

Statement of Recommendation from the Executive Director, Heritage Victoria

Clifton Hill Primary School, H1621
185 Gold Street, Clifton Hill, Yarra City
Wurundjeri Country



Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that Clifton Hill Primary School, located at 185 Gold Street, Clifton Hill, in the Victorian Heritage Register (VHR) be amended.

In accordance with section 62 of the *Heritage Act 2017* (the Act), I suggest that the Heritage Council determine to:

- Include additional land
- Determine categories of works or activities which may be carried out in relation to the place for which a permit is not required (permit exemptions).



STEVEN AVERY
Executive Director, Heritage Victoria
Date of recommendation: 13 November 2023

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 may make a written 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's website.

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. The Heritage Council must conduct a hearing if the submission is made by a person or body with a real or substantial interest in the place or object. 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 Act. These relate to advising the Executive Director 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.

History

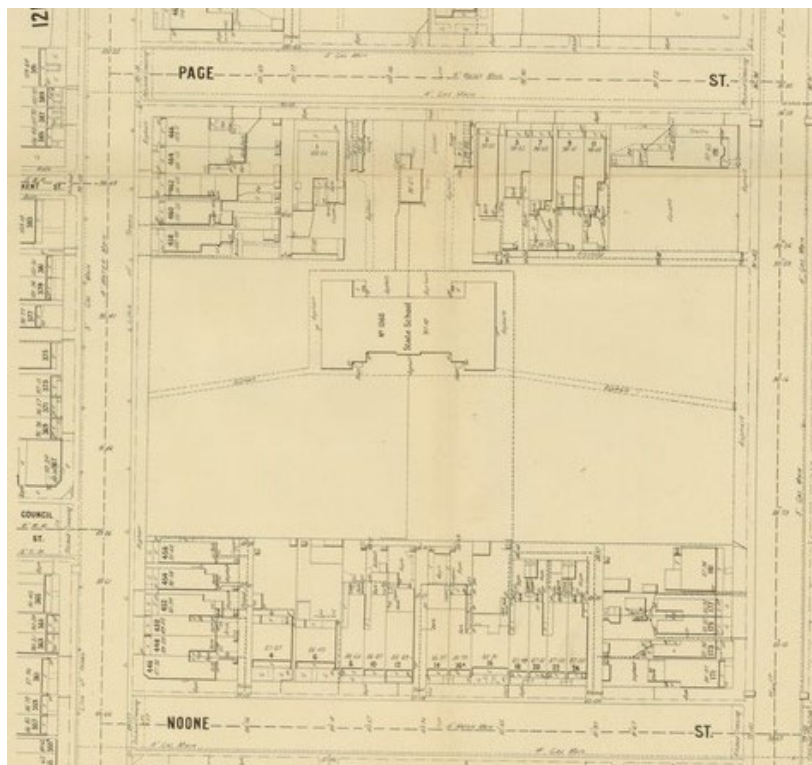
Clifton Hill Primary School (formerly Gold Street Primary School, also known as Primary School No. 1360) was designed by the architect William Henry Ellerker. The design had been prepared for a competition held by the new Department of Education in 1873. The design competition produced 13 generic school designs which were adapted for use across the colony. Ellerker's school designs for the Department were very influential, his most important being the design for the school at Buninyong.

Ellerker's design for a school of 500 pupils was originally intended for Gold Street. His design for a 1000-pupil school on two floors was used instead, as it became clear that a much bigger school was needed.

The building was opened in 1874. It was designed to be divided into two equal portions, one half for use of male pupils, and the other for female pupils. There were separate entrances at each wing, so that boys and girls would not interact during school hours. Classrooms were built to accommodate up to 160 students, with tiered seating. The limited windows were situated high off the floor, to prevent students from becoming distracted by the view.

The building was orientated to face south, looking down on Collingwood Flat. In 1977 a new building was constructed near this southern elevation. The southern elevation has also been extensively renovated. Today, the north and east elevations of the 1874 building are most visible.

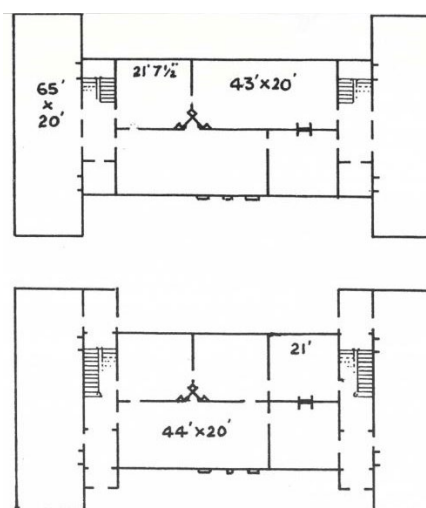
Historical images



1901 map, showing the school in its current location. MMBW detail plan 1216, City of Collingwood. From State Library of Victoria.



Gold Street Primary School, photographed around 1970 by Laurie Burchell. From Laurie Burchell collection, State Library of Victoria. This shows the southern elevation of the building, which has now been renovated and is largely obscured by a modern construction.



Original layout of Clifton Hill Primary School. From Burchell (1980), p. 98. Despite some changes, the original layout remains readable. The first floor is especially intact.

Selected bibliography

Blake L J (ed) (1973) *Vision and Realisation: A Centenary History of State Education in Victoria*, The Government Printer, Melbourne.

Burchell L (1980) *Victorian schools: a study in colonial government architecture, 1837-1900*, Melbourne University Press, Melbourne.

Peterson R (1993) *Historic Government Schools: a Comparative Study June 1993*, Department of Planning and Development, Melbourne.

The Age (Melbourne), 14 February 1874, p. 8.

Further information

Traditional Owner Information

Clifton Hill Primary School is located on the traditional land of the Wurundjeri People people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

Victorian Aboriginal Heritage Register

Clifton Hill Primary School is not included in the Victorian Aboriginal Heritage Register. It is not in an area of Aboriginal cultural heritage sensitivity.

Integrity

The integrity of Clifton Hill Primary School is very good. The cultural heritage values of Clifton Hill Primary School can be easily read in the extant fabric.

(May 2023)

Intactness

The intactness of Clifton Hill Primary School is good. There have been extensive renovations to the southern elevation.

(May 2023)

Condition

The condition of Clifton Hill Primary School is very good.

(May 2023)

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

Amendment recommendation

State-level cultural heritage significance of the place

The cultural heritage significance of Clifton Hill Primary School was recognised when it was included in the Register of Government Buildings in 1982. Its State-level cultural heritage significance was confirmed in 1998.

Amendment application

On 3 October 2023 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.

Additional land

The Executive Director recommends that the Heritage Council amend this registration because in accordance with section 49(1)(d)(i) and (ii):

- 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; and
- ii) land surrounding the place is important to the protection or conservation of the place or contributes to the understanding of the place.

Reasons under section 49(1)(d)(i)

- The land proposed for inclusion both is and has been used in conjunction with the place. Historic maps show that all of the land proposed for inclusion has been used by the school since at least 1901.
- The grounds of the place are comparatively small. Any development would necessarily take place at some point within 50 metres of the 1874 school building designed by W. H. Ellerker.
- The inclusion of additional land will ensure that all change is managed through a Heritage Victoria permit approvals process which is consistent across the entirety of this place and would provide certainty for all parties.

Reasons under section 49(1)(d)(ii)

- Including an area of land around the 1874 building will enable potential change immediately adjacent to the building (for example, new additions) to be managed under a Heritage Victoria permit process. This is important to the protection and conservation of the place.
- Inclusion of an area of land around the 1874 building will also enable works and activities that could potentially impact on the conservation of the building, such as drainage and paving, to be managed under a permit process.

Change of name

The current name of the place in the VHR is Primary School No. 1360. It is proposed to change the name to 'Clifton Hill Primary School' to reflect current conventions for listing Primary Schools on the VHR. Gold Street State School and Primary School No. 1360 will be recorded as alternative names.

Statutory requirements under section 40

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

The Executive Director recommends that the registration of Clifton Hill Primary School in the VHR is amended.

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

Number: H1621

Category: Registered Place.

Name: Clifton Hill Primary School

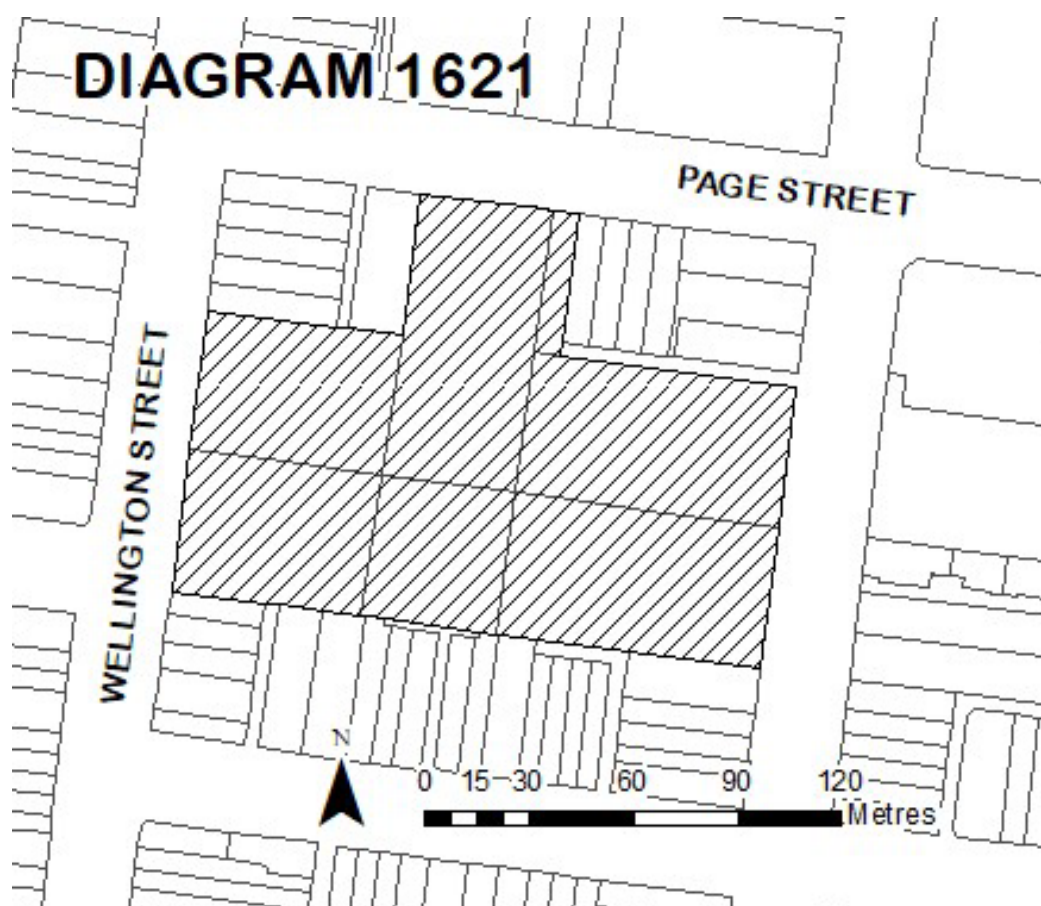
Location: 185 Gold Street Clifton Hill

Municipality: Yarra City

Proposed extent of registration

The Executive Director recommends that the extent of registration for Clifton Hill Primary School be gazetted as:

All of the place shown hatched on Diagram 1621 encompassing all of Lot 1 on Title Plan 889775N; and all of Crown Allotment 2 Section 8; Crown Allotment 4 Section 8; Crown Allotment 5 Section 8; Crown Allotment 7 Section 8; Crown Allotment 9 Section 8 and Crown Allotment 10 Section 8, at Clifton Hill City of Collingwood Parish of Jika Jika.



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 comprises Lot 1 on Title Plan 889775N, as well as Crown Allotments 2, 4, 5, 7, 9 and 10, Section 8 at Clifton Hill City of Collingwood Parish of Jika Jika.

Crown Allotments 2, 4, 5, 7, 9 and 10 have been used by the school for at least 120 years (see 'Historical images').

Also included is Lot 1 of Title Plan 889775N ('the Lot'). The Lot is a narrow portion of land (6.9 X 29.4m) which extends from the north-east of the Page Street frontage to the north-east corner of the school building. It is included for the following reasons:

- Like the Crown Allotments, the Lot is owned and controlled by the Education Department.
- The Lot is currently used as part of the landscaped entrance at the north of the school. On the ground, there is no clear demarcation between the Lot and Crown Land (eg. a fence or marker).
- By including the Lot we avoid potential confusion from the owner and future applicants. The boundaries of the extent of registration are clear to all, without the need to measure or survey the land.

The area to the south of the school building is included for the following reasons:

- This land has been part of the school for at least 120 years (see 'Historical images').
- Works to the south of the school building could impact the visibility and setting of the southern elevation.
- Though the southern elevation is currently obscured by a modern building, it is possible that in future this modern construction could be removed or replaced.

The recommended extent of the registration is the same as the nominated extent of registration.

It should be noted that everything included in the proposed extent of registration including all of the land, all soft and hard landscape features, plantings and all buildings (exterior/s, interior/s and fixtures) is proposed for inclusion in the VHR. 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.

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

Statement of significance

What is significant?

Clifton Hill Primary School, including the 1874 school building designed by William Henry Ellerker.

How is it significant?

Clifton Hill Primary School is of historical and architectural significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion A

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

Criterion D

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

Why is it significant?

Clifton Hill Primary School is historically significant as a demonstration of the development of state schooling in Victoria. The 1874 building is based on a standard design, one of several produced as part of an 1873 competition held by the new Department of Education. It therefore has a direct association with the extensive school building program across the colony in the 1870s. Constructed to provide for 1000 students, its substantial size demonstrates the dramatic effect of the *Education Act 1872* on school enrolments and the demands made on the Education Department. [Criterion A]

Clifton Hill Primary School is architecturally significant as a pivotal example of a 'competition school' produced as part of an 1873 competition held by the newly formed Department of Education. The design reveals the philosophy of education at the time. The large classroom spaces indicate the size of classes, and the rather limited fenestration reveals the priority given to the isolation of children during the education process over the provision of natural light. [Criterion D]

Recommended permit exemptions under section 38

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/object type 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 Place or object name 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

Buildings constructed or moved to the site post 1990 (this exemption does not apply to buildings which link with or abut the 1874 school building)

- All internal works
- Removal or demolition.

Buildings which link with or abut the 1874 school building

- Internal works, provided that there is no change to the external building envelope and that no works intersect with the 1874 school building.

Landscape/ outdoor areas

- Installation and replacement of shade sail fabric and supporting structure
- Replacement of playground equipment and outdoor furniture in the same location
- Pruning of all trees to ensure safety
- Removal, replacement and installation of new ground surfacing treatments (for example, asphalt, safety matting) provided it is not within five metres of significant buildings.

Appendix 1

Heritage Council determination (section 41)

The Heritage Council 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—
 - (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.
- (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.