

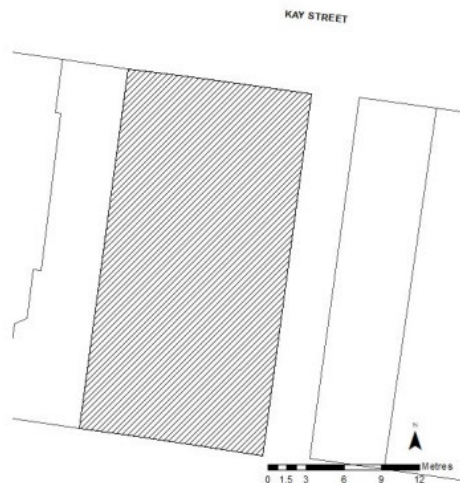
HERITAGE COUNCIL DETERMINATION

Determination Date	6 June 2024
Place/Object Name	Kay Street Infill Housing ('the Place')
Location	77 Kay Street, Carlton, Wurundjeri Country
VHR Number	PROV H2453
Category	Registered Place

The Heritage Council of Victoria determined on 6 June 2024 that:

- i) the above Place is of State-level cultural heritage significance and should be included in the Victorian Heritage Register as a registered Place in accordance with section 49(1)(a) of the *Heritage Act 2017* (Vic) ('the Act') comprising **all** of the place shown hatched on Diagram 2453 encompassing all of Lot 1 on Title Plan 238377; and

DIAGRAM 2453



- ii) the categories of works or activities which may be carried out in relation to the Place for which a permit is not required ('permit exemptions') are to be included, pursuant to section 49(3)(a) of the *Heritage Act 2017* (Vic) in accordance with the **Annexure 1**.
- iii) the proposed statement of significance constitutes reasons for the making of the determination to include the place in the VHR in accordance with section 49(3)(b) of the Act.

STATEMENT OF REASONS FOR MAKING THE DETERMINATION

Material considered

In reaching its determination, the Council has considered the information included in the Executive Director of Heritage Victoria's Statement of Recommendation dated 18 March 2024 ('the Recommendation') and three submissions received in response to the Recommendation.

Basis of Recommendation

The Recommendation concludes that the Place satisfies the following criteria 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.
- Criterion E - Importance in exhibiting particular aesthetic characteristics.

The Recommendation states the Place meets the State level threshold of State-level significance. The extract from the proposed statement of significance summarises this:

"The Kay Street Infill Housing at 77 Kay Street, Carlton is historically significant as evidence of the innovative approach to public housing in Victoria in the late 1970s and early 1980s. It demonstrates the radical change in public housing policy from the high-rise developments of the 1950s, 60s and 70s under the Ministry of Housing's 'New Directions' policy. The townhouse pair was used to convey the success of the Ministry's new programs and became emblematic of its optimism in the era. The Ministry's new approach, which was intended to produce homes that were more creative and humane, of a higher standard, integrated into their contexts, and free of the stigma associated with public housing developments, is clearly demonstrated in the subject dwellings. (Criterion A)

The Kay Street Infill Housing is architecturally significant as a notable example of infill public housing in Victoria. It was one of the most architecturally adventurous of the infill residences commissioned by the Ministry of Housing in the 1980s and was widely documented and reviewed. It is a modest yet important work of the eminent architectural practice Edmond and Corrigan (Maggie Edmond and Peter Corrigan) and reflects their confidence and proficiency in exploring a pluralist approach to architecture in Victoria and pronounced interest in the built character of suburbia. The residences were recognised by a Royal Australian Institute of Architects (Victorian Chapter) award for Outstanding Architecture, New Housing category in 1985. The infill program as a whole was recognised with an award for Enduring Architecture in 2010. (Criterion D)

The Kay Street Infill Housing is aesthetically significant for its distinctive design characteristics which have been frequently referenced and celebrated in creative and cultural works. Its form, use of colour and choice of materials are highly distinctive and photographs of the residences were often used by the Ministry of Housing to promote its own work. The residences have been strikingly photographed for magazines, artworks and books and the repeated use of images of the Kay Street townhouses emphasises their widespread recognition. (Criterion E)."

The three submissions received by the Heritage Council all expressed support for the Recommendation and none required a hearing. The submissions were from:

- Rowan Farmer (Senior Planner) on behalf of Jacob Wallace (Acting Director) Homes Victoria. The submission explained Homes Victoria's role. It supported the categories of works/activities able to be carried out without a permit (permit exemptions) recommended by the Executive Director, as striking a reasonable balance.
- Linda Wangdahl (Acting Manager Heritage Strategy) Melbourne City Council. The submission noted the current interim heritage protection through a Heritage Overlay, which is proposed to be permanently applied.
- Rohan Storey.

Council's findings

The Recommendation is part of a VHR enrichment project being undertaken by the Executive Director, particularly with respect to later 20th century architecture. Consultation with the Place's owner has formed part of the process leading to the recommended permit exemptions. The assessment has also been informed by an interview with Maggie Edmond who expressly attributed the design of the dwellings to Peter Corrigan.

The Heritage Council accepts the Executive Director's Recommendation and the rationale for the Place's inclusion in the VHR.

The residences at 77 Kay Street are one of approximately 30 Ministry of Housing infill projects in the area around Kay, Station and Canning Streets area. They are (among other findings) considered to be a fine example of their type, of high profile and acclaim, and emblematic of the Ministry of Housing's work. The reasons why the Place is significant are appropriately identified in the statement of significance.

The recommended extent of registration comprises the cadastral parcel the two public housing residences at 77 Kay Street are located on. The proposed extent of registration includes all the features of significance and provides for their conservation and protection, including boundary walls.

The Council accepts the categories of works or activities which may be carried out in relation to the Place for which a permit is not required, as agreed between the Executive Director and Homes Victoria.

Conclusion

The Heritage Council considers that the Place is of historical, architectural and aesthetic significance to the State of Victoria, as out in the statement of significance.



Professor Philip Goad
Chair, Heritage Council of Victoria

ANNEXURE 1 – PERMIT EXEMPTIONS

The categories of works or activities which may be carried out in relation to the Place for which a permit is not required ('permit exemptions') to be included, pursuant to section 49(3)(a) of the *Heritage Act 2017 (Vic)* as follows:

Introduction

A [heritage permit](#) is required for all works and activities undertaken in relation to VHR places and objects. Certain works and activities are [exempt from a heritage permit](#), if the proposed works will not harm the cultural heritage significance of the heritage place or object.

Permit Policy

1. The place's cultural heritage significance relates to its ongoing use as social housing. This ongoing use is supported. It is recognised that a degree of change may be necessary to maintain this use, particularly to the interior.
2. Much of the place's cultural heritage significance relates to its external appearance. Internally, significant characteristics are the room layout, ample natural light and exposed brickwork. If these characteristics can be retained, there is capacity for non-structural change to the interior.

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 Kay Street Infill Housing 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

Exterior

1. Installation of grab bars, ramps, non-slip surfaces and the like to improve accessibility.
2. Works to replace and install air conditioning and heating appliances and upgrade of electrical and other services.
3. Installation of external lighting, CCTV, alarms and the like.
4. All gardening and landscaping works, including tree removal.
5. All works to structures in the rear yards, including installation and removal of sheds, cubbyhouses and the like.
6. All works to rear fences, including removal and replacement.
7. All other external works that do not change the visual appearance of the building when viewed from Kay Street and surrounding laneways.

Interior

8. All updates to kitchens, bathrooms, toilets and laundries including complete refurbishment and replacement.
9. All works to improve thermal comfort (including installation of air conditioning, heating appliances and infrastructure) and upgrade of electrical and other services.
10. All other non-structural internal works that do not permanently alter exposed brickwork or permanently obscure skylights, windows or voids.