



## **Heritage Council** Regulatory Committee

### **Kuring-gai (H2414)**

257 St Kilda Street, Brighton, City of Bayside

**Hearing** – 29 July 2022

**Members** – Mr Adrian Finanzio SC (Chair), Dr Helen Doyle, Prof Philip Goad

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#### **DETERMINATION OF THE HERITAGE COUNCIL**

**Inclusion in the Victorian Heritage Register** – After considering the Executive Director's recommendation and all submissions received, and after conducting a hearing into the matter, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that Kuring-gai, located at 257 St Kilda Street, Brighton, is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register.

**Adrian Finanzio (Chair)**

**Helen Doyle**

**Philip Goad**

**Decision Date** – 24 November 2022

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## **ACKNOWLEDGEMENT**

As a peak heritage body, we acknowledge the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

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### **EXECUTIVE DIRECTOR, HERITAGE VICTORIA ('THE EXECUTIVE DIRECTOR')**

Written submissions were received from the Executive Director, Heritage Victoria ('the Executive Director'). Mr Geoffrey Austin, Manager – Heritage Register, and Ms Clare Chandler, Acting Principal – Assessments, appeared and made verbal submissions on behalf of the Executive Director.

### **THE REDEMPTORISTS, PROVINCE OF OCEANIA ('THE OWNER')**

Written submissions and a statement of evidence were received from FR John Hodgson, on behalf of the Owner, which is a religious order within the Catholic Church. The Owner was represented by Mr Robert Forrester of counsel, instructed by Carroll and O'Dea Lawyers. Mr Forrester appeared and made verbal submissions at the hearing on behalf of the Owner and called Mr Roger Beeston, Principal Architect, of RBA Architects and Conservation Consultants, to give expert witness evidence.

## INTRODUCTION/BACKGROUND

### INTERIM PROTECTION ORDER REQUEST AND DETERMINATION

1. On 29 November 2021, a request that an Interim Protection Order ('IPO') be made in relation to the residence known as Kuring-gai (also known as Majellan House), located at 257 St Kilda Street, Brighton ('the Place') was lodged with the Heritage Council. After considering the request that an IPO be made, on 8 December 2021 the Heritage Council determined, pursuant to section 143 of the Heritage Act 2017 ('the Act'), to make and serve an IPO in relation to the Place.

### RECOMMENDATION OF THE EXECUTIVE DIRECTOR

2. Having conducted an assessment of the Place in accordance with section 149 of the Act, on 4 February 2022 the Executive Director recommended to the Heritage Council, pursuant to section 37(1)(a) of the Act, that the Place be included in the Victorian Heritage Register ('the Recommendation').

### PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR

3. After the Recommendation to include the Place in the Victorian Heritage Register ('the Register'), notice was published in accordance with section 41 of the Act for a period of 60 days.
4. During the public advertisement of the Recommendation, five (5) submissions were received pursuant to section 44 of the Act, from the Ms Merryn Boan, Ms Anna Cormack, the National Trust of Australia (Victoria), Mr James Thorpe of Knight Frank Real Estate, and from the Redemptorists, Province of Oceania (an order of the Catholic Church), the Owner. The submissions received from Ms Boan, Ms Cormack, and the National Trust of Australia (Victoria) supported the Recommendation. The submission received from Mr Thorpe for Knight Frank Real Estate objected to recommended inclusion of the Place in the Register requested a hearing into the matter. The Owner also objected to the Recommendation and requested a hearing into the matter.
5. In accordance with section 46 of the Act, a hearing was scheduled to be held and a Heritage Council Regulatory Committee ('the Committee') was duly constituted to consider the Recommendation and all submissions received in response.

### MATERIAL RECEIVED FROM THE OWNER

6. On 27 July 2022, material was received from the Owner in relation to the Place and specifically in relation to proposed permit exemptions. No objection was taken to the material. The Committee accepted the late material from the Owner.

### THE HEARING

7. On 16 May 2022 all prospective hearing participants were advised that a registration hearing in relation to the Place had been scheduled for 29 July 2022, to be conducted by way of videoconference using the Microsoft Teams™ online platform ('the Hearing'). Written hearing submissions were invited, and further information was provided about the Hearing. Orders were made as to the conduct of the pre-hearing steps.

8. Ultimately, of those persons who had made submissions in relation to the Recommendation, only the Executive Director and the Owner elected to participate in the Hearing.

### **JOINT FILING BY HEARING PARTICIPANTS OF A REVISED STATEMENT OF CULTURAL HERITAGE SIGNIFICANCE**

9. During the course of the hearing it emerged that it was likely that there would be very little difference between the parties as to the cultural heritage significance of the Place. The Committee made an order inviting the participants to attempt to agree and submit a jointly agreed revised statement of cultural heritage significance in relation to the Place.
10. On 12 August 2022, a revised Statement of Cultural Heritage Significance was received, accompanied by a note that said “there were no residual matters in disagreement” as between the Owner and the Executive Director.
11. The Committee commends the efforts of the parties and regards the resolution of the language describing significance as a constructive and helpful approach.

### **SITE INSPECTION FOLLOWING THE HEARING**

12. At the Hearing the Committee advised participants that, due to State Government public health requirements in relation to coronavirus (‘COVID-19’), the Committee had been unable to that point to undertake a site inspection of the Place prior to the Hearing.
13. Following the Hearing, on 17 August 2022 the Committee was able to conduct a site inspection of the Place, accompanied by the Heritage Council Hearings Manager, to assist it in making its determination pursuant to section 49 of the Act. Access to the Place was facilitated by the Owner. No submissions were sought, made, or received at the time of the site inspection.

### **THE PLACE**

14. The Place is described on page 4 of the Recommendation as follows:

*“Kuring-gai is a substantial double-storey bungalow-style dwelling on a large seaside allotment in the Melbourne suburb of Brighton.*

*The house has a base plinth of uncoursed Wangaratta stone rubble, rendered walls, and a hipped roof clad in glazed terracotta tiles, with broad eaves on prominent timber brackets. The asymmetrical street (east) elevation is dominated by a central porte cochere, with a pair of Wangaratta stone piers supporting a pitched roof with a shingled gable end. There is a canted balcony above the porch, and two canted bay windows to the right side, all clad with timber shingles. To the left side of the porch, the facade has a flat window, also with a shingled spandrel.*

*Windows typically contain timber-framed double-hung sashes with much of the glazing in leadlight with geometric designs. The rear (western) elevation, overlooking the beach, has an elongated first floor veranda, with curved central bay, similarly clad in shingles. To the right (north) end is a projecting wing that formerly housed the servants’ quarters. Here, the windows have wrought iron railings or balconettes.*

*The ground floor contains a formal entry hall, dining room, large living room (currently used as a chapel) and den. These rooms feature original stained and lacquered [sic] timber finishes and built in joinery*

along with plasterwork, polished floors, light fixtures and marble fireplaces. The *Australian Home Beautiful* (1925) made particular reference to the Queensland Maple and Blackwood floor of the Dining Room, emphasising the richness of the timber finishes. These finishes remain intact. Richly coloured marbled stained glass has been used in windows around the formal entry. The kitchen and servants' quarters are located to the northern end of the ground floor, as is a morning room. Although the kitchen is now fitted with modern joinery and kitchen appliances it retains its basic layout and early features including the hearth and a servant bell indicator board.

The first floor contains several small bedrooms as well as the master bedroom (now used as an additional living room) with extensive views over Port Phillip Bay. As well as original timber joinery and finishes this room features patterned glazing to its sliding doors, original light fittings and brocade fabric coverings to main entry doors. The main bathroom on the first floor retains original fittings and fixtures along with ceramic [sic] wall and floor tiles.

The basement level comprises service areas as well as a substantial billiard room that opens on to a sunken lawn area to the west of the residence. The *Australian Home Beautiful* focussed on the decoration of the Billiard Room where the "blue" face brick bordering plaster panels was highlighted.

The surrounding grounds retain the main structural landscape elements of the formal gardens but little of the original plantings remain. This includes the site of the tennis court adjacent to the beach front steps and retaining walls and a sunken garden to the south of the house.'

15. The following historical summary is taken from page 10 of the Recommendation:

*'Kuring-gai was commissioned by William Bertram Carr (1883-1961), director of W B Carr Constructions Pty Ltd, a leading Melbourne firm of engineering contractors in the early 1920s.*

*At the time Cedric Ballantyne was one of Melbourne's leading residential architects. Carr had purchased a large beachside allotment in St Kilda Street, and Ballantyne proposed an imposing two-storey plus basement Bungalow style residence with a broad verandah overlooking the sea.*

*Carr's new home in Brighton featured in *The Australian Home Beautiful* in October 1925. This article reproduced the architects' landscape plan, with a sunken formal garden south of the main house, a rear garden pavilion, a tennis court and a bathing box opening directly onto the beach. A later design for a garden on the north side of the house by Edna Walling no longer exists as it appears that this portion of the allotment was taken to construct Mytton Grove.*

*The Carrs remained in their new house, which they named Kuring-gai, for several decades. William was still there at the time of his death in 1961, while his widow remained until her own death three years later. The house was purchased by the Redemptorist Fathers, a Roman Catholic religious order, and subsequently used as a base for the Order's media operations and as a residence. The Redemptorists continue to occupy the building. While the function of some of the*

*rooms has been altered, very few physical changes have been made to the building.'*

16. The description of the Place and the historical summary above, taken verbatim from the Recommendation, were not in dispute in the hearing and form the basis upon which the Committee has proceeded in making its determination.
17. The starting point in its assessment is that the Committee notes that the landowner conceded that the Place is of cultural heritage significance to the State of Victoria.
18. The Committee accepts the concession. It is a concession sensibly made on the carefully considered advice of an eminent expert. The concession accords with the Committee's own view.
19. It follows that the Committee finds that the land should be included on the Register.
20. The remaining issues requiring the attention of the Committee concern matters of important detail.
21. The Committee heard evidence and submissions directed to the remaining matters of disagreement.

## ISSUES

### SIGNIFICANCE

Before dealing with the remaining matters of disagreement, it is appropriate to say something about the basis upon which the Committee finds that the significance of the Place warrants inclusion in the Register.

22. The parties were not initially in complete agreement as to the basis, or more precisely, the exact expression of the significance of the Place. Having heard the evidence the Committee invited the Owner and the Executive Director to produce a joint, revised Statement of Cultural Heritage Significance ('SoS') using the language which the parties considered most appropriate to describe why the Place is of State-level cultural heritage significance.
23. In his Recommendation the Executive Director found that the Place was of historical significance at a State level for its association with the development of the Bungalow style in residential architectural design in Victoria in the early twentieth century.
24. Mr Beeston, who gave evidence on behalf of the owner, said that the stated significance against Criterion A should be reconsidered. After considering the evidence of Mr Beeston, the Executive Director submitted agreed that the reasons for registration under Criterion A should be broadened beyond the Place's associations with the development of the Bungalow style.
25. The jointly revised SoS represents appropriately records the basis upon which the Committee considers the Place warrants inclusion under Criterion A.
26. Accordingly, the Committee finds that the Place satisfies the State-level threshold under Criterion A and determines that the Place should be included in the Register as a Place of historical significance at a State-level.
27. The Executive Director also recommended that the Place be included in the Register as a fine, highly intact and influential example of a Californian Bungalow style residence.



28. After considering the evidence of Mr Beeston, the Executive Director conceded, his description of the class might be overly narrow and that the broader classification of 'eclectic bungalow mansion' more aptly described the Place, and that the consideration of the Place's State-level cultural heritage significance under Criterion D should be broadened to encompass a range of design influences demonstrated by the Place.
29. Again, the jointly revised SoS reflected this broadened and agreed position.
30. The Committee broadly agrees with the reasoning of the jointly revised SoS lodged by the Hearing Participants and agrees generally that the Place is significant to the State of Victoria as a substantial, fine and remarkably intact example of an interwar mansion, of prevailing North American bungalow character, combined with the influences of the Arts & Crafts Movement, Georgian Revival, Spanish Mission and Mediterranean styles.
31. Accordingly, the Place the Committee finds that the Place satisfies the State-level threshold in relation to Criterion D and determines that the Place should be included in the Register as a place of representative significance, within its class as an 'interwar mansion', at the State-level.
32. The Committee adopts the revised SoS **Attachment 4** as the basis upon which it finds that the Place is of sufficient significance for inclusion in the Register.

## EXTENT OF REGISTRATION

### *Summary of submissions and evidence*

33. There was no dispute about the extent of registration as described. The Executive Director's recommended extent of registration for the Place comprised the cadastral block on which the Place is located, and the Recommendation detailed that the recommended extent of registration for the Place is consistent with other suburban residences currently included in Register.
34. In his submission in reply, the Executive Director clarified what he believed would be a more accurate description of the recommended extent of registration for the Place, namely 'all of the place shown hatched on diagram 2414 encompassing all of Lot 2 on Lodged Plan 39423'.

### *Discussion and conclusion*

35. The Committee, noting the agreement of all parties, agrees with the extent of registration for the Place as Recommended, and agrees that it should be described as amended in submissions by the Executive Director. The Committee records its determination in **Attachment 2**.

## PERMIT EXEMPTIONS

### *Summary of submissions and evidence*

36. The effect of registration is that works and activities cannot occur without a permit being issued under the Act. The Act invites consideration by this Committee of works or activities which should be exempt from the usual requirement for a permit, having regard to the identified significance of the Place.
37. Prior to the commencement of the hearing, the parties broadly agreed on the subject matter and proposed wording of permit exemptions.

38. Written and oral submissions were made in relation to recommended permit exemptions where agreement was not reached.
39. The areas of remaining dispute were confined chiefly to the final form of permit exemptions for the gardens, landscaping, certain interiors and outbuildings.
40. The Executive Director set out in his Recommendation and in submissions that the relative intactness of the Place required a careful consideration of permit exemptions to appropriately manage significant extant fabric at the Place. This was not disputed by the Owner at the hearing.
41. The Owner subsequently tendered its preferred form of permit exemptions in relation to certain elements of the Place.
42. After considering the evidence of Mr Beeston, the Executive Director responded to suggestions arising from the Owner's submissions and the evidence, by agreeing to further refinements of recommended exemptions and the expansion of some areas of exemption.
43. By the time of the Hearing and in verbal submissions the participants' views as to appropriate permit exemptions had become more aligned, but not completely resolved.
44. The Committee agrees with the Executive Director and the Owner that the Place is a substantial, fine and remarkably intact example of an interwar mansion featuring closely considered, lavishly finished interiors, and is of the view that the registration of the Place, including any permit exemptions, must reflect its State-level significance in this regard.
45. In considering whether or not any permit exemptions should be included in the registration and if so the terms of any such exemption, the Committee must be satisfied that the exemptions granted will not result in diminution of cultural heritage significance of the Place.
46. The Committee finds that the permit exemptions recorded in **Attachment 3** are appropriate in all the circumstances, and in particular having regard to the cultural heritage significance of the Place.
47. In broad terms Attachment 3 records the agreed position of the parties. These reasons record the Committee's findings in relation to the remaining areas of subtle disagreement.

#### Interiors

48. There are two areas of interest for the purpose of exemptions: the kitchen and the bathrooms.
49. On inspection the ground floor kitchen is an interesting mixture of striking period elements (the servants 'indicator board', sink and some cabinetry) and late 20th century kitchen renovation and floor coverings.
50. In the Committee's view, all elements of the extant kitchen which are original to the building should not be removed without a permit. The Committee considers that late 20th century features could be removed without a permit without doing violence to the significance of the Place, but at the same time any replacement features should be considered as part of any permit application process, principally because any kitchen renovation should be sensitive to the striking features of the kitchen which might be retained. The Committee is not satisfied that any form of replacement kitchen renovation would be appropriate in this unusual context, and has therefore left this matter to be considered in the context of a permit application. The result is that removal of non-original features of the



kitchen can occur without a permit, but the future form of the kitchen should be the subject of careful consideration.

51. The bathrooms were also the subject of permit exemptions developed by the Executive Director in response to the submissions and evidence made and called on behalf of the Owner. Many of the 1920s era elements are in place and contribute to the significance of the Place. In particular the main first floor bathroom should not be exempt from the need for a permit for works to maintain, upgrade or replace post-1920s appliances, toilets, sinks, tapware and flooring because any works should be considered in the context of those features which are to be retained. The Committee otherwise accepts there should be a permit exemption for the maintenance and upgrading of bathrooms and toilets.
52. The exemptions have been drafted accordingly.

#### Hard landscaping and services

53. The Committee heard evidence and submissions about the hard landscaping and the interrelationship between it and the significance of the dwelling. Ultimately, the links between the setting and the dwelling are informed by the historical fact of the sequence of development, the current state of repair of that setting and the impressionistic qualities to be appreciated upon inspection.
54. There is little doubt that the structure of the formal garden was a feature of the original dwelling. The extent of the remnant structure is still evident upon inspection. Even though plantings have changed over time, the framework of the garden is still obvious and the character of seaside plantings has been retained.
55. It was apparent to the Committee at its site inspection that the entire landscaped setting of the Place, including elements of the Place such as the retaining walls, rock walls and open spaces of the two sunken gardens, is critical to its cultural heritage significance and that the absence of these features would harm the cultural heritage significance of the Place. The Committee is of the view that the sunken gardens in particular, are notable as a response to the bayside setting of the Place (affording weather protection outdoors).
56. Accordingly, the Committee concludes that the rock walls, terracing and open spaces of the sunken gardens should not be exempt from the need for a heritage permit under the Act.

#### Gardening, trees and plants

57. The Owner advanced permit exemptions broadly in respect of gardening and landscaping on the basis of Mr Beeston's evidence that the current state of the gardens is unlikely to represent much of the original landscape, apart from some obvious and notable trees.
58. The Committee is of the view that while the plants and shrubs found in the gardens of the Place generally fail to contribute meaningfully to the State-level cultural heritage significance of the Place, they are in keeping with the character of a seaside garden and provide an appropriate setting.
59. The Committee is persuaded by the evidence of Mr Beeston that, with the exception of several trees noted in his evidence, the removal of vegetation from the gardens could be the subject of an exemption.
60. That said, a blanket exemption could at least in theory facilitate the removal of most of the existing vegetation, without requiring any replacement planting, or alternatively replacement vegetation which is not sympathetic to the dwelling or the structure of the gardens. For those reasons the Committee is concerned that such a broad exemption is not appropriate. Rather the committee considers that

the removal of any existing vegetation should not occur unless there is a plan for replacement planting, and that any replacement planting should be implemented as part of an overarching strategy which is sympathetic to the setting of the dwelling and the formal gardens. If the language of the Act was clearer, the Committee might have been minded to grant a general exemption in relation to gardening subject to a requirement that before any vegetation removal occurs, a garden masterplan must be approved. Given the current state of the legislation, it is the Committee's view that this is a matter best left to the permit process. Accordingly, the Committee finds that there should be no broad exemption in relation to gardening.

### Outbuildings

61. At the hearing the Owner and the Executive Director invited consideration of a possible exemption in relation to a discrete part of the building which had not been the subject of inspection by the Executive Director or any independent witness. Upon inspection, it is not readily apparent what ought to be exempted if anything, and so the Committee makes no findings.
62. The garage and carport area at the north-west of the residence are not significant and could be demolished without harm to the cultural heritage significance of the Place. The Committee agrees with both parties that it is appropriate that demolition and removal of this structure be exempt from the need for a permit providing the adjacent red-brick wall is not retained.

### **CUSTODIANSHIP OF THE PLACE**

63. It should not pass without comment that this striking piece of the State's heritage survives to be considered in this process, and ultimately protected for future generations, in no small measure because of the careful and respectful custodianship of the current owner. While initially the Owner opposed the inclusion of the Place in the Register, it adopted a position in this hearing, and in its conduct of the case as a whole, of willing and considered cooperation – no doubt informed by the good judgement of counsel and the expert of advice of Mr Beeston. The community is richer for the efforts and good grace of the current Owner.

### **CONCLUSION**

64. After considering the Executive Director's recommendation and all submissions received, and after conducting a hearing into the matter, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that Kuring-gai, located at 257 St Kilda Street, Brighton, is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register.

## **ATTACHMENT 1**

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

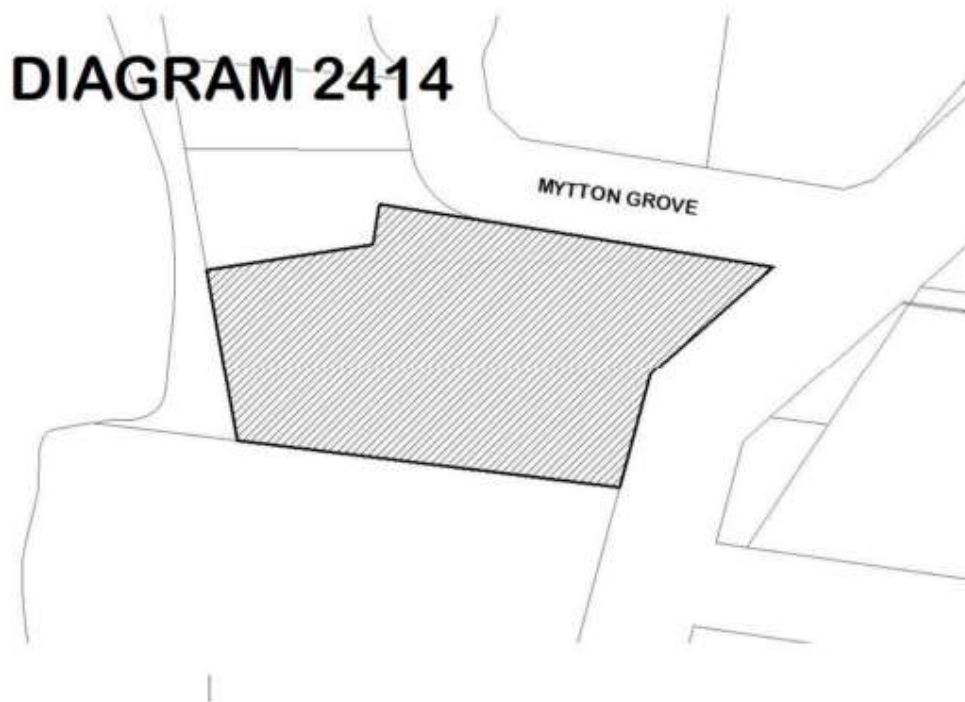
CRITERION A	Importance to the course, or pattern, of Victoria's cultural history
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION D	Importance in demonstrating the principal characteristics of a class of cultural places or 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 present-day community or cultural group for social, cultural or spiritual reasons.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

**These were updated by the Heritage Council at its meeting on 4 April 2019, and replace the previous criteria adopted by the Heritage Council on 6 December 2012**

## ATTACHMENT 2

### EXTENT OF REGISTRATION

All of the place shown hatched on Diagram 2414 encompassing all of Lot 2 on Lodged Plan 39423.



## ATTACHMENT 3

### CATEGORIES OF WORKS OR ACTIVITIES WHICH MAY BE CARRIED OUT IN RELATION TO THE PLACE FOR WHICH A PERMIT IS NOT REQUIRED PURSUANT TO SECTION 49(3) OF THE *HERITAGE ACT 2017* ('PERMIT EXEMPTIONS')

#### PERMIT EXEMPTIONS

##### General

- Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of fabric and include the conservation of existing details or elements. Any repairs and maintenance must not exacerbate the decay of fabric due to chemical incompatibility of new materials, obscure fabric or limit access to such fabric for future maintenance.
- Maintenance, repair and replacement of existing external services such as plumbing, electrical cabling, surveillance systems, pipes or fire services which does not involve changes in location or scale, or additional trenching.
- Repair to, or removal of items such as antennae; aerials; and air conditioners and associated pipe work, ducting and wiring.
- Works or activities, including emergency stabilisation, necessary to secure safety in an emergency where a structure or part of a structure has been irreparably damaged or destabilised and poses a safety risk to its users or the public. The Executive Director must be notified within seven days of the commencement of these works or activities.
- Painting of previously painted external and internal surfaces in the same colour, finish and product type provided that preparation or painting does not remove all evidence of earlier paint finishes or schemes. This exemption does not apply to areas where there are specialist paint techniques such as graining, marbling, stencilling, hand-painting, murals or signwriting, or to wallpapered surfaces, or to unpainted, oiled or varnished surfaces.
- Cleaning including the removal of surface deposits by the use of low-pressure water (to maximum of 300 psi at the surface being cleaned) and neutral detergents and mild brushing and scrubbing with plastic (not wire)

##### Interiors

- Installation, removal or replacement of existing electrical wiring. If wiring is currently exposed, it should remain exposed. If it is fully concealed it should remain fully concealed.
- Works to remove or maintain late twentieth century timber cabinetry, floor tiling, appliances and counter tops in the kitchen.

- Works to maintain, upgrade or replace post-1920s appliances, toilets, sinks, tapware and flooring in existing bathrooms and toilets. Note: this exemption does not apply to the main bathroom on the first floor.
- Removal or replacement of post-1920s carpets, curtains and blinds, and devices for mounting wall hung artworks.
- Removal or replacement of post-1920s light switches or power outlets.
- Removal or replacement of smoke and fire detectors, alarms and the like, of the same size and in existing locations.
- Repair, removal or replacement of existing ducted, hydronic or concealed radiant type heating provided that the central plant is concealed, and that the work is done in a manner which does not alter building fabric.
- Installation of plant within the roof space, providing that it does not impact on the external appearance of the building or involve structural changes.
- Installation, removal or replacement of bulk insulation in the roof space

### **Landscape/outdoor areas**

#### *Hard landscaping and services*

- Subsurface works to existing watering and drainage systems provided these are outside the canopy edge of trees. Existing lawns, gardens, paving, paths and roadways are to be returned to the original configuration and appearance on completion of works.
- Like for like repair and maintenance of existing paving, driveways, steps, fences and footpaths where the materials, scale, form and design is unchanged.
- Installation of physical barriers or traps to enable vegetation protection and management of vermin such as rats, mice and possum.
- Completion of new (2022) fence between Kuring-gai and adjacent property to the north.

#### *Gardening, trees and plants*

- The processes of gardening including mowing, pruning, mulching, fertilising, removal of dead or diseased plants (excluding trees), replanting of existing garden beds, disease and weed control and maintenance to care for existing plants.
- Removal of tree seedlings, suckers and non-significant trees, excluding the significant Canary Island Date Palm, two lime trees and five English Elms located in the front garden.
- Management and maintenance of trees including formative and remedial pruning, removal of deadwood and pest and disease control.
- Emergency tree works to maintain public safety provided the Executive Director, Heritage Victoria is notified within seven days of the removal or works occurring.



## **Outbuildings**

- Works to the freestanding garden sheds to the west of the residence, as well as demolition and removal of the sheds.
- Works to the carport to the north-west of the residence, including demolition and removal, providing the red brick wall forming the south side of the carport is not impacted.
- All non-structural internal works to the basement garage and subterranean ancillary area.

## ATTACHMENT 4

### Statement of significance\*

**[\*Prepared by the Executive Director and the Owner – Does not form part of the Heritage Council’s determination]**

#### What is significant?

The mansion, known as Kuring-gai and later Majellan House, as designed by the architect Cedric H Ballantyne for William and Florence Carr and constructed in 1923-24 along the foreshore in Brighton. The significance lies in the residence itself (exterior and interior) and its landscaped setting. Significant elements include (but are not restricted to):

- The relationship of the residence within its formal landscaped surrounds and bayside location
- Overall form and footprint of the building and general internal layout
- Distinctive and intact 1920s internal elements, such as the floorboards, granolithic/terrazzo and tiled surfaces, coffered and decorative plaster ceilings, cornices, joinery, the main and secondary staircase, fireplaces (including the inglenook), timber panelling and joinery, built-in timber furniture, doors, bathroom fittings and fixtures, and the staff indicator board (kitchen)
- Landscape elements and layout associated with the place's formative phase, including the stone entrance piers, circular carriageway, northern driveway, paving, basalt retaining walls, the southern and rear sunken garden, and some mature exotic trees.

#### How is it significant?

Kuring-gai is of historical and architectural significance to the State of Victoria. It satisfies the following criterion for inclusion in the VHR:

##### 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

#### Why is it significant?

Kuring-gai is historically significant for its clear association with mansion development in 1920s Victoria. It is notable as a residential design by the highly regarded architect Cedric H Ballantyne. The lifestyle and tastes of its affluent original occupants are demonstrated through Kuring-gai's impressive scale, landscaped and bayside surrounds, and largely intact 1920s interior. The built and garden character of the place was celebrated in *The Australian Home Beautiful* – an important architectural periodical – around the time of its construction and in subsequent editions (the mid-1960s and mid-1990s). This coverage reflected continued broader awareness of the place and provides ample evidence of its high level of integrity. Such evidence, alongside tangible elements, allows the historical associations of Kuring-gai to be understood and appreciated with greater clarity than in other equivalent places. [Criterion A]

Kuring-gai is architecturally significant as a substantial, fine and remarkably intact example of an interwar mansion. The design illustrates – at a grand level – Ballantyne's careful eclectic approach, which during the 1920s drew from multiple then popular stylistic sources. The outcome is a striking residence with a prevailing North American bungalow character, unusual for a two-storey building in Victoria, which is combined with a general Arts & Crafts Movement character as well as Georgian Revival and Spanish Mission/Mediterranean influences. The interior is also closely considered and lavishly finished, accentuating the place's prestigiousness and further distinguishing it from other examples of its class. Kuring-gai is complemented by its siting within formally landscaped grounds that retain several original or early features. [Criterion D]