

# Heritage Impact Statement

Lot 2, 30 Margaret Drive, Bacchus Marsh

Permit Application

November 2024



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## 1.0 Introduction

The following assessment of heritage impacts has been prepared on behalf of the owner of the subject portion of vacant land at Lot 2, 30 Margaret Drive, Bacchus Marsh, which is located within the extent of registration of Millbank Homestead at 37 Grant Street (VHR H263). It concerns a revised proposal to construct a single-storey dwelling on the site.

By way of background, a permit application [P38100] was lodged with Heritage Victoria for the construction of a dwelling on the site on 1 March 2024. This office prepared a Heritage Impact Statement (HIS) in support of the initial scheme. Following dialogue with Heritage Victoria, the scheme has been extensively revised, with the original HIS updated to reflect the new proposal.

The report by Guy Murphy of Bryce Raworth Pty Ltd, comments on whether the revised scheme is appropriate in character and detail, and acceptable in terms of its impact upon the significance of the registered place. It is intended that this report be read in conjunction with the drawings by Quality Home Design, the arboricultural impact assessment prepared by Treetec (dated 28 October 2024) and other documentation submitted with respect to this application.

## 2.0 Methodology

This heritage impact statement has been prepared with regard for the *Burra Charter* and its guidelines, as amended in 2013, and in general accordance with Heritage Victoria's guidelines for preparing heritage impact statements (June 2021). It seeks to respond to several key matters that are set out on page 3 of that document:

- *Why a place or object is of cultural heritage significance to the State of Victoria*
- *What options were considered in developing the proposal*
- *What impact (positive and/or negative) the proposed works will have on that significance,*
- *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.*

### 3.0 Sources of Information

The analysis below draws upon site visits and a review of the *Victorian Heritage Register* documentation for the registered components of the subject site. It also draws upon the following additional sources.

- *Victorian Heritage Database*, <https://vhd.heritagecouncil.vic.gov.au>
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (2013)*, Australia ICOMOS Incorporated Internal Council on Monuments and Sites.
- *Bacchus Marsh Heritage Study*, report prepared by Richard Peterson and Daniel Catrice for the Shire of Bacchus Marsh and the Historic Buildings Council, 1995.
- *Technical Bulletin 8.1 Fences & Gates c.1840-1925*, National Trust, 1988.
- Historic newspapers (various), accessed via Trove Online, <https://trove.nla.gov.au>
- Millbank Homestead (VHR H263) File, Heritage Victoria.
- Bacchus Marsh and District Historical Society, archival and photographic collections.
- Historical Titles (various), accessed at the Public Records Office of Victoria.
- Historic photographs (various), accessed via Trove Online, <https://trove.nla.gov.au>

In preparing this report, the authors have also been mindful of the Heritage Overlay provisions and local heritage policy, as set out under *Clause 43.01* Heritage Overlay and *Clause 15.03* Heritage of the *Moorabool Planning Scheme*.

## 4.0 History

The earliest European settler in what is now the town of Bacchus Marsh is believed to have been Kenneth Scobie Clarke. Clarke who arrived in the swampy valley in late 1836, built a hut adjacent the Lerderderg River near Darley on the west side of town. In 1838, retired English military officer and sheep farmer Captain William Bacchus arrived with his son and took over Clarke's pastoral run. In 1847-48 he built a Georgian style homestead known as the Manor House, at what is now 28-32 Manor Street, Bacchus Marsh. Initially known as Ballan, the locality was soon named after Bacchus, and by the 1850s a small township had emerged at what became an important stopping point on the journey to the Ballarat goldfields further west.

The homestead known as Millbank was constructed by settler William Grant in the 1850s and was originally the focal point of much larger land holdings extending to the south, west and north. Heritage Victoria's citation provides the following historical overview.

*William Grant purchased the land in Bacchus Marsh, upon which Millbank is located, in April 1850 from William Easey. Comprising 205 acres, the land ran from the Werribee River to north of the present Bacchus Marsh Road, and west from the present Grant Street. [...]*

*Grant came to Australia from Scotland in 1841, first settling in Melbourne where he ran a baking business from 1841 to 1850. It has been stated that the family first lived in a wattle and daub house on the site. In about 1855, a freestone house with shingle roof was constructed on high ground to the south of the site, surrounded by a garden of about one acre and overlooking the Border Flour Mill. This mill was built in the late 1840s by James Young and John Lyle, to the east of Grant Street (then Maddingley Road) on the Werribee River and was acquired by W. and H. G. Grant in about 1869. The property hence acquired the name, Millbank.*



Figure 1 *c.1906 view west along the Werribee River towards the Maddingley Bridge, with the Concentrated Milk Company factory visible at centre right. (The Bacchus Marsh Swimming Pool now occupies its site). Millbank overlooked the river and the earlier Border Mill complex to its south. Source: Bacchus Marsh Historical Society.*

William Grant was a member of the District Road Board when it was proclaimed in 1857. He was also a member of the Farmers Society, School Board of Advice and a Trustee of the Presbyterian Church. He died in 1884 and the property passed to his son, William, a progressive farmer, benefactor, and Shire President in 1892-3, 1900-1 and 1904-5. During his lifetime he was very involved in the community and is recorded as holding some seventeen public positions. William junior died in 1924 and the property, reduced in acreage, passed to a son, Thomas Grant. He died in 1964, and his widow died in 1973, ending three generations of family ownership.

The original estate has greatly decreased in size since its initial acquisition by Grant in 1850. In 1888, about 71 acres north of the homestead was subdivided and sold, and in 1891 a factory was constructed for the Concentrated Milk Company on land, possibly donated by William Grant junior, south of the property on the Werribee River.

Portions of land were subsequently subdivided and sold throughout the twentieth century, however much of the estate was retained until the mid-twentieth century. The Bacchus Marsh and District War Memorial Hospital was built in 1954 on land immediately north of the present Millbank site.

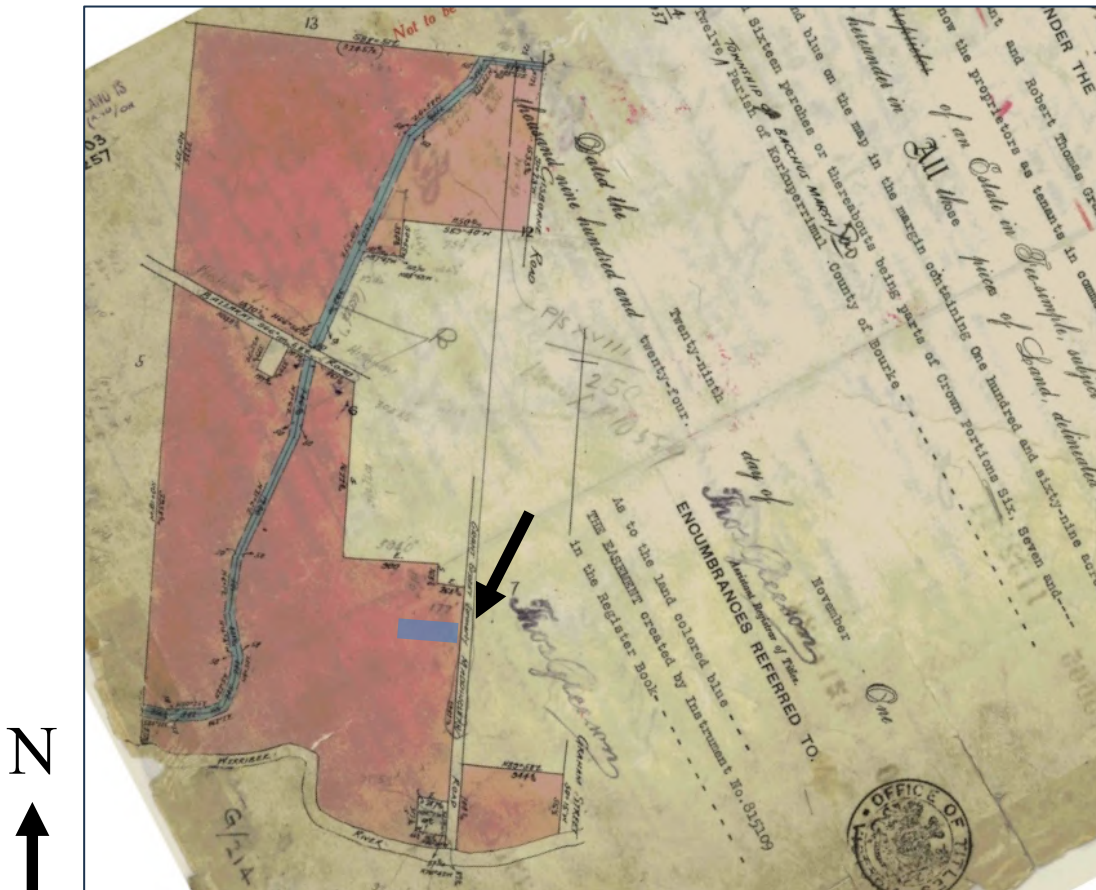


Figure 2 1924 title extract showing the much larger land holdings associated with Millbank at this time, which extended south to the Werribee River, north past Main Street and west up Stamford Hill behind. The approximate location of the registered area of Millbank is shaded blue and marked by the black arrow. Source: Land Title Volume 4944, Folio 624.

The earliest located historical image is a view from of the rear of the homestead complex (from higher up the hillside to the south-west (see Figure 3).



Figure 3 *c.1890s-1930s view north-east towards the back of Millbank (centre left) from the hillside above clearly showing dense plantings of vegetation east of the homestead to Grant Street.*  
Source: <http://handle.slv.vic.gov.au/10381/247863>

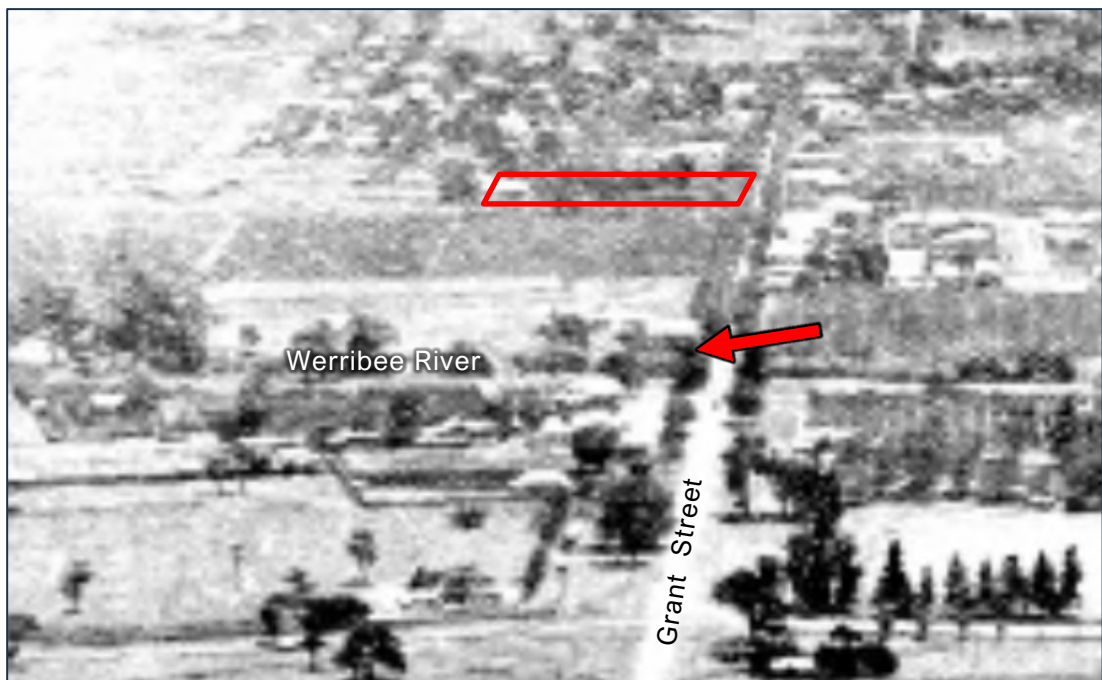


Figure 4 *1925 annotated aerial view north along Grant Street across the Werribee River. The approximate registered area of Millbank is outlined in red. Open paddocks or market-gardens are located south to the former Milk factory (red arrow) and the Werribee River.*  
Source: *Weekly Times*, 31 January, 1925, p.46.



Figure 5 *Pre-WW2 view south along Grant Street showing the avenue of Dutch Elm trees extant by this time. The subject site is located further along the right (out of view). These trees partially obstruct views of adjacent built in views along Grant Street. Source: Bacchus Marsh Historical Society.*



Figure 6 *1968 low resolution aerial view with the approximate extent of registration of Millbank outlined in blue. The adjacent land to the south now containing Margaret Drive and associated residential subdivision then still comprised farmland. Source: Landata.*



There is no evidence there have ever been buildings or other structures located between Millbank and the Grant Street frontage, including the subject site.

Millbank Homestead and a larger associated curtilage of land was registered by the Historic Buildings Preservation Council (now the Victorian Heritage Council) on 9 October 1975. In 1980, the western portion of the land originally registered with the Historic Buildings Council was subdivided from the site of Millbank Homestead in order to allow for the construction of the Grant Wing of Bacchus Marsh Hospital.

*In 1988 the property was subdivided further with land to the east, along Grant Street, being set aside for municipal purposes (originally for road widening consistent with similar reservation in front of the hospital), another adjacent block sold as a vacant development site to a private owner and the remainder of the site, containing the house and outbuildings, retained as the Millbank estate.*

## 5.0 Description

The subject site known as Lot 2, 30 Margaret Drive is a flat and essentially rectangular portion of land that extends northwards from its current sole street interface with Margaret Drive. It has a similar area to nearby residential lots fronting onto Margaret Drive. Timber post and wire fences enclose the north and west boundaries with the land on which Millbank Homestead is located, while the south and east sides are unfenced. It is located at the boundary of the flat valley floor occupied by the original township and the rising hill (also known as Stamford Hill) enclosing the valley on its west side.

To the east, the adjacent Council road reserve for possible future road widening, includes some juvenile tree plantings along its eastern boundary. The nature strip between it and Grant Street contains a concrete footpath and grassed nature strip inset with mature plantings of Dutch Elm trees and is edged by concrete gutters and kerbing.

To the north is the driveway entry to Millbank, which is on a separate title. This is lined by small trees, with an entry gate at a setback reflecting the depth of the Council road reserve. Further north is a large open grassed space in front of Bacchus Marsh Hospital, which also includes a road reserve along the Grant Street frontage. The hospital complex is located at similar setback to Millbank further west within its site, on the hillside embankment.

To the south, a grassed nature strips continues around the north side of Margaret Drive, which is a curving residential street. To the south-east further along Margaret Drive at Lot 3, 30 Margaret Drive is a modern single-storey brick veneer dwelling skirted by verandahs, with a hipped, tiled roof. It is at a considerable setback from Margaret Drive behind large areas of lawn inset with a few young tree plantings. It sits adjacent the southern site boundary of Millbank.

Adjacent directly to the north is the boundary with Millbank Homestead. The topography is initially flat, but rises into a substantial, broad embankment to the corresponding hospital site, which curves around the south

side of the registered land. The registered buildings are located at the top of the embankment at a considerable setback from the southern and eastern boundaries, and are substantially concealed by the garden, which includes very large, mature trees.

Heritage Victoria's citation includes the following description.

*Erected c1855 or earlier as a freestone house with shingle roof, the homestead has undergone many alterations and additions over subsequent decades. The early stone section consisted of two parallel hipped roofs, the rear being L-shaped, all originally covered in shingles.*

*Major additions included a bichromatic brick, hipped roof section which was added to the north, probably in the 1870s. This red brick addition employed cream brick for the quoining of corners and openings, banding on the chimney and for a large, semi-circular recessed blind window in the rear gable end. Curved barge boards line the eaves of both the stone and brick sections at the rear.*

*Further major alterations were carried out c1920-1930. These included the brick additions to the north and south ends of the house, a new verandah at the front and various internal alterations. Remnants of outbuildings, possibly farm buildings such as a dairy and store, remain to the west of the site in a very dilapidated condition. These incorporate a variety of materials such as vertical timber slabs, a wall daubed with mud, and some clearly recycled materials such as corrugated iron and floorboards as wall cladding.*

*The garden is approached from Grant Street through decorative timber gate posts and rail fence painted white. The entrance is framed by a pair of English Elms (*Ulmus procera*), and about half way along the straight drive on the north side is a large Stone Pine (*Pinus pinea*).*

*Just east of this point on the south side a drive heads towards the house. It is marked by a pair of vulnerable Monterey Cypress (*Cupressus macrocarpa*) and the remains of a picket gateway on the north side. Further along this drive which narrows into a path is a pair of outstanding Bunya Bunya Pines (*Araucaria bidwillii*). A variety of shrubs, roses, vines and small trees surround the house, including Cherry Plums, and two old Black Mulberries on the south boundary, Apple and a Medlar and a small orchard on the west side. Next to the south side of the house is a mature Golden Poplar (*Populus x canadensis 'Aurea'*), two Pepper Trees (*Schinus areira*) on the east boundary fence and a Cape Leadwort hedge (*Plumbago auriculata*) which encloses the garden along the south side of the drive.*

*South west of the house is an outstanding Pepper Tree (*Schinus areira*), two more specimens at the west end of the drive on the north boundary, and another to the west of the sheds and garage. Along the northern boundary is an uncommon shrub, *Bosea amhertiana*. A pair of Italian Cypress (*Cupressus sempervirens*) near the east side of the house shown in c1900 have been removed.*

The existing garden to Millbank screens views of the house from the south, including from Grant Street, and as shown in *Figure 3*, this has historically been the case. It is noted that the garden currently includes a number of dead trees and shrubs, and the historic garden plantings appear not to have been renewed for some time. A small fig tree is located in the south-east corner adjacent the subject site and is likely to grow very large. There are also three recent juvenile tree plantings adjacent the boundary in this location. Once mature, it may be reasonably anticipated that these trees will in part screen views into the Millbank property from Margaret Drive. The most prominent element the Millbank site are the extremely large mature Bunya Bunya Pines, which are visible from a distance and have landmark qualities.

Named in honour of the Grant family, Grant Street is a major north-south route bisecting the town. While relatively narrow in proportion, it is notable for the mature plantings of Dutch elm trees in the nature strip along both sides for much of its length between Main Street and Werribee River.



Figure 7 Annotated aerial image showing the location of the subject site (shaded blue) in relation to Millbank and adjacent streets and properties. Source: Google Maps.



Figure 8 *View west from Grant Street towards Millbank. The Council Reserve (with a juvenile tree planting) is in the foreground, with the north side of the subject site where the new dwelling is proposed in the unshaded area at centre. Millbank Homestead is completely concealed from view.*



Figure 9 *View north across the subject site from Margaret Drive.*



Figure 10 *The existing adjacent dwelling at Lot 3, 30 Margaret Drive to the south.*



Figure 11 *View north-west from Margaret Drive showing the location of the adjacent dwelling (left) relative to the subject site (right).*



Figure 12 *View north along the alignment of the boundary fence between the site of Millbank (left) and the subject site (right).*



Figure 13 *View towards Millbank (centre left) and the subject site (centre) from the east side of Grant Street, opposite the intersection with Margaret Drive.*



Figure 14 *Enlarged view of Millbank as seen from the corner of Grant Street and Margaret Drive.*



Figure 15 *View west of the driveway entry to Millbank from Grant Street.*



Figure 16 View south along Grant Street from in front of Bacchus Marsh Hospital.

## 6.0 Heritage Listings

### *Victorian Heritage Register*

The subject site is located within the extent of registration of Millbank Homestead.

The current extent of registration of Millbank Homestead is as follows (see also Figure 17):

1. All the following buildings marked on Diagram 263 held by the Executive Director:

- B1 House
- B2 Outbuilding
- B3 Outbuilding
- B4 Outbuilding

2. The following trees marked on Diagram 263 held by the Executive Director:

- T1 *Schinus areira* (Pepper Tree)
- T2 *Araucaria bidwillii* (Bunya Bunya Pine)
- T3 *Araucaria bidwillii* (Bunya Bunya Pine)

3. The following structure marked on Diagram 263 held by the Executive Director: S1 Gates

4. All the land marked L1 on Diagram 263 held by the Executive Director being part of the land described in Certificate of Title Volume 9845, Folio 318, Volume 10039, Folio 337 and Volume 10039, Folio 338.

Dated 8 September 2006



Diagram 263 shows the subject land as shaded yellow; it is understood to be within the area of registration, though is not marked L1. (This ambiguity may be worth further investigation in case a mapping error has occurred). The relevant Heritage Overlay under the *Moorabool Planning Scheme* (HO5) applies to all of the area shaded yellow in Diagram 263, which is identified in the schedule to the Heritage Overlay as 37 Grant Street and included on the *Victorian Heritage Register*. The Shire of Moorabool is the referral body which might be asked to comment on any application for works, with Heritage Victoria being the relevant authority with respect to heritage permits.

*Shire of Moorabool*

30 Margaret Drive is included in the Heritage Overlay that applies to the extent of registration of Millbank, identified as HO5 in the Schedule to the Heritage Overlay of the *Moorabool Planning Scheme*. Heritage Victoria is recognised in the schedule as the relevant permit authority.

*National Trust*

Millbank at 37 Grant Street, Bacchus Marsh is classified as a place of local significance by the National Trust of Australia (Victoria) (File number: B3398). The National Trust is an advisory body with no statutory powers although it is expected to play an advisory role and provide input into proposals for classified sites.

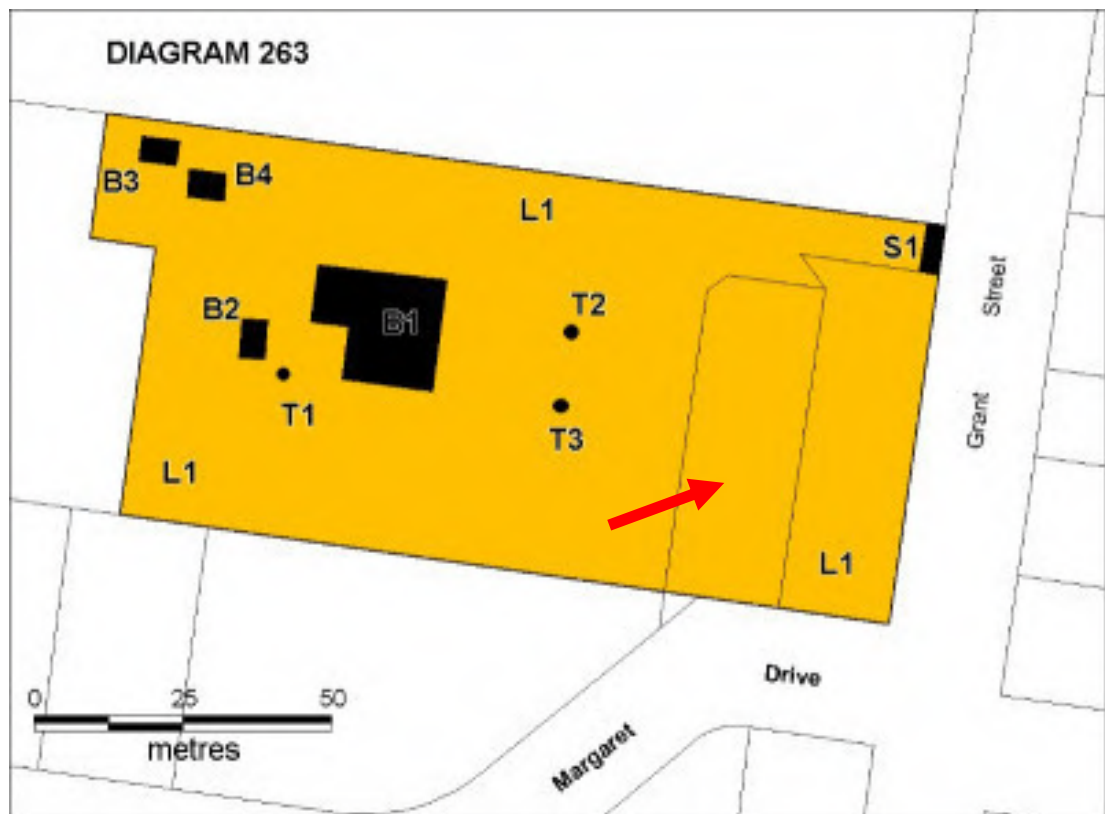


Figure 17 Heritage Victoria's extent of registration diagram includes the subject development site (indicated by the red arrow) as shaded yellow, though this land is not annotated 'L1'.

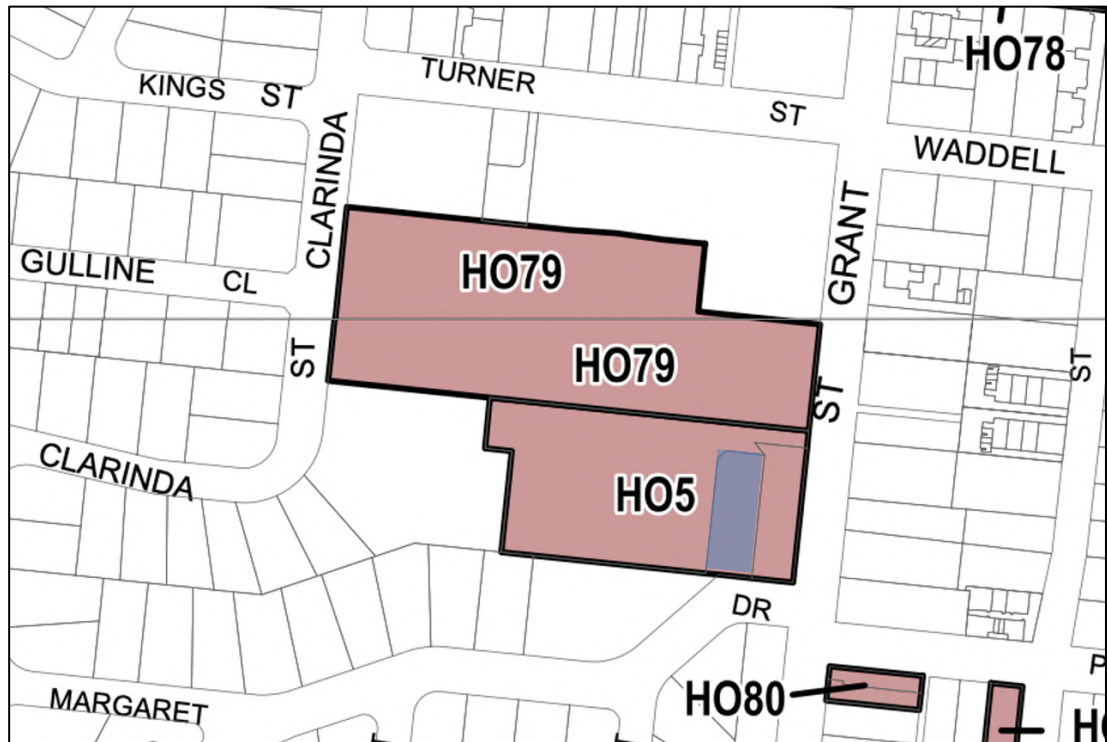


Figure 18 Heritage Overlay Map extract, showing the location of the subject site (shaded blue) and HO5, which corresponds to the extent of registration.

The shop and office at 48 and 48A Grant Street on the south-east corner of Grant and Pilmer Street is subject to an individual Heritage Overlay, HO80, though this is at a considerable separation from the subject site.

## 7.0 Significance

The *Victorian Heritage Register* provides the following Statement of Significance for Millbank:

*How is it significant?*

*Millbank is of architectural, historical, aesthetic and scientific (horticultural) significance to the State of Victoria.*

*Why is it significant?*

*Millbank is of architectural significance as a relatively intact example of an early stone and brick homestead. It is amongst the earliest homesteads constructed in the Bacchus Marsh area and its substantial character suggests that an architect may have been involved in the design and construction of both the original house and the bichromatic brick addition. The main house, although progressively altered, survives with much of its early architecture and materials intact, such as roof shingles and decorative treatments.*

*Millbank is of historical significance for its association with the Grant family, one of the early pastoral families in the region. It was a pioneering homestead and property, which remained in the Grant family for 123 years.*

*The Millbank garden is of aesthetic and scientific (horticultural) significance for its simple rural homestead layout featuring pairs of English Elms, Monterey Cypress, Bunya Bunya Pines, both of outstanding form and landmark quality that dominate the skyline, and a Stone Pine and four Pepper Trees. The Pepper Tree south west of the house is amongst the largest and finest in Victoria, and is of outstanding size (trunk circumference and canopy spread), and an impressive structure and form displaying a wide symmetrical canopy.*

It is noted that the above Statement of Significance does not identify Millbank as being of significance for its landmark qualities. This reflects the fact that despite being located on a rise, its historic outlook has been to the south (not Grant Street and the town to the east), and it has traditionally been screened in views from the east by purposely planted gardens and other vegetation. The homestead was the focal point for a much larger area of land extending south, west up the hillside and north (rather than to the east). Enigmatic concealment is an historic characteristic of the place.

30 Margaret Drive is located adjacent the Bacchus Marsh and Melton Memorial Hospital, which is subject to an individual Heritage Overlay, HO79. The Statement of Significance for this site in the *Victorian Heritage Database* reads as follows.

*A Modern World War II Memorial hospital built over 1954-57, including a nurses home and two war memorials.*

*It is of historical significance locally, as a development in the community life of Bacchus Marsh, funded by their donations. The nurses home demonstrates an association with Sir William Angliss, of Greystones, the well known pastoralist and meat industry leader.*

*Architecturally it is (at least) locally significant as a representative example of an early postwar Modern rural hospital- in relatively intact condition.*

*Finally it has social significance to Bacchus Marsh people as known and valued by the community and part of its sense of identity, including as its World War II Memorial.*

## 8.0 Proposal

The revised scheme now under consideration has been developed with extensive dialogue with Heritage Victoria. A single-storey dwelling will be constructed along the eastern edge of the subject site. It will be located at a minimum setback of 19.805 metres from the southern property boundary, 1.2 metres from the eastern boundary, 0.595 metres from the northern boundary with the Millbank driveway entr, and 13.619 metres from the western boundary interface with Millbank.

The dwelling will be linear in form. It adopts a gabled, pavilion form that interprets the scale and external character of traditional farm outbuildings seen around the town and district. It has been articulated into two smaller linked volumes as viewed from Grant Street to the south to moderate the apparent length, with the link differentiated by a setback, different materiality and a flat roof form. The external walls will be finished with vertically orientated corrugated Colorbond cladding in a pale grey, with timber weatherboard to the north and south end gables and link. The weatherboard will be allowed to naturally weather to a grey. The windows

generally adopt a simple narrow, vertically orientated format reminiscent of traditional Victorian fenestration. The pitched roof will be clad with similar corrugated Colorbond cladding. A carport on the west side of the house reproduces the gabled form and roof height of the main house, with the same roof cladding.

The site will retain an open landscaped character to the south and west. It will be largely grassed, with a crushed rock entry driveway from the east side of the Margaret Drive frontage curving around to the carport on the west side of the house. The southern boundary will be enclosed with a traditional post and rail style timber fence, with a cyclone wire driveway entry gate. The 1.200 metre high timber post and wire fence treatment will be retained to the east, north and west boundaries. A hedge with a mature height of approximately 5 metres will be installed north of the south elevation of the house, along the east, north and west boundaries.

## 9.0 Heritage Impacts

Millbank is identified by Heritage Victoria as being of architectural, historical, aesthetic and scientific (horticultural) significance. The proposal will not have any impacts on the historic significance of the place. Given the works do not involve any change to the homestead or vegetation located within the boundaries of the land on which Millbank is located, the scheme will not have any negative impacts on the architectural significance of its built form or the horticultural significance of the place.

The proposal will result in an evolutionary change to the setting of the eastern side Millbank as viewed from Grant Street. Potential impacts are considered acceptable given the setbacks and sympathetic character of the building. The new building is intended to interpret the character of a traditional rural outbuilding that may commonly be found in older historic farm complexes. It is noted that Millbank is viewed in a context of adjacent single-storey residential development to the south, and the opposite east side of Grant Street is also residential in character. The proposed new dwelling will be at a greater separation from Millbank than the existing modern dwelling at Lot 3, Margaret Drive, to the south-west, and buildings located the site of Bacchus Marsh Hospital to the north and west. It will be of a more rural character.

In assessing potential impacts of the scheme on the aesthetic significance of Millbank, a relevant consideration is that the homestead has never been identified as aesthetically (or architecturally) significant for possessing landmark qualities. Hundreds of early images of Bacchus Marsh are held by the Bacchus Marsh and District Historical Society and in other archival collections. None of these include views of Millbank from Grant Street or from the east more generally, providing strong further indication that the homestead has historically been concealed from public view by trees and other vegetation, and that existing viewlines from Grant Street have not been historically important. This contrasts with the Manor House for example (the former residence of Captain William Bacchus at 28-32 Manor Street [VHR264]), of which dozens of images from the nineteenth century onwards are available.

As noted, Millbank Homestead has been traditionally concealed in views from Grant Street by the dense garden plantings on the eastern side of the house including substantial trees, the avenue of Dutch Elms along Grant Street and to a lesser degree, the vegetation along the driveway entry. The garden plantings on the

east side of the house, including some of the large specimen trees would have been planted with an understanding, and most likely intent, that they would screen views from the house across the valley and town to the east, and similarly views towards the house from that direction.

The only elements on the site that may be considered to have landmark qualities are the two very large, mature Bunya Bunya Pines. These are located on a rise above the level of the subject site, and these will remain clearly visible and dominant above the roofline of the new dwelling. The nearest vegetation to the eastern boundary of Millbank adjacent the subject site comprises a Peppercorn tree.

The scheme will not result in any changes to the prominent driveway entry to Millbank from Grant Street, which projects forward of the adjacent Council Reserves to each side. The new dwelling will otherwise have some visibility from Grant Street across the substantial setback provided by the grassed Council Reserve, though will be partially screened by the proposed boundary hedge.

The proposal is not considered to have any negative impacts on the significance of the adjacent Bacchus Marsh Hospital, HO79 or the shop and office at 48 and 48A Grant Street, HO80 due to the very considerable separation of these significant buildings from the subject site.

## 10.0 Key Considerations

As noted, this Heritage Impact Statement has been prepared in general accordance with Heritage Victoria's guidelines for such assessments. With respect to the permit application works, it seeks to respond to several key questions, as previously set out in Section 2.0.

### *The cultural heritage significance of the place*

The cultural heritage significance of the place, i.e. of Millbank Homestead is outlined in detail above, and in particular is identified in the Statement of Significance for the place. It is identified as being of architectural, historical, aesthetic and scientific (horticultural) significance. As noted, it has not been identified as possessing landmark qualities, reflecting its historic orientation to the Werribee River to the south, and the presence of screening vegetation in the garden on the east side of the house.

### *What options were considered in developing the proposal?*

The current proposal has been developed with extensive consultation with Heritage Victoria. It seeks to achieve a balance between providing sufficient amenity for the new dwelling whilst minimising visual impacts on views of Millbank from the south-east and on the setting of the homestead more generally.

The original scheme located the new dwelling further south towards Margaret Drive. A much greater setback was introduced on the recommendation of Heritage Victoria in order to preserve incidental views of Millbank from the south-east, particularly in the vicinity of the corner of Grant Street and Margaret Drive. The dwelling was then relocated to the eastern property boundary and adopted a linear plan to avoid building over the root zones of significant trees in the adjacent grounds of Millbank.

The dwelling initially adopted a brick and weatherboard villa typology for the dwelling. At Heritage Victoria's recommendation, this has been revised to a simplified contemporary design that references the forms and materiality of traditional farm outbuildings.

The landscaping has also been revised to communicate a rural, farm-like character, with an open grassed area retained to the south, a crushed rock rather than paved driveway surface, and a combination of post and wire and post and beam fencing. Timber paling fencing has initially been proposed to provide privacy to the sides and rear of the house. This has been replaced with more sympathetic hedging as a screening device.

*What impact (positive and/or negative) will the proposed works have on the significance of the place?*

The proposal will involve a change to part of the setting of Millbank to the east, as viewed from Grant Street to the east. It will not negatively impact on views of Millbank from the south-east in the vicinity of the intersection of Grant Street and Margaret Drive, given the very considerable setback of the new dwelling and the retained curtilage of grassed open space on the south side of the site. It will not conceal the house in views towards Millbank from along Grant Street to the north-east due to the screening effect of the existing plantings along the entry driveway. The higher elevation of Millbank on the embankment relative to the subject site provides a further degree of separation.

This is a change to the setting of Millbank, but is one that can reasonably be contemplated, given the retained key historic, architectural, aesthetic and scientific (horticultural) significance of the otherwise unchanged homestead property.

*What measures are proposed to minimise and mitigate negative impacts?*

The key measures taken to mitigate the potential for negative impacts upon the cultural significance of the place are as follows:

- The scheme involves no change to significant elements of built form or landscape elements identified in the extent of registration of Millbank.
- The location and single-storey form of the dwelling will minimise the extent to which it obscures existing viewlines towards Millbank, accepting that the homestead is already screened from public view from directly to the south including from Grant Street by vegetation in the associated registered garden.
- The position of the dwelling on the site has also been chosen to avoid building over the root zones of the trees located within the adjacent grounds of Millbank Homestead as identified in the arborist's report. The carport on the west side of the house will extend over part of the root zone, though have a crushed rock surface rather than a concrete slab. The carport posts will be installed using a lightweight, low impact concrete free footing system.
- The architectural character of the house interprets the simple gabled forms and external materiality of traditional rural outbuildings. The material and colour palettes are simple and neutral, evocative of corrugated iron and weathered raw timber. As such, while it will result in a change to the setting of Millbank, the building will read more as a farm complex outbuilding than a contemporary dwelling in

views from adjacent streets. It is not considered necessary for the new dwelling to architecturally relate to Millbank homestead given the two structures are not visually tied. There is also no evidence that historic built form has ever existing along the site's Grant Street frontage which the new dwelling might otherwise reference.

- The existing traditional timber post and wire fence along the east, north and south boundaries is being retained. This will also maintain viewlines across the southern side of the property towards Millbank homestead from the south-east, including from the corner of Margaret Drive. The hedge planting will screen the house from public view and provide privacy, but has been pushed back from the southern boundary to maintain these open viewlines. The timber post and rail fence and cyclone wire gate along the Margaret Drive boundary has been chosen with reference to the National Trust's *Technical Bulletin 8.1 Fences & Gates* as recommended by Heritage Victoria, and will further express the rural character of the site.
- The landscape treatment, including fencing, will retain a rural-like setting to the east side of Millbank. Once mature, the proposed hedging will substantially conceal the new house in views particularly from the east along Grant Street around to the north.
- The new dwelling will be at a similar if not greater distance from Millbank Homestead than existing development on adjacent properties including the hospital site, and it will be also be at lower elevation.

#### Reasonable or Economic Use

Applications for works to places on the Victorian Heritage Register are considered within the broad ambit of considerations under the *Heritage Act 2017*, which seek to conserve the significance of place, whilst also support their sustainability and taking into account economic impacts. Inter alia, the *Heritage Act* provides the following directions regarding the matters to be considered in the determination of permit applications:

##### *101 Determination of permit applications*

*(1) After considering an application the Executive Director may—*

*(a) approve the application and—*

*(i) issue the permit for the proposed works or activities; or*

*(ii) issue the permit for some of the proposed works or activities specified in the application; or*

*(b) refuse the application.*

*(2) In determining whether to approve an application for a permit, the Executive Director must consider the following—*

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

*(b) the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or registered object;*

*(c) any submissions made under section 95 or 100;  
[...]*

*(f) any matters relating to the protection and conservation of the registered place or registered object that the Executive Director considers relevant.*

*(3) In determining whether to approve an application for a permit, the Executive Director may consider—*

*(a) the extent to which the application, if approved, would affect the cultural heritage significance of any adjacent or neighbouring property that is—*

*(i) included in the Heritage Register; or*

*(ii) subject to a heritage requirement or control in the relevant planning scheme; or*

*(b) any other relevant matter.*

The above considerations include the extent to which the application, if approved, would affect the cultural significance of the registered place, being Millbank Homestead, and the extent to which the application, if refused, would affect the reasonable or economic use of the registered place.

Millbank was located on a larger area of land at the time of its initial registration that included the land included on its existing title, but that also extended east all the way to Grant Street. This original land parcel was subdivided from the Millbank land holding in a series of stages commencing in 1988 under permits issued by Heritage Victoria. Lot 2, 30 Margaret Drive is specifically described by Heritage Victoria in their citation for Millbank as 'sold as a vacant development site to a private owner'.

On this basis, Lot 2, 30 Margaret Drive was purchased by the current owner on the understanding that it could receive future development. The owner is seeking to construct a rental dwelling on the site, which will generate income in retirement. Any building on the north side of the subject site will have some visibility and result in a change in the view towards Millbank from Grant Street. Refusal to issue a permit, or an insistence on further reducing the size of the proposal dwelling (and therefore its capacity to be occupied by the applicant's family or to generate rental income) would severely compromise the reasonable economic use of the place.

## 11.0 Conclusion

Millbank Homestead was so named because it historically overlooked the Werribee River and its early mill to the south, with the curtilage to Grant Street to the east obscured by vegetation. The revised proposal for a new dwelling at Lot 2, Margaret Drive is considered acceptable in terms impacts on the significance of Millbank due to its single-storey scale, setbacks, lower elevation, orientation and architecturally compatible character. Existing incidental viewlines of the homestead from the intersection of Grant Street and Margaret Drive will be retained due to the retention of an open landscaped curtilage across the southern half of the site. The development represents a further phase of evolutionary development to the existing residential and institutional context of the homestead.

The proposal has been prepared in accordance with general heritage principles and the *Burra Charter*. Having regard for the above, the proposal has been developed with due consideration for the significance of the registered place and the provisions of the *Heritage Act* and it is appropriate that a permit be issued.