
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P40999

Applicant:



NAME OF PLACE/OBJECT: KURING-GAI

HERITAGE REGISTER NUMBER: H2414

LOCATION OF PLACE/OBJECT: 257 ST KILDA STREET BRIGHTON, BAYSIDE CITY

THE PERMIT ALLOWS:

Demolition of later additions, removal of an English elm tree, construction of additions, alterations to accommodate amenity, compliance, and service upgrades including installation of a lift, construction of a freestanding carport, construction of pools and freestanding pool pavilion, landscape works including reconstruction of original elements, and conservation works to the residence and grounds, generally in accordance with the following documents:

- Architectural drawing package prepared by Neeson Murcutt Neille, Rev. 01, dated 12 December 2025:
 - DA1.01 - 1.24, DA2.01 - DA2.13, DA3.01 - 3.05, DA4.01 - 4.02, DA5.11, DA5.21 - 5.23, DA6.01 - 6.02, and DA7.01
- Methods of repair prepared by Lovell Chen dated December 2025
- Schedule of conservation works prepared by Lovell Chen dated December 2025
- Landscape drawing package prepared by Fiona Brockhoff Design dated 9 December 2025:
 - LP001 - 008

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

General

1. The permission granted for this permit will expire if one of the following circumstances applies: the permitted works have not commenced within two (2) years of the original date of issue of this permit, or are not completed within four (4) years of the original date of issue of this permit. Commencement of the permit begins with onsite physical works.
2. The Executive Director Heritage Victoria (Executive Director) is to be given five working days' notice of the intention to commence the approved works once all permit conditions requiring satisfaction prior to the commencement of works have been approved.
3. Should further minor changes in accordance with the intent and approach of the endorsed documentation become necessary, correspondence and supporting documentation must be prepared and lodged in accordance with the permit condition for endorsement by the Executive Director. If the Executive Director considers that the changes are not minor, an amendment to the permit or a new application will be required.

4. 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 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.
5. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
6. The Executive Director must be informed when the approved works have been completed.
7. The works approved by this permit must be carried out in their entirety unless otherwise agreed in writing by the Executive Director.

Nomination of Heritage Consultant

8. Prior to the commencement of any of the works approved by this permit, a **suitably experienced heritage consultant, approved in writing** by the Executive Director, must be engaged to advise and assist as necessary with the preparation of the documentation where any intervention to built fabric of heritage significance is involved and to provide relevant conservation advice to the permit holder during the carrying out of those works. In particular the heritage conservation architect must help fulfil conditions 9, 11, 12, 13, 14, 15, 17, 18, and 21 of this permit.

Archival recording

9. Prior to the commencement of any of the works approved by this permit, an **archival quality photographic survey** is to be prepared to record the heritage place. The Photographic Archival Survey is to be the primary means of recording the heritage place prior to works commencing. The survey is to be prepared and submitted in accordance with the Heritage Council/Heritage Victoria Technical Note entitled "Photographic Recording for Heritage Places and Objects" (available on the Heritage Council website or from Heritage Victoria on request). **Two full copies of the completed archival quality photography survey are to be produced.** These two copies must be submitted to the Executive Director for approval in writing.

Staged Works

10. Prior to the commencement of any of the works approved by this permit, a **Staging Plan** which provides an overview of the order in which approved works will be commenced must be submitted to the Executive Director for approval. Once approved, the Staging Plan will be endorsed and will then form part of the permit. A Heritage Protection Plan for multiple stages can be provided.
11. Prior to the commencement of each stage of works identified in the Staging Plan referred to in Condition 10, a **Heritage Protection Plan** must be submitted to the Executive Director for approval. Once approved, the Heritage Protection Plan will be endorsed and will then form part of the permit. The Heritage Protection Plan must include a sequencing program for the approved works, details of any temporary infrastructure and services required, protection methods for the heritage place during the undertaking of the works, a work site layout plan and a tree/vegetation management and protection plan prepared in accordance with AS4970

Protection of trees on development sites.

Documentation

12. Prior to the commencement of the relevant stage of works approved by this permit and identified in the Staging Plan referred to in Condition 10, a **construction ready (marked as such) architectural drawings** must be submitted to the Executive Director for approval. Once approved, the drawings will be endorsed and will then form part of the permit. The drawings must be **revised to show**:
 - The omission of the projecting window to the proposed kitchen/dining area.
 - The amendment of the windows to the east elevation of the lift area to be flush with the wall.
 - The omission of the alterations to the lower ground level windows beneath the balcony to accommodate new glazed doors.
 - The amendment of the material to the decking of the bridges within the Southern Sunken Garden to be timber in accordance with their original design.
 - The retention of the original bathtub and sink within the primary ensuite bathroom. A second sink may be relocated into the bathroom with respect to the original sink's location.
 - Removal or reduction of the proposed dwarf wall within the primary ensuite bathroom.
13. Prior to the commencement of the relevant stage of works approved by this permit and identified in the Staging Plan referred to in Condition 10, an **Architectural Paint Research report** must be submitted for the endorsement of the Executive Director. This must include onsite and microscopic analysis to support documentary research, physical samples and coloured renders of any proposed schemes and a rationale for their recommendation.
14. Prior to the commencement of the relevant stage of works approved by this permit and identified in the Staging Plan referred to in Condition 10, a **schedule of construction materials, colours and finishes** informed by the Architectural Paint Research report required under Condition 13 must be submitted to the Executive Director for approval. Once approved, the schedule will be endorsed and will then form part of the permit.
15. Prior to the commencement of the relevant stage of works approved by this permit and identified in the Staging Plan referred to in Condition 10, a **construction ready (marked as such) set of engineering drawings**, must be submitted to the Executive Director for approval. Once approved, the drawings will be endorsed and will then form part of the permit.
16. Prior to the commencement of the conservation/repair works, a **schedule and construction-ready (marked as such) drawings of conservation works** must be submitted to the Executive Director for approval. Once approved, the drawings will be endorsed and will then form part of the permit. The conservation works must be completed within the period of validity of the permit.
17. Prior to the commencement of the relevant stage of works identified in the Staging Plan referred to in Condition 10 a **Tree Removal and Replacement Plan** prepared by a suitably qualified arborist must be submitted to the Executive Director for approval. Once approved the plan will be endorsed and will then form part of the permit. The Tree Removal and Replacement Plan must identify historically significant trees in the landscape, consider any

required succession planting of significant trees and the removal of non-significant trees. Succession planting of significant heritage trees must be like-for like or similar provided appropriate supporting evidence is provided for the species change.

18. Prior to the commencement of the relevant stage of works identified in the Staging Plan referred to in Condition 10 final **construction ready (marked as such) set of landscape drawings** must be submitted to the Executive Director for approval. Once approved, the drawings will be endorsed and will then form part of the permit. The Landscape Drawings must show details of all proposed new works such as structures, fences, landscape features, ground treatments and plantings. The planting plan must be consistent with the landscape character type of the significant landscape, including historically appropriate species. It must also include replacement planting approved for removal in Condition 17.

Bank Guarantee

19. Prior to the commencement of any of the works approved by this permit, the conservation architect approved under Condition 8 must prepare a **costed schedule and drawings of conservation works** identified as required for the heritage place for the approval and endorsement by the Executive Director and once endorsed these works become part of the permit and must be completed within the period of validity of the permit.
20. Prior to the commencement of any of the works approved by this permit and as provided for under s.101A of the *Heritage Act 2017*, a financial security in the form of an unconditional Bank Guarantee in favour of the Heritage Council of Victoria (ABN 87 967 501 331), is to be lodged with the Executive Director. The period of validity of the Bank Guarantee is to be unspecified.

The Bank Guarantee is to ensure the satisfactory completion of all of the works required by Condition 19 and documented at Condition 16. The amount guaranteed must be equivalent to the cost shown in the approved conservation schedule under Condition 19 plus a 20% contingency sum (inclusive of GST).

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 P40999.

21. Following completion of the conservation works required under Condition 19, the approved heritage conservation architect must submit to the Executive Director, for their approval, a **brief written report confirming that the conservation works have been completed** in accordance with the endorsed documentation in this permit and the extent to which the completed conservation works conformed to good practice in their professional judgement.
22. The Bank Guarantee referred to in Condition 20 will be released to its provider following receipt by the Executive Director of a written request by the permit holder, subject to the completion of all of the works referred to in Condition 19 to the satisfaction of the Executive Director, Heritage Victoria. The Bank Guarantee will be forfeited to the Heritage Council of Victoria in the event that all of these works are not completed to a satisfactory standard prior to the expiry date of this permit.
23. If the works required in condition 19 are undertaken in full to the satisfaction of the Executive Director Heritage Victoria before any other works approved by this permit are commenced, financial security is not required to be lodged. Following completion of the works at condition 19, the approved heritage conservation architect must submit to the Executive Director Heritage Victoria a brief written report confirming that the conservation works have been

completed and the extent to which the completed conservation works conformed to good practice in their professional judgement. Once the report has been approved and endorsed by the Executive Director Heritage Victoria, the remainder of the works approved by the permit may proceed.

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 (\$24,421.20 FROM 1 JULY 2025) OR IN THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$122,106 FROM 1 JULY 2025) UNDER s104 THE HERITAGE ACT 2017.

WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF UP TO 4800 PENALTY UNITS (\$976,848 FROM 1 JULY 2025) FOR A NATURAL PERSON OR 5 YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,953,696 FROM 1 JULY 2025) 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.

Date Issued:

12 June 2026

**Signed as delegate for the Executive Director,
Heritage Victoria pursuant to the Instrument of
Delegation**



A handwritten signature in black ink, appearing to read "Nicola Stairmand". The signature is fluid and cursive, with the first name "Nicola" and last name "Stairmand" clearly distinguishable.

Nicola Stairmand
Manager, Statutory Assessments
Heritage Victoria