

**Former Invergowrie Lodge  
8 Palmer Place, Hawthorn**

**Heritage Council Registrations Committee**

**DECISION OF THE HERITAGE COUNCIL**

After considering the Executive Director's recommendation and submissions received, pursuant to Sections 42(1)(a) and 54 of the *Heritage Act 1995*, the Heritage Council has determined to amend item H0517, Former Invergowrie Lodge, in the Victorian Heritage Register by including additional land in the registration.

**Andrew May (Chair)  
Leigh Mackay  
Robin Crocker**

**Decision Date – 23 June 2017**

## **SUBMISSIONS**

### **Executive Director, Heritage Victoria**

Written submissions were received from the Executive Director, Heritage Victoria ('the Executive Director').

### **Owner**

Written submissions were received from Mr Graham Goudie, the owner of Invergowrie Lodge, ('the Owner').

### **Boroondara City Council**

Written submissions were received from Boroondara City Council ('Boroondara').

## INTRODUCTION

### The Place

- 1 The Former Invergowrie Lodge at 8 Palmer Place, Hawthorn ('the Place') is a building constructed of bluestone with a roof of scalloped slates with carved bargeboards to the gables and is located on Lot 1 on Plan of Subdivision 413738.
- 2 The registration of the Place was gazetted in May 1982 under the *Historic Buildings Act* 1974. The legislation at the time restricted the gazettal to buildings and did not include land under or surrounding the building. All places gazetted under the *Historic Buildings Act* 1974 were transferred to the Victorian Heritage Register ('the Register') with the commencement of the *Heritage Act* 1995 ('the Act').
- 3 The Place is included in the Register as a heritage place of architectural and historical significance to the State of Victoria. The Statement of Significance for the Place identifies the Former Invergowrie Lodge, and no other structures, as being of significance in the registration of the Place. The following is taken from the Statement of Cultural Heritage Significance ('Statement of Significance') for the Place:

*'Why is it significant?'*

*The former Invergowrie Lodge is of historic and architectural significance to the State of Victoria. It was constructed between 1861 and 1871 as a gatehouse to Sir James Palmer's Estate Burwood, later known as Invergowrie. The building was erected at a new entry to the estate formed after the excavation of Burwood Road following the construction of the Hawthorn Bridge in 1861. The building is constructed of thickly rendered bluestone with a roof of scalloped slates, with carved bargeboards to the gables. The former Invergowrie Lodge is of historic importance because of its association with Sir James Palmer and his Burwood estate. The former lodge is also historically important in illustrating the size of Palmer's original estate prior to its subdivision and creation of the St James Estate by the second owner of Burwood, the theatrical entrepreneur George Coppin. The former Invergowrie Lodge is architecturally important in exhibiting fine Gothic detailing to the roof and chimneys, and for its picturesque plan and form.'*

- 4 The Place, as described above, was originally registered as a building only and was located on a single cadastral block that was subsequently (in 2000) subdivided into three separate lots as follows:
  - Lot 1 at 8 Palmer Place ('Lot 1')
  - Lot 2 at 2 Coppin Gove ('Lot 2')
  - Lot 3 at 6 Palmer Place ('Lot 3').

Lots 1, 2 and 3 all include buildings or parts of buildings, but only Lot 1 includes the Place as originally registered.

## **Recommendation of the Executive Director**

- 5 On 16 September 2016, the Executive Director recommended that the entry in the Register for the Place (H0517) be amended ('the Recommendation') in accordance with s54 of the Act through the addition of land defined as Lot 1 on Plan of Subdivision 413738. The Recommendation was advertised for 60 days.
- 6 The Executive Director's stated reasons for the proposed amendment were:  
*'The registration of the Former Invergowrie Lodge, which was gazetted in May 1982, requires updating because no land is registered. No land was able to be registered under the Historic Buildings Act until 1982. For places added before that time, only the buildings are included in the registration, not the land on which they sit or an appropriate curtilage. Places registered since 1982 include both buildings and land. Early registrations are currently being updated to reflect this change.'*

## **Submission in response to the Recommendation and request for further information**

- 7 One submission from Boroondara pursuant to s38(1) of the Act was received by the Heritage Council in response to the Recommendation. Boroondara did not request that a hearing be held in relation to the Place.
- 8 Pursuant to s41(5) of the Act, a Heritage Council Registrations Committee ('the Committee') was constituted which invited and considered further written submissions from relevant parties, including the Owner, in relation to the Place and the Recommendation.

## **ISSUES**

- 9 The following section is not intended to be a complete record of submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position the Committee takes on each issue.
- 10 Any reference to Criteria refers to the 'Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance' (see **Attachment 1**).

## **Summary of issues raised in relation to extent of registration**

### *Submissions and evidence*

- 11 In his Recommendation, the Executive Director recommended that the Place be amended in the Register through the addition of land within the boundary of Lot 1 defined as Lot 1 on Plan of Subdivision 413738. In response to Boroondara's s38 submission in particular, the Executive Director proposed a revised extent of registration ('the proposed revised extent') which included all of Lot 1 and part of Lot 2 on Plan of Subdivision 413738 (see Attachment 2). The proposed revised extent included all of Lot 1 and part of Lot 2 described as 'All land within the cadastral boundaries of Lot 2 within

5 metres from the former Invergowrie Lodge to the south east, south west and south, but not including any fabric of the building at 2 Coppin Grove’.

- 12 In response to the Recommendation, Boroondara submitted that the recommended extent on the southern side of the Place was too narrow and that a larger extent of registration, incorporating a portion of the land at Lot 2, would be more appropriate for the conservation and management of the Place.
- 13 The Owner submitted that he was supportive of the Executive Director’s initial recommended extent of registration, to include all of the land at Lot 1. The Owner was not supportive of the proposed revised extent incorporating part of Lot 2 and submitted that the curtilage contemplated by the proposed revised extent would be ‘ineffective’ because of existing fences which are located close to the Place and the way in which this existing fencing limits the ability to appreciate the Place.

*Discussion and conclusion*

- 14 The Committee notes the Owner’s submissions in relation to existing fences and viewlines to the Place. The Committee also notes, however, the submission in reply made by the Executive Director which explains that it is not uncommon for similar fencing to obscure parts of heritage places and that the existing fences are potentially moveable and subject to change. The Committee further notes the submission of the Owner preferring the original recommended extent of registration and the submission of Boroondara arguing for an additional area of curtilage to the south of the Place.
- 15 The Committee is of the general view that the registration of appropriate areas of land to act as curtilage to buildings on the Register greatly assists in the protection and conservation of their cultural heritage significance to the State, which is one of the main purposes of the Act. The Committee also notes that the registration of additional land as curtilage surrounding a building does not necessarily preclude work within that broader registered extent, rather it makes that additional area subject to the heritage permit process under the Act. The Committee notes in addition that the presence of cadastral boundaries, including where there are different ownership and planning considerations, should not necessarily be determinative of the registered extent of a heritage place.
- 16 In the present case the Committee considers the amendment of the Place in the Register by the addition of land to be entirely appropriate. The distance of 5 metres from the registered building’s fabric is not excessive yet does effectively and appropriately provide for the protection and conservation of the Place in its context. The Committee agrees in this respect with the submissions of the Executive Director and with his proposed revised extent, and considers that the extent proposed by the Recommendation was insufficient in terms of an appropriate curtilage for the Place. The Committee also notes the Owner’s submissions relating to different types of fabric within the proposed revised extent but notes in response that it does

not consider it appropriate to include only certain fabric within an area of curtilage. Rather, the revised extent of registration causes all land and fabric within the area of curtilage to be subject to the heritage permit process under the Act.

- 17 The Committee notes that submissions were made that referred to the relationship between the Boroondara Planning Scheme over time and the Place. The Committee appreciates that parties to this hearing have views about local government planning matters relating to the Place and the history of planning matters relating to the Place. The Committee also notes that there was substantial agreement between the Executive Director and Boroondara in relation to planning scheme amendments in the vicinity of the Place and notes that it appears from these submissions that an appropriate outcome would be facilitated. The role of the Committee, however, is to determine the cultural heritage significance of the Place in its current state and the appropriate extent of registration for it. Submissions made relating to planning scheme matters have been considered by the Committee to the extent that it was necessary to reach its decision.
- 18 The Committee determines that the inclusion of additional land in the registration of the Place is necessary for its conservation and management and agrees with the Executive Director that the proposed revised extent of registration is apt as curtilage that allows for the improved conservation, management and interpretation of the Place.

## CONCLUSION

- 19 The Committee determines, in accordance with ss42(1)(a) and 54(1) of the *Heritage Act 1995*, to amend the registration of the Former Invergowrie Lodge in the Victorian Heritage Register to include additional land described as all of Lot 1 and part of Lot 2 on Plan of Subdivision 413738 (see **Attachment 2**).
- 20 The amended extent of registration takes the form detailed and described in Attachment 2.
- 21 In response to the Owner's submissions in relation to the registration of the Place, the Committee also makes one amendment to the Statement of Cultural Heritage Significance for the Place to note that the original dwelling is constructed both of thickly rendered bluestone and brick (see **Attachment 2**).

## ATTACHMENT 1

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

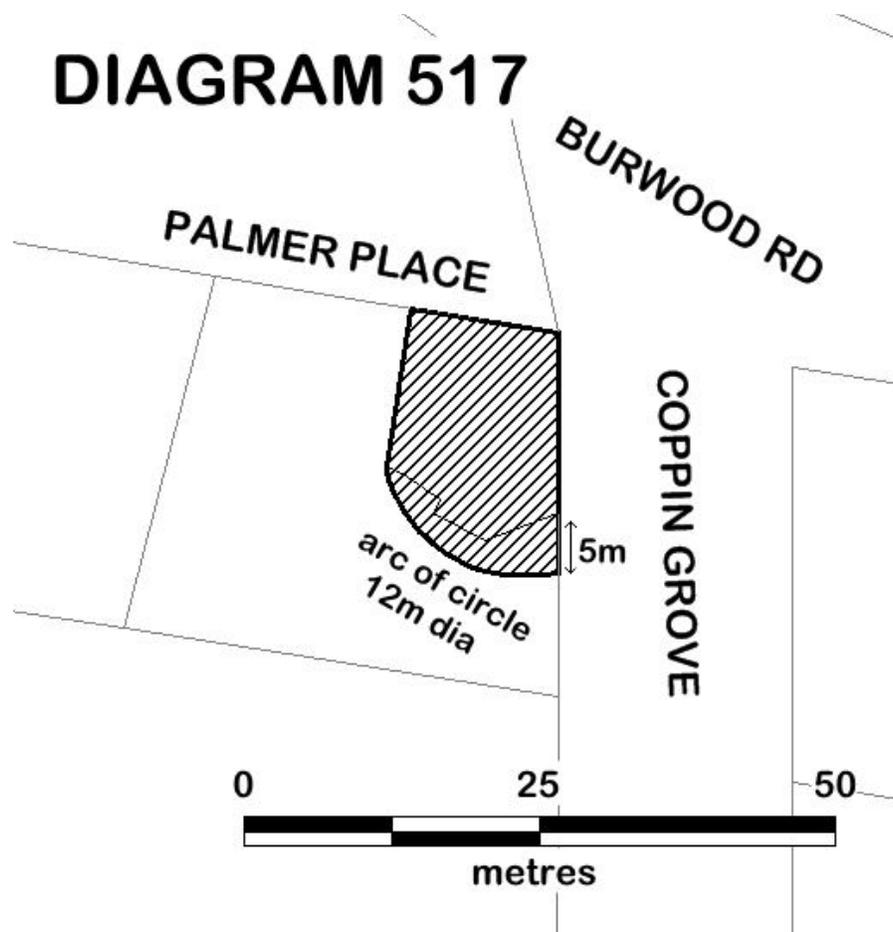
CRITERION A	Importance to the course, or pattern, of Victoria's cultural history
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION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

**These were adopted by the Heritage Council at its meeting on 7 August 2008, and replace the previous criteria adopted by the Heritage Council on 6 March 1997.**

## ATTACHMENT 2

### EXTENT OF REGISTRATION

All of the place shown hatched on Diagram 517 encompassing all of Lot 1 and part of Lot 2 on Plan of Subdivision 413738.



The extent of registration of the Former Invergowrie Lodge on the Victorian Heritage Register affects the whole place shown on Diagram 517 including the land, all buildings (exterior and interior), trees, landscape elements and other features.

## AERIAL PHOTO OF LAND TO BE ADDED



## STATEMENT OF CULTURAL HERITAGE SIGNIFICANCE

### *What is significant?*

The former Invergowrie Lodge was constructed between 1861 and 1871 as a gatehouse to Sir James Palmer's Estate Burwood, later known as Invergowrie. The building was erected at a new entry to the estate formed after the excavation of Burwood Road following the construction of the Hawthorn Bridge in 1861. The building is constructed of thickly rendered bluestone and brick with a roof of scalloped slates, with carved bargeboards to the gables.

### *How is it significant?*

The former Invergowrie Lodge is of historic and architectural significance to the State of Victoria.

### *Why is it significant?*

The former Invergowrie Lodge is of historic importance because of its association with Sir James Palmer and his Burwood estate. The former lodge is also historically important in illustrating the size of Palmer's original estate prior to its subdivision and creation of the St James Estate by the second owner of Burwood, the theatrical entrepreneur George Coppin. The former Invergowrie Lodge is architecturally important in exhibiting fine Gothic detailing to the roof and chimneys, and for its picturesque plan and form.