


**Former Ballarat Orphanage  
200 Victoria Street, Ballarat East**

**Heritage Council Registrations Committee  
Hearing - 18 November 2011**

**Members – Ms Emma Russell (Chair), Ms Shelley Penn, Mr Ken MacLeod**

### **DECISION OF THE HERITAGE COUNCIL**

After considering a recommendation and the submissions and conducting a hearing into those submissions, pursuant to Section 42(1)(c) the Heritage Council has determined that the place is not of cultural heritage significance to the State of Victoria and does not warrant inclusion in the Heritage Register.



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**Emma Russell  
(Chair)**



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**Shelley Penn**



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**Ken MacLeod**

**Decision Date – 20 December 2011**

## **APPEARANCES**

### **Executive Director, Heritage Victoria**

Ms Anne Cahir, Manager, Assessments appeared for the Executive Director. Ms Frances O'Neill, Senior Historian was available for questions.

### **Owner**

Mr Paul Chiappi appeared for the owner of the place, Victoria Street Developments Pty Ltd, who supported the Executive Director's recommendation. Mr Chiappi called Mr Peter Lovell and Ms Kate Gray of Lovell Chen Pty Ltd to provide expert heritage evidence.

Lovell Chen also submitted a Conservation Management Plan for the site. The recommendations of the plan were not included in the consideration of the Committee.

### **Other parties that appeared**

Ms Phyllis Cremona, Ms Deborah Findlay and Ms Sandra Gilmour appeared and made submissions in opposition to the Executive Director's recommendation. Ms Findlay also presented a petition signed by 306 people supporting the place's inclusion in the Register.

Mr Frank Golding of Care Leavers Australia Network made submissions in opposition to the Executive Director's recommendation.

## INTRODUCTION/BACKGROUND

### The Place

- 1 The Former Ballarat Orphanage (**the Ballarat Orphanage**) is at 200 Victoria Street, Ballarat East. The site was formerly the location of a substantial two-storey brick building erected in 1865, but demolished in the 1960s. The existing buildings on the site include the Orphanage School (1918), the Toddlers' Block (1929), a gymnasium, classrooms, a workshop, asphalt sports courts, grassed play areas and a brick wall running the length of the Stawell Street boundary.
- 2 The place was established as the Ballarat District Orphan Asylum in the mid-1860s. It was then known as the Ballarat Orphanage (1909-1968) and the Ballarat Children's Home from 1968 until 1987 when the Home was relocated to Lydiard Street. The site was occupied from 1995-2010 by Damascus College, a Catholic co-educational secondary school.
- 3 The site is included as part of the Victoria Street Heritage Precinct (HO177) in the heritage overlay of the Ballarat Planning Scheme. Mature elms near the Victoria Street boundary of the site are subject to tree controls under the Heritage Overlay.

### Nomination

- 4 In May 2011, the place was nominated by a former resident for inclusion in the Victorian Heritage Register (**the Register**).

### Recommendation of the Executive Director

- 5 On 15 June 2011, the Executive Director recommended that the place not be included in the Register and that it be referred to the relevant planning authority for inclusion in a planning scheme.
- 6 In August 2011, two submissions and requests to be heard were received objecting to the Executive Director's recommendation. In accordance with s40(2) of the *Heritage Act 1995* (**the Act**), a hearing was required to be held.

### Site Inspection

- 7 The Committee inspected the site on 14 November 2011.

## ISSUES

- 8 This section is not intended to be a complete record of submissions that were made to the Committee. It is a summary of what the Committee considered to be the key issues, followed by an explanation of the position the Committee takes on each issue.
- 9 Any reference to Criteria refers to the *Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance* (see Attachment 1 to this report).

## **Summary of issues**

- 10 The main areas of contention between the parties were the place's historical and social significance.
- 11 The Executive Director and Victoria Street Developments submitted that the place does not satisfy any of the Criteria. Heritage experts Lovell Chen argued that the place has important historical and social associations but not at a level that would warrant inclusion in the Register.
- 12 Ms Cremona, Ms Findlay and Ms Gilmour did not specify which Criteria they believed the place satisfies; however, Ms Findlay submitted that the place is of state and local historical, cultural and social significance.
- 13 Mr Golding submitted that the place satisfies Criteria A, B, C, D and G.

## **Criterion A - Importance to the course, or pattern of Victoria's cultural history**

- 14 The parties disagreed on the importance of the place in Victoria's history.

### *Submissions and evidence*

- 15 Ms Cahir, for the Executive Director, submitted that the Ballarat Orphanage does not have cultural heritage significance at a state level but is of local historical significance for its 120-year association with child welfare in Ballarat. She argued that the place has some historical significance as the site of a nineteenth century orphan asylum but that as the 1865 building has been demolished, no fabric remains to demonstrate these associations.
- 16 Lovell Chen gave evidence that the Ballarat Orphanage has some historical significance for its role as a major child welfare institution in Ballarat for over 120 years. However, they considered that the breadth of history of the site is not well reflected in the surviving fabric, most of which dates from the interwar and post WWII periods. They argued that on this basis, there is insufficient justification for including this place in the Register for its historical value.
- 17 Ms Cahir submitted that the place has some significance as a twentieth century orphanage. She noted that the altered Toddlers' Block and Orphanage School in particular are demonstrative of approaches to child welfare in the twentieth century. Other parties also identified certain elements of the place as being of particular significance:
  - Mr Golding submitted that the Toddlers' Block and the Orphanage School represent a turning point in the history of child welfare in Victoria. He argued that the Toddler's block in particular illustrates a growing appreciation that young children need small-scale accommodation.
  - Ms Cremona identified the school, Toddlers' Block, workshop, gymnasium, Stawell Street brick wall, magnolia and elm trees as important parts of the history of child welfare in the State.

- Ms Findlay identified the Toddler’s Block, Orphanage School, workshop; and Stawell Street brick wall as particularly significant elements.

18 Mr Golding submitted that the place meets the threshold for state significance as it is, ‘the site of an early large-scale non-denominational institution and its remaining facilities demonstrate how attitudes and practices in children’s welfare changed over time’.<sup>1</sup> He criticised the Executive Director for his:

- preoccupation with architectural style and size
- assumption that if the place is not intact it is not worth preserving, thereby undervaluing remnant fabric and other values
- repeated assertions that the site is not significant other than at a local level.

19 Ms Cremona, Ms Findlay and Mr Golding submitted that the Ballarat Orphanage is of state significance as it took in children not just from Ballarat, but from across the State. Mr Golding cited sources that showed that the Ballarat Orphanage was well-known across Victoria. Lovell Chen rejected this argument, submitting that the fact that children came from all over Victoria is similar to practices at other institutions of this nature and does not elevate the place to state significance.

*Discussion and conclusion*

- 20 The Committee finds that the Ballarat Orphanage does not satisfy Criterion A.
- 21 In the Committee’s view, the Ballarat Orphanage is significant in the cultural history of Ballarat as a large institution operating over 150 years.
- 22 The Committee is also of the view that the history of the place is of great personal significance to former residents and there is no question that residents were of diverse origin and included Indigenous children from across the State.
- 23 In terms of the course or pattern of Victoria’s cultural history, the Committee finds that institutions such as the Ballarat Orphanage are of some importance in telling the story of economic and social change in Victoria’s evolution. However, this example is not elevated to state significance by any differentiating or particular characteristic.
- 24 Neither the place as a whole, nor any particular element of the place reaches the threshold for state significance.

**Criterion B – Possession of uncommon, rare or endangered aspects of Victoria’s cultural history.**

- 25 The parties disagreed on the rarity of aspects of the place.

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<sup>1</sup> Frank Golding, ‘Registration Submission to Heritage Council’, dated 27 July 2011, p3.

### *Submissions and evidence*

- 26 Mr Golding submitted that the features that differentiate the Ballarat Orphanage from other similar registered places are its denominational tolerance and on-site school.
- 27 Ms Findlay submitted that the Ballarat Orphanage was a unique site with its own farm, school, sports grounds, cottages and creek.
- 28 Lovell Chen did not consider this Criterion to be applicable.

### *Discussion and conclusion*

- 29 The Committee finds that the Ballarat Orphanage does not satisfy Criterion B.
- 30 The ‘Comparison’ section of the Executive Director’s submission provides the following information in relation to features of other child welfare institutions:
- Former St Vincent de Paul Boys’ Orphanage, South Melbourne (H2170, 1857) includes a 1925 residence.
  - Former St Vincent de Paul Girls’ Orphanage, South Melbourne (H1531) includes a schoolroom.
  - The former Protestant Orphan Asylum (H1095) in Geelong and the Sacred Heart Convent of Mercy (H0555), also in Geelong, include a Common School constructed in 1865 and a boarding school (1869) respectively.
  - The St Aidan’s Orphanage, Kennington (H2057) is an example of a child welfare institution that accommodates both boys and girls.
  - The former Northcote Children’s Farm (H2167) was a farm school for child migrants and included twelve cottages.<sup>2</sup>
- 31 The Committee is of the view that the issue of denominational tolerance is an interesting one in the context of Victoria’s cultural history; however, it considers that there is not enough comparative evidence available to consider the Ballarat Orphanage’s denominational tolerance as being unique or rare to Victoria’s cultural history. Nor does it consider the physical features pointed out as unique to the Ballarat Orphanage to be either significant or unique.

### **Criterion C - Potential to yield information that will contribute to an understanding of Victoria’s cultural history**

- 32 The parties disagreed on the place’s potential to yield valuable information.

### *Submissions and evidence*

- 33 Mr Golding submitted that current and future generations could learn much about Victoria’s social history from the site. He claimed that the stories of former residents enable others to ‘discover...how people understand, construct, care and feel about the social value of place’.<sup>3</sup>

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<sup>2</sup> Executive Director’s submission, 21 October 2011, pp 5-9

<sup>3</sup> Frank Golding, verbal submission, 18 November 2011.

- 34 Lovell Chen submitted that this Criterion was not considered to be applicable to the physical fabric of the site; however, they noted that there is a rich collection of documentary materials relating to the site and the opportunity for further research through oral history.

*Discussion and conclusion*

- 35 The Committee finds that the Ballarat Orphanage does not satisfy Criterion C.
- 36 The remaining fabric of the place has limited potential to yield information. The Committee notes the existence of substantial documentary evidence and supports the use of this in developing interpretive materials.

**Criterion D - Importance in demonstrating the principal characteristics of a class of cultural places and objects**

- 37 The parties disagreed about the place's ability to demonstrate the principal characteristics of orphanages.

*Submissions and evidence*

- 38 According to Ms Cahir's submissions, the Ballarat Orphanage is not as intact as other child welfare institutions that are included in the Register, for example:

- Former St Vincent de Paul Boys' Orphanage;
- Former St Vincent de Paul Girls' Orphanage;
- Former Protestant Orphan Asylum and Common School, Fyansford (VHR1095); and
- St Aidan's Orphanage.

- 39 She argued that the above places retain their original institutional buildings, which demonstrate their original ideals and purpose. Lovell Chen shared this view, submitting that 'all of these complexes retain substantial fabric that is demonstrative of the approach to institutional accommodation for children in the mid to late nineteenth century'.<sup>4</sup>

- 40 Ms Cahir made comparisons with the former St Vincent's Boys' Orphanage, which 'retains its original form and many features characteristic of a large nineteenth century welfare institution...[and] also includes buildings from the twentieth century...The orphanage site demonstrates the evolution of child welfare from the mid-nineteenth century to the twentieth century'. He stated that both the St Vincent's Boys and Girls orphanages demonstrated 'their ongoing usage...and the extent of child poverty in the mid-nineteenth century'.<sup>5</sup>

- 41 The comparisons provided in Ms Cahir's submission also cited St Aidan's Orphanage and the former Northcote Children's Farm as places which have retained their layout and most original buildings and which demonstrate changes

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4 Lovell Chen, 'Submission to the Heritage Council in relation to the proposed registration of the Former Ballarat Orphanage', dated 21 October 2011, p9.

5 Executive Director's submission, 21 October 2011, p5.

over the nineteenth and twentieth centuries in responses to child destitution and poverty.

- 42 Mr Golding rejected the argument that the place is not significant because it has been altered. He put to the Committee that some children's institutions included in the Register - St Aidan's, for example – have also been subject to alteration. He argued that, 'the absence of the 1865 building should not be used to detract from the merit of newer buildings any more than is the case with the second St Paul's Cathedral'.<sup>6</sup>
- 43 Lovell Chen noted that the place is significantly altered from its incarnation as the Ballarat District Orphan Asylum when it was a substantial two-storey brick building set in expansive grounds. They considered that the surviving buildings and structures from the nineteenth century are minor remnants and do not demonstrate the layout or operation of the site at that time.
- 44 According to Lovell Chen, the extant Ballarat Orphanage is not of a high level of significance as a representative example of orphanage design. They argued that while it reflects aspects of the planning and design of such places at different times in the twentieth century, it is not clearly demonstrative of any one phase. In Lovell Chen's view, the evolved complex lacks clarity in representing a particular phase in development and therefore fails to demonstrate the principle characteristics of an orphanage at a state level.

#### *Discussion and conclusion*

- 45 The Committee finds that the Ballarat Orphanage does not satisfy Criterion D.
- 46 In the Committee's view the place is not an outstanding or distinctive example of a large-scale residential child welfare institution. The remaining fabric and site layout have a limited ability to demonstrate the principal characteristics of this class of places. The Committee finds that these characteristics are better demonstrated by the orphanages that are already included in the Heritage Register.

#### **Criterion G - Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions**

- 47 The parties disagreed on the place's social significance.

#### *Submissions and evidence*

- 48 Ms Cahir submitted that the Ballarat Orphanage is of local social significance to former residents of the institution for whom it was a childhood home and school.
- 49 Mr Golding submitted that the place has 'strong and special associations with the thousands of families and their descendants who fell into poverty or experienced family breakdown'.<sup>7</sup> He argued that the evidence is strong for social value and

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6 Frank Golding, 'Registration Submission to the Heritage Council', dated 27 July 2011, p3.

7 Frank Golding, 'Registration Submission to the Heritage Council', dated 27 July 2011, p3.



that the place has particular significance for the Koori community, in Ballarat and beyond, for the role it played in the history of the Stolen Generations.

- 50 Mr Golding also submitted that the record of the experiences of children who were resident at the Ballarat Orphanage is embodied in the bricks and mortar of the place and argued that:

*A narrow focus on the facade without reference to what these buildings meant for those who lived in them is to have a one-dimensional appreciation of their significance. The architectural standpoint is necessary, but it is not sufficient. We need a psychosocial view, and the insiders' perspective too, before we can fully come to terms with what such an institution means.*<sup>8</sup>

- 51 Lovell Chen considered that the place has social value to a number of former residents and those associated with the place during its operation as an orphanage. Their interest in the site's future was noted as demonstrative of their current attachment to the place. However, Lovell Chen argued that the body of evidence does not demonstrate that these associations are at a level that would elevate the place to state significance.

#### *Discussion and conclusion*

- 52 The Committee finds that the Ballarat Orphanage does not satisfy Criterion G.
- 53 The Committee notes that this Criterion is directed at social value, as distinct from historical social associations. In the Committee's view the cohort of children and their carers who were and are resident in child welfare institutions in Victoria are a significant community or cultural group. However, while the Committee acknowledges that the Ballarat Orphanage is of deep significance to those who lived and worked there, the place does not have a strong or special association with the broader community of people associated with child welfare institutions.
- 54 The Committee also notes that residents of the Ballarat Orphanage came from across the state. However, it takes the view that this does not mean, in itself, there is significance to the State of Victoria.

#### **Australian governments and Forgotten Australians**

- 55 The parties disagreed on the relevance of State and Federal governments' recommendations and pronouncements in relation to Forgotten Australians.

#### *Submissions and evidence*

- 56 Ms Cremona, Ms Findlay and Mr Golding referred to the recommendations made by the Senate Community Affairs Reference Committee in 2004 in relation to Forgotten Australians, being:

*That the Commonwealth and State Governments, in conjunction with the Churches and agencies, provide funding for the erection of suitable*

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<sup>8</sup> Frank Golding, 'Response to Executive Director's Submission', dated 3 November 2011, p 2.

*memorials commemorating care leavers. Where possible, memorials could take the form of:*

- *memorial gardens constructed in conjunction with local councils;*
- *the placement of plaques at the site of former institutions; and/or*
- *the construction of heritage centres on the site of former institutions.*

*The Committee further recommends that the appropriate form and location of memorials should be determined after local consultation with care leavers and their support and advocacy groups.<sup>9</sup>*

- 57 Ms Cremona submitted that the school would make an excellent Heritage Cultural Centre, arguing that:

*It is important to keep a record of the experiences of those who grew up in the orphanage for future generations and the families of past inmates/residents. It is not just about the bricks and mortar but also the memories of a large number of people who passed through the doors of the Ballarat Orphanage.*

- 58 Lovell Chen were of the view that the Senate Committee's recommendations are irrelevant to the Registration Committee's consideration as, 'the question of the most appropriate means of recognising and/or interpreting the history and social values of the place is not relevant to the issue of registration'.<sup>10</sup>

- 59 Mr Golding also brought to the Committee's attention prime minister Kevin Rudd's speech (November 2009) on the national apology to Forgotten Australians when he said, 'it is important, however, that this [National Apology] not be regarded as a single point in history. Our view is that it will be helpful for the nation, however painful, to properly record your experiences, where you deem that to be appropriate'.<sup>11</sup>

- 60 Mr Golding cited the Senate Reports of 2009 and 2010, the apology by the Victorian Parliament (2006), the national apology from both houses of the Australian Parliament (2009), the National Library's Forgotten Australians' oral history project (2011-12), the National Museum's exhibition *Inside* (2011-13) and the national find and connect service. He argued that if the place is not registered, the Heritage Council will be 'marching in the opposite direction' to State and Federal governments.

#### *Discussion and conclusion*

- 61 The Committee supports the recommendations made by the Senate Community Affairs Reference Committee 2004 in relation to commemorating Forgotten Australians. However, the Committee finds that the inclusion of the Ballarat

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9 Senate Community Affairs Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Canberra 2004, p336.

10 Lovell Chen, 'Submission in reply', dated 11 November 2011, p4.

11 Frank Golding, 'Registration Submission to the Heritage Council', dated 27 July 2011, p4.

Orphanage on the Register is not necessary for the appropriate recognition or interpretation of the site's history.

## **CONCLUSION**

- 62 The Committee finds that the Former Ballarat Orphanage does not reach the threshold for State significance in relation to any of the Heritage Council's criteria for inclusion in the Victorian Heritage Register.
- 63 The Committee notes that all parties agreed that it was appropriate to memorialise and commemorate the history of the place with interpretative materials, and supports this proposal. It was noted that such commemorative or interpretive material could come from or be located at the site, and may include the retention of existing buildings and features, in particular the brick wall along Stawell Street, the large trees at the Victoria Street frontage (a Southern Magnolia and two elms), and the existing plaques and foundation stones.
- 64 The Statement of Significance for the place is at Attachment 2 to this report showing the Committee's amendments to the draft.

## ATTACHMENT 1

### HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

CRITERION A	Importance to the course, or pattern, of Victoria's cultural history.
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION D	Importance in demonstrating the principal characteristics of a class of cultural places or objects.
CRITERION E	Importance in exhibiting particular aesthetic characteristics.
CRITERION F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
CRITERION G	Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

**These were adopted by the Heritage Council at its meeting on 7 August 2008, and replace the previous criteria adopted by the Heritage Council on 6 March 1997.**

## ATTACHMENT 2

### Statement of Significance

The Former Ballarat Orphanage was established in the mid-1860s, and operated from an imposing two-storey building designed by the Ballarat architect H.R. Caselli. Following the demolition of the original orphanage building in the 1960s, the site now only retains buildings from the twentieth century, which include the Orphanage School (1918) and the Toddler's Block (1929).

The social upheavals following the gold rush meant that the township of Ballarat was home to a large number of orphaned or destitute children. To address this problem a number of charitable institutions were established, including the Benevolent Asylum (1858) and the Ballarat Female Refuge (H1893, 1867). Whilst orphaned children were initially housed at the Benevolent Asylum, it was decided that the influences of such an institution were unsuitable. In mid-1865, a proposal to establish an Orphan Asylum was adopted by the North Star Lodge of Oddfellows, with Ballarat Freemasons and Foresters joining the fundraising efforts, and a committee of management was drawn from 'gentlemen representatives'. The architect H.R. Caselli's plan for a two-storey gabled building with central tower won the design competition, and the foundation stone for the Ballarat District Orphan Asylum was laid by Hon. J. McCulloch, Chief Secretary of Victoria, on 8 December 1865. The original orphanage, constructed in three stages (1865, 1867, 1871), comprised dormitory wards, staff quarters, school rooms, and hospital wards. It was the first institution of its kind to have a swimming pool, and the orphanage farm provided much needed revenue as well as training the children.

The orphanage school was moved from the main building with the construction of the new school in 1918. In 1929, the Toddlers' Block was constructed to house children under the age of six. Attitudes to child welfare began to change in the interwar years, with a move away from housing children in dormitory wards in large institutional buildings to cottage-style accommodation. The deteriorating 1860s building was completely demolished by 1963, replaced by domestic-sized accommodation for 200 children. The Ballarat Orphanage operated at the site until the mid-1980s, and the site was used by a school until 2011. Over 4100 children were housed at the orphanage in its 120 years of operation.

Following the demolition of the original orphanage building in the 1960s, the site now only retains buildings from the twentieth century. The Toddlers' Block, constructed in 1929, is a single-storey red brick building with a central courtyard. Internally, most of the original children's rooms were replaced by modern offices during the building's use as a school administration wing. The Orphanage School of 1918 is a single-storey gabled building, with corrugated iron roof. The red brick school consists of classrooms of various sizes opening off a corridor. Other buildings on the site include a gymnasium, communal areas and classrooms dating from the 1960s and 1980s, and a brick workshop of unknown construction date. A brick wall runs the length of the Stawell Street boundary, and there are also asphalt sports courts and grassed play areas. A Southern Magnolia (*Magnolia grandiflora*) and two elms (*Ulmus*) situated at the front of the site have had the ashes of former residents scattered around them.

The former Ballarat Orphanage is of local historical significance for its more than 120-year association with child welfare in Ballarat. It is of local historical significance as the site of a nineteenth century orphan asylum, which has since been demolished.

The former Ballarat Orphanage is of local historical significance for its demonstration of twentieth century child-welfare ideals in the Toddler's Block and Orphanage School, both of which have been altered.

The former Ballarat Orphanage is of local social significance to the former residents and carers associated with the institution.