



Heritage Council Registrations and Reviews Committee

Brett House (H2396)

3 Buddle Drive, Toorak, City of Stonnington

Members – Ms Leigh Mackay OAM (Chair), Dr Christine Phillips, Ms Natica Schmeder

DETERMINATION OF THE HERITAGE COUNCIL

Inclusion in the Victorian Heritage Register – After considering the Executive Director's recommendation, and conducting a meeting into the matter, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that the Brett House, located at 3 Buddle Drive, Toorak is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register.

Leigh Mackay (Chair)
Christine Phillips
Natica Schmeder

Decision Date – 14 January 2020

ACKNOWLEDGEMENT

As a peak Heritage body, the Heritage Council is proud to acknowledge Traditional Owners, the Kulin Nation, as the original custodians of the land and waters on which we meet, and to 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 culture and traditional practices.

INTERESTED PARTIES

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

A recommendation for the inclusion of the Brett House, located at 3 Buddle Drive, Toorak ('the Place') in the Victorian Heritage Register ('the Register') was received from the Executive Director, Heritage Victoria ('the Executive Director'). The Executive Director provided the Heritage Council with additional information to assist in determining the matter.

MR KEN SCARLETT ('THE OWNER')

Mr Ken Scarlett, the owner of the Place ('the Owner'), provided the Committee with access to the Place for the purposes of the site inspection.

INTRODUCTION/BACKGROUND

THE PLACE

01. On 16 September 2019, the Executive Director made a recommendation ('the Recommendation') to the Heritage Council pursuant to section 37(1)(a) of the *Heritage Act 2017* ('the Act') that the Brett House, located at 3 Buddle Drive, Toorak ('the Place') should be included in the Victorian Heritage Register ('the Register').

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

The Brett House is situated on a flat block on [a] short cul-de-sac in Toorak. It is a compact, two-storey home constructed of light-grey concrete brick. The house faces west and looks over the Yarra River. It is symmetrically composed and built to a rectangular plan with a balcony and extended eave to the front elevation. It has four regularly spaced openings on each level of the street facing elevation, framed by narrow columns. The ground floor interior includes a lounge room, kitchen, dining room and bathroom¹. The main ground floor rooms contain French doors which open on to garden areas. The kitchen contains original cupboards, countertops, door pulls and a roller blind. Bagged brickwork, painted white, features in the lounge room. A largely original timber stair and timber lined stairwell leads to the first floor. The first-floor landing overlooks the rear garden through a continuous row of casement windows. It contains a study nook of original timber joinery. A small bedroom is adjacent to the study nook. Two additional bedrooms open on to the balcony. There is also a refurbished bathroom on the first floor. The small rear yard includes areas of crazy paving, lawn and stands of bamboo and other shrubs. There is a non-original detached car port to the rear.

03. The following historical summary is taken from page 6 of the Recommendation:

In 1954, Sheila and Alan Brett acquired the newly subdivided site on Buddle Drive on their move to Melbourne from Adelaide. The Bretts commissioned Robin Boyd, who was then part of a practice with Roy Grounds and Frederick Romberg, to design the new house for the site. Georgian Revival was a popular style in the suburb, and the Bretts called on Boyd to design them a contemporary home with a Georgian sensibility. The house was constructed by Clissolds of South Melbourne and completed in 1955. The Bretts sold the property in 1959 and it was owned by the Owens family from 1960-78. The Owens carried out minor changes such as replacing the looped chain to the balcony with the current balustrade. The property was purchased by Marian and Ken Scarlett in 1978 who still reside in the property as at 2019.

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

¹ The Committee notes that there is also a small bedroom on the ground floor, to which the bathroom is attached.

RECOMMENDATION OF THE EXECUTIVE DIRECTOR

- 05.** On 16 September 2019, the Executive Director recommended that the Place be included in the Register under section 37(1)(a) of the Act.

PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR

- 06.** After the Recommendation, notice was published on 20 September 2019 in accordance with section 41 of the Act for a period of 60 days.
- 07.** No submissions were received pursuant to section 44 of the Act.
- 08.** At its meeting on 6 December 2019, the Heritage Council determined to constitute a Heritage Council Registrations and Reviews Committee ('the Committee') to request further information from the Executive Director in relation to the Recommendation, if necessary, and to make a determination.

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

REQUEST FOR FURTHER INFORMATION

- 09.** On 12 December 2019, pursuant to section 47(1) of the Act, the Committee requested additional information from the Executive Director in relation to the Recommendation.
- 010.** Additional information was received from the Executive Director on 18 December 2019.

SITE INSPECTION

- 011.** On 20 December 2019, the Committee undertook a site inspection of the Place accompanied by the Heritage Council Project Officer. Access to the site was provided by the Owner. No submissions were sought, made or received at the time of the site inspection.

MEETING OF THE COMMITTEE

- 012.** Following the site inspection on 20 December 2019, the Committee met to determine the matter.

CONFLICTS OF INTEREST

- 013.** The Chair invited Committee members to make declarations, written or otherwise, in relation to any matters that may potentially give rise to an actual or apprehended conflict of interest. The Committee members were satisfied that there were no relevant conflicts of interests and made no such declarations.

FUTURE USE, MAINTENANCE AND DEVELOPMENT OF THE PLACE

- 014.** It is not the role of the Committee to consider future proposals or to pre-empt any decisions regarding future permits under the Act. 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 is, or is not, to be included in the Register.

ISSUES

- 015.** The following section 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.
- 016.** Any reference to Criteria refers to the Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance (as adopted by the Heritage Council on 7 August 2008 and updated on 4 April 2019) (**Attachment 1**).
- 017.** The Committee has referred to the assessment framework in The Victorian Heritage Register Criteria and Threshold Guidelines (updated 6 December 2018) ('the Guidelines') in considering the issues before it.

SUMMARY OF ISSUES

- 018.** The Executive Director recommended that the Place be included in the Register for historical and architectural significance to the State of Victoria. The assessment found that the Place satisfies two Criteria for inclusion in the Register:
- **Criterion A** – Importance to the course, or pattern, of Victoria's cultural history; and
 - **Criterion D** – Importance in demonstrating the principal characteristics of a class of cultural places and objects.

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

- 019.** In assessing the Place under Criterion A, the Executive Director found that the Place has a clear association with the development of domestic architecture in Victoria in the post-war period, evident in the Modernist reinterpretation of established Georgian design principles at the Place. The Executive Director further found that the Place, through its association with architect Robin Boyd, is demonstrative of new forms of domestic architecture and architectural experimentation in the 1950s.
- 020.** In assessing the Place under step 2 of Criterion A, the Executive Director stated that the Place is a fine example of post-war Modernist architecture with few other examples exhibiting the integration of emerging Modernist principles with more conventional modes of design so skillfully. The Executive Director found that the Place enables the development of post-war domestic architecture to be understood better than most other Places in Victoria with this association.
- 021.** The Executive Director recommended that Criterion A is likely to be satisfied at the State level.

Discussion and conclusion

- 022.** The Committee agrees with the Executive Director's assessment of the Place under step 1 of Criterion A, in that the Place demonstrates a clear association with the development of domestic architecture in the post-war period, evident in the design and fabric of the Place. The Committee further agrees that the 1950s were a time of architectural experimentation that led to important changes in house design and the built environment more generally, and that Robin Boyd was central to this movement. The Committee is of the view that the association of the Place with Robin Boyd is more appropriately considered under Criterion H.

- 023.** The Committee however disagrees with the Executive Director’s assessment of the Place under step 2 of Criterion A. The Committee is of the view that the association of the Place to the development of domestic architecture in the post-war period is not understood *better than most* other places in Victoria with the same association. The Committee considers that there are other places included in the Register that better demonstrate the development of domestic architecture in the post-war period, including, but not limited to, the Former Robin Boyd House (H0879), the Inge and Grahame King House (H1313), the Grant House (H2392) and the Rice House (H0123).
- 024.** The Committee is also of the view that the Executive Director’s statement of assessment for the Place under step 2 of this criterion would more appropriately be applied to Criterion D, particularly the Executive Director’s reference to the skillful integration of design principles at the Place.
- 025.** 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

- 026.** The Executive Director, in assessing the Place under step 1 of Criterion D, noted that the Place is of the class of post-war Modernist residencies. The Executive Director found that this class has a clear association with the development of domestic architecture in Victoria in the post-war period and that the principal characteristics of the class are evident at the Place, including in its:
- Restrained design and lightness of structure;
 - Use of geometry in design and rectilinear form;
 - Compact size;
 - Highlighting of timber joinery and brickwork in the interior;
 - Skillion roof;
 - Connection to the outdoors; and
 - Responsiveness to the site and its context.
- 027.** The Executive Director further found that the Georgian Revival influences on the external aspects of the design, such as its restraint, symmetry, regular fenestration and use of columns, while not principal characteristics of the class, were of interest as part of the bespoke design of the Place.
- 028.** In assessing the Place under step 2 of Criterion D, the Executive Director concluded that the Place is a notable example of its class, as a fine and intact example. The Executive Director found that the characteristics of the class found at the Place are of higher quality than typical of other places in the class, with few others designed with such consideration. The Executive Director also found that the Place is notable for its distinctive Modernist interpretation of the Georgian Revival home.
- 029.** In terms of the intactness of the Place, the Executive Director found that the characteristics of the class of place remain mostly unchanged from when the Place was constructed in 1955, allowing the fine characteristics to be easily understood and appreciated.
- 030.** The Executive Director recommended that Criterion D is likely to be satisfied at the State level.

Discussion and conclusion

- 031.** The Committee agrees with the Executive Director's assessment of the Place under Criterion D, noting that the Place is a fine and intact example of the class of post-war Modernist residences, with Georgian Revival influences evident in the exterior design of the Place.
- 032.** The Committee is of the view however that the Executive Director's assessment of the Place under Criterion D did not give enough weight to the high quality and intactness of the interiors of the Place. For example, much of the timber joinery retains its original limed finish, also seen at Boyd House II, South Yarra (H2105). The Committee therefore is of the view that the timber joinery, which remains intact in some rooms with its original limed finish, and other original joinery and internal finishes are part of the State-level cultural heritage significance of the Place. The Committee recommends that the Statement of Cultural Heritage Significance for the Place give greater weight to these characteristics. (See below, paragraph 044).
- 033.** The Committee finds that Criterion D is satisfied at the State level.

ALL OTHER CRITERIA

- 034.** The Executive Director recommended that the Place did not meet the State-level threshold for inclusion in the Register under Criteria B, C, E, F, G and H.
- 035.** In relation to Criterion H, the Executive Director found that the Place has a direct association with the achievements of Robin Boyd, who made a strong and influential contribution to the course of Victoria's history through his architecture, writing and criticism. The Executive Director found under step 2 of this criterion however, that the association of the Place to the life, works and achievements of Robin Boyd is not readily appreciated better than most other places in Victoria with the same association.

Discussion and conclusion

- 036.** The Committee agrees with the Executive Director's assessment of the Place for Criteria B, E, E, F, G and H and finds that they are not satisfied at the State level.

EXTENT OF REGISTRATION

- 037.** The Executive Director recommended that the extent of registration for the Place encompass part of Lot 5 on Lodged Plan 30417, including all of the land, buildings and other features, as well as all fittings and fixtures attached to the building at the time of registration.

Discussion and conclusion

- 038.** The Committee agrees with the extent of registration recommended by the Executive Director and appends the registered extent of registration to this document as **Attachment 2**.

PERMIT EXEMPTIONS

- 039.** In recommending the Place for inclusion in the Register, pursuant to section 38 of the Act, the Executive Director recommended a number of categories of works or activities which may be carried out in relation to the Place without the need for a Permit ('permit exemptions').

- 040.** The permit exemptions recommended by the Executive Director included five 'general' exemptions, and specific exemptions for works to the interior and exterior of the residence, the car port at the rear of the property and landscaping activities.

Discussion and conclusion

- 041.** The Committee agrees with the permit exemptions proposed by the Executive Director pursuant to section 38 of the Act, and determines, pursuant to section 49(3) of the Act, to include these categories of works or activities which may be carried out in relation to the Place for which a Permit under the Act is not required, as detailed in **Attachment 3**.

STATEMENT OF CULTURAL HERITAGE SIGNIFICANCE AND PERMIT POLICY

Discussion and conclusion

- 042.** Whereas in the Recommendation the Executive Director recommended that the Statement of Cultural Heritage Significance and Permit Policy for the Place be considered and determined by the Heritage Council, the Committee is of the view that it is neither necessary nor desirable for it to either approve or amend those aspects of the Place's registration.
- 043.** The reasons given by the Committee above for its determinations in relation to the Criteria, extent of registration and permit exemptions may be of some assistance to the Executive Director in terms of the final form of the Statement of Cultural Heritage Significance and Permit Policy for the Place.
- 044.** In this context, the Committee recommends that:
- In the Statement of Cultural Heritage Significance, any reference to the historical significance of the Place and Criterion A be removed; and
 - In the Statement of Cultural Heritage Significance, the high quality and intactness of the interiors of the Place (Criterion D) be given greater weight.

CONCLUSION

- 045.** After considering the Executive Director's Recommendation, requesting and reviewing additional information from the Executive Director and conducting a site inspection, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that the Brett House, located at 3 Buddle Drive, Toorak 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

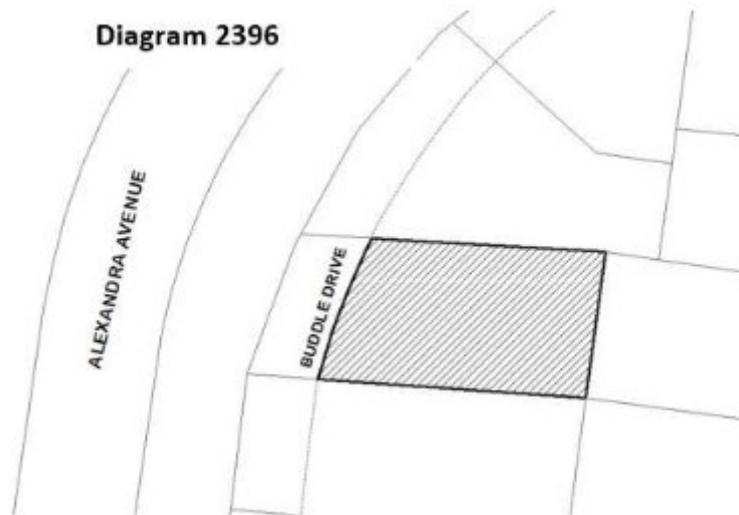
CRITERION A	Importance to the course, or pattern, of Victoria's cultural history
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION 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 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.

ATTACHMENT 2

EXTENT OF REGISTRATION

All of the place shown hatched on Diagram 2396 encompassing part of Lot 5 on Lodged Plan 30417.



The extent of registration of the Brett House in the Victorian Heritage Register (VHR) affects the whole place shown on Diagram 2396 including all the land, buildings and other features.

The registration also includes all fittings and fixtures attached to the building at the time of registration.

ATTACHMENT 3

PERMIT EXEMPTIONS (PURSUANT TO SECTION 49(3) OF THE HERITAGE ACT 2017)

General Exemptions

General Condition 1

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

General Condition 2

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

General Condition 3

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

General Condition 4

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

General Condition 5

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

Specific Exemptions

Residence

General

- Minor patching, repair and maintenance which replaces like with like without large-scale removal of or damage to the existing fabric or the large-scale introduction of new materials. Repairs must maximise protection and retention of fabric and include the conservation of existing details or elements. Any new materials used for repair must not exacerbate the decay of existing fabric due to chemical incompatibility obscure existing fabric or limit access to existing fabric for future maintenance.
- Repairs and maintenance to heating and air conditioning services.
- Emergency building stabilisation (including propping) necessary to secure safety where a site feature has been irreparably damaged or destabilised and represents a safety risk.

Exterior

- Removal of extraneous items such as pipe work, wiring, antennae and aerials.
- Localised repairs to roof to prevent ingress of water.
- Painting of previously painted surfaces provided that preparation or painting does not remove all evidence of the original paint.

Interior

- Painting of previously painted walls and ceilings provided that preparation or painting does not remove evidence of all original paint schemes (no currently unpainted surfaces are to be painted).
- Installation, removal or replacement of non-original floor coverings.
- Installation, removal or replacement of non-original curtains and other window furnishings.
- Installation, removal or replacement of devices for hanging artworks and the like.
- Works to maintain or refurbish existing bathrooms, including installing new appliances, retiling and the like.
- Installation, removal or replacement of electrical wiring provided that all new wiring is fully concealed and any original light switches or power outlets are retained in-situ.
- Removal of stairlift and making good.

Car port

All works specified for the Residence, plus:

- All works to the interior.
- Removal.

Landscape

- The processes of gardening, including mowing, pruning, disease and weed control, maintenance to care for existing plants and planting of new plants.
- Subsurface works involving the installation, removal or replacement of watering and drainage systems or services.
- Works and activities associated with the management of possums and vermin.
- Maintenance and care of trees and removal or pruning of dead or dangerous trees to maintain safety.
- Maintenance and repair of existing paving and other hard landscaping elements, like for like.
- Maintenance and repair of existing fences and gates.