



Heritage Council Regulatory Committee

Former Geelong Grammar School (H0188)

55 and 55A Maud Street, Geelong, Greater Geelong

Members – Mr Rueben Berg (Chair), Ms Jo Guard, Ms Meg Goulding

DETERMINATION OF THE HERITAGE COUNCIL

Amendment of the Victorian Heritage Register – After considering the Executive Director's recommendation and all submissions received, and after conducting an 'on the papers' consideration of the matter, the Heritage Council has determined, pursuant to sections 49 and 62 of the *Heritage Act 2017*, to amend the entry in the Victorian Heritage Register for Former Geelong Grammar School (H0188), located at 55 and 55A Maud Street, Geelong.

Rueben Berg (Chair)
Jo Guard
Meg Goulding

Decision Date – 7 September 2021

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.

SUBMISSIONS RECEIVED

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

Submissions were received from the Executive Director, Heritage Victoria ('the Executive Director').

KD PROPERTY HOLDINGS PTY LTD

Submissions were received from Rigby Cooke Lawyers ('Rigby Cooke') on behalf of KD Property Holdings Pty Ltd, the owner of 55 Maud Street, Geelong, the Former Geelong Grammar School.

MRS AMANDA OSBURN

Submissions were received from Mrs Amanda Osburn, the owner of 55A Maud Street, Geelong, the Former Geelong Grammar School.

INTRODUCTION/BACKGROUND

THE PLACE

01. On 16 November 2020, the Executive Director made a recommendation ('the Recommendation') to the Heritage Council pursuant to sections 32 and 62 of the *Heritage Act 2017* ('the Act') that Former Geelong Grammar School, located at 55 and 55A Maud Street, Geelong ('the Place') should be amended in the Victorian Heritage Register ('the Register').
02. The proposed Statement of Significance for the Place, provided on page 11 of the Recommendation, states:

What is significant?

The Former Geelong Grammar School including all of the south wing (interior and exterior) and all of the land. The bungalow at 55A Maud Street and the front fence are of contributory significance.

How is it significant?

The Former Geelong Grammar School is of architectural and historical 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 Former Geelong Grammar School is significant at the State level for the following reasons:

The Former Geelong Grammar School is historically significant for its clear association with the foundation of once of Victoria's major private schools supported by influential Western District families. It is also significant for its conversion in 1916 to a guest house providing quality private accommodation. [Criterion A]

The Former Geelong Grammar School is architecturally significant as a notable example of the work of the Geelong architectural firm, Backhouse and Reynolds. The castellated parapet, steep roof gables, decorative bargeboards, attic dormers, rectangular window openings and contrasting quoined corners are illustrative of the Gothic style of the original school building in its entirety. [Criterion D]

03. The above paragraphs, taken from the Recommendation, are provided for information purposes only and are not endorsed by the Heritage Council.

RECOMMENDATION OF THE EXECUTIVE DIRECTOR

04. On 16 November 2020, the Executive Director recommended to the Heritage Council that the Place be amended in the Register pursuant to sections 32 and 62 of the Act.

- 05.** The Executive Director's recommendation was that the entry for the Place in the Register be amended by including additional land within the extent of registration for the Place, being Lot 1 on TP 633674, forming part of 55 Maud Street, Geelong, and Lot 2 on TP 633674, otherwise known as 55A Maud Street, Geelong, and by including additional categories of works or activities which may be carried out in relation to the Place without the need for a Permit ('permit exemptions').
- 06.** The following reasons for the inclusion of additional land were provided in the Recommendation:
- 'The Executive Director recommends that the Heritage Council amend this registration in accordance with s.62 of the Heritage Act 2017 because under s.32(1) of the Act he considers that—*
- a) the State-level cultural heritage significance of the place would be substantially less if the land or any part of the proposed land for inclusion in the Register was developed;*
- b) the proposed land for inclusion in the Register is important to the protection or conservation of the place or contributes to the understanding of the place.'*

PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR

- 07.** After the Recommendation, notice was published by the Heritage Council on 20 November 2020 for a period of 60 days in accordance with section 41 of the Act.
- 08.** Two (2) submissions were received by the Heritage Council, pursuant to section 44 of the Act. One submission was received from KD Property Holdings Pty Ltd ('KDPH'), the owner of 55 Maud Street, Geelong, who objected to the Recommendation. One submission was received from Mrs Amanda Osburn, an owner of 55A Maud Street, Geelong, who supported the Recommendation.
- 09.** In accordance with section 46(3) of the Act, a hearing process was conducted. A Heritage Council Regulatory Committee ('the Committee') was duly constituted to consider the Recommendation and submissions received in response, to conduct any hearing and to make a determination. The Committee invited further written submissions.

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

HEARING 'ON THE PAPERS'

- 010.** No requests to make verbal submissions at a hearing were ultimately received. The Committee therefore notified interest parties that, following consultation with prospective hearing participants, the Committee did not consider it necessary or appropriate to conduct a public hearing in this instance but would make a determination by reference to written material received only, sometimes known as an 'on the papers' consideration. The Committee first met on 24 June 2021 to consider written submissions received.

CONFLICTS OF INTEREST

- 011.** The Chair invited Committee members to make declarations, written or otherwise, in relation to any matters that may potentially give rise to an actual, potential or perceived conflict of interest. The Committee members were satisfied that there were no relevant conflicts of interests and made no such declarations.

FUTURE USE, MAINTENANCE AND DEVELOPMENT OF THE PLACE

- 012.** It is not the role of the Committee to consider future proposals or to pre-empt any consideration of any potential future permit applications or other processes under the Act, or indeed any matters relating to *Planning and Environment Act 1987* (Vic) ['P&E Act'] considerations. Pursuant to sections 49(1) and 62 of the Act, the role of the Committee is to determine whether or not the entry for the Place is to be amended in the Register.

ISSUES

- 013.** 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.
- 014.** Any reference to 'Criteria/Criterion' refers to the Heritage Council *Criteria for Assessment of Places of Cultural Heritage Significance* (updated by the Heritage Council on 4 April 2019) (see **Attachment 1**).
- 015.** The Committee has referred to the assessment framework and 'steps' in *The Victorian Heritage Register Criteria and Threshold Guidelines* (updated by the Heritage Council on 3 December 2020) ['the Guidelines'] in considering the matters before it. Any reference to assessment 'steps' or 'the Guidelines' refers to the Guidelines.

SUMMARY OF ISSUES

- 016.** The Executive Director recommended that the entry for the Place in the Register be amended in accordance with section 62 of the Act by including additional land and by determining categories of works or activities which may be carried out in relation to the place for which a permit is not required ('permit exemptions').
- 017.** Mrs Osburn, the owner of 55A Maud Street, Geelong, lodged a submission in support of the Recommendation.
- 018.** KDPH, the owner of 55 Maud Street, Geelong, lodged submissions objecting to the Recommendation and submitted that the Heritage Council should conclude that part of the recommended extent of registration, namely Lot 2 at 55 Maud Street, does not warrant inclusion in the Register and should not be included in the Register.

EXTENT OF REGISTRATION

Summary of submissions

- 019.** The Executive Director recommended to the Heritage Council that the entry in the Register for the Place be amended by including additional land at the Place, in accordance with section 62 of the Act. The Executive Director submitted that the additional land, being Lot 1 on TP 633674, forming part of 55 Maud Street, Geelong ('Lot 1'), and Lot 2 on TP 633674, otherwise known as 55A Maud Street, Geelong ('Lot 2'), should be included in the Register because, in accordance with section 32(1) of the Act, he considered that the State-level cultural heritage significance of the Place would be substantially less if the lots were developed and that they are important to the protection or conservation of the Place. The Executive Director submitted that Lots 1 and 2 have a long association with the Place and should be subject to the heritage permit provisions of the Act. The Executive Director's submissions recognised (in response to KDPH's submissions) that in 2015 the extent of registration for the Former Geelong

Grammar School was amended to include additional land of TP 873299 but, in his opinion, regrettably not the land proposed by the Recommendation. The Executive Director submitted that the reasons for not including Lots 1 and 2 in the 2015 determination are not clear but stated that, unfortunately, the 2015 determination did not result in the inclusion of sufficient land to protect the cultural heritage significance of the Place.

- 020.** KDPH submitted that Lot 1 is not important to the protection or conservation of the Place and that the cultural heritage significance of the Place would not be substantially less if Lot 1 was developed. KDPH's submission was that there is no sound basis or rationale for Lot 1 being included in the Register and that the existing controls under the Greater Geelong Planning Scheme provide sufficient protection for the Place. KDPH further submitted that the Executive Director had not established that Lot 1 has been used in conjunction with the Place or that it contributes to the understanding of the Place, that any connection of Lot 1 to the Place was 'inconsequential' and that the 2015 amendment to the registration of the Place was sufficient and appropriate. KDPH submitted that the inclusion of Lot 1 is not necessary for the setting of the Place or to maintain views, that it is merely a vacant space around the periphery of the south wing at the rear of the original building and that sufficient protection is provided under the Greater Geelong Planning Scheme.

Discussion and conclusion

- 021.** The Committee notes the Executive Director's submissions that the Recommendation did not seek to argue that the land at Lot 1 met Criteria A and/or D at a State-level, rather that the land the Executive Director recommended for inclusion is important because it satisfies the tests under sections 32(1) and 49(1)(d). The Committee notes that, while it has read all submissions as to the prospective significance of Lots 1 and 2 in relation to the Criteria, the Committee's view is that a detailed consideration is not appropriate as the recommended inclusion of additional land at the Place was made on the sound basis of the tests of section 32(1) [and the relevant tests at sections 49(1)(d)(i) and (ii)]. The Committee agrees with the Executive Director's analysis in this respect.
- 022.** The Committee finds that, on the evidence before it, Lots 1 and 2 have been used in conjunction with and were associated with the Place, whether as the Former Geelong Grammar School dating to the mid-19th century or the boarding house 'Dysart', and whether as landscaped gardens and pathways, grounds, open space, carparking, as a bungalow or as associated with the conversion into the boarding house, respectively and alternatively.
- 023.** In relation to the views to the Place across the land currently used as a carpark, the Committee is persuaded of the relevance of those views to the ability to appreciate and understand the Place. The Committee does not agree that Lots 1 and 2 should be distinguished from other lots to the west of them that were already within the existing extent of registration and is of the view that Lots 1 and 2 should be included as part of the Place.
- 024.** The Committee acknowledges the submissions of the Executive Director and of KDPH in relation to the 2015 amendment of the Place and the fact the land was not previously included in the Register and notes its opinion that it would have been desirable to complete a more fulsome assessment of the subject land and an amendment of the Place in that context at that time. Notwithstanding that issue, the Committee agrees with the broad rationale of the current recommended amendment to the entry for the Place in the Register.

- 025.** Some submissions were made in relation to P&E Act matters and heritage controls under the Greater Geelong Planning Scheme. The Committee's ambit in relation to these matters is very limited (as noted above at paragraph 12), but the Committee notes that the effect of including Lots 1 and 2 within the extent of registration would be that they were subject to the same heritage permit provisions under the Act as the lots to the west of them, which are already within the extent of registration for the Place. It is not the Committee's role to assess the relative merits of different heritage controls, rather the Committee's role is to determine whether or not Lots 1 and 2 warrant inclusion in the Register.
- 026.** The Committee agrees with the Executive Director's submissions that the additional land recommended for inclusion, at Lots 1 and 2 on TP633674, should be included in the Register and within the extent of registration for the Place, and that the entry for the Place in the Register should be amended accordingly. The Committee's determination as to the extent of registration for the Place is recorded at **Attachment 1**.

PERMIT EXEMPTIONS

Summary of submissions

- 027.** The Executive Director also recommended that the Heritage Council amend the entry for the Place in the Register, pursuant to section 49(3) of the Act, by determining additional categories of works or activities which may be carried out in relation to the Place for which a permit is not required.
- 028.** Neither Mrs Osburn nor KDPH made detailed submissions in relation to the recommended permit exemptions.

Discussion and conclusion

- 029.** The Committee agrees with the categories of works or activities which may be carried out in relation to the place for which a permit is not required as recommended by the Executive Director and, pursuant to section 49(3), determines to amend the entry for the Place in the Register by including those permit exemptions in accordance with the Executive Director's recommendation report, as the Committee considers that the works or activities would not harm the cultural heritage significance of the Place. The Committee's determination as to permit exemptions is recorded at **Attachment 2**.

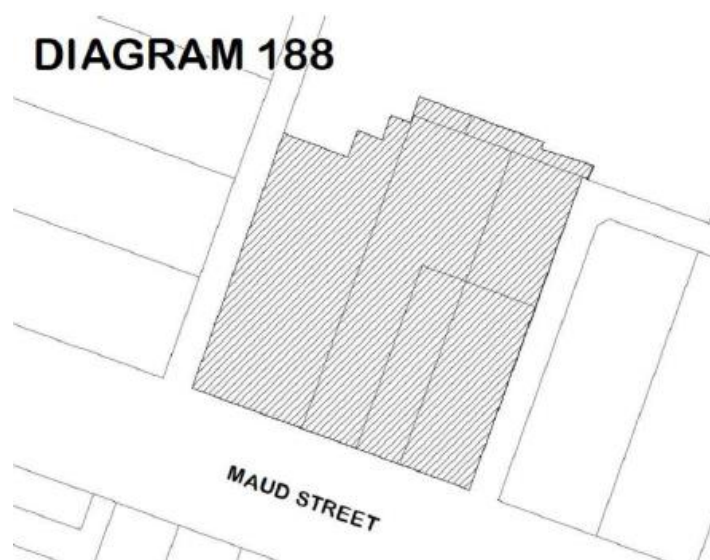
CONCLUSION

- 030.** After considering the Executive Director's recommendation and all submissions received, and after conducting an 'on the papers' consideration of the matter, the Heritage Council has determined, pursuant to sections 49 and 62 of the *Heritage Act 2017*, to amend the entry in the Victorian Heritage Register for Former Geelong Grammar School (H0188), located at 55 and 55A Maud Street, Geelong, in accordance with the Executive Director's recommendation report.

ATTACHMENT 1

EXTENT OF REGISTRATION

All of the place shown hatched on Diagram 188 encompassing all of lots 1, 2, 3, 4, and 5 on Title Plan 873299 and all of lots 1 and 2 on Title Plan 633674.



The extent of registration of the Former Geelong Grammar School in the Victorian Heritage Register affects the whole place shown on Diagram 188 including the land, all the buildings (including the exteriors and interiors), hard and soft landscaping, trees and plantings.

AERIAL PHOTO OF THE PLACE SHOWING EXTENT OF REGISTRATION (*THE RESIDENCE AT 55A MAUD STREET SHOWN IN BLUE)



ATTACHMENT 2

CATEGORIES OF WORKS OR ACTIVITIES WHICH MAY BE CARRIED OUT IN RELATION TO THE PLACE OR OBJECT FOR WHICH A PERMIT UNDER THIS ACT IS NOT REQUIRED (PERMIT EXEMPTIONS)

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.

SPECIFIC PERMIT EXEMPTIONS

The following categories of works or activities (permit exemptions) do not require a permit from Heritage Victoria. They are considered not to cause harm to the cultural heritage significance of the place.

General

- Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of 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, Heritage Victoria, must be notified within seven days of the commencement of these works or activities.
- Painting of previously painted external 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.
- Cleaning of external surfaces 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.

Outdoor areas

Hard landscaping and services

- Subsurface works to existing watering and drainage systems.

- Repair and maintenance of existing hard landscaping including carparks, paving, footpaths and driveways.
- 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, planting, removal of dead or diseased plants, and disease and weed control.
- Removal of tree seedlings and suckers.
- 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.
- Removal of environmental and noxious weeds.

Interiors (Former Geelong Grammar School building, 55 Maud Street)

- Works to maintain or upgrade existing bathrooms, kitchens and laundries, including installing new appliances, re-tiling and the like.
- Painting of previously painted 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 stencilling, hand painting, graining or marbling, murals or signage, or to wallpapered surfaces or to unpainted, oiled or varnished surfaces.
- Installation, removal or replacement of window furnishings, light fixtures and devices for mounting artworks.
- Installation, removal or replacement of carpets and/or flexible floor coverings. Replacement materials should also be carpet or flexible floor covering such as linoleum or vinyl.
- 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.

Interiors (Residence, 55A Maud Street)

- Works to maintain or upgrade existing bathrooms, kitchens and laundries, including installing new appliances, re-tiling and the like.
- Painting of previously painted surfaces.
- Installation, removal or replacement of window furnishings, light fixtures, carpets and/or flexible floor coverings and devices for mounting artworks.
- Installation, removal or replacement of electrical wiring.
- Installation, removal or replacement of plumbing and associated pipes.
- Installation, removal or replacement of smoke and fire detectors, alarms and the like.
- Installation, repair, removal or replacement of heating and cooling systems.
- Installation of plant within the roof space, providing that it does not alter the external appearance of the building or involve structural changes.
- Installation, removal or replacement of bulk insulation in the roof space.
