Lind House
450 Dandenong Road, Caulfield North

Heritage Council Registrations Committee
Hearing – 8 March 2018
Members – Mr Lindsay Merritt (Chair), Dr Karen Murphy, Dr Christine Phillips

DECISION OF THE HERITAGE COUNCIL

Inclusion in the Victorian Heritage Register - After considering the Executive Director's recommendation, submissions received and conducting a hearing into those submissions, pursuant to section 265 of the *Heritage Act 2017* and section 42(1)(a) and section 42(4) of the *Heritage Act 1995*, the Heritage Council has determined that Lind House at 450 Dandenong Road, Caulfield North is of cultural heritage significance to the State of Victoria and should be included in the Victorian Heritage Register.

Lindsay Merritt (Chair)
Karen Murphy
Christine Phillips

Decision Date – 28 May 2018

APPEARANCES/SUBMISSIONS

Executive Director, Heritage Victoria
Submissions were received from the Executive Director, Heritage Victoria ('the Executive Director'). Ms Nicola Stairmand, Acting Principal – Heritage Assessments, appeared on behalf of the Executive Director. Mr Geoff Austin, Manager – Heritage Register and Permits was also present and available to take questions.

Glen Eira City Council
Submissions were received from Glen Eira City Council ('Glen Eira'). Ms Julia Wilson, Senior Strategic Planner, appeared on behalf of Glen Eira. Ms Jacqui Brasher, Principal Strategic Planner, was also present and available to take questions.

Glen Eira's submissions included statements of evidence from Mr Simon Reeves of Built Heritage Pty Ltd. Mr Reeves was called to give expert evidence. Mr Reeves was available to take questions from other parties.

Owner
One of the owners, Ms Rachael Hart ('the Owner') attended the hearing but did not make submissions. Ms Hart was available to take questions.

INTRODUCTION/BACKGROUND

The Place

1 On 22 September 2017, the Executive Director made a recommendation ('the Recommendation') that Lind House should not be included in the Victorian Heritage Register ('the Register').

2 Lind House is located at 450 Dandenong Road, Caulfield North, and consists of a freestanding two-storey house and associated landscaping and features, including front and rear gardens, and a letterbox ('the Place').

3 The following historical and description summary is taken from Glen Eira's submission to the Heritage Council, pursuant to s.38 of the *Heritage Act 1995* ('the Act'), in response to the Recommendation:

> *'[Lind House] is [an] example of modern residential architecture of the 1950s, and specifically the distinctive sub-style associated with émigré architects who were born, qualified as architects and often practiced in Europe before settling here. The house displays many of the key motifs associated with European Modernism, such as its broad-eaved butterfly roof, window walls and feature stone cladding, as well as its articulation as an 'upside down house' (i.e., principal rooms to an emphasised upper level and service areas/undercroft to an understated lower level), creating the effect of an elevated volume. The house also exhibits more unusual detailing and finishes such as the blue glass windows spandrels, the black-and-white vertical timber boarding along the eaves line and front balcony, and interiors with floating staircase and extensive bespoke panelling, joinery and built-in furniture. Prominently sited on a major Melbourne thoroughfare, this large and distinctly eye-catching dwelling has a billboard-like quality, forming a landmark in the suburban landscape, enhanced by its high level of physical intactness.'*

4 The Committee notes that the above description is part of submissions made by Glen Eira. They are provided for information purposes only. The above material does not form part of any endorsed documentation relating to the Place.

Nomination

5 The Executive Director accepted a nomination from Glen Eira to include the Place in the Register on 9 August 2017.

6 On 23 August 2017 the Place was included in Glen Eira Planning Scheme Interim Control HO154, which provided emergency heritage protection for the Place in response to a development proposal affecting the Place. The Interim Control is scheduled to expire on 31 July 2018.

Recommendation of the Executive Director

7 On 22 September 2017, the Executive Director recommended that the Place not be included in the Register and that the Heritage Council may wish to refer the Recommendation to Glen Eira for consideration for inclusion in the Heritage Overlay of the Glen Eira Planning Scheme.

Process following the Recommendation of the Executive Director

8 After the Recommendation of 22 September 2017, notice was published in accordance with s.35 of the Act for a period of 60 days.

9 One (1) submission was received pursuant to s.38(1)(b) of the Act, objecting to the Recommendation.

10 In accordance with s.40(2)(b) of the Act, a hearing was required to be held.

11 The Heritage Council Registrations Committee ('the Committee') was constituted, in accordance with s.40(2)(b) of the Act, to consider the Recommendation and the submission received in response to it and to make a determination, as delegated by the Heritage Council under s.12 of the Act. The Committee then invited further written submissions under s.40(2), (3) of the Act and a hearing was scheduled for 8 March 2018 ('the hearing').

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

Operation of transitional provisions of the *Heritage Act 2017* ('the New Act')

12 At the hearing, the Committee noted the repeal of the Act, and the commencement of the New Act. The Committee noted that the Recommendation falls within the scope of transitional provisions set out at s.265(1), (2) of the New Act. The Committee has therefore proceeded on the basis that, despite the repeal of the Act, the Act continues to apply to this Recommendation, and the Heritage Council's associated hearing and determination is as if the Act had not been repealed.

Site inspection

13 On 8 March 2018, the Committee made a site inspection of the Place accompanied by the Heritage Council Hearings Coordinator. No submissions were sought, made or received at the time of the site inspection.

Conflicts of interest

14 The Chair invited Committee members to make declarations in relation to any matters that may potentially give rise to an actual or apprehended conflict of interests. The Committee was satisfied that there were no relevant conflicts of interests.

Future use of the Place

15 All parties were reminded that, pursuant to s.38(3) and s.42 of the Act, it is not within the Committee's remit to consider future development proposals, or pre-empt any decisions regarding future permits. Rather, it is the role of the Committee to determine whether or not the Place, and all structures included in the extent of nomination, are of cultural heritage significance to the State of Victoria.

New material

16 At the hearing, Mr Reeves sought to introduce a slide presentation that had not previously been circulated to other hearing parties in the course of the submissions process. It was submitted by Mr Reeves that the material included in the slide presentation was restricted to

excerpts from his Statement of Expert Evidence. The Committee admitted the slide presentation for consideration after seeking the views of the Executive Director, who made no objection.

ISSUES

17 The following 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 considers to be the key issues, followed by an explanation of the position the Committee takes on each key issue.

18 Any reference to Criteria refers to the *Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance* (as adopted by the Heritage Council on 7 August 2008) [see **Attachment 1**].

Summary of issues

19 The Executive Director recommended that the Place not be included in the Register as the Executive Director's assessment concluded that it did not satisfy any of the criteria at a State level.

20 Glen Eira submitted that the Place is of cultural heritage significance to the State of Victoria and that it satisfies Criteria D and H.

21 Glen Eira's submissions were informed by the Statement of Expert Evidence provided by Mr Reeves.

Criterion D – Importance in demonstrating the principal characteristics of a class of cultural places or environments

Submissions of Glen Eira

22 Glen Eira submitted that the Place satisfies Criterion D at State level as a significant, notable and intact example of Modernist residential architecture of the 1950s.

23 Glen Eira submitted that a significant number of the Modernist residences currently represented in the Register were designed by architects born and trained in Australia, such as Kevin Borland, Peter McIntyre, Roy Grounds and Robin Boyd. Glen Eira expressed the view that the Place is particularly significant within the "sub-style" of Modernist residential architecture associated with émigré architects who were born, trained and practised in Europe prior to settling in Victoria. In this way, it was the submission of Glen Eira that the Place demonstrates a more "authentic" form of Modernism, as opposed to the "second-hand" and "interpreted" Modernism demonstrated, in the opinion of Glen Eira, by many of the Modernist residences already included in the Register.

24 Glen Eira submitted that the notability of the Place is significantly enhanced by the inclusion of many key motifs associated with European Modernism, such as a broad-eaved butterfly roof, window walls, feature stone cladding, and its articulation as an "upside-down house". It was Glen Eira's view that a number of the Place's typical and distinct European features were highly uncommon, to the point of being a "novelty" in Victoria at the time of construction, including an intercom system, which may have been one of the first in Melbourne, its servant quarters located on the ground floor, and the in-built powder/cloak room for guests on the first floor.

25 Glen Eira submitted that the Place's colourback glass window spandrels were highly unusual in a residential context in the 1950s, and that their residential usage was unique to the designs of Anatol Kagan, as a European-born and trained émigré architect. Glen Eira further drew attention to the intact and bespoke timber panelling, joinery and built-in furniture evident at the Place, which Glen Eira considered to be of high quality, and typical of the work of European Modernist architects, as opposed to those trained in Australia.

26 Glen Eira expressed the view that the Place is notable as a large and luxurious post-war residence, particularly at a time when the construction of many Modernist homes at this time was facilitated through the Small Homes Service led by Robin Boyd. Glen Eira submitted that Anatol Kagan was best-known for his high-end luxurious residential work, and that the Place is a particularly fine and highly-intact example of the designs popular among the wealthy members of Melbourne's Jewish émigré community in the 1950s and 1960s.

27 Glen Eira expressed the view that the Place is further notable for its landmark quality, as a large and prominent residence located on a major Melbourne thoroughfare, acting both during and after its construction as a "billboard" advertising the designs of Anatol Kagan to passers-by.

Submissions of the Executive Director

28 The Executive Director submitted that the Place did not satisfy Criterion D at State level, expressing the view that the Place cannot be described as a notable example of post-war Modernist residential architecture.

29 The Executive Director submitted that Criterion D within *The Victorian Heritage Register Criteria and Threshold Guidelines* requires that the Place is a "notable example" of the class in Victoria, and that a "notable example" is further defined by Reference Tool D as an example of one which is "fine, or highly intact, or influential or pivotal".

30 The Executive Director acknowledged that the Place demonstrates several motifs of Modernist architecture, including a butterfly roof, a design in which a prominent upper storey containing the house's principal living areas visually dominates a recessed lower storey, bespoke timber joinery and built-in furniture, colourback glass window spandrels and external walls of white-painted timber-framed windows. However, the Executive Director submitted that these design elements are not apparent at the Place alone, and that the integration of these elements at the Place does not present as finely resolved or cohesive.

31 The Executive Director expressed the view that the Place could not be considered to be "fine, highly intact, influential or pivotal", submitting that there are many more examples of post-war Modernist residences that are more intact, demonstrate greater integrity, and have proven to be more innovative and influential, such as Robin Boyd House II (H2105), and Snelleman House (H2282).

32 The Executive Director referenced the *Survey of Post War Built Heritage in Victoria*[1] prepared for Heritage Victoria by Heritage Alliance, Conservation Architects and Heritage Consultants in 2008, which identified more than 240 residential buildings of potential State-

[1] https://www.heritage.vic.gov.au/research-and-publications/thematic-and-typological-studies/survey-of-post-war-built-heritage-in-victoria-stage-one

level cultural heritage significance, and noted that Lind House was not identified or referred to in this report.

33 The Executive Director expressed the view that while the Place is recognisable, and that people may fondly recognise it in the local landscape, this does not imbue it with the State-level landmark status of such places as the Skipping Girl Neon Sign (H2083), Nylex Sign (H2049) or Split Point Lightstation Complex (H2270).

34 The Executive Director submitted that the intactness of Lind House has been compromised, and that while its interiors retain much built-in joinery, alterations have been made to some finishes, and the kitchen and bathroom have been replaced.

Discussion and conclusions

35 The Committee is persuaded by Glen Eira's submissions in relation to the unique European design elements of the Place, and its ability to demonstrate "first-hand" Modernist residential architecture. The Committee accepts that certain design elements evident at the Place, such as the intercom system, powder/cloak room for guests, downstairs servant quarters, colourback glass window spandrels and central heating with its own plant room were all novel within a residential context at the time of the Place's construction, and reflect the customs of, and domestic comforts sought by, wealthy members of Victoria's post-war émigré community.

36 The Committee accepts that nuanced, but important, differences existed in the ways in which the many prominent Melbourne-trained architects and the émigré European-trained architects interpreted and applied Modernist design language. The Committee is of the view that the intact fabric of the Place allows a clear reading and understanding of these distinctions.

37 The Committee accepts the Executive Director's submission in relation to the landmark status of the Place. Whilst the Committee acknowledges the prominence of the Place within a local context, it agrees that the Place does not meet the threshold for landmark status within a State-wide context.

38 The Committee does not agree with the Executive Director's submissions in relation to the level of intactness of the Place. Whilst the Committee acknowledges that various kitchen and bathroom fittings, elements and some cabinetry have been altered or replaced, this is not uncommon for residences of this period. The intactness of the Place's exterior elements, including colourback glass window spandrels, louvred screens, timber-framed windows, feature stone cladding and landscape elements such as the letterbox and its interior elements including a floating staircase, brightly-coloured carpet, high-quality bespoke timber joinery (including internal and external large sliding doors) and built-in furniture, parquetry floors, window and door furniture, and many light fittings, is, in the opinion of the Committee, notable to a high degree.

39 The Committee also notes that high intactness is an outcome of the absence of any additions or alterations affecting room layout having been made. Overall, internal claddings and linings are original to a high degree and internal fitment or fixture replacements are minor in proportion to extant original items. External cladding materials are original to a high degree and there is no visible evidence of any structural alterations.

40 The Committee does not agree with the Executive Director's submission that the integration of Modernist design elements at the Place does not present as finely resolved or cohesive. Indeed, it is the opinion of the Committee that the Place is a fine and highly intact example of post-war Modernist residential architecture, and that it is unique in its presentation of distinctly European design elements that were favoured, and sought out, by wealthy members of the European émigré community in post-war Melbourne.

41 The Committee finds that the Place is a fine and highly intact example of post-war Modernist residential architecture, and that Criterion D is satisfied at State level.

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

Submissions of Glen Eira

42 Glen Eira submitted that the Place met Criterion H at State level, for its special association with the life and works of architect Anatol Kagan, one of the group of prominent émigré architects who practised in Victoria during and following the Second World War.

43 Glen Eira submitted that Anatol Kagan was one of the most notable of the group of European-trained émigré architects, as evidenced by the fact he was one of the first émigré architects to receive scholarly attention in Victoria. This scholarly attention was in the form of Robin Boyd's 1947 monograph *Victorian Modern*, which included a paragraph of text and one image of Punt Corner, a now-demolished block of flats designed by Kagan in partnership with Yury ('George') Blumin.

44 Glen Eira further submitted that Kagan was one of only two European émigré architects to be represented by more than one building in the Royal Australian Institute of Architects (RAIA) *Register of Twentieth Century Architecture in Victoria*; that Kagan was one of the first European architects who practised in Victoria to have a building recommended for local level heritage protection; that Kagan was one of the first European émigré architects who practised in Victoria to have a building classified by the National Trust of Victoria (Australia) ['the Trust']; and that Kagan is one of ten Melbourne-based European émigré post-war architects to have a biographical entry in the 2012 *Encyclopaedia of Australian Architecture*.

45 Glen Eira submitted the view that Kagan's name is invariably evoked in any given discussion of European émigré architects in post-war Melbourne, claiming that since the mid-1990s, he has been referenced in several different contexts, including gallery exhibitions, academic papers and publications, print media, local government area heritage reviews and histories, and in presentations at conferences.

46 Glen Eira submitted that the life and works of Kagan are similar to those of other prominent émigré architects whose works are currently represented in the Register, including Frederick Romberg, and Dr Ernest Fooks with whom he co-designed the Mount Scopus Memorial College in Burwood, and that it would therefore be appropriate to see the work of Anatol Kagan represented in the Register.

47 Glen Eira submitted that for the reasons listed above, Anatol Kagan should be considered one of the most well-known, highly regarded and respected practitioners among the group of European-trained émigré architects who practised in Victoria during the twentieth century.

48 Glen Eira submitted that the Place ought to be considered the "greatest hits package" of Kagan's work, incorporating many key motifs associated with his oeuvre. Glen Eira further submitted that Kagan was particularly well-known for his designs of large and luxurious residences, mostly commissioned by fellow European émigrés, who were wealthy members of Melbourne's post-war Jewish community, and in this way, the Place typified the style and works of Kagan.

49 Glen Eira further submitted that many Modernist residences included in Register were lived in by the architects that designed them (i.e. Grounds House [H1963]; Robin Boyd House II [H1906]; Ernest Fooks House [H2191]). It was the view of Glen Eira that, as Kagan never designed a house for he and his family to live in, and that many of the houses designed by Kagan have since been demolished or significantly altered, the significance of the Place should be considered to be elevated as a result.

50 Glen Eira submitted that the comparative examples of Modernist residences included in the Recommendation were not appropriate, as they were all designed by Melbourne-trained architects, including Peter McIntyre, Robin Boyd, and Roy Grounds. Glen Eira submitted that the circle of Melbourne-trained Modernist architects consisted largely of graduates from prominent Melbourne schools and the University of Melbourne School of Architecture, and that comparing the European-trained émigré architects with the "exclusive" circle of Melbourne-trained architects was like comparing "apples with oranges". Glen Eira submitted the view that the work of émigré Modernist architects has, as a result, been largely overlooked.

Submissions of the Executive Director

51 The Executive Director submitted the view that Glen Eira's submissions in relation to Criterion H did not make a compelling case that the Place satisfies Criterion H at State level.

52 The Executive Director submitted that the basic test for Criterion H as outlined in *The Victorian Heritage Register Criteria and Threshold Guidelines* requires the person, or group of persons, with whom the place has a direct association to have made a strong or influential contribution to the course of Victoria's history.

53 The Executive Director submitted the view that on the available evidence, Anatol Kagan's contribution to the course of Victoria's history was not strong or influential when compared to the contributions made by Frederick Romberg or Dr Ernest Fooks. Although the Executive Director acknowledged that there are indeed many similarities between the careers of Kagan and Fooks, and the careers of Kagan and Romberg, it was the view of the Executive Director that there are also many differences. The differences cited by the Executive Director included the 'iconic' nature of projects designed by each Romberg and Fooks, Romberg's prominence as a partner of the prolific architecture firm of Grounds, Romberg and Boyd, and the teaching, lecturing and publication contributions of each Romberg and Fooks.

54 The Executive Director submitted that, although the works of Kagan had received scholarly attention in Robin Boyd's publication *Victorian Modern*, Boyd was guarded in his comments in relation to Punt Corner, describing the development as an "above average" example of its class, and observing that its incorporation of "almost every property of

modernism" presented a collection of design elements that was "rather too numerous all to be true."

55 The Executive Director submitted that the nomination of a place for inclusion in a heritage listing, such as a local heritage overlay or classification by the Trust can be made by anyone at any time. The Executive Director expressed the view that nominations are made for many reasons, including the focus or interest of a particular Local Government Authority at the time, a new body of research, or the threat of demolition or change to the place. The Executive Director submitted that the fact that a house designed by Kagan may have been the first designed by an émigré architect to receive local heritage protection, or to be classified by the Trust, does not support the argument that Kagan made a strong or influential contribution to the course of Victoria's history.

56 The Executive Director further submitted that places are included in the Register when they have been assessed as meeting the threshold for cultural heritage significance at State level, not because they were designed by a particular architect whose work is not yet represented or under-represented in the Register.

Discussion and conclusions

57 The Committee notes the submissions received by both parties in relation to Criterion H.

58 The Committee finds that the group of émigré architects working in Melbourne in during and following the Second World War may be considered as a "group of persons of importance in Victoria's history".

59 The Committee is satisfied that the group of émigré architects practising in Melbourne during and following the Second World War are considered to have made a strong and influential contribution to the course of Victoria's history. The Committee is further satisfied that Anatol Kagan was, and continues to be, recognised as being part of this group at the time that the Place was designed and constructed, and that the Place demonstrates a close and enduring association with Kagan and this group of persons that can be clearly and readily understood.

60 Additionally, the Committee accepts the inefficacy of comparing the prominent Melbourne-trained post-war architects with the European-trained émigré architects who were practising in Melbourne during and following the Second World War. The Committee, as discussed at paragraph 36, accepts that nuanced, but important, differences existed in the ways in which the Melbourne-trained architects and the émigré European-trained architects interpreted and applied Modernist design language. The Committee is satisfied that the association of the Place to Anatol Kagan and the group of émigré architects practising in Melbourne in the post-war years is evident in the European Modernist design elements and highly intact fabric of the Place, allowing a clear reading and understanding of these distinctions better than most other places in Victoria.

61 The Committee finds that Criterion H is satisfied at State level.

CONCLUSION

62 The Committee finds, in accordance with section 265 of the *Heritage* 2017 and section 42(1)(a) of the *Heritage Act 1995* that Lind House at 450 Dandenong Road, Caulfield North is of architectural and historical significance to the State of Victoria, and meets the State-level threshold for inclusion in the Victorian Heritage Register under Criteria D and H.

63 The Statement of Significance, Extent of Registration and Permit Policy/Permit Exemptions are detailed in **Attachments 2, 3** and **4**.

ATTACHMENT 1

HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGIFICANCE

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 environments.
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

What is significant?

Lind House, including the exterior and interiors of the residence; the low street boundary wall of random-coursed stonework and other stone walls; front and rear undercroft areas; rear concrete staircase and navy-blue painted steel pipe columns and balustrading; landscape elements including paving, stone steps, and elevated letterbox; and fixtures attached to the building interior including, but not limited to, wall panelling, ceiling linings, doors and windows with associated furniture, parquetry floors, in-built upholstery, light fittings, vent grates, intercom system, and in-built furniture, cupboards, cabinets and shelves. The first floor bathroom and kitchen were refurbished in the 1980-1990s, and introduced elements within these spaces are considered to be of non-contributory cultural heritage significance.

History Summary

Lind House was designed by Russian-born Jewish émigré architect Anatol Kagan, for Polish-Jewish émigré Leo Lind and his wife Dorothy, and was constructed over the period of 1954-55.

Kagan emigrated to Australia in 1939, establishing a successful architectural practice in Melbourne. Kagan specialised in, and became best known for, his designs of large and luxurious residences, particularly in Melbourne's inner-eastern suburbs of Kew, Balwyn and Toorak. Kagan's clientele chiefly consisted of wealthy, self-made émigré businessmen who had also fled Europe in the 1930s and 1940s to seek a new life in Australia.

The house at 450 Dandenong Road, Caulfield North was designed by Kagan for Polish émigré textile manufacturer Leo Lindwaser, who had arrived in Australia in 1947, declaring his occupation as "merchant". Leo Lindwaser and his wife Dorothy established a successful textile business in Melbourne, which later became Lind's Textile Ltd, operating out of Flinders Lane in the 1950s. In 1952, the Lindwasers legally changed their names to Leo and Dorothy Lind.

Ownership of 450 Dandenong Road was transferred to Leo and Dorothy Lind in 1954 and the City of Caulfield Rate Book for 1955-56 records that the house on this site was completed in 1955. The house remained in the Lind family's ownership for nearly four decades, with Leo and Dorothy residing there until their deaths (in 1984 and 1983, respectively), after which time ownership of the house was transferred to their eldest daughter, Margaret. The house was sold to another couple in 1992, who occupied it until 2006, when it again changed ownership. Lind House again changed ownership in 2017 [as of May 2018].

Description Summary

Lind House is a two-storey butterfly-roofed Modernist freestanding house, sited centrally within a trapezoidal block of approximately 843 sq.m (0.21 acres). The principal living areas, study, powder/cloakroom for guests and four of its five bedrooms are located on the upper storey, with the lower storey containing an entry foyer, the fifth bedroom, a laundry and a tandem garage. Viewed from Dandenong Road, the north-facing elevation's more embellished upper storey visually dominates the lower storey. The Dandenong Road elevation exhibits a range of details and finishes. Cream-coloured face brickwork clads the wall to the east of the garage door and extends around the corner of the east elevation. The undercroft walls feature the same face bricks and random-coursed stonework cladding, with similar stonework cladding to the two-storey wall area along the west-facing side of the façade's projecting bay. The upper storey's window wall comprises a rectilinear pattern of fixed and operable white-painted timber sashes, with a row of navy colourback glass spandrels along its base. The wide eaves of the butterfly roof are supported by exposed tapering rafters, which are painted in a dark tone to contrast with the white-coloured eaves lining. The white and navy blue colour scheme of the exterior is echoed throughout white painted timber elements, the navy blue colourback glass window spandrels, and navy blue-painted steel pipe columns and balustrading.

The dining room features floor-to-ceiling timber-framed windows which contain banks of alternating narrow panes of fixed ripple-glass and solid timber panels in a zig-zag plan arrangement, with the panes of glass angled to face towards the north-east. The internal entry stair is of carpet-wrapped triangular-shaped timber treads supported by white-painted steel framing. The powder/cloak room for guests at the top of the stairs on the second storey is partially screened by a rectilinear grid of lacquered timber framing which contains panels of ripple glass. Interiors of most of the upper-storey rooms contain original finishes and joinery, and some also contain light fittings. The master bedroom and its adjoining walk-in wardrobe, the living room, and the study all feature extensive bespoke built-in timber joinery and furniture, and timber parquetry floors. Original upholstered finishes have also been retained, including the in-built headboard in the master bedroom, and a large cavity sliding door in the living room. The bathroom and kitchen located on the upper storey appear to have been refurbished in the 1980s-1990s.

Many landscape features appear to be intact, including the low random-coursed stonework street boundary wall, and the large, skillion-roofed timber letterbox mounted on steel rods.

How is it significant?

Lind House is of architectural and historical importance to the State of Victoria. It satisfies the following criteria for inclusion in the Victorian Heritage Register:

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

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?

Lind House is significant at the State level for the following reasons:

Lind House is of architectural significance as a fine and intact example of Modernist residential architecture in Melbourne. Designed by Russian-born Jewish émigré architect Anatol Kagan for Polish-Jewish émigré Leo Lind and his wife Dorothy, Lind House is notable for its distinctly European Modernist design elements. Lind House stands apart from many Modernist residences designed by Australian-trained post-war architects as a result, with a number of its typical European features – including its bespoke high-quality in-built timber joinery and furniture likely to have been detailed and fabricated by skilled European émigré craftsmen, powder/cloak room for guests, intercom system, downstairs servant quarters and colourback glass window spandrels – considered to be novelties within the Victorian residential context at the time of Lind House's construction, and reflecting the customs of, and domestic comforts sought by, wealthy members of Melbourne's post-war émigré community [Criterion D].

Lind House is historically significant for its direct and enduring association with notable architect Anatol Kagan, who was one of the group of highly talented, progressive, European-trained émigré architects who made an important contribution to the architecture, town planning, education of architects and town planners, and to the cultural life of Melbourne during and following the Second World War [Criterion H].

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ATTACHMENT 3

PERMIT POLICY

Preamble

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

The extent of registration of the Lind House in the Victorian Heritage Register affects the whole place shown on Diagram 2387 including the land, the residence (including the exterior and interiors), street boundary random-coursed stonework walls, other exterior stonework walls, landscape elements and other features. Under the *Heritage Act 2017* a person must not remove or demolish, damage or despoil, develop or alter or excavate, relocate or disturb the position of any part of a registered place or object without approval. It is acknowledged, however, that alterations and other works may be required to keep places and objects in good repair and adapt them for use into the future.

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

Permits are required for anything which alters the place or object, unless a **permit exemption** is granted. Permit exemptions usually cover routine maintenance and upkeep issues faced by owners as well as minor works or works to the elements of the place or object that are not significant. They may include appropriate works that are specified in a conservation management plan. Permit exemptions can be granted at the time of registration (under s.49(3) of the *Heritage Act 2017*) or after registration (under s.92 of the *Heritage Act 2017*).

It should be noted that the addition of new buildings to the registered place, as well as alterations to the interior and exterior of existing buildings requires a permit, unless a specific permit exemption is granted.

Conservation management plans

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

Aboriginal cultural heritage

If works are proposed which have the potential to disturb or have an impact on Aboriginal cultural heritage it is necessary to contact Aboriginal Victoria to ascertain any requirements

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

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

Archaeology
Ground disturbance may affect any archaeological deposits at the place and, subject to the exemptions stated in this document, requires a permit.

Cultural heritage significance
Overview of significance
The cultural heritage significance of Lind House lies in all of the place at 450 Dandenong Road, including the exterior and interiors of the residence; the low street boundary random-coursed stonework wall and other stonework walls; front and rear undercroft areas; rear concrete staircase and navy-blue painted steel pipe columns and balustrading; landscape elements including paving, stonework steps, and letterbox; and fixtures attached to the building including, but not limited to, wall panelling, ceiling linings, doors, parquetry floors, in-built upholstery, light fittings, vent grates, intercom system, and in-built furniture, cupboards, cabinets and shelves. The first floor bathroom and kitchen were refurbished in the 1980-1990s, and introduced elements of these spaces are considered to be of non-contributory cultural heritage significance.

PERMIT EXEMPTIONS (UNDER SECTION 49(3) OF THE *HERITAGE ACT 2017*)

It should be noted that Permit Exemptions can be granted at the time of registration (under s.49(3) of the *Heritage Act 2017*). Permit Exemptions can also be applied for and granted after registration (under s.92 of the *Heritage Act 2017*).

General Condition 1
All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object.

General Condition 2
Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such works shall cease and Heritage Victoria shall be notified as soon as possible.

General Condition 3
All works should ideally be informed by Conservation Management Plans prepared for the place. The Executive Director is not bound by any Conservation Management Plan, and permits still must be obtained for works suggested in any Conservation Management Plan.

General Condition 4
Nothing in this determination prevents the Heritage Council from amending or rescinding all or any of the permit exemptions.

General Condition 5
Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits from the relevant responsible authority, where applicable.

SPECIFIC PERMIT EXEMPTIONS

Landscape Exemptions:

- The process of gardening, including mowing, hedge clipping, bedding displays, disease and weed control, and maintenance to care for existing plants.
- Subsurface works involving the installation, removal or replacement of watering and drainage systems or services.
- Works associated with the management of possums and vermin.
- Removal or lopping of trees where there is a risk of personal injury or damage to property.
- Removal, or maintenance and repair of existing paving and other hard landscaping elements, like for like.
- Removal, or maintenance, repair and replacement of existing fences and gates, like for like.

Specific Exemptions:

Building Exteriors

- Repairs and maintenance which replace like with like.
- Removal of extraneous items installed after 1955 such as air conditioners, pipework, ducting, wiring, antennae and aerials.
- Installation or repair of damp-proofing by either injection method or grouted pocket method.
- Painting of previously painted surfaces in the same colour scheme provided that preparation or painting does not remove evidence of the original paint or other decorative scheme.

Building Interiors

- Painting of previously painted walls and ceilings provided that preparation or painting does not remove evidence of any original paint or other decorative scheme (no stained timberwork is to be painted).
- Removal of paint from originally unpainted or oiled joinery, doors, architraves and skirtings by non-abrasive methods.
- Installation, removal or replacement of post-1955 carpets and/or flexible floor coverings.
- Installation, removal or replacement of post-1955 curtain tracks, rods and blinds.
- Installation, removal or replacement of devices for the hanging of wall mounted items.
- Removal and replacement of post-1955 bathroom elements, including sanitary fixtures and associated piping, mirrors, wall and floor coverings.
- Removal of post-1955 tiling in wet areas provided there is no damage to or alteration of original structure or fabric.
- Installation, removal or replacement of electrical wiring provided that all new wiring is fully concealed and any original light switches, push buttons or power outlets are retained in-situ.

ATTACHMENT 4

EXTENT OF REGISTRATION

All of the place shown hatched on Diagram 2387 encompassing all of Lot 2 on Lodged Plan 31000.