

Statement of Recommendation from the Executive Director, Heritage Victoria

Old Colonists Homes, H0821

20 Rushall Crescent, Fitzroy North, Yarra City

Wurundjeri Country



Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that Old Colonists Homes, located at 20 Rushall Crescent, Fitzroy North, Yarra 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:

- revoke the existing permit exemptions that were introduced with the 1990 registration of the place, in accordance with section 92(1) of the Act; and
- determine new categories of works or activities which may be carried out in relation to the place for which a permit is not required (permit exemptions), in accordance with section 49(3)(a) of the Act.



STEVEN AVERY
Executive Director, Heritage Victoria
Date of recommendation: 16 September 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 Old Colonists Homes is located on the traditional land of the Wurundjeri Woi Wurrung people of the Kulin nations.

The Old Colonists Homes is located in North Fitzroy on a triangular site that is enclosed by Rushall Crescent to the east, McKean Street to the south, and the railway line to the east. The site contains 142 homes arranged amongst a picturesque garden setting with mature plantings and original infrastructure, in particular the drainage channels.

Buildings of the 1870s to early 1880s: Founders or Association Cottages

Built in the early 1870s or early 1880s. The Australian Dramatic and Musical cottages are constructed of rendered masonry. The Founders cottages are bluestone with rendered quoins, slate roofs and decorative timber barge boards.

Late 1880s to 1910s

Cottages constructed in red or polychromatic brick with elaborate façades and prominent gable ends, slate roofs, chimneys, and a variety of rendered mouldings to the main façades. Original layouts are substantially intact, though interior details are generally modest and fragmentary.

Interwar buildings

Pragmatic bungalows with modest details. Notable details include distinctive roof forms, brick and stone-work and roughcast render. These cottages have generally more intact interiors, including layouts, fireplaces, joinery and plasterwork. Designs were contributed by Percy Oakley, Arthur & Hugh Peck, Alastair Gray, John S Gawler & Walter Drummond, Christopher Cowper, Edwin Ruck and Verner Fick in this period.

Post-war and onwards

In the postwar period development moved away from architect designed dwellings. These buildings are simple single storey, brick-veneer cottages. Since 2010, new development has replaced later 20th century buildings to the north-east and west of the site. This has included construction of a community centre and new apartment blocks of between two and three storeys.

Description images



2024. No 12-21A Coppin Avenue. Example of founders or association cottage. Source: Lovell Chen.



2024. No. 21-23 Coppin Avenue. Example of late 1880s-1910s cottage. Source: Lovell Chen.



2024. DW Harvey Patterson Cottages. Example of interwar cottage. Source: Lovell Chen.



2024. Pratt Court Cottages. Example of postwar development. Source: Lovell Chen.



2024. Typical crossover and brick channel. Source: Lovell Chen.



2024. View along Coppin Avenue. Source: Lovell Chen.



1975. Old Colonists Home, Rushall Park, North Fitzroy. Source: Yarra Libraries, image held by Fitzroy Library. Representative example of memorial marker on each cottage, commemorating the donor.

History

The Old Colonists Association

George Coppin (1819-1906) was a comic actor, theatrical manager, politician, bank director, philanthropist and freemason. His charitable works include, as well as the establishment of the Old Colonists Association, the St John's Ambulance Society, the Royal Humane Society, and the Dramatic and Musical Society.

Reunion dinners of some old colonists had been held annually from the early 1850s. George Coppin was inspired to form a permanent society of the Old Colonists Association after an 1864 trip to the USA when he was inspired by the high esteem of early American pioneers. In 1869, Coppin invited 20 influential gentlemen who had contributed to the development of the colony to dinner where they resolved to provide assistance for early settlers who had, through no fault of their own, fallen on hard times.¹

The Old Colonists Homes

In 1869, the association received, upon request, a nine-acre grant in North Fitzroy for use to provide accommodation for elderly colonists of little means. Half of the grant was to be used by George Coppin's Old Actor's Association, later the Australian Dramatic and Musical Association (AD&MA). The first pair of cottages were erected on Coppin Street in 1870 to a design by George Johnson, funded by Coppin himself. Similar arrangements were made for the AD&MA site.² The boom of the late 1880s saw further, different buildings being constructed to designs by Joseph Crook. The nine buildings designed by Crook established the informal arrangement of streets and the picturesque character of the site.³

By the early 20th century, the Old Colonists Homes numbered 50, and the land grant was being quickly developed. On the adjacent site, the AD&MA retirement village remained largely undeveloped. In 1906, the Old Colonists absorbed the AD&MA, allowing further development of the village to the west.⁴ With the architectural character established, the erection of semi-detached residences proliferated with new curved streets formed by the construction of homes and named after prominent early colonists.

In the postwar period, several early dwellings were demolished to provide greater amenity. The older buildings had been designed with consideration of picturesque landscape qualities rather than the provision of natural light internally. Buildings introduced in this period include the Lodge, the Nursing Home, and the simple modern terraces of Pratt Court and the Gutyon and Cowley and Bequest Cottages.

Today, the site retains its original land grant, upon which 142 self-contained homes are sited amongst a picturesque garden landscape. The site has connections to the numerous prominent Victorian donors who funded the building of homes, the many architects responsible for a variety of styles, and the Old Colonists for whom the streets are named. The Old Colonists Home has continuously operated, since the construction of the first cottages in 1870s, as an aged care housing facility.

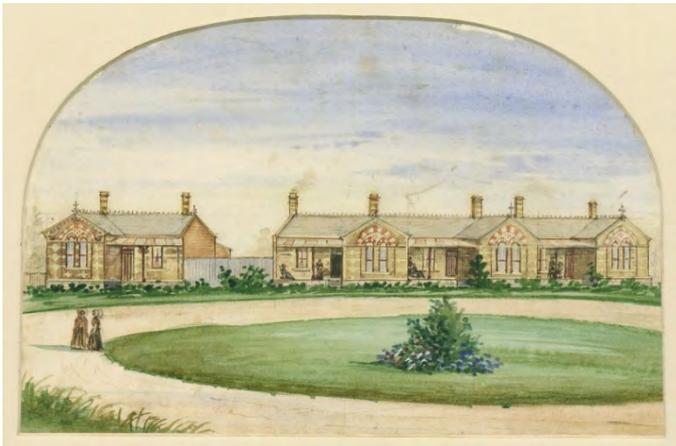
¹ Bryce Raworth, *Old Colonists Homes Rushall Park North Fitzroy Conservation Management Plan* (2010), p.8.

² Raworth, *Old Colonists Homes*, p.9.

³ Raworth, *Old Colonists Homes*, p.10.

⁴ Raworth, *Old Colonists Homes*, p.11.

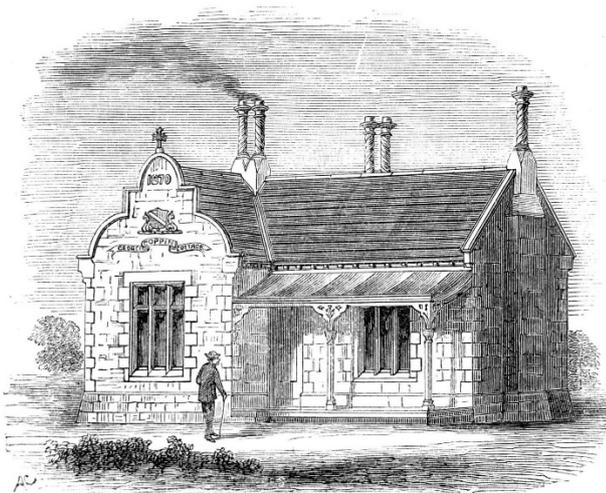
Historical images



1890. Old Colonists Home. Source: SLV.



1906. Old Colonists Homes, Clifton Hill. Source: SLV.
(The series of polychrome brick buildings designed by Joseph Crook. In 1905, the landscape setting for the homes is also well established, and the bluestone guttering is of note.)



ALMSHOUSES OF THE OLD COLONISTS SOCIETY.
GEORGE JOHNSON, ARCHITECT.

1870. Almshouses of the old Colonists Society. Source: SLV.
(The first series of cottages, provided for by George Coppin and built out of bluestone).

Selected bibliography

City of Yarra. *Heritage Strategy 2019-2030*, 2019.

Lovell Chen. *Old Colonists Home (Rushall Park) Framework for Management of Heritage Fabric and Attributes*. 2024. Prepared for Abound Communities.

Raworth, Bryce. *Old Colonists Homes Rushall Park North Fitzroy Conservation Management Plan* (2010). Prepared for the Old Colonists Association of Victoria. p.8.

Further information

Traditional Owner Information

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

Victorian Aboriginal Heritage Register

The place is in an area of Aboriginal cultural heritage sensitivity associated with the Merri Creek.

Integrity

The integrity of the place is excellent. The cultural heritage values of the Old Colonists Homes can be easily read in the extant fabric.

Houses retain their picturesque landscape and setting. The informal arrangement of streets has been retained. The relationship between the cottages and Victoria's early colonists is legible in the built fabric, in particular memorial stones to cottages that commemorate each donor.

Intactness

The intactness of the place is very good.

The buildings are intact. Some removal of internal fittings from some cottages. Exteriors are intact.

Condition

The condition of Old Colonists Homes is good.

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.

Amendment recommendation

State-level cultural heritage significance of the place

The State-level cultural heritage significance of the Old Colonists Homes was recognised in 1990 by its inclusion in the Register of Historic Buildings.

The Old Colonists Homes was recognised as being of State-level significance as an early attempt to provide homes for the aged. The unique layout is derived from early 19th century English experiments in housing the aged poor. The Old Colonists Homes were compared to Blaise Hamlet, a group of Quaker provided houses near Bristol in England, for their variety in design and the provision of individual garden settings.

Amendment application

On 12/06/2024 the Executive Director accepted an application to amend the registration of the Old Colonists Homes for the following reasons:

- Removal of existing and addition of new specific permit exemptions.

In addition, the Executive Director recommends to:

- Update the diagram and written extent of registration to make consistent with current formatting; and
- Update the Statement of Significance to make consistent with current formatting; and
- Update the history and description sections.

Statutory requirements under section 40

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

The Executive Director recommends that the registration of Old Colonists Homes in the VHR is amended.

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

Number: H0821

Category: Registered Place.

Name: Old Colonists Homes

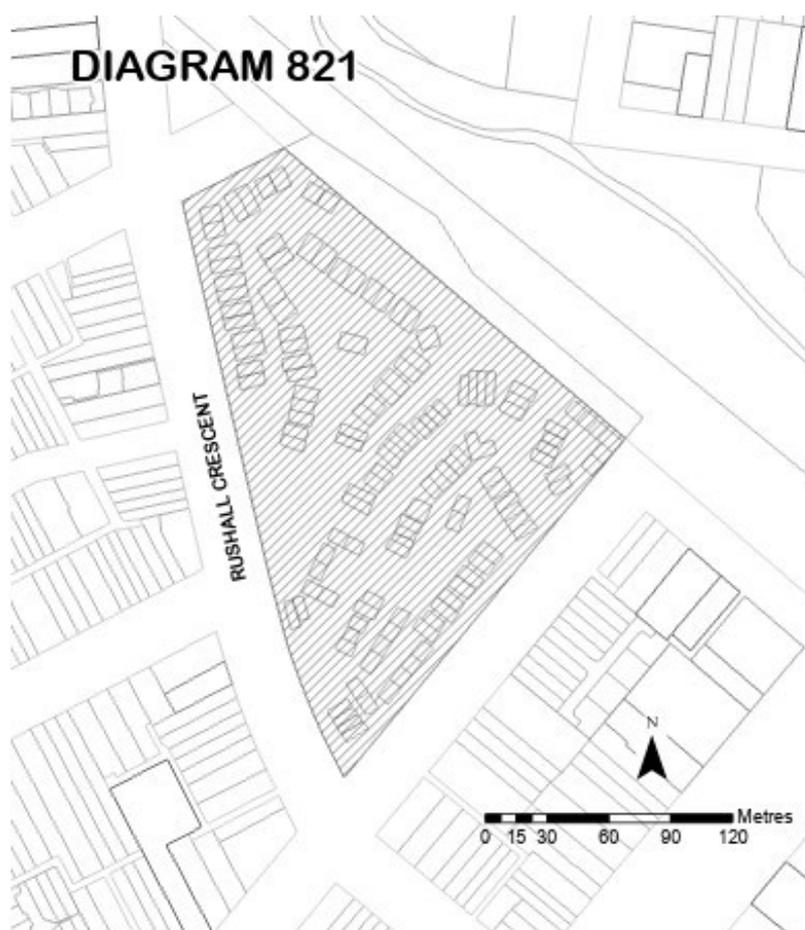
Location: 20 Rushall Crescent, Fitzroy North

Municipality: Yarra City

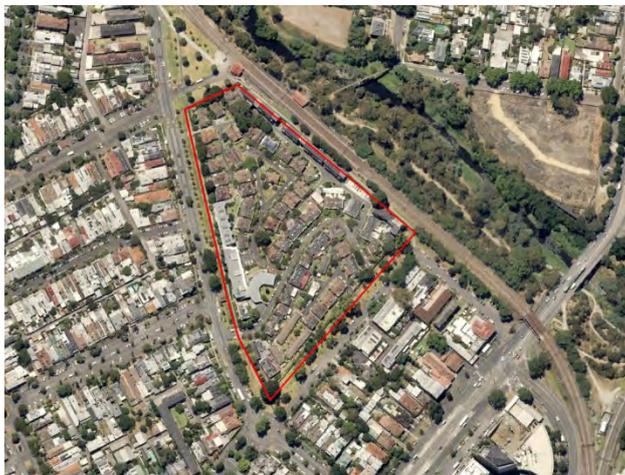
Proposed extent of registration

The Executive Director recommends that the extent of registration for Old Colonists Homes be gazetted as:

All of the place shown hatched on Diagram 821 encompassing all of lots 1 and 2 on Title Plan 85966.



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 all of Rushall Park, the land on which the Old Colonists Homes have always sat.

The recommended extent of the registration is the same as the nominated extent of registration. There is **no change** to the registered extent for this amendment. The diagram and written extent have been updated for the sake of clarity and consistency, however there is no change to the area of land included in this 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, and all buildings including exteriors, interiors 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.

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

Statement of significance

What is significant?

The Old Colonists Homes complex of 142 self-contained homes and ancillary buildings, established by actor, philanthropist, and entrepreneur George Coppin in 1870 to provide accommodation for elderly colonists. The village is comprised of an assortment of homes, built in a variety of styles between the 1870s and the present, arranged in a picturesque garden setting. The place continues to be managed for its original purpose by the Old Colonists Association, and the complex remains a remarkable example of 19th century charitable provision of housing for the elderly.

How is it significant?

The Old Colonists Homes 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 Old Colonists Homes is historically significant as an early and intact example of the provision of housing for the aged poor in Victoria, their association with George Coppin and other notable Victorians, and their links with Victoria's early colonists. The Old Colonists Homes are an important example of the development of philanthropic welfare facilities at a time when governments provided few or no such services. They betray the influence of similar philanthropic ventures in the USA and Britain. The unique layout of the complex appears to derive from early 19th century English experiments in housing the aged poor such as the Quaker cottages at Blaise Hamlet, near Bristol. The Rushall Park cottages feature variety in design and the provision of individual garden settings. As well as fitting within the long tradition of almshouses, the cottages also parallel the utopian model of such company towns as Saltaire and Bourneville in England and planned communities such as Riverside in the USA. [Criterion A]

The Old Colonists Homes is architecturally significant for its exceptional number of intact buildings that provide examples of a great variety of building styles and materials, developed over a period of more than 120 years. The homes show a spectrum of picturesque taste in Victoria, highlighted by the personal domestic scale and the delightful gardens. The Old Colonists Homes are also significant for their association with a number of important Victorian architects. The first stone cottages were designed by George Johnson, and the Jubilee Cottages, Sumner Hall and the caretaker's residence, designed by Joseph Crook. Other significant architects to have left their mark on the homes include George Wharton and James Wood. [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 *Old Colonists Homes Rushall Park North Fitzroy Conservation Management Plan* (2010) prepared by Bryce Raworth for the Old Colonists Association of Victoria (now Abound Communities) provides a useful starting point when assessing the cultural heritage significance of the place. It is recommended that the Conservation Management Plan is updated in future, so it remains useful and relevant to the management of the heritage values at the place.

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 Old Colonists Homes 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 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 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

Building maintenance

1. Re-oiling or varnishing of already oiled/varnished surfaces with a like for like product. No use of any polyurethane product is allowed.

Ramps and paths

2. Minor alterations of nonoriginal or modern ramps, concrete bridges and external access paths, including alteration of gradients to meet compliance obligations, for the purpose of providing universal access where this:
 - a. does not require removal of early or original fabric or the introduction of incompatible materials; and
 - b. does not result in a significant change in scale, footprint or location of ramps, bridges or paths; and
 - c. the design of any new installation is appropriate, sympathetic and consistent with the existing palette of materials and finishes.

Grab and handrail permit exemptions

3. In previously altered interiors and the rear elevations of buildings, the installation of new grab and handrails is exempt, provided they are reversible, do not harm any early or original fabric, and adopt a neutral finish.

Services and utilities

4. The installation of new or altered services and utilities, limited to fire detection and prevention, surveillance, communication or alarm systems aimed at resident safety and security provided that:
 - a. New fittings are only exempt for non-original elements/structures, limited to smooth render or plaster, painted timber boarding, mortar or grout joints, using smallest available nonexpanding nails/screw. Any penetrations must be discretely located and be minimal in number.

Electrical infrastructure

5. New trenches and bores for the provision of services and utilities, provided there is no impact on early or original fabric, or Tree Protection Zones. Must not remove or disturb ground-surface masonry associated with the registered place.

Blinds and shading

6. Maintenance and like for like repair of existing surface mounted blinds or shading devices.

Landscape and garden structures.

7. Maintenance and like for like repair of sheds, washing lines, and raised garden beds.
8. Demolition of any non-original or modern garden structures including sheds, greenhouses, washing lines, water tanks and contemporary raised garden beds.
9. Maintenance, repair or upgrade of decks to the rear of properties, providing that any works are appropriately and sympathetically designed, do not harm any early or original fabric and are of the same scale and footprint.

Roadways and guttering

10. Maintenance, repair, resurfacing of modern or later addition paths and gutters including installation of new traffic management devices, provided that this does not change the width of the road.

Existing registration details

Existing extent of registration

AMENDMENT OF REGISTER OF HISTORIC BUILDINGS

Historic Building No. 821.

Old Colonists' Homes

Rushall Crescent

North Fitzroy

(To the extent of all the buildings and the whole of the land as shown in Certificate of Title Volume 3392 Folio 678378.).

[Victoria Government Gazette No. G38 26 September 1990 pp.2962-2963]

Existing statement of significance

What is significant?

The Old Colonists Homes complex of 142 self-contained homes and ancillary buildings was established by actor, philanthropist, and entrepreneur George Coppin in 1870 to provide accommodation to elderly colonists who, through no fault of their own, had fallen on hard times. A neighbouring development of two houses for Coppin's Old Actors Association was taken over by the Old Colonists Association in 1906. The Old Colonists Association was concerned to record and commemorate the efforts of Victoria's earliest colonists, as well as to 'assist necessitous old colonists' and promote the advancement of 'native born (European) Victorians', and originally for two colleges funded by the Association itself, all the houses in the Old Colonists Homes village were built with funds donated by prominent Victorian citizens, and each building is marked by a memorial stone showing the date and donor. The houses are sited in delightful gardens and cottages were erected in every decade from the 1870s to the present. The Homes continue to be managed for their original purpose by the Old Colonists Association, and the complex remains a remarkable example of a 19th century charitable provision of housing for the elderly.

How is it significant?

The Old Colonists Homes are of historical and architectural significance to the state Victoria.

Why is it significant?

The Old Colonists Homes are of historical significance as an early and remarkably intact example of the provision of housing for the aged in Victoria; for their association with George Coppin and other notable Victorians who donated cottages to the complex; and for their links with Victoria's earliest years.

The Old Colonists Homes are an important example of the development of philanthropic welfare facilities at a time when governments provided few or no such services. They betray the influence of similar philanthropic ventures in the USA and Britain, the unique layout of the complex appearing to derive from early 19th century English experiments in housing the aged poor. The design of Blaise Hamlet in 1810 outside Bristol, the work of architects John Nash and George Repton, seems particularly relevant. As in the Blaise Hamlet housing, the Rushall Park cottages feature variety in design and the provision of individual garden settings. As well as fitting within the long tradition of almshouses, the cottages also parallel the Utopian model of such company towns and Saltaire and Bourneville in England and planned communities such as Riverside in the USA.

The Old Colonists Homes were founded by George Coppin (1819-1906), an extraordinary character from the earliest days of Melbourne. He was an actor, speculator and philanthropist who had arrived in Sydney from England in 1843. He founded a number of philanthropic organisations, including the Old Colonists' Association, the Australian Dramatic and Musical Associations, the Victorian Humane Society and St John's Ambulance in Victoria. The Old Colonists Homes, which include Coppin's founding donation

Existing permit policy and permit exemptions

1990 permit exemptions:

- 1) The maintenance and repair of the exterior fabric of all buildings in the complex provided such maintenance and repair is in accordance with sound conservation principles and existing paint colours are not changed.
- 2) The maintenance and repair (including painting and/or plastering) of all buildings in the complex.
- 3) The maintenance, repair, replacement and improvement of all non-original
 - a) Light fittings
 - b) Plumbing, drainage, sewerage works, pipes, installations or the like
 - c) Mechanical, electrical, gas, heating, or air-conditioning appliances, apparatus or equipment. wherever located in the complex.
- 4) The planting of trees, shrubs or flowers and landscaping including paving in the complex.

2022 permit exemptions:

Note: The following Standing Permit Exemptions are valid for 12 months, from 22 March 2022 though September 2023, during which time they will be reviewed by a heritage consultant and permanent Standing Permit Exemptions applied for.

General Conditions

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

Permit Exemptions

The following permit exemptions are not considered to cause harm to the cultural heritage significance of the Old Colonist's Homes.

General

- Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of significant fabric and include the conservation of existing details or elements. Any repairs and maintenance must not exacerbate the decay of fabric due to chemical incompatibility of new materials, obscure fabric or limit access to such fabric for future maintenance.
- Maintenance, repair and replacement of existing external services such as plumbing, electrical cabling, surveillance systems, pipes or fire services which does not involve changes in location or scale, or additional trenching.
- Repair to, or removal of items such as antennae; aerials; and air conditioners and associated pipe work, ducting and wiring.
- Works or activities, including emergency stabilisation, necessary to secure safety in an emergency where a structure or part of a structure has been irreparably damaged or destabilised and poses a safety risk to its users or the public. The Executive Director must be notified within seven days of the commencement of these works or activities.
- Painting of previously painted external and internal surfaces in the same colour, finish and product type provided that preparation or painting does not remove all evidence of earlier paint finishes or schemes. This exemption does not apply to areas where there are specialist paint techniques such as graining, marbling, stencilling, hand-painting, murals or signwriting, or to wallpapered surfaces, or to unpainted, oiled or varnished surfaces.
- Cleaning including the removal of surface deposits by the use of low-pressure water (to maximum of 300 psi at the surface being cleaned) and neutral detergents and mild brushing and scrubbing with plastic (not wire) brushes.

Interiors

- Works to maintain or upgrade non-significant existing bathrooms, kitchens and laundries, including installing new appliances, re-tiling and the like, where bathrooms, toilets and kitchens have previously been altered. This exemption does not cover works to original or early twentieth century bathrooms, toilets and kitchens.
- Installation, removal or replacement of carpets and/or flexible floor coverings, window furnishings, and devices for mounting wall hung artworks. This exemption does not cover works to original or early twentieth century features or surfaces.
- Maintenance, repair and replacement of non-original light fixtures, tracks and the like in existing locations. This exemption does not cover works to original or early twentieth century light fixtures, tracks and the like.
- Installation, removal or replacement of existing electrical wiring. If wiring is currently exposed, it should remain exposed. If it is fully concealed it should remain fully concealed.
- Removal or replacement of smoke and fire detectors, alarms and the like, of the same size and in existing locations.
- Repair, removal or replacement of existing ducted, hydronic or concealed radiant type heating provided that the central plant is concealed, and that the work is done in a manner which does not alter building fabric.
- Installation of plant within the roof space, providing that it does not impact on the external appearance of the building or involve structural changes.
- Installation, removal or replacement of bulk insulation in the roof space.

Landscape/ outdoor areas

- Hard landscaping and services
- Subsurface works to existing watering and drainage systems provided these are outside the canopy edge of trees and do not involve trenching in new locations. Existing lawns, gardens and hard landscaping, including paving, paths and roadways are to be returned to the original configuration and appearance on completion of works.
- Like for like repair and maintenance of existing hard landscaping including carparks, paving, footpaths and driveways where the materials, scale, form and design is unchanged.
- Removal or replacement of external directional signage provided the size, location and material remains the same.
- Installation of physical barriers or traps to enable vegetation protection and management of vermin such as rats, mice and possums.

Gardening, trees and plants

- The processes of gardening including mowing, pruning, mulching, fertilising, removal of dead or diseased plants (excluding trees), replanting of existing garden beds, disease and weed control and maintenance to care for existing plants.
- Removal of tree seedlings and suckers without the use of herbicides.
- Management and maintenance of trees including formative and remedial pruning, removal of deadwood and pest and disease control.
- Emergency tree works to maintain public safety provided the Executive Director, Heritage Victoria is notified within seven days of the removal or works occurring.

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.