—which both Council and the National Trust fought to protect under a Heritage Overlay from 2017-2019—is an example where the owner is not protecting or adequately securing the property, and extensive vandalism has occurred leaving the house to further abuse.

There are many other examples including the former All Saints Church in Forest Street Bendigo, Eaglehawk’s first brick house at 92 Victoria Street, and a historic house at 257 Eaglehawk Road Long Gully to name just a few. The Golden City Foundry in Ironbark, a very significant Goldfields site, has already been lost to Bendigo along with many other buildings.

In response to such issues, this year the State Government introduced the *Planning & Environment Bill 2021* to introduce stronger powers to enforce the protection of heritage buildings. The *Planning & Environment Act 1987* now gives local councils the power to enforce protection through the following amendments under section 6B:

*A planning scheme may make provision for the additional matters.... for any of the following purposes—*

*(a) To further the objectives of planning in Victoria within the area covered by the scheme*

***(b) To deter persons from unlawfully demolishing heritage buildings or allowing heritage buildings to fall into disrepair***

***(c) To prevent persons from obtaining a benefit from unlawfully demolishing heritage buildings or allowing heritage buildings to fall into disrepair***

And further;

*(a) To regulate or prohibit the development of land on which there is or was a heritage building that has been unlawfully demolished, in whole or in part, or fallen into disrepair; and*

***(b) To require that a permit must not be granted for the development of land on which there is or was a heritage building that has been unlawfully demolished, in whole or in part, or fallen into disrepair, unless the development is for or includes the reconstruction or reinstatement of the building, in whole or in part; or the repair of the building. [Our emphasis]***

The National Trust requests the Greater Bendigo City Council to seriously consider these amendments and introduce strong measures to further protect heritage buildings, and prevent “demolition by neglect”. The Trust would like to partner with Council to achieve this outcome, and we would be pleased to offer any assistance we can provide. We have previously prepared a report on the issue of [Demolition by Neglect](#), and this is also an issue being considered by the Heritage Council of Victoria as part of the recent [State of Heritage Review: Local Heritage](#). We would welcome the opportunity to meet with Councillors and/or Council officers to discuss this issue further.

In the short term, we have serious concerns regarding the condition of “Nanga Gnulle” at 40 Harley Street Bendigo, and we would like to urgently request an investigation of the issue, and encourage Council to work with the owner to ensure the building is appropriately secured and protected, noting the pending subdivision of the site.

Please don't hesitate to get in touch with our team at [felicity.watson@natrust.com.au](mailto:felicity.watson@natrust.com.au) to discuss this matter further.

Yours sincerely,



Felicity Watson  
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National Trust of Australia (Victoria)

Peter Cox  
President, Bendigo & Region Branch  
National Trust of Australia (Victoria)