

Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Name: Seccull House
Address: 32 North Road, Brighton
Local Government Authority: Bayside City Council
Provisional VHR No. PROV VHR H2406



Seccull House, 2016
Source: domain.com.au

Executive Director recommendation

Under Part 3, Division 3 of the *Heritage Act 2017* ('the Act') I recommend to the Heritage Council of Victoria that Seccull House at 32 North Road, Brighton, should be included in the Victorian Heritage Register ('VHR') in the category of registered place.



STEVEN AVERY
Executive Director, Heritage Victoria
DATE OF RECOMMENDATION: 15 March 2021



Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Executive Director recommendation to the Heritage Council of Victoria

The Executive Director, Heritage Victoria ('Executive Director') recommends that the Heritage Council include Seccull House at 32 North Road, Brighton, in the VHR in accordance with section 49 of the Act by determining:

- That Seccull House is of State level cultural heritage significance and should be included in the VHR in the category of registered place in accordance with section 49(1)(a) of the Act
- That the proposed extent of registration is appropriate under section 49(1)(d) of the Act
- That the proposed categories of works or activities which may be carried out in relation to Seccull House for which a permit under the Act is not required will not harm the cultural heritage significance of the place under section 49(3) of the Act.



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The process from here

1. The Heritage Council publishes the Executive Director's recommendation (section 41).

The Heritage Council will publish the Executive Director's recommendation on its website for a period of 60 days. Submissions must be received by Heritage Council on or before 17 May 2021.

2. Making a submission to the Heritage Council (sections 44 and 45)

Within the 60-day publication period, any person or body with a real and substantial interest in the place can make a submission to the Heritage Council. This submission can support the recommendation, or object to the recommendation, and a hearing can be requested in relation to the submission. Information about making a submission and submission forms are available on the Heritage Council of Victoria's website:

<https://heritagecouncil.vic.gov.au/registrations-reviews/executive-director-recommendations/>

3. Heritage Council determination (sections 46 and 49)

The Heritage Council is an independent statutory body. It is responsible for making the final determination to include or not include the place or object in the VHR, or amend a place or object already in the VHR.

If no submissions are received the Heritage Council must make a determination within 40 days of the publication closing date.

If submissions are received, the Heritage Council may decide to hold a hearing in relation to the submission. If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

4. Obligations of owners of places and objects (sections 42 and 43)

The owner of a place or object which is the subject of a recommendation to the Heritage Council has certain obligations under the Act. These relate to advising the Executive Director in writing of any works or activities that are being carried out, proposed or planned for the place or object.

The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place or object before entering into a contract.

5. Further information

The relevant sections of the Act are provided at Appendix 1.

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Description

The following is a description of Seccull House at the time of the site inspection by Heritage Victoria in February 2021.

Seccull House is a single-storey, flat-roofed residence located in Brighton, in the south-east suburbs of Melbourne. It is situated on a large flat site on the south side of North Road. From the road, the house itself is obscured behind a long white wall, with a double garage and pedestrian entry set to the east. The pedestrian entry is via a long narrow walkway, open to the sky yet enclosed by white walls on either side. The house is entered via a formal entrance space which contains a roof light.

Built to an F-shaped plan, the house has a strong axial arrangement. The north–south wing contains informal family areas, service areas and bedrooms with ensuites. The northern east–west wing contains the kitchen, formal dining area and living room. The southern east–west wing contains the master bedroom and study. Virtually all areas of the house have a strong relationship to the outdoors. A courtyard comprising lawn and lemon trees in white planters is located between the two east–west wings. A large grassed area with a swimming pool lined with black mosaic tiles is located towards the front of the site. Sliding doors of floor to ceiling glass with integrated screens open on to outdoor areas throughout the house. The formal, salon-like lounge room has views onto the outdoors on three sides. Individual rooms also open on to smaller courtyards.

Circulation throughout the house is via wide, gallery-like hallways. The house is white throughout, with sliding doors, timber detailing and steel columns dramatically picked out in black. Floors are of pale travertine tiles or white carpet.



2021, Seccull House viewed from North Road.
Source: Google street view

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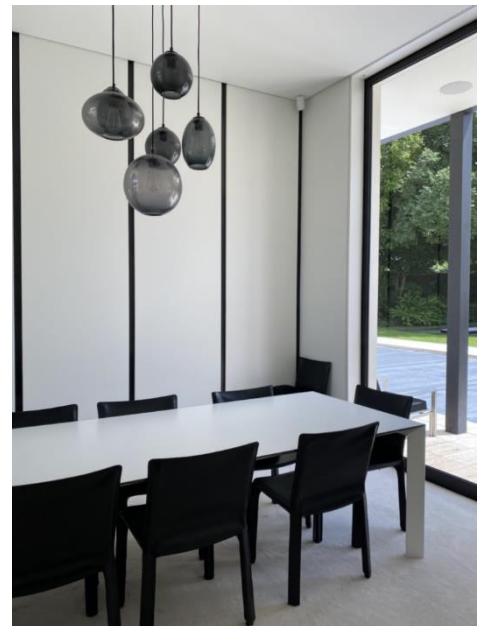
2021, pedestrian entry.



2021, kitchen with breakfast room and small courtyard visible to the rear.



2021, view towards formal dining room and lounge room.



2021, formal dining room.

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2021, formal lounge room.



2021, north-south hallway.



2021, view from hallway on to courtyard.



2021, pool area.

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History

Domestic architecture in Victoria in the 1960s-70s

Post-World War II architectural modernism had an impact on all fields of building design in Victoria. While various strands of modernism were explored in commercial and public buildings of all types, domestic architecture was an area in which modernist design was particularly skilfully expressed. In the post-war era, the single-family house became a key expression of Australian culture.¹ In the immediate post-war years, innovation in housing design was driven by both a demand for new housing brought about by returned servicemen and immigration, and the post-war scarcity of building materials. In the 1950s, an Australian adaptation of International Modernism dominated with geometric forms, open plans and lightness of materials was frequently seen. During this era, notable architects such as Robin Boyd, Peter McIntyre and Neil Clerehan established their architectural practices and inspired public discussion of the possibilities of domestic architecture.

The leading figures in 1950s architecture in Victoria continued their impact through the 1960s and 1970s, and were joined by the next generation of architecture graduates, such as Daryl Jackson and Maggie Edmond. Influences on domestic architecture diversified. Organic architecture, New Brutalism, as well as movements in design from Japan, Scandinavia and the West Coast of the United States, all increasingly found expression in the architect designed residences and holiday homes of metropolitan Melbourne and regional Victoria.

In the 1960s and 1970s, many architects working in Australia were inspired by the surrounding landscape, and rough-hewn timber, locally sourced stone, stepped floor plans integrated with steep sites, mezzanines and timber decks were often seen.² Others pursued artifice and aesthetic intent.³ Several, Guilford Bell being among them, developed highly personal and identifiable styles that drew on influences beyond those of their contemporaries. Themes of the fusion of indoors and outdoors, integration with the site, enclosure and retreat and an emphasis and recreation were seen across homes that were otherwise stylistically diverse. The street-facing façade was de-emphasised in favour of providing a sense of privacy for residents, a tendency seen in Neil Clerehan's Fenner House (VHR H2350), which presents an almost entirely blank face to the street. Some architects moved away from the open plan of the 1950s to the restoration of separate rooms with specific purposes. Whether rigidly axial as in Bell's work, or organically irregular as in the work of Kevin Borland, spatial composition was accepted as the primary mode of architectural expression.⁴

The relaxation of post-war restrictions on building size and materials, and the relative prosperity of the 1960s and 1970s, led to large scale commissions for both residences and holiday homes from wealthy families. These commissions allowed prominent architects to demonstrate the extent of their skills. Several examples of these are included in the VHR, including the Grimwade House (VHR H2209), and Heide II (VHR H1494).

Guilford Bell

Guilford Bell, the architect of Seccull House, was born in Brisbane in 1912 to a wealthy grazier family.⁵ In 1930 he began working for Brisbane architect Lange L. Powell and commenced architectural studies at Brisbane Central Technical College. He registered as an architect in 1936 and travelled to London to work for office of Professor Albert E. Richardson. During the 1930s he also travelled to Syria, an influence on his work that became pronounced in later years. After serving in the RAAF during World War II, Bell worked for Ansett Australia, designing Australia's first purpose-built tourist resort on Hayman Island. Bell began a private practice in Melbourne in the early 1950s and concentrated on residential work. In this era Bell developed several characteristics that would become hallmarks of his approach to residential design – extreme privacy, anonymous street frontages and

¹ G. London, P. Goad and C Hamann, *150: An Unfinished Experiment in Living, Australian Houses 1950–65*, Crawley, WA, UWA Publishing, 2017, p1.

² P. Goad, *Melbourne Architecture*, Boorowa, NSW, Watermark Press, 2009, p199.

³ P. Goad, *The Modern House in Melbourne 1945–1975*, PhD thesis, University of Melbourne, 1992, chp6. p148.

⁴ K. McCartney, *50/60/70: Iconic Australian Houses, Three Decades of Domestic Architecture*, Millers Point, NSW, Murdoch Books Australia, 2007. p13.

⁵ Drawn from P. Goad, 'Bell, Guilford', *The Encyclopedia of Australian Architecture*, eds P. Goad and J. Willis, pp. 77–78.



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highly ordered plans. In the early 1960s, Bell worked in partnership with Neil Clerehan and the two architects were awarded an RVIA Architecture medal for the Simon House (also known as Terangeree) in Mount Eliza.

Through the 1960s and 1970s Bell continued to specialise in designing homes in Victoria, Queensland and New South Wales. Bell was something of an elusive figure amongst the Melbourne architectural community, and unlike many of his contemporaries did not cultivate a public profile through activities such as publishing or teaching. He was best known as a designer of fine large houses for wealthy clients including the Baillieu, Myer and Fairfax families. His design approach became increasingly distinctive, and he became known for a minimalist and monumental style characterised by axial planning, stark finishes and restrained detailing. Middle Eastern and Classical influences were pronounced in his use of perimeter walls, ritualised entry ways, floor to ceiling wall openings and courtyards. In contrast to the architectural mainstream of the era, Bell's houses were rigidly formal and aesthetically minimal.

In 1969 he designed one of his most well-known buildings – the Fairfax Pavilion in Bowral (NSW). The Pavilion exemplified his combining of modernist principles with Classical and Middle Eastern influences. In 1972 he designed the Seccull House, widely regarded as one of his finest houses. He worked consistently on largely residential projects, including the Willy House in Toorak, throughout the 1970s.

In 1977, Bell employed architect Graham Fisher and in 1983, Fisher was made a partner. The firm Guilford Bell and Graham Fisher Architects continued to design high quality homes in Victoria and interstate throughout the 1980s, the Grant House in Officer being one of the most highly regarded.

Bell practiced architecture in Victoria across four decades. His work was and remains highly regarded and is highlighted in a number of publications and studies of post-war architecture.⁶ He died in 1992 and the architectural practice he founded continues to carry his name.

Seccull House

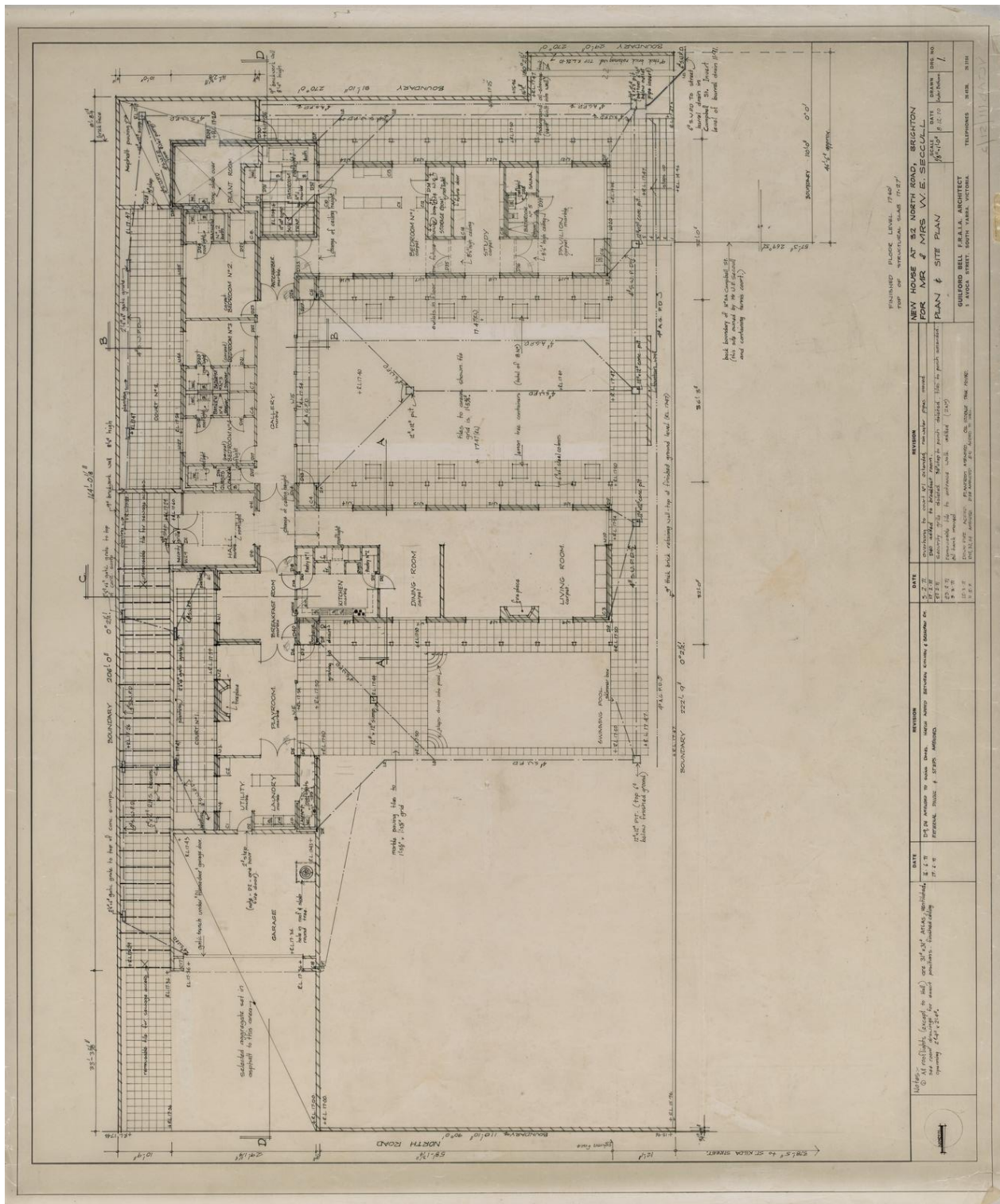
Elaine and William (Bill) Seccull engaged Guilford Bell to design them a home at 32 North Road, Brighton in 1970. Bill Seccull was a master builder who operated a family-run business involved in the construction of prominent post-war projects including the Kraft Factory (1956) and the Royal Children's Hospital (1960). Bell was recommended to the Secculls by mutual friend and interior designer Keith Miles. Although not yet familiar with Bell's work, on seeing photographs of his other projects the Secculls reportedly gave him complete control of designing their home. The generous site at 32 North Road provided ample room for Bell to fully explore the extent of his skill. Bell later reflected that 'never has my work given me more pleasure. Never has a client been more encouraging and supportive.'⁷ Bill Seccull supervised construction. Bell was immensely satisfied with the finished home, which he considered one of his finest.⁸

⁶ See, for example, *Ibid*; Heritage Alliance, *Survey of Post-War Built Heritage in Victoria: Stage One*, 2008; P. Goad, *Melbourne Architecture*, Boorowa, NSW, Watermark Press, 2009; H. Lewi, and P. Goad, *Australia Modern: Architecture, Landscape & Design*, Port Melbourne, VIC, Thames & Hudson, 2019.

⁷ L. van Shaik (ed), *The Life Work of Guilford Bell, Architect 1912-1992*, Melbourne, Bookman Transition Publishing, 1999. p181.

⁸ Heritage Alliance, *City of Bayside Inter-War & Post-War Heritage Study*, 2008. p90.

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1970-71, floorplan for Seccll House
Source: State Library of Victoria.

Seccll House
VHR No: PROV VHR H2406
Hermes No: 112134

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c1971, Seccull House concept drawing
Source: State Library of Victoria.



c1972, pool area
Source: *The Life Work of Guilford Bell, Architect 1912-1992*



c1972, interior, formal lounge room
Source: *The Life Work of Guilford Bell, Architect 1912-1992*.



c1972, interior, dining room
Source: Mark Strizic photograph, supplied with nomination.



c1972, interior, master bedroom
Source: *The Life Work of Guilford Bell, Architect 1912-1992*.



1993, view across pool
Source: *Australian Jewish News*.



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Selected bibliography

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- Day, N., 'Architect leaves a lasting legacy', *The Age*, 11 January 1992.
- Ridge, V., 'Sixty squares inspired by a glass pavilion', *The Age*, 17 April 1993.
- McDonnell, T., 'Modern Luxury in Brighton', *Australian Jewish News*, 16 April 1993.

Books and book chapters

- Bruhn, C. and Butler, K. (eds), *The Forever House: Time Honoured Australian Homes*, Port Melbourne, VIC, Thames & Hudson, 2014.
- Goad, P., *Melbourne Architecture*, Boorowa, NSW, Watermark Press, 2009.
- Goad, P., 'Bell, Guilford', in P. Goad and J. Willis (eds), *The Encyclopedia of Australian Architecture*, Port Melbourne, VIC, Cambridge University Press, 2012, pp. 78-79.
- Lewi, H., and Goad, P., *Australia Modern: Architecture, Landscape & Design*, Port Melbourne, VIC, Thames & Hudson, 2019.
- London, G., Goad, P. and Hamann, C., *150: An Unfinished Experiment in Living, Australian Houses 1950–65*, Crawley, WA, UWA Publishing, 2017.
- McCartney, K., *50/60/70: Iconic Australian Houses, Three Decades of Domestic Architecture*, Millers Point, NSW, Murdoch Books Australia, 2007.
- van Shaik, L. (ed), *The Life Work of Guilford Bell, Architect 1912-1992*, Melbourne, Bookman Transition Publishing, 1999.

Theses

- Goad, P., *The Modern House in Melbourne 1945-1975*, PhD thesis, University of Melbourne, 1992.

Heritage Citations, Assessments and Reports

- Graeme Butler & Associates, *Cardinia Shire (North) Heritage Study*, 1996.
- Heritage Alliance, *Survey of Post-War Built Heritage in Victoria: Stage One*, 2008.
- Heritage Alliance, *City of Bayside Inter-War & Post-War Heritage Study*, 2008.
- National Trust of Australia (Victoria), *Seccull House Classification Report*.

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Further information

| | |
|-----------------------------|--|
| Relevant Authority | Bayside City Council |
| Heritage Overlay | There is no Heritage Overlay for this place. |
| Other Overlays | Design and Development Overlay (DDO3 in Bayside Planning Scheme); Development Contributions Plan Overlay (DCPO1 in Bayside Planning Scheme). |
| Other Listings | National Trust of Australia (B7179). Classified as State level. |
| Other Names | Former Seccull House |
| Date of construction | 1972 |
| Architect | Guilford Bell |
| Architectural style | Late twentieth century modernist |

Traditional Owner Information

The Seccull House is located on the traditional land of the Kulin Nation. Traditional owners have not been formally recognised for this area. A Registered Aboriginal Party under the *Aboriginal Heritage Act 2006* has not been appointed.

Victorian Aboriginal Heritage Register

The place is not included in the Victorian Aboriginal Heritage Register and is not in an area of Aboriginal cultural heritage sensitivity.

Integrity

The integrity of the place is excellent. The cultural heritage values of the place can be easily read in the extant fabric. (February 2021)

Intactness

The intactness of the place is very good. As a home that has been consistently lived in since 1972, and had several owners, it is to be expected that there have been changes to the place. Changes are largely internal, and Bell's strong design intent remains evident throughout. Alterations include, for example:

- Subdivision of the tennis court located to the south of the house in the 1990s
- Updating of the kitchen, which has been carried out on several occasions
- Replacement of the original travertine tiles with new travertine
- Narrowing of the formal entry hall to include a storage room and powder room
- Expansion of the master bedroom and family room into their adjacent internal courtyards
- Updating of bathrooms
- Restoration of sliding doors. (February 2021)



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Condition

The condition of the place is excellent. It is well maintained and there is no evidence deterioration (February 2021).

Note: The condition of a place or object does not influence the assessment of its cultural heritage significance. A place/object may be in very poor condition and still be of very high cultural heritage significance. Or a place/object may be in excellent condition but be of low cultural heritage significance.

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Statutory requirements under section 40.

Terms of the recommendation (section 40 (3)(a))

The Executive Director recommends that Seccull House is included in the VHR in the category of registered place.

Information to identify the place or object (section 40(3)(b))

Name: Seccull House

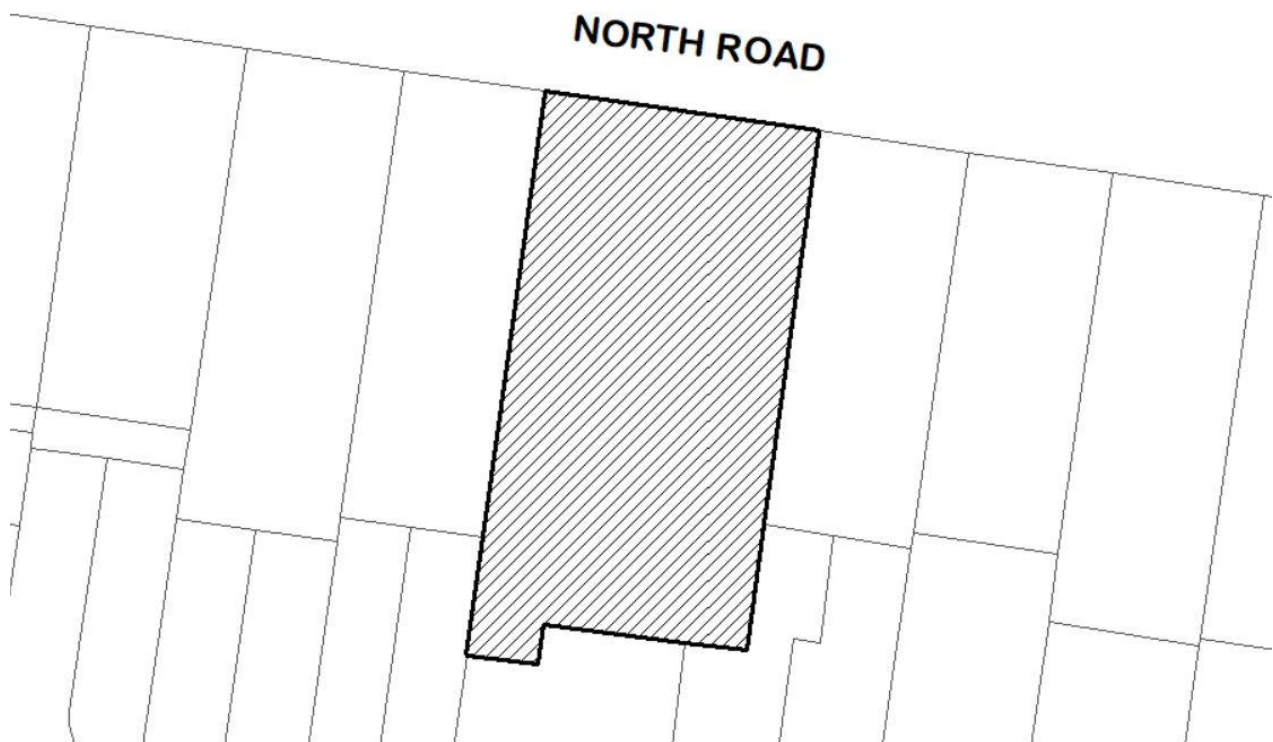
Address: 32 North Road, Brighton

Proposed extent of registration

The Executive Director recommends that the extent of registration for Seccull House be gazetted as:

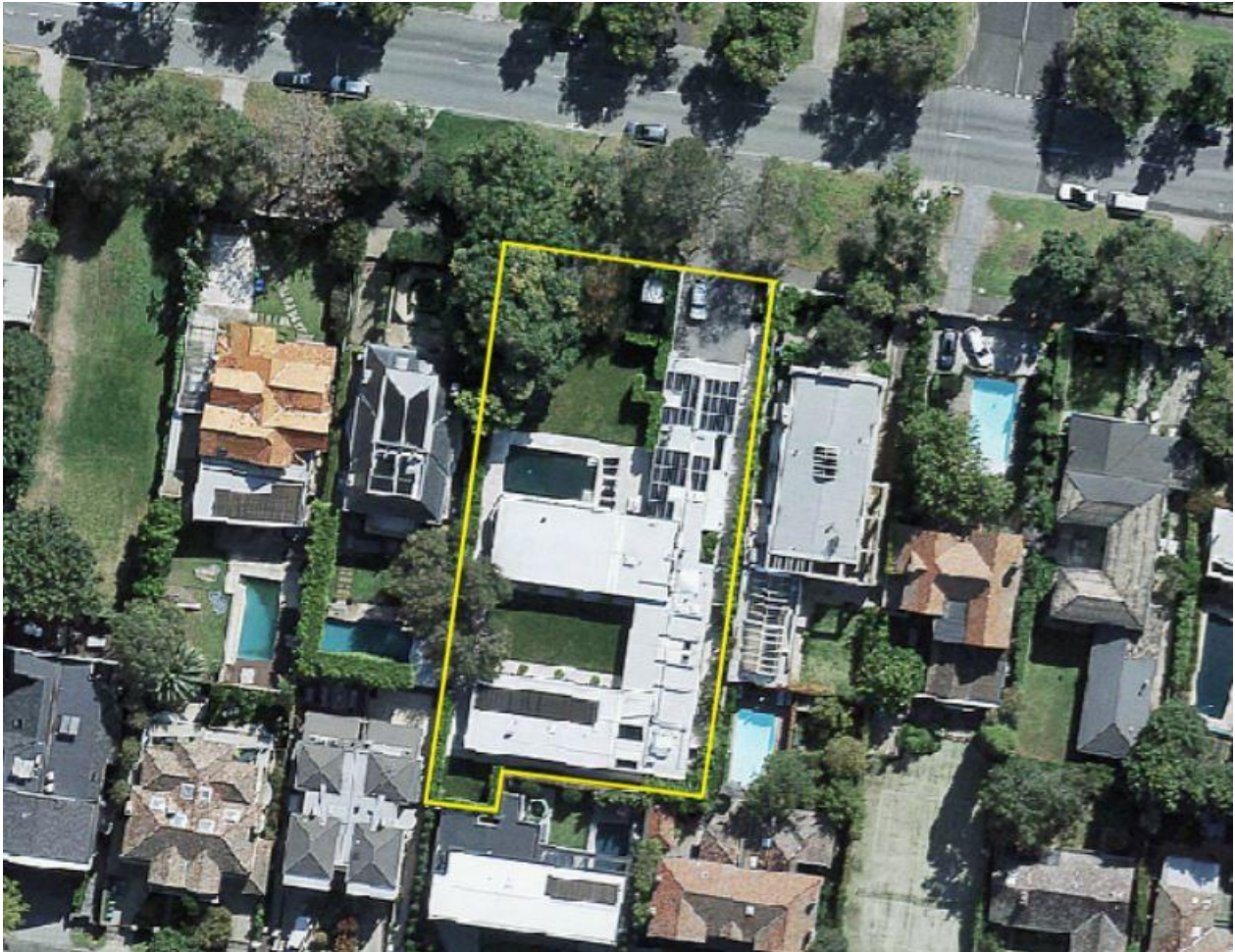
All of the place shown hatched on Diagram 2406 encompassing all of Lot 1 on Lodged Plan 33094.

DIAGRAM 2406



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Aerial Photo of the Place Showing Proposed extent of registration



Note: This aerial view provides a visual representation of the place. It is not a precise representation of the recommended extent of registration. Due to distortions associated with aerial photography some elements of the place may appear as though they are outside the extent of registration.

Rationale for the extent of registration

The recommended extent of registration is the cadastral block the house is located on. This area includes the house itself plus its surrounding garden and landscaping, swimming pool, garage and perimeter wall. This is the approach taken with other suburban residences included in the VHR. The recommended extent of the registration is the same as the nominated extent of registration.

It should be noted that everything within the proposed extent of registration including all the land, all soft and hard landscape features, plantings and all of the building (interior and exterior) is proposed for inclusion in the VHR. A permit or permit exemption from Heritage Victoria is required for any works within the proposed extent of registration, apart from those identified in the categories of works or activities in this recommendation.

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Reasons for the recommendation, including an assessment of the State-level cultural heritage significance of place/object (section 40(3)(c))

Following is the Executive Director's assessment of Seccull House against the tests set out in *The Victorian Heritage Register Criteria and Thresholds Guidelines*. A place or object must be found by the Heritage Council to meet Step 2 of at least one criterion to meet the State level threshold for inclusion in the VHR.

CRITERION A: Importance to the course, or pattern, of Victoria's cultural history.

Step 1: Test for satisfying Criterion A

The place/object has a *CLEAR ASSOCIATION* with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history.
plus
The association of the place/object to the event, phase, etc *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources or oral history.
plus
The *EVENT, PHASE, etc* is of *HISTORICAL IMPORTANCE*, having made a strong or influential contribution to Victoria.

Executive Director's Response

Seccull House has an association with the development of domestic architecture in Victoria in the latter decades of the twentieth century. Throughout the 1960s and 1970s, housing design in Victoria diversified as leading architects developed identifiable styles and explored new influences and approaches. The relative prosperity of this period led to large scale commissions for both residences and holiday homes from wealthy families which allowed prominent architects to demonstrate the extent of their skills. This is a phase of historical importance to Victoria, having altered the built environment and shaped future directions in residential architecture.

These associations are evident in the physical fabric of Seccull House and in documentary resources. The building's design reflects its conception by an accomplished architect. Its distinctive style reflects the range of architectural practice underway in the 1960s and 1970s.

Step 1 of Criterion A is likely to be satisfied.

Step 2: Test for satisfying Criterion A at the State Level

The place/object allows the clear association with the event, phase etc. of historical importance to be *UNDERSTOOD BETTER THAN MOST OTHER PLACES OR OBJECTS IN VICTORIA WITH SUBSTANTIALLY THE SAME ASSOCIATION.*

Executive Director's Response

Many thousands of residences were constructed across Victoria in the latter decades of the twentieth century. A great number of these homes survive today, and all could be said to share an association with this phase. Seccull House is of historical interest as a substantial and fine example of a modernist residence from the era. However, the association with the development of domestic architecture in the 1960s and 1970s can be equally understood in numerous other residences across metropolitan Melbourne and Victoria more broadly. The significance of the building's fine design characteristics is best captured under Criterion D.

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Criterion A is not likely to be satisfied at the State level.

CRITERION B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

Step 1: Test for Satisfying Criterion B

The place/object has a *clear ASSOCIATION* with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history.

plus

The association of the place/object to the event, phase, etc *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources or oral history.

plus

The place/object is *RARE OR UNCOMMON*, being one of a small number of places/objects remaining that demonstrates the important event, phase etc.

or

The place/object is *RARE OR UNCOMMON*, containing unusual features of note that were not widely replicated

or

The existence of the *class* of place/object that demonstrates the important event, phase etc is *ENDANGERED* to the point of rarity due to threats and pressures on such places/objects.

Executive Director's Response

Secull House has a clear association with the development of domestic architecture in the latter decades of the twentieth century, a phase of historical importance to Victoria. This association is evident in the physical fabric of the place, and in documentary resources.

Many architect-designed residences were constructed in this era, and Secull House is not one of a small number of remaining places that demonstrates this phase. The building has striking design characteristics that are not widely replicated, however, the same could be said of many architect-designed homes of the era. Secull House is in the class of post-1960 modernist residences and this class is not endangered to the point of rarity due to threats and pressures on such places.

Step 1 of Criterion B is not likely to be satisfied.

CRITERION C: Potential to yield information that will contribute to an understanding of Victoria's cultural history.

Step 1: Test for Satisfying Criterion C

The:

- visible physical fabric; &/or
- documentary evidence; &/or
- oral history,

relating to the place/object indicates a likelihood that the place/object contains *PHYSICAL EVIDENCE* of *historical interest* that is *NOT CURRENTLY VISIBLE OR UNDERSTOOD*.

plus

From what we know of the place/object, the physical evidence is likely to be of an *INTEGRITY* and/or *CONDITION* that it *COULD YIELD INFORMATION* through detailed investigation.

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Executive Director's Response

It is unlikely that Seccull House contains physical evidence of historical interest that is not currently visible or understood. Its form, function and historical interest are evident in the fabric of the place and it is well documented. It is unlikely the place contains physical evidence of historical interest that is not currently visible or understood.

Step 1 of Criterion C is not likely to be satisfied.

CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects.

Step 1: Test For Satisfying Criterion D

The place/object is one of a *CLASS* of places/objects that has a *clear ASSOCIATION* with an event, phase, period, process, function, movement, important person(s), custom or way of life in Victoria's history.
plus
The *EVENT, PHASE, etc* is of *HISTORICAL IMPORTANCE*, having made a strong or influential contribution to Victoria.
plus
The principal characteristics of the class are *EVIDENT* in the physical fabric of the place/object.

Executive Director's Response

Although Guilford Bell's architectural work is highly distinctive, his houses display largely modernist characteristics. Seccull House can best be considered in the class of post-1960 modernist residences. This class has an association with the development of domestic architecture in the latter decades of the twentieth century. This phase is of historical importance to Victoria.

Principal characteristics of the class are evident in the physical fabric of Seccull House, including in its:

- Integration with the site
- Sense of retreat from the urban environment and anonymous street presence
- Emphasis on spatial arrangement as the main form of architectural expression
- Large private spaces dedicated to formal and informal recreation
- Fusion of the indoors and outdoors via sliding doors and large areas of glazing
- Restrained materials pallet and minimal decorative detail.

Step 1 of Criterion D is likely to be satisfied.

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Step 2: State Level Significance Test Criterion D

The place/object is a *NOTABLE EXAMPLE* of the class in Victoria (refer to Reference Tool D).

Executive Director's Response

Seccull House is a notable example of a post-1960s modernist residence in Victoria. Under the definitions provided in Reference Tool D, Seccull House can be considered notable because it is a fine example of a residence designed in the early 1970s which displays a range of characteristics that is typical of the class, as explored above.

It also displays characteristics that are of higher quality than are typical of places in this class. Many residences with modernist influences were constructed across metropolitan Melbourne and regional Victoria in the latter decades of the twentieth century. Few are as substantial, restrained or precisely resolved as Seccull House. Its design, which integrates Classical and Middle Eastern influences with a modernist sensibility, is highly distinctive for the era and reflects the diversity achieved within residential architecture during the 1960s and 1970s.

It is one of the most celebrated works of highly regarded architect Guilford Bell. Bell had developed a highly sought-after personal style by this stage in his career, and Seccull House demonstrates many of the characteristics for which he is best known including strong axial arrangements, highly controlled entries, formality, a stark use of high quality materials and an emphasis on retreat and repose.

The excellent working relationship between client and architect, and the large site, allowed Bell to express the full extent of his skills as a designer of houses. It resulted in an exceptional example of Bell's work within both Victoria and Australia. The house is highlighted in several publications and studies of post-war architecture.

Criterion D is likely to be satisfied at the State level.

CRITERION E: Importance in exhibiting particular aesthetic characteristics.

Step 1: Test For Satisfying Criterion E

The *PHYSICAL FABRIC* of the place/object clearly exhibits particular aesthetic characteristics.

Executive Director's Response

The physical fabric of Seccull House clearly exhibits particular aesthetic characteristics in its harmonious proportions, sense of order and symmetry, minimalist interiors and exteriors and consistent black and white colour palette.

Step 1 of Criterion E is likely to be satisfied.

Step 2: State Level Significance Test for Criterion E

The aesthetic characteristics are *APPRECIATED OR VALUED* by the wider community or an appropriately-related discipline as evidenced, for example, by:

- *critical recognition* of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline as an outstanding example within Victoria; or
- wide public *acknowledgement of exceptional merit* in Victoria in medium such as songs, poetry, literature, painting, sculpture, publications, print media etc.

Executive Director's Response

There is evidence that the aesthetic characteristics of Seccull House are appreciated and valued by those with a particular interest in post-war residential architecture and the work of Guilford Bell more specifically. Although the house's aesthetic characteristics have been highlighted in several publications focused on post-war architecture, they have not received critical recognition as an outstanding example within Victoria.

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Criterion E is not likely to be satisfied at the State level.

CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Step 1: A Test For Satisfying Criterion F

The place/object contains *PHYSICAL EVIDENCE* that clearly demonstrates creative or technical *ACHIEVEMENT* for the time in which it was created.

plus

The physical evidence demonstrates a *HIGH DEGREE OF INTEGRITY*.

Executive Director's Response

Secull House was designed by a prominent architect and exhibits high-quality design characteristics. Its design is sophisticated and distinctive for the era and can be considered a creative achievement.

The techniques used in the construction of the house were well established by the early 1970s and cannot be considered a technical achievement.

Step 1 of Criterion F is likely to be satisfied.

Step 2: State Level Significance Test for Criterion F

The nature &/or scale of the achievement is *OF A HIGH DEGREE* or 'beyond the ordinary' for *the period in which it was undertaken* as evidenced by:

- *critical acclaim* of the place/object within the relevant creative or technological discipline as an outstanding example in Victoria; or
- wide *acknowledgement of exceptional merit* in Victoria in medium such as publications and print media; or
- recognition of the place/object as a *breakthrough* in terms of design, fabrication or construction techniques; or
- recognition of the place/object as a successful solution to a technical problem that *extended the limits* of existing technology; or
- recognition of the place/object as an outstanding example of the *creative adaptation* of available materials and technology of the period.

Executive Director's Response

Although Bell's design for the Secull House is highly sophisticated and distinctive for the era, it cannot be considered of a nature or scale that was beyond the ordinary for the period in which it was undertaken. Its fine design characteristics are best captured under Criterion D.

Criterion F is not likely to be satisfied at the State level.

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CRITERION G: Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.

Step 1: Test For Satisfying Criterion G

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| Evidence exists of a community or cultural group. (A community or cultural group is a group of people who share a common interest, including an experience, purpose, belief system, culture, ethnicity or values.) plus Evidence exists of a strong attachment between the COMMUNITY OR CULTURAL GROUP and the place/object in the present-day context. plus Evidence exists of a time depth to that attachment. |
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Executive Director's Response

Secull House is acknowledged by groups with a shared interest in post-war architecture and the work of prominent twentieth-century Australian architects such as Guilford Bell. However, there is not a strong attachment between the place and any community or cultural group as evidenced by regular or long-term use or engagement of the place.

Step 1 of Criterion G is not likely to be satisfied.

CRITERION H: Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

Step 1: Test For Satisfying Criterion H

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| The place/object has a <i>DIRECT ASSOCIATION</i> with a person or group of persons who have made a strong or influential <i>CONTRIBUTION</i> to the course of Victoria's history. plus The <i>ASSOCIATION</i> of the place/object to the person(s) <i>IS EVIDENT</i> in the physical fabric of the place/object and/or in documentary resources and/or oral history. plus The <i>ASSOCIATION</i> : <ul style="list-style-type: none">• directly relates to <i>ACHIEVEMENTS</i> of the person(s) at, or relating to, the place/object; or• relates to an <i>enduring</i> and/or <i>close INTERACTION</i> between the person(s) and the place/object. |
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Executive Director's Response

Secull House has a direct association with its architect Guilford Bell. The association with Bell is evident in the physical fabric of Secull House and in documentary resources. Secull House, which is widely regarded as one of Bell's finest houses, relates directly to his achievements as an architect.

However, although Bell was a highly accomplished architect whose work is highly regarded, he cannot be said to have made a strong or influential contribution to Victoria's history more broadly. He was not a public figure in the mode of architects such as Robin Boyd, Neil Clerehan or Roy Grounds and did not influence public perceptions of architecture to a similar degree.

Secull House also has a direct association with its commissioning owners, the Seculls, and to its subsequent owners. Although all have a direct association with the place, none could be said to have made a strong or influential contribution to the course of Victoria's history.

Step 1 of Criterion H is not likely to be satisfied.

Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Comparisons

Below, Seccull House is compared to other surviving residences in Victoria designed by Guilford Bell, and to residences designed by other architects in the same era already included in the VHR. These comparators have been chosen to enable Seccull House to be understood in the context of Bell's other work within Victoria and to enable it to be compared to other residences of the same era that have already been found to be of State level cultural heritage significance.

Houses in Victoria designed by Guilford Bell

No buildings designed by Guilford Bell are yet included in the VHR. Below is a selection of his surviving residences in Victoria that provide a useful context for Seccull House. Several are included in individual Heritage Overlays, or within Heritage Overlay precincts, of local government planning schemes.

Seccull House, Lorne (included in Heritage Overlay precinct HO77 of the Surf Coast Planning Scheme)

After completion of the house in Brighton, the Seccull's also commissioned Guilford Bell to design their holiday home in Lorne in 1973. The house is focussed around the pyramidal form of the roof above the main living space and features prominent use of timber lining to the interior. It is included in a Heritage Overlay precinct.



Simon House (Terangere), Mount Eliza

Mrs Marianne Simon commissioned Neil Clerehan and Guilford Bell to design her a house shortly after the two formed a partnership in 1961. The house was constructed in 1962-63 and won the RAIA Victorian medal in 1964. It is a symmetrical, courtyard house, conforming to a highly ordered H-shaped plan with a swimming pool at its centre. It has been substantially altered since its construction.



Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Grant House, Officer (HO130 in the Cardinia Planning Scheme)

Bell designed this residence for Robert Grant and Murray Collins in the early 1980s and it was completed by 1989. The house, sited in the middle of a large elevated area of lawn, illustrates Bell's preoccupation with symmetry, hard flush surfaces, minimalist design and geometric forms. As with the Willy House and Moylan House it is dominated by a pyramidal roof though in this case the roof's curve gives the impression of a tent.



Moylan House, Templestowe (HO214 in the Manningham Planning Scheme)

Bell designed this residence for Ron Moylan in 1973 with alterations carried out in the 1980s by Guilford Bell & Graham Fisher Architects. The pyramidal pavilion form of this house and the planning and site layout with the high front wall concealing the house with its temple-like roof compares with other houses designed by Bell in the same period such as the house at Willy House and Grant House.



Willy House, Toorak

Bell designed the Willy House in 1972. The house is built to an H-shaped plan with rooms opening on to a series of internal courtyards. As with the Seccull House, it is insulated from its suburban context by a perimeter wall and inward-looking arrangement. It has no Heritage Overlay but has been classified by the National Trust at the State level and is also identified in the Heritage Alliance *Post-War Built Heritage Study* as potentially being of State level cultural heritage significance. It is not known what degree of intactness the house retains.



Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

1960s/70s residences designed by other architects included in the VHR

Fenner House, South Yarra (VHR H2350)

The Fenner House is of architectural and historical significance to the State of Victoria. It was designed by influential architect Neil Clerehan in 1964. It is an outstanding example of the innovative residential designs produced in Melbourne in the 1960s and is notable as an early and highly influential townhouse design on a confined suburban site. The Fenner House design brought together characteristics such as an emphasis on privacy, restrained detailing and the use of minimal building materials and finishes.



Grimwade House, Rye (VHR H2209)

The Grimwade House, designed by McGlashan and Everist and constructed in 1961-62, is of architectural and aesthetic significance to the State of Victoria. The house comprises five flat-roofed pavilions linked by covered walkways set in bushland on a sandy ridge. It demonstrates the influence of Japanese architecture on the work of Victorian architects in the 1960s and 1970s. It was an influential work that established Glashan and Everists' reputations as designers of beautifully sited, elegantly minimal houses with a distinctly Australian character and setting.



Baker House, Long Forest (VHR H2118)

The Baker House group is of architectural significance to the State of Victoria. Michael and Rosemary Baker commissioned Robin Boyd to design the house in 1966 for their bush block near Bacchus Marsh. Boyd designed the additional Dower house for the site in 1968. In the 1970s, Roy Grounds designed a library to house the Bakers' book collection. The place is of State level cultural heritage significance as a cohesive group of buildings that are a fine example of the work of two of Victoria's most prominent architects. The Baker and the Dower house, are particularly innovative examples of the architects' work.



Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

David Godsell House, Beaumaris (VHR H2379)

The David Godsell House is of architectural significance to the State of Victoria. It was designed by eminent architect David Godsell as his own family home. Largely constructed in 1960, it also includes major additions from the late 1960s and 1970s. It is a notable example of post-war Modernist residential architecture in Victoria. It is thoughtfully designed and detailed, containing a skilful interplay of stepping horizontal roof and floor planes which integrate harmoniously with its sloping site. It has received critical recognition within design and architectural publications.



Winter Park Cluster Housing, Doncaster (VHR H1345)

The Winter Park Cluster Housing in Doncaster is of State level cultural heritage significance. It consists of twenty detached houses constructed between 1970 and 1974 designed by celebrated architect Graeme Gunn for Merchant Builders. The place is of architectural significance as a prototype attempt to provide an alternative to the traditional 'quarter acre' suburban subdivision. The homes are sensitively integrated with gardens and landscape designed by prominent landscape designer Ellis Stones.



Solar House, Templestowe (VHR H1312)

The Solar House, Templestowe, is of historical, architectural and technical significance to Victoria. Constructed in 1978-79, it was the first commercially available solar energy project house in Australia and represents emerging concerns with fossil fuel use and its environmental impacts. The house is significant for its energy efficient design characteristics which were highly innovative at the time. The house, designed by Cocks and Carmichael, won several awards, including RAIA citations in 1980 for new housing and energy efficient buildings.





Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Summary of Comparisons

Houses in Victoria designed by Guilford Bell

No buildings designed by Guilford Bell, residential or otherwise, are yet included in the VHR. His most well-known work — the Fairfax Pavilion — is located in Bowral, New South Wales. Bell was nonetheless prolific in Victoria, and other examples of his work remain in metropolitan Melbourne and regional Victoria, although it is estimated that at least a quarter of his houses have been demolished.

The Seccull House is often cited alongside the Fairfax Pavilion as one of Bell's finest works. In comparison to his other residential work in Victoria, Seccull House is substantial and makes a particularly strong design statement. The Simon House (Terangeree) in Mount Eliza, which he designed while in partnership with Neil Clerehan, received a Victorian Architectural Award in 1964 and is often cited as an important example of Bell's work. Although the Simon House survives, it is known to have undergone a level of change that has impacted on its cultural heritage significance.

Other potentially significant residences designed by Bell, such as the Willy House in Toorak and Grant House in Officer, still survive but have not yet been assessed for inclusion in the VHR.

1960s/70s residences designed by other architects included in the VHR

Several 1960s-70s residences are included in the VHR. They include highly regarded residential work of prominent architects such as David Godsell, David McGlashin, Neil Clerehan and Robin Boyd. These places represent a selection of the finest houses in Victoria of the period and are indicative of the stylistic variety within the class. The Seccull House is also one of the most celebrated residential works of a highly regarded architect active in Victoria in the same period, and can be considered of equal architectural merit to those other examples already included in the VHR.

Bell did not work within the architectural mainstream of mid-twentieth century Victoria. Although Seccull House exhibits some similarities with the Fenner House (VHR H2350), such as the blank street face, much of Bell's work contrasts to that of his contemporaries in its restraint, formality and integration of modernist concerns with Classical and Middle Eastern influences. The distinctiveness of his work extended the vocabulary of residential design in the 1960s and 1970s. Works such as the Seccull House make an important contribution to the understanding of housing design from the latter decades of the twentieth century.

It is noted that 1970s houses are currently underrepresented in the VHR. Places such as the Solar House (VHR H1312) and Winter Park Cluster Housing (VHR H1345) represent important themes being explored in domestic architecture at the time – environmental sustainability, project homes and alternatives to the suburban quarter-acre block. However, the diversity and achievements of domestic architecture in Victoria from the 1970s is yet to be well represented in the VHR. The Seccull House addresses this gap.



Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Summary of cultural heritage significance (section 40(4)(a))

The Executive Director recommends that Seccull House be included in the VHR as a registered place.

Statement of significance

What is significant?

Seccull House is a single-storey flat-roofed residence constructed in 1972 to a striking design by noted architect Guilford Bell for Elaine and William Seccull. The house, hidden from view behind a high perimeter wall, blends a modernist sensibility with distinct Classical and Middle Eastern influences. It is defined by its strong axial arrangement, with wings arranged in an F-shaped plan around internal courtyards. Its stark white walls, punctuated by black sliding doors and steel columns, create a strong visual impression.

How is it significant?

Seccull House is of architectural significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion D

Importance in demonstrating the principal characteristics of a class of cultural places and objects.

Why is it significant?

Seccull House is architecturally significant as one of the most celebrated works of noted architect Guilford Bell. It is a highly distinctive, finely designed and substantial house of the era. Its restrained design features many of the characteristics for which Bell was best known, including strong axial planning, ritualised entries, harmonious proportions and the stark use of high-quality materials. Bell differed from his contemporaries in his formality, minimalism and integration of Classical and Middle Eastern influences in the modernist home. All these tendencies can be clearly discerned in the Seccull House. Elaine and William Seccull gave Bell complete control over the project, enabling him to demonstrate the full extent of his skills as a designer of houses. Bell later reflected that it was the most satisfactory commission of his entire career. (Criterion D)



Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Categories of works or activities (permit exemptions) recommended under section 38 (section 40(4)(b))

Introduction

The purpose of this information is to assist owners and other interested parties when considering or making decisions regarding works to a registered place. It is recommended that any proposed works be discussed with an officer of Heritage Victoria prior to making a permit application. Discussing proposed works will assist in answering questions the owner may have and aid any decisions regarding works to the place.

It is acknowledged that alterations and other works may be required to keep places and objects in good repair and adapt them for use into the future. However, under the Act a person must not knowingly, recklessly or negligently remove, relocate or demolish, damage or despoil, develop or alter or excavate all or any part of any part of a registered place without approval. It should be noted that the definition of 'develop' in the Act includes any works on, over or under the place.

If a person wishes to undertake works or activities in relation to a registered place or registered object, they must apply to the Executive Director for a permit. The purpose of a permit is to enable appropriate change to a place and to effectively manage adverse impacts on the cultural heritage significance of a place as a consequence of change. If an owner is uncertain whether a heritage permit is required, it is recommended that Heritage Victoria be contacted.

Permits are required for anything which alters the place or object, unless a permit exemption is granted. Permit exemptions usually cover routine maintenance and upkeep issues faced by owners as well as minor works or works to the elements of the place or object that are not significant. They may include appropriate works that are specified in a conservation management plan. Permit exemptions can be granted at the time of registration (under section 38 of the Act) or after registration (under section 92 of the Act). It should be noted that the addition of new buildings to the registered place, as well as alterations to the interior and exterior of existing buildings requires a permit, unless a specific permit exemption is granted.

Disrepair of registered place or registered object

Under section 152 of the Act, the owner of a registered place or registered object must not allow that place or object to fall into disrepair.

Failure to maintain registered place or registered object

Under section 153 of the Act, the owner of a registered place or registered object must not fail to maintain that place or object to the extent that its conservation is threatened.

Conservation management plans

It is recommended that a Conservation Management Plan is developed to manage the place in a manner which respects its cultural heritage significance.

Archaeology

There is no identified archaeology of State level significance at the place. However, any works that may affect historical archaeological features, deposits or artefacts at the place is likely to require a permit, permit exemption or consent. Advice should be sought from the Archaeology Team at Heritage Victoria.



Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Aboriginal cultural heritage

To establish whether this place is registered under the *Aboriginal Heritage Act 2006* please contact Aboriginal Victoria. The *Heritage Act 2017* and the *Aboriginal Heritage Act 2006* are separate pieces of legislation. Please be aware that both Acts are required to be satisfied and satisfying the requirements of one Act may not satisfy the requirements of the other.

If any Aboriginal cultural heritage is discovered or exposed at any time it is necessary to immediately contact Aboriginal Victoria to ascertain requirements under the *Aboriginal Heritage Act 2006*. If works are proposed which have the potential to disturb or have an impact on Aboriginal cultural heritage it is necessary to contact Aboriginal Victoria to ascertain any requirements under the *Aboriginal Heritage Act 2006*.

Other approvals

Please be aware that approval from other authorities (such as local government) may be required to undertake works.

Notes

- All works should ideally be informed by a Conservation Management Plan 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.
- Nothing in this determination prevents the Heritage Council from amending or rescinding all or any of the permit exemptions.
- Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits where applicable.

General Conditions

- All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place.
- Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place are revealed which relate to the significance of the place, then the exemption covering such works must cease and Heritage Victoria must be notified as soon as possible.

Permit Exemptions

The following permit exemptions are not considered to cause harm to the cultural heritage significance of Seccull House.

General

- Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of significant fabric and include the conservation of existing details or elements. Any repairs and maintenance must not exacerbate the decay of fabric due to chemical incompatibility of new materials, obscure fabric or limit access to such fabric for future maintenance.
- Maintenance, repair and replacement of existing services such as plumbing, electrical cabling, surveillance systems, solar power infrastructure, pipes or fire services which does not involve changes in location or scale, or additional trenching.
- Repair to, or removal of, items such as antennae; aerials; and air conditioners and associated pipe work, ducting and wiring.



Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

- Works or activities, including emergency stabilisation, necessary to secure safety in an emergency where a structure or part of a structure has been irreparably damaged or destabilised and poses a safety risk to its users or the public. The Executive Director must be notified within seven days of the commencement of these works or activities.
- Painting of previously painted external and internal surfaces in the same colour, finish and product type provided that preparation or painting does not remove all evidence of earlier paint finishes or schemes. This exemption does not apply to areas which are currently unpainted.
- All usual domestic cleaning, plus cleaning to maintain exterior including the removal of surface deposits using low-pressure water, neutral detergents and brushing and scrubbing with plastic (not wire) brushes.

Interiors

- Works to maintain or upgrade existing bathrooms, laundry and kitchen including installing new appliances, joinery, re-tiling and the like.
- Like for like replacement of carpets.
- Installation, removal or replacement of window furnishings.
- Removal, replacement or installation of new hooks, brackets and the like for hanging wall mounted artworks.
- Maintenance, repair and like for like replacement of existing light fixtures in existing locations.
- Installation, removal or replacement of existing electrical wiring, providing it is concealed.
- Removal or replacement of light switches or power outlets.
- Removal or replacement of smoke and fire detectors, alarms and the like, of the same size and in existing locations.
- Repair, removal or replacement of existing ventilation, cooling and heating systems provided that the plant is concealed, and that the work is done in a manner which does not alter building fabric.
- Installation, removal or replacement of insulation in the roof space.

Landscape/outdoor areas

Hard landscaping and services

- Subsurface works to existing watering, utilities and drainage systems provided these do not involve trenching in new locations. Existing lawns, gardens and hard landscaping, including paving, are to be returned to the original configuration and appearance on completion of works.
- Like for like repair and maintenance of existing hard landscaping including paving and driveways where the materials, scale, form and design is unchanged.
- Installation of physical barriers or traps to enable vegetation protection and management of vermin such as rats, mice and possums.
- Like for like repair and maintenance to the swimming pool and associated equipment.

Gardening, trees and plants

- The processes of gardening including mowing, pruning, mulching, fertilising, removal of dead or diseased plants (excluding trees), replanting of existing garden beds, disease and weed control and maintenance to care for plants.
- Removal of tree seedlings and suckers without the use of herbicides.



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- Management and maintenance of trees including formative and remedial pruning, removal of deadwood and pest and disease control.
- Emergency tree works where it is necessary to maintain safety or protect property.
- Removal of environmental and noxious weeds.



Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Appendix 1

Heritage Council determination (section 41)

The Heritage Council is an independent statutory body that will make a determination on this recommendation under section 49 of the Act. It will consider the recommendation after a period of 60 days from the date the notice of recommendation is published on its website under section 41.

Making a submission to the Heritage Council (section 44)

Within the period of 60 days, any person or body with a real and substantial interest in the place or object may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are available on the Heritage Council's website.

Consideration of submissions to the Heritage Council (section 46)

- (1) The Heritage Council must consider—
 - (a) any written submission made to it under section 44; and
 - (b) any further information provided to the Heritage Council in response to a request under section 45.
- (2) The Heritage Council must conduct a hearing in relation to a submission if—
 - (a) the submission includes a request for a hearing before the Heritage Council; and
 - (b) the submission is made by a person or body with a real or substantial interest in the place or object that is the subject of the submission.
- (3) Despite subsection (2), the Heritage Council may conduct a hearing in relation to a submission in any other circumstances the Heritage Council considers appropriate.

Determinations of the Heritage Council (section 49)

- (1) After considering a recommendation that a place or object should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing into the submissions, the Heritage Council may—
 - (a) determine that the place or part of the place, or object, is of State-level cultural heritage significance and is to be included in the Heritage Register; or
 - (b) determine that the place or part of the place, or object, is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
 - (c) in the case of a recommendation in respect of a place, determine that the place is not to be included in the Heritage Register but—
 - (i) refer the recommendation and any submissions to the relevant planning authority for consideration for an amendment to a planning scheme; or
 - (ii) determine that it is more appropriate for steps to be taken under the *Planning and Environment Act 1987* or by any other means to protect or conserve the place; or
 - (d) in the case of a recommendation in respect of additional land which has been nominated to be included in the Heritage Register as part of a registered place in accordance with section 32, determine that the land be included in the Heritage Register if—

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- (i) the State-level cultural heritage significance of the place would be substantially less if the land or any part of the land which is or has been used in conjunction with the place were developed; or
 - (ii) the land surrounding the place is important to the protection or conservation of the place or contributes to the understanding of the place; or
- (e) determine that the object is integral to understanding the cultural heritage significance of a registered place or a place the Heritage Council has determined to be included in the Heritage Register.
- (2) The Heritage Council must make a determination under subsection (1)—
 - (a) within 40 days after the date on which written submissions may be made under section 44; or
 - (b) if any hearing is conducted into the written submissions, within 90 days after the completion of the hearing.
- (3) A determination that a place or part of a place, or object, should be included in the Heritage Register may include categories of works or activities which may be carried out in relation to the place or object for which a permit under this Act is not required, if the Heritage Council considers that the works or activities would not harm the cultural heritage significance of the place or object.
- (4) If the Heritage Council determines to include a place in the Heritage Register, with the consent of the owner of the place, the Heritage Council may determine to include in the Heritage Register additional land of the owner that is ancillary to the place.
- (5) If a member of the Heritage Council makes a submission under section 44 in respect of a recommendation, the member must not take part in the consideration or determination of the Heritage Council.
- (6) The Heritage Council must notify the Executive Director of any determination under this section as soon as practicable after the determination.

Obligations of owners of places and objects (section 42)

- (1) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of—
 - (a) any works or activities that are being carried out in relation to the place or object at the time the statement is given; and
 - (b) any application for a planning permit or a building permit, or for an amendment to that permit, that has been made in relation to the place but not determined at the time the statement is given; and
 - (c) any works or activities that are proposed to be carried out in relation to the place or object at the time the statement is given.
- (2) An advice under subsection (1) must be given within 10 days after the statement of recommendation is given under section 40.
- (3) The owner of a place to whom a statement of recommendation has been given must advise the Executive Director in writing of an application, permit or amendment if, before a determination under section 49 or 52 in respect of a place—
 - (a) an application for a planning permit or a building permit or for an amendment to that permit in relation to the place is made; or
 - (b) a planning permit or building permit or an amendment to that permit in relation to the place is granted.



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- (4) An advice under subsection (3) must be given within 10 days after the making of the application or the grant of the permit or amendment.
- (5) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of the following activities or proposals if, before a determination is made under section 49 or 52 in respect of a place or object—
 - (a) any activities are carried out in relation to the place or object that could harm the place or object;
 - (b) any activities are proposed to be carried out in relation to the place or object that could harm the place or object.
- (6) An advice under subsection (5) must be given within 10 days after the owner becomes aware of the activity or the proposal, as the case requires.
- (7) If, before a determination is made under section 49 or 52 in respect of a place or object, a proposal is made to dispose of the whole or any part of the place or object, the owner of the place or object must advise the Executive Director in writing of that proposal.
- (8) An advice under subsection (7) must be given at least 10 days before entering into the contract for the disposal of the place or object.
- (9) The owner of a place or object who proposes to dispose of the whole or any part of the place or object before a determination is made under section 49 or 52 in respect of the place or object must, before entering into a contract for that disposal, give a copy of the statement of proposed contract, is to acquire the place or object or part of the place or object.

Owners of places and objects must comply with obligations (section 43)

An owner of a place or object to whom section 42 applies must comply with that section.

Penalty: In the case of a natural person, 120 penalty units;
 In the case of a body corporate, 240 penalty units.