

Heritage Council Determination

Determination date	5 December 2024
Place/Object name	River House ('the Place')
Location	3/2 Hodgson Street, Kew, Boroondara City, Wurundjeri Country
VHR number	H2455
Category	Registered Place
Relevant Legislative provision/s	Inclusion in the Victorian Heritage Register, pursuant to section 49(1)(a) of the <i>Heritage Act 2017</i>

DETERMINATION

The Heritage Council of Victoria determined on **5 December 2024**, in accordance with section 49(1)(a) of the *Heritage Act 2017*, that the above Place is to be included in the Victorian Heritage Register in the Category of Registered Place.

The Heritage Council also determined to:

- Include categories of works or activities which may be carried out in relation to the place for which a permit is not required (specific permit exemptions), that would not harm the cultural heritage significance of the place, pursuant to section 49(3)(a) of the *Heritage Act 2017* (**Attachment 2**).
- Include an additional permit exemption for the replacement of the 1980's bath, following the Executive Director's review of, and agreement to, include that permit exemption.

BACKGROUND

The Executive Director made and accepted a nomination to include the Place in the Victorian Heritage Register ('VHR'). On 16 September 2024 the Executive Director made the Recommendation to the Heritage Council that the Place be included in the VHR. The Recommendation was advertised publicly for a period of 60 days, beginning on 20 September 2024.

SECTION 44 SUBMISSIONS

During the 60-day public advertisement period, two submissions were received pursuant to section 44 of the *Heritage Act 2017*. Neither requested a hearing be conducted. The submissions are summarised below:

- The current owner of the Place made a submission supporting the Executive Director's Recommendation but seeking additional permit exemptions to be included with the registration pursuant to section 92(1) of the *Heritage Act 2017* and clarity on other matters. The additional exemptions proposed relate to works or activities to be undertaken for accessibility reasons, climate change adaptability and to reinstate the original external colour scheme of the Place.
- Boroondara City Council, as the Local Government Authority in which the area is situated, made a submission supporting the Executive Director's Recommendation.

EXECUTIVE DIRECTOR RESPONSE TO SUBMISSIONS

The Executive Director was provided with a copy of the submissions and responded to the submission made by the current owner. The Executive Director advised the Heritage Council that a permit exemption for 'adaptation of the bathroom – installation of a step-free bath', specifically 'replacement of 1980s bath with an accessible bathing area provided impact on cork flooring or red cedar lining boards is minimised', would be supported.

The Executive Director noted that the other exemptions proposed by the current owner would be more appropriately dealt with by a once-off approval – whether in an exemption or permit process.

THE PLACE

DESCRIPTION

Taken verbatim from the Executive Director's Recommendation

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 uppermost 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.

HISTORY

Taken verbatim from the Executive Director's Recommendation

The River House

In 1947, while still a student, Peter McIntyre purchased the riverfront freehold land that would become the site of River House. 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. 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. 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. Dione McIntyre has reflected that the 'River House has always been there.'

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.'

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'. 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'. It is also recognised by DOCOMOMO Australia (Victoria) as amongst the most notable modern buildings in Victoria.

HERITAGE COUNCIL'S FINDINGS

The Heritage Council's findings are in accordance with the Executive Director's Recommendation. The Heritage Council is of the view that the Place is an important addition to the Heritage Register as an early and highly inventive example of architectural modernism of the postwar period. The Heritage Council agrees that the Place meets the following Criteria at a State-level:

- **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.

The Heritage Council agrees to include the additional permit exemption to allow for 'adaptation of the bathroom – installation of a step-free bath' and have included this as permit exemption no.31 in the permit exemptions at **Attachment 2** (with the following exempt items re-numbered).

While the Heritage Council appreciates that the architect and residents of the Place, Peter McIntyre and Dione McIntyre, will benefit from the proposed modifications and works and will have input, it agrees with the Executive Director that those additional works are more appropriately dealt with through a once-off approval. This will enable the specific details of proposed and foreshadowed works to be provided and assessed.

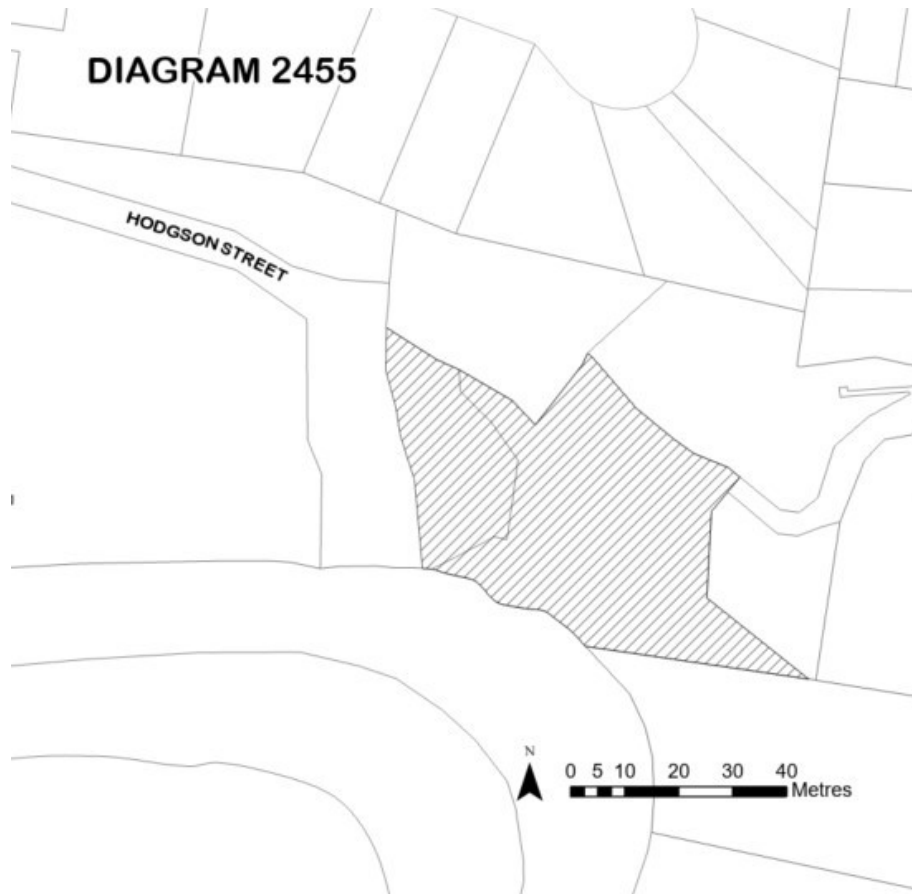


Professor Philip Goad
Chair, Heritage Council of Victoria

Attachment 1

Extent of Registration

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.



Attachment 2

Permit exemptions

The categories of works or activities which may be carried out in relation to the Place for which a permit is not required ('permit exemptions') to be included, pursuant to section 49(3)(a) of the *Heritage Act 2017* as follows:

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.

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 *Heritage Act 2017* 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.

31. Replacement of 1980s bath with an accessible bathing area provided impact on cork flooring or red cedar lining boards is minimised.

Other

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

Outbuildings and other structures

35. 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.
36. Works to maintain the 1990s stone landing.
37. All works to pergola covering the 1990s stone landing, including removal and replacement.
38. 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.

39. Subsurface works provided existing surface treatment is reinstated.

Plants and trees

40. 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.
41. Maintenance and pruning of all trees to promote tree health and maintain the safety of people and property.
42. 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.
43. Replacement of trees that have been removed with species of similar stature.

Hard landscaping

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

end