

# Statement of Recommendation from the Executive Director, Heritage Victoria

River House, H2455

3/2 Hodgson Street, Kew, Boroondara City

Wurundjeri Country



## Executive Director recommendation

Under section 37 of the *Heritage Act 2017* (the Act) I recommend to the Heritage Council of Victoria (Heritage Council) that the River House, located at 3/2 Hodgson Street, Kew, Boroondara City is of State-level cultural heritage significance and should be included in the Victorian Heritage Register (VHR) in the category of Registered Place.

In accordance with section 38 of the Act I include in this recommendation categories of works or activities which may be carried out in relation to the place without the need for a permit under Part 5 of the Act.

I suggest that the Heritage Council determine that:

- the River House is of State-level cultural heritage significance and is to be included in the VHR in accordance with section 49(1)(a) of the Act
- the proposed categories of works or activities which may be carried out in relation to the place for which a permit under the Act is not required will not harm the cultural heritage significance of the place under section 49(3)(a) of the Act.



**STEVEN AVERY**  
Executive Director, Heritage Victoria

**Date of recommendation: 16 September 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, object or land in the VHR or amend a place, object or land 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, object or land. 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, objects and land (sections 42, 42A, 42B, 42C, 42D and 43)

The owner of a place, object or land 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, object or land.

The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place, object or land 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 the River House at the time of the site inspection by Heritage Victoria in June 2023 and August 2024.

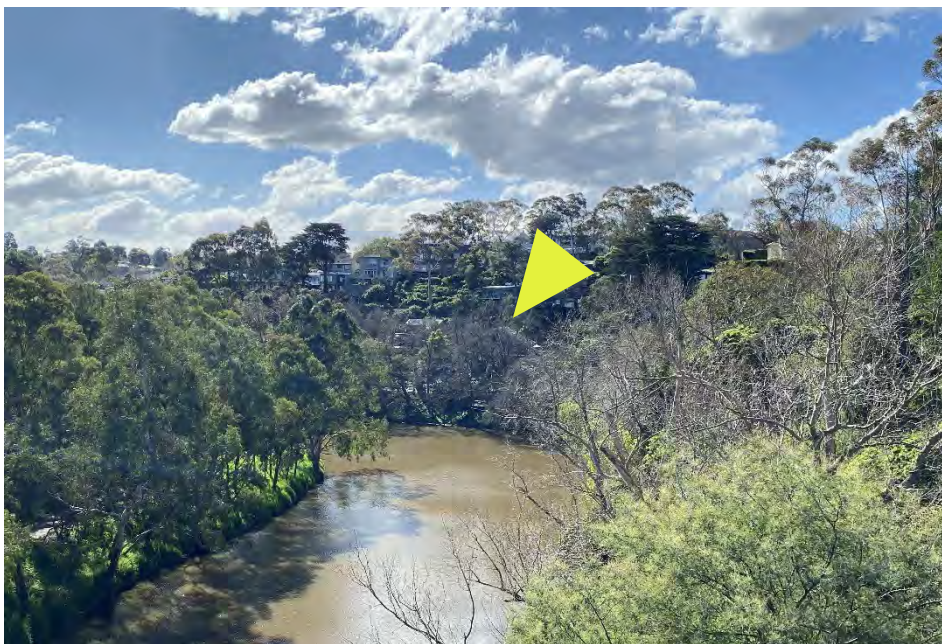
The River House is located on a steeply sloping, treed site on the banks of the Birrarung (Yarra River) at Kew, just east of central Melbourne. The base of the house is a concrete plinth. The plinth supports a steel tower from which two triangular steel frames cantilever approximately 40 metres out in opposite directions giving the effect of the house being suspended. The visible frame is infilled with timber boards, which are painted dark green. The frame and windows are picked out in white. The overall form of the house created by this structure is a triangle, a motif that is repeated throughout the residence. Each end of the house contains an open deck.

The house is accessed via the central ground level. The original front door, designed to slide up and down, is still in place. The upper floors are accessed via a central spiral staircase, painted white. The central floor contains the kitchen, which is largely intact and retains its striking 1950s colour scheme, as well as a dining area, bathroom and a room to the east currently used as a bedroom. The main bedroom occupies the upper-most level, again accessed via the central spiral stair. Original and early internal finishes, including the original colour scheme of tomato red and cadmium yellow, are evident throughout. Windows, several of them triangular in shape, provide views to the river and surrounding landscape.

A 1960s addition, constructed largely of stone, sits beneath the easternmost wing of the 1950s residence. Internally, the 1960s addition contains a kitchen, bathroom and living area. The riverside section of this addition has been enclosed to create additional living space. A modern patio and laundry lie further east of the 1960s addition.

The residence is linked from the front door to the river by a set of steep stone steps. A pavilion, with stone barbeque, sits a short distance from the river. A timber jetty is located on the riverbank below the house. A turning circle and boat launch is located a short distance to the west of the house.

## Description images



*The River House viewed from the Victoria Bridge. Note its siting on a pronounced bend in the Birrarung.*



*The River House viewed from the Richmond side of the river.*



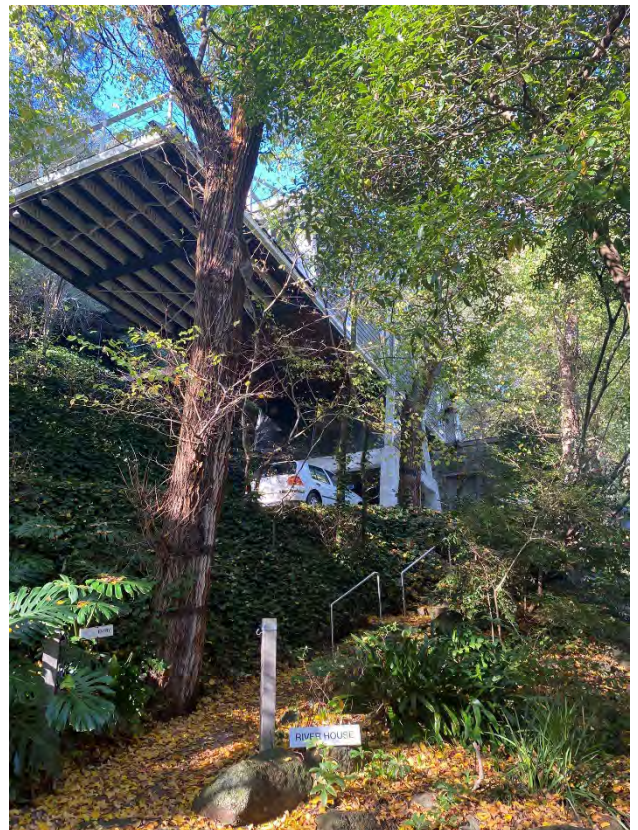
*South-west elevation of residence, which faces the river.*



*Rear, or north-east elevation of the residence.*



*Ramp link from upper level living area.*



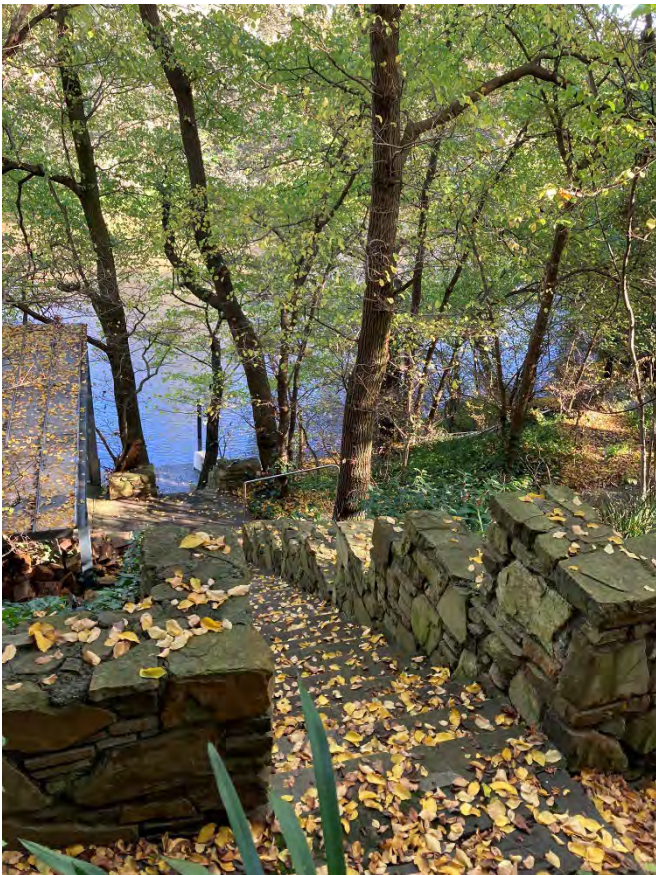
*Cantilevering western end of the River House.*



*Entrance to ground level addition, c 1960s and altered 1980s.*



*Patio area addition, c2010s, to southeast end of residence.*



*Steps to river, installed 1990s.*



*Riverside pavilion to the southeast of the residence, c 1980s-90s.*

## History

### Post-war Victoria and domestic architecture

Following World War II, Victoria experienced a period of extreme austerity combined with an increasing population.<sup>1</sup> Severe shortages of building materials and skilled labour imposed constraints on the construction of new homes. By the 1950s, the social and cultural environments of Victoria were changing. This was partially influenced by the traditions, culture and foods introduced by European migrants but also by Australian born artists, architects, musicians, performers and restaurateurs who were creating a new 'modern' Australia.

In architecture, approaches to domestic living were also changing, with a casualness and positivity expressing itself through open-plan living and a new appreciation and connection to the landscape. Combined with the development of new materials and the need for cost-effective housing solutions, this resulted in innovative approaches to design, construction and planning by both emerging and newly established architects such as Robin Boyd, Roy Grounds, Peter McIntyre, Kevin Borland, John and Phyllis Murphy and Neil Clerehan. Striking experiments with geometry in building form were particularly pursued by architects such as Grounds and McIntyre. Although the limits imposed on building materials and size began to ease in the 1950s, an experimental approach to building form and materials continued through the 1950s and into the 1960s.

### Peter McIntyre

Peter McIntyre was born in Kew, Melbourne in 1927. His father was a commercial architect and McIntyre worked for him as an office-boy from the age of eight.<sup>2</sup> In 1947, he completed the first year of the Atelier course at the University of Melbourne which engaged teachers including Robin Boyd, Roy Grounds and Fred Romberg. McIntyre completed university in 1950 and immediately went into private practice. In 1951, McIntyre formed a partnership with Kevin Borland and they met engineer Bill Irwin who worked in the same building. During this period, McIntyre produced some of his most experimental and well-known buildings including the Beulah Hospital, the Stargazer House (both of which survive but in highly altered form), the Snelleman House (VHR H2282), the River House and the Olympic Swimming Stadium (VHR H1977), the latter designed in association with Kevin Borland, John and Phyllis Murphy, and Bill Irwin. McIntyre's work in this period has been described as 'flagrantly optimistic in construction, vision and resolution' and as representing 'extreme release from the strictures of the immediate post-war years.'<sup>3</sup>

### Dione McIntyre

Dione McIntyre (nee Cohen) was born in 1931 and began architecture studies at the University of Melbourne in 1950 where she was one of eight female students in the school. She began her work as an architect for Bates Smart & McCutcheon as part of a summer internship.<sup>4</sup> She joined Peter McIntyre in his practice in 1953 after seeing his design for Beulah Hospital. In her early days with the practice, she documented the Snelleman House, as well as working on the River House. She developed the distinctive colour scheme for the house and designed the joinery. In 1954, Dione returned to the University of Melbourne to complete her studies in architecture, graduating in 1955.

### Peter and Dione McIntyre and Associates and McIntyre Partnership

The practice of Peter and Dione McIntyre was formed in 1954 when the couple married. While Peter worked on the swimming stadium commission, Dione took carriage of the firm's domestic commissions.<sup>5</sup> Both Peter and Dione travelled to Japan in the late 1950s and were greatly inspired by what they saw there. Commercial work became a new focus for the partnership in the 1960s. In 1962, the partnership of Peter and Dione McIntyre and Associates merged with the office of Robert H. McIntyre to become McIntyre Partnership. In this form, the partnership completed major commissions, including the Dinner Plain Alpine Village development and Parliament Station (1980s). Peter was awarded the RIAA Gold Medal in 1990 and served as Professor of Architecture the University of Melbourne from 1988 until 1992, being appointed Emeritus Professor of Architecture in 1994.

<sup>1</sup> Drawn from 'History', Grant House, Victorian Heritage Database <<https://vhd.heritagecouncil.vic.gov.au/places/202036>>.

<sup>2</sup> Drawn from Philip Goad, 'Peter and Dione McIntyre' and 'McIntyre Partnership', in *Encyclopedia of Australian Architecture*.

<sup>3</sup> Philip Goad, 'Optimism and Experiment in Melbourne: The early works of Peter McIntyre, 1950-61' *Architecture Australia* 79, 34.

<sup>4</sup> Dione McIntyre interviewed by Emma Telfer, Heritage Council of Victoria, <<https://heritagecouncil.vic.gov.au/get-involved/watch-heritage-videos/modern-melbourne-videos/dione-mcintyre/>>.

<sup>5</sup> Philip Goad, 'Peter and Dione McIntyre' and 'McIntyre Partnership', in *Encyclopedia of Australian Architecture*



## The River House

In 1947, while still a student, Peter McIntyre purchased the riverfront freehold land that would become the site of River House.<sup>6</sup> Peter began to develop schemes for the house, exploring an approach that used a cantilevered steel frame influenced by Norman Mussen, Peter's lecturer on structural engineering at the University of Melbourne.<sup>7</sup> Bill Irwin, who worked in the same building as McIntyre and Borland, developed the engineering design for the River House. Irwin had worked as part of the Royal Australian Engineers during World War II and, after completing his engineering studies at the University of Melbourne, begun his own practice in 1953. During the 1950s he contributed to Victoria's most innovative structural engineering projects, including the Sidney Myer Music Bowl (VHR H1772) and Olympic Swimming Stadium. The structure-led design of the 1950s required creative engineering input, and Irwin was the engineer of choice for a number of key architects of the period.<sup>8</sup> The engineering approach he devised for the River House solved several problems: it used minimal materials to create maximum usable space, enabled efficient use of a tightly constrained site and elevated habitable areas above the flood level. This approach would later prove influential in the design of the Olympic Swimming Stadium. Money from the Olympic Swimming Stadium commission enabled Peter to begin construction on the River House in 1953.

Dione Cohen began assisting on the project when she joined Peter's practice. Construction was undertaken by the McKinna Brothers. Dione and Peter moved into the house in 1954, the year they married. The brightly coloured and unusually shaped residence, visible from Victoria Bridge, immediately drew the attention of the public and of architectural colleagues.

The house was the primary home of the McIntyres and their four children for twenty years. This necessitated several additions and alterations, some of which have been reversed over time. In the late 1950s, the brightly painted Stramit boards were covered with timber boards. In the 1960s, an additional living area was added below the easternmost wing. Peter and Dione moved out of the house in the early 1970s. They returned to the residence when it was used for the practice of the McIntyre Partnership in the 1980s.<sup>9</sup> Dione McIntyre has reflected that the 'River House has always been there.'<sup>10</sup>

The River House has featured in numerous publications, media articles and received several awards and commendations. As a highly visible residence, there was great public interest in it from the moment it was completed. It was featured in *Womans Day* and in US *Vogue* when the latter published a special edition on the Melbourne Olympics. Robin Boyd wrote about the house in his column in the *Herald* in 1956 and in his book *Australia's Home*. He reflected that 'the home of architects Peter and Dione McIntyre ... symbolised the spirit of the new Melbourne house in the mid-1950s ... Form and colour raised the spirits of the converted and deliberately jarred the unconverted into recognition that war was declared on conservatism.'<sup>11</sup> In 2014, the River House was recognised by the Australian Institute of Architects (Vic) Maggie Edmond Enduring Architecture Award. It is one of just 16 twentieth-century Australian residences recognised in the Australian Institute of Architects list of 'Internationally Significant Residential Architecture' where it is described as 'a daring recipe for post-war living'.<sup>12</sup> It has been commended by the National Trust of Australia (Victoria) who have described it as 'structurally and formally, one of the most extraordinary house designs executed in Australia in the 1950s'.<sup>13</sup> It is also recognised by DOCOMOMO Australia (Victoria) as amongst the most notable modern buildings in Victoria.

---

<sup>6</sup> Timeline provided by Peter McIntyre, private correspondence.

<sup>7</sup> James, Luke (Extent Heritage) for City of Boroondara, citation for River House, 2021.

<sup>8</sup> Graeme Butler, 'William Lyle (Bill) Irwin', in Australian Dictionary of Biography, <<https://adb.anu.edu.au/biography/irwin-william-lyle-bill-33143>>, 2024.

<sup>9</sup> Timeline provided by Peter McIntyre, private correspondence.

<sup>10</sup> Dione McIntyre interviewed by Emma Telfer, Heritage Council of Victoria, <<https://heritagecouncil.vic.gov.au/get-involved/watch-heritage-videos/modern-melbourne-videos/dione-mcintyre/>>

<sup>11</sup> Robin Boyd, quoted in 'The Butterfly House', <<https://mhns.wa.gov.au/stories/general/butterfly-house/>>.

<sup>12</sup> Australian Institute of Architects, Citation for the McIntyre House <<https://www.architecture.com.au/explore/notable-buildings>>.

<sup>13</sup> Australian Institute of Architects, Citation for the McIntyre House <<https://www.architecture.com.au/explore/notable-buildings>>.

## Historical images



1953, Dione McIntyre's painting of the River House showing original external colour scheme.



c1954, River House under construction as photographed by Peter Wille.

Source: State Library of Victoria



c1954, River House under construction as photographed by Peter Wille.

Source: State Library of Victoria



*c1954, River House photographed by Peter Wille.  
Source: State Library of Victoria*



*c1954, River House photographed by Peter Wille.  
Source: State Library of Victoria*



*c1955, interior, looking from living area up to bedroom mezzanine,  
photographed by Peter Wille.  
Source: State Library of Victoria*



*c1955, interior, looking from living area up to bedroom mezzanine,  
photographed by Peter Wille.  
Source: State Library of Victoria*



*c1955, interior, kitchen, photographed by Peter Wille.  
Source: State Library of Victoria*



*1956, River House photographed by Wolfgang Sievers.  
Source: State Library of Victoria*



*1956, River House photographed by Wolfgang Sievers.  
Source: State Library of Victoria*



*1956, River House featured in a special edition of US Vogue  
released for the 1956 Olympics.  
Source: Vogue, 1956.*

# Here's the pace setter

When a progressive young architect builds his own house there are



(1) Soaring into the air high on a river bank at Kew, V., is architect Peter McIntyre's startling new home. The main triangle rests on a concrete table. Each side, partly obscured, are open sun balconies.

(2) Triangular windows in the ground floor entry are an exciting introduction to the pace-setter house. In the centre of this area a spiral staircase corkscrews its way up through two floors.



(3) A view of the compact living-dining room from the top floor shows the steel fireplace and its marble hearth. Beyond is the vast balcony reaching 18ft. out, surrounded by very dense foliage.

(4) The staircase brings you to the top floor, where an airy pattern of skylight gives the feeling of being in a tree-house. At the far end is a bedroom, to which a wide screening cupboard is added.

Page 52—WOMAN'S DAY—March 19, 1956

1956, River House described as 'the pace setter' in a 1956 edition of Woman's Day.

Source: Woman's Day, March 1956

## Selected bibliography

Australian Institute of Architects, Nationally Significant 20<sup>th</sup>-century Architecture citation, McIntyre House.

DOCOMOMO Australia Modern Register citation, McIntyre House, <<https://docomomoaustralia.com.au/mcintyre-house/>>.

Goad, Philip., 'Optimism and Experiment in Melbourne: The early works of Peter McIntyre 1950-1961', in *Architecture Australia*, Vol 6, 1990.

Goad, Philip; Willis, Julie., *The Encyclopedia of Australian Architecture*, Cambridge University Press, 2012.

Goad, Phillip., *Melbourne Architecture*, Watermark Press, 2009.

Heritage Alliance, *Survey of post-war built heritage in Victoria*, 2008.

Heritage Council of Victoria, Dione McIntyre interviewed by Emma Telfer, <<https://heritagecouncil.vic.gov.au/get-involved/watch-heritage-videos/modern-melbourne-videos/dione-mcintyre/>>

James, Luke (Extent Heritage) for City of Boroondara, citation for River House, 2021.

London, Geoffrey; Goad, Philip; Hamann, Conrad., *150: An Unfinished Experiment in Living, Australian Houses, 1950-1965*, UWA Publishing, 2017.

National Trust citation, McIntyre House <[http://vhd.heritage.vic.gov.au/search/nt\\_search](http://vhd.heritage.vic.gov.au/search/nt_search)>.

Sanderson, Pru., *Kew Urban Conservation Study*, 1988.

## Consultation and interviews

Thank you to Peter McIntyre and Annie McIntyre for sharing their knowledge of the River House.

## Further information

### Traditional Owner Information

The place is located on the traditional land of the Wurundjeri People. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

### Native Title

Native title is the recognition in Australian law that some Aboriginal and Torres Strait Islander people continue to hold rights and interests in land and water. Native title is not granted by governments. It is recognised through a determination made by the Federal Court of Australia under the *Native Title Act 1993* (Cth).

In 2010, acknowledging the difficult nature of having native title determined under the Native Title Act, the Victorian Government developed an alternate system for recognising the rights of Victorian traditional owners. The Traditional Owner Settlement Act 2010 (Vic) allows the government and traditional owner groups to make agreements that recognise traditional owners' relationship to land and provide them with certain rights on Crown land.

There is currently no Native Title determination or Recognition and Settlement Agreement (*Traditional Owner Settlement Act 2010*) over the subject land.

### Victorian Aboriginal Heritage Register

The River House is within an area of cultural heritage sensitivity associated with the Birrarung (Yarra River). There are no known Aboriginal cultural heritage values associated with the River House.

(September 2024)

### Integrity

In heritage terms, 'integrity' relates to how well cultural heritage values can be read in the fabric of the place.

The integrity of the River House is excellent. The cultural heritage values of the place can be easily read in the extant fabric. There have been changes to the place since its construction, including covering of the brightly painted Stramit boards with timber boards, covering of some of the skylights, and insertion of an addition below the eastern most wing of the house in the 1960s. Additions and alterations made to the place over time are a reflection of the ongoing use of the house by Peter and Dione McIntyre and their close and enduring relationship to the place and do not detract from its significance.

The historical, architectural, aesthetic and technical values of the place are apparent in the fabric of the place and can be easily interpreted.

(September 2024)

### Intactness

In heritage terms, 'intactness', refers to how much original and early fabric remains at the place.

The intactness of the place is excellent. The Australian Institute of Architects citation for the place states that 'the McIntyre House remains remarkably intact, with no loss to its structural integrity nor lessening of its suggestion as a daring recipe for post-war living in the 1950s.'<sup>14</sup>

Much original and early (1950s and 1960s) physical fabric remains in place throughout. Externally, the original Stramit boards, painted in bold colours, were covered with timber boards in the late 1950s but remain intact below. Internally, intact features include, for example, the interior layout, the colour scheme selected by Dione McIntyre, timber joinery, some early light fittings and internal finishes (such as cedar lining boards).

(September 2024)

---

<sup>14</sup> Australian Institute of Architects citation, <<https://www.architecture.com.au/explore/notable-buildings>>.

## Condition

The condition of River House is very good.

There is some evidence of deterioration to building fabric, particularly to the window frames and timber boards to the exterior.

(September 2024)

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.

## Heritage Overlay

The place is included in the Heritage Overlay of the Boroondara Planning Scheme as HO72 – ‘House’ – at 3/2 Hodgson Street Kew. External paint controls, internal alteration controls and tree controls currently apply as part of the Heritage Overlay. The proposed extent of registration largely reflects the area currently included in the Heritage Overlay.

## Other Overlays

The River House is within a Design and Development Overlay (DDO31-G). The area proposed for registration is partly covered by a Land Subject to Inundation Overlay (LSIO). It is also within a Significant Landscape Overlay (SLO).

## Other listings

The River House has been Classified by the National Trust of Australia (Victoria) as being of State level significance. It has been included in the Docomomo Australia Modern Register (Victoria Register).

## Other names

Butterfly House, McIntyre House, Peter and Dione McIntyre House.

## Date of construction

1953-54

## Architect

Peter and Dione McIntyre

## Builder

McKinna Brothers

## Architectural style

Modernist



## Statutory requirements under section 40

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

The Executive Director recommends that the River House is included in the VHR.

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

**Number:** PROV H2455

**Category:** Registered Place

**Name:** River House

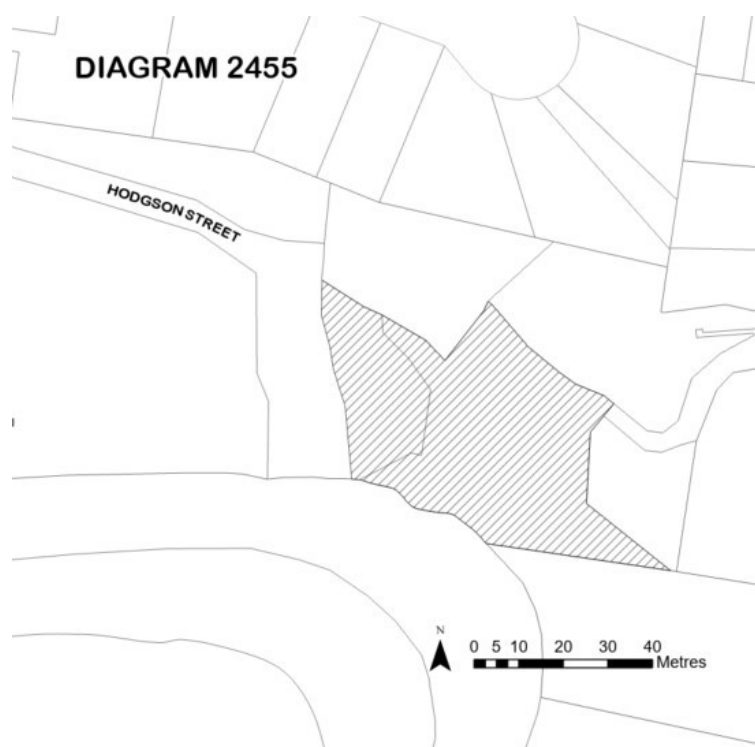
**Location:** 3/2 Hodgson Street Kew

**Municipality:** Boroondara City

### Proposed extent of registration

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

All of the place shown hatched on Diagram 2455 encompassing all of Lot 3B on Plan of Subdivision 410076 and part of CM1 on Plan of Subdivision 410076.



## Aerial photo of the place showing proposed extent of registration



Note: This aerial view provides a visual representation of the place. It is not a precise representation of the recommended extent of registration. Due to distortions associated with aerial photography some elements of the place may appear as though they are outside the extent of registration.

### Rationale for the extent of registration

The recommended extent of registration comprises the land parcel the River House sits on (Lot 3B), plus an area of Common Property to the west of the River House (CM1). This area of Common Property has been included to provide an additional setting for the house, which sits close to the boundary of Lot 3B. This proposed extent of registration also reflects the area included in the Heritage Overlay, which was revised in 2021, and closely considered the matter of an appropriate setting for the place.

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

It should be noted that everything included in the proposed extent of registration, including all of the land, all soft and hard landscape features, plantings, 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 River 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 A: Importance to the course, or pattern, of Victoria's cultural history.

#### Step 1 Test for Criterion A

No.	Test	Yes/No	Reason
A1)	Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	The River House has a clear association with the development of post-war residential architecture in Victoria. It was constructed in the mid-1950s to a design by a progressive architect exploring emerging ideas and approaches to domestic architecture.
A2)	Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria?	Yes	This phase is of historical importance having made a strong and influential contribution to Victoria.  From the end of World War II, a series of progressive architects explored new approaches to domestic architecture. This led to widespread experimentation in residential design and construction and new attitudes toward the design of domestic space would have a strong and influential effect on Victoria's built environment.
A3)	Is there evidence of the association to the event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	There is evidence of the association between the River House and the historical phase in the physical fabric of the place itself, and in documentary evidence.

If A1, A2 and A3 are **all** satisfied, then Criterion A is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion A is likely to be relevant.
--------------------------------	-----	---------------------------------------

#### Step 2 State-level test for Criterion A

No.	Test	Yes/No	Reason
SA1)	Does the place/object allow the clear association with the event, phase, period, process, function, movement, custom or way of life of historical importance to be understood better than most other places or objects in Victoria with substantially the same association?	Yes	The River House is one of the era's most celebrated examples of residential architecture. It embodies the radical structural and stylistic experiments taking place within architecture in the era. The National Trust describes it as 'one of the most extraordinary house designs executed in Australia in the 1950s.'  It is of a level of intactness and integrity that enables its association with the phase to be clearly understood. The 1960s addition relates to its continued ownership and occupation by the McIntyres over many decades, and does not diminish the place's integrity.

---

If SA1 is satisfied, then Criterion A is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion A is likely to be relevant at the State level.
--------------------------------	-----	--

---

## CRITERION B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

---

### Step 1 Test for Criterion B

No.	Test	Yes/No	Reason
B1)	Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history?	Yes	As above, the River House has a clear association with the development of post-war residential architecture in Victoria.
B2)	Is there evidence of the association to the historical phases etc identified at B1)?	Yes	As above, there is evidence of the association between the place and this historical phase.
B3)	Is there evidence that place/object is rare or uncommon, or has rare or uncommon features?	No	<p>B3(i) As a post-war modernist house the place is not rare or uncommon.</p> <p>There are numerous residences designed and constructed in this era throughout Victoria that exhibit the traits of architectural modernism.</p> <p>B3(ii) There is no evidence that the place has rare or uncommon features.</p> <p>The design of the River House is highly distinctive. This is a feature of its architecture best considered under Criterion D and E.</p>

---

If B1, B2 AND B3 are satisfied, then Criterion B is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion B is not likely to be relevant.
--------------------------------	----	---

---

## CRITERION C: Potential to yield information that will contribute to an understanding of Victoria's cultural history.

---

### Step 1 Test for Criterion C

No.	Test	Yes/No	Reason
C1)	Does physical fabric and/or documentary evidence and/or associated oral history or cultural narratives relating to the place/object indicate a likelihood that the place/object contains evidence of cultural heritage significance that is not currently visible and/or well	No	<p>The:</p> <ol style="list-style-type: none"><li>1) physical fabric and</li><li>2) documentary evidence and</li><li>3) associated oral history or cultural narratives</li></ol> <p>relating to the River House do not indicate a likelihood that the place contains evidence of cultural heritage</p>

	understood or available from other sources?		significance that is not currently visible and/or well understood or available from other sources.
<b>C2)</b>	And, from what we know of the place/object, is the physical evidence likely to be of an integrity and/or condition that it could yield information through detailed investigation?	N/A	The integrity of the place may be good, but it is unlikely to yield information through investigation that is not currently visible and/or well understood or available from other sources (see C1).

If **both C1 AND C2** are satisfied, then **Criterion C** is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion C is not likely to be relevant.
--------------------------------	----	---

## CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects

### Step 1 Test for Criterion D

No.	Test	Yes/No	Reason
<b>D1)</b>	Is the place/object one of a class of places/objects that has a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's history?	Yes	The River House belongs to the class of post-war modernist residences. This class has a clear association with the historical phase of the development of residential architecture in the post-war period.
<b>D2)</b>	Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria?	Yes	As explored above, the development of residential architecture in the post-war period has made a strong and influential contribution to Victoria's history.
<b>D3)</b>	Are the principal characteristics of the class evident in the physical fabric of the place/object?	Yes	The principal characteristics of the class are evident in the physical fabric of the place. They are evident in its innovative geometric form, design driven by an experimental structural approach, relationship to the outdoors, integration with the site, open internal layout and interior design.

If **D1, D2 AND D3** are satisfied, then **Criterion D** is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion D is likely to be relevant.
--------------------------------	-----	---------------------------------------

### Step 2 State-level test for Criterion D

No.	Test	Yes/No	Reason
<b>SD1)</b>	Is the place/object a notable (fine, influential or pivotal) example of the class in Victoria?	Yes	The River House is a notable example within the class of post-war modernist residences. It can be considered a fine example.

The River House is one of the most celebrated 1950s house designs in Australia and has received recognition of its fine design characteristics over many decades. Its highly distinctive triangular form has become emblematic of the architectural experimentation of the post-war era. It is a historically relevant example that demonstrates the extent of architectural optimism and experimentation of the period. There are many post-war modernist residences throughout Victoria, yet the River House displays characteristics that are of a higher quality than are typical of places in the class.

It received the 2014 Australian Institute of Architects Victorian Architecture Award for 'best enduring architecture'. It is one of just 16 buildings included in the Australian Institute of Architects list of Internationally Significant Residential Architecture. It is included in Docomomo's Australia Modern Register. It is one of the most significant buildings designed by eminent architect Peter McIntyre.

**If SD1 is satisfied, then Criterion D is likely to be relevant at the State level**

<b>Executive Director's Response:</b>	Yes	Criterion D is likely to be relevant at the State level.
---------------------------------------	-----	--

## **CRITERION E: Importance in exhibiting particular aesthetic characteristics.**

### **Step 1 Test for Criterion E**

No.	Test	Yes/No	Reason
E1)	Does the physical fabric of the place/object clearly exhibit particular aesthetic characteristics?	Yes	<p>The physical fabric of the place clearly exhibits aesthetic characteristics particular to post-war modernist architecture and to the McIntyres' vision for their own home.</p> <p>This is demonstrated by the siting of the residence on a dramatic bend in the river, the impression created of a house floating in the trees, its striking angular form, and bold colour scheme.</p>

**If E1 is satisfied, then Criterion E is likely to be relevant (but not necessarily at the State level)**

<b>Executive Director's Response:</b>	Yes	Criterion E is likely to be relevant.
---------------------------------------	-----	---------------------------------------

### **Step 2 State-level test for Criterion E**

No.	Test	Yes/No	Reason
SE1)	<p>Are the aesthetic characteristics 'beyond the ordinary' or are outstanding as demonstrated by:</p> <ul style="list-style-type: none"> <li>Evidence from within the relevant discipline (architecture, art, design or equivalent); and/or</li> </ul>	Yes	<p>There is evidence that the aesthetic characteristics at the place are 'beyond the ordinary' or are outstanding.</p> <p>Its aesthetic characteristics have received critical recognition and acclaim from within the architectural profession and beyond over many decades. The house has appeared in numerous publications which have celebrated its aesthetic characteristics. Its aesthetic</p>

- Critical recognition of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline within Victoria; and/or
- Wide public acknowledgement of exceptional aesthetic qualities of the place/object in Victoria expressed in publications, print or digital media, painting, sculpture, songs, poetry, literature, or other media?

characteristics have also been central to the architectural awards and commendations it has received.

If SE1 is satisfied, then Criterion E is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion E is likely to be relevant at the State level.
--------------------------------	-----	--

## CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

### Step 1 Test for Criterion F

No.	Test	Yes/No	Reason
F1)	Does the place/object contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created?	Yes	<p>The River House contains physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created.</p> <p>Construction on a steep and challenging site, within a flood zone, relied on the use of an innovative structural system developed by engineer Bill Irwin. The structural system used counterbalanced forces to create a double cantilevered truss. The system also minimised the amount of building material required in the house's construction. Such a creative use of a steel structural system was a creative and technical achievement for the time.</p>
F2)	Does the physical evidence demonstrate a high degree of integrity?	Yes	<p>The physical evidence at the place demonstrates a high degree of integrity.</p> <p>The original steel frame remains in place and is clearly visible.</p>

If **both** F1 and F2 are satisfied, then Criterion F is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion F is likely to be relevant.
--------------------------------	-----	---------------------------------------

### Step 2 State-level test for Criterion F

No.	Test	Yes/No	Reason
SF1)	Is the nature and/or scale of the achievement of a high degree or 'beyond the ordinary' for the period in which it was undertaken as demonstrated by one or more forms of evidence:	Yes	There is evidence that the nature of the achievement is of a high degree for the period in which it was undertaken. The River House has been widely recognised as an outstanding and creative example of the application of

- evidence from within the relevant creative or technological discipline that recognises the place/object as a breakthrough in terms of design, fabrication or construction techniques and/or as a successful solution to a technical problem that extended the limits of existing technology;
- critical acclaim of the place/object within the relevant creative or technological discipline as an outstanding example in Victoria;
- wide acknowledgement of exceptional merit in Victoria in media such as publications or print/digital media;
- recognition of the place/object as an outstanding example of the creative adaptation of available materials and technology of the period?

steel frame construction and cantilevering forces to the design of house. Similar principles were utilised in the design of the Olympic Swimming Stadium (H1977). It can be considered a creative adaptation of available materials and technology of the period.

**If SF1 is satisfied, then Criterion F is likely to be relevant at the State level**

<b>Executive Director's Response:</b>	Yes	Criterion F is likely to be relevant at the State level.
---------------------------------------	-----	--

## **CRITERION G: Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons**

### **Step 1 Test for Criterion G**

No.	Test	Yes/No	Reason
<b>G1)</b>	Does the place/object demonstrate social value to a community or cultural group in the present day in the context of its cultural heritage significance? Evidence must be provided for all three facets of social value listed here:		
<b>i)</b>	Existence of a community or cultural group; <u>and</u>	No	The River House is well known and appreciated in architectural circles, and many in the community have visited it. However, as a private residence there is no evidence that the place has social value to a particular community in the present day, beyond the McIntyre family
<b>ii)</b>	Existence of a strong attachment of a community or cultural group to the place or object; <u>and</u>	N/A	As above, there is no evidence there is community of cultural group that has a relationship to the place in the present day. Architects regard this place highly. But it is one of many examples of outstanding design held in high esteem by the architectural community. This is different to a 'strong attachment'.
<b>iii)</b>	Existence of a time depth to that attachment.	N/A	As above.

**If all facets of G1 are satisfied, then Criterion G is likely to be relevant (but not necessarily at the State level)**

<b>Executive Director's Response:</b>	No	Criterion G is not likely to be relevant.
---------------------------------------	----	---



---

**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 River House and Dione and Peter McIntyre.</p> <p>The River House is an early design of Peter McIntyre. Dione McIntyre, then Dione Cohen, made important contributions to the design. It served as their family home for twenty years and later became the home of their architectural practice.</p> <p>H1(ii) The McIntyres have made a strong and influential contribution in their field. They have been influential and high-profile figures within architecture since the mid-twentieth century.</p>
H2)	Is there evidence of the association between the place/object and the person(s)?	Yes	There is plentiful evidence of the association between the River House and Dione and Peter McIntyre.
H3)	Does the association relate: <ul style="list-style-type: none"> <li>• directly to achievements of the person(s); <u>and</u></li> <li>• to an enduring and/or close interaction between the person(s) and the place/object?</li> </ul>	Yes	<p>H3(i) The association between the River House and McIntyres relates directly to their achievements.</p> <p>The River House is widely recognised as one of the era's most important examples of residential architecture. It speaks directly to the talent and creativity of the McIntyres as architects. It was an important statement about their embrace of post-war modernist ideals.</p> <p>H3(ii) The association relates to a close and enduring interaction between the McIntyres and the River House.</p> <p>They designed the house as their home, and it subsequently served as their architectural office.</p>

**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.
--------------------------------	-----	---------------------------------------

**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 or works of Dione and Peter McIntyre are important in Victoria’s history.</p> <p>As leading practising architects since the mid-twentieth century, the McIntyres have shaped the built environment of Victoria. The partnership they established has completed major public and commercial commissions throughout Victoria and is widely held to be an exponent of architectural excellence. As a prominent communicator and educator on architecture, Emeritus Professor Peter</p>

---

McIntyre in particular has shaped Victorian's ideas about the value of architecture.

---

<b>SH2)</b>	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 River House allows the association between Dione and Peter McIntyre and their importance in Victoria's history to be readily appreciated more than most other places or objects in Victoria.</p> <p>The River House is amongst the most celebrated of their designs and one of the buildings they are most widely associated with. Its radical and distinctive design demonstrates that the pair were at the forefront of post-war modernism and amongst its most adventurous exponents. It is an important early work and is of a level of intactness and integrity that enables their vision to be interpreted. Changes to the place, such as the insertion of an addition in the 1960s and the covering of the original colourful Stramit boards, demonstrate the McIntyres longstanding occupation of the place and their evolving tastes and priorities.</p>
-------------	--	-----	--

---

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

<b>Executive Director's Response:</b>	Yes	Criterion H is likely to be relevant at the State level.
---------------------------------------	-----	--

## Comparisons

These places were selected as comparators to the River House because they demonstrate the State-level threshold for the inclusion of similar places in the VHR. They also place the River House within Peter McIntyre's own work, examples of which are already included in the VHR.

### Buildings designed by Peter McIntyre in the VHR

#### GRANT HOUSE

**14 PASADENA AVENUE, BEAUMARIS, BAYSIDE CITY**

**H2392**

The Grant House, designed by Peter McIntyre for Alan and Barbara Grant in 1956, is of historical and architectural significance to Victoria. It is thought to be the most intact of the surviving examples of McIntyre's 'bowstring truss series' which were designed as a cost-effective solution to Victoria's post-war housing needs.

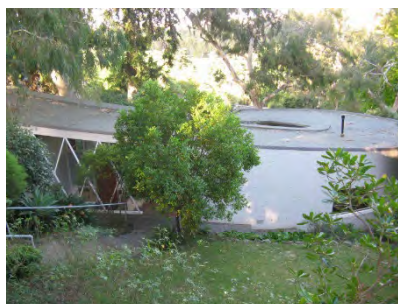


#### SNELLEMAN HOUSE

**40 KEAM STREET, IVANHOE EAST, BANYULE CITY**

**H2282**

The Snelleman House, designed by Peter McIntyre for Hans and Pamela Snelleman and constructed in 1954, is of architectural significance to Victoria. Its highly inventive form and response to the site has drawn ongoing critical acclaim. Along with the River House, it is one of the most celebrated residential designs of the post-war period.



#### OLYMPIC SWIMMING STADIUM

**10-30 OLYMPIC BOULEVARD, MELBOURNE,  
MELBOURNE CITY**

**H1977**

The Olympic Swimming Stadium is of historical, architectural and technological significance to Victoria. Designed by architects Kevin Borland, Peter McIntyre, John and Phyllis Murphy and engineer Bill Irwin for the 1956 Olympics, it was an influential design acclaimed at the time for its originality. It is of technological significance as an early example of pre-tensioned steel frame construction.



## Examples of 1950s residences in the VHR

### MCCRAITH HOUSE (LARRAKEYEAH)

1-3 ATUNGA TERRACE, DROMANA, MORNINGTON PENINSULA SHIRE

H1906

The McCraith house, constructed in 1955, for Ellen and Gerald McCraith was designed in the office of Mornington Peninsula architects Chancellor and Patrick. It is of architectural significance as a key example of structurally inspired modernism in Victoria in the 1950's. The McCraith house was used as an example of the 'structural functional' idiom in the architectural journals of the time alongside the works of Robin Boyd, Roy Grounds, Harry Seidler and Peter and Dione McIntyre.



### RICE HOUSE

69 RYANS ROAD, ELTHAM, NILLUMBIK SHIRE

H0123

The Rice House, designed by Kevin Borland in 1951 and constructed by 1954 is of historical and architectural significance to Victoria. It is an early and intact example of ctesiphon construction in Victoria, subsequently explored by Robin Boyd. It is an innovative and experimental example of Borland's design and an outstanding example of experimentation in domestic architecture in the post-war period.



### GROUNDS HOUSE

24 HILL STREET, TOORAK, STONNINGTON CITY

H1963

The Grounds House is of architectural significance to Victoria. The plan of the house, a perfect square with a circular courtyard at its centre, is a striking essay in pure geometry, a hallmark of Ground's work during the 1950s. The house in Toorak was widely praised at the time, and won the Victorian Architecture Medal of 1954. The Grounds house is of architectural significance as one of the most celebrated works of modernist domestic architecture of the mid-20th century in Victoria.



## **ROBIN BOYD HOUSE II**

**290 WALSH STREET, SOUTH YARRA, MELBOURNE CITY**

**H2105**

The Robin Boyd II House, completed in 1958, is of architectural significance to Victoria as one of the most innovative houses built in Victoria in the post war decades and as one of the most important houses designed by prominent Melbourne architect and architectural critic, Robin Boyd. Designed for himself and his family, it exemplifies many of the theories espoused in his extensive writings and is an outstanding and unique example of his structural-functional architectural type. As one of a number of innovative and influential modern houses designed in Melbourne in the 1950s and 1960s by a group of progressive architects, it is an important example of modern design.



## **Summary of Comparisons**

There are three examples of Peter McIntyre's work in the VHR. All are relatively early works that reflect McIntyre's interest in exploring structural solutions and radical forms. The River House is a key example of McIntyre's early work that sits well alongside these places. There are several residences included in the VHR constructed in a similar period. Many express similar themes seen at the River House, such as formal and structural experimentation. The River House has received a similar or greater level of recognition than some of the examples cited above. As the home the McIntyre's designed for themselves, the River House can be usefully compared to Robin Boyd House II, which is included in the VHR partially for its association with Boyd.

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

### Statement of significance

#### What is significant?

The River House is a modernist residence designed by Peter and Dione McIntyre as their home and constructed during 1953-54 with alterations and additions from the late 1950s and 1960s. It is located on a steeply sloping, treed site on the eastern bank of the Birrarung (Yarra River) at Kew.

#### How is it significant?

The River House is of historical, architectural, aesthetic and technical significance to the State of Victoria. It 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.

##### Criterion F

Importance in demonstrating a high degree of creative or technical achievement at a particular period.

##### 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?

The River House is historically significant as an early and highly inventive example of architectural modernism of the post-war period. Its innovative design response and embrace of new construction techniques are emblematic of the architectural experimentation of the era. It is one of Victoria's and Australia's most celebrated and highly regarded examples of 1950s residential architecture. [Criterion A]

The place is significant as a notable example of a post-war modernist residence. It is a fine and pivotal example that exhibits the principal characteristics of the class in its innovative geometric form, experimental structural approach, open plan, relationship to the outdoors, integration with the site, choice of materials and interior design. The original 1950s elements of the residence are complemented by the sympathetic 1960s addition that blends the original structure into the surrounding landscape. [Criterion D]

The River House is aesthetically significant for its highly distinctive form, siting and finishes which have received critical acclaim from within the architectural profession and beyond over many decades. Its siting on a bend in the river enables dramatic views of the house from several vantage points. The structural system employed in the design gives the building the impression it floats lightly amongst the trees that surround it. Its striking use of geometry, particularly triangular forms, has been celebrated by critics and commentators. The house is also strongly identified by its interior finishes, particularly the use of colour, which are indicative of the boldness seen in 1950s interior design. Among other prizes and awards, River House won the 2014 Australian Institute of Architects Victorian Architecture Award for 'best enduring architecture'. [Criterion E]

The River House is technically significant for its structural innovation that enabled the steep site, within a flood zone, to accommodate a home. The original residence is designed around a structural system developed by engineer Bill Irwin that uses counterbalanced forces to create a double cantilevered truss. The structural frame is visible, enabling the approach to be understood. A similar structural approach was also utilised for the Olympic Swimming Stadium, also designed by McIntyre and Irwin in conjunction with John and Phyllis Murphy and Kevin Borland. [Criterion F]

The River House is synonymous with the lives and careers of Peter and Dione McIntyre, who have been highly influential within architecture in Victoria since the mid-twentieth century. The building served as both the McIntyres' family home and then architectural office, and they have a close and enduring association with the place. Its alteration and addition over the decades of the mid-twentieth century reflects the pairs' changing tastes, interests and priorities. [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.

Subdivision/consolidation: Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the *Planning and Environment Act 1987* and the application for the planning permit was referred to the Executive Director as a determining referral authority, a permit is not required.

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 River 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**

#### ***Exterior of residence***

*It is understood that the original Stramit boards are in place beneath the current timber weatherboards. These should remain in place and any works to the exterior should not damage or remove the Stramit boards.*

#### ***Services***

1. Maintenance, repair and replacement of existing external services which does not involve changes in location or scale.
2. Removal of extraneous wiring, pipes, antennas, blinds, conduit, air conditioning and similar from the exterior provided any gaps are made good.
3. Replacement and installation of extractor fans and other ventilation devices.

#### ***Painting***

4. Repainting of the exterior in the existing (2024) exterior colour scheme.

## *Roof*

5. All repair and maintenance to roof, gutters and downpipes.
6. Replacement of roofing material, provided new material maintains the same visual appearance.
7. Works to prevent access by possums and vermin.
8. Repair or replacement of skylights with similar material.

## *Timber elements*

9. Repair and replacement of timber elements (for example, windows, mullions and weatherboards and the like) with like material where they are deteriorated.
10. Repair and replacement of timber decking with similar material.
11. Reinstatement of c1960s deck to exterior of kitchen.

## *Stonework*

12. All repair and maintenance to stonework.

## *Glazing*

13. Replace glazing and glazed roofs with similar material.
14. Reinstatement external glazed door from kitchen as it appears in original plans.

## **Interior of residence**

### *Services*

15. Installation, removal or replacement of existing electrical wiring. If wiring is currently exposed, it should remain exposed. If it is concealed, it should remain fully concealed.
16. Removal or replacement of light switches or power outlets.
17. Installation, removal, updating and replacement of plumbing, heating and data services.
18. Repair, removal and replacement of the existing sprinkler system.
19. Removal, replacement and installation of fire extinguishers, alarms, security devices and the like.

### *Fixtures and internal finishes*

20. Repair to areas of 1950s and 1960s interior finishes, fixtures and materials where they are deteriorated. As much original material, including original and early paintwork, must be retained as possible.
21. Patching or replacement of individual cork tiles when they are deteriorated and cannot be repaired and retained. As much original material must be retained as possible.
22. Repair, maintenance and replacement of post-1960s interior finishes and fixtures. This includes, for example, large white tiles in the bathroom of the annex and 1970s light fittings.
23. Removal, replacement and installation of curtains, blinds, carpets, picture hooks, picture rails, hanging systems and the like.
24. Replacement of existing 1980s treads to the stairwell.
25. Repainting of balustrade to stairwell.

### *Kitchens and bathrooms*

26. Installation of extractor fans.
27. Replacement of existing tapware where it cannot be maintained.
28. Replacement of 1960s laminate benchtops with similar.
29. Replacement of kitchen appliances.
30. Re-instatement of 1960s bathroom tiles and fittings to bathroom in 1960s annex.

### *Other*

31. Removal and replacement of bench in utility room outside bathroom on middle level.
32. Repair of soffit in stairwell.
33. Removal, replacement and alteration of 1980s office joinery in ground level lobby.

### **Outbuildings and other structures**

34. All works to the 2010s laundry, services enclosure and patio to the east of the residence within the existing building envelope, including demolition and removal.
35. Works to maintain the 1990s stone landing.
36. All works to pergola covering the 1990s stone landing, including removal and replacement.
37. All works to the jetty.

### **Landscape and house surrounds**

*Part of the residence's aesthetic and architectural significance is its setting of trees and vegetation. Although this landscape is largely organic, rather than designed, it should be maintained to provide a vegetated setting for the house.*

38. Subsurface works provided existing surface treatment is reinstated.

### **Plants and trees**

39. The process of gardening including disease and weed control, removal of ground covers and creepers, maintenance to care for existing plants and planting of new plants.
40. Maintenance and pruning of all trees to promote tree health and maintain the safety of people and property.
41. Removal of individual trees where they have reached senescence, are causing damage to built elements or are a risk to people and property, provided this work is carried out by a qualified arborist.
42. Replacement of trees that have been removed with species of similar stature.

### **Hard landscaping**

43. All repairs and maintenance to stonework and other hard landscaping (for example, paths, driveways, garden walls etc).

## 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.