

Heritage Council Regulatory Committee

Former Sunshine Technical College (H2458)

111 and 129–133 Derby Road, Sunshine, Brimbank City, Wurundjeri Country

Hearing – 21 and 22 October 2024

Members – Dr Ursula de Jong (Chair), Ms Anna Foley, Dr Janine Major

DETERMINATION OF THE HERITAGE COUNCIL

Inclusion in the Victorian Heritage Register – After considering the Executive Director’s recommendation and all submissions received, and after conducting a hearing, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that the Former Sunshine Technical College located at 111 and 129–133 Derby Road, Sunshine, Brimbank City is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register in the category of Registered Place. The Heritage Council has determined to include as the extent of registration the area that was the subject of a nomination accepted by the Executive Director, and has determined, pursuant to section 49(3) of the *Heritage Act 2017*, to include categories of works or activities which may be carried out in relation to the place, for which a permit is not required (permit exemptions).

Dr Ursula de Jong (Chair)

Ms Anna Foley

Dr Janine Major

Decision Date – 20 January 2025

ACKNOWLEDGEMENT

As a peak heritage body, we acknowledge the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

APPEARANCES/HEARING SUBMISSIONS

EXECUTIVE DIRECTOR, HERITAGE VICTORIA ('THE EXECUTIVE DIRECTOR')

The Executive Director recommended to the Heritage Council that the Former Sunshine Technical College, located at 111 and 129–133 Derby Road, Sunshine, is not of State-level cultural heritage significance and should not be included in the Victorian Heritage Register, pursuant to section 49(1)(b) of the *Heritage Act 2017*. The Executive Director was represented at the Hearing by Mr Geoff Austin, Manager, Heritage Register, and Ms Marina Jansen, Principal, Heritage Assessments.

BRIMBANK CITY COUNCIL

The Brimbank City Council is the responsible authority for the area in which the Former Sunshine Technical College is located and made the nomination for inclusion of the Place in the Heritage Register. The Brimbank City Council was represented at the hearing by Mr Greg Tobin, Principal, Harwood Andrews Lawyers. The Brimbank City Council called two expert witnesses during the hearing: Mr Jim Gard'ner, Director GJM Heritage, and Dr Deborah Towns OAM, Senior Research Fellow, Faculty of Business and Economics, University of Melbourne.

MR NEIL HEAD, ALBION AND ARDEER COMMUNITY CLUB

Mr Neil Head made submissions to the Heritage Council on behalf of the Albion and Ardeer Community Club and made oral submissions at the hearing. Mr Head is an appointed member of the Brimbank City Council Heritage Advisory Committee.

OTHER INTERESTED PARTIES

ROYAL HISTORICAL SOCIETY VICTORIA ('RHSV')

The RHSV made a submission to the Heritage Council, pursuant to section 44 of the *Heritage Act 2017*, and made a further submission as part of the hearing process. The RHSV did not make oral submissions at the hearing, but attended as an observer.

SUNSHINE AND DISTRICTS HISTORICAL SOCIETY

The Sunshine and Districts Historical Society made a submission to the Heritage Council, pursuant to section 44 of the *Heritage Act 2017*, and made a further submission as part of the hearing process. The Sunshine and Districts Historical Society did not make oral submissions at the hearing, but attended as an observer.

INTRODUCTION/BACKGROUND

THE PLACE

01. On 15 January 2024, the Executive Director made a recommendation ('the Recommendation') to the Heritage Council, pursuant to Part 3, Division 3 of the *Heritage Act 2017* ('the Act'), that the Former Sunshine Technical College, at 111 and 129–133 Derby Road, Sunshine ('the Place'), is not of State-level cultural heritage significance and should not be included in the Victorian Heritage Register ('the Heritage Register'), pursuant to section 49(1)(b) of the Act.

02. The Place is located on Wurundjeri Country.

03. The Place is described on page 4 of the Recommendation as follows:

The Former Sunshine Technical College is a complex of buildings located in the suburb of Sunshine, on the north-west portion of the block bounded by Derby Road, Morris Street, Hampshire Road and Graham Street. Sunshine Primary School is on the eastern part of the block and is not part of this assessment. Former Sunshine Technical College is located around 1km south of Sunshine Marketplace, and less than 400m south-west of Sunshine Railway Station.

The buildings with the greatest potential significance are the Nash Block (former Sunshine Girls' Technical College) and the Henty Wing (former Sunshine Boys' Technical College). Both were designed by Percy Everett, Chief Architect of the Public Works Department from 1934 to 1953.

04. The **Nash Block** and the **Henty Wing** are described on page 4 of the Recommendation as follows:

The Nash Block is located on Derby Road. It is a cream brick building in the Moderne style. On the western side of the front elevation is a curved room, set forward from the rest of the building. Narrow bands of brown brickwork provide a decorative element to this prominent section. The main entrance of the Nash Block is reached by a small set of steps. A flagholder above the entrance — not currently in use and missing its flagpole — provides a subtle vertical element to the elevation. Above the entrance is a sign for Sunshine Secondary College, which occupied the building after the technical college was closed. Extending to the east is a long, one storey wing, featuring a continuous band of windows which emphasise the horizontal lines of the building. These windows have been shuttered with metal sheeting. The concrete paving and grounds around the Nash Block are a little degraded.

The Nash Block interiors include brown tiling on the walls of hallways and classrooms. The rooms are largely empty, most containing only blackboards and radiators. Floor coverings and lighting appear to be mostly non-original. There is some damage to walls and ceilings, particularly cracks and water damage. The Nash Block is connected to the abutting 1980s building, known as the Beavan Wing, by a corridor and short flight of stairs. The Beavan Wing is a three-storey grey concrete structure in the Brutalist style.

The Henty Wing is a two-storey Moderne building. It is constructed of red brick, which has been almost entirely rendered on the northern street elevation as part of Everett's design. The rendering features inset horizontal lines between the floors. The most distinctive feature of the building is a large curved stairwell. This section protrudes from the front elevation, and is further distinguished by the use of curved window panes and a tall, streamlined roof. Several windows have been removed on the ground floor, replaced by metal roller doors. On the second floor, the windows have been largely covered by long horizontal slats.

Internally, the Henty Wing has been cleared of nearly all furniture and fittings, except for a car lift, some engines, piping and vents, tool storage boards, blackboards and some non-original signage. Some classrooms on the second-floor feature inbuilt desks, likely to have been installed during the building's time as Sunshine Secondary College. The building is in generally good condition, though some mould was reported, carpets and floors are stained, and there was evidence of vandalism and window breakage.

05. The **Ferguson Wing**, the **Library** and the **Auditorium** are described on page 4 of the Recommendation as follows:

South of the Henty Wing, fronting Graham Street, is the Ferguson Wing, a three-storey concrete brutalist building which was opened in the 1980s. This was to become the main public entrance to the school with the school office, teachers' staff room and amenities on the ground floor and a series of classrooms on the upper floors. The Library is a single storey orange-brick building of portal frame

construction. Shelving and books have been removed, leaving a large space with brick walls, flanked by offices clad with vertical timber panelling. It is not entirely clear when this building was constructed, though its architecture and progressive aerial photos of the site (see: *Historical images*) indicate that it was built in the 1960s to 1980s. The Library is situated between the Ferguson and Beavan Wings and helps to form one side of a semi-enclosed internal courtyard space with paving, seating and several trees.

At the rear of the site is a cream brick auditorium, constructed in the 1960s. The auditorium is an irregular hexagonal shape, with a large internal space consisting of brick walls, a stage, and basketball hoops, as well as upper gallery seating on a mezzanine-level balcony. To the immediate south of the auditorium is the school incinerator.

06. The historical summary of the Place as outlined in the Recommendation is provided as **Attachment 1** to this determination.

PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR

07. After the Recommendation was made to the Heritage Council on 15 January 2024, notice was published on Friday 19 January 2024 for a period of 60 days, in accordance with section 41 of the Act.
08. Seven (7) submissions, pursuant to section 44 of the Act, were received in relation to the Place. The seven submissions did not support the Executive Director's Recommendation. The submissions were received from:
- Albion and Ardeer Community Club (Neil Head), who did not support the Recommendation and requested that a hearing be held
 - Sunshine and Districts Historical Society (John Pardy), who did not support the Recommendation and wished to participate in any hearing
 - Sunshine and Districts Historical Society (Olwen Ford), who did not support the Recommendation and requested that a hearing be held
 - Harwood Andrews Lawyers, on behalf of the Brimbank City Council, who did not support the Recommendation and requested that a hearing be held
 - Royal Historical Society of Victoria, who did not support the Recommendation and wished to participate in any hearing
 - Lesley Preston, who did not support the Recommendation and wished to participate in any hearing.
09. The Regulatory Committee has given due consideration to all submissions made, pursuant to section 44 of the Act, in making its determination.

REGULATORY COMMITTEE

10. Pursuant to section 13(1) of the Act, a Regulatory Committee of the Heritage Council ('the Committee') was duly constituted to consider the Recommendation and all submissions received, and to conduct a hearing into the matter.

HEARING ARRANGEMENTS

11. On 22 March 2024 the Committee notified all individuals and organisations who had made a submission pursuant to section 44 of the Act that a hearing would be held. All individuals and organisations were invited to submit a *Hearing Participation Form (Form B)* to indicate whether or not they would participate in the hearing.
12. The Committee received three Hearing Participation Forms from:
- the Executive Director, Heritage Victoria
 - Harwood Andrews Lawyers on behalf of the Brimbank City Council
 - Neil Head on behalf of the Albion and Ardeer Community Club.
13. The Committee notified those individuals and organisations who had requested to participate in the hearing that a hearing had been tentatively scheduled to take place on 22 and 23 July 2024.

14. On 27 May 2024 Brimbank City Council made a request to the Committee to adjourn the hearing, requesting more time for the preparation of evidence and submissions.
15. The Committee agreed to the adjournment and notified all parties that the adjourned hearing would take place on 21 and 22 October 2024.
16. The Committee sought and received hearing submissions and submissions in reply prior to the hearing.

COMMITTEE SITE INSPECTION

17. On 18 October 2024 two Committee members (Dr de Jong and Dr Major) undertook a site inspection of the Place, one Committee member (Ms Foley) was unable to attend in person due to Covid-19 isolation. The Heritage Council's secretariat Hearings Manager and Business Support Officer were also in attendance. Two staff members from the Victorian School Building Authority and a security guard facilitated access to the property. No submissions were sought, made or received during the site inspection.
18. The inspection included the interior and exterior of the ground floor of the Ferguson Wing, interior and exterior of the Henty Wing, interior of the Beavan Wing, interior and exterior of the Nash Block, exterior of the Auditorium and interior and exterior of the Library.
19. It was noted during the hearing that the site inspection was undertaken on a wet day with substantial rainfall, and the condition of the buildings were considered by the Committee to be deteriorating when compared with the description authored by the Executive Director earlier the same year, with significant stormwater ingress visible during the inspection.

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

FUTURE USE, MAINTENANCE AND DEVELOPMENT

20. It is not the role of the Committee to consider future proposals or to pre-empt any decisions regarding future permits under the Act. Pursuant to sections 49(1)(a)–(c) of the Act, the role of the Committee is to determine whether or not the Place, or part of it, should be included in the Heritage Register and, if determined to register, pursuant to section 49(3), to determine categories of works which may be carried out without a permit (permit exemptions).
21. The Committee (and the Heritage Council similarly) have no current or future role in the consideration of permits under the *Planning and Environment Act 1987*. The Heritage Council's statutory remit is limited to the *Heritage Act 2017*.

CONFLICTS OF INTEREST

22. The Chair invited Committee members to consider whether written declarations or otherwise were required to be made in relation to any matters that may potentially give rise to an actual or apprehended conflict of interest.
23. Ms Anna Foley identified that former Heritage Council member Ms Natica Schmeder was present at the hearing as a representative of Brimbank City Council. All Committee members declared that they had former professional relationships with Ms Schmeder during her term on the Heritage Council, or as a Member of the National Trust of Australia (Victoria)'s Heritage Advocacy Committee, but had not spoken to her for some time and not in relation to this matter. No objections to this declaration were made by any hearing participant.
24. All members were satisfied that there were no real or perceived conflicts of interest.

ISSUES

25. The following section is not intended to be a complete record of submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position that the Committee takes on each key issue. Any reference to the Criteria or to a particular Criterion refers to the Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance (updated by the Heritage Council on 1 December 2022) ['Criteria for Assessment']. Please refer to **Attachment 2**.

SUMMARY OF ISSUES

26. The Executive Director recommended that the Place did not meet any of the Criteria for Assessment and therefore was not of State-level significance and should not be included in the Heritage Register.
27. The Executive Director's Recommendation not to include the Place was made in relation to all of the buildings and land that comprise the Former Sunshine Technical College, including:
- the Ferguson Wing
 - the Henty Wing
 - the Beavan Wing
 - the Nash Block
 - the Library
 - the Auditorium.
28. During the hearing, the Executive Director clarified that the Recommendation extended beyond the extent that was originally nominated by Brimbank City Council. The Executive Director advised that after notifying the Victorian School Building Authority ('VBSA') (who are the site owners) of the nomination, the VBSA asked that the Executive Director additionally assess the Auditorium. For completeness, the Executive Director expanded the assessment and Recommendation to encompass the Auditorium and surrounding land (refer to **Figure 1**).



Figure 1. Extent of Sunshine Technical School assessed by the Executive Director and the subject of the Recommendation. (Source: Executive Director's Hearing PowerPoint, 10 Oct 2024)

29. Brimbank City Council submitted that it did not support the Recommendation and submitted that the Place is of State-level cultural heritage significance and should be included in the Heritage Register. Brimbank City Council supported the extent of registration it had originally nominated, which excluded the Auditorium and surrounding land (refer to **Figure 2**). Brimbank City Council submitted that the buildings of significance within the extent of registration it had nominated are the **Nash Block** and **Henty Wing** buildings only, and suggested a suite of permit exemptions that would allow change to the non-significant buildings.



Figure 2. Nominated extent of registration made by Brimbank City Council on 7 Sept 2021. (Source: Executive Director’s Hearing PowerPoint, 10 Oct 2024)

30. Brimbank City Council submitted that the Place meets the following Criteria for State-level significance in the Heritage Council’s Criteria for Assessment:
 - **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
 - **Criterion H** – Special association with the life or works of a person, or group of persons, of importance in Victoria’s history.
31. Mr Neil Head submitted that the Place, or parts of it, are of State-level significance for their association with HV McKay, including his foundational efforts to establish the school. Mr Head submitted that the date of HV McKay’s death is not a ‘good reason to downgrade or downplay the significance of the association’.
32. Mr Head also made submissions in relation to the lack of representation of the western region of Melbourne in the Heritage Register and submitted that there is ‘adverse discrimination’ in relation to the geographic distribution of places included in the Heritage Register.
33. It was the Executive Director’s position broadly in relation to Criterion A, that while the Step 1 test could be met, the Step 2 test for State-level significance could not be met. The Executive Director’s Recommendation established that the Place has a clear association with the historical phase ‘building Victoria’s industries and workforce: developing manufacturing capacity through improving technical skills amongst workers (also described during the hearing as the ‘technical school movement’), and the phase ‘providing secondary and higher education to women and girls’.
34. The Executive Director did not consider that the Place allows either of the historical phases to be understood better than most other similar technical schools, and submitted that there are other technical schools in the Heritage Register that are more intact and tell the story better than the Former Sunshine Technical College.
35. Brimbank City Council disagreed with this view and adopted the expert evidence of Mr Jim Gard’ner, whose view was that there are few other places that demonstrate the establishment and growth of secondary technical schools – including those focused on secondary technical education of girls – better than the Former Sunshine Technical College.
36. Brimbank City Council also adopted the expert evidence of Mr Gard’ner in relation to Criterion D. Mr Gard’ner’s view was that the Place can be considered a ‘notable example’ of its type as it displays a large number of characteristics that are typical of the class and these characteristics are evident in a way that allows the class to be easily understood and appreciated.

37. The Executive Director and Brimbank City Council's views in relation to the intactness of the Place differed. In the Executive Director's view, the overall intactness of the Place is good. The Executive Director assessed that the Nash Block was largely intact while the Henty Wing is substantially less intact. In the hearing submission, the Executive Director submitted that the State-level significance of the Place is diminished by its intactness and integrity. Mr Gard'ner's evidence suggested that the Nash Block and Henty Wing both retain very high integrity.
38. In relation to Criterion H, Brimbank City Council did not accept the expert evidence of Mr Gard'ner. It was Brimbank City Council's view that Criterion H is met at a State-level because the Place allows the association between HV McKay and his role in the evolution of technical education in Victoria to be readily appreciated better than most other places. Mr Gard'ner's evidence did not suggest that the Place was significant at a State-level in relation to Criterion H.
39. The submissions of Mr Head related primarily to the association of the Place to HV McKay, but did not explicitly refer to Criterion H.

CRITERION A – IMPORTANCE TO THE COURSE, OR PATTERN, OF VICTORIA'S CULTURAL HISTORY

Summary of submissions and evidence

40. The Executive Director's position was that the Place did not meet the threshold for State-level significance pursuant to Criterion A. Brimbank City Council, relying on the expert evidence of Mr Jim Gard'ner, disagreed with the Executive Director and submitted that the Place meets the threshold for State-level significance under Criterion A. While not directly addressing Criterion A, Mr Head made submissions stating that the school is one of the 'first type of technical school institutions distinct in its offering'.
41. Although during the hearing the Executive Director agreed that Criterion A was one of the three Criteria that the Committee should give consideration to, the Executive Director retained his position that Criterion A was not met. The Executive Director put to the Committee that it should consider whether the Place is of State-level significance as an 'exemplar of technical education, designed to assist Victoria's building industry and workshops, and providing higher education to women and girls'.
42. Through the course of the proceedings, various elements of the Executive Director's Recommendation in relation to Criterion A were in dispute. The following discussion sets out those disputed elements in no prioritised order.

Longest operating school of its type in Victoria – documentary vs physical evidence

43. Much of the dispute in relation to whether Criterion A was met or not surrounded the time-depth of the operation of the Place.
44. The Executive Director's Recommendation included a history of the Place and outlined that the Place opened in 1913 and was one of the first three schools established after the *Education Act 1910* passed in Parliament. The Recommendation also stated that the Place was the 'longest running junior technical school in Victoria, operating from 1913 to 1991'. The two other technical schools that were opened at a similar time are West Melbourne Junior Technical School (now Former Essendon Technical School, VHR H1295) and Collingwood Technical School (not included in the Heritage Register, Yarra City Council Heritage Overlay, HO324).
45. During the course of the proceedings, the Executive Director submitted that while it was agreed by all parties that the Place was the longest running technical school in Victoria, and one of the first three in operation, these two facts alone did not mean that Criterion A was met at the State-level. During the hearing, the Executive Director submitted that claims being made about the time-depth of the Place could not be made in relation to the Nash Block and Henty Wing buildings, which were completed in 1940 and 1947 respectively.
46. The Executive Director submitted during the hearing that there is no remnant fabric that demonstrates the early years of technical education in Victoria, that is to say, there is no fabric pre-dating 1940, and that therefore the argument that the Place meets Criterion A for the time-depth of its operation as a technical school could not be made.
47. In response to submissions that argued that the Place meets Criterion A as the longest running technical school, the Executive Director submitted that the history of 'the first three decades is

exclusively represented in photos, written histories and other documentary and archival sources'. The Executive Director also submitted that because there is no physical evidence pre-dating 1940, it is unclear how this Place influenced the State Government to provide secondary school education through the 'dual system' of technical schools and high schools.

- 48.** The Executive Director submitted that if there was extant fabric from the early years of the operation of the Place, the Committee's task would be much easier and the arguments about the operating time of the Place would be easier to address.
- 49.** In response to the Executive Director's submissions, Brimbank City Council submitted that the 'evidence of State-level significance under Criterion A can be physical, documentary or oral history evidence'. Brimbank City Council drew the Committee's attention to the Criteria and Threshold Guidelines, particularly noting the following (extracted from explanatory note xi, page 4 of the Heritage Council's Criteria and Threshold Guidelines):
- For some the imperative for physical evidence is stronger than others. Criterion A, for instance, prioritises the strength of historical associations, demonstrated through documentary or other evidence, meaning that the need for physical evidence that is expressive of significance may be relatively low.*
- 50.** Brimbank City Council submitted that 'not all historical phases need to be evident in the physical fabric of the School where those associations can be understood by documentary evidence'. Brimbank City Council did not accept the Executive Director's submissions. In the view of Brimbank City Council and the expert evidence of Dr Towns and Mr Gard'ner, there is clear physical and documentary evidence of the historical phases set out in the Executive Director's Recommendation, and that the documentary evidence can and should be accepted to demonstrate the significance of the Place.
- 51.** Brimbank City Council submitted that it does not accept that for a Place to be of State-level significance there must be extant fabric through every point in time to adequately demonstrate the relevant historical phases.
- 52.** During the hearing, in response to a query made by Mr Tobin, Mr Gard'ner submitted that in his view, time-depth does not need to be solely demonstrated in physical fabric and suggested that there are numerous places in the Heritage Register in which not all historical associations are evident in physical fabric. Mr Gard'ner pointed to examples including the Melbourne Cricket Ground ('MCG') (VHR H1928) and the Caulfield Racecourse (VHR H2415), which are both included in the Heritage Register under Criterion A. Mr Gard'ner submitted that these two places are included in the Heritage Register for historical associations that cannot be read today in their physical fabric. Mr Gard'ner submitted that the Caulfield Racecourse registration references associations as early as the 1850s but there is no remnant fabric identified prior to 1919, and the MCG registration references the first cricket games held on that site, despite no fabric prior to 1980 existing to demonstrate that time depth.
- 53.** Mr Gard'ner submitted his view that in regard to the Nash Block and Henty Wing buildings, these have extant, very intact, very legible physical fabric. Mr Gard'ner submitted that the Criteria and precedents in the Heritage Register allow for the original building's associative significance to the place to be informed/supported by documentary evidence.

Providing secondary and higher education to women and girls

- 54.** The Executive Director submitted that the Place is associated with the historical phase 'providing secondary and higher education to women and girls'.
- 55.** During the hearing, the Executive Director agreed that the Place was the 'first girls' technical school, with enrolments from 1915, and the first school with a [female] headmistress but that there is no fabric to demonstrate that'. The Executive Director therefore did not agree that the buildings on site could demonstrate this theme.
- 56.** In the expert evidence of Dr Towns, the Place, 'in particular the Nash Block and Henty Wing, provide an important contribution to understanding the history of technical education in Victoria and providing secondary and higher education to women and girls'.
- 57.** In adopting the evidence of Dr Towns, Brimbank City Council submitted that there are no other examples of junior technical schools in the Heritage Register. Brimbank City Council submitted that Dr Towns evidence explains that the JH Boyd Girls High School (VHR H0769) is not a vocational school.

58. Dr Towns also submitted that the Nash Block building, named after the former headmistress Winifred Nash, is a rare example of a building named after a woman. Dr Towns contrasted the Nash Block building to MacRobertson High School (VHR H1641) and JH Boyd Girls High School, both of which are named after their male benefactors.
59. In adopting the evidence of Mr Gard'ner, Brimbank City Council submitted that by 1921 the Place was the first school in Victoria to open a separate, specialist girls' technical school with its own headmistress.
60. During questioning of the Executive Director at the hearing, the Committee sought to elicit which places in Victoria allow the development of girls' technical education to be read and understood.
61. The Executive Director responded that there aren't many places that represent the early phase of girls' technical education, and while there is documentary evidence of this phase at the Place, the physical fabric of the Place does not allow the development of girls' technical education to be understood. The Executive Director submitted that the buildings for girls' technical education date from 1939–40 at the Place, and that there are other comparable examples from this time including Former Box Hill Technical School (City of Whitehorse, Heritage Overlay HO117). The Executive Director submitted that in his view there are no extant places that demonstrate the first few decades of technical education for girls.
62. The Executive Director maintained his position that 'the lack of fabric demonstrating the admission of girls in 1915 and the establishment of a girls' technical school in 1921 renders impossible a clear understanding of this history at the place prior to 1940'.

Building Victoria's industries and workforce: developing manufacturing capacity through improving technical skills amongst workers

63. The Executive Director submitted that the Place is associated with the historical phase 'Building Victoria's industries and workforce: developing manufacturing capacity through improving technical skills amongst workers'.
64. While there was no disagreement between parties that the Place demonstrates the historical phase, it was the Executive Director's view that the Place did not demonstrate the phase better than most other similar technical schools with substantially the same association.
65. Brimbank City Council, adopting the evidence of Mr Gard'ner and Dr Towns, disagreed with the Executive Director.
66. Brimbank City Council submitted during the hearing that while they did not disagree on the historical facts related to this phase, they disagreed that the Place did not demonstrate the phase 'better than most'.
67. Mr Tobin made a submission rejecting the Executive Director's view that the expert evidence had 'compared down', meaning that submissions had looked to comparators that were not included in the Heritage Register. The Executive Director submitted that it is important to 'compare up' and look to State-significant comparators already included in the Heritage Register. In the Executive Director's view, if 'comparing down' occurs, the answer to the Criteria and Threshold Guidelines question of whether a place or object is 'better' than another, will always be yes.
68. Mr Gard'ner disagreed with this view submitting that a place in question doesn't have to be better than those already included in the Heritage Register. Mr Gard'ner submitted that a place does have to demonstrate historical importance better than most other places in Victoria, which is not to say better than most places in the Heritage Register.
69. Brimbank City Council submitted that there is clear physical and documentary evidence of the role of the Place in improving technical skills among workers.
70. Mr Gard'ner stated in his evidence that 'there are few other places that demonstrate the establishment and growth of secondary technical schools – including those focused on secondary technical education of girls – better than the Sunshine Technical College.'

Committee discussion and conclusion

71. The Committee acknowledges the Executive Director's submissions in response to the view of some parties, that the Place is significant as the longest running technical school in Victoria. The Committee

accepts that there is no extant physical fabric to demonstrate the early phases of the operation of the Place.

- 72.** While the Committee understands that there is no extant fabric from the early years of the Place (from approx. 1913), it agrees with the submissions of Brimbank City Council that to satisfy Criterion A at the State level, extant fabric from the entire operational period is not necessary.
- 73.** The Committee has reviewed the Criteria and Threshold Guidelines and finds that it is clear from those Guidelines that documentary evidence can be relied upon to reveal a historical association and can allow that association to be understood better than most other places and objects with substantially the same association. The Committee finds that in this instance, the documentary evidence (which is not disputed), which reveals that the Place is among the first three technical schools in Victoria to open and the last to close, can be used to contribute to its State-level significance.
- 74.** The Committee finds that the Place demonstrates the evolution of technical schools in Victoria and, although no buildings from the original decades exist today, the later buildings are located on the original technical college grounds. The Committee agrees with Brimbank City Council's submission and the expert evidence of Mr Gard'ner that 'time-depth does not need to be solely demonstrated in physical fabric'.
- 75.** The Committee finds the *Sunshine Technical School 1913–1991: Brief History* by Dr John Pardy to include compelling evidence as to the significance of the Place. Page 3 of the history states that:
- Sunshine Technical School was the longest running secondary technical school in Victoria and at the site secondary schooling was continually offered to children and young people in the district for 107 years.*
- 76.** The Committee also notes that Dr Pardy's history suggests that of the three earliest technical schools in the State (Collingwood, Sunshine and West Melbourne), the Place pioneered technical education for women and girls, with girls and women commencing classes from 1915.¹
- 77.** During the hearing, the Committee questioned whether the Place could 'categorically' be said to be the first girls' technical school in Victoria, and pointed to Dr Towns evidence which suggested that Swinburne Technical School was the first to provide education for girls², whereas Mr Gard'ner's evidence had suggested that the Place was the 'first specialised technical school for girls in Victoria'.³
- 78.** In response to the Committee's query, Mr Gard'ner submitted that whether the Place was the first is not necessarily material to its State-level significance. Mr Gard'ner submitted that what is clear is that the Place was the first technical school with a headmistress providing technical education to girls/women. Mr Gard'ner's written statement of evidence had included the following –
- In 1921, [the Place] was the first school in the State to open a separate, specialist girls' technical school, with its own headmistress, which followed the first admission of female students to the school in 1915.*⁴
- 79.** While no physical evidence of the early years of girls' technical education exists on site, documentary evidence in combination with the extant Nash Block (1940) reveal the Place's long-running offering of technical education for girls and women, which began with the admission of girls to the existing male technical school and then evolved into a separate specialist girls' technical school. The Committee is of the view that the Nash Block does represent the important historical theme 'providing higher education to women and girls' better than most other places, considering the length of time it has provided technical education to girls and women, supported by clear documentary evidence and extant fabric on site.
- 80.** In relation to some of the comparators raised through the course of the proceedings, the Committee finds the evidence of Mr Gard'ner to be compelling. The Committee agrees that the Place contributes to the understanding of the evolution of education for girls/women in Victoria. In combination with other technical schools already included in the Heritage Register (e.g. Emily McPherson College, VHR

¹ *Sunshine Technical School 1913–1991: Brief History*, Dr John Pardy, p 6.

² *Expert Witness Statement* – Dr Deborah Towns, OAM, p 15.

³ *Expert Witness Statement* – Jim Gardner, Director, GJM Heritage, p 45.

⁴ *Expert Witness Statement* – Jim Gardner, Director, GJM Heritage, p 33.

H1646), it provides a more complete understanding of the introduction and development of technical training for girls/women in the interwar and postwar periods.

81. The evidence provided by both the Executive Director and Dr Towns highlighted the importance of the timing of the development of the Nash Block and Henty Wing in the context of World War II which the Committee believes adds to the historic significance of both buildings. The Nash Block was completed in 1940 at a time when technical school training, especially for girls and women, was contributing to maintaining critical trade workforces during the war. The Henty Wing has its origins as a facility funded by the Commonwealth Defence Technical Training Scheme, which was completed postwar in 1947 despite material shortages. Both wings, in their particular focus on the technical education of girls/women and boys/men, also contributed to postwar reconstruction training, which for the girls and women was mostly in office skills.
82. The Committee finds that the Place – through physical and documentary evidence – allows the clear association with the evolution of education for girls/women in Victoria to be understood better than most other places in Victoria with substantially the same association.
83. The Committee is convinced by the expert evidence of Dr Towns and Mr Gard'ner, and agrees with Brimbank City Council that the Place is significant at a State-level for its clear association with the phase 'providing secondary and higher education to women and girls', and as one of the longest operating technical schools in Victoria.
84. The Committee finds that **Criterion A is satisfied at the State level.**

CRITERION D – IMPORTANCE IN DEMONSTRATING THE PRINCIPAL CHARACTERISTICS OF A CLASS OF CULTURAL PLACES AND OBJECTS.

85. In the Recommendation, the Executive Director set out that the Step 1 test for Criterion D was met. Through the course of the proceedings no party disputed that the Step 1 test was met, nor that – with respect to the Nash Block and Henty Wing – the class of place is 'technical school building constructed in the Moderne style'.
86. The Recommendation also set out that the Nash Block and Henty Wing as technical school buildings in the Moderne style, have a clear association with the phases:
 - a) Building Victoria's industries and workforce: developing manufacturing through improving technical skills amongst workers
 - b) Providing secondary and higher education to women and girls.
87. In submissions, the Executive Director stated that Percy Everett's output in the Moderne style was extensive and listed places that had been designed by Everett and which are included in Victoria's Heritage Register. It was the Executive Director's view that these examples demonstrate much higher levels of intactness and integrity than the Former Sunshine Technical College. The Executive Director also submitted that 'semicircular facades were not uncommon' in Moderne buildings.
88. During the hearing, the Executive Director made submissions in response to suggestions in Dr Towns' evidence that the curved windows of the Nash Block had been designed in such a way to allow natural light into the room, to facilitate sewing classes for girls. The Executive Director submitted that those suggestions should be treated with caution, because that feature of the building is common to Moderne style buildings and its use was prevalent. The curved windows were not necessarily to facilitate specific educational programs (e.g. sewing/dressmaking).
89. The Executive Director pointed out some examples of Moderne style buildings with curved windows, including Mitchell House (VHR H2232), Burnham Beeches (VHR H0868) and various baby health centres across Victoria.
90. The Executive Director further submitted that the curved windows appear to have become a symbol of girls' technical education in both Dr Towns' and Mr Gard'ner's expert evidence statements. The Executive Director suggested that further thought be given to the gendering of buildings.
91. During cross-examination of the experts at the hearing, the Executive Director asked Mr Gard'ner if he thought that there had been retrospective gendering of the Nash Block and Henty Wing in some submissions.

- 92.** Mr Gard'ner disagreed with the Executive Director's view and submitted his view, that the buildings can be considered to be gendered, as evident in their form. Mr Gard'ner submitted that the Nash Block has a more domestic form and scale than the Henty Wing, which is industrial in nature and retains evidence of heavy machinery. Mr Gard'ner suggested that these buildings are inherently gendered and that this comes across in their architectural forms.
- 93.** While the Executive Director agreed that the Nash Block and Henty Wing are good examples of Moderne style educational buildings, the Executive Director suggested that the question for the Committee was whether or not the buildings display characteristics that are of a higher quality than other buildings in that class. The Executive Director further submitted that there are many buildings designed in the Moderne style by Percy Everett, and that the issue in this instance is how well the Nash Block and Henty Wing compare with all other buildings in the class.
- 94.** The Executive Director quoted a Brimbank City Council *Post-contact Cultural Heritage Study* completed in 2000, and noted that the Place was assessed as being of regional significance (as opposed to local or State-level significance). While the Executive Director noted that *regional* is no longer a threshold used in heritage protection, it was agreed that the hearing was dealing with 'very good' buildings, but that the challenge was to consider whether they met the State-level threshold.
- 95.** The Executive Director maintained the position that the State-level threshold for Criterion D was not met, and that the Nash Block and Henty Wing are not of State-level significance and are not 'notable' examples of the class (that is being: fine, influential or pivotal examples of the class).
- 96.** Brimbank City Council nominated the Place for inclusion in the Register under Criterion D and maintained the position that the Place met the threshold for State-level significance under Criterion D.
- 97.** In making their submissions, Brimbank City Council adopted the expert evidence of Mr Gard'ner, who suggested that the Place, specifically the Nash Block and Henty Wing are 'fine and highly intact examples of Moderne design in an educational setting'.
- 98.** In response to the Executive Director's submission that places included in the Heritage Register tend to be the 'most extraordinary, unique and innovative examples of the style', Mr Gard'ner noted that the Heritage Register should not be restricted to only the unique or innovative.
- 99.** Mr Gard'ner's evidence suggested that the Criteria and Threshold Guidelines are clear that a place that is 'notable' can include a fine example which displays the principal characteristics of the class of place, and which are of higher quality or historical relevance than most. Mr Gard'ner agreed that while the Nash Block and Henty Wing are not 'grand' or innovative examples of the style' they are highly intact representative examples incorporating the key characteristics of a Moderne educational building including:
- *asymmetrical massing*
 - *interplay of simple rectilinear and curved forms*
 - *horizontal emphasis, including flat roofs and parapets, glazing bars and use of contrasting brickwork and banded render*
 - *contrasting vertical expression at the entrance and staircase*
 - *expansive glazing to maximise internal light in horizontal bands*
 - *minimal ornamentation.*
- 100.** It was Mr Gard'ner's view that the Nash Block has a high level of integrity as an example of secondary schooling for girls/women and that its use is legible without the need for documentary evidence. Mr Gard'ner further submitted in relation to the Henty Wing, that this building expresses its educational program and function in its built form and interior spaces.
- 101.** Further, Mr Gard'ner submitted that in his view, and contrary to the Executive Director's assessment, both buildings remain intact both internally and externally. Mr Gard'ner submitted that the Nash Block and Henty Wing are highly legible as fine, representative examples of the Moderne style applied to an education facility.
- 102.** Brimbank City Council made submissions in relation to Step 2 of the Criteria for Assessment for Criterion D, submitting that a careful reading of the guidelines is important. Brimbank City Council drew parties' attention to the definition of the word 'notable' in the guidelines, and submitted that when

it comes to being a 'fine example' the place in question must be 'typical of the class'. Brimbank City Council submitted that this is not to suggest that a place has to be 'better than typical', rather they have to meet the benchmark of 'typical'.

- 103.** Further, Brimbank City Council submitted in response to the Executive Director's statement that the Nash Block is 'not an outstanding example of a Moderne technical school' that the test for Criterion D does not require a place to be 'outstanding'. Unlike Criterion E, which requires aesthetic characteristics to be 'beyond the ordinary', Criterion D requires consideration of whether the place is a 'notable example' of the class. Brimbank City Council maintained its position that the Place is a notable example of technical school buildings built in the Moderne style.

Committee discussion and conclusion

- 104.** The Committee agrees with the Executive Director, that the Nash Block and Henty Wing are not outstanding examples of Moderne architecture in the State, but that they are good examples of Moderne architecture and of Percy Everett's work in that architectural style. The Committee agrees that the Nash Block and Henty Wing are not 'notable' for their architectural merits alone, but it does find that the Place meets the requirements of the reference tool for Criterion D in the Heritage Council's Criteria and Threshold Guidelines.⁵ The reference tool provides that:

The term 'notable' is used in these guidelines to mean any of the following:

A fine example

- *The place/object displays:*
 - a large number or range of characteristics that are typical of the class; **OR**
 - the principal characteristics of the class in a way that allows the class to be easily understood/appreciated.

AND

- *The place/object displays characteristics that are of a higher quality or historical relevance than are typical of places/objects in the class.*

An influential example

- *The place/object contains physical characteristics of design, technology or materials that were copied in subsequent places/objects of the class (direct physical influence); **OR***
- *Other places/objects were created, altered or used in response to the characteristics of this place/object.*

A pivotal example

- *The place/object encapsulates a key evolutionary stage in the development of the class*

- 105.** The Committee agrees with Brimbank City Council, that the Nash Block and Henty Wing can be considered to be 'fine' examples of the class as they display a 'large number of characteristics that are typical of the class' as outlined in Mr Gard'ner's evidence (refer to paragraph 99 above).
- 106.** The Committee is also of the view that the principal characteristics of the class allow the Place to be readily understood and appreciated as examples of the class 'Moderne technical school buildings'.
- 107.** The Committee finds that that the Place displays characteristics that are of a higher historical relevance than are typical of buildings in the same class. For example, the Committee is of the view that the Nash Block and Henty Wing together clearly reveal the segregated nature of technical education in the postwar era. The contrast between the forms of the Nash Block and Henty Wing is evocative of the difference in education subjects and vocational skills taught to boys/men, compared with girls/women.
- 108.** The Committee notes the Executive Director's discussion and caution against retrospectively gendering the Nash Block and Henty Wing. However, the Committee considers that the discussion

⁵ Heritage Council of Victoria Victorian Heritage Register Criteria and Threshold Guidelines, endorsed 6 Dec 2012, updated 1 Dec 2022, p 14.

about the gendered nature of the buildings is relevant in this instance, given the buildings had a gendered expression and use from their establishment.

109. The Executive Director's response to submissions in relation to the 'retrospective gendering of buildings' is understood, particularly in relation to submissions about the curved windows. The Committee accepts the Executive Director's view that the curved windows of the Nash Block were functional, allowing light to flow horizontally into spaces and were a feature of many types of buildings including homes and other institutions. The Committee notes an example cited by the Executive Director, being the Camberwell Police Station (VHR H1194) which has a curved window, but at the time of its construction and use, the building would have been predominately used by men.
110. The Committee agrees that architectural features such as curved windows alone should not be used to gender buildings, and in this instance the Committee does not seek to do so. The Nash Block is in a distinctive brick Moderne style, while the Henty Wing exhibits a more International Style Modernism. It is these features that give rise to the 'gendered' architectural expression evident in the buildings' forms. It is the historic use of the buildings, and the comparison in scale and style, that gives rise to their importance in displaying characteristics that are of a higher historical relevance than other 'typical' places in the class.
111. The Committee agrees with Mr Gard'ner's statement of evidence, that it is possible to read which building was used for girls/women and which building was used for boys/men in the architectural forms of the Nash Block and Henty Wing respectively.
112. The Committee accepts that the Nash Block has a domestic scale and style, while the Henty Block evokes an industrial and manufacturing scale and style.
113. The Committee notes there are no other secondary girls' technical colleges in the Heritage Register, nor were any parties aware of other locations with a historic purpose-built extant boys' technical school and girls' technical school. With regard to other locations cited, all adapted existing spaces to create space for girls' technical education.
114. The Committee accepts the evidence put forward by Mr Gard'ner and Brimbank City Council, that the Place is significant at a State-level for demonstrating the principal characteristics of the class 'Modern technical school building', and that the Place does demonstrate characteristics that are of greater historical relevance than other technical school buildings of this period.
115. The Committee finds that **Criterion D is satisfied at the State level.**

CRITERION H – SPECIAL ASSOCIATION WITH THE LIFE OR WORKS OF A PERSON, OR GROUP OF PERSONS, OF IMPORTANCE IN VICTORIA'S HISTORY.

116. In the original nomination to include the Place in the Register, Brimbank City Council suggested that the Place was significant at a State level for its association with HV McKay. The nomination stated that HV McKay provided the original endowment of land and money to fund the school, served on the School Council and worked with the school to bring about a number of innovations in training across Victoria. In their hearing submission, Brimbank City Council submitted that the influential schemes HV McKay was responsible for include:
 - a) *a scheme to retrain repatriated servicemen (which served as the model for the Vocational retraining scheme operated by the Commonwealth Rehabilitation Commission (CRC) which operated between 1918 and 1923); and*
 - b) *a scheme whereby he would allow employees at the Sunshine Harvester Works Factory to attend the School for a half-day. This scheme was implemented across Victoria from 1928 under the Victorian Apprenticeship Commission.*
117. Brimbank City Council further submitted in written hearing submissions, that HV McKay made an influential contribution to the development of technical education in Victoria.
118. The Executive Director agreed with the historical facts put forward by Brimbank City Council in relation to the association between the Place and HV McKay, and agreed that HV McKay made a strong, influential contribution to Victoria's history.

119. The Executive Director, however, did not agree that the Place allows the association between HV McKay and his importance in Victoria's history to be 'readily appreciated better than most other places and objects in Victoria', as per the Step 2 test for Criterion H.
120. The Executive Director submitted that McKay's direct contribution to the Sunshine Technical School occurred prior to his death in 1926, and that there is no surviving fabric at the Place dating from before 1940.
121. In response to Brimbank City Council's submissions that the Step 2 tests for State-level significance are satisfied because there is 'documentary evidence of the association between the School and HV McKay', the Executive Director further submitted during the hearing that there is no tangible evidence of HV McKay's association in the extant fabric of the Place.
122. Further, in the Recommendation, the Executive Director set out that while there is evidence of the association between HV McKay and the Place, that evidence is documentary only. The Executive Director also set out in the Recommendation that while the association between the Place and HV McKay relates directly to his achievements – his business success allowed him to donate land and money to establish the school – that association does not relate to a 'close and enduring' interaction between McKay and the Place.
123. Mr Gard'ner's expert evidence did not find that the Place is significant under Criterion H. Mr Gard'ner submitted that while HV McKay is an important figure in Victoria's history, the association between McKay and his importance to Victoria is more readily appreciated in the places he commissioned and operated.
124. Mr Gard'ner submitted that the HV McKay Memorial Gardens and Church (VHR H1953), the Massey Ferguson Complex (VHR H0667) and company offices south of Devonshire Road (VHR H1966) allow the association to be more readily appreciated than the Place.
125. Brimbank City Council did not adopt Mr Gard'ner's evidence in relation to Criterion H, and maintained the position that the Place satisfies the State-level threshold for Criterion H.
126. Mr Neil Head, for the Albion and Ardeer Community Club also made submissions in relation to Criterion H. Mr Head submitted that the site or parts of it are 'clearly of State significance because of the association with industrial philanthropist HV McKay'. Mr Head submitted that the Executive Director's comparison with other buildings associated with HV McKay, and statement that those places better represent the importance of McKay, was a 'poor' finding.
127. Mr Head further submitted during the hearing that in his view, the connection between the Place and HV McKay is understated in the material. Mr Head further submitted that McKay is important because of his development of the suburbs of Sunshine and Albion, and that the development of the region was 'one of the most unusual town planning developments in Australia's history'.
128. Mr Head submitted that HV McKay's donation of 5 acres to develop the Place is a clear connection to the Place.
129. Mr Head also made submissions in relation to the number of registered sites in the western suburbs of Melbourne. Mr Head submitted that the Executive Director's response to his written submission, which produced evidence of the number of places/objects in the Heritage Register in the western suburbs shows a vast underrepresentation.
130. Mr Head submitted that the Place is one of the most significant sites in Victoria for its association with women, and that the association is clear, ongoing and significant.

Committee discussion and conclusion

131. The Committee agrees with the Executive Director's Recommendation and subsequent submissions, that Criterion H is not met at the State-level. The Committee agrees that neither the Step 1 nor Step 2 threshold tests in the Criteria for Assessment are met.
132. The Committee therefore is also in agreement with the expert evidence of Mr Gard'ner, and doesn't accept Brimbank City Council's view in relation to Criterion H.
133. While the Committee acknowledges that HV McKay is a significant figure in Victoria's history, and that he was instrumental in the establishment of the Place, it does not find that there is sufficient extant evidence which allows the association between McKay and the Place to be adequately read. The

Place doesn't represent, in the Committee's view, McKay's contribution to Victoria in the same way other places he was associated or connected to, do.

134. The Committee does not wish to downplay the importance of HV McKay in the establishment of the school, and accepts submissions in relation to the historical association and connection of HV McKay to the Place. However, the Committee finds the Place does not allow the association between HV McKay's importance in Victoria's history to be readily appreciated better than most other places/objects in Victoria associated with HV McKay, and therefore the Step 2 test in the Heritage Council's Criteria for Assessment is not met.
135. The Committee is of the view that the Executive Director could appropriately recognise the historical connection to HV McKay (albeit not at a State-level) in the Statement of Significance for the Place.
136. The Committee **does not find that Criterion H is satisfied at the State level.**

STATEMENT OF SIGNIFICANCE

137. During the hearing, Brimbank City Council and the Executive Director made submissions in relation to any potential Statement of Significance.
138. Brimbank City Council accepted the Statement of Significance as drafted by Mr Gard'ner and provided as Annexure 1 to his statement of expert evidence filed on 23 September 2024.
139. During cross examination at the hearing, the Executive Director asked a series of questions of Mr Gard'ner in relation to the proposed Statement of Significance. The Executive Director queried whether the Statement of Significance should reference some of the objects [objects integral to place], fittings and fixtures that Mr Gard'ner had raised in his expert witness statement, for example vehicle hoist, motor vehicle engines, sample boards, tool racks, and other teaching aides.
140. The Executive Director also queried whether the Statement of Significance needed to be strengthened to include the interior of the Nash Block and Henty Wing.
141. In response, Mr Gard'ner submitted that he had not undertaken an assessment of any objects but that it is conceivable that they might be considered to be objects integral to the Place. In relation to the Executive Director's query about whether reference to the interior should be made, Mr Gard'ner suggested that he would leave the decision up to the Executive Director but that he would ultimately support an amended Statement of Significance.
142. The Executive Director suggested that at the paragraph 'What is Significant', reference to the interiors and fixtures that are associated with teaching could be made.
143. Neither Mr Gard'ner nor Brimbank City Council had any objection to that suggestion.

Committee discussion and conclusion

144. The Committee notes that Statements of Significance are a useful tool to identify what, why and how a place or object is of State-level cultural heritage significance. These documents represent the basis of what is considered to be of cultural heritage significance at a State-level.
145. The Heritage Council (and by delegation, the Committee) has no statutory powers in relation to approving or amending a Statement of Significance. However, generally the Executive Director's practice is to author any Statement of Significance consistently with the findings of a Heritage Council determination.
146. In this instance, and affirming that it is not the Committee's role to 'amend' or 'approve' the Statement of Significance, the Committee notes that the Statement of Significance as put forward by Mr Gard'ner and the amendments to that document suggested by the Executive Director during the hearing, were generally reasonable. The Committee further notes that including reference to the interiors of the Nash Block and Henty Wing would be a reasonable and consistent approach to recording what is significant about the Place.

EXTENT OF REGISTRATION (SEE ATTACHMENT 3)

147. The Executive Director's Recommendation was made in relation to all of the land and buildings within the area outlined in **Figure 1**.

148. The Committee notes that the Executive Director expanded the area originally nominated in order to assess the entire extent of the area known as the Former Sunshine Technical College. The Executive Director recommended, however, that the Nash Block and the Henty Wing are the buildings with the greatest potential significance.
149. No evidence was put forward during the course of the proceedings to suggest that any building other than the Nash Block and Henty Wing are of cultural heritage significance at this time. The Committee therefore does not find that the buildings or land within the expanded area assessed (the southern area of land shown in **Figure 1**), constructed between the 1960s and 1980s, warrant discussion in this determination.
150. The Committee has given due consideration to the extent of registration and has determined that, consistent with current practice of the Heritage Council, it is appropriate to register all of the land and buildings as originally nominated and as shown in **Figure 2** and at **Attachment 3**. The Committee notes that the permit exemptions provided as **Attachment 4** to this determination allow for repairs, maintenance, removal or demolition of all post-1960 buildings provided that work does not impact the cultural heritage significance of the Nash Block and Henty Wing. The Committee finds this is an appropriate outcome and adequately protects the Nash Block and Henty Wing which are of State-level significance.

PERMIT EXEMPTIONS (SEE ATTACHMENT 4)

151. Pursuant to section 2.3.1 (iii) of the *Heritage Council's Protocol 1 – Registration Hearings*, the Executive Director must provide without prejudice draft permit exemptions, if any such exemptions are considered appropriate.
152. In this instance, the Executive Director submitted without prejudice permit exemptions to the Committee as part of his hearing submission. The Executive Director did not recommend specific permit exemptions for the Place, on the basis that in the Executive Director's view, 'the General Exemptions that apply to all places in the Heritage Register are appropriate'.
153. In his expert evidence, Mr Gard'ner submitted a suite of permit exemptions in relation to the Nash Block and Henty Wing, and the buildings constructed between the 1960s and 1980s which are not considered by the Committee to be of State-level cultural heritage significance.
154. During the hearing, the Executive Director queried Mr Gard'ner's inclusion of the following permit exemption, in relation to the Henty Wing, suggesting that the rear verandah, while not original, is structurally tied to the Henty Wing and its removal may impact on the fabric of the Henty Wing:
- 6. Removal, maintenance or repair of later rear verandah structure to the Henty Wing.*
155. Mr Gard'ner agreed that removal of that permit exemption was appropriate.
156. The Committee finds that the Executive Director's suggestion is appropriate, and has removed permit exemption number 6, as proposed by Mr Gard'ner from the list of exemptions provided at **Attachment 4**.

CONCLUSION

157. After considering the Executive Director's recommendation and all submissions received, and after conducting a hearing, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that the Former Sunshine Technical College located at 111 and 129–133 Derby Road, Sunshine, Brimbank City is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register in the category of Registered Place. The Heritage Council has determined to include as the extent of registration the area that was the subject of a nomination accepted by the Executive Director, and has determined, pursuant to section 49(3) of the *Heritage Act 2017*, to include categories of works or activities which may be carried out in relation to the place, for which a permit is not required (permit exemptions).
158. The Extent of Registration is provided as **Attachment 3** and the permit exemptions are provided as **Attachment 4**.
159. The Committee thanks all interested parties for their submissions and participation in the hearing.

ATTACHMENT 1

Historical summary of the Place taken verbatim from pages 9–11 of the Executive Director’s Recommendation. Provided for information purposes only.

History

TECHNICAL SCHOOLS

Technical schools were designed to equip students with the skills needed to work at a manual trade. Common classes included woodwork and joinery, plumbing, metalwork, and later electronics, radio communications, and motor mechanics. For women and girls, some technical schools offered classes in needlework, dressmaking millinery and cookery.

Early technical education in Victoria was haphazard and did not have a central organisation. The first real technical schools were the Schools of Mines in Ballarat (1870) and Bendigo (1873). The Industrial and Technological Museum opened in 1873 and offered evening classes in a range of practical maths and science subjects. Technical subjects were also taught at mechanics institutes, and at schools of art and design from 1873. These were the precursors to the more generalist technical schools.

Early technical college included the Melbourne Working Men’s College (now RMIT, established 1887), the Gordon Institute of Technology (1887) and the Horsham Working Men’s College (1890). However, these schools, as well as schools of mines and art and design, continued to be hampered by lack of government funding and central organisation.

A Royal Commission on Technical Education was held from 1899-1901. The Commission examined Victoria’s ten schools of mines, five schools of arts, and three technical colleges, and recommended that technical education be improved and expanded. The Royal Commission resulted in the Education Act 1910, and a complete reorganisation of state secondary education.⁶ Under this Act, the State Government created junior technical schools, providing government-funded post primary technical education for the first time. The Education Department also established senior technical schools, which would cater to adults and apprentices. Sunshine Technical College, opened in 1913, was one of the first three schools established after the Act passed Parliament. It had both junior and senior classes on campus.

In Melbourne, technical schools became common in the industrial suburbs of the north and west. Until 1943 the only technical school in the eastern suburbs was the Eastern Suburbs Technical School in Hawthorn (now Swinburne University of Technology, established 1908).

During World War II, technical schools played a critical role in defence training, and in re-training military personnel. By 1945 there were 32 technical schools, and 28 junior technical schools. In 1965 there were 52 technical schools in Melbourne and suburbs and 33 in the country, with one high school also offering a technical section.

Today, technical schools have been largely subsumed by the TAFE systems, or into regional university campuses.

Sunshine Technical College

Sunshine Technical College was the longest running junior technical school in Victoria, operating from 1913 to 1991. It also operated as a campus for a senior technical school. It was one of the first three technical schools created after the Education Act 1910, and thus one of the first run by the Education Department. The other two were West Melbourne Junior Technical School (1912, moved to Essendon 1939) and Collingwood Technical School (1912).

⁶ Until 1905 only independent schools offered classes beyond the primary level. The first government-funded secondary school was the Melbourne Continuation School. It was the only state secondary school operating until the passing of the Education Act 1910. The Act established two new branches of state schooling- a secondary division, and a technical division. The secondary division established what we would now call state high schools, focused on ‘liberal arts’ and professional skills, while the technical division administered junior technical schools, focused on practical training. The division between the secondary and technical divisions was abolished in the early 1980s.

ASSOCIATION WITH HV MCKAY AND SUNSHINE HARVESTER WORKS

Hugh Victor McKay (1865-1926) was the primary benefactor of Sunshine Technical College. McKay made his fortune through his company, the Sunshine Harvester Works, founded in Ballarat in 1889. In 1904, McKay purchased the Braybrook Implement Company works in Braybrook Junction and transferred his operations to this site, completing the move in 1907. The suburb of Braybrook Junction was renamed Sunshine in 1907, in recognition of McKay and his company. The facility expanded to become one of the largest and most active industrial plants in Australia, producing a wide range of agricultural implements. McKay introduced labour saving machine tools, the piecework system and time and motion studies, making the Sunshine Harvester Works one of the few Australian manufacturers to employ mass production methods.

McKay wanted a technical school in Sunshine to ensure skilled workers for his factory. He even offered his apprentices a half-day off every week to attend classes - a unique and innovative decision. At opening, over half of the enrolments at the senior division of Sunshine Technical College were apprentices employed at Sunshine Harvester Works.

McKay's investment in Sunshine Technical College was part of his desire to create a model working class community. McKay subdivided much of the land surrounding his factories and donated it for the construction of housing and public amenities for his workers. As well as giving land and money for Sunshine Technical College, McKay funded gardens (now the HV McKay Memorial Gardens – VHR H1953), a church, railway station and hospital, as well as electric lighting and windbreaks.

McKay remained president of the Sunshine Technical School Council until his death in 1926. After his death, members of his family and senior staff of Sunshine Harvester Works continued to sit on the School Council. In 1930, Sunshine Harvester Works merged with Massey Harris, weakening the ties between the company and Sunshine Technical College (Vines, 2007). In 1953, Massey-Harris amalgamated with Harry Ferguson. The McKay family interest was bought out by this company in 1955.

BUILDINGS AT SUNSHINE TECHNICAL COLLEGE

The first buildings at Sunshine Technical College were a wooden administration building and large iron workshop. In 1915 the science lab was partitioned to accommodate female students, who were to learn shorthand, typewriting and bookkeeping. In 1921 Sunshine Girls' Technical College was officially established, with its own headmistress. It was the first dedicated girls' technical school in Victoria. A purpose-made girls' school building was officially opened in 1940 and was named the Nash Block in honour of the first headmistress of Sunshine Girls' Technical School. The building was designed in the Moderne style by Chief Architect of the Public Works Department, Percy Everett. Everett was instrumental in promoting Moderne architecture in public buildings. Everett was a product of technical schools, receiving his education at Gordon Technical College and taking on the role of headmaster at Brunswick Technical School and Brighton Technical School. He considered the Moderne style suitable for technical schools in particular, as a modern and state-of-the-art expression. Everett undertook extensive planning for schools, and introduced entirely new types of technical, high, consolidated and elementary schools. His work was highly influential, and other Australian states adopted his planning and designs.

In 1941 a new brick workshop was opened at the corner of Derby Road and Graham Street. Funded by the Department of Defence, the building was part of the Commonwealth Defence Technical Training Scheme. Men and women would be trained to work at the munitions and explosives factories in the district.

In 1945 the Public Works Department granted a tender to construct additions to the 1941 workshop. The Percy Everett design remodelled and extended the workshop, adding a second floor and curved stairwell in a Moderne design. The resulting building, named the Henty Boys' Trade Block, was completed in 1947.

An auditorium was opened on site in 1963, funded by the Education Department and parents and friends of Sunshine Technical College. In the 1980s the 1913 building was demolished to make way for a three-storey brutalist building, known as the Beavan Wing. The original 1913 workshops were also demolished in to accommodate the brutalist Ferguson Wing.

EDUCATIONAL INNOVATIONS AT SUNSHINE TECHNICAL COLLEGE

Sunshine Technical College opened in 1913, with facilities for both a junior and senior classes. The junior classes provided a secondary education for working-class boys, while the senior classes catered for apprentices. At opening, over half of these apprentices worked for McKay at Sunshine Harvester Works.

The junior division was particularly significant, as Sunshine Technical College was one of the first government-controlled junior technical schools in Victoria (the others being Collingwood and West Melbourne Junior Technical School).

Sunshine Technical College was the first technical school in Victoria where an employer allowed his apprentices half a day to attend classes. HV McKay made this promise in 1911, when he offered the Education Department land and money to set up a technical school in Sunshine. This arrangement was unique and highly influential, and the model spread to the entire state in 1928, under the Victorian Apprenticeship Commission.

In 1917 the school introduced a vocational retraining scheme, to reskill repatriated servicemen. This became the model for the scheme operated by the Commonwealth Rehabilitation Commission between 1918 and 1923.

The girls' school was the first dedicated girls' technical school in Victoria. As early as 1915 Sunshine Technical College was offering education for girls and women, with typewriting, shorthand and bookkeeping classes. A girls' school was formally established in 1921, with its own headmistress. When Emily McPherson College opened in 1927, Sunshine Girls' Technical School became a feeder school. The girls' school building (Nash Block) opened in 1940.

TIMELINE

- 1904–1907 HV McKay relocates the operations of his company, Sunshine Harvester Works, to Braybrook Junction. The suburb is renamed Sunshine, after the company.
- 1910 Education Act passed in Victorian Parliament, vesting control of junior technical education with the State Education Department.
- 1911 McKay agrees to provide land and an endowment to establish a technical school in Sunshine. He also offers his apprentices half day a week to train there.
- 1913 Sunshine Junior and Senior Technical School opened, with McKay president of the school council.
- 1915 Start of girls' education at Sunshine Technical, with typewriting, shorthand and bookkeeping classes
- 1917 McKay initiates a scheme to retrain repatriated servicemen at Sunshine Technical College. This serves as a model for the Vocational retraining scheme operated by the Commonwealth Rehabilitation Commission between 1918 and 1928.
- 1919 Sunshine Technical College is used as a temporary hospital during the influenza epidemic.
- 1921 Formal establishment of the Sunshine Technical Girls' School.
- 1926 McKay dies.
- 1930 Sunshine Harvester Works merges with Massey-Harris.
- 1938 Tender granted by Public Works Department to construct a new building (the Girls' School). 1940 Girls' School building (Nash Block) is officially opened in October.
- 1941 Brick workshop constructed for the Commonwealth Defence Technical Training Scheme.
- 1945 Tender granted by Public Works Department for additions to south and east of the 1941 workshop to become Henty Boy's Trade Wing.
- 1947 Henty Wing completed.
- 1953 Massey-Harris amalgamates with Harry Ferguson.
- 1963 Auditorium opened.
- 1980s 1913 buildings demolished. New three-storey brutalist building constructed between the Nash Block and Henty Boy's Trade Wing. The three-storey Ferguson Wing was constructed to the south of the Henty Wing.
- 1986 Massey Ferguson complex (formerly Sunshine Harvester Works) is sold.
- 1991 Sunshine Technical School closed. The campus becomes a campus for VCE students at the new Sunshine Secondary College.
- 2020 Sunshine Secondary College moves to a new, consolidated campus.

ATTACHMENT 2

HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES AND OBJECTS OF CULTURAL HERITAGE SIGNIFICANCE

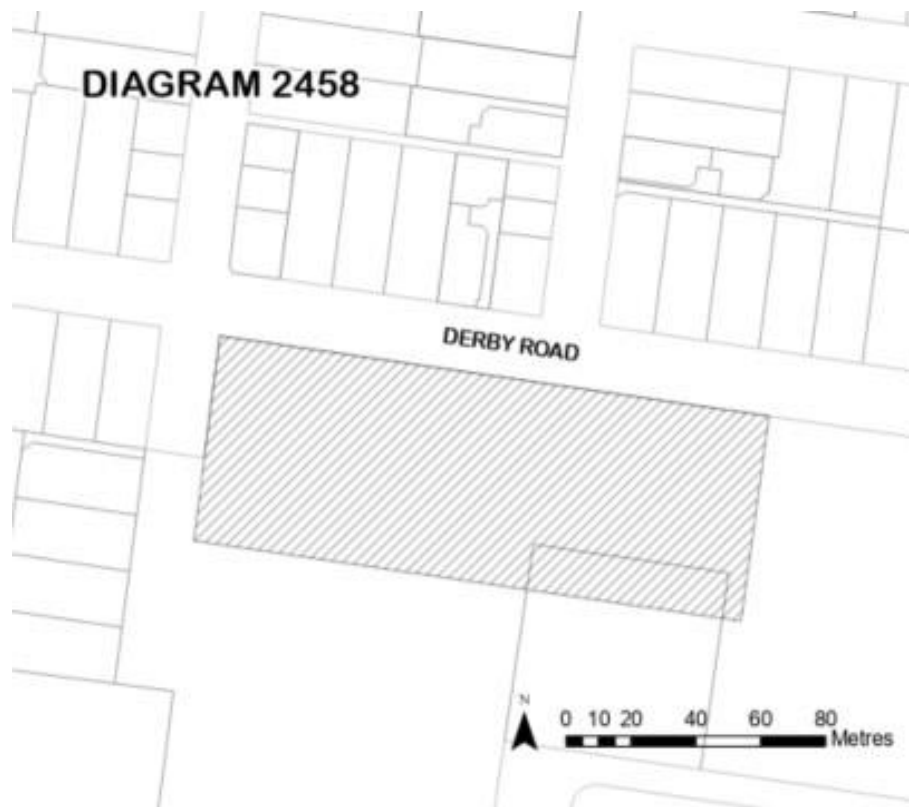
Criterion A	Importance to the course, or pattern, of Victoria's cultural history.
Criterion B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
Criterion C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
Criterion D	Importance in demonstrating the principal characteristics of a class of cultural places and objects.
Criterion E	Importance in exhibiting particular aesthetic characteristics.
Criterion F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
Criterion G	Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
Criterion H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were adopted by the Heritage Council at its meeting on 1 December 2022, and replace the previous criteria adopted by the Heritage Council on 6 December 2012.

ATTACHMENT 3

EXTENT OF REGISTRATION

All of the place shown hatched on Diagram 2458 encompassing parts of Lot 1 and 2 on Plan of Subdivision 829532 with the eastern boundary being 20m from the eastern most wall of the Nash Block.



Attachment 4

CATEGORIES OF WORKS OR ACTIVITIES WHICH MAY BE UNDERTAKEN WITHOUT A PERMIT (PERMIT EXEMPTIONS)

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 *Heritage Act 2017*.

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 Executive Director 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 EXEMPTIONS

The works and activities below are not considered to cause harm to the cultural heritage significance of the Former Sunshine Technical College 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

Works and activities to the Nash Block and Henty Wing

1. Removal of the brise-soleils on the Henty Wing.
2. Removal of temporary hoarding to the Nash Block.
3. Painting of previously painted interior surfaces in any colour or finish with an appropriate product type to closely match the existing.
4. Removal, maintenance or repair of later floor finishes, suspended ceilings and nonoriginal light fittings.
5. Removal, maintenance, repair or replacement of post-1960 joinery.

Services and utilities to the Nash Block and Henty Wing

6. Maintenance, repair, removal or installation of new or updated services and utilities, limited to internet services (wifi antenna and routers etc), audiovisual equipment, fire detection and prevention, surveillance, communication or alarm systems aimed at safety and security provided that:
 - New fittings are only exempt for fixing to smooth render or plaster, painted timber or mortar joints in brick.
 - Any penetrations must be discretely located and be minimal in number.

Buildings constructed or moved to the site after 1960:

7. All internal works.
8. Repairs, maintenance, removal or demolition insofar as these works do not affect the fabric of the Nash Block or Henty Wing.
9. Exterior painting or replacement of cladding materials.

Below ground services

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

Landscape / outdoor areas

11. All repairs and maintenance to hard landscaping (for example, paths, driveways etc).
12. Installation of wayfinding or heritage interpretation signage
13. Replacement of outdoor furniture in the same location.
14. Removal, maintenance, replacement and installation of new ground surfacing treatments (for example, asphalt, concrete, safety matting) provided it is not within the front setback of the Nash Block.