



## **Heritage Council** Regulatory Committee

### **Former Robin Boyd House (Ho879)**

664-666 Riversdale Road, Camberwell

**Members** – Mr Patrick Doyle (Chair), Ms Louise Honman, Mr Rueben Berg

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

**No amendment is made to the Victorian Heritage Register** – After considering the Executive Director’s recommendation and all submissions received, the Heritage Council has determined, pursuant to section 49 of the *Heritage Act 2017*, not to amend the Heritage Register pursuant to section 62 of the Act. Accordingly, the Former Robin Boyd House at 664-666 Riversdale Road, Camberwell, remains included in the Heritage Register.

**Patrick Doyle (Chair)**  
**Louise Honman**  
**Rueben Berg**

**Decision Date** – 19 May 2021

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## **ACKNOWLEDGEMENT**

As a peak Heritage body, the Heritage Council is proud to acknowledge the Traditional Owners 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.

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## **PARTIES WHO LODGED WRITTEN SUBMISSIONS**

The Executive Director, Heritage Victoria (“the Executive Director”)

Boroondara City Council

Mr Tony Isaacson, Chairperson, Robin Boyd Foundation

Mr Penleigh Boyd

Ms Siobhan Barker

## INTRODUCTION/BACKGROUND

### THE PLACE

- 01.** An entry in the Victorian Heritage Register ('the Register'), identified as VHR H0879, relates to the Former Robin Boyd House at 664-666 Riversdale Road, Camberwell ('the Place').
- 02.** The 'Statement of Significance', published in association with the inclusion of the Place on the Register, reads as follows:

*'The former Robin Boyd house at 666 Riversdale Road, Camberwell (previously known as 158 Riversdale Road) was built in 1946-47. It has historical and architectural significance for the following reasons:*

- The house is the earliest known extant residence designed by the renowned Australian architect Robin Boyd.*
- It is unique in being a house that Boyd designed for his personal use and occupied and extended over a period of twelve years.*
- This strong association with Boyd is particularly significant because Boyd was an important architect and a prominent social critic and commentator. He played a major role in the development of architecture and architectural thinking in Victoria for four decades.*
- The house through its alteration is important in that it demonstrates the architectural development of Robin Boyd from the early period of his career in the 1940s when he expounded his Theories on "Victorian Regionalism", to the emerging "internationalism" of the 1950s.*
- The building is a seminal work which can be regarded as the prototype of the post war Modern Victorian house. It extended the leading architecture of its time and strongly influenced an emerging group of architects.*
- The house is of architectural significance in that it demonstrates innovative design with regard to response to site, informality in planning, flowing spatial arrangements, innovative use of materials and incorporation of built-in features. These are all aspects of domestic design which have now become common.'*

### NOMINATION

- 03.** On 19 June 2019, the Executive Director accepted a nomination ('the Nomination') which seeks to amend the Register by removing the entry for the Place from the Register.

### RECOMMENDATION OF THE EXECUTIVE DIRECTOR

- 04.** On 13 July 2020 the Executive Director made a recommendation ('the Recommendation') to the Heritage Council that the Place should not be removed from the Register.
- 05.** Having regard to the effect of section 62(2) of the Act, the Committee regards the Recommendation as having been made pursuant to section 37(1) of the Act.

### PROCESS FOLLOWING THE RECOMMENDATION

- 06.** After the Recommendation, notice was published between 17 July 2020 and 14 September 2020 pursuant to section 41 of the Act.
- 07.** 41 submissions were received, pursuant to section 44 of the Act. All of those submissions broadly supported the Recommendation. Seven of those submitters requested to 'cause a Heritage Council hearing' in relation to the

Recommendation. Others requested to participate in a hearing if a hearing was caused by another party.

08. A Heritage Council Registrations and Reviews Committee ('the Committee') was duly constituted to consider the Recommendation and the submissions received in response to it, and to make a determination.
09. The Heritage Council invited interested persons to lodge *Heritage Council Form B – Registration Hearing Participation Form*. This included the Executive Director, those who had made submissions pursuant to section 44 of the Act, the Owner of the Place and the person who requested the relevant amendment to the Register.
010. None of the persons who had expressed a wish to 'cause a Heritage Council hearing' subsequently requested to participate in a hearing. Further, it is not apparent that any of the persons who requested to cause a hearing was a person with a 'real or substantial interest' in the Place, having regard to section 46(2) of the Act.
011. In these circumstances, the Committee did not consider itself obliged to conduct a hearing, pursuant to section 46(2) of the Act, nor did the Committee exercise its discretion to conduct a hearing, pursuant to section 46(3) of the Act.
012. This determination has therefore been made in relation to the Place without a hearing, by reference to written material received only.

## PRELIMINARY, PROCEDURAL AND OTHER MATTERS

### LATE WRITTEN MATERIAL

013. Ms Anussia Rajendran, a member of the family who owns the Place, sent emails to the Heritage Council of Victoria following the close of the 60-day period mandated by section 44 of the Act, including on 10 March 2021 and 9 April 2021.
014. The Heritage Council of Victoria acknowledged receipt of that material and noted that Ms Rajendran had not made a submission pursuant to section 44 of the Act, in response to the Recommendation, nor had she taken the opportunity to lodge a *Heritage Council Form B – Registration Hearing Participation Form*. Ms Rajendran was informed that the Heritage Council intended to make a determination without a hearing.
015. In the absence of any request to be heard from Ms Rajendran, the Committee has proceeded to make its determination in relation to the Recommendation without consideration of any matters raised in those emails.

### ISSUES

016. Any reference to Criteria or to a particular Criterion refers to the *Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance* (as adopted by the Heritage Council on 4 April 2019) (see **Attachment 1**).
017. The Nomination raised two broad areas of argument, generally directed at a conclusion that the Place is not of State-level heritage significance, and that the Place accordingly does not warrant inclusion in the Register. Each of these lines of argument was disputed in the report to the Executive Director, and in many of the section 44 submissions. Each line of argument will be addressed in turn.

### IS THE PLACE THE EARLIEST EXTANT BOYD RESIDENCE?

018. The Nomination noted that the statement of significance for the Place describes the house as "*the earliest known extant residence designed by the renowned Australian architect Robin Boyd.*" The Nomination proceeds to argue as follows:

*'...there was an earlier house built in September 1943 for Corporal Jones as noted in the 'The Boyd's Family Biography' by Brenda Niall.' Therefore the 'House for Corporal Jones' had historical and architectural significance as it was Boyd's earliest example of an open plan design without embellishment with the focus on reducing costs and saving space.'*

**019.** The Executive Director responded to this line of argument as follows:

*'The house design for Corporal Jones is documented in SALT, the educational journal of the Australian Army and Air Force. In 1943, Robin Boyd was a Sergeant in the Australian Imperial Force and this article was one of many he wrote for SALT. This particular article was written in the context of a design for the hypothetical and typical soldier; "our tent-mate Corporal J H Jones." It was a design for a house which was suitable for construction on a budget by returned servicemen under the War Services Housing Scheme. It is not known whether any houses were built to this plan. If another earlier house designed by Boyd was found, it would not diminish the cultural heritage significance of the Former Robin Boyd House. The place is not included in the VHR because it is the earliest building in Victoria designed by Robin Boyd. There are other reasons for its inclusion in the VHR, as noted in the statement of significance.'*

**020.** The Committee is not persuaded that this element of the Nomination provided a sound basis to doubt the heritage significance of the Place. The Committee agrees with the response of the Executive Director.

### **IS THE PLACE UNIQUE, HAVING BEEN DESIGNED BY BOYD FOR HIS OWN HOME?**

**021.** The Nomination quotes from the statement of significance that:

*'[The Place] is unique in being a house that Boyd designed for his personal use and occupied and extended over a period of twelve years.'*

**022.** The Nomination proceeds to argue that:

*'The house at '666 Riverdale Rd Camberwell' is not unique as the 'Walsh Street' house that Boyd designed in 1957 was also designed for his own family and is universally described by the Robin Boyd Foundation as his most well known work. [The Walsh Street House] has been extensively published both nationally and internationally as an exemplar of modernist Australian architecture and a house that continues to influence architectural thinking. It is now the home of the Robin Boyd Foundation which was specifically purchased by the Foundation to preserve its uniqueness. If the house at '666 Riverdale Rd Camberwell' is so unique, then why was it not celebrated and recognized to the extent as the house at Walsh Street? In contrast there was no clear guidance provided on a conservation plan for '666 Riversdale Rd Camberwell', that raises the question of how much its uniqueness was truly valued and was sought to be preserved.'*

**023.** The Executive Director responded to this line of argument as follows:

*'It is acknowledged that Robin Boyd House II, 290 Walsh Street, South Yarra (VHR H2105) was the second home designed and constructed by Robin Boyd for his family to live in. In this context, the Former Robin Boyd House at 666 Riversdale Road, Camberwell is not unique. This does not diminish the cultural heritage significance of the place. Both buildings are significant for their association with Robin Boyd and their*

*use as homes he designed for his family. They are also significant as exemplary examples of modernist residential architecture in Victoria.*

*As the headquarters of the Robin Boyd Foundation, Robin Boyd House II, has a higher public profile than the Former Robin Boyd House. The Robin Boyd Foundation actively promotes the place as a venue for events and lectures, and through open days. Public visitation is encouraged. By contrast, the Former Robin Boyd House is privately owned, is not promoted to the public, or accessible to the public. Until it was acquired by the Robin Boyd Foundation, Robin Boyd House II was privately owned and had less of a public profile. The cultural heritage significance of a place is not reliant on how well known it is. A large number [sic, of] places in the VHR are privately owned, not accessible to the public or publicly celebrated. The significance and importance of the Former Robin Boyd House as one of the earliest known buildings designed by Robin Boyd is well known and understood. A Conservation Management Plan (CMP) was completed for the Former Robin Boyd House in 2001. The purpose of a CMP is to explain the significance of a place and provide policy for its maintenance and management. The CMP for the Former Robin Boyd House provides clear guidance for the conservation of the place.'*

- 024.** The Committee is not persuaded that this element of the Nomination provides a sound basis to doubt the heritage significance of the Place. The argument seems to place great weight on the use of the word 'unique'. While the use of the word 'unique' might have been ill-advised, the Committee does not consider that anything turns on this, in relation to the heritage significance of the Place. The Committee agrees with the response of the Executive Director as quoted above.

#### **FURTHER REASONING OF THE EXECUTIVE DIRECTOR**

- 025.** Aside from responding to the arguments advanced in the Nomination, the report accompanying the Executive Director's Recommendation proceeded to effectively re-assess the Place, in terms of the appropriateness of its inclusion in the Register, having regard to the Criteria. The decision to undertake this assessment is explained in the report by reference to the fact that the Place was included in a predecessor to the Register in 1991. The Committee deduces that this decision likely took effect pursuant to the (now repealed) *Historic Buildings Act 1981*, and was likely made by the (then) Historic Buildings Council. The Criteria now in operation pursuant to the *Heritage Act 2017*, and the associated threshold guidelines, were not in operation at that time.
- 026.** The Committee agrees that the Executive Director, in formulating the Recommendation, was not limited to the matters raised in the Nomination. Accordingly, the Committee considers that it was open to the Executive Director to recommend some change to the Register for reasons unrelated to the reasons advanced in the Nomination. Whereas the Nomination focused on a re-examination of the contents of the 'statement of significance', the Committee agrees with the Executive Director that an assessment of the heritage significance of the Place need not be dependent on that document.
- 027.** As it happens, the Executive Director's analysis did not support any change to the existing registration (including the physical extent of registration, or the categories of works or activities which may be carried out without the need for a permit pursuant to section 38 of the Act). The Executive Director concluded that the Place meets the current threshold for State-level heritage significance by reference to Criteria A, D, F and H.
- 028.** In these circumstances, the Committee is content to limit the scope of its task to a review of the arguments advanced in the Nomination, as well as the responses to

those arguments from the Executive Director and other submitters. The Committee does not find it necessary to re-assess the Place and its inclusion in the Register, as the Executive Director has done.

- 029.** The Committee has adopted this approach on the basis that the decision was made by a predecessor body to the Heritage Council of Victoria to include the Place on a register that was a predecessor of the Register, on the basis of the heritage significance of the Place. Given that the material contained in the Nomination has not persuaded the Committee to make any change to the relevant entry in the Register, and applying the presumption of regularity to the existing registration, the Committee is content to leave the previous decision undisturbed, rather than re-visiting the question of the heritage significance of the Place more broadly.

## CONCLUSION

- 030.** After considering the Executive Director's recommendation and all submissions received, the Heritage Council has determined, pursuant to section 49 of the *Heritage Act 2017*, not to amend the Heritage Register pursuant to section 62 of the Act. Accordingly, the Former Robin Boyd House at 664-666 Riversdale Road, Camberwell, remains included in the Heritage Register.

## ATTACHMENT 1

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

|             |  |
|-------------|--|
| CRITERION A | Importance to the course, or pattern, of Victoria's cultural history   |
| CRITERION B | Possession of uncommon, rare or endangered aspects of Victoria's cultural history.   |
| CRITERION C | Potential to yield information that will contribute to an understanding of Victoria's cultural history.                            |
| CRITERION D | Importance in demonstrating the principal characteristics of a class of cultural places or environments.                           |
| CRITERION E | Importance in exhibiting particular aesthetic characteristics.   |
| CRITERION F | Importance in demonstrating a high degree of creative or technical achievement at a particular period.                             |
| CRITERION G | Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons. |
| CRITERION H | Special association with the life or works of a person, or group of persons, of importance in Victoria's history.                  |

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