

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

**Name:** Kuring-gai  
**Address:** 257 St Kilda Street Brighton  
**Local Government Authority:** Bayside City  
**Provisional VHR No.** PROV VHR H2414



## Executive Director recommendation

Under Part 3, Division 3 of the *Heritage Act 2017* ('the Act') I recommend to the Heritage Council of Victoria that Kuring-gai, 257 St Kilda Street Brighton, should be included in the Victorian Heritage Register (VHR) in the category of registered place.

**STEVEN AVERY**  
Executive Director, Heritage Victoria  
DATE OF RECOMMENDATION: 4 February 2022



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Executive Director recommendation to the Heritage Council of Victoria

The Executive Director, Heritage Victoria ('Executive Director'), recommends that the Heritage Council include Kuring-gai, 257 St Kilda Street Brighton, in the VHR in accordance with section 49 of the Act by determining:

- That Kuring-gai is of State-level cultural heritage significance and should be included in the VHR in the category of registered place in accordance with section 49(1)(a) of the Act.
- That the proposed categories of works or activities which may be carried out in relation to Kuring-gai for which a permit under the Act is not required will not harm the cultural heritage significance of the place under section 49 (3) of the Act.

### Site Visit Statement 2021-22

Coronavirus restrictions have impacted on the capacity Heritage Victoria assessors to undertake site inspections. In this instance, however, the assessor undertook a full site visit (interior and exterior) on 7 January 2022.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## The process from here

### 1. The Heritage Council publishes the Executive Director's recommendation (section 41).

The Heritage Council will publish the Executive Director's recommendation on its website for a period of 60 days.

### 2. Making a submission to the Heritage Council (sections 44 and 45)

Within the 60 day publication period, any person or body with a real and substantial interest in the place or object can make a submission to the Heritage Council. This submission can support the recommendation, or object to the recommendation and a hearing can be requested in relation to the submission. Information about making a submission and submission forms are available on the Heritage Council of Victoria's website:

<https://heritagecouncil.vic.gov.au/registrations-reviews/executive-director-recommendations/>

### 3. Heritage Council determination (sections 46 and 49)

The Heritage Council is an independent statutory body. It is responsible for making the final determination to include or not include the place or object in the VHR, or amend a place or object already in the VHR.

If no submissions are received the Heritage Council must make a determination within 40 days of the publication closing date.

If submissions are received, the Heritage Council may decide to hold a hearing in relation to the submission. If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

### 4. Obligations of owners of places and objects (sections 42 and 43)

The owner of a place or object which is the subject of a recommendation to the Heritage Council has certain obligations under the *Heritage Act 2017*. These relate to advising the Executive Director, Heritage Victoria in writing of any works or activities that are being carried out, proposed or planned for the place or object.

The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place or object before entering into a contract.

### 5. Further information

The relevant sections of the Act are provided at Appendix 1.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Description

The following is a description of Kuring-gai (also known as Majellan House) at the time of the site inspection by Heritage Victoria in January, 2022

Kuring-gai is a substantial double-storey bungalow-style dwelling on a large seaside allotment in the Melbourne suburb of Brighton.

The house has a base plinth of uncoursed Wangaratta stone rubble, rendered walls, and a hipped roof clad in glazed terracotta tiles, with broad eaves on prominent timber brackets. The asymmetrical street (east) elevation is dominated by a central porte cochere, with a pair of Wangaratta stone piers supporting a pitched roof with a shingled gable end. There is a canted balcony above the porch, and two canted bay windows to the right side, all clad with timber shingles. To the left side of the porch, the facade has a flat window, also with a shingled spandrel. Windows typically contain timber-framed double-hung sashes with much of the glazing in leadlight with geometric designs. The rear (western) elevation, overlooking the beach, has an elongated first floor veranda, with curved central bay, similarly clad in shingles. To the right (north) end is a projecting wing that formerly housed the servants' quarters. Here, the windows have wrought iron railings or balconettes.

The ground floor contains a formal entry hall, dining room, large living room (currently used as a chapel) and den. These rooms feature original stained and lacquered timber finishes and built in joinery along with plasterwork, polished floors, light fixtures and marble fireplaces. *The Australian Home Beautiful* (1925) made particular reference to the Queensland Maple and Blackwood floor of the Dining Room, emphasising the richness of the timber finishes. These finishes remain intact. Richly coloured marbled stained glass has been used in windows around the formal entry. The kitchen and servants' quarters are located to the northern end of the ground floor, as is a morning room. Although the kitchen is now fitted with modern joinery and kitchen appliances it retains its basic layout and early features including the hearth and a servant bell indicator board.

The first floor contains several small bedrooms as well as the master bedroom (now used as an additional living room) with extensive views over Port Phillip Bay. As well as original timber joinery and finishes this room features patterned glazing to its sliding doors, original light fittings and brocade fabric coverings to main entry doors. The main bathroom on the first floor retains original fittings and fixtures along with ceramic wall and floor tiles.

The basement level comprises service areas as well as a substantial billiard room that opens on to a sunken lawn area to the west of the residence. *The Australian Home Beautiful* focussed on the decoration of the Billiard Room where the "blue" facebrick bordering plaster panels was highlighted.

The surrounding grounds retain the main structural landscape elements of the formal gardens but little of the original plantings remain. This includes the site of the tennis court adjacent to the beach front steps and retaining walls and a sunken garden to the south of the house.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



2021, oblique aerial view of Kuring-gai, viewed from the east.  
Source: realestate.com



2022, Kuring-gai street elevation, viewed from the south east.



2022, Kuring-gai street elevation, viewed from the north east.  
Source: Ray Tonkin



2022, south and west elevations

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



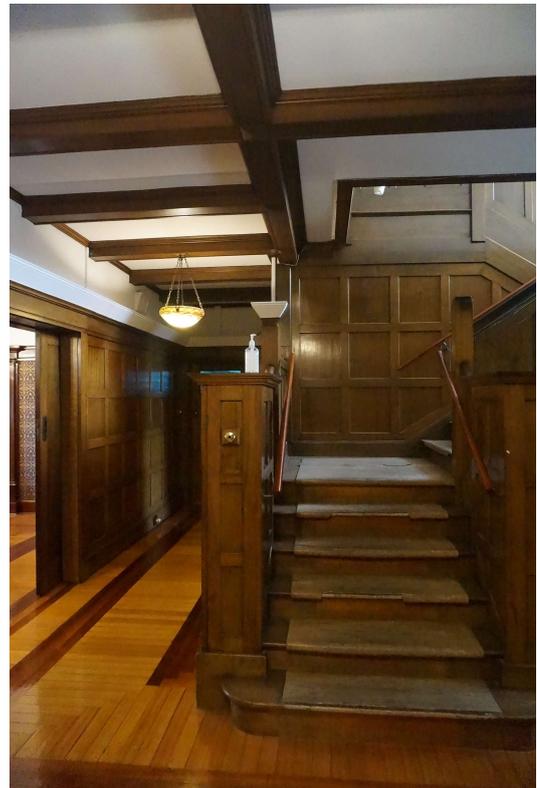
2022, south elevation of house and location of sunken garden.



2022, view from the south west. The flat area in the foreground indicates the location of the former tennis court.



2022, entry hall.  
Source: Ray Tonkin



2022, ground floor hall and main staircase.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



2022, main living room (ground floor), now used as a chapel.



2022, morning room.



2022, kitchen.



2022, servants indicator board.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



2022, sink and cabinets in pantry.



2022, first floor main bathroom.  
Source: Ray Tonkin



2022, first floor main bathroom.



2022, window to former billiard room.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## History

### DOMESTIC ARCHITECTURE BETWEEN THE WARS

Australian domestic architecture underwent a gradual evolution in the period immediately following the conclusion of World War I. In the nineteenth century, Melbourne's inner suburbs had been dominated by terrace housing. In the late nineteenth and early twentieth century, the developing middle class suburbs like Malvern, Camberwell and Hawthorn became the preserve of stand-alone villas. What has become known as the Federation style, which used red brick and terra cotta tiles along with terra cotta roof ornamentation, came to dominate. This design approach looked to create an Australian style using natural themes and decorative elements from the Australian landscape. In many ways it drew on the traditions of the English Arts and Crafts movement.

In the period following World War I, Australian architects sought out new styles heralding a new phase in architectural expression. The arts and crafts traditions were drawn on to develop a new domestic architecture which also drew heavily on themes and styles apparent in the United States and in particular the domestic architecture of the west coast, leading to the stylistic term Californian Bungalow. Many Australian architects had looked to California for inspiration, recognising some of its similarities to the east coast of Australia. As a consequence, Australia developed a domestic architecture that used elements from the Tudor or Old English period grafted to the Shingle style that had developed in the United States under the authorship of architects like McKim, Mead and White.

Bungalows had traditionally been associated with country houses or holiday houses, not large suburban villas. However, this was to change and following World War I and the subdivision of large Victorian estates in suburbs such as Toorak, Malvern and Canterbury became the location of large villas on substantial allotments utilising the new Bungalow style. Architects such as Cedric Ballantyne, Marcus Barlow and Marcus Martin were pioneers in this new style, designing large houses for well-heeled middle-class clients.

However, this new style was also suited to smaller suburban villas and they proliferated in the middle suburbs of Melbourne such as Heidelberg, Essendon and Moonee Ponds and appeared in regional centres. These smaller residences were often built by project builders following standard designs. They feature expansive tiled roofs, timber and brick walls, large porticos and porches featuring stonework and gable ends filled with timber shingles. A great number of these smaller scale Bungalow style homes are still seen throughout Melbourne and Victoria more broadly.

### CEDRIC BALLANTYNE

Cedric Heise Ballantyne (1876-1954) started his career in 1892 as an articled pupil of Percy Oakden (of the firm Oakden and Kemp). He was chief draftsman by 1897 and a partner by 1900, when the firm became Oakden & Ballantyne. After Oakden's death in 1917, the firm continued under various names until Ballantyne started his own office in 1927.

Between 1899 and 1937 he acted as official Metropolitan Fire Brigade architect, producing many fire stations around metropolitan Melbourne. A number are included in the VHR, including the Former Hawthorn Fire Station (VHR H1327) and the Former No.3 Carlton Fire Station (VHR H1320). He was also a designer of theatres such as the Regent in Collins Street (1929) (VHR H0690) and commercial buildings such as The Former New Zealand Loan and Mercantile Company Ltd Building on the corner of Collins and King Streets (1909-10) (VHR H0478). His career also encompassed churches, office buildings, blocks of flats and houses.

As a residential architect, he was a particularly notable exponent of the emerging Bungalow style of the 1910s and 1920s. Peter Cuffley identifies the Harry Martin house in Toorak Road, Malvern (now demolished) constructed in 1910 as an outstanding and early exposition of the Bungalow style by Oakden and Ballantyne. Kuring-gai, built in 1923, follows this precedent and remains as one of his most substantial surviving bungalow designs.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## HOME BEAUTIFUL AND OTHER BUILDING MAGAZINES

Throughout the late nineteenth century and early twentieth century, architects, builders and the general public turned to a range of journals publicising and featuring the work of architects and building companies along with providing advertising to a wide range of building products. These journals played an important role in the promotion of good and fashionable architecture and were very important in promoting good design. Cuffley (1993) devotes a whole chapter to the subject of magazines and reveals how important they were in promoting design ideas and highlighting examples of the work of leading architects.

*The Australian Home Beautiful* had started its life as *The Real Property Annual* and then became *The Australian Home Builder*. The renamed *The Australian Home Beautiful* featured Kuring-gai in its first renamed edition. It was clearly seen to be a prominent example of the work of an influential architect. In 1965 *Australian Home Beautiful* again featured Kuring-gai on the cover of its 40<sup>th</sup> anniversary issue, indicating the continued importance of the house.

## KURING-GAI

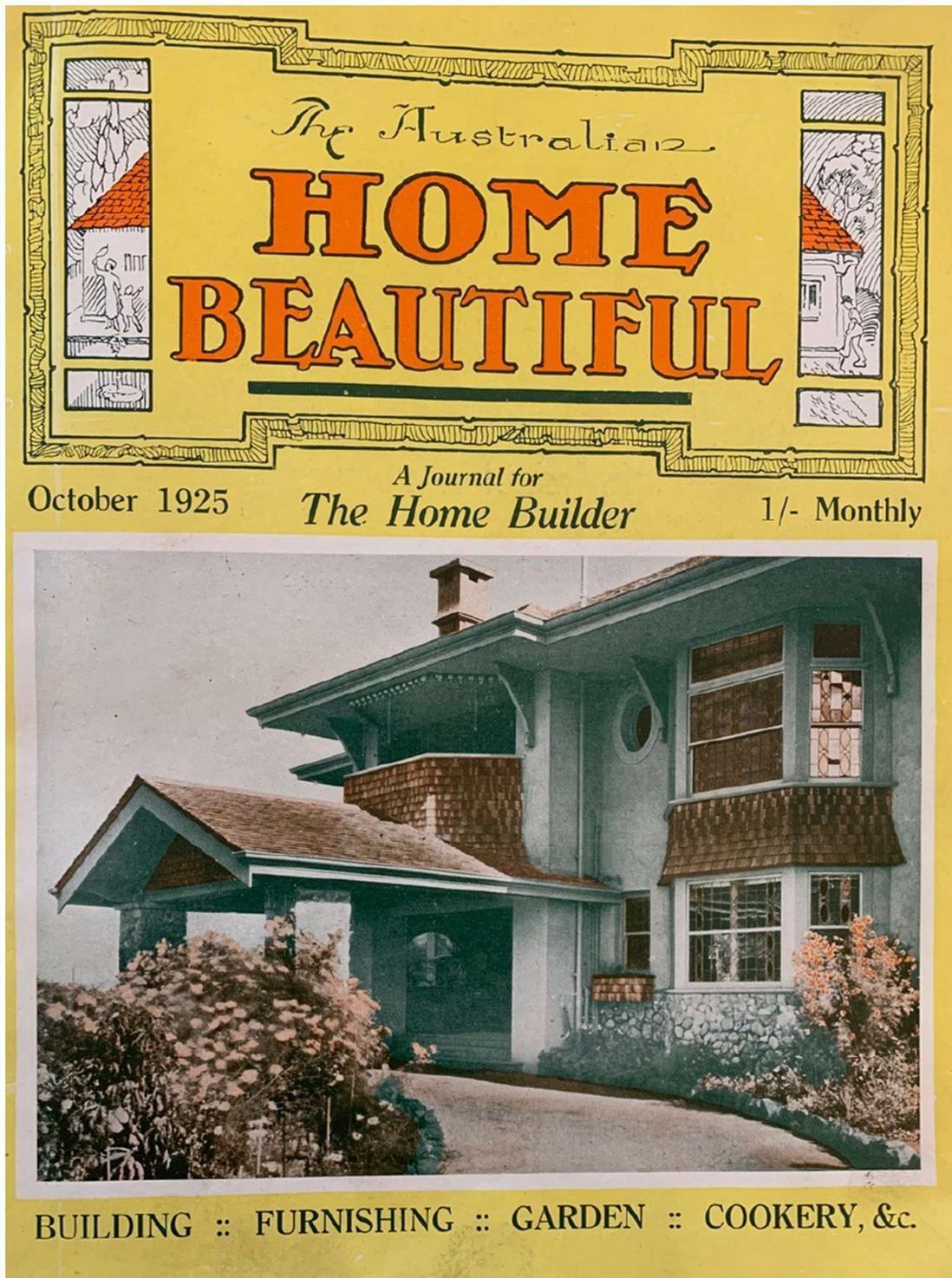
Kuring-gai was commissioned by William Bertram Carr (1883-1961), director of W B Carr Constructions Pty Ltd, a leading Melbourne firm of engineering contractors in the early 1920s.

At the time Cedric Ballantyne was one of Melbourne's leading residential architects. Carr had purchased a large beachside allotment in St Kilda Street, and Ballantyne proposed an imposing two-storey plus basement Bungalow style residence with a broad verandah overlooking the sea.

Carr's new home in Brighton featured in *The Australian Home Beautiful* in October 1925. This article reproduced the architects' landscape plan, with a sunken formal garden south of the main house, a rear garden pavilion, a tennis court and a bathing box opening directly onto the beach. A later design for a garden on the north side of the house by Edna Walling no longer exists as it appears that this portion of the allotment was taken to construct Mytton Grove.

The Carrs remained in their new house, which they named Kuring-gai, for several decades. William was still there at the time of his death in 1961, while his widow remained until her own death three years later. The house was purchased by the Redemptorist Fathers, a Roman Catholic religious order, and subsequently used as a base for the Order's media operations and as a residence. The Redemptorists continue to occupy the building. While the function of some of the rooms has been altered, very few physical changes have been made to the building.

Statement of recommendation from the  
Executive Director, Heritage Victoria, to  
the Heritage Council of Victoria



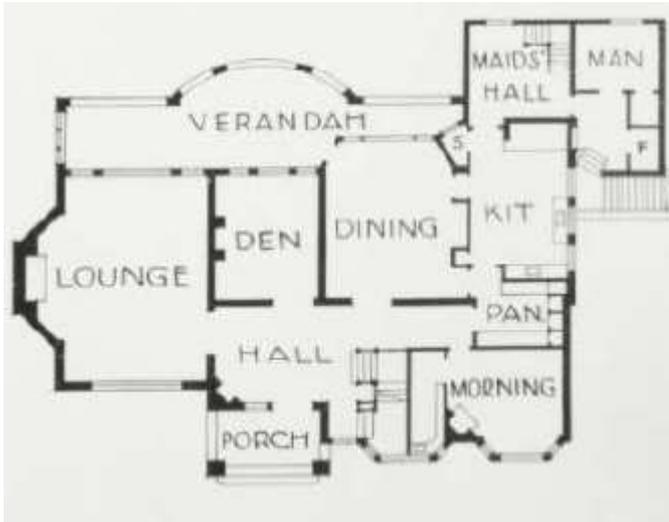
Kuring-gai on the 1925 cover of the inaugural re-named edition of *The Australian Home Beautiful*.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



1925, Site plan showing early garden layout. North is to the right of the plan.  
Source: *The Australian Home Beautiful*.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



1925, Ground floor plan.  
Source: *The Australian Home Beautiful*.



1925, driveway entrance from St Kilda Street.  
Source: *The Australian Home Beautiful*.

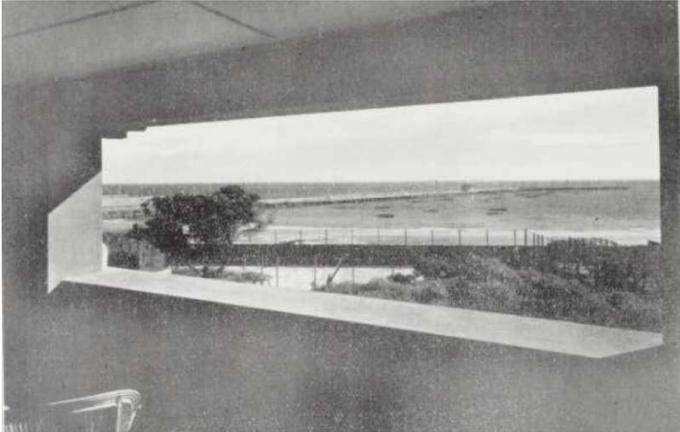


1925, entry hall panelled in Queensland maple.  
Source: *The Australian Home Beautiful*.



1925, morning room on ground floor.  
Source: *The Australian Home Beautiful*.

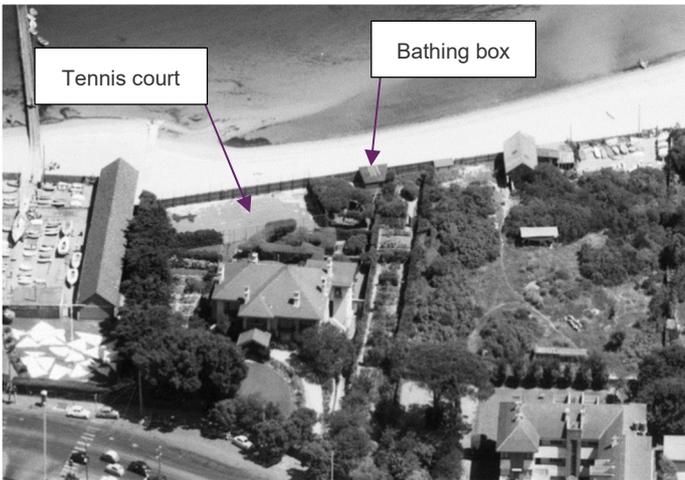
# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



1925, view from rear verandah.  
Source: *The Australian Home Beautiful*.



1925, first floor master bedroom.  
Source: *The Australian Home Beautiful*.



1950s, oblique aerial view of the property viewed from the east before the establishment of Mytton Grove. The tennis court, sunken garden and bathing box are visible.  
Source: Airspy collection, State Library of Victoria.



1950s, oblique aerial view of the property viewed from the south.  
Source: Airspy collection, State Library of Victoria

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



1965, Kuring-gai on the cover of the 40<sup>th</sup> anniversary issue of *Australian Home Beautiful*.  
Source: *Australian Home Beautiful*



1995, Kuring-gai featured again in *Home Beautiful*.  
Source: *Home Beautiful*



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Selected bibliography

'As Good a House as Money Can Buy'; *The Australian Home Beautiful*; October 15, 1925, p15.

'As Good a House'; *The Australian Home Beautiful*; October, 1965, p.46-7.

Apperley, Richard, Robert Irving and Peter Reynolds; *A Pictorial Guide to Identifying Australian Architecture*; Harper Collins, Sydney, 1994.

Butler, Graeme; *The Californian Bungalow in Australia*; Lothian, 1992.

Cuffley, Peter; *Australian Houses of the Twenties & Thirties*; Five Mile Press; Noble Park, 1993.

Heritage Alliance, *City of Bayside Inter-War and Post-War Heritage Study*, 2007.

Jacobs, Wendy; *C.H. Ballantyne*; unpublished essay; University of Melbourne, Investigation Project, 1975.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Further information

<b>Relevant Authority</b>	Bayside City Council
<b>Heritage Overlay</b>	There is no Heritage Overlay for this place
<b>Other Overlays</b>	There are no other overlays for this place
<b>Other Listings</b>	There are no other listings for this place
<b>Other Names</b>	Majellan House, Carr House, Kuring-Gai, Kur-ing-gai
<b>Date of construction/creation</b>	1923
<b>Architect//Builder/Designer/Maker</b>	Cedric Ballantyne
<b>Architectural style</b>	Californian Bungalow

### Traditional Owner Information

Kuring-gai is located on the land of the Bunurong People. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Bunurong Land Council Aboriginal Corporation.

### Victorian Aboriginal Heritage Register

Kuring-gai is not included in the Victorian Aboriginal Heritage Register. It is within an area of Aboriginal cultural heritage sensitivity associated with its coastal location.

### Integrity

The integrity of the place is excellent. The cultural heritage values of the place can be easily read in the extant fabric. (January 2022)

### Intactness

The intactness of the place is excellent. The exterior and interior of the house remain largely unaltered. The bathing box has been removed and a section of the original allotment (to the north west) has been subdivided off and a new residential development constructed. The garden is in an un-maintained condition, but the basic design remains, visible for example in stone rubble walls and steps. There were several changes to the place in the latter decades of the twentieth century, including enclosure of part of the verandah and alterations to the garage, but these were minor in nature. The kitchen has modern joinery and fittings, the second bathroom has a modern shower recess, several main rooms have been converted to chapels, wallpapers have been replaced or covered but again these changes are relatively superficial. The place can be considered substantially intact.

### Condition

The place is in very good condition and is currently used as a residence for members of the Redemptorists.

Note: The condition of a place or object does not influence the assessment of its cultural heritage significance. A place/object/object integral may be in very poor condition and still be of very high cultural heritage significance. Or a place/object/object integral may be in excellent condition but be of low cultural heritage significance.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Statutory requirements under section 40.

### Terms of the recommendation (section 40 (3)(a))

The Executive Director recommends that Kuring-gai, is included in the VHR in the category of registered place.

### Information to identify the place or object (section 40(3)(b))

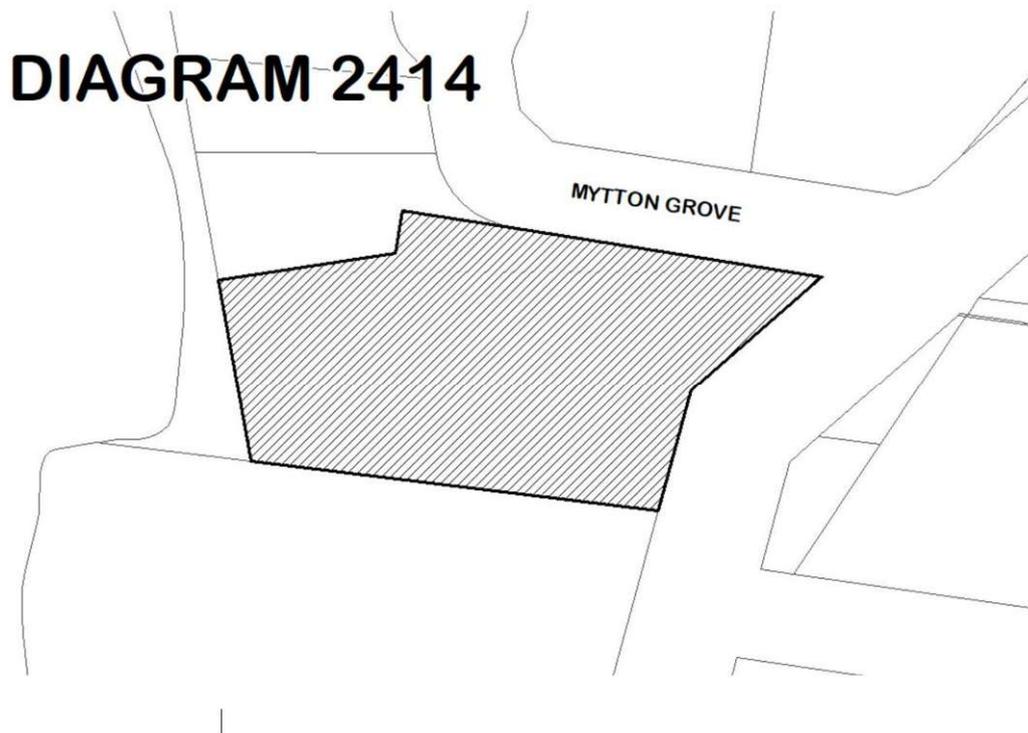
**Name:** Kuring-gai

**Address:** 257 St Kilda Street Brighton

### Proposed extent of registration

The Executive Director recommends that the extent of registration for Kuring-gai be gazetted as:

'All of the place encompassing all of Lot 2 on Lodged Plan 39423.'



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Aerial Photo of the Place Showing Proposed extent of registration



Note: This aerial view provides a visual representation of the place. It is not a precise representation of the recommended extent of registration. Due to distortions associated with aerial photography some elements of the place may appear as though they are outside the extent of registration.

### Rationale for the extent of registration

The recommended extent of registration includes all of the residence and all of the existing title of the land it is located on. This is the usual approach to taken to the registration of residences on suburban allotments. It includes sufficient land for the protection, conservation and understanding of the place.

It should be noted that the proposed extent of registration includes all the land, all soft and hard landscape features, plantings, trees, and all buildings (interior and exterior structures, works and fixtures). A permit or permit exemption from Heritage Victoria is required for any works within the proposed extent of registration, apart from those identified in the categories of works or activities in this recommendation.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Reasons for the recommendation, including an assessment of the State-level cultural heritage significance of place/object/object integral (section 40(3)(c))

Following is the Executive Director's assessment of the place against the tests set out in *The Victorian Heritage Register Criteria and Thresholds Guidelines*. A place or object must be found by the Heritage Council to meet Step 2 of at least one criterion to meet the State level threshold for inclusion in the VHR.

### CRITERION A: Importance to the course, or pattern, of Victoria's cultural history.

#### Step 1: Test for satisfying Criterion A

The place/object has a *CLEAR ASSOCIATION* with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history.

*plus*

The association of the place/object to the event, phase, etc *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources or oral history.

*plus*

The *EVENT, PHASE, etc* is of *HISTORICAL IMPORTANCE*, having made a strong or influential contribution to Victoria.

#### Executive Director's Response

Kuring-gai has a clear association with the development of the Bungalow style in residential architectural design in Victoria in the early twentieth century. This phase was a direct result of Australia looking for a new identity following the devastating impact of World War I. It manifested itself in new approaches to architectural design with architects looking further afield than the traditional influences of British architecture. In particular, architects drew inspiration from the Mediterranean and the United States. This phase is of historical importance as it marked a transition in domestic architecture from earlier Federation styles to a more modern sensibility. The introduction and widespread adoption of the Bungalow style (from the US) has had a marked impact on the character of the built environment of Melbourne and Victoria. The phase is evident in the physical fabric of Kuring-gai, and in documentary resources.

Kuring-gai is the product of an early design by architect, Cedric H Ballantyne who has been attributed with introducing and promoting the Bungalow style within domestic architecture in Victoria and was directly responsible for some of the grander exercises in that style. It is an example that was not only well documented but celebrated in the popular architectural press (*The Australian Home Beautiful*) and its continued existence, prominence and intactness was followed up by the magazine when it celebrated its 40<sup>th</sup> year in 1965.

Step 1 of Criterion A is likely to be satisfied.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Step 2: Test for satisfying Criterion A at the State Level

The place/object allows the clear association with the event, phase etc. of historical importance to be *UNDERSTOOD BETTER THAN MOST OTHER PLACES OR OBJECTS IN VICTORIA WITH SUBSTANTIALLY THE SAME ASSOCIATION.*

### **Executive Director's Response**

Kuring-gai is a substantial, prominent and highly intact example of the Bungalow style. Whilst much grander than the simpler versions of the style that followed, it demonstrates how the style was adopted by architects in its earlier phases. Although there are many examples of the Bungalow style across Victoria, Kuring-gai allows the phase to be better understood than the many smaller scale, less prominent and less finely designed examples across Victoria.

Criterion A is likely to be satisfied at the State level.

## **CRITERION B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.**

### Step 1: Test for Satisfying Criterion B

The place/object has a *clear ASSOCIATION* with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history.

*plus*

The association of the place/object to the event, phase, etc *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources or oral history.

*plus*

The place/object is *RARE OR UNCOMMON*, being one of a small number of places/objects remaining that demonstrates the important event, phase etc.

*or*

The place/object is *RARE OR UNCOMMON*, containing unusual features of note that were not widely replicated

*or*

The existence of the *class* of place/object that demonstrates the important event, phase etc is *ENDANGERED* to the point of rarity due to threats and pressures on such places/objects.

### **Executive Director's Response**

Whilst there is a diminishing number of "bungalows" associated with Ballantyne it was an architectural movement that spawned a large collection of houses designed by numerous architects and designers and adopted by builders during the 1920s and 1930s. Kuring-gai cannot be considered one of a small number of places remaining that demonstrates the phase. The existence of this class is not endangered to the point of rarity. While Kuring-gai contains interesting intact architectural and decorative details in its fine design these are best considered under Criterion D.

Step 1 of Criterion B is not likely to be satisfied.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## CRITERION C: Potential to yield information that will contribute to an understanding of Victoria's cultural history.

### Step 1: Test for Satisfying Criterion C

<p>The:</p> <ul style="list-style-type: none"><li>• visible physical fabric; &amp;/or</li><li>• documentary evidence; &amp;/or<ul style="list-style-type: none"><li>• oral history,</li></ul></li></ul> <p>relating to the place/object indicates a likelihood that the place/object contains <i>PHYSICAL EVIDENCE</i> of <i>historical interest</i> that is <i>NOT CURRENTLY VISIBLE OR UNDERSTOOD</i>.</p> <p><i>plus</i></p> <p>From what we know of the place/object, the physical evidence is likely to be of an <i>INTEGRITY</i> and/or <i>CONDITION</i> that it <i>COULD YIELD INFORMATION</i> through detailed investigation.</p>
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### Executive Director's Response

This place is unlikely to contain physical evidence of historical interest that is not currently visible or understood. Its design, construction and use are evident in its physical fabric and it is well documented.

Step 1 of Criterion C is not likely to be satisfied.

## CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects.

### Step 1: Test for Satisfying Criterion D

<p>The place/object is one of a <i>CLASS</i> of places/objects that has a <i>clear ASSOCIATION</i> with an event, phase, period, process, function, movement, important person(s), custom or way of life in Victoria's history.</p> <p><i>plus</i></p> <p>The <i>EVENT, PHASE, etc</i> is of <i>HISTORICAL IMPORTANCE</i>, having made a strong or influential contribution to Victoria.</p> <p><i>plus</i></p> <p>The principal characteristics of the class are <i>EVIDENT</i> in the physical fabric of the place/object.</p>
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### Executive Director's Response

Kuring-gai is of a class of Californian Bungalow style residences. This class has a clear association with the introduction and development of the Bungalow style within Victoria. This is a phase of historical importance, as explored above under Criterion A.

The principal characteristics of the class include prominent balconies and porches, highlighting of natural materials in features such as shingles and stone plinths and columns, low pitched roof, projecting window bays, lead-light windows and extensive internal use of timber joinery. The principal characteristics of the class are evident in Kuring-gai.

Step 1 of Criterion D is likely to be satisfied.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Step 2: State Level Significance Test Criterion D

The place/object is a *NOTABLE EXAMPLE* of the class in Victoria (refer to Reference Tool D).

### *Executive Director's Response*

Under the definitions provided in Reference Tool D, Kuring-gai can be considered a notable example of its class because it is a fine, highly intact and influential example of a Californian Bungalow style residence.

#### **Fine**

Cedric Ballantyne was held in high esteem as a leader in architectural design and Kuring-gai is a richly detailed and well considered example of the Californian Bungalow style. That it was built for a prominent Melbourne building contractor on an especially purchased and high-profile site indicates that it was seen to be an exemplar of its style. While the California bungalow became a popular form in the suburbs of Melbourne, Kuring-gai is an unusually substantial and prominent example. It demonstrates a large number of characteristics of the class and these characteristics are of a higher quality than other examples in Victoria. Its scale, prominence and highly considered design allow the class to be easily understood and appreciated.

#### **Highly intact**

Kuring-gai is a highly intact example of the Californian Bungalow style, a form which made a significant contribution to the architectural character of inter-war Victoria. This may be a product of the sensitive ownership by the Redemptorists since 1965. The exterior has withstood 99 years with little visible evidence of change (the lower level verandah has been sensitively enclosed). The interior continues to demonstrate rich timber joinery and finishes and elements like lead-light windows, light fittings and bathroom fixtures remaining intact. The landscaping retains the main structural elements with the northern boundary having been altered and a small section of the north-west corner of the site having been excised and joined to a new allotment. Its degree of intactness is unusual and allows its fine design characteristics to be appreciated.

#### **Influential**

Kuring-gai's celebration in the architectural and building press (*The Australian Home Beautiful*) is indicative of its importance and influence. This journal was a key reference for the architectural and building professions and the fact that Kuring-gai was revisited in its October 1965 edition is indicative of how important it was considered. It was a high-profile example of the "bungalow" architectural style during a period in which it made a significant contribution to the architectural form of Victoria in the inter-war period.

Criterion D is likely to be satisfied at the State level.

## **CRITERION E: Importance in exhibiting particular aesthetic characteristics.**

### Step 1: Test for Satisfying Criterion E

The *PHYSICAL FABRIC* of the place/object clearly exhibits particular aesthetic characteristics.

### *Executive Director's Response*

This place demonstrates particular aesthetic characteristics of the Californian Bungalow architectural style.

Step 1 of Criterion E is likely to be satisfied.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Step 2: State Level Significance Test for Criterion E

The aesthetic characteristics are *APPRECIATED OR VALUED* by the wider community or an appropriately-related discipline as evidenced, for example, by:

- *critical recognition* of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline as an outstanding example within Victoria; or
- wide public *acknowledgement of exceptional merit* in Victoria in medium such as songs, poetry, literature, painting, sculpture, publications, print media etc.

### **Executive Director's Response**

Kuring-gai was acknowledged as an important example of the Bungalow style in a contemporary architectural and design journal (*The Australian Home Beautiful*) and subsequently revisited by the same journal 40 years later. These articles, which appeared in a popular and influential publication, recognised the place's aesthetic characteristics. While these articles are an indication of Kuring-gai's aesthetic values they cannot be considered to amount to the critical recognition or wide public acknowledgement of exceptional merit required by Step 2 of Criterion E.

Criterion E is not likely to be satisfied at the State level.

## **CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.**

### Step 1: A Test for Satisfying Criterion F

The place/object contains *PHYSICAL EVIDENCE* that clearly demonstrates creative or technical *ACHIEVEMENT* for the time in which it was created.

*plus*

The physical evidence demonstrates a *HIGH DEGREE OF INTEGRITY*.

### **Executive Director's Response**

Kuring-gai is a finely designed residence. However, it cannot be considered a creative or technical achievement for the time it was created. Its fine design, decorative detailing and high-quality construction are better considered under Criterion D.

Step 1 of Criterion F is not likely to be satisfied.

## **CRITERION G: Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.**

### Step 1: Test for Satisfying Criterion G

Evidence exists of a community or cultural group.

*(A community or cultural group is a group of people who share a common interest, including an experience, purpose, belief system, culture, ethnicity or values.)*

*plus*

Evidence exists of a strong attachment between the **COMMUNITY OR CULTURAL GROUP** and the place/object in the present-day context.

*plus*

Evidence exists of a time depth to that attachment.

### **Executive Director's Response**

The Redemptorists is an order of Catholic priests and brothers active in Australia and internationally. The Redemptorists have owned and occupied Kuring-gai (Majellan House) since the 1960s and it has been used as a

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

base for producing magazines and media (under the banner of Majellan Media) and as accommodation for members of the Order from Australia and overseas. The Redemptorists have the characteristics of a community. Evidence exists of a strong attachment between the Redemptorists and Kuring-gai. Evidence also exists of time depth to that attachment.

Step 1 of Criterion G is likely to be satisfied.

## Step 2: State Level Significance Test for Criterion G

Evidence exists that the social value resonates at a State Level, that is across the 'broader Victorian community'.  
(*'Resonance' means the extent to which the social value of a place/object can be demonstrated to exert an influence. The social value must resonate beyond a particular local, social or cultural community into the 'broader Victorian community'.*)

### Plus

Evidence exists that the social value is part of an event or story that contributes to 'Victoria's identity'.

## Executive Director's Response

There is no evidence that the social value of Kuring-gai resonates beyond the Redemptorists as owners and occupiers of Kuring-gai. This association could not be said to resonate across the broader Victorian community.

## CRITERION H: Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

### Step 1: Test for Satisfying Criterion H

The place/object has a *DIRECT ASSOCIATION* with a person or group of persons who have made a strong or influential *CONTRIBUTION* to the course of Victoria's history.

*plus*

The *ASSOCIATION* of the place/object to the person(s) *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources and/or oral history.

*plus*

The *ASSOCIATION*:

- directly relates to *ACHIEVEMENTS* of the person(s) at, or relating to, the place/object; or
- relates to an *enduring* and/or *close INTERACTION* between the person(s) and the place/object.

## Executive Director's Response

Kuring-gai is associated with its architect Cedric Ballantyne, its original owners the Carrs and the Redemptorists.

Whilst Ballantyne was a prominent architect in the early twentieth century this building is but one of his many achievements.

William Carr ran a prominent construction firm and it is clear that he and his wife were well connected in Melbourne's social circles. Regardless, the Carrs cannot be seen to have made an influential contribution to the course of Victoria's history.

Likewise, there is an enduring association between the Redemptorists and Kuring-gai. While the Order has occupied Kuring-gai since the 1960s, it has had a presence in Victoria since the late nineteenth century and there are other places, such as St Mary's Redemptorist Monastery in Ballarat, that speak more directly to its influence.

Step 1 of Criterion H is not likely to be satisfied.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Comparisons

These places were selected as comparators to Kuring-gai because they either represent other similar works by the same architect or are examples of the Bungalow style already included in the VHR.

### Residential designs by Cedric Ballantyne (not in the VHR)

It is noted that several prominent domestic designs of Ballantyne's in Melbourne have been demolished. A selection of known surviving examples are noted below.

#### 39-41 HOPETOUN ROAD, TOORAK (HO498 in Stonnington Planning Scheme)

The house is architecturally significant as an impressive and largely intact Old English style residence. The house is generally atypical of Cedric Ballantyne's oeuvre but it nonetheless demonstrates a skilful handling of the Old English mode.



#### 232 KOOYONG ROAD, TOORAK (HO505 in Stonnington Planning Scheme)

The substantial double-storey Spanish Mission revival style house at 232 Kooyong Road, Toorak was designed by noted architect Cedric Ballantyne in 1927. It was built on land created from a subdivision of the nineteenth century Myrnong mansion estate. Sympathetic alterations and additions were made in 1937 to designs by architect Marcus Martin.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## 42 HEYINGTON PLACE, TOORAK (HO51 in Stonnington Planning Scheme)

This substantial inter-war residence is an example of the domestic work of Ballantyne, and is an illustration of the rich variety of building styles in inter-war domestic architecture in the City of Prahran.



## 21 MONTALTO AVENUE, TOORAK (included in precinct HO143 in Stonnington Planning Scheme)

Designed by architects Ballantyne & Wilson, this house was constructed in 1937. The design was modelled on one submitted by the architects for the Centenary Homes exhibition. A newspaper article (*The Argus*, 15 July 1937, p.12 'Large windows for bright rooms') described the design as following 'simple straightforward lines' and being a 'modification of more severe modern style':

*Straight line and good proportioning of the masses have been relied on for effect. Interesting details of the exterior are the unbroken line formed by the concrete hood, which protects the large windows on the ground floor, and the wide overhang of the roof, which protects first floor windows.*



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Bungalow style residences included in the VHR

It is noted that many Bungalow style residences of the 1920s and 1930s are included in the Heritage Overlays of local planning schemes. The examples below indicate those that have been recognised as being of State-level heritage significance.

### BANOOL, KILMORE (HO752)

Banool was constructed in 1926 by George Hudson, a partner in the real estate firm of Osborn and Hudson. The architect was Harry A Burt. Burt was from Queensland - this is reflected in the styling - but was then practising from temple court, Melbourne. Duplex timber posts on clinker brick piers carry the oversailing verandah which continues the main hip roof shape on three sides.

The furniture which is original was also designed by Burt.

A half timbered gable rests within a huge expanse of terracotta Marseille-pattern tiles and tall chimney pots, made taller by tall brick shafts, provide the picturesque element to the skyline. The dark stained finish to the ship-lap wall boarding with the terracotta- shade finish to the joinery and the contrasting white trim and bracket capitals extenuate the close resemblance of the house to fourteenth century Japanese structures such as the saimo-ji main hall.



### THE PEBBLES, FOOTSCRAY (H1308)

The Pebbles was designed by architects Schreiber and Jorgenson and commissioned by Francis George Whitehill, who occupied the dwelling from the time of construction in 1920 until about 1930. Francis George Whitehill was one of three Whitehills who moved from being dairymen at Whitehill's dairy to subdivision and house-building. The Pebbles is a Californian bungalow of red brick with rough cast and cedar shingles to the gable ends, and large crushed quartz "pebbles" as decorative elements in the verandah piers, chimney, and infill panels to the fence. There is also extensive use of timber in the pergola gateway, pergola, and verandah brackets.

The Pebbles is of architectural importance to the State of Victoria.

The Pebbles is of importance for its design excellence, being one of Victoria's best and most distinctive suburban Californian bungalows. It



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

presents bold elevations to two street frontages and displays a wide variety of typical bungalow elements including low pitched gabled roof and distinctive roof forms with widely overhanging eaves, squat piers decorated with pebbles supporting the verandah roofs, and use of shingling and roughcast. The extensive use of timber and unusual internal and external joinery details highlight the Japanese influence on bungalow design. Of particular note are the fireplaces, and timber work in the entry hall, dining room and sitting room. The Pebbles is complete with its original fence and pergola gateway bracket capitals extenuate the close resemblance of the house to fourteenth century Japanese structures such as the saimo-ji main hall.

## Summary of Comparisons

Cedric Ballantyne was a prolific designer and in his residential work used the fashionable styles of the day, including Tudor (39-41 Hopetoun Road), Spanish Mission (232 Kooyong Road) and the Bungalow. The house at 42 Heyington Place is probably the closest in style to Kuring-gai but appears to be smaller, on a much more constrained site and does not retain the intact interiors that exist at Kuring-gai. Many of the early Ballantyne houses identified by Jacobs have been demolished, making Kuring-gai an even more outstanding example.

The two existing VHR examples (Banool and The Pebbles) are more modest and whilst both are distinctive they are not as prominent or substantial as Kuring-gai. Kuring-gai enriches the representation of the Bungalow style in the VHR.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Summary of cultural heritage significance (section 40(4)(a))

The Executive Director recommends that Kuring-gai be included in the VHR as a registered place.

## Statement of significance

### What is significant?

The house known as Kuring-gai (also known as Majellan House) as designed by Cedric Ballantyne in the Bungalow style and built in 1923. The significance lies in the residence (exterior and interior) along with the setting and its landscape elements.

### How is it significant?

Kuring-gai, 257 St Kilda Street Brighton, is of historical and architectural significance to the State of Victoria. It satisfies the following criterion for inclusion in the VHR:

#### Criterion A

Importance to the course, or pattern, of Victoria's cultural history.

#### Criterion D

Importance in demonstrating the principal characteristics of a class of cultural places and objects

### Why is it significant?

Kuring-gai is historically significant for its clear association with the development of the Bungalow style in residential architectural design in Victoria in the early twentieth century. It is an important residential design by architect Cedric H Ballantyne. Kuring-gai demonstrates the way in which Australian architects were greatly influenced by designs from the United States following World War I, in particular from the west coast which was seen to have similarities to south-east Australia. It represents an early design of Ballantyne's who was attributed with introducing and promoting the Bungalow style in Victoria and was directly responsible for some of the grander architectural exercises in that style. It is an example that was not only well documented but celebrated in the popular architectural press of the day (*The Australian Home Beautiful*) and its continued existence, intactness and prominence was revisited by the magazine when it celebrated its 40<sup>th</sup> year in 1965. [Criterion A]

Kuring-gai is architecturally significant as a notable example of a Californian Bungalow style residence. It is a fine, highly intact and influential example of the "bungalow" architectural style which made a significant contribution to the architectural character of Victoria in the inter-war period. It is a finely detailed and well considered example of the Californian Bungalow style on a grand scale. [Criterion D]



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Categories of works or activities (permit exemptions) recommended under section 38 (section 40(4)(b))

### Introduction

The purpose of this information is to assist owners and other interested parties when considering or making decisions regarding works to a registered place. It is recommended that any proposed works be discussed with an officer of Heritage Victoria prior to making a permit application. Discussing proposed works will assist in answering questions the owner may have and aid any decisions regarding works to the place.

It is acknowledged that alterations and other works may be required to keep places and objects in good repair and adapt them for use into the future. However, under the *Heritage Act 2017* a person must not knowingly, recklessly or negligently remove, relocate or demolish, damage or despoil, develop or alter or excavate all or any part of any part of a registered place without approval. It should be noted that the definition of 'develop' in the Act includes any works on, over or under the place.

If a person wishes to undertake works or activities in relation to a registered place or registered object, they must apply to the Executive Director for a permit. The purpose of a permit is to enable appropriate change to a place and to effectively manage adverse impacts on the cultural heritage significance of a place as a consequence of change. If an owner is uncertain whether a heritage permit is required, it is recommended that Heritage Victoria be contacted.

Permits are required for anything which alters the place or object, unless a permit exemption is granted. Permit exemptions usually cover routine maintenance and upkeep issues faced by owners as well as minor works or works to the elements of the place or object that are not significant. They may include appropriate works that are specified in a conservation management plan. Permit exemptions can be granted at the time of registration (under section 38 of the Act) or after registration (under section 92 of the Act). It should be noted that the addition of new buildings to the registered place, as well as alterations to the interior and exterior of existing buildings requires a permit, unless a specific permit exemption is granted.

### Disrepair of registered place or registered object

Under section 152 of the Act, the owner of a registered place or registered object must not allow that place or object to fall into disrepair.

### Failure to maintain registered place or registered object

Under section 153 of the Act, the owner of a registered place or registered object must not fail to maintain that place or object to the extent that its conservation is threatened.

### Conservation management plans

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

### Archaeology

There is no identified archaeology of State level significance at the place. However, any works that may affect historical archaeological features, deposits or artefacts at the place is likely to require a permit, permit exemption or consent. Advice should be sought from the Archaeology Team at Heritage Victoria.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Aboriginal cultural heritage

To establish whether this place is registered under the *Aboriginal Heritage Act 2006* please contact First Peoples – State Relations in the Department of Premier and Cabinet. The *Heritage Act 2017* and the *Aboriginal Heritage Act 2006* are separate pieces of legislation. Please be aware that both Acts are required to be satisfied and satisfying the requirements of one Act may not satisfy the requirements of the other.

If any Aboriginal cultural heritage is discovered or exposed at any time it is necessary to immediately contact First Peoples – State Relations to ascertain requirements under the *Aboriginal Heritage Act 2006*.

If works are proposed which have the potential to disturb or have an impact on Aboriginal cultural heritage it is necessary to contact First Peoples – State Relations to ascertain any requirements under the *Aboriginal Heritage Act 2006*.

## Other approvals

Please be aware that approval from other authorities (such as local government) may be required to undertake works.

## Notes

- 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.
- Nothing in this determination prevents the Heritage Council from amending or rescinding all or any of the permit exemptions.
- Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits where applicable.

## 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.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Permit Exemptions

The following permit exemptions are not considered to cause harm to the cultural heritage significance of Kuring-gai.

### General

- Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of fabric and include the conservation of existing details or elements. Any repairs and maintenance must not exacerbate the decay of fabric due to chemical incompatibility of new materials, obscure fabric or limit access to such fabric for future maintenance.
- Maintenance, repair and replacement of existing external services such as plumbing, electrical cabling, surveillance systems, pipes or fire services which does not involve changes in location or scale, or additional trenching.
- Repair to, or removal of items such as antennae; aerials; and air conditioners and associated pipe work, ducting and wiring.
- Works or activities, including emergency stabilisation, necessary to secure safety in an emergency where a structure or part of a structure has been irreparably damaged or destabilised and poses a safety risk to its users or the public. The Executive Director must be notified within seven days of the commencement of these works or activities.
- Painting of previously painted external and internal surfaces in the same colour, finish and product type provided that preparation or painting does not remove all evidence of earlier paint finishes or schemes. This exemption does not apply to areas where there are specialist paint techniques such as graining, marbling, stencilling, hand-painting, murals or signwriting, or to wallpapered surfaces, or to unpainted, oiled or varnished surfaces.
- Cleaning including the removal of surface deposits by the use of low-pressure water (to maximum of 300 psi at the surface being cleaned) and neutral detergents and mild brushing and scrubbing with plastic (not wire) brushes.

### Interiors

- Installation, removal or replacement of existing electrical wiring. If wiring is currently exposed, it should remain exposed. If it is fully concealed it should remain fully concealed.
- Removal or replacement of post-1920s carpets, curtains and blinds, and devices for mounting wall hung artworks.
- Removal or replacement of post-1920s light switches or power outlets.
- Removal or replacement of smoke and fire detectors, alarms and the like, of the same size and in existing locations.
- Repair, removal or replacement of existing ducted, hydronic or concealed radiant type heating provided that the central plant is concealed, and that the work is done in a manner which does not alter building fabric.
- Installation of plant within the roof space, providing that it does not impact on the external appearance of the building or involve structural changes.
- Installation, removal or replacement of bulk insulation in the roof space.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Landscape/ outdoor areas

### *Hard landscaping and services*

- Subsurface works to existing watering and drainage systems provided these are outside the canopy edge of trees. Existing lawns, gardens and hard landscaping, including paving, paths and roadways 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, driveways, steps, fences and footpaths where the materials, scale, form and design is unchanged.
- Installation of physical barriers or traps to enable vegetation protection and management of vermin such as rats, mice and possums.
- Completion of new (2022) fence between Kuring-gai and adjacent property to the north.

### *Gardening, trees and plants*

- The processes of gardening including mowing, pruning, mulching, fertilising, removal of dead or diseased plants (excluding trees), replanting of existing garden beds, disease and weed control and maintenance to care for existing plants.
- Removal of tree seedlings and suckers.
- Management and maintenance of trees including formative and remedial pruning, removal of deadwood and pest and disease control.
- Emergency tree works to maintain public safety provided the Executive Director, Heritage Victoria is notified within seven days of the removal or works occurring.

### **Outbuildings**

- Works to the freestanding garden sheds to the west of the residence, as well as demolition and removal of the sheds.
- All interior works to the garage.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Appendix 1

### Heritage Council of Victoria determination (section 41)

The Heritage Council of Victoria is an independent statutory body that will make a determination on this recommendation under section 49 of the Act. It will consider the recommendation after a period of 60 days from the date the notice of recommendation is published on its website under section 41.

### Making a submission to the Heritage Council (section 44)

Within the period of 60 days, any person or body with a real and substantial interest in the place or object may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are available on the Heritage Council's website.

### Consideration of submissions to the Heritage Council (section 46)

- (1) The Heritage Council must consider—
  - (a) any written submission made to it under section 44; and
  - (b) any further information provided to the Heritage Council in response to a request under section 45.
- (2) The Heritage Council must conduct a hearing in relation to a submission if—
  - (a) the submission includes a request for a hearing before the Heritage Council; and
  - (b) the submission is made by a person or body with a real or substantial interest in the place or object that is the subject of the submission.
- (3) Despite subsection (2), the Heritage Council may conduct a hearing in relation to a submission in any other circumstances the Heritage Council considers appropriate.

### Determinations of the Heritage Council (section 49)

- (1) After considering a recommendation that a place or object should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing into the submissions, the Heritage Council may—
  - (a) determine that the place or part of the place, or object, is of State-level cultural heritage significance and is to be included in the Heritage Register; or
  - (b) determine that the place or part of the place, or object, is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
  - (c) in the case of a recommendation in respect of a place, determine that the place is not to be included in the Heritage Register but—
    - (i) refer the recommendation and any submissions to the relevant planning authority for consideration for an amendment to a planning scheme; or
    - (ii) determine that it is more appropriate for steps to be taken under the Planning and Environment Act 1987 or by any other means to protect or conserve the place; or
  - (d) in the case of a recommendation in respect of additional land which has been nominated to be included in the Heritage Register as part of a registered place in accordance with section 32, determine that the land be included in the Heritage Register if—

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

- (i) the State-level cultural heritage significance of the place would be substantially less if the land or any part of the land which is or has been used in conjunction with the place were developed; or
  - (ii) the land surrounding the place is important to the protection or conservation of the place or contributes to the understanding of the place; or
  - (e) determine that the object is integral to understanding the cultural heritage significance of a registered place or a place the Heritage Council has determined to be included in the Heritage Register.
- (2) The Heritage Council must make a determination under subsection (1)—
- (a) within 40 days after the date on which written submissions may be made under section 44; or
  - (b) if any hearing is conducted into the written submissions, within 90 days after the completion of the hearing.
- (3) A determination that a place or part of a place, or object, should be included in the Heritage Register may include categories of works or activities which may be carried out in relation to the place or object for which a permit under this Act is not required, if the Heritage Council considers that the works or activities would not harm the cultural heritage significance of the place or object.
- (4) If the Heritage Council determines to include a place in the Heritage Register, with the consent of the owner of the place, the Heritage Council may determine to include in the Heritage Register additional land of the owner that is ancillary to the place.
- (5) If a member of the Heritage Council makes a submission under section 44 in respect of a recommendation, the member must not take part in the consideration or determination of the Heritage Council.
- (6) The Heritage Council must notify the Executive Director of any determination under this section as soon as practicable after the determination.

## Obligations of owners of places and objects (section 42)

- (1) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of—
- (a) any works or activities that are being carried out in relation to the place or object at the time the statement is given; and
  - (b) any application for a planning permit or a building permit, or for an amendment to that permit, that has been made in relation to the place but not determined at the time the statement is given; and
  - (c) any works or activities that are proposed to be carried out in relation to the place or object at the time the statement is given.
- (2) An advice under subsection (1) must be given within 10 days after the statement of recommendation is given under section 40.
- (3) The owner of a place to whom a statement of recommendation has been given must advise the Executive Director in writing of an application, permit or amendment if, before a determination under section 49 or 52 in respect of a place—
- (a) an application for a planning permit or a building permit or for an amendment to that permit in relation to the place is made; or
  - (b) a planning permit or building permit or an amendment to that permit in relation to the place is granted.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

- (4) An advice under subsection (3) must be given within 10 days after the making of the application or the grant of the permit or amendment.
- (5) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of the following activities or proposals if, before a determination is made under section 49 or 52 in respect of a place or object—
  - (a) any activities are carried out in relation to the place or object that could harm the place or object;
  - (b) any activities are proposed to be carried out in relation to the place or object that could harm the place or object.
- (6) An advice under subsection (5) must be given within 10 days after the owner becomes aware of the activity or the proposal, as the case requires.
- (7) If, before a determination is made under section 49 or 52 in respect of a place or object, a proposal is made to dispose of the whole or any part of the place or object, the owner of the place or object must advise the Executive Director in writing of that proposal.
- (8) An advice under subsection (7) must be given at least 10 days before entering into the contract for the disposal of the place or object.
- (9) The owner of a place or object who proposes to dispose of the whole or any part of the place or object before a determination is made under section 49 or 52 in respect of the place or object must, before entering into a contract for that disposal, give a copy of the statement of proposed contract, is to acquire the place or object or part of the place or object.

## **Owners of places and objects must comply with obligations (section 43)**

An owner of a place or object to whom section 42 applies must comply with that section.

Penalty: In the case of a natural person, 120 penalty units;  
In the case of a body corporate, 240 penalty units.