

**Submission
No 107**

**INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN
PLANNING FRAMEWORK**

Name: Ms Sam Dugdale

Date Received: 31 January 2022

To: The Secretary
Legislative Council Environment and Planning Committee
Parliament House, Spring Street,
EAST MELBOURNE VIC 3002.

From: Sam Dugdale

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9 pages (plus attachment)

Re: Submission to the Planning and Heritage Inquiry

Firstly, thank you for the opportunity to make a submission for the inquiry.

My name is Sam Dugdale, and I am a long-term resident in Seymour Rd Elsternwick. I am NOT a heritage consultant, property lawyer or developer. I run a digital marketing business and am busy bringing up 3 kids, a cat and a husband.

My submission to you is to help you understand the frustrations with the role of Council & the State Government from point of view of a lay person. Someone outside the system, which in reality is the majority of our community.

My involvement in a heritage saga began in August 2018 in Seymour Road Elsternwick. As context, Seymour Rd runs parallel to Glenhuntly Rd and is filled with double fronted Victorian and Edwardian architecture, including one heritage listed property dating back to 1891, a mansion originally built for Charles Langdon. It is also home to beautiful plane trees, 70's and 80's architecture, modernist apartments and the lovely Harleston Park.

One particular home, at no. 55 Seymour Rd was sold in December 2018 for \$3.06M.

This house was a recently renovated 3-bedroom Edwardian home, featuring unique heritage features such as original chimneys and brickwork, intact wall detailing, bay windows, original veranda and tiling. It was also located mid-block in Seymour Rd, surrounded by 7 other similar style late Victorian and Edwardian homes in a row.



Submission to Planning and Heritage Inquiry from Sam Dugdale, Elsternwick. January 2022.

In August 2019, I was walking down Seymour Rd and noticed a few workmen removing the window frames of the house at no.55. I found this to be a little odd – I had presumed that the work going on in the property was a renovation, but why would anyone want to remove the window frames?

So, curiosity got the better of me and in speaking with the workmen on the site I discovered that they were from Victorian recyclers – a company that recycles parts from Victorian homes.

To my utter horror, they advised me that the property was about to be demolished.

It was 3.35 in the afternoon Friday 29th July, and they had been advised it was being demolished Monday.

I immediately called our local council, Glen Eira. I was advised that demolition was allowed, as there was no heritage overlay on the property.

But surely, I could issue a protest?

Apparently, no. There was no mechanism for individuals to stop or intervene in the demolition plans.

Only council could do that, and because of their planning cycles it would take them 3 weeks to do it.

Seriously. They advised that no one could stop this destruction.

This was when I realised very quickly that our community protective mechanisms for heritage were deeply flawed.

I then discovered that a similar scenario had played out in Hawthorn.

The residents there had been successful in lobbying Richard Wynne and had a property known as Currajong House saved.

His intervention meant that the demolition could be halted.

To quote Richard Wynne

“We’ve stepped in to protect this historic property where the council has failed to – our heritage is our history and councils should protect it”

National News Planning

This was published 2 years ago

Historic Hawthorn house saved from demolition after planning minister steps in



By Jewel Fitzgerald

May 14, 2019 - 4:45pm

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Planning Minister Richard Wynne has intervened to save Currajong House in Hawthorn from demolition, accusing the local council of failing to protect the historic property.

More than 1000 people signed a [change.org petition](#) to save the 135-year-old house after Boroondara Council consented to its demolition in July last year.



Currajong House has been saved from demolition. [Credit: ABC](#)

"There has rightly been community concern about the demolition of this grand home, which we have listened to," Mr Wynne said.

"We've stepped in to protect this historic property where the council has failed to - our heritage is our history and councils should protect it."

Mr Wynne said the decision ensured Currajong House would not be demolished while Boroondara City Council undertook a further heritage assessment, which would then be reviewed by Heritage Victoria.

The council requested permanent and interim heritage controls for the Longford Estate Precinct, which includes Currajong House, last December.

Until Tuesday's ministerial intervention, however, the owner of Currajong House at 337 Auburn Rd, Hawthorn, could have proceeded with the demolition because they had pre-existing approval to do so.

Source: The Age

<https://www.theage.com.au/national/victoria/historic-hawthorn-house-saved-from-demolition-after-planning-minister-steps-in-20190514-p51ucn.html>

Given this precedent, I felt the only option left was to follow a similar path and seek emergency State protection. So, the next morning (29th July), I sat down and applied for an interim protection order, as was done with Currajong House.

In addition, a change.org petition was started.

STOP THE DEMOLITION OF 55 SEYMOUR RD ELSTERNWICK



Sam Dugdale started this petition to Richard Wynne (Planning Minister) and 4 others

PLEASE CONTACT PLANNING MINISTER MR RICHARD WYNNES OFFICE to express your support - he has the power to stop the demolition

e-mail richard.wynne@parliament.vic.gov.au or phone: (03) 8683 0964 and ask him to intervene.

This is a fully renovated original 1890 Edwardian 3 bedroom brick home in a string of original homes, and it is about to be demolished.

Seymour Road is not in a heritage overlay area, so these homes have no protection. Owners don't even need council approval to demolish, only a builder's permit. There isn't even any plan submitted yet to build anything new on the site. The planning laws are hopelessly broken.

Help stop the demolition of a stately home in Elsternwick of architectural significance to be replaced by more box-like developments.

We want the minister to step in to allow Heritage Overlays to be passed to preserve this Heritage masterpiece which has historical significance in our suburb.

Melbourne is home to some of Australia's finest heritage architecture. Too much of this is being lost to developers. High-density living has its place and is being catered for in the inner regions already. This block does not need to be part of that. It should be preserved as a fine example of an Elsternwick HOME.

Gracious period detail adorns the double-fronted home including soaring ceilings, magnificent open fireplaces, and superb verandah.

Limited car parking in this residential area is already an issue and likely to be worse with any development of this site other than a single dwelling.

2,413 have signed. Let's get to 2,500!



At 2,500 signatures, this petition is more likely to get picked up by local news!



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The purpose of the petition was to allow our community to voice their objection to the proposed demolition, highlighting that the only chance to save it was to plea to Richard Wynne. I started the petition at 11.23pm on Saturday 29 July and by Monday 31 July we had over 2000 signatures.

Submission to Planning and Heritage Inquiry from Sam Dugdale, Elsternwick. January 2022.

However, it was too late for 55 Seymour Road. We received a response from the State government, that acknowledged the potential significance at a local level, however did not see it as being worthy enough at a State level.



30 July 2019

Ms Sam Dugdale



Dear Ms Dugdale

REQUEST THAT AN INTERIM PROTECTION ORDER BE MADE – 55 SEYMOUR ROAD, ELSTERNWICK VICTORIA

I write in response to your correspondence received by this office on 29 July 2019 requesting that the Heritage Council make an interim protection order ('IPO') in relation to 55 Seymour Road, Elsternwick, Victoria ('the Place').

Pursuant to section 143(1) of the *Heritage Act 2017* ('the Act'), the Heritage Council may make an IPO in relation to a place or object if it is necessary or desirable to do so for the purposes of the Act. To assist its consideration, the Heritage Council has adopted a policy guideline 'Matters to be considered in the making of an interim protection order under 143(1) of the *Heritage Act 2017*'. The policy guideline states that if the Heritage Council forms the opinion that the place or object may have a prima facie case for inclusion in the Victorian Heritage Register and is under immediate or imminent threat of damage or destruction, it may make an IPO.

The Registrations and Reviews Committee of the Heritage Council ('the Committee') has considered your request and the material you have provided.

Immediate or imminent threat

The Committee has considered the information you have provided and formed the view that an imminent or immediate threat of damage or destruction exists in relation to the Place.

Prima facie case for inclusion on the Register

The Committee has formed the view, however, that your IPO request does not demonstrate a prima facie case for including the Place in the Register. In reaching this decision, the Committee has had regard to the Heritage Council's Criteria for State-level significance, including Criterion D as identified in your request. Having considered the information that you provided, including the emailed information, form and photographs, the Committee is of the view that while the Place may be of local cultural heritage significance it is not of State-level cultural heritage significance.

What the new owners of this property did was not illegal. However, what this episode highlighted was that the planning laws, at both council and state level, were wrong. As Simon Ambrose, CEO of the National Trust Australia says *“Melbourne’s heritage protections have not kept pace with development and community expectations”*

I believe that this is an issue for Melbourne. Individuals cannot issue any stay of proceedings for local heritage issues. The only people who can are Council. If Council don’t do it, then homes are vulnerable.

Heritage is annoying for council. It caused lots of angst in the community. There are those who vehemently oppose it, there are others that want it. It takes huge amounts of time, energy, money and effort in liaison and negotiation. And the outcome doesn’t generate any \$’s for them. Revenue is more easily generated via planning permits & new developments. Consequently, there is a conflict between heritage and council’s desire for more revenue driven properties.

It is also not well funded by the State govt. So, councils blame the state for lack of funding, while the State blame local councils for neglecting their responsibilities. In my view they are both equally to blame.

At the time of demolition of 55 Seymour Rd, the last formal heritage review of the area was in 1996. Clearly this was an error by Glen Eira council, as they hold responsibility for the heritage protection of the area.

Since this episode, a formal review (2019) has been conducted by Glen Eira Council, and many surrounding homes have now had granted interim protection. Indeed, the heritage consultant’s report highlights parts of Seymour Rd (known as Beemery Park) to contain 10 significant properties that are deemed contributory to the heritage of the area. (see attachment)

In other words, the property at 55 Seymour Rd should never had been demolished.

What this sorry saga taught me was that

- 1) The only people who could protect our neighbourhood were the Council, and if council have neglected heritage and the processes for interim protection, then properties are vulnerable
- 2) There is no way an interim protection order can be obtained by an individual. Despite community outrage, the laws do not allow any stay of proceedings for a demolition where heritage has been neglected . This is clearly unfair and undemocratic.

So why was it that Richard Wynne on behalf of the State Government didn't intervene on this occasion, but he did in Hawthorn for Currajong?

Timing is everything. He intervened on May 4 2019, 4 days out from the federal election...

Attachments / References:

Beemery Park Statement of Significance : Glen Eira Planning Scheme

<https://www.theage.com.au/national/victoria/historic-hawthorn-house-saved-from-demolition-after-planning-minister-steps-in-20190514-p51ncn.html>

<https://www.abc.net.au/news/2019-08-03/battle-to-save-melbourne-heritage-homes-from-developers/11378710>

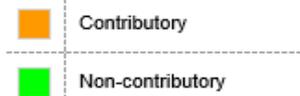
<https://www.theage.com.au/politics/victoria/saving-the-past-or-building-for-the-boom-the-wrecking-ball-debate-about-heritage-homes-20190801-p52d1i.html>

<https://www.heraldsun.com.au/leader/inner-south/melbournes-history-under-threat-from-wrecking-ball/news-story/a51bba8a7c76ba55406cb5af096cdeed>

<https://balancearchitecture.wordpress.com/2021/07/07/the-real-battle-updating-victorias-heritage-charter/>

Statement of Significance: Beemery Park Precinct (2019)

Address: 42, 47, 49, 51, 53, 57, 59, 61, 63 Seymour Road; and 57-59 Allison Road	Name: Beemery Park Precinct
Place Type: Residential	Grading: Significant
PS ref no: HO179	Constructed: Circa 1886 to 1901



What is significant?

The following features contribute to the significance of the Beemery Park Precinct:

- Intact dwellings dating to the late-Victorian period,
- Intact hipped roof forms and roof cladding, predominantly slate tiles,
- Original chimneys – rendered or face brick,
- Original bi- or polychrome brickwork (brown, cream and red) with banding, quoining, contrasting lintels etc.,
- Intact rendered walls with ashlar/smooth,
- Intact wall detailing – cornice with brackets, etc.,
- Intact bay windows,
- Original gable end detailing – rough cast render and timber battens (53 Seymour Road),
- Intact openings – timber windows (generally double-hung sashes, with some casements), often with basalt sills, and doors, some with decorative glass,
- Original verandah detailing including cast iron or timber friezes, and tiles,
- Basalt pitchers to kerbs and channels, and
- Complementary street plantings, mainly London Plane trees (*Platanus acerifolia*).

Contributory places:

- Seymour Road (north side): 47, 51, 53, 57, 59, 61, 63
- Seymour Road (south side): 42
- Allison Road: 57-59

Non-contributory places:

- Seymour Road (north side): 49

How is it significant?

The Beemery Park Precinct is of local historical and aesthetic significance to the City of Glen Eira.

Why is it significant?

The Beemery Park Precinct is of historical significance for its ability to illustrate the development of middle-class housing estates in Elsternwick over the late 19th century. During the 1880s, the explosive growth rate and speculative activities of wider metropolitan Melbourne stimulated a building boom across the suburb, in which many of its larger estates were subdivided and subject to rapid construction. As demonstrated by the precinct, which consolidated between circa 1886-1901, the dwelling of choice for the relatively affluent suburbanite was that of the single-family and freestanding Italianate style villa. This phase of development, curtailed by the onset of the 1890s Depression, was key in the establishment of suburban Elsternwick and solidified Seymour Road as a decidedly prosperous location. (Criterion A)

The Beemery Park Precinct is of aesthetic significance for being comprised of a well-designed and largely intact group of Late Victorian period villas set on relatively large lots in generous garden settings. The 9 remaining houses are good examples of their type – predominantly that of the Italianate style – although its expression is varied throughout the precinct, with both asymmetric and symmetric compositions and either polychromatic or rendered examples. There is also a typical but wide range of late 19th-century ornamentation. Slate clad (some replaced) hipped roofs have universally been employed. Consistent forms and a high level of detail form a cohesive streetscape that is evocative of the Late Victorian period. There is also a distinctive late 19th century/Federation transitional villa at 53 Seymour Road (constructed circa 1901). Its roughcast rendered and half-timbered gable ends, along with other elements, are interpretable as a harbinger of the emergent influence of the Arts and Crafts movement. (Criterion E)

Primary source

Glen Eira Heritage Review of Elsternwick Structure Plan Area 2019 Stage 2 Report prepared by RBA Architects + Conservation Consultants Pty Ltd.