



Heritage Council Regulatory Committee

Secull House (H2406)

32 North Road, Brighton, Bayside City

Hearing – 16 August 2021

Members – Prof Andrew May (Chair), Ms Louise Honman, Ms Maggi Solly

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 into the matter, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that Secull House, located at 32 North Road, Brighton is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register.

Andrew May (Chair)

Louise Honman

Maggi Solly

Decision Date – 11 November 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.

APPEARANCES / HEARING SUBMISSIONS

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

Submissions were received from the Executive Director, Heritage Victoria ('the Executive Director'). Ms Clare Chandler, Heritage Officer – Assessments, and Mr Geoffrey Austin, Manager – Heritage Register appeared and made verbal submissions on behalf of the Executive Director.

MS REBECCA KAHANE ('THE OWNER')

Written submissions and a statement of evidence were received from Ms Rebecca Kahane, the owner of 32 North Road, Brighton ('the Owner'). The Owner was represented by Ms Susan Brennan SC and Ms Kate Lyle of counsel, instructed by Ratio Consultants Pty Ltd. Ms Brennan and Ms Lyle appeared and made verbal submissions at the hearing on behalf of the Owner and called Mr Bryce Raworth, Heritage Architect and Principal of Bryce Raworth Pty Ltd, to give expert witness evidence.

THE NATIONAL TRUST OF AUSTRALIA (VICTORIA) ('THE TRUST')

Written submissions to the hearing were received from the National Trust of Australia (Victoria) ('the Trust'). The Trust did not make verbal submissions or participate further in the hearing.

INTRODUCTION/BACKGROUND

THE PLACE

1. On 15 March 2021, 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 Seccull House, located at 32 North Road, Brighton ('the Place') should be included in the Victorian Heritage Register ('the Register').

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

'Seccull House is a single-storey, flat-roofed residence located in Brighton, in the south-east suburbs of Melbourne. It is situated on a large flat site on the south side of North Road. From the road, the house itself is obscured behind a long white wall, with a double garage and pedestrian entry set to the east. The pedestrian entry is via a long narrow walkway, open to the sky yet enclosed by white walls on either side. The house is entered via a formal entrance space which contains a roof light.'

Built to an F-shaped plan, the house has a strong axial arrangement. The north-south wing contains informal family areas, service areas and bedrooms with ensuites. The northern east-west wing contains the kitchen, formal dining area and living room. The southern east-west wing contains the master bedroom and study. Virtually all areas of the house have a strong relationship to the outdoors. A courtyard comprising lawn and lemon trees in white planters is located between the two east-west wings. A large grassed area with a swimming pool lined with black mosaic tiles is located towards the front of the site. Sliding doors of floor to ceiling glass with integrated screens open on to outdoor areas throughout the house. The formal, salon-like lounge room has views onto the outdoors on three sides. Individual rooms also open on to smaller courtyards.'

Circulation throughout the house is via wide, gallery-like hallways. The house is white throughout, with sliding doors, timber detailing and steel columns dramatically picked out in black. Floors are of pale travertine tiles or white carpet.'

3. The following historical summary is taken from page 8 of the Recommendation:

'Elaine and William (Bill) Seccull engaged Guilford Bell to design them a home at 32 North Road, Brighton in 1970. Bill Seccull was a master builder who operated a family-run business involved in the construction of prominent post-war projects including the Kraft Factory (1956) and the Royal Children's Hospital (1960). Bell was recommended to the Secculls by mutual friend and interior designer Keith Miles. Although not yet familiar with Bell's work, on seeing photographs of his other projects the Secculls reportedly gave him complete control of designing their home. The generous site at 32 North Road provided ample room for Bell to fully explore the extent of his skill. Bell later reflected that 'never has my work given me more pleasure. Never has a client been more encouraging and supportive.' Bill Seccull supervised construction. Bell was immensely satisfied with the finished home, which he considered one of his finest.'

4. While the above material is not endorsed by the Heritage Council, it has been considered by the Committee in making its determination.

RECOMMENDATION OF THE EXECUTIVE DIRECTOR

5. On 15 March 2021, the Executive Director recommended that the Place be included in the Register pursuant to section 37(1)(a) of the Act.

PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR

6. After the Recommendation, notice was published on 19 March 2021 in accordance with section 41 of the Act for a period of 60 days.
7. During the public advertisement of the Recommendation, two (2) submissions were received pursuant to section 44 of the Act, from the Trust and Ratio Consultants on behalf of the Owner. The submission received from the Trust supported the Recommendation. The submission received from the Owner objected to the recommended extent of registration and permit exemptions for the Place and requested a hearing into the matter.
8. In accordance with section 46 of the Act, a hearing was scheduled to be held and a Heritage Council Regulatory Committee ('the Committee') was duly constituted to consider the Recommendation and all submissions received in response.

THE HEARING

9. On 11 June 2021 all prospective hearing participants were advised that a registration hearing in relation to the Place had been scheduled for 16 August 2021, to be conducted by way of videoconference using the Microsoft Teams™ online platform ('the Hearing'). Written hearing submissions were invited, and further information was provided about the Hearing.

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

CONFLICTS OF INTEREST

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

FUTURE USE, MAINTENANCE AND DEVELOPMENT OF THE PLACE

11. 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 section 49(1) of the Act, the role of the Committee is to determine whether or not the Place, or part of it, is of State-level cultural heritage significance and is, or is not, to be included in the Register.

PROCESS FOLLOWING THE HEARING

REQUEST FOR ADDITIONAL INFORMATION AND SITE INSPECTION

12. Due to State Government advice in relation to coronavirus ('COVID-19') the Committee was unable to undertake a site inspection of the Place prior to the Hearing. On 21 September 2021, the Owner was afforded the opportunity to lodge additional information, in the form of a video walkthrough or similar, to

assist the Committee in making its determination pursuant to section 49 of the Act, in the instance that a site inspection was unable to be undertaken by the Committee prior to making its determination. A video walk-through of the Place, taken by the Owner, was received by the Committee on 30 September 2021.

13. On 8 November 2021, the Committee undertook a permitted site inspection of the Place accompanied by the Heritage Council Hearings Manager. Access to the Place was facilitated by the Owner. No submissions were sought, made, or received at the time of the site inspection.

ISSUES

14. 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.
15. 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 4 April 2019) [‘Criteria for Assessment’]. Please refer to **Attachment 1**.
16. 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 issues before it. Any reference to ‘the Guidelines’, ‘steps 1 and 2’ or ‘threshold for inclusion’ refers to the Guidelines.

SUMMARY OF ISSUES

17. The Executive Director recommended that the Place be included in the Register for State-level cultural heritage significance in relation to Criterion D. The proposed extent of registration for the Place included: ‘all of the place shown hatched on Diagram 2406 encompassing all of Lot 1 on Lodged Plan 33094’. Pursuant to section 38 of the Act, the Executive Director also recommended categories of works or activities for inclusion with the registration which may be carried out in relation to the Place for which a permit under Section 5 of the Act is not required (‘permit exemptions’).
18. The Trust supported the Recommendation, noting that it classified the Place as a place of ‘State significance’ in 2009 for its architectural and aesthetic values, and that it nominated the Place for inclusion in the Register in 2009 pursuant to the *Heritage Act 1995*.
19. Broadly, it was the position of the Owner that,

‘...it is a momentous and weighty matter to register a place, especially a place used as the principal place of private residence for a family. Registration entails material limitations on the exercise of economic, social and cultural rights associated with human shelter, home ownership and raising a family’.
20. The Owner submitted that they did not object to the inclusion of the Place in the Register for State-level cultural heritage significance in relation to Criterion D. However, the Owner, broadly, submitted that the future adaptation of places and objects in the Register should be afforded by the Heritage Council at the time of registration, while further objected to the inclusion of much of the fabric of the interior, garden, and landscape elements of the Place in the Register on the basis that these elements no longer contain significant fabric. It was the position of the

Owner that the interior, garden and landscape elements of the Place should either be excised from the extent of registration for the Place or included in permit exemptions.

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

Summary of submissions and evidence

- 21.** In assessing the Place in relation to Criterion D, the Executive Director found that it can best be considered in the class of post 1960 modernist residences, with the works of architect Guilford Bell displaying largely modernist characteristics. The Recommendation contended that this class has an association with the development of domestic architecture in the latter decades of the twentieth century and that this phase is of historical importance to Victoria.
- 22.** In assessing the Place under step 2 of Criterion D, the Recommendation found that the Place is notable as a fine example of its class. The Executive Director assessed that the Place displays characteristics of the class that are of higher quality than typical of other places in the class. The Recommendation noted that although many residences with modernist influences were constructed across metropolitan Melbourne and regional Victoria in the latter decades of the twentieth century, few are as substantial, restrained or as precisely resolved as the Place. It was the view of the Executive Director that the design of the Place, which integrates Classical and Middle Eastern influences with a modern sensibility, is highly distinctive for the era and reflects the diversity of 1960 and 1970 residential architecture.
- 23.** The Executive Director recommended that the Place is likely to meet the State-level threshold in relation to Criterion D.
- 24.** The Trust submitted that it supported the Executive Director's assessment of the Place in relation to Criterion D.
- 25.** The Owner agreed with the Recommendation that the Place demonstrates a clear association with the development of domestic architecture in the latter decades of the twentieth century and that it is notable as a fine example of a post-1960s modernist residence in Victoria. It was the position of the Owner, however, that the State-level cultural heritage significance of the Place is primarily associated with the exterior, or structure of the residence itself, rather than with the Place as a whole. As previously stated, it was the view of the Owner that much of the interior, garden and landscape elements of the Place no longer contain significant fabric and do not contribute to its significance.

Discussion and conclusion

- 26.** The Committee notes that there was, broadly, agreement between hearing participants that the Place meets the State-level threshold for inclusion in the Register in relation to Criterion D.
- 27.** The Committee agrees with the Recommendation that the Place is in the class of post-1960 modernist residences which has an association with the development of domestic architecture in the latter decades of the twentieth century and that this phase is of historical importance to Victoria. The Committee also agrees that the principal characteristics of the class are evident in the physical fabric of the Place and that the characteristics of the class displayed at the Place are of a higher quality than typical of places in the class. The Committee finds that the

Place is notable as a fine example of its class, being highly distinctive for its era. The Committee agrees that few other places in the class are as substantial, restrained or precisely resolved as the Place.

28. The Committee finds that Criterion D is satisfied at the State level.
29. The Committee notes the submissions of the Owner in relation to the relative significance of the interior, garden, and landscape elements of the Place. The Committee's position on these issues is set out in the remainder of this determination report.

OTHER CRITERIA

Summary of submissions and evidence

30. The Recommendation assessed that the Place does not meet the State-level threshold for inclusion in the Register in relation to any of the other Criteria for Assessment, namely Criteria A, B, C, E, F, G or H.
31. Although the Trust submitted that it supported the Executive Director's assessment of the cultural heritage significance of the Place at the State level, the submissions of the Trust also referred to its 2009 classification of the Place as of State significance for 'aesthetic reasons'. The Trust's 'Classification Report' for the Place ('the Classification Report') was provided to the Committee.
32. In response to the Classification Report, the Owner submitted that:

'Aspects of the Report are expressed in arcane architectural language which are both difficult for a layperson to appreciate and understand, and unsuitable for translation into a statutory instrument intended to support administrative decision making',
33. It was the position of the Owner that the Classification Report should be approached with 'caution' and that the Committee should 'refrain from relying upon it'.
34. Although neither the Trust nor any other participant to the Hearing advanced submissions that the Place should be included in the Register in relation to any Criteria other than Criterion D, Mr Raworth's statement of evidence made mention of the potential aesthetic significance of the Place in relation to Criterion E. Mr Raworth stated that 'the [Place] could also arguably be identified as satisfying the state level test for Criterion E, with the National Trust classification in particular being indicative of this, but also having regard for its identification in various theses and publications'. However, Mr Raworth did not elaborate on the potential aesthetic significance of the Place at the State level, nor did he tender evidence in support of the inclusion of the Place in the Register in relation to Criterion E. Mr Raworth did note, however, that 'had the place been recommended for registration on the basis of Criterion E, this would not materially affect [his] views in relation to appropriate permit exemptions for the [Place]'.
35. In response to Mr Raworth's comment on the potential aesthetic significance of the Place at the State level, the Executive Director acknowledged that the Place exhibits particular aesthetic characteristics in its 'harmonious proportions, sense of order and symmetry, minimalist interiors and exteriors and consistent black and white colour palette'. However, it was the view of the Executive Director that although the aesthetic characteristics of the Place have been highlighted in several post-war architecture publications, they have not received the critical recognition or wide public acknowledgement of exceptional merit required to establish cultural heritage significance at the State level in relation to Criterion E.

36. The Owner noted Mr Raworth's statement of evidence in relation to Criterion E, but agreed with the Executive Director that 'by reference to the Guidelines, Criterion E is not satisfied'.

Discussion and conclusion

37. The Committee acknowledges the submissions of the Owner in relation to the Trust's Classification Report for the Place. The Committee also notes that the Classification Report was written without the author having undertaken an internal inspection of the Place, and furthermore, was published prior to renovations that were subsequently undertaken at the Place. In this instance, this document was given little weight by the Committee in making its determination pursuant to section 49 of the Act.
38. The Committee also notes that other than Mr Raworth's comment in relation to Criterion E and the potential aesthetic significance of the Place at the State level, no submissions or evidence were tendered in support of the inclusion of the Place in relation to this Criterion. The Committee agrees with the Executive Director's assessment that the aesthetic characteristics of the Place have not received critical recognition or wide public acknowledgement of exceptional merit at the State level.
39. The Committee finds that Criteria A, B, C, E, F, G and H are not satisfied at the State level.

APPRECIATION OF CULTURAL HERITAGE VALUES BY THE PUBLIC

Summary of submissions and evidence

40. In objecting to the Recommendation, in particular the inclusion of the interiors of the Place in the Register, the Owner submitted that 'cultural heritage significance must be able to be appreciated to justify its protection under the Act'. It was the position of the Owner that:
- '...Consistent with the Burra Charter, the rationale for conservation is that places 'enrich people's lives, often providing a deep and inspirational sense of connection to community, to the past and to lived experiences' and that places 'tell us about who we are and the past that has formed us'. If places have no capacity to communicate with the wider community because they are not physically or visually accessible to the wider community, their conservation cannot fulfil the intended rationale.'*
41. To this end, the Owner submitted that any registration for the Place, which is largely invisible from the public realm other than by air, should only include the portion of the Place which is visible to the public, being the external form of the residence. Following this, the Owner submitted that the interiors of the Place, which are unable to be seen from the public realm, nor entered by the public, should not be included in the registration for the Place. It was the view of the Owner that their position in relation to the private nature of the Place is supported by Bell's 'design philosophy' which was, in the view of the Owner, to 'create secluded places of privacy and repose, presumably away from the prying eyes of the public and the prurient curiosity of heritage enthusiasts'.
42. In response to the submissions of the Owner the Executive Director submitted that:

'...Whether a place or object is accessible to [sic] general public does not have a bearing on the assessment of whether a place is of State-level cultural heritage significance. Many places included in the [Register] may not be visually or physically accessible from the public realm. This includes, for example, pastoral homesteads in rural areas which are not accessible to the public and where none of the built and landscaped form is visible from surrounding roads.'

Discussion and conclusion

43. The Committee accepts that the Place is a private residence designed by Bell to enhance a sense of seclusion from the urban environment. The Committee, however, notes that neither the Act, nor the Guidelines, set out that a place or object must be either accessible to the public, or visible from the public realm, for inclusion in the Register.
44. It is not within the purview of the Committee to consider whether or not the Place is accessible to the public, or visible from the public realm, in making its determination pursuant to section 49 of the Act.

EXTENT OF REGISTRATION

Summary of submissions and evidence

45. The Executive Director's recommended extent of registration for the Place comprised the cadastral block on which the Place is located, including residence, surrounding garden and landscaping, swimming pool, garage and perimeter wall, being 'all of the place shown hatched on Diagram 2406 encompassing all of Lot 1 on Lodged Plan 33094'. The Recommendation detailed that the recommended extent of registration for the Place is consistent with other suburban residences currently included in Register.
46. The Trust submitted that it agreed with the recommended extent of registration for the Place.
47. The Owner submitted that, in the instance where an owner disputes the cultural heritage significance of the interior fabric of a place, two options are open to the Heritage Council in excluding interiors from a registration, namely:
 - a. by registration of only part of the place, pursuant to section 49(1)(a) of the Act or
 - b. by inclusion of permit exemptions in the registration to allow for works and activities to the interior of the place without the need to obtain a permit pursuant to section 49(3) of the Act.
48. Although the submission of the Owner received by the Heritage Council pursuant to section 44 of the Act referred to the Owner's objection to the recommended extent of registration for the Place, ultimately, the Owner's hearing submissions set out that they would not 'press for a reduced extent of registration, provided permit exemptions are appropriately expanded', particularly in relation to the interiors of the residence.
49. In response to the submissions of the Owner, it was the position of the Executive Director that the 'significant characteristics' of the Place are demonstrated both internally and externally and that the inclusion of both the interior and exterior of buildings in the Register has been the accepted approach taken with 'almost all registrations since the *Heritage Act 1995* and even before'. The Executive

Director noted that there have previously been occasions, particularly during the 1970s and 1980s, where only the exterior, façade or ‘carcass’ of a building was included in the Register. However, the Executive Director submitted that this has not been an ‘accepted approach’ to the management of Victoria’s heritage at the State level for ‘several decades’.

Discussion and conclusion

50. The Committee acknowledges that, ultimately, the Owner chose not to pursue their objection to the Executive Director’s recommended extent of registration for the Place in either written or verbal submissions to the Hearing.
51. The Committee agrees with the Executive Director that the registration of the exterior or ‘structure’ of a place, to the exclusion of its interiors and indeed its associated garden and landscape elements, is no longer an acceptable approach to the management of registered places of State-level cultural heritage significance.
52. The Committee agrees with the recommended extent of registration for the Place and records its determination as to the extent of registration of the Place in **Attachment 2**.

THE INTEGRITY AND INTACTNESS OF THE PLACE

Summary of submissions and evidence

53. The Recommendation stated that:

‘...the integrity of the Place is excellent. The cultural heritage values of the place can be easily read in the extant fabric’,

and that:

‘The intactness of the place is very good. As a home that has been consistently lived in since 1972, and had several owners, it is to be expected that there have been changes to the place. Changes are largely internal, and Bell’s strong design intent remains evident throughout.’
54. The Recommendation outlined a number of alterations that have been made to the Place over time, including:
 - The subdivision of the tennis court to the south of the Place in the 1990s;
 - Updating of the kitchen on several occasions;
 - Replacement of the original internal travertine tiles with new travertine;
 - Narrowing of the formal entry hall to include additional storage and powder rooms;
 - Expansion of the master bedroom and family room into adjacent internal courtyards;
 - Updating of bathrooms;
 - The restoration of sliding doors in February 2021;
 - Reconfiguration of children’s bedrooms and bathrooms and;
 - Reconfiguration of the laundry area.

55. In response to the Recommendation, the Owner submitted that the Place has been substantially altered since its construction in 1972 and that ‘these alterations diminish the significance of the Place’. It was the position of the Owner that the Recommendation is insufficient in establishing the significance of the interiors and fails to reflect the full extent of changes made to the Place and the ‘...consequential impact on [its] significance’ as a result.
56. Mr Raworth gave evidence of the extent of changes and modifications that have occurred at the Place since its construction, in the form of a ‘Schedule of Changes to Rooms’ (‘Schedule of Changes’). Mr Raworth’s evidence also included an analysis of the integrity and intactness of the Place, relying on the following definitions:

‘Integrity in respect to a heritage place is a descriptor of the veracity of the place as a meaningful document of the heritage from which it purports to draw its significance. For example a place proposed as important on account of its special architectural details may be said to lack integrity if those features are destroyed or obliterated. It may be said to have low integrity if some of those features are altered. In the same case but where significance related to, say, an historical association, the place may retain its integrity despite the changes to the fabric (Structural integrity is a slightly different matter. It usually describes the basic structural sufficiency of a building). Based on this approach it is clear that whilst some heritage places may have low intactness they may still have high integrity – the Parthenon ruins may be a good example. On the other hand, a reduction in intactness may threaten a place’s integrity to such a degree that it loses its significance.’

‘Intactness relates to the wholeness of (or lack of alteration to) the place. Depending on the grounds for significance, this can relate to a reference point of original construction or may include original construction with progressive accretions or alterations.’¹

57. Relying on the above definitions, it was the view of Mr Raworth that ‘the integrity of the Place as a whole should be seen to be ‘good’, rather than ‘excellent’, and the intactness of the fabric of the Place should be seen to be ‘moderate’, rather than ‘very good’ as assessed in the Recommendation.
58. The Owner adopted Mr Raworth’s Schedule of Changes and evidence in relation to the integrity and the intactness of the Place. It was the position of the Owner that Mr Raworth’s opinion in relation to the integrity and intactness of the Place should be preferred by the Committee over that of the Executive Director, and that the revised assessment of the integrity and intactness of the Place should be reflected in its registration, namely in permit exemptions.
59. In response to Mr Raworth’s evidence, the Executive Director noted the definitions of ‘integrity’ and ‘intactness’ set out at page 5 in the Guidelines:

‘Integrity: refers to the degree to which the heritage values of the place or object are still evident and can be understood and appreciated (for example, the degree to which the original design or use of a place or object can still be discerned). If considerable change to a place or object has occurred (through encroaching development, changes to the fabric, physical deterioration of the

¹ Planning Panels Victoria, 19 May 2020, *Latrobe C14 [2010] PPV 53*

fabric etc) the significant values may not be readily identifiable and the place or object may have low-level integrity.'

'Intactness: refers to the degree to which a place or object retains its significant fabric. Note: Intactness should not be confused with condition – a place may be highly intact but the fabric may be in a very fragile condition.'

60. The Executive Director reiterated his position that, in his view and in line with the Guidelines, the integrity of the Place is 'excellent', with the cultural heritage values of the Place remaining evident, easily understood, and appreciated at the Place. The Executive Director submitted that the original design and use of the Place can still be discerned. It was the view of the Executive Director that despite alterations, the significant cultural heritage values of the Place are 'readily identifiable' and where there has been change to the fabric of the Place '...in many cases it reinforces or supports the Place's significant values'.
61. In response to Mr Raworth's evidence that the intactness of the Place should be assessed as 'moderate', the Executive Director acknowledged that while some places constructed in the 1960s and 1970s remain highly intact today, the Place 'does not share this level of intactness'. In submissions to the Hearing the Executive Director accepted that 'the intactness of the Place would be better described as good', rather than 'very good' as assessed in the Recommendation. It was the position of the Executive Director that the Place retains its significant fabric to a 'good degree', with no major areas of demolition or rebuilding that would significantly reduce its intactness.
62. Lastly, while the Executive Director agreed to change the record of the intactness of the Place to 'good', he also noted that such descriptors do not form part of the statutory registration of a place or object.

Discussion and conclusion

63. The Committee acknowledges the evidence of Mr Raworth in relation to the changes that have occurred to the Place since its construction. The Committee notes that Mr Raworth's Statement of Changes is comprehensive and that it assisted in understanding the current condition, integrity, and intactness of the Place.
64. The Committee notes that Mr Raworth's evidence relied on definitions of 'integrity' and 'intactness' different to those set out in the Guidelines. Although the Committee appreciates that the definitions used by Mr Raworth are similar to those in the Guidelines, the Committee expresses its preference that, where definitions of terms are provided in the Guidelines, these definitions be referred to when assessing the cultural heritage significance of places and objects at the State level.
65. Notwithstanding this, the Committee acknowledges Mr Raworth's evidence which set out that, in his view, the integrity of the Place should be considered to be 'good', while the intactness of the Place should be considered 'moderate'. The Committee also acknowledges the Executive Director's position that the integrity of the Place should be recorded as 'excellent', and his concession in hearing submissions that the intactness of the Place should be recorded as 'good' rather than 'very good' as was set out in the Recommendation.
66. The Committee also agrees with the submission of the Owner that the Recommendation gives insufficient weight to the significance of the interior fabric of the Place, particularly considering the additional information provided by the

Executive Director on the significance of the interior fabric in submissions to the hearing (see also paragraph 104, below).

67. While the Committee agrees with the Executive Director that neither the 'integrity' nor 'intactness' descriptors form part of the statutory listing for places and objects in the Register, the Committee is of the view that such descriptors form a relevant part of its considerations pursuant to section 49 of the Act, particularly section 49(3). The Committee is also of the view that such descriptors are relevant and useful for the future management of places and objects pursuant to Part 5 of the Act.
68. In this instance, the Committee agrees with the Executive Director that despite alterations to the Place, its significant fabric and cultural heritage values remain readily identifiable. Therefore, having regard to the changes that have occurred at the Place since its construction, taking account of Mr Raworth's evidence and Statement of Changes, and having undertaken a site inspection of the Place, the Committee is of the view that the integrity of the Place should be recorded as 'excellent', while the intactness of the Place should be recorded as 'good'.

CATEGORIES OF WORKS OR ACTIVITIES FOR INCLUSION WITH THE REGISTRATION WHICH MAY BE CARRIED OUT IN RELATION TO THE PLACE FOR WHICH A PERMIT UNDER SECTION 5 OF THE ACT IS NOT REQUIRED ('PERMIT EXEMPTIONS')

69. In objecting to the Executive Director's recommended permit exemptions for the Place, the Owner tendered their preferred form of permit exemptions for the ongoing use and maintenance of the Place as a private residence. The Owner's reasons for their preferred permit exemptions, which rely on the evidence of Mr Raworth, are set out below.

Original, non-original and significant fabric

Summary of submissions and evidence

70. In objecting to the Recommendation, particularly the recommended permit exemptions for the Place, the Owner submitted that:

'...cultural heritage significance attaches to original fabric but not to new fabric, however sensitively it may have been introduced. New or altered forms, elements and materials cannot of themselves contribute to the significance of a place and consequently, further loss or change to those altered parts cannot harm the cultural heritage significance of a place.'
71. It was the position of the Owner that 'where fabric is non-original, it cannot be characterised as significant fabric, and hence its removal and replacement cannot, by definition, harm cultural heritage significance and no permit should be required for further change to it'.
72. Mr Raworth gave evidence that some internal spaces within the Place have been significantly altered over time, so much so that, in the view of Mr Raworth, they should be able to be altered again in the future without 'adverse impact or harm to significance and integrity of the heritage place'. It was the view of Mr Raworth that 'non-original fabric cannot be considered significant and could in many instances be replaced or changed without permit on that basis'. Mr Raworth's evidence in relation to the replacement of non-original fabric was relied on by the Owner.

73. In response to submissions of the Owner that ‘cultural heritage significance attaches to original fabric but not to new fabric’, the Executive Director submitted that it is ‘not necessary for fabric to be original to contribute to the cultural heritage significance of a place’. It was the position of the Executive Director that while non-original fabric can diminish the cultural heritage significance of a place or object, it can also contribute to the cultural heritage significance of a place.
74. In response to Mr Raworth’s evidence that ‘non-original fabric cannot be considered significant and could in many instances be replaced or changed without permit on that basis’, it was the view of the Executive Director that ‘...the principle at stake is not whether alterations to “original” or “non-original” fabric should be allowed...’. In the view of the Executive Director, the principal consideration in managing a place or object in the Register, including the consideration of permit exemptions, ‘is whether works or activities to any fabric (original or non-original) would harm the cultural heritage significance of the place or object as a whole’.
75. The Executive Director submitted that many of the changes that have occurred at the Place, including to the interiors, are ‘sympathetic to the Place’. It was the position of the Executive Director that other changes, including the remodelling of the master bedroom and the loss of smaller, internal courtyard, ‘although less sympathetic have otherwise not substantially detracted from the cultural heritage significance of the Place’.
76. In relation to the appropriate scope of permit exemptions for the Place, it was the view of the Executive Director that:
- ‘...once non-original fabric has been installed, it does not follow that all works to it should be allowed. Areas of non-original fabric are still connected to and part of the cultural heritage significance of the place’.*
77. The Executive Director submitted that where ‘sympathetic changes’ (such as the replacement of internal travertine tiles) have already been carried out at the Place, the purpose of permit exemptions at the time of registration should be to enable similar ‘sympathetic’ change in the future. The Executive Director further submitted that where areas of the Place have been subject to more ‘extensive alteration’ (such as the family room, entry foyer and master bedroom), they should not be excised from the permit approval process via permit exemptions at the time of registration. It was the position of the Executive Director that:
- ‘...future works to such areas, depending on their nature, scope, scale and materials, still have the potential to harm the cultural significance of the place [see s.38(2)] and in the view of the [Executive Director] would be managed through the permits process’.*

Discussion and conclusion

78. The Committee notes the submissions of the Owner and the evidence of Mr Raworth in relation to ‘non-original fabric’, ‘significant fabric’ and the consideration of appropriate permit exemptions for inclusion with the registration of the Place. The Committee acknowledges that some fabric of the Place may be able to be changed or altered in the future without causing harm to the State-level cultural heritage significance of the Place.
79. However, the Committee agrees with the Executive Director that the key principle in the consideration of permit exemptions for inclusion with the registration of a

place or object is not whether fabric is 'original' or 'non original', but what works or activities may be carried out in relation to the place or object without causing harm to its cultural heritage significance as a whole. Having undertaken a site inspection of the Place, the Committee also agrees with the Executive Director that although changes to the fabric of a place or object may have occurred prior to its inclusion in the Register, in this instance, many of the changes are broadly sympathetic to the cultural heritage significance of the Place. However, it does not automatically follow that such changes should continue to be provided for after Registration in the form of permit exemptions, nor that similar changes in the future will not cause harm to the cultural heritage significance of the place or object.

80. The Committee is of the view that, in this instance, excising all non-original fabric from the registration of the Place by way of permit exemptions at the time of registration could harm the cultural heritage significance of the Place.

Permit exemptions

Summary of submissions and evidence

81. The Executive Director's recommended permit exemptions for the Place included several 'general' exemptions, and specific exemptions for the interiors, landscape and outdoor areas of the Place to allow, broadly, for the ongoing repair and maintenance of the Place and its continued use as a residence.
82. Mr Raworth's statement of evidence similarly proposed a range of 'general' permit exemptions for the Place including for landscape/outdoor areas, gardening, trees, and plants. Mr Raworth's evidence also included, in his view, 'a nuanced and zoned approach to permit exemptions for the interiors of the [Place] based on the extent to which various rooms / elements are original or altered'. Mr Raworth's proposed permit exemptions for the Place were adopted by the Owner (with minor changes) as their preferred form of permit exemptions for the ongoing use and maintenance of the Place.
83. In giving evidence in relation to his proposed permit exemptions for the Place, Mr Raworth stated:

'When the changes are purely cosmetic and easily reversable, with no structural change or loss of original architectural fabric, there is little or no adverse impact upon significance per se. It should not be an expectation that a private dwelling such as the Seccull House must be kept as a house museum with constantly regulated internal appearance if it can be seen that superficial changes such as repainting of walls in different colours, or replacement of carpets, will not result in harm to the significance of the place.'
84. When asked to comment during the hearing on Bell's original architectural intent for the Place in relation to his own statement that the Place should not be required to be kept as a 'house museum', Mr Raworth acknowledged that, given his knowledge of Bell as an architect who was unlikely to make concessions to his aesthetic or design intent on the basis of family life, it is unlikely that Bell would have been receptive of any change to the Place.

Permit exemptions – interiors

85. Mr Raworth gave evidence that a 'zoned' approach to the consideration of permit exemptions for the interior fabric of the Place was 'more generous' than the

Executive Director's recommended permit exemptions and took into account areas where 'appreciable change has already taken place'.

86. Mr Raworth's permit exemptions for the interiors of the Place were based on his assessment of the varying degree of changes that have occurred to the interior fabric, and subsequently, the impact such changes have had on the cultural heritage significance of the Place throughout. To this end, Mr Raworth identified three interior 'zones of integrity' within the Place, being:

- Zone A – high integrity, minimally altered room
- Zone B – medium integrity, moderately altered rooms
- Zone C – low integrity, altered rooms and/or new rooms.

87. Mr Raworth's proposed permit exemption for each zone read:

'Minimally altered rooms, integrity zone level A:

- *Superficial works to the rooms as indicated in integrity plan Zone A, including repainting of previously painted surfaces, replacement of non-original carpet, replacement of non-original pendant lighting.*

Moderately altered rooms, integrity zone level B:

- *Works to maintain or upgrade like for like the existing rooms as indicated in integrity plan Zone B, including repainting of previously painted surfaces, replacement of non-original carpet, replacement of travertine floor tiles like for like, replacement of non-original lighting.*

Altered rooms, integrity zone level C:

- *Works to maintain, upgrade or reconfigure existing rooms as indicated in integrity plan Zone C, including internal fit out, re-painting, fixtures and fittings, floor coverings, lighting and the like.'*

88. During cross-examination in the Hearing, Mr Austin, on behalf of the Executive Director, questioned Mr Raworth as to why the term 'like for like', was included in his proposed permit exemption for Zone B, in reference to the replacement of carpet and the travertine floor tiles, but was not included in Mr Raworth's proposed exemption for integrity Zone A. Mr Raworth conceded that, given his assessment that Zone A retains a higher degree of integrity than Zone B, this zone should also refer to the 'like for like' replacement of carpet and lighting. However, Mr Raworth further opined whether the 'like for like' replacement of fixtures, fittings and furnishing is appropriate for inclusion in the permit exemptions for the Place, given the degree of changes that have already occurred throughout its interiors. Subsequently, Mr Raworth stated that the term 'like for like' should either be included in the exemptions for both Zones A and B or be removed entirely from all exemptions. In re-examination, Mr Raworth further set out that, in his view, should the term 'like for like' be included in the permit exemptions for the Place, this would not extend to the colour scheme of the Place and would only require, for example, the replacement of carpet with carpet, rather than the replacement of carpet with carpet *of the same colour*.

89. Further, when cross-examined in relation to integrity Zone C, Mr Raworth detailed that his proposed exemption for the 'reconfiguration of existing rooms' should be interpreted to include 'substantial freedom' to make changes to the configuration of internal walls and doors within this zone but would not allow for changes to the external form of the Place, in particular external walls and windows. Mr Raworth conceded that this exemption would require redrafting to ensure clarity in this regard and added, in re-examination, that the internal reconfiguration of rooms

within Zone C would, in his view, have no impact on the cultural heritage significance of the Place.

90. When questioned by Mr Austin in cross-examination in relation to his view on the colour palette of the Place, Mr Raworth did not agree that changes to the internal colour palette across any of his described 'zones of integrity' would impact on the cultural heritage significance of the Place, expressing the view that, at least internally in this instance, paint choice is 'superficial' and 'easily changed'.
91. In adopting Mr Raworth's zoned approach to the permit exemptions for the Place, the Owner submitted that:

'This approach is a product of the more rigorous and detailed analysis of the interiors undertaken by Mr Raworth, by contrast with the generic approach taken by the Executive Director. The Executive Director has not properly established that all spaces and areas within Seccull House exhibit the elements of significance which justify registration; he has not identified the very substantial extent of change that has occurred with respect to some parts of the interiors; and he has not analysed the implications of those changes for the integrity of parts of the interior.'

92. It was the position of the Owner that a zoned approach to the internal permit exemptions for the Place would allow the Owner to 'continue the private enjoyment' of their home while ensuring that the elements of the Place integral to its cultural heritage significance are subject to the 'management regime associated with the permit process'. In verbal submissions at the hearing, Ms Brennan emphasised, on behalf of the Owner, that the permit exemptions for the Place need to take into consideration the lived nature of the Place as a residential, family home.
93. The Owner adopted Mr Raworth's proposed permit exemptions for the internals of the Place with the following change to Mr Raworth's proposed exemption for Zone B:

'Zone B – Moderately altered rooms – Works to maintain or upgrade like for like the existing rooms as indicated in integrity plan Zone B, including repainting of previously painted surfaces, replacement of non-original carpet, replacement of non-original light fittings, replacement of non-original Travertine floor tiles like for like.'
(original mark up).

94. The Owner reiterated their position that the external structure of the Place is the 'key feature' of its cultural heritage significance at the State level. It was the position of the Owner that, internally, only Zone A and 'the linear form of Zone B' retain significant fabric which 'meaningfully contribute' to the significance of the Place. The Owner submitted that all rooms and major elements within Zone C 'do not contribute to the cultural heritage significance of [the Place] at all'.
95. In verbal submissions at the Hearing, Ms Brennan submitted that the Owner should not be restricted by the need to seek a permit every time they wish to change flooring surfaces, paint walls in a different colour, or generally make changes that are 'superficial' to the cultural heritage significance of the Place. It was the position of the Owner that reference to 'like for like' should be removed from all internal permit exemptions for the Place.
96. In response to the Owner's objection to the recommended permit exemptions for the Place, including Mr Raworth's evidence and proposed zoned permit exemptions, the Executive Director acknowledged that Mr Raworth's utilisation of

a series of zones in proposing permit exemptions for the internals 'provides useful information and a tool for the future management of the Place'. The Executive Director questioned, however, whether Mr Raworth's approach to the permit exemptions is an 'appropriate basis for the formation of standing permit exemptions at the time of registration'.

97. It was the view of the Executive Director that Mr Raworth's zoned approach to the permit exemptions 'enables extensive change in large areas of the house' and that such changes would be better managed after registration pursuant to Part 5 of the Act. The Executive Director further submitted that Mr Raworth's approach to the permit exemptions for the internals of the Place would enable 'widespread incremental change' to the Place over time which would 'potentially diminish its integrity and the significance of the Place as a whole'.
98. The Executive Director further noted that while a zoned approach to permit exemptions is utilised 'on occasion' by the Executive Director, this is primarily undertaken for 'large and complex' places such as rural properties or industrial complexes. It was the view of the Executive Director that to extend this approach to individual rooms within a single home would be 'unusual'.

'General' exemptions and exemptions for works to the exterior of the Place

99. Further to his zoned approach to the permit exemptions for the interiors of the Place, Mr Raworth's statement of evidence also included general exemptions for minor repairs and maintenance, exemptions for works to all areas of the Place, for example 'installation, removal or replacement of light switches or power outlets', and works to the landscape and outdoor areas.
100. In cross-examination during the hearing, Mr Raworth agreed that his proposed general and exterior exemptions for the Place were 'similar' to that of the Executive Director's, with minor differences in wording.
101. The Owner adopted Mr Raworth's 'general' and 'landscape/outdoor' permit exemptions for the Place, noting that 'the extent of changes to the hard and soft landscaping associated with the gardens also justify wider permit exemptions than proposed by the Executive Director'. The Owner also proposed the following exemption for the outdoor areas in addition to Mr Raworth's:
- 'Works to maintain or upgrade any non-original fabric and works to maintain, remove or replant any non-original plantings and lawn.'*
102. The Executive Director provided a detailed response to each of the permit exemptions proposed by Mr Raworth and accepted and updated by the Owner but reiterated his view that the permit exemptions for the Place contained within the Recommendation 'provide firmer assurance' that the cultural heritage significance of the Place will not be harmed.

Discussion and conclusion

103. The Committee acknowledges that the Place is a family home and agrees that inclusion in the Register should not require it to be maintained as 'museum'. Most places and objects in the Register are required to be used and maintained over time and the Committee is of the view that it is incumbent on the Executive Director and the Heritage Council pursuant to sections 38 and 49(3) of the Act, respectively, to ensure that the Register provides for the ongoing repair, maintenance and use of registered places and objects by way of the inclusion of permit exemptions at the time of registration. The Committee is also of the view that the intended style and design of a place or object must be managed vis-à-vis its intended and ongoing use, in this instance, as a private residence. The

Committee notes its obligation to ensure that any permit exemptions included at the time of registration do not harm the State-level cultural heritage significance of the place or object.

- 104.** As previously discussed, the Committee agrees with the Executive Director that the Place is one of the most substantial, restrained and precisely resolved examples of its class and is of the view that the registration of the Place, including any permit exemptions, must reflect its significance in this regard.
- 105.** The Committee, however, is of the view that the Recommendation fails to afford sufficient weight to the interior fabric of the Place, in both assessing the State-level cultural heritage significance of the Place and in recommending permit exemptions for the ongoing repair, maintenance and use of the Place. For example, while the Recommendation acknowledges that the original internal travertine floor tiles have been replaced, the Executive Director's hearing submission afforded additional weight to the tiles, detailing that '...travertine tiles were originally specified for the house by its architect Guilford Bell, who distinguished his designs by the use of large areas of high quality and luxurious materials.' To this end, the Committee agrees with the submissions of the Owner that, in this instance, additional permit exemptions than those recommended by the Executive Director are warranted to provide clarity to the Owner as to works or activities that may be carried out internally at the Place without the need for a permit.
- 106.** In relation to Mr Raworth's 'zoned' approach to the permit exemptions for the interior fabric of the Place, the Committee agrees with the Owner that this approach could be applied to the management of the interiors of a residence. However, in this instance, the Committee was of the view that Mr Raworth's ascribed zones of integrity and associated proposed permit exemptions for the Place were shown to contain too many inconsistencies for adoption. The Committee was not convinced that Mr Raworth's zoned approach to the management of the interiors of the Place, if adopted, would provide sufficient clarity, in perpetuity, to ensure that the Owner, any potential future owners, and the Executive Director, as the relevant authority pursuant to Part 5 of the Act, understand the nature and scope of the works or activities that may be carried out in relation to the Place without the need for a permit.
- 107.** The Committee agrees with the Executive Director that Mr Raworth's 'zoned' approach to permit exemptions for the interiors of the Place, if adopted, could allow for widespread and unchecked incremental change to occur at the Place over time. In particular, the Committee disagrees with the submissions of the Owner and the evidence of Mr Raworth that providing for changes to the structural configuration of a substantial portion of the internal fabric of the Place, by way of permit exemptions, would not harm its cultural heritage significance. The Committee was not convinced, on the submissions and evidence provided, that the significance of the Place remains evident only in its external, structural form. As previously discussed, the Committee was of the view that the integrity of the cultural heritage significance of the Place remains high, both internally and externally.
- 108.** As previously stated, however, the Committee is of the view that, in this instance, additional permit exemptions than those recommended by the Executive Director are warranted and was assisted by the submissions of the Executive Director, the Owner and the evidence of Mr Raworth in this regard. In particular, the Committee agrees with Mr Raworth that, where reversible, changes to the interior the Place, including to its colour palette, will not cause harm to the cultural heritage significance of the Place. Lastly, the Committee notes that many of Mr

Raworth's and the Owner's proposed 'general' and 'landscape/outdoor area' permit exemptions for the Place are similar to those recommended by the Executive Director.

- 109.** The Committee has listed the categories of works and activities that may be carried out in relation to the Place without the need for a permit under the Act at **Attachment 3**.

Conservation Management Plans ('CMP')

Summary of submissions and evidence

- 110.** In recommending permit exemptions for inclusion in the registration of the Place, the Recommendation set out that:

'All works should ideally be informed by a Conservation Management Plan prepared for the place. 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.'

- 111.** Mr Raworth's proposed permit exemptions for the Place included an exemption for:

'Any works in accordance with a Conservation Management Plan (CMP) approved by Heritage Victoria.'

- 112.** The Owner submitted that Mr Raworth's 'nuanced zoning approach' to the permit exemptions for the Place is 'sufficient to protect and maintain the cultural heritage significance of [the Place] and that a CMP is not necessary at this time'. It was the position of the Owner that the registration of the Place should not impose a requirement on the Owner to prepare a CMP but should 'leave it to [their] discretion'.

- 113.** The Owner further submitted that if, in the future, the Owner elected to prepare a CMP, the registration of the Place should provide that any works in accordance with a CMP be exempt from the requirement for a permit.

- 114.** In response to Mr Raworth's proposed permit exemption for the Place allowing works in accordance with an approved CMP, the Executive Director noted that Heritage Victoria does not currently endorse CMPs. However, the Executive Director noted that he was supportive of a CMP being prepared for the Place and that it may be possible to add to or alter the permit exemptions for the Place in response to the recommendations of a CMP.

- 115.** In verbal submissions at the Hearing, Ms Brennan submitted that if an owner elected to prepare a CMP for the Place in the future, it should be approved by the Executive Director and any works outlined in the CMP should be exempt from the need for a permit but acknowledged the Executive Director's submission that Heritage Victoria does not currently endorse CMPs.

Discussion and conclusion

- 116.** The Committee notes the Executive Director's position that despite not currently endorsing CMPs, he would be open to adding to or altering the permit exemptions for the Place in response to the recommendations of a future CMP, presumably pursuant to Part 3, Division 7 of the Act.

- 117.** The Committee agrees that the development of a CMP for the Place, as with most places in the Register, may be beneficial for its ongoing management, but are of the view that an exemption for all works in accordance with an as yet unpublished CMP is not appropriate at this time, but could be considered as part of an amendment pursuant to Part 3, Division 7 of the Act, subject to consideration by the Executive Director and, subsequently, the Heritage Council at that time.

CONCLUSION

- 118.** After considering the Executive Director's recommendation and all submissions received, and after conducting a hearing into the matter, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that Seccull House located at 32 North Road, Brighton is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register.

ATTACHMENT 1

HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES 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 or environments.
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.

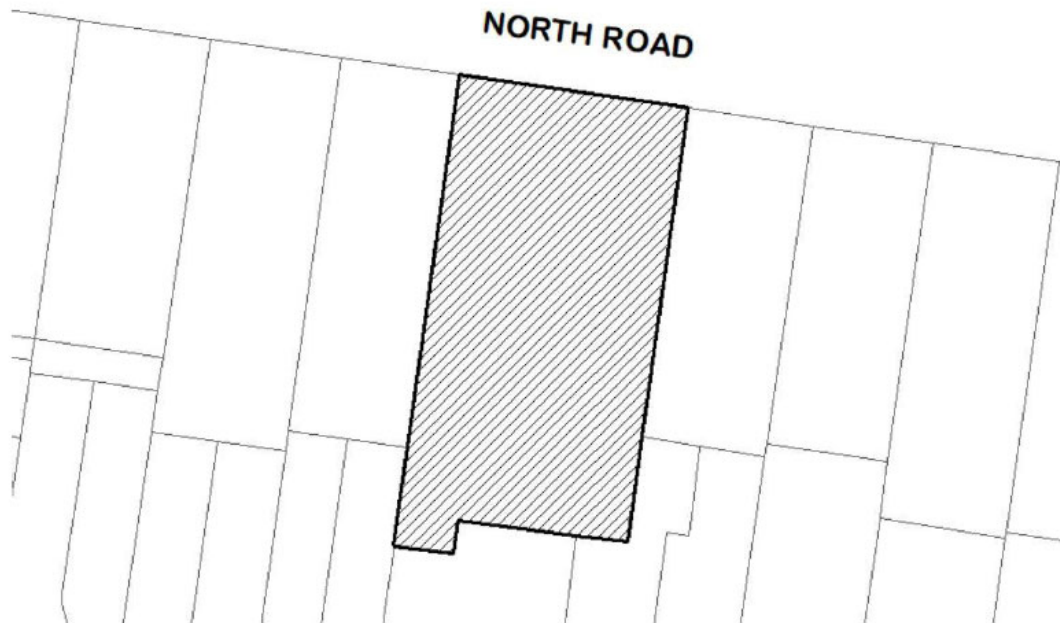
These were updated by the Heritage Council at its meeting on 4 April 2019, and replace the previous criteria adopted by the Heritage Council on 6 December 2012

ATTACHMENT 2

EXTENT OF REGISTRATION

All of the place shown hatched on Diagram 2406 encompassing all of Lot 1 on Lodged Plan 33094.

DIAGRAM 2406



ATTACHMENT 3

CATEGORIES OF WORKS OR ACTIVITIES WHICH MAY BE CARRIED OUT IN RELATION TO THE PLACE FOR WHICH A PERMIT IS NOT REQUIRED PURSUANT TO SECTION 49(3) OF THE *HERITAGE ACT 2017* ('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.

PERMIT EXEMPTIONS

General

- Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of significant fabric and include the conservation of existing details or elements. Any repairs and maintenance must not exacerbate the decay of fabric due to chemical incompatibility of new materials, obscure fabric or limit access to such fabric for future maintenance.
- Maintenance, repair and replacement of existing services such as plumbing, electrical cabling, surveillance systems, solar power infrastructure, pipes or fire services which does not involve changes in location or scale, or additional trenching.
- Repair to, or removal of, items such as antennae; aerials; and air conditioners and associated pipe work, ducting and wiring.
- Works or activities, including emergency stabilisation, necessary to secure safety in an emergency where a structure or part of a structure has been irreparably damaged or destabilised and poses a safety risk to its users or the public. The Executive Director must be notified within seven days of the commencement of these works or activities.
- Painting of previously painted external 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 which are currently unpainted.
- All usual domestic cleaning, plus cleaning to maintain exterior including the removal of surface deposits using low-pressure water, neutral detergents and brushing and scrubbing with plastic (not wire) brushes.

Interiors

- Painting of previously painted internal surfaces provided that preparation or painting does not remove all evidence of earlier paint finishes or schemes. This exemption does not apply to areas which are currently unpainted.
- Works to maintain or upgrade existing bathrooms, laundry and kitchen including installing new appliances, joinery, re-tiling and the like.
- Replacement of carpets.

- Replacement of travertine floor tiles like for like.
- Installation, removal or replacement of window furnishings.
- Removal, replacement or installation of new hooks, brackets and the like for hanging wall mounted artworks.
- Maintenance, repair and replacement of existing light fixtures and fittings.
- Installation, removal or replacement of existing electrical wiring, providing it is concealed.
- Installation, removal or replacement of light switches or power outlets.
- Installation, removal or replacement of smoke and fire detectors, alarms, speakers and the like.
- Repair, removal or replacement of existing ventilation, cooling and heating systems provided that the plant is concealed, and that the work is done in a manner which does not alter building fabric.
- Installation, removal or replacement of insulation in the roof space.

Landscape/outdoor areas

Hard landscaping and services

- Subsurface works to existing watering, utilities and drainage systems provided these do not involve trenching in new locations. Existing lawns, gardens and hard landscaping, including paving, are to be returned to the original configuration and appearance on completion of works.
- Like for like repair and maintenance of existing hard landscaping including paving and driveways where the materials, scale, form and design is unchanged from the original design. This exemption does not apply to the replacement of existing hard landscaping.
- Installation of physical barriers or traps to enable vegetation protection and management of vermin such as rats, mice and possums.
- Like for like repair and maintenance to the swimming pool and associated equipment.
- Works to and removal of inground trampoline and putting green and making good.

Gardening, trees and plants

- The processes of gardening including mowing, pruning, mulching, fertilising, removal of dead or diseased plant, replanting of existing garden beds, disease and weed control and maintenance to care for plants.
- Removal of tree seedlings and suckers without the use of herbicides.
- Management and maintenance of trees including formative and remedial pruning, removal of deadwood and pest and disease control.
- Emergency tree works where it is necessary to maintain safety or protect property.
- Removal of environmental and noxious weeds.