

[REDACTED] - Submission to Planning Panels Victoria – Bayside Planning Scheme Amendment C192bays: Post War Modern Residential Heritage

Introduction

The following text was read to the Panel [REDACTED] or used to extemporise, being done on behalf of [REDACTED] of 82 Reserve Road, Beaumaris, both being in attendance before the Planning Panel considering C192bays on 27 February 2024:

Planning Practice Note 1 (PPN1), indicates that ‘places should be included in the Heritage Overlay (that are) identified in a local heritage study, **provided the significance of the place can be shown to justify the application of the overlay.**’¹ Further, PPN1 states that ‘the documentation for each place shall include a **statement of significance that clearly establishes the importance of the place and addresses the heritage criteria.**’²

It is not the [REDACTED] intention to repeat Mr Michael Dunn’s submission to the Panel this morning (27th Feb 2024), calling up the detail and issues associated with PPN1 but, Mr Dunn’s position re these issues and the need for proper comparative analysis is relevant and central to the Parry’s position.

The [REDACTED] home fails to meet the required threshold in each Criterion. It is poor, workman like and does not exhibit elements that would place it as being above average. It is simply one of thousands of early post war homes of similar design and build state that establish a baseline measure for below average properties, noting that below average homes were set aside and not included in the Study.

The significance of someone or something is normally considered by the common use of the word, i.e. important and deserving of attention, of consequence. In Australia, members of the public are formally recognised for the significance of their work through a system of national awards. As many here will know, since 1981 the Australian Institute of Architects (the Institute) has formally acknowledged excellence in the profession by recognising best practice through the National Architecture Awards program. The program enables public and peer recognition of the innovative work of the Institute’s members. There is a clear connection between an architect and the excellence of their work as these two things are inextricably intertwined. Further to this point, a Fellowship is awarded by the Institute to those who have demonstrated a **significant** contribution to the architecture profession and architecture practice. Life Fellowship of the Institute is afforded in recognition of a member’s **significant** contribution to the advancement of architecture and design.

The point that emerges from the foregoing discussion is that in order for a person or their work to stand out, the person’s contribution must be **significant**; therefore, their work must be **significant**.

Yesterday, [26th February 2024] the [REDACTED] noted a different interpretation of the word significant from that which they offered in their latest written submission, an interpretation being firstly provided by Mr Gard’ner and then Ms Schmeder during their oral evidence in chief.

In that evidence and not to repeat it in full, both indicated in one way or the other that they knew there is no guideline in PPN 1 to establish the threshold for local significance in relation to any of the Criterion. Mr Gard’ner said words to the effect that “to meet the threshold for any given criteria [*the home, the property or place*] must meet the test of being important, he went on further to explain that “important is better than typical”, and that “typical could be described as workman like”. Mr Gard’ner reiterated this description when questioned by Counsel representing objectors and the Panel. Additionally, Ms Schmeder suggested that “above 50%” established the necessary threshold for local

¹ Applying the Heritage Overlay, Planning Practice Note 1, August 2018, p.1

² Ibid, p.1.

significance. These interpretations don't sit comfortably when 'significance' is used as guidance in PPN1.

Usually, if one is talking about something that has a large impact or consequence, then significant would be the appropriate word. However, if one is talking about something that has value or relevance, then important would be the better choice. These words still suggests to the [REDACTED] that the threshold for each Criterion should be much greater than 50% and much better than typical.

There were other words used by Mr Gard'ner and Ms Schmeder that push the threshold back to average or below, these were, "not polished", "workmanlike", "lack of craftsmanship", "journey man" and "not elegant, design wise".

Before proceeding, it is specifically noted that words used by Ms Schmeder have cast further doubt on the rationale for including 82 Reserve Rd in the Study. In effect, Ms Schmeder indicated that had she seen the property as it is now, she would not have picked it for inclusion in the Study. The Parry's agree – the house should not be included. Ms Schmeder's statement is more than troubling. Ms Schmeder then endeavoured to modify her stated position by indicating that there is still a good understanding of the property's architectural features – the changes are reversable and - they do not affect an understanding of the home. The word understanding is used once in PPN1 and relates to Criterion C and deals with the research potential presented by the property and nothing else.

With this extended introduction, and for the sake of this Panel, the [REDACTED] will use Mr Gard'ners "important" threshold i.e. "better than typical" to consider 82 Reserve Rd against the Criterion in direct comparison to some of the other homes included in the Study.

Statement of Significance

In the City of Bayside, Post-War Modern Residential Heritage Study, (Final Report July 2022), Volume 3, (the Study) there is repeated emphasis on 'a new generation of architects and modernist design.'³ Whilst many architects have been named, the Study is careful not to name John Kirk in the paragraphs associated with architects who have produced a substantial body of work. However, he appears in the Study after the heading 'Architect's own residences in the City of Bayside (in that) 'the house at 82 Reserve Road, Beaumaris was designed by architect, John Kirk as his own residence.'⁴

The other architects named as part of the new generation of architects are people whose best work has been recognised at the State or local level, both in Bayside and other local government areas. In addition, the Study **does not** seek to include John Kirk as an architect who received one of the eight annual awards from the Royal Australian Institute of Architects between 1968 and 1976.⁵

However, Ms Schmeder addressed this issue by suggesting that Criterion H (Special association with the life or works of a person), should be deleted. Ms Schmeder put the proposition that, as Mr Kirk was an architect who designed and lived in his own home, this fact should be considered in relation to Criterion A, with reference to Mr Kirk to be addressed in Criterion A (historical significance). In effect, and by extension, it was her contention that John Kirk's name should be included in a special but limited sub class of Modern homes or places, these being important to the course or pattern of our cultural or natural history. This approach places John Kirk and his home squarely in a sub-class set out in the Study and described as 'architect's own residences in the City of Bayside'.

Whether the words used to signify the significance of any of the Criterion related to 82 Reserve Rd are important, better than typical or above 50%, the answer has now been provided by Mr Gart'ner in the Study and Ms Schmeder in her oral evidence in chief. Mr Kirk's house sits with the other houses of

³ City of Bayside, Post-War Modern Residential Heritage Study, (Final Report July 2022) Volume 3, p.531.

⁴ Ibid, p.537

⁵ Ibid, p.531.

noted architects and will be named in this submission as a sub-class of Modern places, i.e., 'Architect's Own Residences'.

It is the [REDACTED] contention that neither John Kirk's home or his architectural work would be recognised as important or better than typical by the architectural or heritage communities or the public. This statement is made considering all the other architects named in the Study in the sub-class of 'Architect's Own Residences'. These architects are David Godsell, Rex Patrick, Charles Bricknell, Eric Lyon, Ken Atkins, Ken Rendell and John Baird, all of whom designed and occupied their own residence.⁶

It is the [REDACTED] contention that all these architects rank above John Kirk, considering their standing as architects, their body of work and the significance of their work, as it is evidenced in the Study and in other literature. Their work in Bayside and elsewhere is, highly important or significant or of great significance, being much more than typical and in all cases well above 50%, as are the homes they designed and those they lived in. In some cases, their work is remarkable, unique and unusual and a matter for celebration at the State level, e.g., Godsell House. It is the [REDACTED] contention for comparative purposes that this leaves John Kirk's one known piece of work, his family home ranked at the bottom of a group of celebrated architects, and the bottom of the group in relation to the homes they designed and lived in for a time. This position now having been established, compared and ranked to the other architects and their homes draws a conclusion across all Criterion. John Kirk's home is genuinely unimportant, of no historical importance, less than typical by stature and standard, and well below 50%. For the sake of completeness, John Kirk and his home would rank in the lower quartile of the group of 'Architect's Own Residences' with a score of 12.5%, the lowest score in the group.

It is the [REDACTED] further contention, that 82 Reserve Rd fails in relation to the three remaining Criterion (accepting that Criterion H is to be removed). This is because an architect's body work and the architect are inextricably intertwined, as are the three remaining Criterion in the Study. It is the [REDACTED] further contention, that John Kirk and 82 Reserve Rd are not worthy of consideration, no matter which Criterion his name will now be found under, and, because of this, 82 Reserve Rd should be removed from C192 bays.

Having failed to establish that John Kirk was an architect of significance, as recognised by his peers, the Study embarks on the notion that the history of the place, i.e., the [REDACTED] home is somehow significant. The study seeks to support this proposition because John Kirk, being an architect designed his family home and lived in it on land that formed part of the Dunlop-Perdieu Company subdivision.⁷ That John Kirk was registered as an architect for a brief period is not in dispute. However, these ordinary statements of fact fail to establish a significant or important historical connection between the man's family home, other than it is where he lived. The home is intrinsically insignificant, there being many such homes across Melbourne, and the man as an architect is insignificant.

In earlier correspondence to Bayside City Council, dated 4th October it was pointed out that there is a central problem in the Study. A copy of that correspondence has been previously tabled in full for the public record. In the [REDACTED] opinion, the problem is fatal to the argument mounted by GJM. Further, it is their contention that the problem is such that their home should have been immediately ruled out of consideration once it became known. This should have been when the consultants found that 'desktop research could not determine the details of the career or work of architect John Kirk.'⁸ Here, Harwood Andrews, Part A Submission on behalf of Bayside City Council to Planning Panels Victoria, Bayside Planning Scheme, Amendment C192bays, dated 12 February 2023, p.20.

⁶ Ibid, pp.537-538.

⁷ Ibid, pp. 531-532.

⁸ Ibid, p.532.

⁹ Harwood Andrews, Part A Submission on behalf of Bayside City Council to Planning Panels Victoria, Bayside Planning Scheme, Amendment C192bays, dated 12 February 2023, p.20.

Criterion H and to reflect recent alterations to the property'.¹⁰ Council goes on to state that 'GJM have recommended that the place be retained in the Heritage Overlay but that the Citation and SoS be amended to delete Criterion H and reflect recent alterations, citing that: **due to new information provided, 82 Reserve Road, Beaumaris, no longer meets the threshold of Criterion H.**'¹¹

Criterion H addresses the special association with the life or works of a person, or group of persons, of importance in our history (associative significance), it has nothing to do with the changes that have occurred to the property since the Parry's bought it. Running these two things together with a conjunction (the word and) and without explanation as to why Criterion H is proposed to be deleted is poor at best. The fact is, both Council and GJM should have been acutely aware of the words in the Study. **The words concerned are GJM's words, they are not new, and they do not present new information.**

However, the words go directly to the lack of a record of John Kirk's career in architecture and his architectural work. These words should have removed the attempt in the Study to link John Kirk to other architects of renown in the sub class 'Architect's Own Residences' and **compare** the Parry's home to the work of these other architects and their homes. However, that is where John Kirk now sits in the Study for comparative purposes, as does his home, being compared to the other architects who produced a body of work of substance, with examples in Bayside and other Local Government Areas. To make matters worse, Ms Schmeder recommended that....John Kirk's association with Bayside would be better reflected in Criterion A, rather than Criterion H. ¹²

Criterion A requires the assessment of a **place**, to establish its importance to the course or pattern of our cultural or natural history (historical significance). With respect, there is no logic in Ms Schmeder's recommendation. John Kirk's association with Bayside was that he lived in Beaumaris for 61 years, and designed and lived in his home or place, as the word place is used in the context of PPN1. This is not noteworthy; it is **not important**, and it does not make the place any more significant than it is found. This applies to many other homes not included in the study. In fact, this approach now devalues the place and the essence of the Study which is to identify and protect homes which are of local significance.

What has now been established is the fact that an architect of no standing built an ordinary home and lived in it. When John Kirk's home is compared with homes designed and lived in by the Modernist architects already named, in the 'Architect's Own Residences', these being architects of repute, the home definitely fails to establish a threshold of historical significance. No matter where John Kirk's name is now placed in the Study or Citation, his work, the Parry's home is in no way sensibly comparable to the work of the other named architects. To take this issue to its logical conclusion, Council, GJM and Ms Schmeder have all come to the inescapable conclusion that the evidence to support John Kirk's association with Criterion H was flawed and, it being GJM's evidence, it had to be removed without losing the connection to all the other homes that architects of standing **designed and then lived in.**

The Study cites key features of the Parry's home in four dot points. The first of these is 'siting to maximise the northern aspect'.¹³ The Parry's home is on a corner block on the southern side of Victor St and the eastern side of Reserve Rd. Its north longitudinal side faces onto Victor St, (the side shown in the photo in the Study) with the front of the home and front door facing towards Reserve Rd. All the other homes on the southern side of Victor St are also oriented on their blocks to maximise the solar benefits of the sun as it moves from east to west. Most also enjoy the views out over tennis

¹⁰ Ibid, p.20

¹¹ Ibid, Delegates Response, no page numbering.

¹² Ibid.

¹³ City of Bayside, Post-War Modern Residential Heritage Study, (Final Report July 2022) Volume 3, p.532.

courts, sporting fields or remnant scrub, other than for those at the eastern end of the street. The fact of the homes northerly orientation is neither unusual nor significant in Bayside or elsewhere in Melbourne. Most homes built on east-west streets are oriented in this direction enjoying the solar benefits of the sun as it transits from east to west.

It is the description of the home that the [REDACTED] find most troubling. It is a generic description that establishes that their home was designed using Modern principles. That makes it one of thousands of homes built to a similar design, a design that was simple to build but too often used substandard material by today's standards, evidence the asbestos roof on the [REDACTED] home that must be attended to. It is also far too small and does not offer the [REDACTED]'s family the room they need now or into the future, as set out in earlier correspondence. To be frank, it is a poor example of a modernist home when compared to others referred to in the Study in the sub-class 'Architect's Own Residences'. It is also poor when compared to other homes that can easily be found in Black Rock, Beaumaris and in other Local Government Areas. There are also other statements made that invite comparisons. Shallow pitched gable roof with broad eaves, expansive timber-framed windows (**not really compared to other homes**), and prominent integrated carport (**no longer the case**). These are features that can be found in most Modern homes throughout Bayside and elsewhere, but stating these things does not make the [REDACTED] home important because of them. Rather, it just makes their home insignificant in the comparative analysis with the homes referenced as Architect's Own Residences, considering the homes themselves and each architect's body of work.¹⁴ This all goes back to the earlier point. John Kirk has been included with a group of renown architects, e.g., 'in addition to Godsell House, there are a small number of other substantially intact and well-resolved examples of architect's own residences not currently included in the Heritage Overlay,'¹⁵ Not only is this disappointing because John Kirk has no standing and no demonstrable portfolio of work but, trying to link him to Godsell is a bridge too far.

An examination of the claim in the Study that a number of 'architect's own residences are not currently included in the Heritage Overlay has produced the following.'¹⁶ The detail is provided in the written submission (set out below) **but it won't be read out**.

Five of the six homes all have Interim Heritage Overlays. Of the five remaining homes, the last three, including Council's properties that sit outside the Study await the Minister's decision re Bayside's voluntary listing initiative.

Of the six homes in question –

Two are covered by an IHO, these being:

19 Olympic Av Cheltenham, Patrick House HO849*, (Expiry date - 11/10/2024) and

53 Scott St Beaumaris, Atkins House, HO816*, (Expiry date - 11/10/2024).

One was removed by resolution of Council, this being:

18 Hume Street, Beaumaris

Three properties have been offered for voluntary listing, these being:

29 Scott St Beaumaris, Bricknell House HO781* (Expiry date - 30/11/2022).

10 Valmont Av, Beaumaris, Lyon House, HO782* (Expiry date - 30/11/2022) and

33 Clonmore St Beaumaris, Rendell House, HO775*(Expiry date - 30/11/2022).

¹⁴ City of Bayside, Post-War Modern Residential Heritage Study, (Final Report July 2022) Volume 3, p. 532

¹⁵ Ibid, pp.537-538.

¹⁶ Ibid, p.538.

Criterion

Accepting the intention to delete Criterion H, there are three Criterion now set out in the Study, these being Criterion A, D, & E.

In **Criterion A**, the Study suggests that 'Kirk House makes a **strong contribution** to this important phase in the development of the municipality, (that being) post-war suburban development in the City of Bayside... (and that it) **clearly illustrates** this important phase of development in Beaumaris.'¹⁷

The use of the adjective 'strong' in relation to the importance of the property to the course or pattern of our cultural or natural history invites an immediate comparison with the homes produced by the sub-group 'Architect's Own Residences'. There is also the work of others, whether they are mentioned in the Study, or the earlier study completed by Heritage Alliance in 2008.¹⁸ At best the [REDACTED] home makes a weak and insignificant contribution by comparison to all the others. Further, the home does not evidence a level of experimentation with Modern design principles and or new construction techniques. It is just one of the thousands of homes built in the immediate post war period. It is more clearly able to be observed as a modest and **insignificant** home, built to meet the immediate needs of a small, young family. By comparison with the other architects in the sub-class 'Architect's Own Residences', John Kirk's home fails to provide a strong contribution in satisfaction of Criterion A.

As has been pointed out extensively in this submission, John Kirk has made a negligible and insignificant contribution to the history and heritage of Bayside. The one house he designed is not rare in design, nor does it make a material historical or heritage contribution to the development of Bayside. Rather, it is immaterial in both its historical contribution as well as its heritage contribution when compared to the homes designed by other architects in the sub-class Architect's Own Residences' or other homes still standing which have not been included in the Study. Some of these more clearly illustrate the Post War phase of Modern development in Bayside and other Local Government Areas.

In relation to **Criterion D**, it addresses the importance in demonstrating the principal characteristics of a class of cultural or natural places or environments. The Study calls up a set of characteristics in relation to 82 Reserve Rd that are repeated in numerous Modern homes across Bayside and in other LGAs. If these characteristics were treated as greatly important, highly important, important, less important or not important, with the number of observable characteristics determining the ranking, it would be possible to rank the principal characteristics as found at 82 Reserve Rd with the properties designed by the sub class of architects as Architect's Own Residences. However, a further ranking of the quality of each characteristic, (using quality as an adjective – like a quality player) and comparing the quality of each characteristic against other homes in the same sub class produces a fairer and more objective result than producing a list that applies to thousands of Modern homes in Melbourne and elsewhere. In this case, using the foregoing approach, whilst 82 Reserve Rd demonstrates 'a range of characteristics,' the list provided in the Study does not address completeness against a fulsome list, nor does it provide a basis to enable an objective comparison to the homes of the other architects in the sub-class Architect's Own Residences'. However, if quality is considered in relation to a complete list of characteristics and judged by an architect and by the eye, by a member of the public such as me, the characteristics found in the homes of the other architects in the sub class Architect's Own Residences are of a higher quality compared to the quality presented at 82 Reserve Rd. At best, 82 Reserve Rd demonstrates some of the principal characteristics of a Modern home but in a poor form compared to others. Collectively, what is demonstrated by the [REDACTED] home is something that is less than important. Their home is insignificant by comparison, and it is not sufficient to attain the requisite threshold of significance in comparison to the other homes in the 'Architect's Own Residences'.

¹⁷ Ibid, p. 539.

¹⁸ City of Bayside Inter-War & Post-War Heritage Study (May 2008).

In relation to **Criterion E**, which deals with the importance in exhibiting particular aesthetic characteristics, it is possible to rank properties considering their aesthetic appeal. As aesthetic appeal relates to characterises that determine whether the beholder regards something as beautiful or not, this to can be objectively considered to arrive at a determination. In the case of 82 Reserve Rd, the Study has confused the aesthetic properties of a home with terms such as well resolved and carefully detailed. These may be terms used by architects but well resolved has no common English meaning other than in the sense that a person may be firmly determined to do something (resolved). The absence of definitions as is normally found in the law (Acts and Regulations) is one of the deficiencies in PPN1 which should be addressed forthwith.

Careful detailing may contribute to the beauty all can see in architecture but there is little to no detailing in the [REDACTED] home, other than what they have tried to add. Much of what they had to do was to secure their place to provide a safe environment for their three children and stop people trespassing on their property.

To establish the aesthetic appeal of a home is to ask the question, is the home eye catching, does it have street appeal, does it have a wow factor, is it likely that a member of the public would want to look at the home compared to other homes. Once again, it is possible to compare the homes of the other architects in the sub-class 'Architect's Own Residences' with the [REDACTED] home. All the other homes in the sub-class 'Architect's Own Residences' are better representations of a Modern home, and all present genuine aesthetic appeal. All of these homes are more polished than 82 Reserve Rd and better than typical whereas the [REDACTED] home is not. It, when compared to these other homes is only workmanlike in its fabric and form and it is not functional for a larger modern family. Judged against its peers in the sub-class Architect's Own Residences, it is not better than typical whereas the other homes are. It is not unique or unusual and it is not remarkable. The [REDACTED]'s home at 82 Reserve Rd is not beautiful, it has no aesthetic appeal. It has therefore not satisfied the threshold of significance required to support this Criterion.

[REDACTED] did not read out or extemporise in relation to Criterion H as he and the [REDACTED] accepted that Criterion H is to be deleted from the Study and the draft Citation]

Criterion H requires the Study to produce a special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

The issues associated with this Criterion as it relates to John Kirk have been extensively addressed beforehand. However, it is possible to rank a person's body of work over their lifetime. The total of a person's work in a particular field can be counted objectively, often being used in resumes. Comparisons can also be made between the individual outputs of each architect and between architects to produce a meaningful score. It is therefore unhelpful to suggest that because the home was designed by John Kirk as his own residence, and that he was a local architect and long-time Beaumaris resident, that this somehow establishes a special association with John's life or his works. The study has produced one property, 82 Reserve Rd as the only example of John's work. Specifically, the study states, 'desktop research could not determine the details of the career or work of architect John Kirk.' This finding is confirmed. To provide some objectivity to this Criterion, John's work can therefore only be compared to the other architects in the sub-class 'Architect's Own Residences'. In the absence of a body of work there is a demonstrable comparative failure considering other architects of note and the importance of their body of work, considering history as well as heritage.

Given the foregoing, 82 Reserve Rd is not worthy of a HO. It is therefore requested that the Planning Pannel recommends to Bayside City Council that the property, 82 Reserve Rd, the [REDACTED] home is withdrawn from the amendment to the Bayside Planning Scheme, C192bays.

Thank you.