

Heritage Council Determination

Determination date	5 December 2024
Place/Object name	Old Colonists Homes ('the Place')
Location	20 Rushall Crescent, Fitzroy North, Yarra City, Wurundjeri Country
VHR number	H0821
Category	Registered Place
Relevant Legislative provision/s	Amendment to the Victorian Heritage Register in accordance with Section 62 of the <i>Heritage Act 2017</i>

DETERMINATION

The Heritage Council of Victoria determined on **5 December 2024**, in accordance with section 62 of the *Heritage Act 2017*, that the above Place is to be amended in the Victorian Heritage Register. The Heritage Council determined to make the following amendments as outlined in the Executive Director's recommendation:

- revoking the existing permit exemptions that were introduced with the 1990 registration of the Place, in accordance with section 92(1) of the Act; and
- determining new categories of works or activities which may be carried out in relation to the Place for which a permit is not required ('permit exemptions') in accordance with **Attachment 2** to this determination.

BACKGROUND

The State-level cultural heritage significance of the Place was recognised in 1990 by its inclusion in the (former) Register of Historic Buildings.

On 12 June 2024 the Executive Director accepted an application to amend the registration of the Place for the following reasons:

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

The Executive Director also proposed to make the following additional amendments, which are not statutory changes and therefore not the subject of the Heritage Council's determination. The Executive Director will make the following changes:

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

SECTION 44 SUBMISSIONS

No submissions pursuant to section 44 of the *Heritage Act 2017* were received by the Heritage Council during the public advertisement of the Executive Director's Recommendation.

THE PLACE

DESCRIPTION

Taken verbatim from the Executive Director's Recommendation

The Old Colonists Homes is located on the traditional land of the Wurundjeri Woi Wurrung people of the Kulin nations.

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

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

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

Late 1880s to 1910s

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

Interwar buildings

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

Post-war and onwards

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

HISTORY

Taken verbatim from the Executive Director's Recommendation

The Old Colonists Association

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

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

The Old Colonists Homes

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

By the early 20th century, the Old Colonists Homes numbered 50, and the land grant was being quickly developed. On the adjacent site, the AD&MA retirement village remained largely undeveloped. In 1906, the Old Colonists absorbed the AD&MA, allowing further development of the village to the west.

With the architectural character established, the erection of semi-detached residences proliferated with new curved streets formed by the construction of homes and named after prominent early colonists.

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

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

HERITAGE COUNCIL'S FINDINGS

The Heritage Council's findings are in accordance with the Executive Director's Recommendation. The Heritage Council agrees to the revocation of former permit exemptions and determines to register the new permit exemptions as proposed by the Executive Director and provided as **Attachment 2**.

The Heritage Council notes that the Executive Director has indicated that additional changes, not the subject of the Recommendation, will be made to the extent diagram/written extent, Statement of Significance, history and description notes. The Heritage Council also wishes to record for the Executive Director's consideration, one suggested change to the history.

The Heritage Council notes that the Place may have challenging associations for Wurundjeri Woi Wurrung People, especially given its name and historical associations. The Place is also located within an area of Aboriginal Cultural Heritage Sensitivity for its proximity to the Merri Creek.

The Heritage Council encourages the Executive Director to record in the history of the Place (in addition to the existing note in the description) that it is located within an area of Aboriginal Cultural Heritage Sensitivity and that the Traditional Owners are the Wurundjeri Woi Wurrung People.



Professor Philip Goad
Chair, Heritage Council of Victoria

Attachment 1

Extent of Registration

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



Attachment 2

Permit exemptions

The categories of works or activities which may be carried out in relation to the Place for which a permit is not required ('permit exemptions') to be included, pursuant to section 49(3)(a) of the *Heritage Act 2017* as follows:

INTRODUCTION

A heritage permit is required for all works and activities undertaken in relation to VHR places and objects. Certain works and activities are exempt from a heritage permit, if the proposed works will not harm the cultural heritage significance of the heritage place or object.

PERMIT POLICY

The Old Colonists Homes Rushall Park North Fitzroy Conservation Management Plan (2010) prepared by Bryce Raworth for the Old Colonists Association of Victoria (now Abound Communities) provides a useful starting point when assessing the cultural heritage significance of the place. It is recommended that the Conservation Management Plan is updated in future, so it remains useful and relevant to the management of the heritage values at the place.

PERMIT EXEMPTIONS

General Exemptions

General exemptions apply to all places and objects included in the VHR. General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which do not harm its cultural heritage significance, to proceed without the need to obtain approvals under the Act.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#)

Specific Exemptions

The works and activities below are not considered to cause harm to the cultural heritage significance of the Old Colonists Homes subject to the following guidelines and conditions:

Guidelines

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.

5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor.
7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the *Heritage Act 2017* must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

Conditions

1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the *Aboriginal Heritage Act 2006*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.
4. If during the carrying out of works or activities in accordance with specific exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
5. If during the carrying out of works or activities in accordance with specific exemptions any suspected human remains are found the works or activities must cease. The remains must be left in place and protected from harm or damage. Victoria Police and the State Coroner's Office must be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the *Aboriginal Heritage Act 2006*, all details about the location and nature of the human remains must be provided to the Secretary (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

Building maintenance

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

Ramps and paths

2. Minor alterations of nonoriginal or modern ramps, concrete bridges and external access paths, including alteration of gradients to meet compliance obligations, for the purpose of providing universal access where this:
 - a. does not require removal of early or original fabric or the introduction of incompatible materials; and

- b. does not result in a significant change in scale, footprint or location of ramps, bridges or paths; and
- c. the design of any new installation is appropriate, sympathetic and consistent with the existing palette of materials and finishes.

Grab and handrail permit exemptions

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

Services and utilities

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

Electrical infrastructure

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

Blinds and shading

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

Landscape and garden structures.

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

Roadways and guttering

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

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