



Heritage Council Regulatory Committee

Crossman House

151 Finch Street, Glen Iris, City of Stonnington

Hearing – 16 July 2021

Members – Ms Margaret Baird (Chair), Ms Louise Honman, Dr Mark Burgess

DETERMINATION OF THE HERITAGE COUNCIL

Not to include the place in the Victorian Heritage Register but refer for consideration for an amendment to a planning scheme – After considering the Executive Director’s recommendation, all submissions, and conducting a hearing into the matter, the Heritage Council has determined, pursuant to section 49(1)(c)(i) of the *Heritage Act 2017*, that Crossman House located at 151 Finch Street, Glen Iris is not of State-level cultural heritage significance and is not to be included in the Heritage Register, and refers the Recommendation and all submissions to Stonnington City Council for consideration for an amendment to the Stonnington Planning Scheme.

Margaret Baird (Chair)

Louise Honman

Mark Burgess

Decision Date – 31 August 2021

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.

APPEARANCES / HEARING SUBMISSIONS

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

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

DR DOUG EVANS AND DR CONRAD HAMANN

Submissions objecting to the Executive Director's recommendation were received from Dr Doug Evans and Dr Conrad Hamann. They appeared and made verbal submissions at the hearing.

MS KATE BORLAND

A submission pursuant to section 44 of the *Heritage Act 2017* was received from Ms Kate Borland, on behalf of the Borland family, objecting to the Executive Director's recommendation. Ms Borland appeared and made verbal submissions at the hearing.

STONNINGTON CITY COUNCIL ('STONNINGTON')

A written submission to the hearing was received from Stonnington City Council ('Stonnington'). Stonnington did not make verbal submissions or participate in the hearing.

OTHER SUBMISSIONS RECEIVED PURSUANT TO SECTION 44 OF THE *HERITAGE ACT 2017*

The following persons made written submissions pursuant to section 44 of the *Heritage Act 2017*, all objecting to the Executive Director's recommendation:

- Mr Peter Hogg
- Mrs Huan Borland
- Ms Polly Borland
- Ms Emma Borland
- Mr Rock Wilkins
- Ms Suzanne Dance
- Ms Judy Borland
- Mr Mark Ammermann

OTHER INTERESTED PARTIES

MR JAMES LIN ('THE OWNER')

Correspondence was received from NXL Design on behalf of Mr James Lin, the owner of the Crossman House ('the Owner'), in relation to the 'without prejudice' draft permit exemptions for the place.

MS ELIZABETH CROSS

Correspondence in relation to the Crossman House was received from Ms Elizabeth Cross, the partner of the late Dr Jack Wodak – former owner and resident of the place.

INTRODUCTION / BACKGROUND

THE PLACE

01. On 11 January 2021, the Executive Director made a recommendation ('the Recommendation') to the Heritage Council pursuant to Part 3, Division 3 of the *Heritage Act 2017* ('the Act') that the Crossman House, located at 151 Finch Street, Glen Iris ('the Place') should not be included in the Victorian Heritage Register ('the Register'). The Executive Director also recommended that the Heritage Council may wish to exercise its powers pursuant to section 49(1)(c) of the Act to refer the Recommendation to the Stonnington City Council for consideration for an amendment to the Heritage Overlay of the Stonnington Planning Scheme.

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

'The Crossman House is a double-storey 1970s brick residence in the Melbourne suburb of Glen Iris. The house is oriented to the east to face Finch Street. On the street side, the property is bounded by a high, curved brick wall. Entry to the property is via either a timber pedestrian gate or adjacent driveway gates. The front garden comprises a gravel driveway, mature eucalypts and other native shrubs. The house's front elevation is dominated by the sharply angled roof and an almost full height window wall to the east and north. The main entry to the house is via a stepped, paved terrace beneath a timber sunshade. Internally, the double-height entry lobby contains a stairwell and garden. The ground floor contains an open plan living area with timber cabinetry along the north internal wall. A void above enables natural light to enter. The remainder of the ground floor contains a breakfast nook, kitchen, laundry and study. In most areas, the walls and ceilings are lined with pale timber boards. The upper level is accessed via a ramped stairway that follows the line of the window wall. The upper level comprises two bedrooms, bathroom and small additional study. The master bedroom is lit by north-facing windows that open on to the void that also lights the living area. A timber deck wraps around the rear of the house and can be accessed from both bedrooms and the bathroom. A spiral staircase can be used to access the rear garden which contains a pool and small combined studio and cellar.'

03. The following historical summary is taken from page 7 of the Recommendation:

'Builder Maurice Nankin purchased the site at 151 Finch Street in June 1974. Nankin planned a two-storey, rectilinear house for the site. He had already laid the floor slab and partially excavated the pool when his firm went bust and the land on Finch Street was slated for sale. The Crossmans acquired the site in 1976 and commissioned Borland to design a new home. Borland utilised the existing floor slab and pool excavation in his design for the site but otherwise departed from the Nankin's original plan. Skilled émigré tradespeople, Rudolf van Giffen and Andreas Ennerst, were commissioned to construct the house which was completed in 1978 at the cost of \$160,000. In the same year, the house was one of the homes profiled in the July/August issue of

Belle. Although the house was nominated for an RAI A award that year it was not awarded or identified as a runner up. The Crossmans only lived at the house for four years. The house's next owner, neurologist Dr Jack Wodack, resided at the house from 1982 until his death in 2019. The house was sold to its new owner in early 2020 and is currently leased.'

- 04.** The above description and history summary have been taken from the Recommendation and are provided for information purposes only.

RECOMMENDATION OF THE EXECUTIVE DIRECTOR

- 05.** On 11 January 2021, the Executive Director recommended to the Heritage Council that the Place not be included in the Register pursuant to section 37(1)(b) of the Act and that the Heritage Council may wish to exercise its powers pursuant to section 49(1)(c) of the Act to refer the Recommendation to Stonnington City Council for consideration for an amendment to the Stonnington Planning Scheme.

PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR

- 06.** After the Recommendation, notice was published on 15 January 2021 pursuant to section 41 of the Act for a period of 60 days.
- 07.** During the advertisement period, eleven (11) submissions were received in relation to the Recommendation pursuant to section 44 of the Act. All submissions received objected to the Recommendation. Of the submissions received, ten (10) requested a hearing before the Heritage Council.
- 08.** In accordance with section 46(2)(a) of the Act, a hearing was required to be held.
- 09.** The Heritage Council Regulatory Committee ('the Committee') was constituted to consider the Recommendation and all submissions received in response to it, and to make a determination.

SCHEDULING OF THE HEARING

- 010.** On 12 April 2021 all prospective Hearing Participants were advised that a registration hearing in relation to the Place had been scheduled for 16 July 2021, to be conducted by way of videoconference using Microsoft Teams ('the Hearing'). Written hearing submissions were invited, and further information was provided about the Hearing.

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

SITE INSPECTION

- 011.** On 9 July 2021, the Committee undertook a site inspection of the Place accompanied by the Heritage Council Project Officer. Access to the Place was facilitated by the Owner's representative and the tenant of the Place. No submissions were sought, made or received at the time of the site inspection.

CONFLICTS OF INTEREST

- 012.** The Chair invited Committee members to make declarations, written or otherwise, in relation to any matters that may potentially give rise to an actual, potential or perceived conflict of interest.

- 013.** Ms Baird and Dr Burgess were satisfied that there were no conflicts of interests and made no such declarations.
- 014.** Ms Honman declared that prior to 2015, in her capacity as a heritage consultant and former Director at Context Pty Ltd, she conducted several heritage assessments of churches, halls, and commercial properties within the City of Stonnington for Stonnington. Ms Honman noted that the assessments did not include residential properties or the Place.
- 015.** Ms Honman further declared that prior to 2018 she had a collegiate association with Ms Suzanne Dance who lodged a submission to the Heritage Council pursuant to section 44 of the Act in relation to the Place. Ms Honman also noted that she had a collegiate association with Kevin Borland – the architect for the Place – in the 1980s while casually employed at Deakin University.
- 016.** Hearing Participants were invited to make submissions in relation to Ms Honman’s declaration. No submissions were made or received.

HEARING PARTICIPATION FORMS AND HEARING SUBMISSIONS RECEIVED

- 017.** On 22 March 2021, correspondence was sent to all prospective Hearing Participants requesting *Heritage Council Form B – Hearing Participation Forms* (‘Hearing Participation Forms’) be lodged with the Heritage Council by 5 April 2021. By this date, Hearing Participation Forms were received from the Executive Director, Stonnington, Mrs Huan Borland, Dr Evans and Dr Hamann, and NXL Design on behalf of the Owner. Additional Hearing Participation Forms were received after this date from Ms Kate Borland, Mr Peter Hogg, Ms Polly Borland, and Mr Rock Wilkins.
- 018.** The Committee notes that all persons who lodged Hearing Participation Forms indicated that they would provide a detailed written hearing submission for the Committee’s consideration no later than 28 days prior to the hearing. Hearing submissions were subsequently received from the Executive Director, Stonnington and Dr Evans and Dr Hamann. On 14 July 2021, Ms Kate Borland contacted the Heritage Council seeking to be afforded the opportunity make verbal submissions at the Hearing on the basis of her section 44 submission lodged with the Heritage Council during the advertisement of the Recommendation. The Committee allowed the request.

CORRESPONDENCE RECEIVED ON BEHALF OF THE OWNER

- 019.** On 12 July 2021, the Committee received correspondence from Mr Nathan Li of NXL Design on behalf of the Owner raising several questions in relation to the Executive Director’s draft ‘without prejudice’ permit exemptions for the Place.
- 020.** The Committee noted that no hearing submission was received from the Owner. The Committee agreed, however, to provide the questions to the Executive Director for response at the Hearing.
- 021.** The Executive Director provided a verbal response to the Owner’s questions in relation to the draft ‘without prejudice’ permit exemptions for the Place at the Hearing.

CORRESPONDENCE RECEIVED FROM MS ELIZABETH CROSS

- 022.** On 15 July 2021 correspondence in relation to the Place was received from Ms Elizabeth Cross, partner of the former owner of the Place, Mr Jack Wodack.

- 023.** The Committee accepted the correspondence, which was subsequently provided to Hearing Participants during the Hearing for noting.

FUTURE USE, MAINTENANCE AND DEVELOPMENT OF THE PLACE

- 024.** It is not the role of the Committee to consider future proposals or to pre-empt any decisions relating to future processes pursuant to the Act or indeed any matters relating to *Planning and Environment Act 1987* (Vic) considerations. Pursuant to section 49(1) of the Act, the role of the Committee is to determine whether or not the Place, or part of it, is of State-level cultural heritage significance and whether it is, or is not, to be included in the Register.

ISSUES

- 025.** The following section is not intended to be a complete record of submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position that the Committee takes on each key issue.
- 026.** Any reference to 'Criteria/Criterion' refers to the Heritage Council *Criteria for Assessment of Places of Cultural Heritage Significance* (updated by the Heritage Council on 4 April 2019) (see **Attachment 1**).
- 027.** The Committee has referred to the assessment framework and 'steps' in *The Victorian Heritage Register Criteria and Threshold Guidelines* (updated by the Heritage Council on 3 December 2020) ('the Guidelines') in considering the issues before it. Any reference to assessment 'steps' or 'the Guidelines' refers to the Guidelines.

OVERVIEW OF POSITIONS BY HEARING PARTICIPANTS

- 028.** The Executive Director recommended that the Place not be included in the Register, but to refer the Recommendation to Stonnington for an amendment to the Stonnington Planning Scheme. The Recommendation found that the Place did not satisfy any of the Criteria at a State level for inclusion in the Register. In the instance that the Heritage Council determined that the Place be included in the Register, the Executive Director's submissions included 'without prejudice' draft permit exemptions for the Place.
- 029.** Dr Evans and Dr Hamann objected to the Recommendation, submitting that the Place meets the State-level threshold for inclusion in the Register in relation to Criteria A and D. Broadly, Dr Evans and Dr Hamann submitted that the Executive Director's assessment of the Place as an 'architect designed house of the 1960s and 1970s' was too 'diverse'. Dr Evans and Dr Hamann submitted that:
- 'the application of a more relevant, fine grained framework of assessment, which takes at least some account of the architect's character and biography, and the relationship of these to the dominant characteristics of the 1970s results in a more appropriate assessment of the [Place]: one which better reflects the realities of the time and a different view of the significance of [the Place].'*
- 030.** The Committee acknowledges the extensive research and associated material in support of the objection, and in submissions presented, by Dr Evans and Dr Hamann.

- 031.** Ms Borland objected to the Recommendation. She submitted that the Place should be included in the Register as a place of cultural heritage significance to the State of Victoria. In her submission pursuant to section 44 of the Act, Ms Borland submitted that the Place meets the State-level threshold for inclusion in the Register in relation to Criterion D. At the hearing, Ms Borland made verbal submissions in support of the inclusion of the Place in the Register broadly in relation to Criteria A, D, E and H, albeit without reference to the Criteria or the Guidelines. She also read a statement by Ms Polly Borland. The Committee appreciates the passionate support of family members in relation to the values they ascribe to the Place.
- 032.** Stonnington submitted that it did not have a position in relation to the Recommendation but provided the Committee with information in relation to the 'status of the local controls' proposed for the Place as part of Amendment C304ston.

CRITERION A – IMPORTANCE TO THE COURSE, OR PATTERN OF VICTORIA'S CULTURAL HISTORY

Summary of submissions and evidence

- 033.** In assessing the cultural heritage significance of the Place in relation to Criterion A, the Executive Director found that the Place has an association with late twentieth century domestic architecture in Victoria. The Recommendation noted that housing designs diversified in the 1960s and 1970s, with architects exploring new influences and approaches, while the prosperity of the period led to houses of a more generous scale than those of the post-war era. The Recommendation found that this phase is of historical importance to Victoria, having altered the built environment and shaped the domestic lives of many Victorians. The Recommendation also noted that the association of the Place to this phase is evident in both the physical fabric of the Place and in documentary resources.
- 034.** In assessing the Place under step 2 of Criterion A the Recommendation found that the Place is of 'historical interest' as an illustrative example of architect-designed, freestanding homes constructed in the 1960s and 1970s. However, the Recommendation assessed that the design and construction of homes in this period is equally or better understood in numerous other residences across metropolitan Melbourne, and Victoria more broadly, than at the Place.
- 035.** The Executive Director recommended that Criterion A is not likely to be satisfied at a State level.
- 036.** In objecting to the Recommendation, Dr Evans and Dr Hamann submitted that the Executive Director's assessment of the Place in association with the historical phase of 'the development of domestic architecture in Victoria in the latter decades of the twentieth century' was 'inadequate'. Dr Evans and Dr Hamann submitted that the Executive Director's assessment of the Place in relation to this Criterion should have been more 'fine grained'.
- 037.** Dr Evans and Dr Hamann made three distinct arguments in support of the inclusion of the Place in the Register for cultural heritage significance at a State level in relation to Criterion A:
- that 'the idea of an Australian way of life' during the 1970s is a phase of historical importance that is understood at the Place better than most other 'Victorian works of architecture with the same association';

- that the ‘idea of the ‘bush’ at the heart of an Australian identity’, is an event or phase of historical importance that can be understood at the Place better than most other places or objects in Victoria with the same association; and,
 - that the Place is ‘symbolic of a major shift in the cultural trajectory of creative endeavour in...Victorian architecture’ from 1977–84, an event of historical importance which can be understood at the Place better than most other places in Victoria with the same association.
- 038.** Dr Evans and Dr Hamann further submitted that the Place should be assessed, in relation to Criterion A, within the broader cultural, social and political climate of the late 1970s. It was the position of Dr Evans and Dr Hamann that ‘when the cultural import [of the Place] is correctly assessed, this house...fulfils the requirements of step 2 of Criterion A for inclusion in the [Register]’.
- 039.** In verbal submissions at the hearing, Ms Borland similarly supported the inclusion of the Place in the Register for an association with the ‘idea of the ‘bush’ at the heart of an Australian identity’. It was Ms Borland’s position that the design of the Place, in particular the front garden with prominent tall gum, demonstrates Borland’s intent to ‘marry’ the bush to the suburban environment.
- 040.** In response to the submission of Dr Evans and Dr Hamann, the Executive Director acknowledged that the ‘1970s were socially, culturally and politically turbulent...and that events such as the Vietnam War and the election of the Whitlam government had a profound impact on many areas of life’. However, the Executive Director submitted that ‘most historic buildings could be interpreted as reflecting the social and cultural concerns of the era in which they were designed’ and that ‘it does not necessarily follow that [they are] of State-level cultural heritage significance under Criterion A’.
- 041.** It was the position of the Executive Director that ‘the cultural, social and political climate of the 1970s’ is ‘too broad a historical theme’ for the assessment of the State-level cultural heritage significance of places and objects in relation to Criterion A. Notwithstanding this, the Executive Director submitted that he did not consider that the Place allows such broad historical themes to be better understood than most other places or objects in Victoria with substantially the same association.
- 042.** In response to Dr Evans’ and Dr Hamann’s submission that the Place meets the State-level threshold for inclusion in the Register for association with three distinct themes, namely, the idea of an Australian way of life, the ‘bush’ at the heart of an Australian identity, and the shift in the cultural trajectory of creative endeavour in Victorian architecture, it was the position of the Executive Director that these themes are not broad enough to be considered phases, periods or events of importance to the State of Victoria as a whole.
- 043.** The Executive Director reiterated his view that the ‘development of domestic architecture in the latter decades of the twentieth century’ is of an appropriate scope for the assessment of places and objects in relation to Criterion A, is the ‘historical phase of most relevance’ to the Place and, that the Place does not meet the State-level threshold for inclusion in the Register in relation to Criterion A.

Discussion and conclusion

- 044.** The Committee has considered the detailed submissions of the Executive Director and Dr Evans and Dr Hamann in relation to the scope of events, phases,

periods, processes, functions, movements, customs, or ways of life that are of historical importance to the course or pattern of Victoria's history.

- 045.** The Committee acknowledges the Executive Director's assessment of the Place in relation to Criterion A for an association with the historical theme of 'the development of domestic architecture in Victoria in the latter decades of the twentieth century'.
- 046.** The Committee disagrees with Dr Evans and Dr Hamann that the Executive Director's assessment of the Place in association with this historical phase was 'inadequate'. The Committee has not been persuaded that the narrower timeframe being argued should be adopted. Rather, the Committee finds that this historical theme relied upon by the Executive Director is relevant in assessing the cultural heritage significance of the Place at the State level in relation to Criterion A. The Committee agrees with the Recommendation that this phase is of historical importance to Victoria, having altered the built environment and shaped the domestic lives of many Victorians, and that this association is evident in both the physical fabric of the Place and in documentary resources.
- 047.** The Committee acknowledges the view of Dr Evans and Dr Hamann that the Place has an association with three distinct themes, being an Australian way of life, the idea of the 'bush' at the heart of an Australian identity, and the shift in the cultural trajectory of creative endeavour in Victorian architecture.
- 048.** The Committee notes the 'Exclusion Guidelines' at step 3 of Criterion A, which set out, at XA1, that a place or object is unlikely to satisfy this Criterion at the State level if the 'association of the place/object to the historically important event, phase etc is either incidental (minor, secondary) or cannot be substantiated'.
- 049.** The Committee finds that limited documentary evidence has been brought forward to substantiate a direct association of the Place to the themes of an Australian way of life, the idea of the 'bush' at the heart of an Australian identity, or the shift in the cultural trajectory of creative endeavour in Victorian architecture. Notwithstanding this, the Committee also finds that limited documentary evidence has been provided to demonstrate that the association of the Place to these themes and phases is understood better at the Place than most other places or objects in Victoria with substantially the same association to establish cultural heritage significance at the State level in relation to Criterion A.
- 050.** The Committee further agrees with the Executive Director's assessment of the Place in relation to step 2 of Criterion A; while the Place is of historical interest as an illustrative example of architect-designed residences constructed in the 1960s and 1970s, the design and construction of homes in this period can be equally or better understood in numerous other residences across metropolitan Melbourne, and Victoria more broadly, than at the Place.
- 051.** The Committee finds that Criterion A is not satisfied at the State level.

CRITERION D – IMPORTANCE IN DEMONSTRATING THE PRINCIPAL CHARACTERISTICS OF A CLASS OF CULTURAL PLACES AND OBJECTS

Summary of submissions and evidence

- 052.** The Executive Director, in assessing cultural heritage significance of the Place in relation to Criterion D, found that the Place is in the class of '1960s-70s architect designed residences'. The Recommendation assessed that this class has an

association with the development of domestic architecture in the latter decades of the twentieth century and is of historical importance to Victoria. The Recommendation found that although the class is stylistically diverse, some of its principal characteristics are evident at the Place, including in its:

- Geometric forms
- Irregular roofline
- Informal internal spaces
- Integration with the outdoors
- Utilisation of voids, glazing and natural light
- Highlighting of natural materials (including unpainted brick, timber and unglazed terracotta tiles) and vivid painted surfaces.

053. In assessing the Place under step 2 of Criterion D, the Executive Director assessed that the Place is ‘a well-designed and interesting 1970s residence, conceived by a prominent architect’. The Recommendation found, however, that many thousands of architect-designed residences were constructed across metropolitan Melbourne and Victoria in the latter decades of the twentieth century and of these, several have been found to be notable at a State level, and subsequently included in the Register, including:

- the David Godsell House (VHR H2379)
- Heide II (VHR H1494)
- the Baker House (VHR H2118) and
- the Winter Park Cluster Housing (VHR H1345).

054. Reference Tool D in the Guidelines sets out four indicators that the term ‘notable example’ encompasses in relation to Criterion D. Namely, a place or object may be considered notable at the State level if found to be a ‘fine example’, a ‘highly intact example’, an ‘influential example’ or a ‘pivotal example’ of its class.

055. The Recommendation assessed that, in comparison to similar places already included in the Register, the Place ‘does not display characteristics that are of equivalent or higher quality or historical relevance than these places and cannot be considered fine’.

056. The Recommendation stated that ‘...the intactness of the place is excellent. There has been minimal change to the place since it was constructed. Original features, fixtures and finishes are evident throughout’. In relation to the Place being notable as a highly intact example of its class, the Recommendation assessed that although the Place is ‘highly intact both internally and externally’, this is ‘not unusual for a house completed in 1978’ and the Place cannot be considered to be notable as a highly intact example of its class.

057. Lastly, the Recommendation found that although Borland was a prolific and highly skilled designer, and that several of his domestic architecture designs in the 1970s received awards, citations and widespread critical acclaim, Borland’s work in relation to the Place has not been recognised in this way. The Recommendation assessed that the Place cannot be considered the most influential or pivotal example of either Borland’s residential works, or of late twentieth-century architecture more broadly.

- 058.** The Executive Director recommended that Criterion D is not likely to be satisfied at the State level.
- 059.** Dr Evans and Dr Hamann submitted that the class ‘1960s-70s architect designed residences’ is too broad to adequately assess the cultural heritage significance of the Place at a State level in relation to Criterion D. Dr Evans and Dr Hamann submitted that major changes in Victoria’s domestic architecture occurred across shorter periods of time than assessed in the Recommendation, with the Place sitting at the juncture between two periods of change from 1968–76 and 1977–84.
- 060.** Dr Evans and Dr Hamann further submitted, in relation to Reference Tool D, that the Reference Tool does not set out that a place or object must satisfy ‘more than one, much less all of’ the indicators of notability at the State level for inclusion in the Register. It was the position of Dr Evans and Dr Hamann that a place or object can be found to be either a fine, or a highly intact, or a pivotal, or an influential example of its class at the State level for inclusion in the Register.
- 061.** Although Dr Evans and Dr Hamann agreed with the Recommendation that the Place is not notable as an influential or pivotal example of its class, it was the position of Dr Evans and Dr Hamann that the Place is notable at the State level for being both fine and highly intact. Dr Evans and Dr Hamann submitted that the Place ‘is architecturally the equal of any of Borland’s better known and awarded houses of this period and deploys many of the design strategies that Borland used in all of the houses he designed in this decade’, satisfying the State level threshold for inclusion in the Register in relation to Criterion D.
- 062.** Ms Borland’s section 44 submission in response to the Recommendation stated:
- ‘I would argue that given the intactness of the Crossman house that Step 2 of Criteria D is in fact met, as a primal example of Borland’s work of the time. It can be further argued that only a few of Borland’s houses of that period remain unadulterated, and that the absoluteness of integrity shown in the Crossman house merits inclusion in the Victorian Heritage Register most certainly’*
- 063.** In response to the submissions of Dr Evans and Dr Hamann, the Executive Director acknowledged that ‘the formulation of an appropriate class for the consideration of late twentieth-century residential architecture is challenging’. However, it was the view of the Executive Director that the class of ‘1960s-70 architect designed residences’ allowed for the meaningful assessment and comparison of the Place in relation to other architect designed residences of the time.
- 064.** The Executive Director further submitted, in response to the submissions of Dr Evans and Dr Hamann in relation to Reference Tool D, that ‘intactness alone should not be considered sufficient to determine State-level cultural heritage significance’. The Executive Director also noted that although Dr Evans and Dr Hamann made submissions in support of the inclusion of the Place in the Register for being notable as a fine example of its class, it was the view of the Executive Director that no evidence was provided to demonstrate ‘why the [Place] can be considered fine in a State-wide context’.

Discussion and conclusion

- 065.** The Committee accepts the Executive Director’s assessment of the Place in the class of ‘1960s-70s architect designed residences’. The Committee disagrees with Dr Evans and Dr Hamann that this class of place is ‘too broad’ to

appropriately assess the State-level cultural heritage significance of the Place in relation to Criterion D.

- 066.** The Committee accepts the Executive Director’s submission that the assessment of late-twentieth century residential architecture is often ‘challenging’ due to the diversity of its principal characteristics. The Committee also acknowledges the submission of Dr Hamann and Dr Evans that the 1960s and 1970s were a time of change in residential architecture demonstrating great diversity. However, the Committee notes the definition of ‘class’ in the Guidelines and is not persuaded that the class of the Place in relation to Criterion D should be narrowed any further than as assessed in the Recommendation. In this instance, the Committee considers that a class which encompasses, for example, residences designed by architects between two periods of change from 1968–76 to 1977–84 and influenced by the political, social and cultural changes of the 1970s, relies on too many qualifiers for an assessment of the cultural heritage significance of places and objects at a State level in relation to Criterion D.
- 067.** The Committee notes that Hearing Participants generally agreed that the Place is not notable as an influential or pivotal example of its class. The Committee agrees that the Place cannot be considered to be notable as an influential or pivotal example of its class at a State level in relation to Criterion D.
- 068.** The Committee notes the submissions of Dr Evans and Dr Hamann, in support of the inclusion of the Place as a fine example of its class, referring to the Place as being ‘equal’ to ‘Borland’s better known and awarded houses of this period’, deploying ‘many of the design strategies that Borland used in all of the houses he designed in this decade’ (emphasis added).
- 069.** In reference to the Guidelines, however, the Committee notes that the State-level threshold for a place or object to be found to be notable as a fine example of a class, requires evidence to demonstrate that the principal characteristics of the class, evident in a place or object, ‘are of a higher quality or historical relevance’ than typical of other places or objects in the class. While the Place may be notable as a fine example of Borland’s work, the Committee is not satisfied, on the information and material presented, that the principal characteristics of the class that are evident at the Place are of a higher quality or historical relevance at a State level than typical of other places or objects in the class. The Committee finds that the Place cannot be considered to be notable as a fine example of its class in relation to Criterion D at a State level.
- 070.** The Committee notes the position of Ms Borland, Dr Evans and Dr Hamann that the Place meets the State-level threshold for inclusion in the Register in relation to Criterion D, for being notable as a highly intact example of its class. The Committee also recognises the Executive Director’s position in relation to the high level of intactness of the Place and his submission that ‘intactness alone should not be considered sufficient to determine State-level cultural heritage significance’. While the Recommendation states that the intactness of the Place is ‘excellent’ and that very few changes have occurred since its construction, the Committee has not been provided with information or material to demonstrate that this level of intactness alone demonstrates that the Place is a notable example of its class in Victoria.
- 071.** The Committee is not satisfied, on the information or material presented, that the Place is notable at a State level for its intactness in the class of ‘1960s-70s architect designed residences’. The Committee finds that the Place cannot be

considered notable as a highly intact example of its class at a State level in relation to Criterion D.

072. The Committee finds that Criterion D is not satisfied at the State level.

CRITERION E – IMPORTANCE IN EXHIBITING PARTICULAR AESTHETIC CHARACTERISTICS

Summary of submissions and evidence

073. The Recommendation found that the Place exhibits particular aesthetic characteristics associated with 1970s residential design including ‘in its material palette, use of natural light, internal garden and pronounced geometric forms’. However, the Executive Director found, in assessing the Place under step 2 of Criterion E, that the aesthetic characteristics of the Place ‘have not received critical recognition in relevant design or architectural disciplines as an outstanding example in Victoria or wide public acknowledgement of exceptional merit’.

074. The Executive Director recommended that this Criteria is not likely to be satisfied at the State level.

075. When asked to comment at the hearing on the local-level cultural heritage assessment of the Place undertaken by Built Heritage Pty Ltd on behalf of Stonnington, which found the Place retains cultural heritage significance at the local level in relation to Criteria E and H, the Executive Director acknowledged that there is often a point of departure between local and State level cultural heritage assessments when assessing ‘architectural significance’. The Executive Director noted that Criterion E is often relied on at the local level to assess architectural significance, while, typically, the Executive Director considers architectural significance at the State level in relation to Criterion D.

076. In verbal submissions at the hearing, Dr Evans acknowledged that there is an absence of critical acclaim for the Place, but submitted that, broadly, Borland’s work was not undertaken with a view towards acclaim and, as such, this must be taken into consideration when assessing the aesthetic significance of the Place in relation to Criterion E.

077. Ms Borland submitted that Borland was a ‘visionary’ in his design features, particularly through his use of ‘environmentalist’ design elements.

Discussion and conclusion

078. The Committee appreciates that there may be reasons why the Place was not acknowledged nor received critical acclaim, as Drs Evans and Hamann submitted. However, the Committee agrees with the Executive Director’s assessment of the Place in relation to Criterion E. No persuasive information, material, or evidence has been provided to demonstrate that the aesthetic characteristics of the Place have been appreciated or valued by the wider community or an appropriately related discipline.

079. The Committee finds that Criterion E is not satisfied at the State level.

080. The Committee acknowledges the Executive Director’s submissions addressing the departure between local- and State-level cultural heritage assessments of places in relation to Criteria D and E. The Committee notes that, broadly, the Guidelines do not refer to ‘architectural significance’ in relation to one Criterion in particular, and that the architectural design and characteristics of a place may,

reasonably, be considered in relation to a number of Criteria, particularly in relation to Criteria D and E.

CRITERION H – SPECIAL ASSOCIATION WITH THE LIFE OR WORKS OF A PERSON, OR A GROUP OF PERSONS, OF IMPORTANCE IN VICTORIA'S HISTORY

Summary of submissions and evidence

- 081.** In assessing the cultural heritage significance of the Place in relation to Criterion H, the Recommendation found that the Place has a direct association with architect Kevin Borland, who, the Recommendation assessed, made a strong and influential contribution to the course of Victoria's history as a result of his impact on architecture from the 1950s to the 1990s. It was the view of the Executive Director that the association of the Place to Borland is evident in the physical fabric of the Place and in documentary sources, and directly relates to Borland's achievements.
- 082.** The Recommendation further found that the Place has an association with its commissioning owners, the Crossmans, and with its former long-term owner and resident, Dr Jack Wodak. However, it was the view of the Executive Director that neither the Crossmans nor Dr Wodak can be said to have made a strong or influential contribution to the course of Victoria's history. The Recommendation subsequently assessed the Place under step 2 of Criterion H in the context of its association with Borland.
- 083.** In assessing the Place under step 2 of Criterion H, the Recommendation noted that Borland designed numerous residential and non-residential buildings across Victoria. In addition, the Executive Director's view was that special association with Borland's achievements can be more readily appreciated through other examples of his work already included in the Register. Registered places referred to included Preshil Junior School (VHR H0072) and the Harold Holt Memorial Swimming Centre (VHR H0069) which were said by the Executive Director to be award-winning, well-known works for which Borland received widespread recognition, and which exemplify his skill and creativity as an architect.
- 084.** The Executive Director recommended that Criterion H is not likely to be satisfied at the State level.
- 085.** In verbal submissions at the hearing, Ms Borland spoke of the importance of Borland's work and described the Place as one of his most 'remarkable achievements'. Ms Borland submitted that Borland's work at the Place can be seen in connection to the rise of environmentalism in Australia, referring to Borland as a 'vanguard of this important political, social and economic movement in Australia's history'.
- 086.** Ms Borland also spoke of the impact of the collaborative nature of Borland's work, particularly at the Place. Ms Borland's submissions were supported by Dr Evans and Dr Hamann, who, in verbal submissions at the Hearing, noted the influence Borland's work had on his students during his time at Deakin University, who he would often take to work on site during construction.

Discussion and conclusion

- 087.** The Committee agrees with the Recommendation and with the verbal submission of Ms Borland, that Borland made a strong and influential contribution to the

course of Victoria's history through his impact on architecture from the 1950s to the 1990s.

- 088.** The Committee finds however that, in this instance, there is insufficient evidence to demonstrate that Borland's work, particularly in relation to environmentalism and the impact of the collaborative and influential nature of his work and teaching, is readily appreciated at the Place better than most other places or objects in Victoria with the same or similar associations.
- 089.** The Committee finds that Criterion H is not satisfied at the State level.

SECTION 49(1)(c)(i) REFERRAL TO STONNINGTON

Summary of submissions and evidence

- 090.** In recommending the Place not be included in the Register, the Executive Director also recommended that, in the event that the Heritage Council determined not to include the Place in the Register, it may wish to consider exercising its powers pursuant to section 49(1)(c)(i) of the Act and refer the Recommendation to Stonnington for consideration for an amendment to the Heritage Overlay of the Stonnington Planning Scheme.
- 091.** Stonnington's submission to the hearing outlined the recent process taken to assess the potential local level significance of the Place and apply internal and external controls under the Stonnington Planning Scheme.

Discussion and conclusion

- 092.** The Committee notes that it is not within its remit to determine whether or not the Place is of cultural heritage significance at a local level. However, the Committee is of the view that, in this instance, given the current lack of permanent heritage controls for the Place in the Stonnington Planning Scheme, it is appropriate for the Recommendation to be referred to Stonnington.
- 093.** The Committee therefore determines to refer the Recommendation and all submissions received to Stonnington for consideration for an amendment to the Stonnington Planning Scheme.

CONCLUSION

- 094.** After considering the Executive Director's recommendation, all submissions, and conducting a hearing into the matter, the Heritage Council has determined, pursuant to section 49(1)(c)(i) of the *Heritage Act 2017*, that Crossman House, located at 151 Finch Street, Glen Iris is not of State-level cultural heritage significance and is not to be included in the Heritage Register and refers the Recommendation and all submissions to Stonnington City Council for consideration for an amendment to the Stonnington Planning Scheme.

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.

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.