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31 May 2024

Nicola Stairmand
Manager - Statutory Approvals
Heritage Victoria
GPO Box 2392
Melbourne VIC 3001

By Email: heritage.permits@delwp.vic.gov.au; [REDACTED]

Dear Nicola

Application P38761 (Application)
'Halstead' 23 Bambra Road & 67 Halstead Street, Caulfield North (Land)
Glen Eira City (HO450)

We act for Aaron and Vera Harris (**Applicants**) in relation to Application P38761 (**Application**) and refer to the Heritage Victoria (**HV**) Section 98¹ Request for Further Information (**RFI**) letter dated 26 February 2024.

The Application is for construction of a new vehicle crossover and circular driveway at 67 Halstead Street and associated landscape works, repairs to the Halstead Street boundary fence and removal of a tree.

In response to the RFI we are instructed to provide HV with the accompanying Heritage Impact Statement dated 29 May 2024 prepared by Robyn Riddett of Anthemion Consultancies and responses in the table below which address each of the items of the RFI.

Required Information	Response
Updated Heritage Impact Statement that is consistent with HV's Guidelines for preparing heritage impact statements (June 2021).	The Heritage Impact Statement dated 29 May 2024 prepared by Robyn Riddett of Anthemion Consultancies is consistent with HV guidelines.
Heritage Impact Statement Responses	
The Heritage Impact Statement for the proposed works should address: <ul style="list-style-type: none">the cultural heritage significance of Halstead	The Heritage Impact Statement sets out the cultural heritage significance of 'Halstead' and the matters related to the extent of registration, addresses options and impacts.

¹ of the *Heritage Act 2017 (the Act)*

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- matters related to the extent of registration
- what options were considered in developing the proposal
- matters raised at pre-application discussions
- what impact (positive and/or negative) the proposed works will have on the significance of the place
- if a negative impact is proposed, why the proposed option was chosen and why other more sympathetic options were not feasible, and
- what measures are proposed to minimise and mitigate negative impacts.

The Applicants also provide the following observations and background information:

- As at 3 May 1979 the Land known as 23 Bambra Road, Caulfield North comprised of 4 titles, being lots 1, 2, 3 and 4 on LP 129398N.
- On 29 August 1979, the historic building 'Halstead' was entered into the Victorian Heritage Register and given the VHR No. 450.
- The Victorian Heritage Database Report Historic Building No. 450 'Halstead' (**VHDR**) is located on its namesake Halstead Street and provides the Extent of Registration as being "to the extent of the total exterior of the house and tower, and land to the extent of the total house allotment".
- The house allotment is identified in the VHDR which at registration was more particularly described as Lot 2 on LP 129398N, being 67 Halstead Street.
- The title at 23 Bambra Road, being Lot 1 LP129398 is expressly excluded from the registration.
- The Applicants have been the caretakers of 'Halstead' since they acquired it in 1982 when the building was in a state of disrepair and uninhabitable. Significant restoration of the slate roof and interior was undertaken, and the garden landscaped to include the circular driveway.
- In May 2023, Heritage Victoria approved City of Glen Eira Planning Permit Application GE/PP-36037/2023 for consolidation of lots for Halstead. The consolidation of lots was considered a good heritage outcome for Halstead. The heritage building is now wholly contained on Lot 1 PS416790, still 67 Halstead Street.
- The Application will reinforce and provide direct vehicle and pedestrian access from Halstead Street to the heritage place, reinforcing Halstead's identity when viewed in the Halstead Street streetscape. The Application as

RIGBY COOKE LAWYERS

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	<p>proposed makes efficient use of the land and is the superior outcome moving forward, consistent with and reinforcing the earlier HV decision to allow land consolidation.</p> <ul style="list-style-type: none">• The reorientation of the driveway and crossover from Halstead Street ensures access is directly provided to the registered heritage place from its namesake street.• The Application is entirely consistent with the original 1979 titles at the time of registration of the heritage place and 2023 consolidation approved by HV.• The impact of the proposed works on the significance of the place will be entirely positive as it reinforces the location and setting of the building.
<p>Address s101(2)(b) of the Act regarding reasonable and economic use of the heritage place. In particular, it would be useful to understand why Halstead can no longer rely on the existing and historic vehicle crossover access from the non-registered land facing Bambra, and why access from Halstead Road is the only viable option for ongoing use of Halstead as a private residence.</p>	<p>A response to s101(2)(b) of the Act regarding reasonable and economic use of Halstead is included within the Heritage Impact Statement prepared by Robyn Riddett of Anthemion Consultancies.</p> <p>Additionally, the Applicant submits that the Application will consolidate the heritage place by providing direct vehicle and pedestrian access from the heritage buildings namesake Halstead Street reinforcing Halstead's identity when viewed from the Halstead Street streetscape, in particular the significant tower form will be more prominent.</p>

Should the information provided not be to the satisfaction of Heritage Victoria, please take this correspondence as a formal request to extend the RFI lapse date.

If you have any further queries, please do not hesitate to contact Reto Hofmann at rhofmann@rigbycooke.com.au or 9321 7889.

Yours faithfully



Rigby Cooke
Lawyers
Encl.

Heritage Permit Application P38761

**HALSTEAD
Nos. 23 Bambra Road & 63, 65, 67 & 69 Halstead Street
CAULFIELD NORTH**

Date: 29 May, 2024

Victorian Heritage Register Number: H0450

**Prepared for
Aaron (Ron) and Vera Harris**

**By
Robyn Riddett
Principal**

Anthemion Consultancies

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Halstead, Nos. 23 Bambra Road and 63, 65, 67 and 69 Halstead Street, Caulfield North (VHR H0450)

1.0 Introduction

1. I have been instructed by Rigby Cooke lawyers, who act on behalf of Aaron (Ron) and Vera Harris, owners of Halstead, to prepare Heritage Impact Statement (HIS) which addresses heritage aspects of the application for changes to the above site.
2. The application is for construction of a new vehicle crossover and a driveway from No. 67 Halstead Street and associated landscape works, repairs to the Halstead Street boundary fence and removal of a *Ficus macrocarpa* (Moreton Bay fig). The HIS is intended to form part of the permit application.
3. A meeting between Heritage Victoria officers and the applicant was held on site on 28 November, 2023. It is understood that this was effectively a pre-application meeting. No pre-application meeting number is to hand.

1.1 Site Location and Description

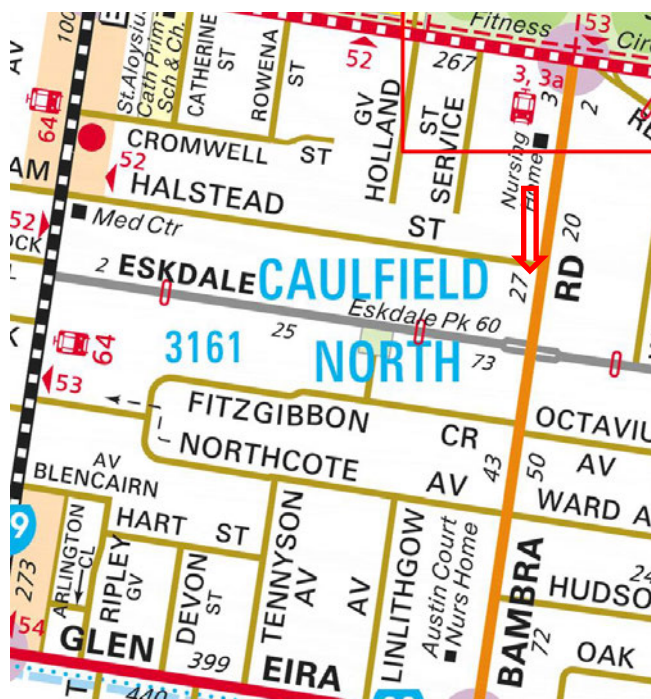


Figure 1 Location plan.

Source: Melways Online.

4. The site is located on the north-east corner of Bambra Road and Halstead
5. Street, Caulfield North. It fronts Bambra Road where there is a large garden area, containing various trees and plantings, paths and a pond, in front of the dwelling. Behind the dwelling is the original brick stables, a swimming pool in a small garden, a tennis court and another non-heritage dwelling. Access to the site is via a driveway off Bambra Road which is a busy road.

1.2 Existing Condition

6. The dwelling comprises the original single-storey component at the front, a tower element behind and abutting the north boundary and various additions at the rear. The original stables are a separate building behind the dwelling. Both buildings appear to be in good condition from the exterior.

1.3 Current use

7. The dwelling is currently used as a residence and the stables reportedly used as a home office.

1.4 Site Inspection

8. I have undertaken a site inspection the site for the preparation of this HIS.

1.5 Reference Materials

9. I have had regard to the following materials as relevant.

The *Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*, 2013.

Heritage Victoria. Letter to Ron Harris, dated 19/12/2023.

Heritage Victoria. *Guidelines for Preparing Heritage Impact Statements* (June 2021)

Heritage Victoria. *Guiding Principles for Change to Places in the Victorian Heritage Register*. 2021.

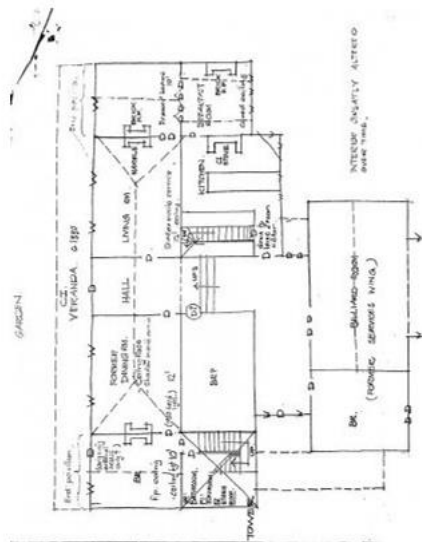
Tree Logic Pty Ltd. 23 Bambra Road, Caulfield North: Arboricultural Assessment and Report. 2024.

2.0 The Cultural Heritage Significance of Halstead

10. The cultural heritage significance of the place or object, includes its setting and any archaeological values or potential as per s.73(1)(a) of the Heritage Act.

2.1 Victorian Heritage Register

11. Halstead, is on land at No.67 Halstead Street, Caulfield North and **is** included on the *Victorian Heritage Register*, maintained by the Victorian Heritage Council, as H0450. It was registered on 29 August, 1979.
12. The existing *Victorian Heritage Register Statement of Significance*, last updated on 17 June, 1999 reads *viz.*:



h00450 h0450 plan a



h00450 h0450 plan b

[Note: the area which is on the VHR is indicated by the red line.]

Location

23 BAMBRA ROAD CAULFIELD NORTH, GLEN EIRA CITY

Municipality

GLEN EIRA CITY

Level of significance

Registered

Victorian Heritage Register (VHR) Number

H0450

Heritage Overlay Numbers

HO10

VHR Registration

August 29, 1979

Heritage Listing

Victorian Heritage Register

Statement of Significance

Statement of Significance

Last updated on - June 17, 1999

What is significant?

Halstead is believed to be the oldest standing residence in Caulfield constructed in 1857 with subsequent additions during the 19th Century. The house was built for and owned by James Dickson, a stock agent, until his death in 1880.

How is it significant?

Although on a much reduced parcel of land, Halstead is one of the few remaining remnants of Caulfield when it was an area of mansion houses occupied by town residing squatters, professional and business men. It is important for its place in the socio-economic history of south eastern suburban Melbourne, the inland pattern of development stretching from Malvern through Murrumbeena.

Why is it significant?

Architecturally the single storey building displays a history of alteration and addition. Its main front presents with a single storey cast iron veranda across the full width, including the two pavilion [sic.] wings at each end. Located towards the rear on the Halstead Street side is the substantial three storey tower with its Mansard roof and cast-iron balustrade which makes the house clearly visible from Halstead Street and Bambra Road. Because of internal alteration the importance of the building relates to the exterior only of the main house. Halstead is believed to be the oldest standing residence in the city of Caulfield.

Permit Exemptions

General Exemptions:

General exemptions apply to all places and objects included in the Victorian Heritage Register (VHR). General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the Heritage Act 2017.

Places of worship: In some circumstances, you can alter a place of worship to accommodate religious practices without a permit, but you must notify the Executive Director of Heritage Victoria before you start the works or activities at least 20 business days before the works or activities are to commence.

Subdivision/consolidation: Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the Planning and Environment Act 1987 and the application for the planning permit was referred to the Executive Director of Heritage Victoria as a determining referral authority, a permit is not required.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or

object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Construction dates 1857,
 Heritage Act Categories Registered place,
 Hermes Number 276
 Property Number

Extent of Registration

Historic Building No. 450 'Halstead', Halstead Street, Caulfield (to the extent of the total exterior of the house and tower, and land to the extent of the total house allotment). [Victoria Government Gazette No.73 - 29 August 1979 p.2711-2712]

2.2 Australian Heritage Database

13. "Halstead" 23 Bambra Road, Caulfield North was registered on 14/05/1991. The Place ID is 5757 and the Place File No. is 2/17/009/0017. This is a non-statutory database, formerly the Register of the National Estate and which was maintained by the then Australian Heritage Council.
14. The citation reads, viz.:


The screenshot shows the Australian Heritage Database entry for Halstead. The page is titled 'Place Details' and includes a 'Send Feedback' link. The location is 'Halstead, 23 Bambra Rd, Caulfield North, VIC, Australia'. There is a 'Photographs' section with a photo of the house. The 'List' section contains the following information:

List	Register of the National Estate (Non-statutory archive)
Class	Historic
Legal Status	Registered (14/05/1991)
Place ID	5757
Place File No	2/17/009/0017

The 'Statement of Significance' section states: 'Halstead is significant as one of the oldest mansions in Caulfield. It survives with a portion of its garden (Criterion B.2). The development of the house is associated with the gold induced expansion of the Caulfield area and the building of a large number of mansions in the area, firstly in the 1850s-60s and then in a second stage in the 1880s-90s (Criterion A.4). The prominent tower makes Halstead a landmark with considerable streetscape value (Criterion E.1)'. The 'Description' section states: 'The single storey residence called Halstead was erected by 1858 when records show a James Dickson as the owner of a brick house of six rooms, kitchen, servants' rooms, stables and outbuildings. The house is stucco faced and axially planned. It was styled in an early Victorian Italianate mode and was extended in the 1890s by the construction of a three storey tower with Mansard roof and iron railing widow's walk. By this time James Dickson had died and ownership of the property passed to George Dickson in 1880'. The 'History Not Available' section states: 'Halstead stands intact in a reduced but still impressive and mature garden setting. The interior has been substantially altered'. The 'Location' section states: '23 Bambra Road, corner Halstead Street, Caulfield North'. The 'Bibliography' section lists: 'NATIONAL TRUST OF AUSTRALIA (VICTORIA), FILE 3377. "RESEARCH INTO "HALSTEAD". DECEMBER 1978. INCLUDES DETAILED HISTORY AND BIBLIOGRAPHY. CITY OF CAULFIELD, RATE BOOKS, 1857-1864, 1887-1978. M.M.B.W. TOWN OF CAULFIELD, DETAIL PLAN NO. 2045, JULY 1911.'

2.3 Register of the National Trust of Australia (Victoria)

15. The Halstead House and Garden, 23 Bambra Road, Caulfield is classified at the State level. The File number is B3377. This is a non-statutory list.
16. The place citation in the *National Trust Register* reads, viz.:

Image	Name	Detail	File number	Level
	Halstead House & Garden 23 Bambra Road, CAULFIELD VIC 3162 - Property No B3377	A very pleasant single storey house with cast-iron front verandah trim and a substantial three storey tower with mansard roof. Classified: 19/07/1973 File notes 18/06/2012:G13086 (Halstead Garden) amalgamated & filed with B3377. Halstead Garden not classified.	B3377	State

17. The National Trust place citation in the *Victorian Heritage Database* reads., viz.:

Statement of Significance Last updated on

"Halstead" is regionally important as a surviving large villa from the early Victorian (1850's) period, offering insights into the lifestyles of the privileged in Caulfield at that time. The later tower is of architectural interest for its use of Medieval Romanesque enrichment.

Heritage Study/Consultant Glen Eira. Caulfield Conservation Study.
 Andrew Ward, Architectural Historian, 1994.

Other Names

Hermes Number 43545

Property Number

Physical Description 1

A single storeyed stuccoed villa with symmetrical east facing facade having a central hipped roof section with gable ended pavilions and timber posted verandah with cast iron frieze and spandrels across the facade. The gable ends are distinguished by oculi and finials and there are symmetrical chimney stacks. A two storeyed tower with attic floor is situated at the north-west corner of the main villa. It has a slate mansard roof with cast iron railing whilst the frieze, round arched openings and corner treatments of the stuccoed tower have Medieval Romanesque details. Physical Description 2 Integrity: Good, later additions at rear. Mature gardens facing Bambra Road

Physical Description 2

Condition [Sic.]: good

Historical Australian Themes

Caulfield as a location for Melbourne's gentry.

2.4 Glen Eira Planning Scheme

18. Halstead, No. 23 Bambra Road and 63, 65, 67 and 69 Halstead Street, Caulfield North is included in the Schedule to the Heritage Overlay as HO10. Prohibited uses are permitted. No tree controls apply.



Figure 2 The Heritage Overlay Map.

19. The relevant parts of the Glen Eira Planning Scheme which are applicable to this application are contained in Appendix A to this HIS.

3.0 Policy Framework Documents

20. The following documents should form the basis for decision-making in relation to heritage places, in this case a place on the *Victorian Heritage Register*.

3.1 Australia ICOMOS Burra Charter (2013)

21. The following are the relevant Articles to consider in this matter.

Article 1. Definitions

- 1.2 *Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, records, *related places* and *related objects*.

Places may have a range of values for different individuals or groups

- 1.12 *Setting* means the immediate and extended environment of a place that is part of or contributes to its *cultural significance* and distinctive character.

Article 8. Setting

Conservation requires the retention of an appropriate *setting*. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the *cultural significance* of the *place*.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Article 15. Change

- 15.1 Change may be necessary to retain cultural significance, but is undesirable where it reduces cultural significance. The amount of change to a place and its use should be guided by the cultural significance of the place and its appropriate interpretation. When change is being considered, including for a temporary use, a range of options should be explored to seek the option which minimises any reduction to its cultural significance. It may be appropriate to change a place where this reflects a change in cultural meanings or practices at the place, but the significance of the place should always be respected.
- 15.2 Changes which reduce cultural significance should be reversible, and be reversed when circumstances permit. Reversible changes should be considered temporary. Non-reversible change should only be used as a last resort and should not prevent future conservation action.
- 15.3 Demolition of significant fabric of a place is generally not acceptable. However, in some cases minor demolition may be appropriate as part of conservation. Removed significant fabric should be reinstated when circumstances permit.
- 15.4 The contributions of all aspects of cultural significance of a place should be respected. If a place includes fabric, uses, associations or meanings of different periods, or different aspects of cultural

significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

2 Article 22. New work

- 22.1 New work such as additions or other changes to the place may be acceptable where it respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation. New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.
- 22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the cultural significance of the place.

22. The Explanatory notes in some Articles have not been included above.

4.0 Heritage Victoria. *Guidelines for Preparing Heritage Impact Statements (June 2021)*

23. The following HIS has been prepared according to these *Guidelines*.

4.1 The Proposal

24. The proposed works comprise, *viz.*:

- a new vehicle crossover and driveway from 67 Halstead Street to service the dwelling;
- landscape works including a new circular driveway;
- tree removal, specifically a Moreton Bay Fig tree (*Ficus macrocarpa*) and

25. repair of external fencing.

New vehicle crossover and driveway

26. Presently vehicle access to the front part of the site, east of the dwelling, is via a curved and circular driveway from Bambra Road with its entrance in the south-east corner of Lot 1. West of the entrance, the driveway forks and encircles a small bed containing some trees, a grassed area and a pond. The driveway extends across the front of the dwelling terminating at the south-west corner where there is an attached garage.



Figure 3 The driveway from Bambra Road at the point where it forks left and right.



Figure 4 Detail of the gutters and surface of the existing driveway.

27. It is proposed to replace the existing asphalt driveway with a new asphalt driveway but in a different "circular" layout and now with vehicular and pedestrian access from Halstead Street. The existing fabric of the driveway (asphalt and brick edging) is not original, nor is the existing layout which appears to date from at least post 1911. I am instructed that the principal works to the existing driveway were undertaken by the owner shortly after purchasing in 1982.



Figure 5 The existing layout is shown on the Plan of Features and Levels "Halstead", prepared by Reeds Consultants 24/10/2023.

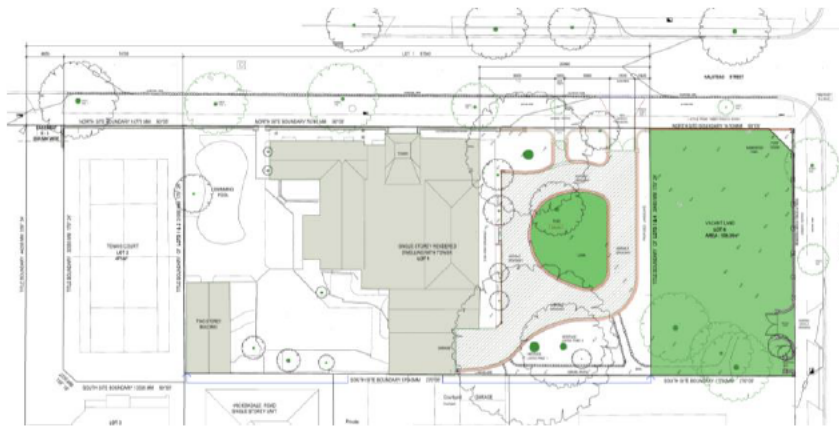


Figure 6 The proposed plan prepared by Andrew L Straube. Rev. C, 26/10/2023.

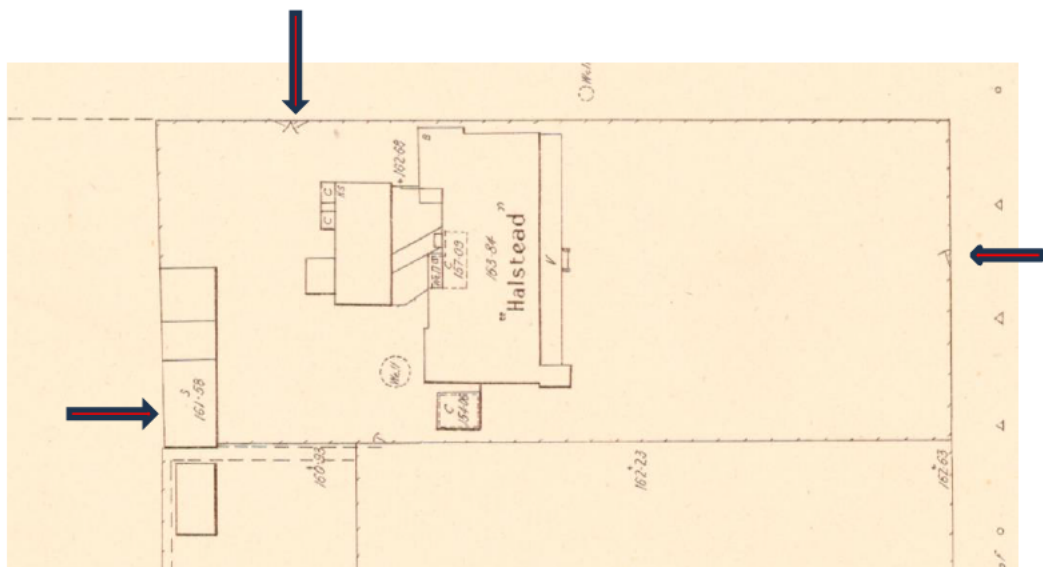


Figure 7 Melbourne and Metropolitan Board of Works Detail Plan 2045 Town of Caulfield. 1911.

28. The MMBW plan shows that at least up to 1911 a pedestrian entrance existed from Bambra Road, directly opposite the front steps and entrance to the dwelling, as did a vehicle entrance from Halstead Street which led to the stables in the south-west corner of the "home" (back yard) block. It is probable, given the location of the stables, that this was the original layout. In addition, the existing masonry fence along Bambra Road is also not original and appears to date from c.1920s-1940s. The existing driveway layout may date from this era which also coincides with the rise of the motor car and the burgeoning of garages.
29. The existing vehicle entrance from Bambra Road will be retained, but the actual driveway now on Lot 4 will be disconnected from the proposed driveway which will have a vehicle and a pedestrian entrance from Halstead Street. Within the site the driveway will be parallel to the west boundary of Lot 4 and will also encircle a central lawned area. On the west side it will run parallel to the façade of the dwelling, more or less as it does now, before terminating at the garage in the south-west corner of

the front garden. The camellias and other plantings in front of the verandah will be retained.



Figure 8 The camellias and other plantings in front of the verandah will be retained as will the small grassed area. Note the Ficus macrocarpa on the right.

30. In regard to the crossover and pedestrian entrance from Halstead Street are concerned, the public domain of Halstead Street has no heritage character in the immediate vicinity of the site and it is not included in the VHR registration. Any considerations here should not be based on heritage rather they should address streetscape presentation. In the immediate vicinity of the site in Halstead, there are several crossovers on the north side and the introduction of another crossover will have no impact on any heritage values of the Halstead curtilage, other than in relation to alterations to the existing side fence. In regard to the streetscape, I am advised that the actual crossover will necessitate the removal of one street tree – a eucalypt, one of a row but not of great age, which could be replaced with a similar or different species according to Council’s requirements.

31. I am advised that one reason for relocating the vehicle entrance is to have a safer entry/exit point from a side street which is less busy than Bambra Road. It also removes the entrance from the curtilage of Lot 4 which is not included in the extent of registration and provides the registered curtilage with direct access.

Landscape Works Including a New Circular Driveway

32. The driveway surface and edges will be constructed as per existing, which as noted above, are not original but which are nevertheless appropriate from a heritage perspective. I note that the paths and roads within the Royal Botanic Gardens site have a similar treatment. If necessary, a cross-section of the driveway construction could be provided by way of a permit condition, however, on the basis that the existing driveway is not original, in my opinion this should not be required.

33. Two trees indicated as being “heritage listed” on the Straube plan are to be retained. It is understood that these are an Oak (*Quercus sp.*) and a Kauri (*Agathis sp.*). No tree controls apply to the site as a consequence of the Heritage Overlay and no trees

on the site are included in the *Glen Eira Significant Tree Register*. It is assumed that “heritage listing” refers to the fact that these trees are within the registered VHR curtilage. (Refer to the discussion re Principle 3 below.) The camellias and plantings in the bed in front of the verandah will be retained.

34. Works other than for the construction of the driveway and crossover will be restricted to making good of any landscape, not necessarily with the same plantings, which is disturbed by site works. Reportedly the existing landscape is the work of the current owners, and noting that anything on Lot 1 is not within the registered curtilage.

Removal of a Moreton Bay Fig Tree (Ficus macrocarpa)

35. It is proposed to remove one *Ficus macrocarpa* on the basis that it is causing damage to the dwelling. (Refer to the *Tree Logic Arboricultural Assessment and Report*, para. 4.6). During the site inspection the owner reported that its roots were causing cracking to the structure, invasion of drains and pipes and flooding of a cellar. Two hairline cracks around a window at the west end of the façade were observed. Tree Logic observes this could also have been caused by structural movement. In any event, in my opinion, the *Ficus macrocarpa* is not a major element or a feature in the site’s landscape, and therefore in my opinion it has limited heritage value in itself or as part of the wider landscape. This weighed against the potential for damage to the dwelling, in my opinion the removal of the *Ficus macrocarpa* is acceptable as it will have no negative heritage consequences.



Figure 9 The *Ficus macrocarpa*.



Figure 10 The trunk of the Ficus macrocarpa.



Figure 11 Hairline crack reportedly caused by the Ficus macrocarpa.



Figure 12 Hairline crack reportedly caused by the Ficus macrocarpa.



Figure 13 The fence along Halstead Street which will have pedestrian and vehicle gates inserted in it, necessitating the removal of the eucalypt. The fence will otherwise be repaired.

36. There are no details of the proposed repairs to the Halstead Street boundary fence, however it is obvious from the street that trees have impacted on the fence structure, that some parts have rotted out and it is in need of repainting. My recommendations would be to clear away damaging vegetation, replace fence members and decorative elements where necessary with like elements and to repaint it in the existing colour (white).
37. It is not clear from the Straube plan how the proposed pedestrian and vehicle gates relate to the fence panels. First, the actual openings should be located in a manner which responds aesthetically to the dimensions and spacings of the framing and panels. Secondly, if possible removed sections of fence should be re-used as gates or new gates designed to match the existing fence. New gateposts would be acceptable. Details should be provided on a plan and in elevation to the satisfaction of Heritage Victoria and this could be the subject of a permit condition.

4.2 Assessment of the Proposal Against the Guidelines

Constraints and Opportunities Resulting from the Significance of the Place or Object

38. In summary, the assessed significance of Halstead relates to it being the oldest standing residence in Caulfield and one of the few remaining remnants of Caulfield when it was an area of mansion houses occupied by town residing wealthy citizens. It is also important for its place in the socio-economic history of south-eastern suburban Melbourne and the inland pattern of development. None of this will be affected in any way by the proposal.

39. Fabric identified as being significant includes the main front single storey cast iron veranda, the two pavilion wings at each end the substantial three storey tower which is a local landmark. None of these elements will be affected by the proposal, in fact the removal of the *Ficus macrocarpa* can be seen, *inter alia*, as a risk avoidance strategy and a positive opportunity for prevention of future damage to the dwelling.

Options Considered

40. The proposal is not such as there are other options to be considered other than do nothing. Given that the driveway layout is not original and is partly outside the registered curtilage, there should be no heritage reason to retain it as it is just because it is there at present. Change which is appropriate, as is the case here, is acceptable within the principles of the *Burra Charter*. Similarly given that the existing landscape is reportedly the work of the current owners and that there are no identified significant trees or plantings, changes to the landscape fabric as proposed are acceptable. Further, changes to the Halstead Street fence, which is also unlikely to be original i.e. dating from 1857, would be acceptable if they were aesthetically in-keeping with the design of the existing fence.

Information to Support an Assessment Against Sections 101(2) and 101(3) of the Heritage Act 2017

Impact of the proposal on the cultural heritage significance of the place or object

What will be the effect on the cultural heritage significance of the registered place or object if the proposal were to be approved [s101(2)(a)]?

41. As stated above, there will be no adverse or physical or aesthetic/visual/architectural impacts on the stated cultural heritage significance of the registered place, either its historical significance or identified significant fabric. However there will be a positive impact on the dwelling by removal of the *Ficus macrocarpa* to prevent future damage from this source to the dwelling and also the new driveway.

Reasons why the proposed works should be supported.

Reasons must address the matters which the Executive Director is to consider under s101(2) including:

What will be the effect on the reasonable or economic use of the registered place or object if the proposal were to be refused [s101(2)(b)]? Refer to Heritage Victoria's policy Reasonable or economic use: Relevant matters for the consideration of section 101(2)(b) of the Heritage Act 2017 when providing reasons for support of the proposal.

Reasons may address the matters which the Executive Director may consider under s101(3) including: Impacts on adjacent or neighbouring heritage places, or any other relevant matter. This should include assessment of the application against local government heritage policy.

42. The effect of the works will be benign in relation to physical access to parts of the property and should be supported for this reason. In addition it would not be unreasonable to provide a safer access to the property from Halstead Street compared with Bambra Road. The proposal is reasonable and should be supported also as there will be no effect on anything significant about the place.
43. There are no claims in the proposal with regard to any changes which would have any impact on economic use of the registered place
44. Insofar as the Heritage Overlay is concerned, the relevant Decision Guidelines at Cl. 43.01 are *viz.*:

- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural heritage significance of the place. (Cl. 43.01)*
 - *Any applicable heritage study and any applicable conservation policy. (Cl. 43.01)*
 - *Whether the location, bulk, form and appearance of the proposed building will adversely affect the significance of the heritage place. (Cl. 43.01)*
 - *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place. (Cl. 43.01)*
 - *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place. (Cl. 43.01)*
 - *Whether the proposed works will adversely affect the significance, character or appearance of the place.*
45. The proposal is completely in accord with the Decision Guidelines.
46. The Glen Eira Heritage Policy, insofar as it is relevant to this application is concerned, is contained in Appendix A to this HIS.
47. The Heritage Policy in Glen Eira contains Cl. 15.03-1S, which is the State Planning Policy Framework and which seeks to conserve heritage places. The relevant specific points have been canvassed already in this HIS and are not discussed again here. The *Burra Charter* is a Policy Guideline. The Local Planning Policy at Cl. 15.03-1L expands upon the State policy but in the local context. In this case, the policy specifically relating to Front Fences and Gates and Vegetation are relevant.
48. While the Halstead Street fence is not literally a front fence, it does extend for a good length along Halstead Street and the relevant policy is informative with regard to its treatment, *viz.*:
- Retain original fences and gates that contribute to the significance of the heritage place.
 - Design front fences and gates to allow views to the heritage place from the street.
49. The discussion above in this HIS regarding the fence treatment and gates is directed to achieving an outcome which is consistent with this policy.
50. With regard to vegetation, the policy requires, *inter alia*, that culturally significant trees in a heritage place should be retained unless they are causing structural damage to an existing structure and remedial measures (such as root barriers and pruning) are not possible. In this case the *Ficus macrocarpa* has been assessed as the likely cause of the damage to the dwelling and on this ground its removal is acceptable. In addition, and as noted above, there no trees on site which have been identified as being of cultural significance.
51. The eucalypt proposed to be removed from the Halstead Street streetscape is not covered by the Heritage Overlay. As it is on Council property, i.e. the nature strip, it would be up to the Glen Eira Council to permit its removal and replacement on grounds other than heritage.

52. With regard to development and garden infrastructure, the policy requires that development is to respect culturally significant trees and garden layouts and at a distance that ensures the retention of significant pathways and garden layouts in private gardens. The existing driveway layout and paths have not been identified as having any significance, moreover, it is clear that the existing driveway layout is not original and dates from post-1911 and probably from the c.1920-1940s.
53. The proposal is in accord with the relevant clauses of the Glen Eira Planning Scheme.

5.0 Principles for Considering Change to Places in the Victorian Heritage Register

54. In addition to the Guidelines for the Preparation of Heritage Impact Statements, Heritage Victoria has developed a set of principles to manage change to places on the *Victorian Heritage Register*.

“These principles provide guidance for considering change to a place in the Victorian Heritage Register in accordance with Part 5 of the Heritage Act 2017. They should be used to guide proposals ranging from conservation to new development. They replace earlier guidance published in September 2021.”.

Principles for managing change There are several best practice principles consistent with the Burra Charter that should be addressed when considering change to a place in the Victorian Heritage Register. While every place is different and every application is assessed on its own merits, the following principles are considered by Heritage Victoria when determining heritage permit applications and should also be considered by applicants.

Principle 1. Understand why the place is significant

The heritage values and physical characteristics of a place must be clearly understood and articulated before contemplating change. The statement of significance is a useful starting point, but a more thorough analysis is often required.

The Heritage Act describes cultural heritage significance as aesthetic, archaeological, architectural, cultural, historical, scientific or social significance. The Burra Charter similarly describes cultural significance as aesthetic, historic, scientific, social or spiritual values for past, present or future generations. These values will be embodied in the place itself, through buildings, objects, gardens and land; the physical and visual relationships between these elements and through the setting, views, orientation and patterns of use of the place.

Understanding and articulating this should be the starting point for considering change to a place. This will help to determine what level of change is acceptable, identify potential impacts and how they can be avoided or mitigated.

Sometimes significance can have an impact beyond the extent of a place and impact the heritage character of the city, suburb or regional town as a whole. If relevant, this wider area should also be a consideration of the proposal and subsequent assessment.

Principle 2. A cautious approach

In accordance with the Burra Charter, Heritage Victoria supports a cautious approach to change at places in the Victorian Heritage Register: do as much as necessary to care for a place and to make it useable, but otherwise change it as little as possible so that its significance is retained. As stated in Article 15, change may be necessary to retain cultural significance, but is undesirable

where it reduces cultural significance. The significance of a place should always be respected.

Principle 3. Protect significant settings and views

Places in the Victorian Heritage Register cannot be separated from their setting and often derive significance from it.

When a place is included in the Victorian Heritage Register, an extent of registration is determined. This is often the cadastral parcel but can also include land sufficient to maintain the setting as well as views to and from a place. It can also provide a buffer or 'breathing space' for the place. Everything in the extent of registration, including all built form (interior and exterior), vegetation, landscape features and archaeology is included in the Victorian Heritage Register unless explicitly excluded. The extent of registration also comprises all areas above (airspace) and below (sub-surface) a place. Approval from Heritage Victoria is required for change to any of these elements.

Land or airspace within the extent of registration should not automatically be considered as developable. Some places may only be able to sustain limited new development, while others may not be able to sustain any at all.

Before considering any type of change it is important to understand all elements of the place in the context of their setting including:

- The historical, visual and physical connections between the place and its setting.
- The historical, visual and physical relationships between elements of the place including buildings and landscape features, and how they all work together.
- The significance of the spaces between buildings and landscape features.

Major changes which have the potential to substantially impact the setting and views of a place include:

- Towers - multi-level tower proposals almost always have an adverse impact on the setting of a place. They often include cantilevering over a place to maximise floor plate size and can also visually overpower a place so that the heritage elements are reduced to secondary elements.
- Overdevelopment - this can occur when new buildings are proposed which occupy most of the land at a place. This can isolate and confuse historic and spatial links between heritage elements, and the understanding of a place.
- Subdivision - the subdivision of land into smaller parcels is not harmful on its own. However, subdivision usually precedes the selling of lots and the construction of new buildings. This has the potential to alter the context of a place, separate visual and historic relationships, obstruct views to and from a place and impact its holistic management.

Principle 4. Respectful change and new built form

Once an appropriate level of change has been established, consideration should be given to any new built form proposed as part of that change. The development of new built form should consider:

- Setting
- Scale
- Massing
- Setback
- Architectural style and expression

- Materials and finishes
- Structural and engineering capacity of the place
- Impacts of building code compliance, seismic strengthening and environmentally sustainable design requirements.

Inappropriate setting, scale or massing cannot be compensated for by architectural style, expression, materials and finishes. Any new built form should present as a well-designed companion building(s) which defers to the place. The presence of a place should not be diminished, and the emphasis should always remain on the heritage elements. New built form should:

- Be proportionate to other buildings and structures at a place. It should not dominate, challenge, disrupt or compete with the heritage elements.
- Reference the heritage elements of the place without replication or mimicry.
- Avoid highly contemporary design which is starkly different to the heritage elements.
- Avoid cantilevering or extending into airspace over the place.
- Retain important views to and from the place.
- Reflect the State level significance of the place through the quality of the new design, materials and finishes.
- Avoid demolition of heritage elements.
- Avoid the need to dismantle and reconstruct heritage elements.
- Avoid structural interventions that may harm heritage elements

55. As the economics of this proposal are not relevant Principle 5: Provide for upkeep, is not required to be addressed.
56. While these Principles focus on more major development than is proposed as part of this application, they provide a useful checklist regarding this application and its approach to the heritage conservation of the site. In my opinion there is nothing in the proposal which is contrary to the Principles.
57. The footnote references have not been included above.

6.0 Conclusions

58. I have considered the proposal within the framework of the *Burra Charter* and *Heritage Victoria Guidelines for preparing heritage impact statements made and published under s 19(1)(f) of the Heritage Act 2017 in June 2021 and Heritage Victoria's Principles, as relevant*. In doing so, the essential consideration under the Heritage Act [s 101(2)(a)] is viz.:

the extent to which the application, if approved, would affect the cultural heritage significance of the registered place or registered object;

59. The proposal is modest in terms of change to the heritage place. The existing driveway layout is not original and as such change to it can be contemplated. In any event it has not been identified as being significant of itself and only part of it is within the extent of VHR registered curtilage. The existing fabric of the driveway is not original but reportedly dates from 1982. What is proposed is the construction of a new driveway in a different plan form but in materials the same as existing. Where changes to the landscape are required, nothing of any significance in the garden has been identified as being significant. In any event the landscape will be made good after the works, probably using a different palette of planting. Where changes to the

Halsted Street fence are necessitated for access to and from the site for pedestrians and vehicles, a methodology has been recommended in this HIS and which can be the subject of a permit condition. The *Ficus macrocarpa* is proposed to be removed so as to obviate the risk of future damage to the dwelling caused by its roots.

60. The above work will have no impact on anything which has been identified as being significant in the Statement of Significance. The works will affect elements which are not original.
61. The proposal complies with heritage principles as espoused in the *Burra Charter* and is also in accord with best practice. The proposal also accords with Heritage Victoria's Principles for change and the relevant parts of the Glen Eira Planning Scheme related to heritage.
62. There is no heritage reason not to grant a heritage permit. Two conditions on a permit could be to document the nature of the driveway construction more clearly e.g. a cross section, and plans and elevations of the works proposed to the Halstead Street fence be provided.

State Planning Policy Framework

Clause 15 Built Environment and Heritage

Clause 15 Built Environment and Heritage states that, *viz*

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.

Planning should promote excellence in the built environment and create places that:

- Are enjoyable, engaging and comfortable to be in.
- Accommodate people of all abilities, ages and cultures.
- Contribute positively to local character and sense of place.
- Reflect the particular characteristics and cultural identity of the community.
- Enhance the function, amenity and safety of the public realm.

63. Under **Heritage Conservation** (Cl. 15.03-1S) the **Objective** is:

To ensure the conservation of places of heritage significance.

64. The **Strategies** which follow are:

Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

Provide for the protection of natural heritage sites and man-made resources.

Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.

Encourage appropriate development that respects places with identified heritage values.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements of a heritage place.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings where their use has become redundant.

Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

Policy guidelines

Consider as relevant:

- The findings and recommendations of the Victorian Heritage Council.
- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.

Local Planning Policy Framework (LPP)

Cl. 15.-03-1L-01 Heritage Conservation in Glen Eira

65. Included in Cl. 15.03-1L-01, as relevant to this application, are *viz.*:

Policy application

This policy applies to all land within the Heritage Overlay.

Strategies

General

Retain and protect individually significant buildings and contributory buildings as identified in the relevant Statement of Significance for the precinct.

Support development that is respectful of the existing scale, rhythm, massing, form and siting of significant and contributory buildings.

Protect the setting of those buildings that are surrounded by open space (including churches and schools).

Encourage contemporary design or a simplified interpretation of the architectural style of the existing building to ensure new fabric is distinguishable from original heritage fabric.

Support restoration or reconstruction of a building to a known original or early appearance only when there is historical evidence (photos or plans) to support it.

Support new buildings and works that:

- Maintain the prominence of the significant or contributory elements of the heritage place or precinct.
- Do not visually dominate the heritage building or streetscape.
- Avoid new openings in the principal façade or principal visible roof form.
- Avoid replica or mock heritage styles.
- Preserve principal view lines to significant and contributory buildings when viewed from the street.
- Use materials, colours, textures and finishes that reflect the heritage character of the place or precinct.

Front fences and gates

Retain original fences and gates that contribute to the significance of the heritage place.

Support the design, height and materials of a front fence to be sympathetic to the period of construction and architectural style of the heritage place.

Design front fences and gates to allow views to the heritage place from the street.

Vegetation

Retain culturally significant trees in a heritage place unless it is demonstrated:

- The trees have deteriorated due to old age or disease to a point where retention is unsafe.
- The trees are causing structural damage to an existing structure and remedial measures (such as root barriers and pruning) are not possible.

Site development to respect culturally significant trees and garden layouts at a distance that ensures:

- The ongoing health of the tree.
- The retention of the aesthetic, historic, scientific, social or spiritual value of the landscape.

Retain significant pathways and garden layouts in private gardens and public parks.