

# Statement of Recommendation from the Executive Director, Heritage Victoria

Kardinia House, H0337

1 Riverview Terrace, Belmont, Greater Geelong City

Wadawurrung Country



## Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that Kardinia House, located at 1 Riverview Terrace, Belmont, 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 in the VHR (section 49(1)(d)(i) and (ii) of the Act); and
- that the proposed categories of works or activities which may be carried out in relation to the place for which a permit is not required (specific permit exemptions) would not harm the cultural heritage significance of the place (section 49(3)(a) of the Act); and
- amend the reasons why the place is included in the VHR based on the Heritage Council criteria (section 49(3)(b) of the Act).



**STEVEN AVERY**

**Executive Director, Heritage Victoria**

**Date of recommendation: 18 March 2024**

## 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 46A 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 (42, 42A, 42B, 42C, 42D 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.

## Description

The following is a description of Kardinia House at the time of the site inspection by Heritage Victoria in October 2023.

Kardinia House is located at 1 Riverview Terrace, Belmont on a site of 1.7 hectares.

The two-storey brick and stone house addresses Barrabool Road and the Barwon River to the north of the site, with the Barwon River Holiday Park located to the east, and the Geelong Bowls Club to the south.

The house is prominently located on the upper portion of the site which slopes down to the river.

Land directly to the north, east and south of the building is used for car parking.

Between the house and river is a large open lawn area with several mature trees and rudimentary landscaping.

There are numerous modern buildings on the site including:

- Three detached residences to the east of Kardinia House
- One detached residence to west of Kardinia House.

There have been several additions to Kardinia House itself:

- A red brick two storey wing extends to the south-west of the house, dating to c.1960s.
- A single storey weatherboard wing with corrugated iron gable roof extends to the south-east of the house. This wing is of unknown date, though it does appear to occupy the same or a similar footprint as an extension shown on the 1891 subdivision plan.
- A flat, corrugated iron roofed single storey building forms a link between the weatherboard and red brick wings.

Internally, Kardinia House consists of several rooms accessed from a central hallway and staircase. Many nineteenth century fixtures remain including decorative cornices and plaster work, architraves, skirting boards, fireplaces, timber balustrading to stairs, timber doors and sash windows, and pressed metal ceilings. The arrangement of the extensions to the south of the house forms a small, paved internal courtyard.



## Description images



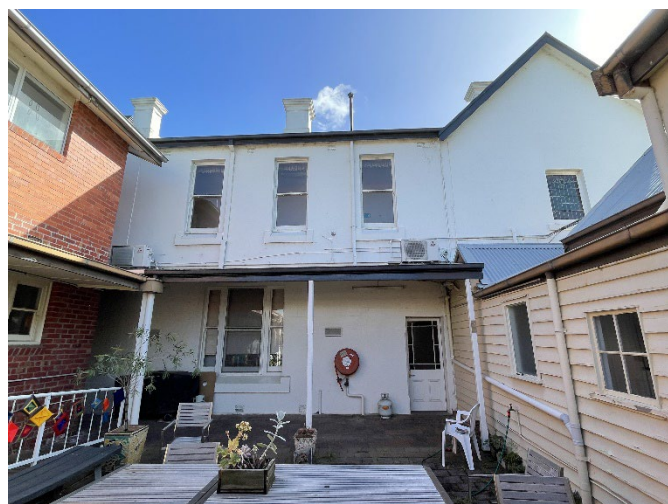
2023. Kardinia House with bay windows and cast-iron verandahs.



2023. Eastern elevation of Kardinia House.



2023, Kardinia house viewed from the south. Red brick and weatherboard extensions visible.



2023, back of Kardinia House from courtyard with both extensions visible.





*2023. Views of the house and landscape across the river.*



*2023. Landscaping at Kardinia. Note slope down to river edge. House concealed behind mature trees.*



*2023 timber joinery to internal staircase.*



*2023. Views to the river from the house.*

## History

In 1837 Scottish migrant Dr. Alexander Thomson, former medical officer with the Port Phillip Association, took up land on the Barwon River. He is considered one of the founders of Geelong, which was gazetted as a town the next year. Thomson constructed Kardinia House in various stages. The original timber structure was replaced by a stone house between 1850 and 1855.

Thomson was a highly influential man, both in Geelong and across Victoria. In 1843 he was one of the Port Phillip members to the New South Wales Legislative Council. In 1844 he resigned, protesting the need to travel to Sydney to attend Parliament. He became an active campaigner for the separation movement, which ultimately saw Victoria become an independent colony from New South Wales.

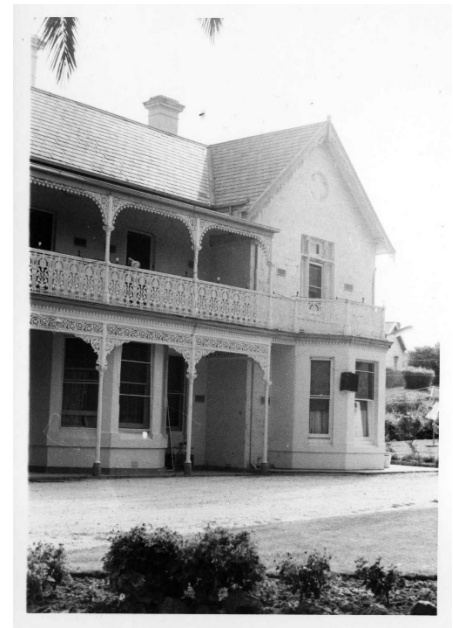
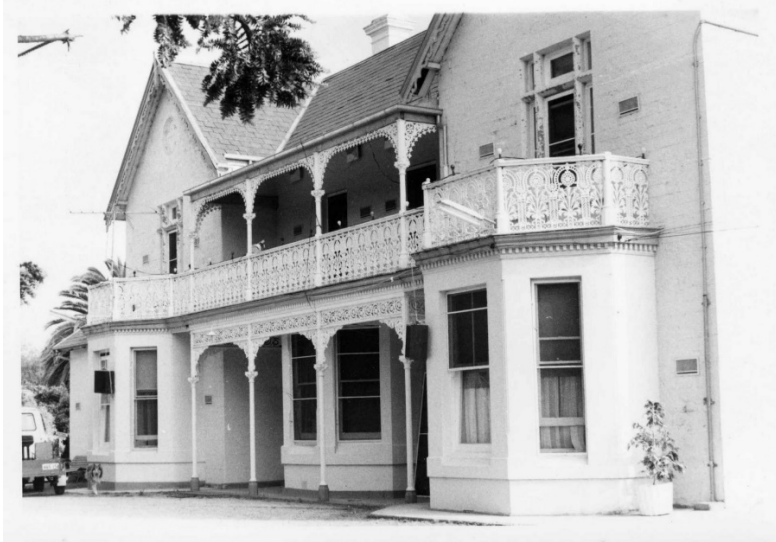
In 1851 Thomson became Geelong's first mayor. He was elected to the Victorian Legislative Council from 1852-54 and helped draft the Victorian Constitution bill. He then returned as Geelong's mayor in 1855-57 and served in the Victorian Legislative Assembly in 1857-59. His career also saw him become director of the Geelong-Melbourne Railway Co, and he was active in starting and promoting Presbyterian services in the Geelong region.

Thomson died in 1866. Subsequent owners of Kardinia included John Richardson, Member of the Legislative Assembly, William Sommers, a mayor of Geelong, and Horace Frank Richardson, councillor and Member of the Legislative Council.

Though the fabric of the stone house from 1850-55 is still visible on the site, it has been transformed and extended extensively. In 1869 further additions were made to Kardinia House, including a second storey. In the 1880s bay windows and a verandah were added.

From 1947-1986 Kardinia House was used as a children's home for the Salvation Army, catering mainly for toddlers aged two to five years' old. This led to extensive changes to the building's interior and the grounds. From 1965 cottage homes were opened on the property, allowing siblings to remain together. More recently, Kardinia House was used as the headquarters of a non-profit organisation providing disability, senior and employment services.

## Historical images



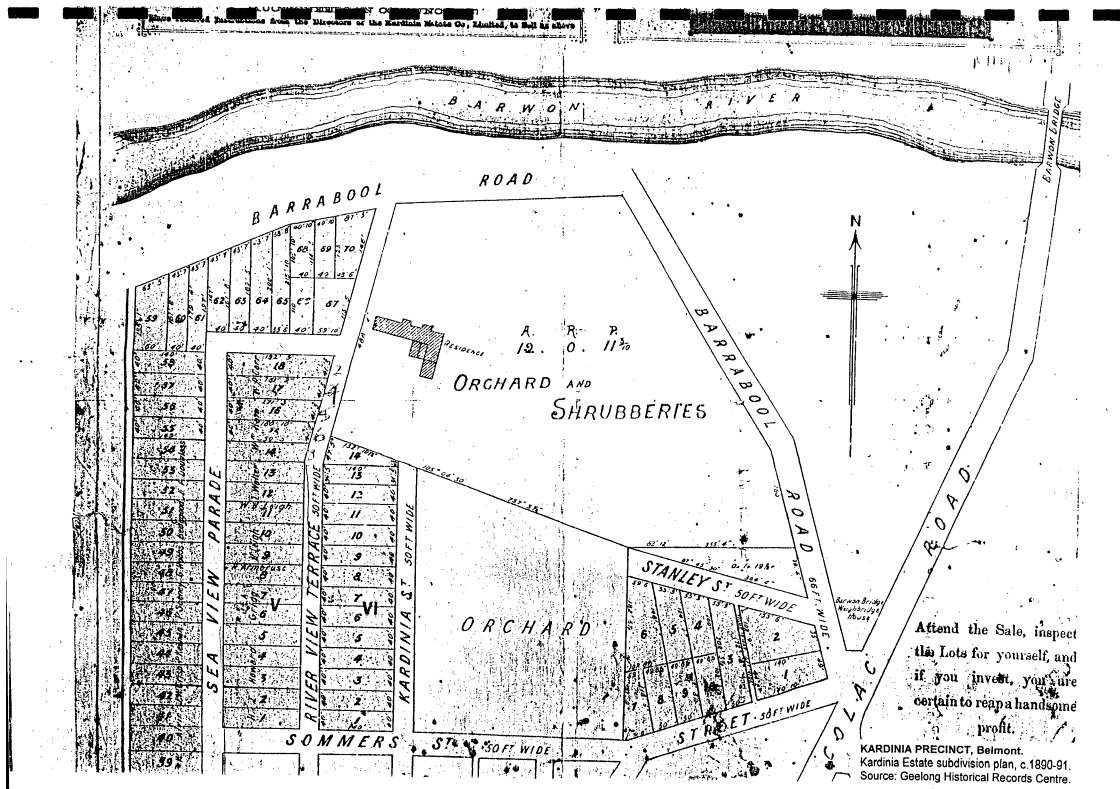
1975. Kardinia House northern elevation. Source: J. T. Collins, SLV

1975. Kardinia House northern bay windows. Source: J. T. Collins, SLV



1979. Kardinia House northern elevation drawing. Source: J. Wah, State Library of Victoria.





c.1890-91 Kardinia precinct plan of subdivision. Source: City of Greater Geelong Outer Areas Heritage Study Stage 2: The Report, prepared by David Rowe & Lorraine Huddle (2000)

## Selected bibliography

Lyndsay Gardiner, 'Thomson, Alexander (1798–1866)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <https://adb.anu.edu.au/biography/thomson-alexander-2731/text3853>, published first in hardcopy 1967, accessed online 27 February 2024.

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VICTORIA. (1866, January 10). *The Cornwall Chronicle (Launceston, Tas. : 1835 - 1880)*, p. 5. Retrieved February 27, 2024, from <http://nla.gov.au/nla.news-article72361113>

Rowe, D. & Huddle, L. 'The Report.' *City of Greater Geelong Outer Areas Heritage Study Stage 2*, March 2000. (36)

## Further information

### Traditional Owner Information

The place is located on the traditional land of the Wadawurrung people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Wadawurrung Traditional Owners Aboriginal Corporation.

### Victorian Aboriginal Heritage Register

The place is in an area of Aboriginal cultural heritage sensitivity associated with the Barwon River.

### Integrity

The integrity of the place is good. The cultural heritage values of the Kardinia House can be easily read in the extant fabric and landscape setting.

The landscape setting, views of the river and impressive house can be well understood together. The brick and stone house contains multiple layers of alteration and use that are legible in the built fabric.

(October 2023)

### Intactness

The intactness of the place is fair.

There have been internal alterations, though many 19th century decorative and other features remain or have been concealed by false ceilings and new additions.

(October 2023)

### Condition

The condition of Kardinia House is very good.

(October 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 State-level cultural heritage significance of the Kardinia House was recognised in 1974 by its inclusion in the Register of Historic Buildings.

### Amendment application

On 1 March 2024 the Executive Director made and accepted an application to amend the registration of the place to add additional land and to ensure the registration 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 40(4)(c):

- 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 40(4)(c)(i)

- The land proposed for inclusion is and has always been used in conjunction with the place. The land proposed for inclusion has been used in conjunction with the place for over 150 years.
- If any of the land were developed, there is potential for the development to impact upon the grounds and setting of the two-storey house and substantially reduce the State-level cultural heritage significance of the place.
- Including additional land will ensure that all development is managed through an approval process consistent across the entirety of this place and would provide certainty for all parties.

#### Reasons under section 40(4)(c)(ii)

- Only the building and footprint of Kardinia House is currently registered and this is insufficient to protect, conserve and allow for a proper understanding of the place.
- Including an area of land around Kardinia House will enable development immediately adjacent to the building (for example, new additions) and within the grounds Kardinia House to be managed under a permit process.
- Inclusion of an area of land around Kardinia House will also enable future works or activities that could potentially impact the conservation of the building, such as drainage and paving, to be managed under a permit process.
- Inclusion of an area around the building provides a setting for the place.

### Amending the Heritage Council Criteria

**This place is currently registered on the basis of the following Criteria:**

Criterion A (Historical Significance)

**The Executive Director recommends that the place is registered on the basis of the following Criteria:**

Criterion A (Historical Significance)

Criterion H (Association with a Person of Importance).

## Statutory requirements under section 40

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

The Executive Director recommends that the registration of Kardinia House in the VHR is amended.

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

**Number:** H0337

**Category:** Registered Place.

**Name:** Kardinia House

**Location:** 1 Riverview Terrace Belmont

**Municipality:** Greater Geelong City

### Proposed extent of registration

The Executive Director recommends that the extent of registration for Kardinia House be gazetted as:

All of the place shown hatched on Diagram 337 encompassing all of Lot 1 and part of Lot 2 of Title Plan 847101.



## 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 proposed extent provides sufficient land around Kardinia House to protect the fabric of the place and its setting.

The recommended extent of registration aligns with the property boundaries to the north (Barrabool Road), east (caravan park), south (residential and recreational land) and west (Riverview Terrace).

The land to the north of Kardinia House provides a setting for the house and maintains the visual connection between the house, the remnant garden and landscape, and the Barwon River.

The narrow strip of land extending to the southeast of the site and used as a driveway from Barrabool Road is not included within the proposed extent as it is unlikely to contribute to the better protection of the house, given the density of buildings already located to the north of the driveway.

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, trees, all buildings (exteriors, interiors 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.



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

Following is the Executive Director's assessment of Kardinia House against the tests set out in [The Victorian Heritage Register Criteria and Thresholds Guidelines \(2022\)](#). 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 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 Criterion H

No.	Test	Yes/No	Reason
H1)	Does the place/object have a direct association with a person, or group of persons who has made a strong or influential contribution in their field of endeavour?	Yes	<p>H1(i) There is a direct association between Kardinia House and Dr. Alexander Thomson.</p> <p>Dr. Alexander Thomson took up land at Kardinia in 1836, soon after his arrival in Port Phillip. Thomson constructed the house in various stages, firstly a timber structure, and later a stone house between 1850 and 1855. Thomson lived in the house until his death in 1866.</p> <p>H1(ii) The person has made a strong or influential contribution in their field.</p> <p>Dr. Alexander Thomson, who was a medical practitioner and pastoralist who took a keen interest in the civic development of Geelong and is often called the founder of Geelong.</p> <p>Thomson's achievements within the early history of Victoria include his time served as one of the Port Phillip members to the NSW Legislative Council, and as a member of the Victorian Legislative Council and later the Legislative Assembly. Thomson resigned from the NSW Legislative Council in protest of having to attend sittings in Sydney and was prominent within the separation movement. He served as the first mayor of Geelong in 1851, and again between 1855-57, and was director of the Geelong-Melbourne Railway Co.</p>
H2)	Is there evidence of the association between the place/object and the person(s)?	Yes	<p>There is evidence of the association between the Kardinia House and Dr. Alexander Thomson.</p> <p>Kardinia House is located on land that was acquired by Dr. Thomson. While highly altered, the original 1850-55 stone house at the place is the house Thomson built.</p>
H3)	Does the association relate: • directly to achievements of the person(s); <u>and</u> • to an enduring and/or close interaction between the person(s) and the place/object?	Yes	<p>H3(i) The association between Kardinia House and Dr. Alexander Thomson relates directly to the achievements of the person.</p> <p>The location and setting of Kardinia house are reflective of Dr Alexander Thomson's prominence within Geelong. The house predates the gazettal of the township but is centrally located, owing to Thomson's own involvement with the early growth and establishment of the Geelong region.</p>

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H3(ii) The association relates to a close and enduring interaction between Dr. Alexander Thomson and the Kardinia House.

Kardinia House was Dr. Alexander Thomson's first permanent residence in Victoria after temporarily settling near the present-day site of St Paul's Cathedral. Thomson bought the land on the Barwon River in 1836, the house was built across several stages and remained in his possession until his death in 1866.

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**If all facets of H1, H2 AND H3 are satisfied, then Criterion H is likely to be relevant (but not necessarily at the State level)**

Executive Director's Response:	Yes	Criterion H is likely to be relevant.
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### Step 2 State-level test for Criterion H

No.	Test	Yes/No	Reason
SH1)	Are the life or works of the person/persons important to Victoria's history?	Yes	<p>The life and works of Dr. Alexander Thomson are important in Victoria's history.</p> <p>The Register of the National Estate Citation notes that the career of Dr. Alexander Thomson is interwoven with the history of Geelong and the infant Port Phillip colony. Kardinia House is one of the earliest settled houses of the Geelong region, the site predating the official township, which was gazetted in 1838, a year after Thomson had settled on the Barwon River. The house, which Thomson owned up until his death in 1866, allows Thomson's importance to the Geelong region, as well as Victoria more broadly to be better understood. After Thomson's death, an in-memoriam poem described him as 'the founder of Geelong.'</p>
SH2)	Does this place/object allow the association between the person or group of persons and their importance in Victoria's history to be readily appreciated better than most other places or objects in Victoria?	Yes	<p>The place does allow the association between Dr. Alexander Thompson and their importance in Victoria's history to be readily appreciated more than most other places or objects in Victoria.</p> <p>Kardinia House allows appreciation of the life and works of Dr. Alexander Thomson better than any other place in Victoria. Kardinia House is situated in the region over which Thomson was influential, and it was his permanent residence shortly after his arrival in Melbourne.</p>

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**If SH1 and SH2 are satisfied, then Criterion H is likely to be relevant at the State level**

Executive Director's Response:	Yes	Criterion H is likely to be relevant at the State level.
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## Summary of cultural heritage significance (section 40(4))

The Executive Director recommends that the Kardinia House be included in the VHR in the category of Registered Place.

### Statement of significance

#### What is significant?

Kardinia House, a two-storey brick and stone house, constructed in various stages, the original stone structure being constructed in 1854 and additions made in 1869 and again in the 1880s. Significant later additions include the bay windows and cast-iron verandah during the 1880s. The house occupies an elevated and commanding position with an outlook towards the Barwon River. Several mature exotic trees survive from the nineteenth century garden.

#### How is it significant?

The Kardinia House is of historical 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 H

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

#### Why is it significant?

Kardinia House is historically significant as one of the oldest residences in the Geelong region. The original stone house (1850-1855) is still present, though it was extended and renovated from the 1860s to 1880s. The house predates the gazettal of the township of Geelong and has a position of prominence within the landscape with views from the house to the Barwon River as well as views of the house from across the river. Kardinia House has a long and varied history and is associated with several influential Victorians and organisations. After pioneer colonist Dr. Alexander Thomson, subsequent owners included other local and colonial politicians, cementing Kardinia House's place at the centre of high society in the region. From 1947 to 1986 the House was used as a children's home for the Salvation Army, reflecting the decline of opulent living, and the subsequent adaptation of large, colonial homes for public use. [Criterion A]

Kardinia House is historically significant for its association with the pioneer colonist, politician, churchman and patriarch, Dr. Alexander Thomson, one of the founders of Geelong. Thomson's career is interwoven with the history of Geelong and the infant Port Phillip colony. Thomson was an influential Victorian, campaigning for Victoria's separation from New South Wales, being elected twice to the new colony's Parliament, serving as Geelong's first mayor, and becoming director of the Geelong-Melbourne Railway Company. Kardinia House, with its commanding and elevated position overlooking the Barwon River and surviving mature plantings, is demonstrative of Thomson's status and his close relationship with the Geelong region, being one of the earliest residences to be established in this region, just a year before the gazettal of the township itself. [Criterion H]



## 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 in a manner which respects its cultural heritage significance.

### Permit Exemptions

#### General Exemptions

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

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

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

#### Specific Exemptions

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

##### Guidelines

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

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

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

### **Conditions**

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

### **Exempt works and activities**

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

## Existing registration details

### Statement of Significance

In 1836 pioneer Victorian settler Dr. Alexander Thomson, former medical officer with the Port Phillip Association, took up land at Geelong on the Barwon River. Kardinia, the two storey brick and stone house which now stands on this first site, was constructed in various stages with the stone house replacing the original timber structure between 1850 and 1855. The extensive additions were made prior to 1869 with the verandah dating from the later 1880s. Kardinia stands on one of the first settled and most historic homestead sites in the Geelong region, that of the legendary pioneer colonist, politician, churchman and patriarch, Dr. Alexander Thomson.

The career of this remarkable and altruistic man is interwoven with the history of Geelong and the infant Port Phillip colony. The present homestead, of uncertain date, contains within the fabric the stone house of 1850-55, later extended beyond recognition c 1890 by H.F. Richardson, Geelong businessman. Kardinia has been converted as a children's home for the Salvation Army. The building is recognisably intact externally, but the late 1880s interior has been largely obliterated. The structure is of low integrity.

[Source: Register of the National Estate]

### Extent of Registration

Published Extent of Registration

Shire of South Barwon. No.337. Kardinia House, 1 Riverview Terrace, Belmont.

[Victoria Government Gazette No 100 Wednesday, October 9 1974 p.3650]

## Appendix 1

### Heritage Council determination (section 49)

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. The owner can also make a submission about proposed permit exemptions (Section 40(4)(d)).

### 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.

### Conduct of hearings by Heritage Council in relation to a recommendation (section 46A)

- (1) The Heritage Council may conduct a hearing in relation to a recommendation under section 37, 38 or 39 in any circumstances that the Heritage Council considers appropriate.
- (2) The Heritage Council must conduct a hearing if—
  - (a) a submission made to it under section 44 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, object or land that is the subject of the submission.

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

- (1) After considering a recommendation that a place, object or land should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing, the Heritage Council may—
  - (a) determine that the place or object is of State-level cultural heritage significance and is to be included in the Heritage Register; or
  - (ab) in the case of a place, determine that—
    - (i) part of the place is of State level cultural heritage significance and is to be included in the Heritage Register; and
    - (ii) part of the place is not of State level cultural heritage significance and is not to be included in the Heritage Register; or
  - (ac) in the case of an object, determine that—
    - (i) part of the object is of State level cultural heritage significance and is to be included in the Heritage Register; and
    - (ii) part of the object is not of State level cultural heritage significance and is not to be included in the Heritage Register; or
  - (b) determine that 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 or part of the place is not to be included in the Heritage Register but—
    - (i) refer the recommendation and any submissions to the relevant planning authority or the Minister administering the Planning and Environment Act 1987 to consider the inclusion of the place or part of the place in a planning scheme in accordance with the objectives set out in section 4(1)(d) of that Act; 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 part of the place; or
  - (ca) in the case of a recommendation in respect of an object nominated under section 27A, determine that the object, or part of the object, is to be included in the Heritage Register if it 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; or
  - (d) in the case of a recommendation in respect of additional land nominated under section 27B, determine that the additional land, or any part of the additional land, is to be included in the Heritage Register if—
    - (i) the State level cultural heritage significance of the place, or part of the place, would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the place were developed; or
    - (ii) the additional land or any part of the additional land surrounding the place, or part of the place, is important to the protection or conservation of the place or contributes to the understanding of the place.
- (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, within 90 days after the completion of the hearing.
- (3) A determination made under subsection (1)(a), (ab), (ac), (ca) or (d)—
- (a) may include categories of works or activities which may be carried out in relation to a place, object or land, or part of a place, object or land, 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, object or land; and
  - (b) must include a statement of the reasons for the making of the determination.
- (4) If the Heritage Council determines to include a place, or part of a place, in the Heritage Register, the Heritage Council may also determine to include land that is not the subject of a nomination under section 27B in the Heritage Register as part of the place if—
- (a) the land is ancillary to the place; and
  - (b) the person who owns the place, or part of the place—
    - (i) is the owner of the land; and
    - (ii) consents to its inclusion.
- (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 (section 42, 42A, 42B, 42C, 42D)**

### **42 Obligations of owners—to advise of works, permits etc. on foot when statement of recommendation given**

- (1) The owner of a place, object or land 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, object or land at the time the statement is given; and
  - (b) if the place, object or land is a place or additional land, any application for a planning permit or a building permit, or any application for an amendment to a planning permit or a building permit, that has been made in relation to the place or additional land 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, object or land 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.

### **42A Obligations of owners before determination or inclusion in the Heritage Register—to advise of permits**

- (1) This section applies if—
  - (a) an owner of any of the following is given a statement of recommendation—
    - (i) a place or object nominated under section 27;
    - (ii) an object nominated under section 27A;
    - (iii) land nominated under section 27B; and
  - (b) any of the following occurs within the statement of recommendation period in relation to the place, object or land—
    - (i) the making of an application for a planning permit or a building permit;
    - (ii) the making of an application for an amendment to a planning permit or a building permit;
    - (iii) the grant of a planning permit or building permit;
    - (iv) the grant of an amendment to a planning permit or building permit.
- (2) The owner must advise the Executive Director in writing of—
  - (a) the making of an application referred to in subsection (1)(b)(i) or (ii), within 10 days of the making of the application; or
  - (b) a grant referred to in subsection (1)(b)(iii) or (iv), within 10 days of the owner becoming aware of the grant.

### **42B Obligations of owners before determination or inclusion in the Heritage Register—to advise of activities**

- (1) This section applies if—
  - (a) an owner of a place, object or land is given a statement of recommendation; and
  - (b) within the statement of recommendation period it is proposed that activities that could harm the place, object or land be carried out.
- (2) The owner, not less than 10 days before carrying out the activities, must advise the Executive Director in writing of the proposal to do so.

### **42C Obligations of owners before determination or inclusion in the Heritage Register—to advise of proposal to dispose**

- (1) This section applies if—
  - (a) an owner of a place, object or land is given a statement of recommendation; and

- (b) within the statement of recommendation period a proposal is made to dispose of the whole or any part of the place, object or land.
- (2) The owner, within 10 days after entering into an agreement, arrangement or understanding for the disposal of the whole or any part of the place, object or land, must advise the Executive Director in writing of the proposal to do so.

**42D Obligations of owners before determination or inclusion in the Heritage Register—requirement to give statement to purchaser**

- (1) This section applies if—
  - (a) an owner of a place, object or land is given a statement of recommendation; and
  - (b) the owner proposes to dispose of the whole or any part of the place, object or land within the statement of recommendation period.
- (2) Before entering into an agreement, arrangement or understanding to dispose of the whole or any part of the place, object or land during the statement of recommendation period, the owner must give a copy of the statement of recommendation to the person who, under the proposed agreement, arrangement or understanding, is to acquire the place, object or land or part of the place, object or land.

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

An owner of a place, object or land who is subject to an obligation under section 42, 42A, 42B, 42C or 42D must comply with that obligation.

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