

---

**HERITAGE  
PERMIT  
GRANTED UNDER SECTION 102 OF THE  
HERITAGE ACT 2017**

---

**Permit No.:** P33335

**Applicant/s:** 

**NAME OF PLACE/OBJECT:** BICKLEIGH VALE

**HERITAGE REGISTER NUMBER:** H2053

**LOCATION OF PLACE/OBJECT:** 5-27 BICKLEIGH VALE ROAD and 2-28 BICKLEIGH VALE ROAD and 112-142 CARDIGAN ROAD and 9-23 PINE ROAD and 80-106 PEMBROKE ROAD and 1-9 EDNA WALLING LANE and 2 EDNA WALLING LANE MOOROOLBARK

**THE PERMIT ALLOWS:** *At 'The Sheilan' (B2), 5 Bickleigh Vale Road, demolition of the rear extension to the original cottage and the carports, internal changes to the cottage, construction of a two-storey extension, a double carport, and conservation works to the garden and cottage generally in accordance with the following documents:*

- **DRAWINGS, PREPARED BY COLEMAN ARCHITECTS, DATED 18 AUGUST 2020**
  - **DD1 EXISTING CONDITIONS – SITE PLAN & FLOORPLANS**
  - **DD2 EXISTING CONDITIONS – ELEVATIONS**
  - **DD3 PROPOSED DEMOLITION – PLANS & ELEVATIONS**
  - **DD4(A) PROPOSED SITE PLAN & GROUND FLOOR PLAN**
  - **DD5(A) PROPOSED FIRST FLOOR & ROOF PLAN**
  - **DD6(A) PROPOSED ELEVATIONS**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

1. The permission granted for this permit shall expire if one of the following circumstances applies: the permitted works have not commenced within two (2) years of the original date of issue of this permit, or are not completed within four (4) years of the original date of issue of this permit unless otherwise agreed in writing by the Executive Director, Heritage Victoria.
2. The Executive Director, Heritage Victoria is to be given five working days' notice of the intention to commence the approved works.
3. Prior to the commencement of any of the works approved by this permit, a Construction Management Plan (the Plan) must be provided for endorsement by the Executive Director, Heritage Victoria and once endorsed becomes part of the permit. The Plan must include the following:
  - a) A sequencing program for the approved works;
  - b) Details of any temporary infrastructure and services required;
  - c) A site layout plan;
  - d) Protection measures for the landscape during the undertaking of works;
  - e) To ensure no structural damage takes places to the existing building as a consequence of the excavation works, engineering documentation relating to the methodology for protection of all remaining existing registered building fabric and footings that is proposed for retention during the

course of the demolition and construction works, particularly for the new additions. This must also include investigation and analysis of the existing footings carried out by the structural engineer and the methodology for any underpinning, or the construction of new retaining walls required;

- f) A dilapidation report (including images) for the heritage building to record its condition prior to the commencement of works approved by this permit.
4. Prior to the commencement of any of the works approved by this permit Tree/vegetation Management and Protection Plan (TMPP) prepared in accordance with AS4970 *Protection of trees on development sites*. The TMPP must:
- a) Address any trees at 5 Bickleigh Vale Road and those on neighbouring properties where the Tree Protection Zone intersects with the proposed works;
  - b) Be prepared generally in accordance with the amended plans required at condition 7, and address construction impacts and any other associated impacts associated with the works as finished (such as drainage).
5. Prior to the commencement of any of the works approved by this permit, the following documents must be lodged and approved in writing by the Executive Director, Heritage Victoria, and the works endorsed undertaken within the life of the permit:
- a) The name of an experienced heritage consultant to be engaged to fulfil the requirements of the built heritage conservation requirement of this permit;
  - b) The name of an experienced landscape architect or consultant with experience in heritage landscapes to be engaged to fulfil the garden conservation requirements of this permit;
  - c) A costed conservation schedule, and associated drawings detailing conservation and repair works to the heritage building prepared by the approved heritage consultant. The schedule must include but not be limited to:
    - i) Conservation works to the external finishes of the cottage, including any works to repair water damage;
    - ii) Analysis of the original timber shingles existing under the contemporary roof, including ongoing protection measures to maintain this material;
    - iii) Any works required to improve the thermal performance of the cottage such as insulation.
  - d) A costed conservation schedule, and associated drawings detailing landscape conservation works to the front heritage garden, prepared by the approved landscape architect or consultant. The schedule must include details of:
    - i) Appropriately designed drainage to address stormwater issues at the front of the cottage;
    - ii) Analysis of an appropriate scheme for the front garden based on its original landscaping and planting schemes;
    - iii) Plan documenting the above for implementation at the place.
  - e) An unconditional Bank Guarantee in favour of the Heritage Council of Victoria (ABN 87 967 501 331) for the amount of the works identified in the two approved Conservation Schedules at condition 5.c) and 5.d) above plus a 20% contingency amount. The Bank Guarantee is required to ensure satisfactory completion of the works approved by this permit including works required by the conditions of the permit regardless of the financial status of the permit holder. The Bank Guarantee will be forfeited to the Heritage Council of Victoria if the works are not completed or implemented to the satisfaction of the Executive Director, Heritage Victoria by the expiration of this permit. The Bank Guarantee must set out under the “contract/agreement” that the bank “asks the Principal to accept this Bank Guarantee (“undertaking”) in connection with permit P33335 issued to the Customer by Heritage Victoria for the completion bond for conservation works to the heritage place ‘Bickleigh Vale’.

6. Prior to the commencement of any of the works approved by this permit a tender ready set of Architectural Drawings revised to show the following must be submitted for the endorsement of the Executive Director Heritage Victoria and when endorsed becomes part of the permit:
  - a) Documentation related to any changes to the cottage, including but not limited to:
    - i) Engineering details for new additions and link to the historic rear facade is to be fully determined and resolved during the detailed design phase in conjunction with heritage architect and structural engineer. Investigation and analysis of the existing footings will need to be carried out by the structural engineer prior carrying out the detailed design. Note this is submitted at condition 3;
    - ii) Details of the connection between the heritage cottage and the extension. Major excavation for this component must be minimized by providing a lightweight link element to the existing building, which has been designed not to impact the existing footings nor structure of the existing building;
    - iii) Details of the opening in the north-west corner of the living room which is to be minimised as much as practicable;
  - b) Design solution to remove the visibility, when viewed from Bickleigh Vale Road, of the roofline of bedroom 2 and significantly reduce the visibility of the roofline of bedroom 1;
  - c) Removal of all use of Colorbond roofing and replacement with a roofing material recommended in the 'Bickleigh Vale Estate, Mooroolbark Preliminary Guidelines', August 2003;
  - d) Any solar panels or water tanks for the extension;
  - e) Design solution to reduce the impact of the proposed garage, including but not limited to:
    - i) removal of the driveway at the front of the property;
    - ii) design of a single direction driveway at the eastern crossover;
    - iii) redesign of the garage as an open carport that is oriented to Bickleigh Vale Road;
    - iv) a reduction in the pitch of the roof resulting in reducing the height of the building without compromising the design intent.
7. Prior to the commencement of any of the works approved by this permit, a tender ready set of Landscape Drawings for the areas of new development must be submitted for the endorsement of the Executive Director, Heritage Victoria and when endorsed becomes part of the permit. The Landscape Drawings must include but not be limited to the following:
  - a) Timber pergola (replacement on cottage and new on extension);
  - b) Ground treatments and drainage;
  - c) Any new retaining walls/stairs;
  - d) Planting plan consistent with the landscape character type of the garden, including use of Edna Walling signature plants. This must include plants to climb the timber pergola features of the extension, and planting to mitigate the visual impact of the carport.
8. Should further minor changes in accordance with the intent and approach of the endorsed documentation become necessary, correspondence and supporting documentation must be prepared and lodged in accordance with the permit condition for assessment by the Executive Director, Heritage Victoria who will advise on the approach to be taken to address these matters.
9. Approved works or activities are to be planned and carried out in a manner which prevents damage to the registered place/object. However, if other previously hidden original or inaccessible details of the object or place are uncovered, any works that may affect such items must immediately cease. The Executive Director, Heritage Victoria must be notified of the details immediately to enable Heritage Victoria representatives to inspect and record the items, and for discussion to take place on the possible retention of the items, or the issue of a modified approval.
10. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works. Should any munitions or other

potentially explosive artefacts be discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.

11. The Executive Director, Heritage Victoria must be informed when the approved works have been completed.

---

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

**TAKE NOTICE THAT ANY NATURAL PERSON WHO CARRIES OUT WORKS OR ACTIVITIES NOT IN ACCORDANCE WITH THE PERMIT OR CONDITIONS IS GUILTY OF AN OFFENCE AND LIABLE TO A PENALTY OF 120 PENALTY UNITS (\$19,826 AS AT JULY 2019) OR IN THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$99,132 AS AT JULY 2019) UNDER s104 THE HERITAGE ACT 2017.**

**WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF UP TO 4800 PENALTY UNITS (\$793,056 AS AT JULY 2019) FOR A NATURAL PERSON OR 5 YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,586,122 AS AT JULY 2019) IN THE CASE OF A BODY CORPORATE UNDER SECTION 87 OF THE HERITAGE ACT 2017.**

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

<b>Date Issued:</b>  17 October 2020	<b>Signed on behalf of the Executive Director, Heritage Victoria:</b>    <b>Emily McLean Manager Statutory Approvals</b>	
--	---	--

---

Date of amendment

Brief description of amendment

---

## **IMPORTANT INFORMATION ABOUT THIS PERMIT**

---

### **WHAT HAS BEEN DECIDED?**

---

The Executive Director, Heritage Victoria has issued a permit under s102 of the *Heritage Act 2017*.

---

### **WHEN DOES THE PERMIT BEGIN?**

---

The permit operates from the day the permit is signed by the Executive Director, Heritage Victoria or their delegate.

---

### **WHEN DOES A PERMIT EXPIRE?**

---

A permit expires if -

- \* the development or any stage of it does not start within the time specified in the permit; or
- \* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit.

The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

---

### **WHAT ABOUT REVIEW OF THE DETERMINATION?**

---

The applicant or the owner of a registered place or registered object may ask the Heritage Council of Victoria to review any condition of a permit imposed by the Executive Director, Heritage Victoria on a permit issued under s102 of the *Heritage Act 2017*.

A request must -

- \* be in writing; and.
- \* be lodged within 60 days after the permit is issued.

Review request forms can be downloaded at:

[www.heritagecouncil.vic.gov.au/hearings-appeals/permit-appeals/permit-appeals-explained/](http://www.heritagecouncil.vic.gov.au/hearings-appeals/permit-appeals/permit-appeals-explained/)

---