

Statement of Recommendation from the Executive Director, Heritage Victoria

Toorak/South Yarra Library VHR PROV H2463

338-344 Toorak Road, South Yarra, Stonnington City

Wurundjeri Country



Executive Director recommendation

Under section 37 of the *Heritage Act 2017* (**the Act**) I recommend to the Heritage Council of Victoria (**Heritage Council**) that Toorak/South Yarra Library, located at 338-344 Toorak Road, South Yarra, is of State-level cultural heritage significance and should be included in the Victorian Heritage Register (**VHR**) in the categories of Registered Place and Registered Object Integral to a Registered Place.

In accordance with section 38 of the Act I include in this recommendation categories of works or activities which may be carried out in relation to the place without the need for a permit under Part 5 of the Act.

I suggest that the Heritage Council determine that:

- Toorak/South Yarra Library is of State-level cultural heritage significance and is to be included in the VHR in accordance with section 49(1)(a) of the Act
- the proposed categories of works or activities which may be carried out in relation to the place for which a permit under the Act is not required will not harm the cultural heritage significance of the place under section 49(3)(a) of the Act.



STEVEN AVERY
Executive Director, Heritage Victoria

Date of recommendation: 19 May 2025

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 (ED) 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, object or land in the VHR or amend a place, object or land 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, object or land. 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, objects and land (sections 42, 42A, 42B, 42C, 42D and 43)

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

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

5. Further information

The relevant sections of the Act are provided at the end of this report.

Description

The following is a description of the Toorak/South Yarra Library as it was at the time of the Heritage Victoria site inspection in March 2025.

Place

The Toorak/South Yarra Library (1973) is a municipal public library located in the Melbourne suburb of Toorak, on Wurundjeri Country. It is sited on a parcel bounded by Toorak Road to the north, Cromwell Road to the east and Surrey Road North to the west. The Library, designed in a minimal modernist style, is a rectilinear building of steel and glass, elevated above the ground on a concrete plinth. Although the building presents as a single storey, it comprises two levels, the concrete plinth being the exposed part of a basement level. The upper level is distinguished by its exposed steel frame, which is painted black, and full-height glazing. The glazing is split into regularly spaced bays, divided by black-painted steel columns. The main public entrance is located in the centre of the north elevation, facing Toorak Road, and can be accessed either via a pair of ramps or a central staircase, both of which were installed in 2024 and replaced the original access ramps.

Internally, the upper level forms the main public library area. The foyer is divided from the main library area by full-height glazed walls. It contains a travertine-clad passenger lift (1998) and a floating staircase that provides access to the basement. A services core is located on the north side of the foyer. The main library area is an open-plan, U-shaped space that occupies the remainder of the upper level. The basement level is more utilitarian, containing staff work areas, meeting rooms, toilets, and kitchens. No original furniture remains at the library or in other locations.

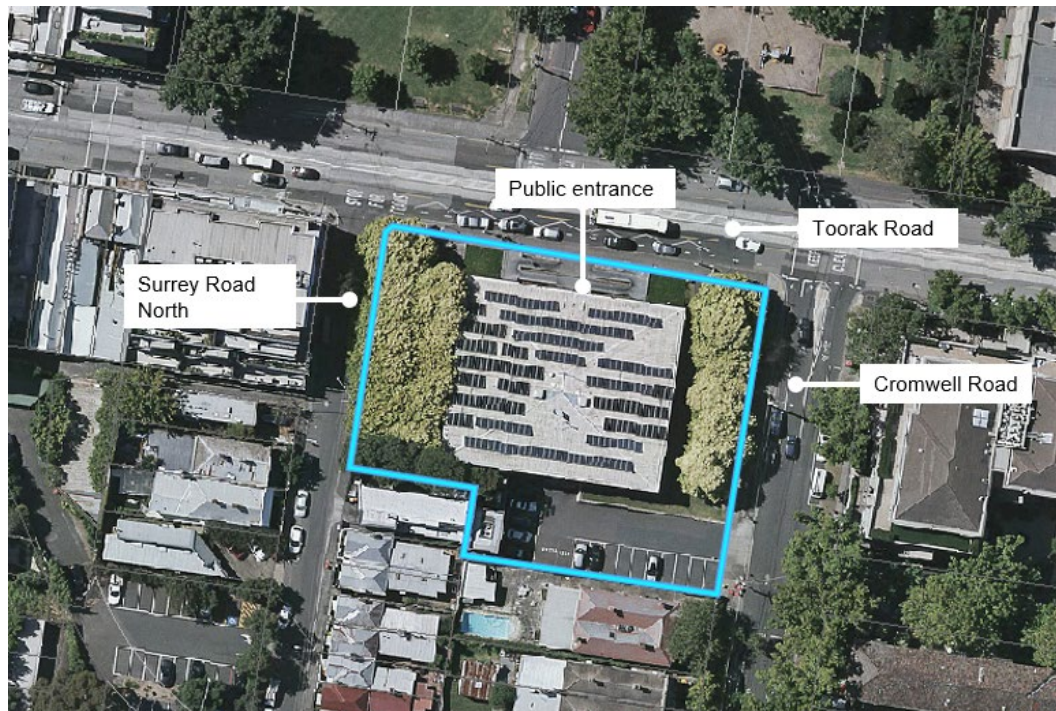
To either side of the building are open, grassed areas that have been planted with Gold Wych Elm (*Ulmus glabra lutescens*) trees, which are estimated to be 30-40 years old and replaced the early plantings of birch trees at the site. The Elms are planted in rows that mirror the location of the steel columns of the building. There are two original steel signs (with non-original plexiglass) located at the eastern and western ends of the building. To the rear of the building is a sloping, asphalt car park. A substation and other utilities and services are located on the south side of the building.

Object integral

The foyer contains a mixed-media artwork by Lauren Berkowitz titled *Collected Histories* which was installed in 1995.

Diagram of main elements

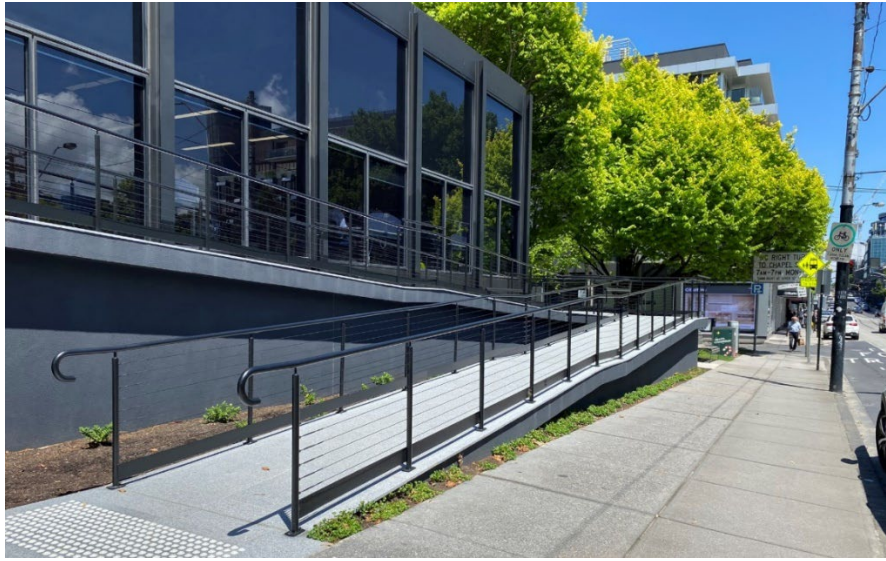
This diagram indicates the location of the main elements at the place.



Description images



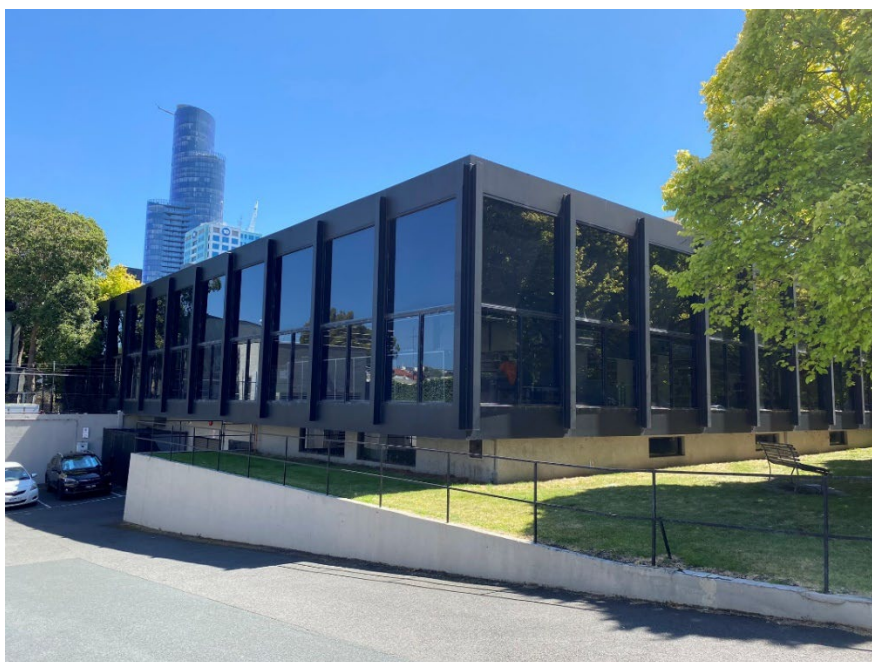
2024, Toorak/South Yarra Library viewed from Toorak Road. New ramps and staircase are shown. Source: Heritage Victoria



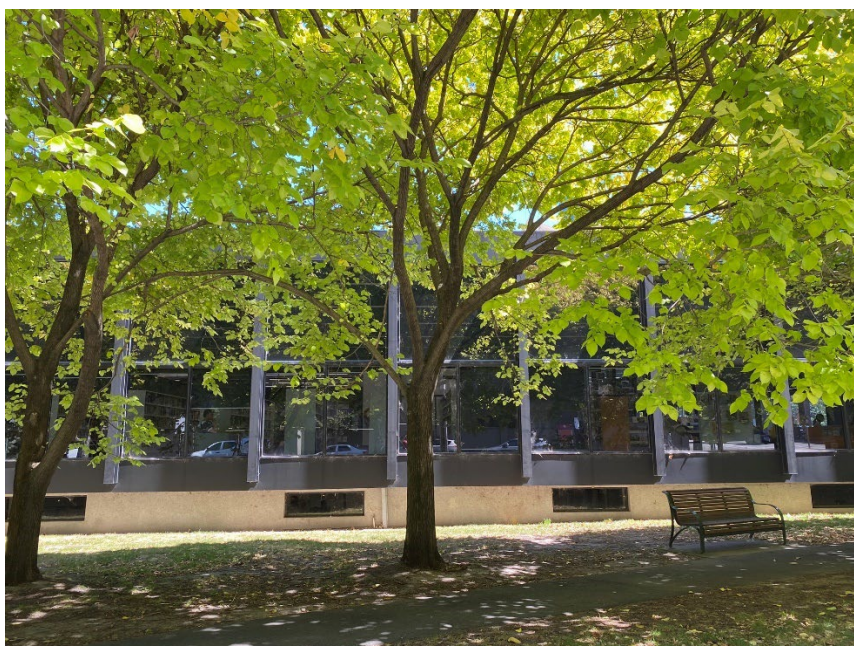
2024, Toorak/South Yarra Library viewed from Toorak Road, Source: Heritage Victoria



2025, Toorak/South Yarra Library viewed west elevation. One of the original signs is also visible. Source: Heritage Victoria



2024, south and east elevations, Source: Heritage Victoria



2024, east elevation, Source: Heritage Victoria



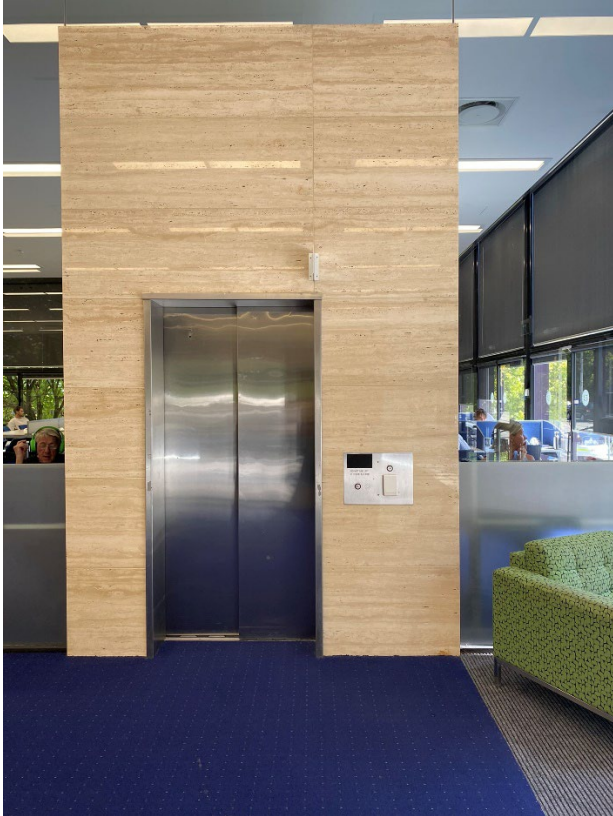
2024, foundation stone and National Trust plaque. Source: Heritage Victoria



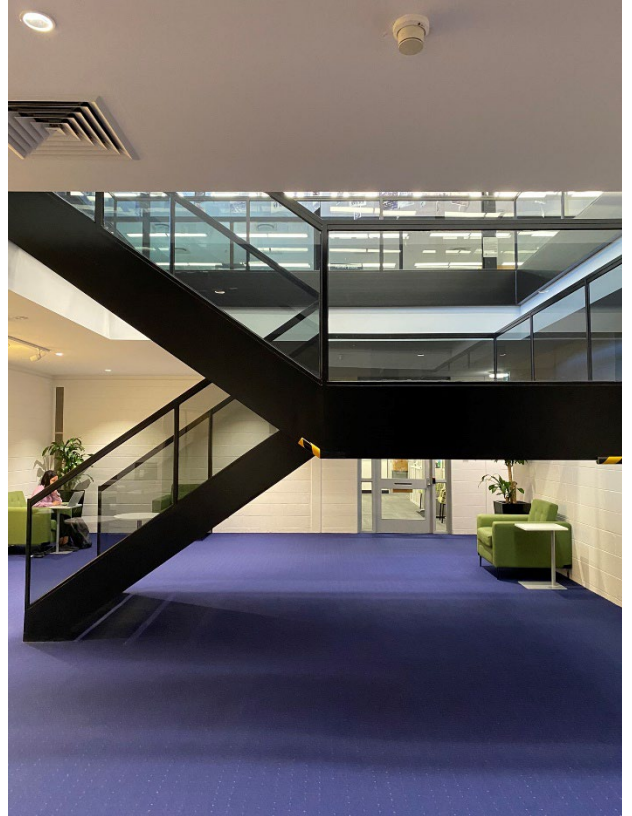
2024, foyer. Collected Histories by Lauren Berkowitz is visible on the east side of the foyer, Source: Heritage Victoria



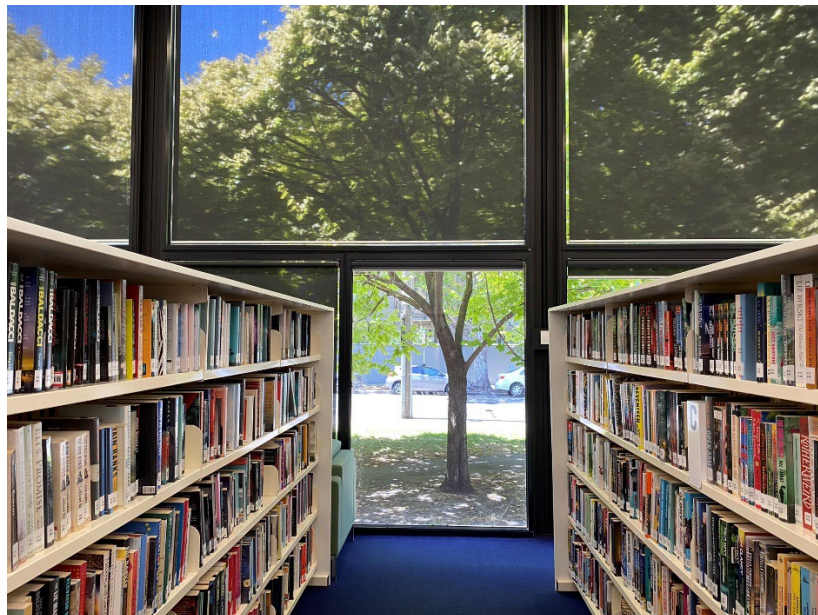
2025, view of foyer. Services core is visible at the rear, Source: Heritage Victoria



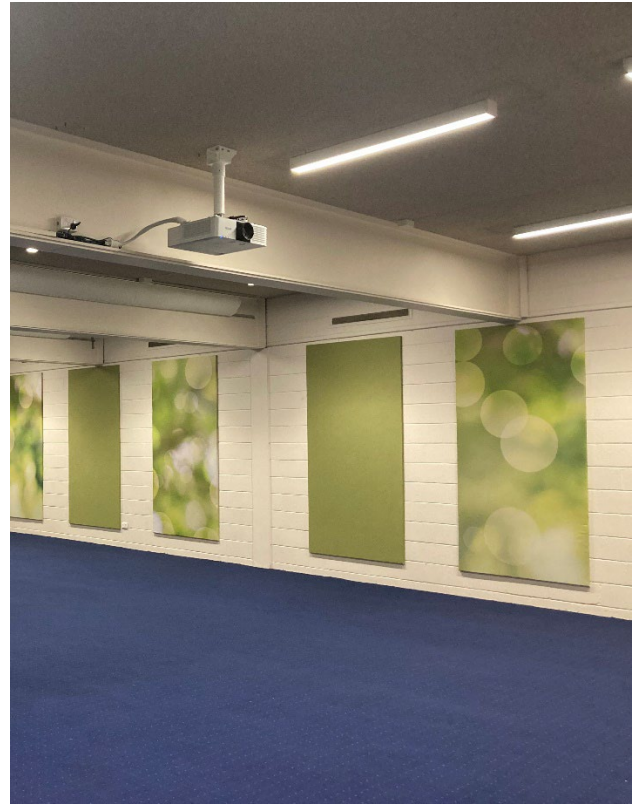
2024, passenger lift in foyer, Source: Heritage Victoria



2024, staircase viewed from basement, Source: Heritage Victoria



2024, views to the outside from main library space, Source: Heritage Victoria



2025, typical views of the basement level.

History

Municipal libraries in Victoria

The earliest libraries in Victoria were associated with Mechanics Institutes, the first being the Melbourne Mechanics Institute established in 1839.¹ Mechanics Institutes, 'free libraries' and similar organisations proliferated throughout the colony and provided access to journals and books to paying subscribed members. The Melbourne Public Library (now, the State Library of Victoria) was established in 1856 and was the first free public library in Australia and one of the first in the world.² During the nineteenth and early twentieth centuries a small number of municipal councils established library services for public use.³

In the 1930s, the Carnegie Corporation, established by American philanthropist Andrew Carnegie, funded a survey of Australian libraries.⁴ The survey highlighted the many limitations of library services in Victoria. In response, a Library Service Board was established in 1940. Immediately following the end of World War II, there was a demand for community facilities of all types, as well as government support for community rebuilding. The establishment of dedicated local public libraries by municipal authorities began in a meaningful way in this period.⁵

In Victoria, the *Free Library Service Board Act* was introduced in 1946 to oversee a new system of government funding for local libraries. This, combined with the demand for increased municipal services in the post-war period, led to a boom in the establishment of municipal public library services.⁶ In the immediate post-war period, most libraries were established in pre-existing buildings. Several purpose-built library buildings began to appear in regional centres in Victoria in the early 1950s, where funding for capital works was more easily accessed.

¹ 'Library, State', Public Records Office of Victoria, <<https://prov.vic.gov.au/archive/VF22>>.

² State Library of Victoria, Victorian Heritage Database, <<https://vhd.heritagecouncil.vic.gov.au/places/812>>.

³ Philip Goad and David Nichols, 'Local Learning: The Municipal Library in Post-War Australia', in *Community: building modern Australia*, Hannah Lewi and David Nichols (eds), Sydney: UNSW Press, 2010, p. 87.

⁴ Built Heritage, *Survey of Post-War Built Heritage*, 2010, p. 19.

⁵ Goad and Nichols, 'Local Learning', p. 86.

⁶ Built Heritage, *Survey of Post-War Built Heritage*, 2010, p. 19.

From the late 1950s, purpose-built municipal library buildings began to appear throughout metropolitan Melbourne. By 1966, public libraries were operated by 115 local authorities in Victoria.⁷ Purpose-built municipal libraries initially tended to be architecturally unremarkable but focused on internal planning and providing for the varied needs of library users.⁸

Toorak/South Yarra Library

The City of Prahran's Toorak branch library had several temporary homes before plans emerged for a purpose-built library around 1970. The Mayor of Prahran, Cr CCE Gahan, promised a facility that would be 'a modern library... which will not only lend books but also provide space for reading and lectures and study areas for students.'⁹ Land for the library was donated by prominent Melbourne developers Jack and Eddie Kornhouser in memory of their late brother, Bernard. In 1971, Yuncken Freeman Architects Pty Ltd was commissioned to design the library, with senior partner Barry Patten (1927–2003), who lived locally, taking the lead. The firm of Yuncken Freeman had its origins in the 1930s, and by the 1950s emerged as one of Victoria's most important commercial practices, designing a series of significant office towers in Melbourne (see comparisons). The firm, and Patten in particular, were exponents of the architectural approach of influential German-born, US-based architect Ludwig Mies van der Rohe and Patten's design for the Toorak/South Yarra Library was an explicit homage to Mies' SR Crown Hall (1956) at the Illinois Institute of Technology in Chicago.

The foundation stone for the Toorak/South Yarra Library was laid in August 1972 and the building was officially opened in August 1973. Although criticising features such as its overly formal interior design, *Architect* magazine described the building as 'a precise, cool building which keeps itself to itself' and as an 'urban sculpture... an erudite essay'.¹⁰

The Library has been a popular municipal building with the City of Prahran (subsequently the City of Stonnington) since its opening. This has necessitated several changes over its lifespan, including recarpeting the floors and redesigning the service desk on at least two occasions. Window frames and glazing were replaced in 2000, maintaining the striking appearance of the building. In 2024, the original Yuncken Freeman entrance ramps were replaced with ADA-compliant ramps and stairs. The library continues to welcome an average of 400 people a day. The building's importance was recognised by its inclusion in the National Trust's register as a building of State-level significance in 2000. It has also been recognised by DOCOMOMO and the Australian Institute of Architects (Victorian Chapter).

Selected bibliography

Built Heritage, *Survey of Post-War Built Heritage in Victoria Stage Two: Assessment of Community and Administrative Facilities*, 2010.

GJM Heritage, *South Yarra Heritage Review, Toorak-South Yarra Library, 338-344 Toorak Road, South Yarra, Heritage Citation*, March 2025.

Heritage Alliance, *Survey of Post-War Built Heritage in Victoria: Stage One*, 2008.

Goad, Philip, 'Yuncken Freeman', *The Encyclopedia of Australian Architecture*, Philip Goad and Julie Willis (eds), Port Melbourne: Cambridge University Press, 2012.

Lewi, Hannah & Nichols, David (eds), *Community: Building Modern Australia*, Sydney: UNSW Press, 2010.

National Trust of Australia (Victoria) Classification Report, Toorak/South Yarra Branch Library (FN 7079).

'Toorak/South Yarra Branch Library', *Architect*, Sept-October 1973, Vol. 3 Number 28.

Acknowledgements

The Executive Director thanks the following people for sharing their knowledge of Toorak/South Yarra Library, and for providing additional materials:

- Thomas Appleford, Senior Strategic Planner, City of Stonnington
- Simone Sharpe, Team Leader, Stonnington History Centre
- Natasha Tsui-Po, Library Services Coordinator, City of Stonnington.

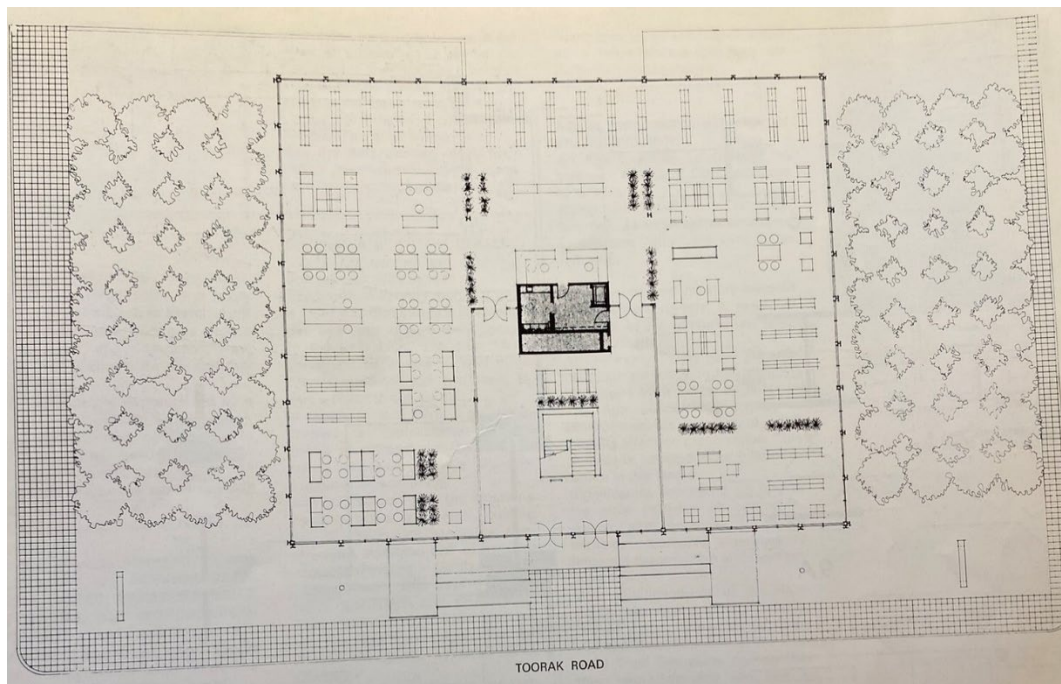
⁷ Goad and Nichols, 'Local Learning', p. 100

⁸ Built Heritage, *Survey of Post-War Built Heritage*, 2010, p. 20.

⁹ Quoted in Built Heritage, *Survey of Post-War Built Heritage*, 2010, p. 20.

¹⁰ 'Toorak/South Yarra Branch Library', *Architect*, Sept-Oct 1973, p. 28.

Historical images



1973, plan of the upper level which contains the main public areas. Source: Architect magazine, Sept-October 1973, number 28.



1972, construction of the Toorak/South Yarra Library. Source: Stonnington History Centre Collection



1972, construction of the Toorak/South Yarra Library. Source: Stonnington History Centre Collection



1973, exterior of Toorak/South Yarra Library as photographed by Wolfgang Sievers looking across Toorak Road. The original ramp is visible.

Source: State Library of Victoria



1973, exterior of Toorak/South Yarra Library as photographed by Wolfgang Sievers.

Source: State Library of Victoria



1973, interior shortly after opening as photographed by Wolfgang Sievers. Source: National Library of Australia.



1980s, interior. Source: Stonnington History Centre Collection.



c1980s, interior. Source: Picture Victoria.



c2000, works to windows underway. Source: Picture Victoria.

Further information

Traditional Owner Information

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

Victorian Aboriginal Heritage Register

The place is not included in the Victorian Aboriginal Heritage Register and is not within an area of cultural heritage sensitivity.

May 2025

Integrity

The integrity of the place is very good. The most major change has been the recent installation of a new ramp and stairs to the main entrance (2024). Although this has diminished some of the building's visual appeal, its overall appearance remains very similar.

There have been other minor alterations to the place, such as the installation of an internal passenger lift and the reconfiguration of the service desk area, but the overall form and appearance remain. These changes have supported the Library's ongoing use for its intended purpose. The cultural heritage values of Toorak/South Yarra Library can be easily read in the extant fabric.

May 2025

Intactness

The intactness of the place is very good. There has been refurbishment of the interior, such as modernisation of kitchens and bathrooms, replacement of the carpet throughout and redesign of the service desk on at least two occasions. External glazing was replaced in 2000 but the building's appearance was maintained. The building has undergone a level of change to be expected of a municipal building of its type and age used intensively by the public.

May 2025

Condition

The condition of Toorak/South Yarra Library is very good. There is some evidence of water ingress to the lower level.

May 2025

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.

Heritage Overlay

The place is included in the Heritage Overlay of the Stonnington planning scheme as HO174 (Toorak/South Yarra Branch Library).

Other relevant planning scheme overlays

The place is subject to a Special Building Overlay (SBO1) and Land Subject to Inundation Overlay (LSIO1). The risk of flooding and storm events for the building has been reflected in the specific permit exemptions for the place.

Other listings

- National Trust Register (B7079) – State level
- DOCOMOMO Australia Modern Register
- Australian Institute of Architects Victorian Chapter – Register of Twentieth Century Buildings.

Other names

Toorak-South Yarra Library

Toorak-South Yarra Branch Library

Date of construction/creation

1972–73

Architect

Yuncken Freeman Pty Ltd (Barry Patten)

Architectural style

Late Twentieth Century Modernist

Statutory requirements under section 40

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

The ED recommends that the Toorak/South Yarra Library is included in the VHR.

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

Number: H2463

Category: Registered place and registered object integral to a registered place

Name: Toorak/South Yarra Library

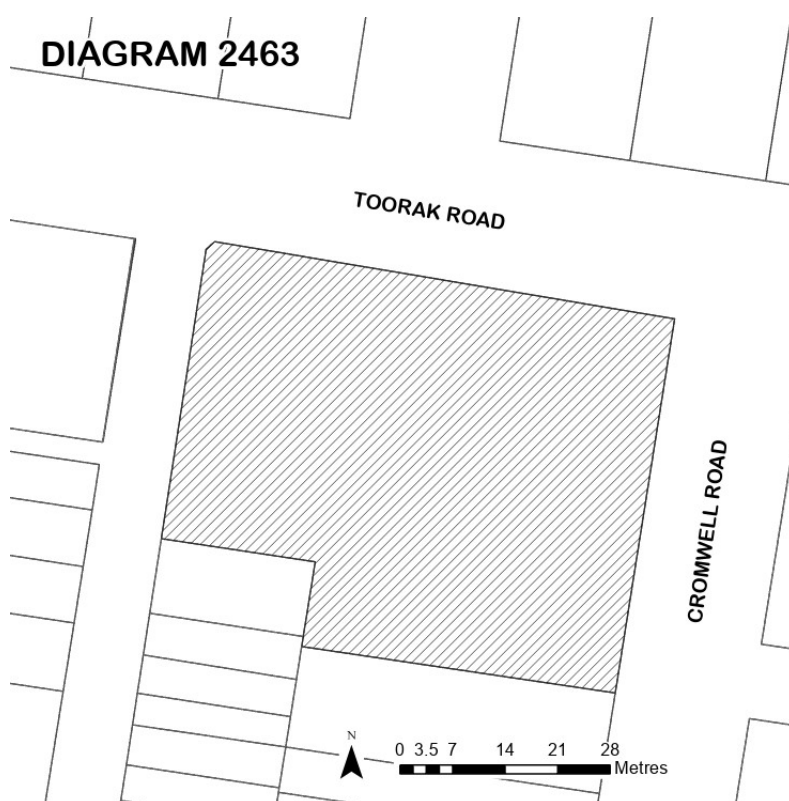
Location: 338-344 Toorak Road South Yarra

Municipality: Stonnington City

Proposed extent of registration

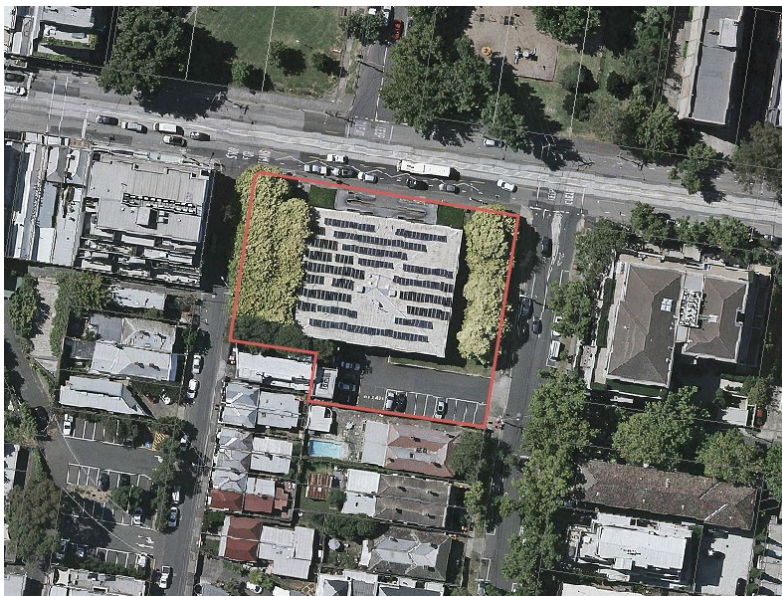
The ED recommends that the extent of registration for Toorak/South Yarra Library be gazetted as:

All of the place shown hatched on Diagram 2463 encompassing all of Lot 1 on Title Plan 758641 and including the artwork 'Collected Histories' by Lauren Berkowitz (1995).



Non-statutory information about the proposed extent of registration

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 proposed extent of registration

The recommended extent of registration comprises all of the cadastral parcel on which the Toorak/South Yarra Library is located. This extent includes elements of the building, such as ramps and stairs, and surrounding landscaping. It includes Lauren Berkowitz's artwork in the foyer that has been part of the place since 1995. The recommended extent of 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 soft and hard landscape features, plantings, all of the library building (exterior, interior and fixtures), 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.

Reasons for the recommendation, including an assessment of the State-level cultural heritage significance of the place and objects integral (section 40(3)(c))

Following is the ED's assessment of Toorak/South Yarra Library against the tests set out in [The Victorian Heritage Register Criteria and Thresholds Guidelines \(2022\)](#). A place or object must be found by the Heritage Council to meet Step 2 of at least one criterion to meet the State-level threshold for inclusion in the VHR.

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

Step 1 Test for Criterion A

No.	Test	Yes/No	Reason
A1)	Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	The place has a clear association with the building of municipal public libraries in the decades following World War II.
A2)	Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria?	Yes	<p>This phase is of historical importance, having made a strong and influential contribution to Victoria.</p> <p>During the 1950s and 1960s, there was a public demand for community facilities of all types – including baby health centres, swimming pools and public libraries. The combination of available funding, community agitation and sympathetic governments led to an enormous increase in public library facilities across the state. This is a phase of historical importance, reflecting postwar population growth and evolving ideas about recreation, education and community cohesion. Municipal public libraries have become key community institutions in virtually all suburbs and townships across Victoria.</p>
A3)	Is there evidence of the association to the event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	There is evidence of the association between the place and the historical phase. The Toorak/South Yarra Library is a late example of library building in this phase, being completed in 1973, though it is a result of the phase.

If A1, A2 and A3 are all satisfied, then Criterion A is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion A is likely to be relevant.
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Step 2 State-level test for Criterion A

No.	Test	Yes/No	Reason
SA1)	Does the place/object allow the clear association with the event, phase, period, process, function, movement, custom or way of life of historical importance to be understood better than most other places or objects in Victoria with substantially the same association?	No	As noted above, the Toorak/South Yarra Library dates from the 1970s and is a comparatively late example from the phase. It does not enable the phase to be particularly well understood.

If SA1 is satisfied, then Criterion A is likely to be relevant at the State level

Executive Director's Response:	No	Criterion A is not likely to be relevant at the State level.
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CRITERION B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

Step 1 Test for Criterion B

No.	Test	Yes/No	Reason
B1)	Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history?	Yes	As explored above, the Toorak/South Yarra Library has a clear association with the building of municipal public libraries in the decades following World War II.
B2)	Is there evidence of the association to the historical phases etc identified at B1)?	Yes	As above, there is evidence of an association between the phase and the place.
B3)	Is there evidence that place/object is rare or uncommon, <u>or</u> has rare or uncommon features?	No	Library buildings are common across Victoria. There is no evidence the place is rare or uncommon. The building's design characteristics are distinctive. These characteristics are more effectively assessed under Criterion D.

If B1, B2 AND B3 are satisfied, then Criterion B is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion B is not likely to be relevant.
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CRITERION C: Potential to yield information that will contribute to an understanding of Victoria's cultural history.

Step 1 Test for Criterion C

No.	Test	Yes/No	Reason
C1)	Does physical fabric and/or documentary evidence and/or associated oral history or cultural narratives relating to the place/object indicate a likelihood that the place/object contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources?	No	It is unlikely that the Toorak/South Yarra Library contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources.
C2)	And, from what we know of the place/object, is the physical evidence likely to be of an integrity and/or condition that it could yield information through detailed investigation?	N/A	The integrity and condition of the place may be good, but it is unlikely to yield information through investigation that is not currently visible and/or well understood or available from other sources (see C1).

If **both** C1 AND C2 are satisfied, then Criterion C is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion C is not likely to be relevant.
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CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects

Step 1 Test for Criterion D

No.	Test	Yes/No	Reason
D1)	Is the place/object one of a class of places/objects that has a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's history?	Yes	The Toorak/South Yarra Library belongs to the class of municipal public libraries. This class has a clear association with the historical phase of building municipal public libraries in the decades following World War II.
D2)	Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria?	Yes	As above, this phase is of historical importance.
D3)	Are the principal characteristics of the class evident in the physical fabric of the place/object?	Yes	The principal characteristics of the class are evident in the physical fabric of the place and in its objects integral. <ul style="list-style-type: none">Prominent siting in a readily accessible locationPublicly accessible landscaped areas

- Open plan
- Provision for different user groups, including children and adults
- Areas for study, casual reading and community activities
- Well-lit interior.

If D1, D2 AND D3 are satisfied, then Criterion D is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion D is likely to be relevant.
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Step 2 State-level test for Criterion D

No.	Test	Yes/No	Reason
SD1)	Is the place/object a notable (fine, influential or pivotal) example of the class in Victoria?	Yes	<p>The Toorak/South Yarra Library is a notable example of the class of municipal public library. It is a fine example.</p> <p>It displays a large number of the characteristics of the class in a way that enables the class to be easily understood. It also displays characteristics that are of a higher quality than are typical of the class in its distinctive architectural qualities.</p> <p>The design for the library was a departure from the more typical designs for local libraries that had proliferated in the 1950s and 1960s. The elegant design for Toorak/South Yarra Library is among the most architecturally bold examples of a municipal library building in Victoria. The building has a striking external form and is distinguished by its completely restrained and unadorned appearance, capturing the diversity of approaches to municipal architecture during this era.</p> <p>The library is an important work of eminent firm Yuncken Freeman Architects Pty Ltd and specifically its senior partner Barry Patten. Its design explicitly references Mies van der Rohe's design for Crown Hall at the Illinois Institute of Technology in Chicago. It is an important, smaller-scale work of the firm.</p>

If SD1 is satisfied, then Criterion D is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion D is likely to be relevant at the State level.
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CRITERION E: Importance in exhibiting particular aesthetic characteristics.

Step 1 Test for Criterion E

No.	Test	Yes/No	Reason
E1)	Does the physical fabric of the place/object clearly exhibit particular aesthetic characteristics?	Yes	The physical fabric of the place clearly exhibits aesthetic characteristics in its form, planning and material choice.

If E1 is satisfied, then Criterion E is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion E is likely to be relevant.
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Step 2 State-level test for Criterion E

No.	Test	Yes/No	Reason
SE1)	<p>Are the aesthetic characteristics 'beyond the ordinary' or are outstanding as demonstrated by:</p> <ul style="list-style-type: none">• Evidence from within the relevant discipline (architecture, art, design or equivalent); and/or• Critical recognition of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline within Victoria; and/or• Wide public acknowledgement of exceptional aesthetic qualities of the place/object in Victoria expressed in publications, print or digital media, painting, sculpture, songs, poetry, literature, or other media?	No	<p>The Toorak/South Yarra Library's aesthetic characteristics are clearly striking and appreciated by a range of people, including library users and those with an interest in twentieth-century architecture. However, these characteristics cannot be said to have garnered a level of critical recognition or wide public acknowledgement that surpasses many other examples in Victoria and cannot be considered 'beyond the ordinary' or outstanding in terms of this criterion.</p> <p>These aesthetic characteristics relate to the building's architecture and have been considered under Criterion D as part of the place's fine design characteristics.</p>

If SE1 is satisfied, then Criterion E is likely to be relevant at the State level

Executive Director's Response:	No	Criterion E is not likely to be relevant at the State level.
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CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Step 1 Test for Criterion F

No.	Test	Yes/No	Reason
F1)	Does the place/object contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created?	No	The Toorak/South Yarra Library does not contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created.
F2)	Does the physical evidence demonstrate a high degree of integrity?	NA	The physical evidence at the place demonstrates a high degree of integrity; however, it does not contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created.

If both F1 and F2 are satisfied, then Criterion F is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion F is not likely to be relevant.
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CRITERION G: Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons

Step 1 Test for Criterion G

No.	Test	Yes/No	Reason
G1)	Does the place/object demonstrate social value to a community or cultural group in the present day in the context of its cultural heritage significance? Evidence must be provided for all three facets of social value listed here:		
i)	Existence of a community or cultural group; <u>and</u>	Yes	There is evidence that the place has social value in the present day to the community of Toorak and the City of Stonnington more broadly.
ii)	Existence of a strong attachment of a community or cultural group to the place or object; <u>and</u>	Yes	There is evidence of a strong attachment of the community to the Toorak/South Yarra Library. The library remains an immensely popular community facility and maintains high visitor numbers.
iii)	Existence of a time depth to that attachment.	Yes	There is evidence of the attachment dating to at least 1973 when the library opened.

If all facets of G1 are satisfied, then Criterion G is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion G is likely to be relevant.
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Step 2 State-level test for Criterion G

No.	Test	Yes/No	Reason
SG1)	Is there evidence that the social value resonates across the broader Victorian community as part of a story that contributes to Victoria's identity?	No	There is no evidence that the social value of the Toorak/South Yarra Library resonates beyond the local community.

If **all facets** of SG1 are satisfied, then Criterion G is likely to be relevant at the State level

Executive Director's Response:	No	Criterion G is not likely to be relevant at the State level.
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CRITERION H: Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

Step 1 Test for Criterion H

No.	Test	Yes/No	Reason
H1)	Does the place/object have a direct association with a person, or group of persons who has made a strong or influential contribution in their field of endeavour?	Yes	H1(i) There is a direct association between the Toorak/South Yarra Library and Yuncken Freeman Architects, and senior partner Barry Patten in particular. H1(ii) Yuncken Freeman was an eminent architectural firm that designed a series of celebrated commercial buildings.
H2)	Is there evidence of the association between the place/object and the person(s)?	Yes	There is evidence of the association between the Toorak/South Yarra Library and Yuncken Freeman as the building's architects.
H3)	Does the association relate: • directly to achievements of the person(s); <u>and</u> • to an enduring and/or close interaction between the person(s) and the place/object?	Yes	H3(i) The association between the place and Yuncken Freeman relates directly to its achievements. H3(ii) Yuncken Freeman could be said to have a close association with the place.

If **all facets** of H1, H2 AND H3 are satisfied, then Criterion H is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion H is likely to be relevant.
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Step 2 State-level test for Criterion H

No.	Test	Yes/No	Reason
SH1)	Are the life or works of the person/persons important to Victoria's history?	Yes	The life and works of Yuncken Freeman are important to Victoria's history. It was a key architectural firm in twentieth-century Victoria, producing high-profile commercial and institutional buildings and shaping the built environment.
SH2)	Does this place/object allow the association between the person or group of persons and their importance in Victoria's history to be readily appreciated better than most other places or objects in Victoria?	No	Although Yuncken Freeman is an important architectural firm in Victoria's history, they have strong associations with multiple buildings across Victoria, including several high profile examples which are included in the VHR (see comparisons).

If SH1 and SH2 are satisfied, then Criterion H is likely to be relevant at the State level

Executive Director's Response:	No	Criterion H is not likely to be relevant at the State level.
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Objects integral

Definition

In the context of a registered place, an 'object integral' is

- a key part of the place; and
- contributes to our understanding of the place's State-level cultural heritage significance.

An object integral does not have to be of State-level significance in its own right. A more detailed definition can be found in the Heritage Council's [Policy: objects integral to a registered place](#).

It should be noted that fixtures (such as window frames or decorative masonry) automatically form part of the registered place and are therefore protected under the Act.

Background

In 1994, the Prahran City Council commissioned Lauren Berkowitz to produce an artwork. In 1995, the mixed-media sculptural installation was positioned in the foyer of the Toorak/South Yarra Library. The artwork, titled *Collected Histories*, was originally located above the stairwell. It comprises vertical columns of archival photographs printed on aluminium plates. It documents the history of residents from the suburb of Prahran, particularly the lives of women, from the late nineteenth century to the early 1990s. The artwork was relocated to its current position on the eastern side of the foyer following issues with maintenance and damage, with the artist's approval.



Inventory of objects integral

One object is proposed for inclusion in the VHR as an object integral to the place, being Lauren Berkowitz's sculptural installation *Collected Histories*.

Assessment of whether the objects are integral to understanding the cultural heritage significance of a registered place (40(3A)(b))

The Heritage Council's [Policy: objects integral to a registered place](#) notes that for the purposes of the Act, an object will be considered integral to a place if it satisfied the following tests:

No.	Test	Yes/No	Reason
1.	Does the object/s form a key part of that place, being a component in its design, operation or use that contributes importantly to a richer and more complete understanding of its historical, cultural, technical, aesthetic and/or social meaning at a State level?	Yes	<i>Collected Histories</i> is not original to the building but has now been part of the place for three decades. It is a prominent feature of the library, having always been located in the foyer. It is readily associated with the place and speaks to its ongoing use by the community for its original purpose.
2.	Can the contribution be substantiated through physical, documentary or oral evidence?	Yes	There is ample documentary evidence that records the installation, reception and relocation of <i>Collected Histories</i> within the Toorak/South Yarra Library.
Executive Director's Response		The objects can be considered integral to the place	

Summary of how the object is integral to understanding the cultural heritage significance of the place (40(4)(b))

Collected Histories is a substantial artwork by an accomplished artist. It was commissioned by the City of Prahran and has been a prominent feature of the place for 30 years. It has become an important feature of the library and the way people experience the building.

Comparisons

Post-1950 municipal libraries in the VHR

ST KILDA PUBLIC LIBRARY

150 CARLISLE STREET, ST KILDA, PORT PHILLIP CITY

H2456

St Kilda Public Library was included in the VHR in April 2025. St Kilda Public Library is significant as a notable example of a municipal public library from the post-1950 period. The St Kilda Public Library represents one of the most distinctive and architecturally fine libraries erected in Victoria. The building has a striking external form and an innovative internal layout along with original library furniture and light fittings specified by the architect. At the time of completion, it was lauded as one of the finest and most modern libraries in Australia. The registration includes original furniture as well as an artwork by Mirka Mora.



Other libraries in the VHR

FORMER LIBRARY

408 WARRENHEIP STREET, BUNINYONG, BALLARAT CITY

H0488

Constructed around 1862, the Former Library in Buninyong is notable for its highly detailed façade. This building is unusual in country Victoria for its elaborate timber façade, and forms an important part of the history of one of Victoria's early gold-mining areas.



BRAILLE LIBRARY AND HALL

31-51 COMMERCIAL ROAD, SOUTH YARRA, STONNINGTON CITY

H1926

The Braille Library and Hall is historically significant for its long association with the provision of services to people who have vision impairment. Built in two stages (1918-19 and 1926-27) it holds one of the largest collections of braille books in the world. The domed library building is an interesting work of noted architectural firm A & K Henderson. This building is currently used as Melbourne's Positive Living Centre (PLC), a community hub for people living with HIV/AIDS.



FORMER BALLARAT EAST FREE LIBRARY

25-29 BARKLY STREET, BALLARAT EAST, BALLARAT CITY

H1493

The Former Ballarat East Free Library is of architectural and historical significance. Established in 1862, it was amongst the earliest of Ballarat's social and educational institutions. When it was housed in its own building in Barkly Street, the library built up an outstanding collection.



Post-1950 municipal buildings in the VHR

BRIGHTON MUNICIPAL OFFICES

15 BOXSHALL STREET, BRIGHTON, BAYSIDE CITY

H1292

The Brighton Municipal Offices opened on 21 July 1961 and are of aesthetic, historic and architectural importance to the State of Victoria. The interior is an important example of the work of Grant Featherston. The building exhibits the influence of American architect Frank Lloyd Wright. The building represents a successful translation of the Organic International style into a suburban public building in Victoria.



FORMER SHIRE OFFICES

13 MAIR STREET, BENALLA, BENALLA RURAL CITY

H2189

The former Benalla Shire Offices are of architectural and historical significance to the State of Victoria. They have an association with the economic growth of provincial Victoria following World War II, and are important as a demonstration of the civic aspirations of country towns in Victoria at this time. The small size of the building is a reflection of the small scale of local government in Victoria prior to the amalgamations of local government areas in the mid-1990s. The former Benalla Shire Offices are architecturally significant as a rare and substantially intact example of a Modernist municipal building of the 1950s, and as a very early example of the adoption of the Modernist idiom for a municipal building.



HAROLD HOLT MEMORIAL SWIMMING CENTRE

1409-1413 HIGH STREET, GLEN IRIS, STONNINGTON CITY

H0069

The Harold Holt Swim Centre is a complex of indoor and outdoor public swimming pools and facilities built in 1969 to the design of Kevin Borland and Daryl Jackson. It is of architectural significance to Victoria. It is amongst the most notable, expressive, early and intact examples of the Brutalist movement that emerged in Victoria in the late-1960s. It represents the aesthetic, as well as ethical imperatives of the Brutalist style.



ROSEBUD SOUND SHELL

988 POINT NEPEAN ROAD, ROSEBUD, MORNINGTON PENINSULA SHIRE

H2299

The Rosebud Sound Shell is of architectural, aesthetic and scientific (technical) significance to the State of Victoria. The Sound Shell was commissioned in 1967 by the Rosebud Foreshore Committee from the local architect Ronald Murcott and was completed in 1969. It is an innovative example of a sound shell, a building type which in the 1950s and 1960s replaced the bandstand, which had been popular in the nineteenth and early twentieth centuries for performances in public parks.



Buildings designed by Yuncken Freeman in the VHR

FORMER BHP HOUSE

130-148 WILLIAM STREET AND 503-523 BOURKE STREET MELBOURNE, MELBOURNE CITY

H1699

The former BHP House is of architectural significance to Victoria as one of the landmark high-rise buildings in the State, demonstrating the principal characteristics of early 1970s multi-storey office buildings. When constructed, BHP House was a landmark in both the physical and historical development of multi storeyed office design. It heralded a new aesthetic in high-rise buildings, with the replacement of 1950s and 1960s banded curtain walls and externally-expressed service cores with a new all-embracing sheer glazed curtain wall. BHP House was designed, like similar earlier buildings of Mies van der Rohe, to be viewed as a sculptural monument separate from the surrounding cityscape.



EAGLE HOUSE

473 BOURKE STREET, MELBOURNE, MELBOURNE CITY

H1807

Eagle House is of architectural significance as one of the finest examples of the curtain wall phase of Australian commercial architecture. It was designed by Yuncken Freeman and built in 1970-71 as the headquarters for the local branch of the London-based Eagle Star Insurance Company. It received the RAIA Award of Merit in 1972 as 'one of the most elegant and attractive office buildings in Australia', as well as the inaugural Alcoa Australia Award for aluminium use in 1973



TREASURY RESERVE PRECINCT (STATE GOVERNMENT OFFICES)

3 TREASURY PLACE AND ST ANDREWS PLACE AND MACARTHUR STREET AND 2 TREASURY PLACE EAST MELBOURNE AND SPRING STREET AND 1 TREASURY PLACE AND 1 MACARTHUR PLACE MELBOURNE, MELBOURNE CITY

H1526

The 1960s Barry Patten designed buildings within the Treasury Reserve Precinct are part of the place's significance. Freeman won the competition with a design for two buildings; a low scale building directly behind the Old Treasury Building to house government ministers and the Premier, and a taller tower to the north of matching design. A third building, to house the State Chemical Laboratories, was constructed to the east of the tower at the same time in the late 1960s, and all were placed within an elevated plaza. Completed by 1970, the buildings were designed in a modern and severe style, with the proportions, window openings and materials reflecting those of surrounding buildings in the precinct. Innovative load bearing precast panelling was used in construction.



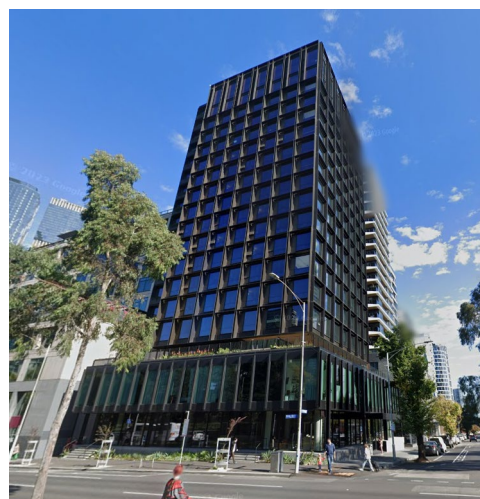
Other buildings designed by Yuncken Freeman in Victoria (not in VHR)

FLAGSTAFF HOUSE, 407–415 KING STREET, WEST MELBOURNE (H0842)

Flagstaff House was designed by Yuncken Freeman as its own office and was completed in 1968. It has now been substantially redeveloped as an apartment building. It is significant at the local level for its close relationship with the firm of Yuncken Freeman Architects Pty Ltd and as an accomplished example of a small-scale office designed in a minimal Modernist style.



407 King Street, c1970



407 King Street, 2023

Summary of Comparisons

There are several libraries included in the VHR. They largely date from the nineteenth and early twentieth century and represent very different eras in the provision of library services compared to the Toorak/South Yarra Library. The Heritage Council recently included the St Kilda Public Library in the VHR, which was completed in the same year and is also an architecturally fine example of the class. The Toorak/South Yarra Library is an equally architecturally notable example of the class and represents the varied architectural approaches applied to libraries in the era. Together, the buildings represent the diversity of architectural approaches to libraries and municipal buildings in the era.

There are several examples of post-1950 municipal buildings in the VHR. They are diverse and represent the efforts of local councils across Victoria to create high-quality community facilities and apply new approaches to architecture to council buildings. Similar themes are seen in the Toorak/South Yarra Library, where the need for new municipal facilities was interpreted as an opportunity to commission high-quality, idiosyncratic architecture. The Toorak/South Yarra Library can be considered of equivalent significance to civic and community buildings of State-level architectural significance already included in the VHR.

Within the work of Yuncken Freeman, the Toorak/South Yarra Library is a smaller but no less finely resolved building than its designs for city office towers. It has most in common Yuncken Freeman's own offices at 407 King Street, which have now been substantially redeveloped.

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

Statement of significance

What is significant?

The Toorak/South Yarra Library is located on Wurundjeri Country.

The Toorak/South Yarra Library is a municipal library building of minimal modernist design completed in 1973. It was designed by Barry Patten of Yuncken Freeman architects and is distinguished by its expression as a steel and glass-walled box that appears to float above a recessed plinth. The interior of the main public area is a voluminous open space. The building sits within landscaped grounds to the east and west that include mature Golden Wych Elms (*Ulmus glabra lutescens*). A mixed-media sculptural work by Lauren Berkowitz titled *Collected Histories* was installed in 1995 and is an object integral to the place.

How is it significant?

The Toorak/South Yarra Library is of architectural significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion D

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

Why is it significant?

Toorak/South Yarra Library is architecturally significant as a notable example of both a municipal library and a modernist building in the formal minimalist style. It is one of Victoria's finest examples of the formal minimalist architecture developed by influential German-born architect Ludwig Mies van der Rohe. The Library's restrained and elegant design, featuring regularly spaced black steel columns and vast areas of glazing, imparts a clarity of form and physical transparency. It represents one of the most distinctive and architecturally fine libraries and municipal public buildings erected in the era and is an important, smaller-scale work of Yuncken Freeman Architects. The landscaped setting for the building includes plantings of Golden Wych Elms that have been planted in locations to highlight the repetitive steel columns of the building. The artwork in the foyer, by accomplished artist Lauren Berkowitz, has long been a prominent feature within the building. [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

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

Permit Exemptions

General Permit 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 don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the *Heritage Act 2017*.

Places of worship: In some circumstances, you can alter a place of worship to accommodate religious practices without a permit, but you must notify the ED before you start the works or activities at least 20 business days before the works or activities are to commence.

Subdivision/consolidation: Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the *Planning and Environment Act 1987* and the application for the planning permit was referred to the ED as a determining referral authority, a permit is not required.

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 Permit Exemptions

The works and activities listed below under the heading 'Exempt works and activities' are not considered to cause harm to the cultural heritage significance of Toorak/South Yarra Library. These are subject to the following guidelines and conditions:

Guidelines for specific permit exemptions

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 Act 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 ED is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

General conditions for specific permit exemptions

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 Aboriginal Heritage Council (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

Landscape

1. Gardening and soft landscape maintenance (for example: weeding, mulching, planting, pruning and tree lopping).
2. Repairs and maintenance to hard landscape elements (for example: walls, paths and steps) with like-for-like materials and finishes.
3. Repairs and maintenance to the two original fixed signs on the library grounds, and replacement of the non-original plexiglass signage within the original steel structures.
4. Removal of trees when they pose a risk to people or property (this exemption does not apply to the Gold Wych Elms to the east and west of the building).
5. Removal of Gold Wych Elms when they pose a risk to people or property, provided they are replaced with an example of the same or similar species in the same location.
6. Repairs, maintenance and removal of the outdoor timber seating area, located on the western open space area.
7. Repairs, maintenance and removal of street and park furniture (for example: bins, benches, bollards and bicycle hoops).
8. Installation of standard council street and park furniture provided it is installed in the open areas to the east, west or south of the library building.
9. Sub-surface and drainage works to the south side of the building.

Library building exterior

10. All repairs and maintenance to the roof, and the replacement of roof cladding and flashings with like-for-like materials and finishes.
11. All repairs, maintenance and replacement of the solar energy system, and installation of additional solar panels provided that the appearance of the building from street level is not altered.
12. All repairs and maintenance to the external steel structure, including repainting, with like-for-like materials, finishes and colours.
13. All repairs and maintenance to the windows (for example: resealing, cracks etc) provided the existing visual appearance is maintained.
14. All repairs and maintenance to the concrete retaining wall that surrounds the rear carpark to the south of the site.
15. All like for like repairs and maintenance to the staircase and ramps located within the front setback (including balustrades).
16. All repairs and maintenance to the exterior rendered concrete wall that forms the base of the building (for example: repairing any cracking) provided works are planned and carried out in consultation with an appropriately experienced Heritage Advisor.
17. Works to the bin cage at rear of building, including removal.
18. Installation and removal of temporary banners and signage (related to celebrations, events, and community activities, excluding advertising) affixed to exterior surface of windows, provided that the temporary banners or signage are in place for no more than three months per year.

Library building interior

19. All non-structural works within the lower ground floor (exclusive of staircase).
20. All works to the existing customer service desk and associated fixtures, provided they do not impact any elements of the original building.
21. All works within the toilets, kitchens, IT/Server/Print Room, plant room and staff administration areas.

22. All works to the existing specialist library infrastructure and equipment (for example: PC stations and self-checkout machines) required for the day-to-day functioning of the place as a library.
23. All works to the passenger lift (for example: repairs, maintenance and replacement of the lift system).
24. All works to services, plant, HVAC and emergency management systems within existing locations.
25. All repairs and maintenance to the book returns lift.
26. Like-for-like repairs and maintenance of the balustrade and glazing surrounding the staircase, as well as the staircase itself, in the entry foyer.
27. Like-for-like repairs and maintenance of the internal glazing that faces the entry foyer.
28. Replacement of floor coverings (for example: carpet and linoleum).
29. Replacement of non-original light fittings.
30. Installation of artwork and signage to the surface of the services core that faces the foyer.
31. Installation and removal of temporary banners and signage (related to celebrations, events, and community activities, excluding advertising) affixed to interior surface of windows, provided that the temporary banners or signage are in place for no more than three months per year.

Semi-detached plant room and substation at rear of library building

33. All works to the substation/plant building within the existing building envelope.

Flood management

34. All repairs, maintenance and rectification works required as a result of a flood event.

Objects integral

35. All repairs, maintenance and conservation of the *Collected Histories* artwork, located in the entry foyer, provided works are undertaken by the artist or an appropriately qualified art conservator.
36. Relocation of the *Collected Histories* artwork, provided it remains within the entry foyer.

Appendix 1: Important information for owners and interested parties

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.