

## HERITAGE COUNCIL DETERMINATION

Determination Date	6 June 2024
Place/Object Name	<b>Kardinia House</b> ('the Place')
Location	1 Riverview Terrace, Belmont, Wadawurrung Country
VHR Number	H0337
Category	Registered Place

### DETERMINATION

The Heritage Council of Victoria determined on 6 June 2024 that, in accordance with section 62 of the *Heritage Act 2017* (Vic) ('the Act'), the above Place is to be amended in the Victorian Heritage Register ('VHR') by:

- including additional land, so as to comprise **all** of the place shown hatched on Diagram 337 encompassing all of Lot 1 and part of Lot 2 of Title Plan 847101;



- 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') in accordance with the **Annexure 1**.

The Heritage Council also determined to:

- amend the reasons why the Place is included in the VHR based on the Heritage Council criteria, specifically Criterion A and Criterion H (plus the inclusion of information contained in the report by Dr David Rowe for the City of Greater Geelong).

## **BACKGROUND**

The cultural heritage significance of Kardinia House was recognised when it was included in the Register of Historic Buildings in 1974.

On 1 March 2024, the Executive Director made and accepted an application to amend the registration of the place to ensure it is consistent with current practices under the Act.

## **BASIS OF RECOMMENDATION**

The Executive Director recommended that the Heritage Council amend this registration in accordance with sub-sections 40(4)(c) (i) and (ii) of the Act. Reasons for this recommendation were set out in a Recommendation report ('Recommendation') received by the Heritage Council, in relation to both sub-sections being:

- The land proposed for inclusion is and has always been used in conjunction with the place. The land proposed for inclusion has been used in conjunction with the place for over 150 years.
- If any of the land were developed, there is potential for the development to impact upon the grounds and setting of the two-storey house and substantially reduce the State-level cultural heritage significance of the place.
- Including additional land will ensure that all development is managed through an approval process consistent across the entirety of this place and would provide certainty for all parties.
- Only the building and footprint of Kardinia House is currently registered and this is insufficient to protect, conserve and allow for a proper understanding of the place.
- Including an area of land around Kardinia House will enable development immediately adjacent to the building (for example, new additions) and within the grounds Kardinia House to be managed under a permit process.
- Inclusion of an area of land around Kardinia House will also enable future works or activities that could potentially impact the conservation of the building, such as drainage and paving, to be managed under a permit process.
- Inclusion of an area around the building provides a setting for the place.

## **SUBMISSIONS**

Two submissions were received by the Heritage Council in relation to this matter, neither of which required a hearing. These were:

- City of Greater Geelong which supported the Recommendation. The submission was accompanied by a detailed response to the Recommendation by Dr David

Rowe. This was requested to be considered in updating the VHR entry for Kardinia House, to ensure the cultural heritage assessment is accurate and culturally appropriate. Dr Rowe's comments relate, among others, to the provenance of Kardinia House; the lack of a contemporary and inclusive cultural lens in relation to the context of Dr Alexander Thomson, the Port Phillip Association, and the Wadawurrung Traditional Owners; and the lack of a clear understanding of the existing setting as part of the evolution of the landscape at "Kardinia" since the early 19th century without reference (inter alia) to the rear driveway.

- Trethowan Architecture, on behalf of the owner, which supported the Recommendation with modifications. The submission provided detailed information about the Place. It requests a minor amendment to the Statement of Significance under Criterion A (to remove reference to the non-State significant adaptation by the Salvation Army) and an extension of permit exemptions to cover works to post-war additions.

## HERITAGE COUNCIL'S FINDINGS

The Heritage Council accepts the Executive Director's Recommendation and the rationale provided in the Recommendation.

The amendment to include additional land to the current Registration responds to the specific circumstances of the site. The additional land will provide for the conservation, protection and management of the Place.

The Council considered the submission seeking inclusion of the rear driveway, mindful that it was not part of the proposed extent to which notice was given. A process would be required to add land under the Act. Further, the Council formed the view that the rear driveway is not integral to the Place based on the available material and particularly the valued pastoral setting.

The proposed categories of works or activities which may be carried out in relation to the Place for which a permit is not required (specific permit exemptions) would not harm the cultural heritage significance of the place (section 49(3)(a) of the Act). The Council considered the additional exemption sought on behalf of the owner which was:

*"We believe that these permit exemptions could reasonably be extended to include the post-war additions to the rear of Kardinia House (Figures 17-30), providing that any potentially significant early fabric to which they are attached is made good to the satisfaction of the Executive Director. These additions are similarly unsympathetic and do not relate to the cultural significance of the place. They are attached mostly via walkways and corridors that provide separation and delineation between the two (Figures 17-18) so that their removal could be achieved without compromising the Victorian era house."*

The Council agrees with the Executive Director that this exemption would be premature at this time. There are processes through which such works can be considered, including the opportunity for one-off exemptions.

The reasons why the Place is included in the Register are also accepted to be amended in accordance with the Recommendation. This is on the basis that the Executive Director has agreed to update the statement of significance to incorporate material contained in the report by Dr Rowe.

The Council also finds it is essential to provide the contemporary and inclusive cultural lens to which Dr Rowe refers. The text contained in Dr Rowe's report, at page 18, reproduced below, should be included in the Place's history and statement of significance:<sup>1</sup>

*"Thomson was heavily involved in requests for the 'protection' of the newly arrived squatters which came at the expense of the Wadawurrung People. Ultimately, his usurping of Wadawurrung Country (to use the words of Fred Cahir) and grazing of cattle and sheep helped end the Traditional way of life for Wadawurrung People in Greater Geelong.*

*With regard to associations with the Wadawurrung People, no explanation has been given for the Indigenous name of the property, "Kardinia", an explicit meaning being 'morning' or 'sunrise'. Thomson established "Kardinia" on the south bank of the Barwon River. To the Wadawurrung, this waterway is known as Barwong (Barri Warri Yaluk) – the great river (Yaluk) that runs from the Otway Ranges (Barri – mountains) in Eastern Maar Country (the place of the Gadubanud and Gulidjan Peoples) into Wadawurrung Country and enters the sea (Warri) at Barwon Heads (the place where the salt and fresh waters mingle)."*

More broadly, the Council records its view that a contemporary and inclusive cultural lens should be incorporated in relation to future amendments to statements of significance and amended statements of significance.



**Professor Philip Goad**  
**Chair, Heritage Council of Victoria**

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<sup>1</sup> Footnotes excluded from the quotation.

## ANNEXURE 1 – 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* (Vic) 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

It is recommended that a Conservation Management Plan is utilised to manage the place in a manner which respects its cultural heritage significance.

### 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 Kardinia House subject to the following guidelines and conditions:

#### Guidelines

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.
5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn

at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local council heritage advisor.

7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the Act must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

#### **Conditions**

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

#### **Exempt works and activities**

1. All internal works to and demolition of the detached post 1960s buildings to the east and west of Kardinia House.
2. All internal works to and demolition or removal of the corrugated metal shed located on the southern property boundary.