

## **Heritage Council Regulatory Committee**

**Little Milton, 26 Albany Road, Toorak, Stonnington  
City (H1738) [P38409]**

**‘On the papers’ determination**

**Members – Ms Margaret Baird (Chair), Mr David Hogg, Ms Ruth Redden**

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

After considering all submissions received in relation to the permit review and after conducting a Directions Hearing, the Heritage Council has determined, pursuant to section 108(7)(c) of the *Heritage Act 2017*, to set aside the determination under review and make another determination in substitution for it, by amending the conditions of permit P38409.

**Ms Margaret Baird (Chair)  
Mr David Hogg  
Ms Ruth Redden**

**Decision Date – 28 October 2024**

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## INTERESTED PARTIES

### **EXECUTIVE DIRECTOR, HERITAGE VICTORIA ('THE EXECUTIVE DIRECTOR')**

On 2 May 2024 the Executive Director determined to issue a permit in relation to permit application number P38409. During the permit review proceeding the Executive Director was represented at the Directions Hearing by Ms Nicola Stairmand, Manager Statutory Approvals and Dr Jessica Hood, Principal Heritage Permits. The Executive Director filed material in relation to the review proceedings and responded to the Committee's requests for further information.

### **WEN CHEN AND XU YANG ('THE PERMIT APPLICANT/OWNER')**

The Owner engaged Bryce Raworth Pty Ltd to prepare the permit application material and submitted the permit application in December 2023. The Owner's permit review request was made by Mr Jun Yu, Senior Associate, Best Hooper Lawyers. The Owner was also represented at the Directions Hearing by Best Hooper Lawyers.

### **CITY OF STONNINGTON**

The City of Stonnington is the responsible authority for the area in which Little Milton is situated. Pursuant to section 100 of the *Heritage Act 2017*, the Executive Director provided a copy of the permit application to the City of Stonnington and invited a written submission. The City of Stonnington provided a submission and was notified of the permit review request. The City of Stonnington advised that it supported retention of Condition 5 of the permit but did not wish to participate further in the proceeding.

## INTRODUCTION / BACKGROUND

### THE PERMIT REVIEW

01. This proceeding is a review of a determination by the Executive Director to issue, subject to conditions, a permit in relation to application number **P38409** ('the Permit'), pursuant to section 101(1)(a) of the *Heritage Act 2017* ('the Act').
02. On 2 May 2024 the Executive Director issued, pursuant to section 102 of the Act a permit allowing for the following works:  
*Internal and external works including partial demolition, construction and landscaping works and the construction of a single-storey pavilion in the rear yard, generally in accordance with the following documents:*
  - *Architectural Drawing Set, Alta Architecture Pty Ltd (no date [2023])*
  - *Landscape Drawing, Eckersley Garden Architecture (10 October 2023)*
03. On 3 June 2024 the permit applicant (who is also the Owner of the Place) requested a review of Condition 5 and Condition 6 of the Permit pursuant to section 106(2) of the Act. The Applicant submitted in their request that aspects of Condition 5 are 'unreasonable and unnecessary' and that other aspects are 'unclear and open to interpretation'. In relation to Condition 6 the Applicant also submitted that aspects were 'unreasonable and unnecessary' and that a landscape plan prepared by Eckersley Garden Architecture submitted to the Executive Director as part of the application should have satisfied the requirements of Condition 6.
04. The Applicant submitted that the 'proposed buildings and works to Little Milton... will not adversely affect the culture [sic] heritage significance of Little Milton'.
05. The Applicant requested that the Heritage Council conduct a hearing into the Review.

### THE COMMITTEE

06. Following receipt of the request to review the Permit, a Regulatory Committee ('the Committee') of the Heritage Council was duly constituted to consider the request and conduct a hearing.

### THE PLACE

07. Little Milton ('the Place') was built in 1926 in the Old English/Arts and Crafts style by Muriel Stott (1889–1985). It was included in the Heritage Register by notice in the Government Gazette on 20 August 1998. It is described in the Heritage Impact Statement as follows:  
*The house was designed in an English Domestic Revival/Arts and Crafts style and is predominantly double-storey with a single story service wing and garage on the northern end. It has picturesque gabled and hipped roof clad in terracotta shingles and punctuated by tall, brick chimneys with pairs shafts and terracotta pots. External walls are rendered with a (presumably original) ochre coloured wash, and clinker brick accents. Windows are typically steel framed casements with lead light glazing in a simple grid pattern.*
08. The residential Old English/Arts and Crafts style building is surrounded by landscape originally designed by Edna Walling (1895–1973). Walling is described in the Statement of Significance for the Place as 'the most celebrated landscape designer of the era'. The Statement of Significance notes that the landscape includes 'extensive use of red brick paving' and that 'there is a timber pergola which is about half its original length and in poor physical condition. Apart from mature larger trees, some of which predate the house, the garden planting has not survived.'

09. The Heritage Impact Statement completed by Bryce Raworth Conservation and Heritage (December 2023) states that ‘little remains of the Edna Walling garden design apart from the brick paths to the west and south sides of the house and the brick pond, also to the south of the property.’
10. The extent of registration for the Place is shown in Diagram 608230 held by the Executive Director (**Attachment 1**). The extent of registration comprises all of the buildings or structures marked as follows on Diagram 608230: the house, gate, timber paling fence to Albany Road and Whernside Avenue, brick paths and steps, brick pond, timber pergola and rock wall, and all of the land described in Certificate of Title Volume 9189 Folios 909 and 910.

## CULTURAL HERITAGE SIGNIFICANCE OF THE PLACE

11. The Statement of Cultural Heritage Significance for the Place is as follows:

### **What is significant?**

*Little Milton was built in 1926 on two allotments subdivided from the former Whernside estate. The house was designed in the Old English/Arts and Crafts style by Muriel Stott (1889-1985), in association with the architectural firm Stephenson and Meldrum, for the Moran family who were prominent in the grocery business. It is claimed that Stott, whose family conducted a business college, modelled the house on Great Milton, a large residence in the Cotswolds. She had previously designed Rainbow End (1918) in Olinda for the Morans, who were family friends. Little Milton was her largest commission and her last work in Australia before she emigrated to South Africa. The two storeyed house is of brick with ochred stucco. The roof is tiled. There is an attached garage to the north which forms an integral part of the design. The landscape design is by Edna Walling and features the extensive use of red brick paving. There is a timber pergola which is about half its original length and in poor physical condition. Apart from mature larger trees, some of which predate the house, the garden planting has not survived.*

### **How is it significant?**

*Little Milton is of architectural, historical and social significance to the State of Victoria.*

### **Why is it significant?**

*Little Milton is of architectural significance as an outstanding example of an Old English/Art and Crafts style, inter-war mansion. Its massing and detailing are skilfully executed and the house sits comfortably in its landscaped environs, although, perhaps unusually, it makes no attempt to capitalise on its corner siting; instead it sits rather demurely behind a high, but open, timber paling fence screened by relatively dense perimeter planting. The house is the most important work of architect Muriel Millicent Stott who was one of only a handful of women architects working in Melbourne in the 1920s. It is also architecturally significant for its surviving landscape elements by Edna Walling the most celebrated landscape designer of the era. Little Milton is historically significant for its fifty year association with the Moran family of the famous grocery firm Moran and Cato. It is socially significant as an outstanding example of an inter war mansion which typified the breaking up of the large 19th century Toorak estates such as Whernside. It is also of social interest in that, unusually for the time, its architecture and landscape design were executed by women.*

## THE PERMIT APPLICATION

12. On 1 December 2023 the Owner applied to the Executive Director for a permit to undertake works to the Place.
13. The works proposed in the permit application were summarised as:

*Internal and external partial demolition, construction and landscaping works and the construction of a single-storey pavilion in the rear yard.*

14. Specifically, the works proposed in the permit application included:

Pavilion

- Construction of a contemporary single-storey pavilion (with a flat roof and glazed walls) to the northern end of the 2009 tennis court.
- Enclose the stairs to the below-ground swimming pool and garage with a flat roofed, rendered wall structure.
- Convert the northern half of the 2009 garage into living quarters.

House and Garage

- Reinstate the original garage door and convert the garage into living quarters.
  - Demolish the modern sliding glass doors to the north elevation and part of the adjoining wall, and replace with new glazed doors, detailed to reference the original leadlight windows.
  - Convert the ground floor loggia and first floor balcony into sunrooms with openings enclosed by single pane glazing.
  - Remove the external spiral staircase and associated first floor door opening to the south elevation and make good.
  - Replace all modern carpets and light fittings.
  - Refit non-original kitchen and bathrooms, including ensuite.
  - Demolish some internal walls, joinery, floor coverings to first floor bedrooms.
  - Install new ensuites to first floor bedrooms.
  - Demolish non-original steel-framed French doors to east elevation in main bedroom and replace with bi-fold doors.
  - Demolish non original cabinetry and reinstate original window seat to west elevation in main bedroom.
15. As indicated earlier, pursuant to section 100 of the Act, the Executive Director provided a copy of the application to the City of Stonnington and invited written submissions. As the responsible authority for the area in which the Place is situated, the City of Stonnington submitted that:

*It is understood that the proposal comprises landscaping, minor works to the existing 'Little Milton' building and the construction of a pavilion at the rear (east side) of the site. The registered place adjoins a locally significant place subject to a Heritage Overlay Control (No. 28 Albany Road, Toorak to the north).*

*Given the nature of the proposed works, and the location of the pavilion structure towards the rear, they will not be highly visible in the context of the adjoining locally significant place at No. 28 Albany Road. The proposed works are not considered to impact the locally significant building.*

*Council accordingly has no objection to the proposal.*

## **SECTION 95 SUBMISSION**

16. Pursuant to section 94 of the Act the Executive Director caused notice that the permit application was to be publicly displayed. One submission was received pursuant to section 95 of the Act.

17. The submission noted 'serious concerns' based on the advertised drawings and stated that 'this proposed structure [the pavilion] is over scaled, too high, and will become not only highly visible but block aspects of view from 28 Albany Road and surrounding properties.'
18. The submission also requested that the 'materials used on the Pavilion and Stair enclosure be re-specified to be more sympathetic and respectful of the existing building fabric' and requested protection measures for all existing trees along the northern boundary.
19. The Applicant was asked to respond to the submission and stated that the submitters' concern in relation to the height of the pavilion is an amenity issue and does not warrant consideration under the Act. The Applicant also responded that the pavilion is a modestly scaled structure that is 'visually subservient to the heritage building'. In the Applicant's view the materiality of the pavilion and stair enclosure does not compete for attention with the heritage building and that both the pavilion and stair enclosure will be 'experienced within the context of a much improved landscape setting... evocative of a cottage garden and complimentary to the interwar character of the house'.
20. The Permit Officer's report noted that the section 95 submitter's property, located at 28 Albany Road, Toorak, is subject to a Heritage Overlay and therefore section 101(3)(a)(ii) of the Act is applicable. However, the Permit Officer stated in their report that the proposed pavilion would not visually harm the heritage values of the adjoining property.
21. The Permit Officer's report also stated that the trees to the northern boundary of the Place are not recognised as heritage trees so retention or replanting on the boundary is not considered essential for maintaining the heritage values of the Place.

## **DETERMINATION OF THE EXECUTIVE DIRECTOR**

22. On 2 May 2024 the Executive Director determined to issue a permit for the following reasons:
  - *While the proposal involves a significant change to the interiors of Little Milton and some changes to the setting of the rear garden, the works have been appropriately and sensitively designed to reduce impact to the cultural heritage significance of the place.*
  - *A permit condition is included for the retention of architectural detailing, including the first-floor Tudor arch and all original joinery (including wardrobes and window seats) to retain more heritage fabric in the proposal, mitigating the significant changes proposed internally.*
  - *Removal of intrusive elements and reinstatement of original features is a good heritage outcome.*
  - *Significant elements including remnant surviving Edna Walling garden features, the Muriel Stott house exterior and the principal ground floor rooms, staircase and first floor landing would be largely untouched by the proposed works.*
  - *A permit condition is included to require an arborist's report as a condition to ensure that no significant plantings are impacted by the proposed works.*
23. The Executive Director recommended that the permit be issued subject to conditions.



## PRELIMINARY AND PROCEDURAL MATTERS

### DIRECTIONS HEARING AND CONSENT ORDERS

24. The Committee conducted a Directions Hearing on 30 July 2024 via videoconference using the Microsoft Teams platform.
25. The following people participated in the Directions Hearing:
  - Mr John Cicero, Partner, Best Hooper Lawyers (representing the Applicant/Owner)
  - Mr Jun Yu, Senior Associate, Best Hooper Lawyers (representing the Applicant/Owner)
  - Ms Nicola Stairmand, Manager Statutory Approvals (representing the Executive Director)
  - Dr Jessica Hood, Principal Heritage Permits (representing the Executive Director)
  - Ms Amanda Johns, Solicitor, Planning & Property Partners (representing the section 95 submitter).
26. During the Directions Hearing the Committee received submissions in relation to the standing of the section 95 submitter. This included hearing from the submitters' representative as to their specific interest and concerns, which were not focused on matters relevant under the Act. This was consistent with views expressed by the Executive Director and Applicant.
27. The Committee determined that the section 95 submitter would not be joined as a party/ies to the proceeding or permitted to make a written submission. The Committee's reasons for its ruling were that the submitter had no real and substantial interest in the Place, and their concerns were primarily to amenity rather than the impact of the proposed works on the cultural heritage significance of the Place.
28. Following the Directions Hearing, the Committee sent directions to all parties and requested that the Executive Director and Applicant confer on the conditions in dispute (Condition 5 and Condition 6), and subsequently advise the Committee whether after meeting, some or all of the conditions remained in dispute. The Committee also tentatively scheduled a hearing for 9 October 2024. Parties were advised of the date in the Committee's directions.
29. The Executive Director and Applicant complied with the Committee's directions and met on 16 August 2024. The Applicant provided the Committee with a response on 30 August 2024. The response included proposed consent orders, amended permit conditions, including a version with changes tracked.

### REQUESTS FOR ADDITIONAL INFORMATION

30. Following receipt of the requested consent orders, the Committee made three separate requests for further information in relation to the consent orders and plans referred to in those orders.
31. The Committee's requests for further information are summarised further below.
32. On 30 August 2024, in response to receipt of the consent orders, the Committee requested the Applicant provide the plans referred to in those orders, titled:
  - first floor demolition plan (drawing no.ID-F1.01); and
  - first floor fitout plan (drawing no. ID-F1.02), DND Studio (26 August 2024).
33. To assist its consideration of the consent orders, on 3 September 2024 the Committee requested the Applicant and Executive Director provide the following information:

- a summary outlining the changes of revised scope of works (to be supplied by the Applicant); and
  - a brief explanation of the revised conditions and the intent of the revisions (to be supplied by the Executive Director).
- 34.** Following receipt of the plans referred to in the consent orders on 17 September 2024, the Committee asked parties to confirm whether those plans were to be taken to be 'amended plans'. The Committee advised that while no formal request to submit amended plans had been made, it would allow the plans submitted to be taken to be 'amended plans'. Neither party objected to the submission of amended plans.
- 35.** In its request of 17 September 2024, the Committee also asked the Applicant and Executive Director to consider inclusion of an additional condition referring to the expertise of those tasked with preparing plans for the Executive Director's approval. The Committee suggested that it might be appropriate to consider inclusion of a condition typical of the below in the permit:
- A suitably experienced heritage conservation architect and landscape architect approved in writing by the Executive Director Heritage Victoria, must be engaged by the permit holder to advise and assist as necessary with the preparation of the documentation where any intervention to built fabric and Edna Walling hard and soft landscape elements of heritage significance is involved, and to provide relevant conservation advice to the permit holder during the carrying out of approved works.*
- 36.** The Executive Director and Applicant responded to each of the Committee's requests within the allocated timeframe.
- 37.** The Committee was satisfied with the responses to its requests, and on 25 September 2024 advised all parties that the hearing originally scheduled for 9 October 2024 was no longer required. Hearing submissions and submissions in reply were not sought or received.
- 38.** The Committee considered whether to conduct a site inspection and determined in this circumstance that a site inspection was not necessary, given the level of detail in the consent orders and further information provided by both parties.

## SUMMARY OF CONDITIONS IN DISPUTE

- 39.** The conditions in the permit issued on 2 May 2024 (**P38409**) that were the subject of this review are Condition 5 and Condition 6.

### Condition 5

- 40.** The requirements of Condition 5 were originally set out in the permit as follows:
- Prior to the commencement of any of the works approved by this permit a construction ready (marked as such) architectural set of drawings must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the drawings will be endorsed and will then form part of the permit. The architectural drawing set must be revised to show:*
- *Retention of the original floor surface to the ground floor sunroom.*
  - *Retention of the original arch to the first floor hallway.*
  - *Retention of all original joinery, including wardrobes and window seats.*
  - *Reconstruction of the window seat to the main bedroom, to the original design drawings.*
- 41.** The Applicant objected to Condition 5, submitting that the requirements were 'unreasonable and unnecessary'.



42. Following the Directions Hearing, the Executive Director submitted that the primary intent of Condition 5 and Condition 6 was to clarify the documentation submitted with the permit application and to reflect discussions with the Applicant's heritage consultant prior to issuing the permit.
43. In response to the Committee's directions, the Permit Officer and Applicant met on site on 16 August 2024 (the Committee was not in attendance). Following that meeting, the Applicant provided amended conditions to the Committee and set out consent orders for the Committee's consideration.
44. When asked to provide an explanation of the revised conditions the Executive Director advised that when on-site, the Applicant's heritage consultant provided additional information which confirmed original and non-original material. The Permit Officer was satisfied with the consultant's advice.
45. The Applicant also provided amended architectural drawings indicating elements of the interior that would be retained. Elements include the original arch to the first floor hallway, original joinery including wardrobes and window seats with a minor change to the wardrobes in the proposed rumpus. The additional architectural drawings also established that the window seat in the main bedroom would be reconstructed to the original design drawings.
46. The Applicant provided the Committee with a statement of changes outlining the difference between the original and amended architectural drawings.
47. The Permit Officer was satisfied with the amended architectural drawings and referenced those drawings in the preamble to the permit.

#### **Condition 6**

48. The requirements of Condition 6 were originally set out as follows:

*Prior to the commencement of any of the works approved by this permit, a construction ready (marked as such) set of landscape drawings must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the drawings will be endorsed and will then form part of the permit. The landscape drawings must be revised to show:*

- *Tree removal plan, including arborist report on each tree proposed for removal.*
- *Planting plan consistent with the landscape character type of the garden, including use of Edna Walling signature plants.*
- *Retention of any Edna Walling associated hard and soft landscaping.*

49. Condition 6 was also altered by the Executive Director to include further detail about what is required in the tree removal plan and planting plan.
50. In addition to including more detail about the requirements of the condition, the wording in relation to the Edna Walling hard and soft landscaping was amended. The condition included 'retention of any Edna Walling associated hard and soft landscaping', which was amended to 'identification of any original hard and soft landscape elements designed by Edna Walling, and their retention where possible.'
51. The Executive Director was satisfied that the revised Condition 6 does not alter the requirements of the original condition.
52. In relation to the additional condition suggested by the Committee (see paragraph 35 above), the Executive Director submitted that it would be 'uncommon for this type of condition to be included in a permit for works of this scale'. The Executive Director considered that 'the documentation required as part of other conditions is sufficient to ensure the protection of any existing heritage fabric'.

53. The Applicant agreed with the Executive Director, submitting that such a condition would 'impose additional financial burdens on the Applicant to comply with the permit'. The Applicant also submitted that the architectural, landscape and other drawings/plans required to be submitted to the Executive Director for approval prior to any works, ensures the protection of any existing heritage fabric and provides an adequate level of documentation for the proposed works.

## COMMITTEE DISCUSSION

54. The Committee has been assisted by the cooperation of the Executive Director and Applicant. The Committee thanks both parties for their responsiveness throughout the proceedings.
55. Before detailing its determination, the Committee wishes to highlight the historical, social and architectural importance of the Place. The Committee notes that the place is an underrepresented example of the work of a 20<sup>th</sup> century female architect and that it is 'the most important work of architect Muriel Millicent Stott...one of only a handful of women architects working in Melbourne in the 1920s.'
56. The Committee acknowledges the careful consideration the Executive Director has given to the impact of the works on the Place. Nonetheless the Committee wishes to record that if significant fabric is lost throughout the duration of these works, there would be fewer – potentially no – other examples of the work of 20<sup>th</sup> century female architects in the Heritage Register.
57. The Committee has accepted the amended plans as the basis for its determination.
58. The Committee refers to its suggested additional condition (see paragraph 35) and notes that the Executive Director and Applicant agreed that a condition of that nature is not necessary. While there may have been scope to include elements of the Committee's suggestion within Condition 5 and Condition 6, the Committee finds that it is not necessary to do so in these circumstances.
59. The Committee agrees that the proposed amended conditions should be included in the permit as put forward by the Executive Director and Applicant (**Attachment 2**). However, the Committee makes the following observations in relation to the amended permit conditions:
- The Committee has considered the amended architectural drawings/plans and acknowledges that these include more detail about which fabric is to be retained or removed, and whether fabric/features are original or not.
  - Both the original and amended Condition 5 provide that prior to the commencement of the works a construction ready set of architectural drawings must be submitted to the Executive Director for approval.
  - Both the original and amended Condition 6 provide that prior to the commencement of works a construction ready set of landscape drawings must be submitted to the Executive Director for approval.
  - Having regard to the State-level significance of the Place particularly noting the original fabric and any original landscape elements, it is the Committee's view that the level of details on the architectural and landscape drawings will be important to ensure conservation of significant fabric.
  - The Executive Director's letter to the Committee of 9 September 2024 confirms that the architectural plans submitted for approval pursuant to Condition 5 will be reviewed to confirm they comply with the revised requirements.
  - Additionally, the Committee acknowledges that the amendments to Condition 6 require the Applicant to provide evidence, material or advice if any remnant Edna

Walling landscape is identified. The Committee notes that upon receipt of any material the Executive Director will need to be satisfied as to the retention of any remnant landscape.

60. The Committee encourages the Applicant to ensure that any construction plans provided to the Executive Director for approval confirm precise details of the works and notes the desirability of ongoing heritage advice throughout the duration of works. Ongoing heritage advice would benefit both the Executive Director and Applicant to ensure an outcome that protects the significance of the Place.
61. The Committee agrees to the amended Condition 5 and Condition 6 and determines that the issued permit should be amended by the Executive Director to include those Conditions as set out in **Attachment 2**.

## CONCLUSION

After considering all submissions received in relation to the permit review and after conducting a Directions Hearing, the Heritage Council has determined, pursuant to section 108(7)(c) of the *Heritage Act 2017*, to set aside the determination under review and make another determination in substitution for it, by amending the conditions of permit P38409.

## ATTACHMENT 1

The extent of registration for VHR 1738 is:

1. All of the buildings or structures marked as follows on Diagram 608230 held by the Executive Director: B1 (house), B2 (gate), B3 (timber paling fence to Albany Road and Whernside Avenue), B4 (brick paths and steps), B5 (brick pond), B6 (timber pergola), B7 (rock wall).
2. All of the land marked L-1 on Diagram 608230 held by the Executive Director being all of the land described in Certificate of Title Volume 9189 Folios 909 and 910. Dated 13 August 1998.

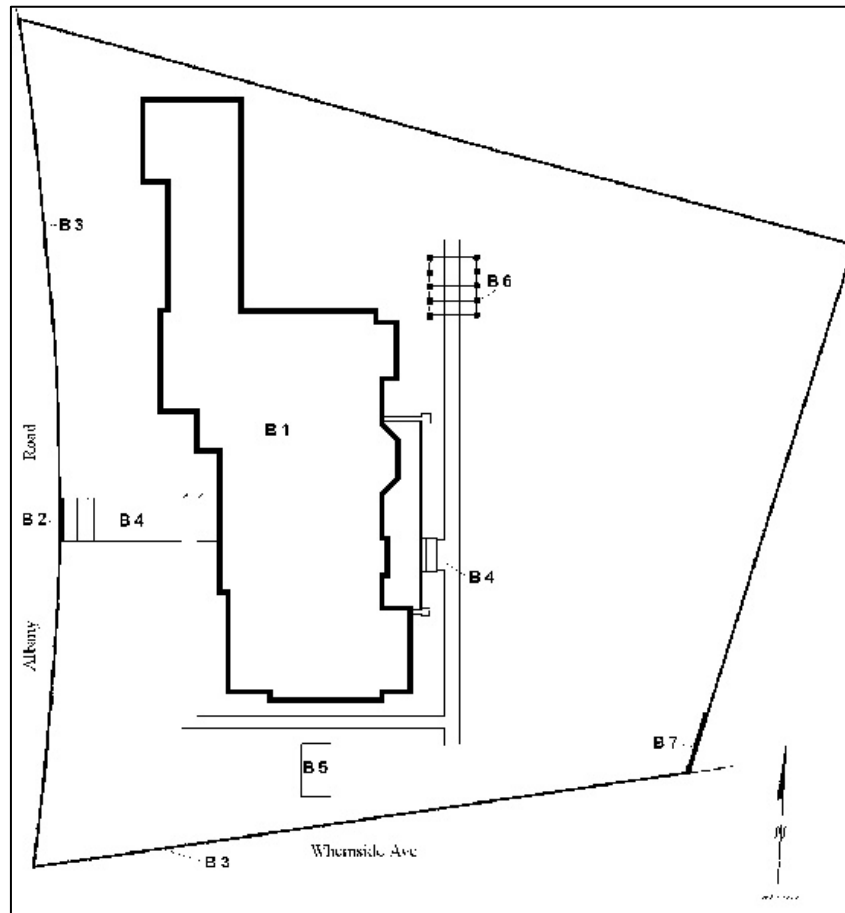


Diagram 608230

## ATTACHMENT 2

**Permit No:** P34809

**Applicant:** DND Studio, Lok Zhao, 405 Riversdale Road, Hawthorn East VIC 3123

**The Permit allows:**

Internal and external works including partial demolition, construction and landscaping works and the construction of a single-storey pavilion in the rear yard, generally in accordance with the following documents:

- Architectural Drawing Set, Alta Architecture Pty Ltd (no date [2023]) incorporating the changes shown on the first floor demolition plan (drawing no.ID-F1.01) and the first floor fitout plan (drawing no. ID-F1.02), DND Studio (26 August 2024)
- Landscape Drawing, Eckersley Garden Architecture (10 October 2023)

**The following conditions apply to this Permit:**

1. The permission granted for this permit will expire if one of the following circumstances applies: the permitted works have not commenced within two (2) years of the original date of issue of this permit, or are not completed within four (4) years of the original date of issue of this permit. Commencement of the permit begins with onsite physical works.
2. The Executive Director Heritage Victoria is to be given five working days' notice of the intention to commence the approved works.
3. Should further minor changes in accordance with the intent and approach of the endorsed documentation become necessary, correspondence and supporting documentation must be prepared and lodged in accordance with the permit condition for endorsement by the Executive Director Heritage Victoria. If the Executive Director considers that the changes are not minor, an amendment to the permit or a new application will be required.
4. Prior to the commencement of any of the works approved by this permit, a Heritage Protection Plan must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the Heritage Protection Plan will be endorsed and will then form part of the permit. The Heritage Protection Plan must include a sequencing program for the approved works, details of any temporary infrastructure and services required, protection methods for the heritage place during the undertaking of the works, a work site layout plan and a tree/vegetation management and protection plan prepared in accordance with AS4970 Protection of trees on development sites.
5. Prior to the commencement of any of the works approved by this permit a construction ready (marked as such) architectural set of drawings must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the drawings will be endorsed and will then form part of the permit.
6. Prior to the commencement of any of the works approved by this permit, a construction ready (marked as such) set of landscape drawings must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the drawings will be endorsed and will then form part of the permit. The landscape drawings must be revised to show:
  - Tree removal plan, including an arborist report on each tree proposed for removal. The arborist report must address how impacts on original trees, including the fig tree in the front garden, can be avoided or minimised.

- A planting plan detailing the proposed plant species (botanical and common name), installation size, width and height at maturity, and plant numbers. The planting plan must include Edna Walling signature plants within the front gardens.
  - Identification of any original hard and soft landscape elements designed by Edna Walling, and their retention where possible.
7. Approved works or activities are to be planned and carried out in a manner which prevents damage to the registered place/object. However, if other previously hidden original or inaccessible details of the object or place are uncovered, any works that may affect such items must immediately cease. The Executive Director Heritage Victoria must be notified of the details immediately to enable Heritage Victoria representatives to inspect and record the items, and for discussion to take place on the possible retention of the items, or the issue of a modified approval.
  8. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
  9. The Executive Director Heritage Victoria must be informed when the approved works have been completed.
  10. The works approved by this permit must be carried out in their entirety unless otherwise agreed in writing by the Executive Director Heritage Victoria.

**NOTE THAT PERMISSION HAS BEEN GIVEN FOR INSPECTIONS OF THE PLACE OR OBJECT TO BE UNDERTAKEN DURING THE CARRYING OUT OF WORKS, AND WITHIN SIX (6) MONTHS OF NOTIFICATION OF THEIR COMPLETION.**

**TAKE NOTICE THAT ANY NATURAL PERSON WHO CARRIES OUT WORKS OR ACTIVITIES NOT IN ACCORDANCE WITH THE PERMIT OR CONDITIONS IS GUILTY OF AN OFFENCE AND LIABLE TO A PENALTY OF 120 PENALTY UNITS (\$22,190.40 FROM 1 JULY 2022) OR IN THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$110,952 FROM 1 JULY 2022) UNDER s104 THE HERITAGE ACT 2017.**

**WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF UP TO 4800 PENALTY UNITS (\$887,616 FROM 1 JULY 2022) FOR A NATURAL PERSON OR 5 YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,775,232 FROM 1 JULY 2022) IN THE CASE OF A BODY CORPORATE UNDER SECTION 87 OF THE HERITAGE ACT 2017.**

**THE ATTENTION OF THE OWNER AND/OR APPLICANT IS DRAWN TO THE NEED TO OBTAIN ALL OTHER RELEVANT PERMITS PRIOR TO THE COMMENCEMENT OF WORKS.**