

Westerfield

72-118 Robinsons Road, Frankston South

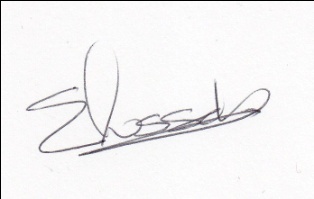
Heritage Council Registrations Committee

Hearing – 9 May 2014

Members – Anita Smith (Chair), Helen Lardner, Emma Russell

# Decision of the Heritage Council

After considering the Executive Director’s recommendation, submissions received and conducting a hearing, pursuant to Section 42(1)(b) the Heritage Council has determined that part of the place is of cultural heritage significance and to amend the place in the Heritage Register.

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| Anita Smith (Chair) |  | Helen Lardner |  | Emma Russell |

Decision Date **– 30 June 2014**

APPEARANCES/submissions

Executive Director, Heritage Victoria

Submissions were received from the Executive Director, Heritage Victoria (Executive Director). Ms Renae Jarman, Heritage Operations Manager and Ms Marina Larsson, Manager, Assessments appeared on behalf of the Executive Director.

The Appellant

Submissions were received from Mr Peter Brown on behalf of the Welsh family, owners of part of the registered land. Mr Brown, Mrs Joyce Welsh and Mr Simon Welsh appeared at the Hearing.

The Applicant

Submissions were received from the Linking Melbourne Authority (LMA), owners of part of the registered land. LMA was represented at the hearing by Mr Andrew McMaster. Mr McMaster called Ms Kate Gray of Lovell Chen Architects & Heritage Consultants to provide expert heritage evidence.

Written submissions

A written submission was also received from the National Trust of Australia (Victoria) (‘the Trust’).

# Introduction

## The Place

1. Westerfield, Frankston South is an estate which consists of a house, garden, paddocks, bushland and associated buildings and structures. Most of the Westerfield property is owned by the Welsh family however a section associated with the Peninsula Link Freeway is owned by the Linking Melbourne Authority (LMA). The Welsh land is predominantly west of the freeway but a 0.127ha parcel is separated on the east of the freeway.
2. Westerfield was included in the Victorian Heritage Register (VHR H2200) in 2009 for its architectural, historical and scientific (botanical) significance.

## Nomination

1. In June 2013 the Linking Melbourne Authority applied to the Executive Director for an amendment to the Victorian Heritage Register entry for Westerfield under s.54 of the *Heritage Act 1995*. LMA requested ‘removal from the extent of registration all LMA land that has been disturbed in the course of works’ and provided comment on the 0.127ha section of land owned by the Welsh family which was physically cut off from the remainder of the property by the construction of the Peninsula Link Freeway.
2. On 27 August 2013, following requests for further information, the Executive Director accepted LMA’s application. Upon the provision of additional information from LMA a revised application was circulated to parties on 3 September 2013. The revised application did not apply to the Welsh’s 0.127ha parcel.
3. On 10 September 2013 the Executive Director applied to have the 0.127ha parcel of land owned by the Welsh family removed from the Westerfield registration.

## Recommendation of the Executive Director

1. On 20 September 2013 the Executive Director recommended to the Heritage Council of Victoria that the Victorian Heritage Register entry for Westerfield be amended.
2. One submission objecting to the recommendation was received and in accordance with the *Heritage Act 1995* (‘the Heritage Act’), a hearing was required to be held.
3. A hearing was scheduled for the 28 March 2014. On 17 February 2014 Mrs Welsh requested an adjournment of the hearing. The hearing was rescheduled for 9 May 2014.

Site Inspection

1. On 2 May 2014, the Committee made a site inspection accompanied by the Hearings Manager and Joyce and Simon Welsh. Mr and Mrs Welsh were advised that no submissions from them in relation to the Place would be heard during the site inspection. No submissions were received.

Preliminary Matters

## ***Nomination Diagram***

1. As noted in submissions from LMA and the Executive Director, the LMA nomination diagram on page 3 of the Executive Director’s recommendation is incorrect and should be changed to that supplied on page 7 of the Executive Director’s submission received 11 April 2014.

*Executive Director’s Recommendation*

1. The Executive Director’s submission of 11 April 2014 sought to amend his previous recommendation in relation to the extent of land to be removed from the Westerfield registration entry. This alteration of the recommendation was the result of a site visit undertaken by Heritage Victoria staff. Following this inspection and on-site measurements the Executive Director submitted that the Heritage Council should consider removing additional land as shown in Diagram 4 on page 14 of his submission.

## ***Additional Concerns***

1. Mr Brown’s submission on behalf of the Welsh’s covered a range of issues including:
   * Land management and maintenance
   * Powers of the Executive Director to nominate an amendment
   * Impartiality of the Executive Director
2. The Committee has considered the submission and determined that issues which do not relate to cultural heritage significance, such as those outlined above, are not relevant for consideration as outlined in s38(3) of the Act; and no further mention of them will be made in this report.

Issues

1. This section is not intended to be a complete record of submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position the Committee takes on each issue.
2. Any reference to Criteria refers to the ‘Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance’ (see Attachment A to this report).

Summary of issues

1. The Executive Director submitted that the Westerfield registration should be amended to remove most of the land acquired by the Linking Melbourne Authority and a portion of adjoining land owned by the Welsh family as the cultural heritage significance of the land has been reduced by the construction of the Peninsula Link Freeway (‘PLF’).
2. In their written submission the National Trust objected to the Executive Director’s proposed amendment to the registration on the basis that removal of the 0.127ha parcel of land would have an adverse impact on the significance of the place. The nature of the potential impact was not discussed in the submission.
3. LMA requested the removal of all LMA owned land disturbed by the PLF works from the Westerfield registration. They submitted that the areas of land identified for removal ‘no longer demonstrate or contribute to the heritage significance of Westerfield’.
4. The Welsh family does not support the removal of any land from the Westerfield registration.

Extent of Registration - Peninsula Link Freeway

1. For the purposes of this report the ‘Peninsula Link Freeway’ is taken to be the PLF roadway, median strips, retaining wall and noise attenuation wall.
2. Both the Executive Director and LMA submitted that the registration for Westerfield should be amended to remove the PLF.
3. The Welsh family does not support the removal of this land from the Westerfield registration.

*Submissions and Evidence*

1. The Executive Director and LMA are of the view that the land on which the Peninsula Link Freeway sits has been so altered by the construction of the road that it is no longer of cultural heritage significance. They submitted that this land should be removed from the Westerfield extent of registration.
2. It was argued by LMA that retaining the PLF on the register would be ‘inconsistent with the main purpose of the Act, being to provide for the protection and conservation of places of cultural heritage. Their submission is supported by the Lovell Chen report presented as expert evidence which states that ‘The land that has been developed for the freeway itself….now makes no contribution to the significance of the registered place and should be removed from the extent of registration’. Lovell Chen assessed the PLF (including the embankment and bicycle path) against the Heritage Council Criteria and it is their view that the PLF land no longer meets Criterion A, E, F, G or H for inclusion in the register; the other Criteria were not considered to be applicable.
3. In his submission on behalf of the Welsh family Mr Brown argued that there should be no reduction in the extent of registration for the Westerfield listing. It is his view that in accordance with the August 2010 Sinclair Knight Merz Heritage Management Plan (Lovell Chen p.16) the works associated with the PLF resulted in an impact on the registered place but that this impact does not automatically mean that the historical integrity of the place is lost. Mr Brown also submitted that reductions in the extent of registration would compromise the cultural history of the site. Mr Brown argued that any reduction is unnecessary given that LMA were aware of the heritage listing of the property prior to the development of the PLF and have been able to obtain permits for works. Further, Mr Brown was concerned that Mrs Welsh would have no right to object to LMA proposals which may affect the heritage values of Westerfield if the Executive Director’s recommendation was accepted.

*Discussion and conclusion*

1. The parties acknowledged that the registration currently included a class of ongoing permit exemptions that ‘specifically relate to the acquired land that forms part of the Peninsula Link Road reserve and surrounds within the extent of the heritage registration of Westerfield’.
2. The Committee has determined that the Peninsula Link Freeway should be removed from the extent of registration for Westerfield. The Committee is of the view that as a result of the construction of the Peninsula Link Freeway the land on which it sits is no longer of sufficient cultural heritage significance to warrant inclusion on the Register.

Extent of Registration – PLF Road Reserve

1. For the purposes of this report the ‘PLF Road Reserve’ is the land owned by LMA between the PLF western retaining wall and the eastern boundary of the western portion of the Westerfield property.
2. The Executive Director and LMA both requested the removal of some of the PLF road reserve from the Westerfield registration, however they disagreed on the boundary of the extent in relation to the dam.
3. The Welsh family does not support the removal of any land from the Westerfield registration.

*Submissions and evidence*

1. The Executive Director recommended retaining within the registration some of the PLF road reserve land to the east of the Westerfield title boundary to distances of 3.8m, 2.2m and 8m from north to south as outlined in Diagram 4 on page 14 of the Executive Director’s submission of 11 April 2014 (Attachment B). This would result in the removal of the rest of the land – exempting the dam - between the boundary as outlined and the PLF western retaining wall from the Westerfield registration.
2. As stated in the Executive Director’s submission of 11 April 2014 it is his view that LMA owned land to the west of the PLF retaining wall should be removed from the registration as it no longer retains any heritage fabric. Measurements undertaken by Heritage Victoria staff found that vegetation consistent with that found in the main Westerfield property extends to ‘approximately 3.8m from the edge of the Welsh’s title boundary for the majority of the length of the eastern site edge’. The Executive Director submitted that south of the dam in the southern most section of this area there is minimal vegetation and this is not in keeping with the other vegetation in this area of the Westerfield property and recommends that it should also be removed from the registration.
3. In regards to the dam the Executive Director acknowledged that it has been highly modified but is of the view that it should remain as part of the registration as it still allows an understanding of the cultural heritage of the Westerfield property. The Executive Director submitted that the extent of registration should include the dam area up to the concrete retaining wall.
4. In their submission dated 11 April 2014 the LMA requested the removal of PLF road reserve land between the western PLF retaining wall and a boundary measured at a distance of 4.0m east from the Westerfield title line. Slightly amending their request in submissions in reply LMA endorsed the Executive Director’s recommendation in relation to the areas of land to be removed – exempting the dam - as it is ‘largely consistent with the areas sought to be removed in LMA’s application’, and stated that the southern section of the PLF western road reserve should be removed from the registration as it contains minimal vegetation. However the LMA did suggest slight amendments to the Executive Director’s measurements as outlined in page 2 of their submission in reply received 2 May 2014.
5. It is the LMA’s view that the land between the boundary as outlined by the Executive Director and the PLF retaining wall encompasses all the land heavily disturbed by the construction of the PLF and should be removed as it ‘neither supports nor contributes to the heritage significance of the Westerfield property’. Further, LMA submitted that ‘establishment of a clear line for the extent of registration by taking the measurement from the legal title boundary will provide certainty as to the extent of registration’.
6. LMA submitted that the zone between their recommended boundary for the Westerfield registration and the title boundary of the main Welsh owned property contains vegetation which is a continuation of bushland located on the Westerfield property. As such this land should remain within the Westerfield registration as it supports the heritage values of the property. The Lovell Chen report produced as expert evidence for LMA supports their position stating that the most logical boundary would be located at the point at which disturbance from the PLF works ceases.
7. In relation to the dam LMA disagreed with the Executive Director’s recommendation to include everything up until the edge of the retaining wall. LMA submitted that the toe of the eastern dam embankment is a more appropriate boundary as it is the point at which PLF disturbance works ceased and the area between the toe of the embankment and the retaining wall ‘does not contribute to the heritage values or significance of Westerfield’. The toe of the dam is the constructed base at the bottom of the dam wall and is below the water line. Lovell Chen supported this position and reported that the dam has been ‘massively truncated with little fabric that is not heavily modified’, but are of the view that it is still of interest as ‘evidence of the operation of the dam and the history of the property’. In expert evidence Ms Gray stated that the toe of the bank was identified as an appropriate boundary as the eastern bank from the toe up to the roadside was artificially created.
8. Mr Brown on behalf of the Welsh’s argued that removal of land to the west of the PLF as outlined in submissions from the Executive Director and LMA would result in the loss of significant vegetation and impact on cultural significance.

*Discussion and conclusion*

1. The Committee has determined that the PLF road reserve should be retained within the Westerfield registration extent. The Committee is of the view that this area continues to demonstrate cultural heritage values that contribute to the place being of state significance as outlined in the Westerfield statement of significance. The reduced vegetation and the ‘toe’ of the dam are changeable qualities largely dependent on natural forces and not necessarily clear on site. The Committee notes that the management of the significant bushland at Westerfield involves regeneration and that the test of being undisturbed since Grimwade’s ownership has not been applied to every part of the property and the appropriate test is whether the place still satisfies one or more of the criterion – not whether it has been disturbed. The Committee has determined that the western edge of the PLF concrete retaining wall is a more appropriate perimeter for the extent of registration than measurements of varying distances from the title boundary.

Extent of Registration – PLF Eastern Section

1. For the purposes of this report the ‘PLF Eastern Section’ is the land owned by the LMA east of the PLF eastern noise attenuation wall and adjoining the 0.127ha triangle of land owned by the Welsh family.
2. The Executive Director and LMA both recommended the removal of the PLF eastern section from the Westerfield registration.
3. The Welsh family does not support the removal of any land from the Westerfield registration.

*Submissions and evidence*

1. LMA submitted that as the PLF eastern section has been physically isolated from the rest of the Westerfield property by the PLF it ‘no longer contributes to an understanding of the cultural heritage significance values of the Westerfield property’ and should be removed from the registration. The Lovell Chen report commissioned by LMA supported this view stating that the bushland no longer demonstrates heritage values. It is their view that the PLF eastern road reserve no longer meets Criterion A, E, F, G or H for inclusion in the register.
2. The Executive Director recommended that this area be removed from the registration.
3. As stated above Mr Brown submitted that while the PLF works have impacted on the site it does not mean that all historical integrity is lost. Mr Brown is of the view that reductions in the extent of the heritage listing would compromise the cultural heritage of the site.

*Discussion and conclusion*

1. The Committee has determined that the PLF eastern section should be retained within the Westerfield registration extent with the exclusion of the heavily modified section north of the northern boundary of Lot 2 on Plan of Subdivision 637527. The Committee is of the view that this area continues to contribute to the demonstration of cultural heritage values of state significance at Westerfield. The Committee was not persuaded that the physical isolation of this area as a result of the construction of the PLF has resulted in diminished cultural heritage values for the property as a whole.
2. The Committee is of the view that significance should be assessed in relation to the entire site rather than as an individual parcel.

Extent of Registration – 0.127ha Welsh Land

1. For the purposes of this report the ‘0.127ha Welsh Land’ is taken to be the eastern triangle of land owned by Mrs Welsh and separated from the main Westerfield property by the PLF.
2. The parties disagreed on whether the 0.127ha Welsh land should be removed from the registration.

*Submissions and Evidence*

1. The Executive Director submitted that the registration for Westerfield should be amended to remove the 0.127ha parcel of land owned by the Welsh family on the eastern boundary of the property. It is the Executive Director’s view that this land ‘no longer retains a physical or visual connection with Westerfield and does not contain any heritage fabric that would allow it to be understood or appreciated as part of ‘Westerfield’’. It was submitted that Westerfield is of historical significance for its association with early biotechnological experiments associated with World War II. The Executive Director is of the view that the disconnect between the 0.127ha parcel of land and the remainder of the Westerfield property, both physically and visually, has resulted in a loss of this historical association and the 0.127ha area of land is therefore no longer significant to the course of Victoria’s cultural history.
2. In written submissions the LMA supported the Executive Director’s recommendation.
3. Mr Brown submitted that the impact on the Westerfield property by the construction of the PLF has resulted in the land which remains gaining additional importance rather than being compromised. He is of the view that maintaining the heritage listing in this area is consistent with the purposes of the Act and that remaining vegetation and drains link this section with the main Westerfield property.
4. The National Trust submitted that the removal of the 0.127ha parcel of land from the registration would have ‘an adverse impact on the significance of the place’.

*Assessment against Criteria*

1. The Executive Director stated that the 0.127ha parcel of land is not of aesthetic importance as it no longer connects to the main Westerfield property.
2. The Executive Director submitted that the 0.127ha parcel of land is no longer of scientific importance as it contains no cultural heritage fabric which associates it with Russell Grimwade’s scientific endeavours.
3. The Executive Director stated that the 0.127ha parcel of land ‘does not have an association with any particular community or cultural group’.
4. The Executive Director submitted that the Westerfield property is significant for its association with Sir Russell Grimwade and Harold Desbrowe Annear, both of whom are of importance to Victoria’s history however the 0.127ha parcel of land is not significant as it ‘no longer demonstrates its historical associations with Russell Grimwade’.

*Discussion and conclusion*

1. The Committee has determined that the 0.127ha Welsh land should be retained within the Westerfield registration extent. The Committee is of the view that this area continues to contribute to the demonstration of cultural heritage values of state significance. It is possible to stand on this area of land and look across the PLF to the western portion of the Westerfield property, which has similar bushland features, and thereby gain a good understanding that both the PLF and the eastern portion of land were part of the original property which was greater in extent that it is today. The Committee was not persuaded that the physical isolation of this area as a result of the construction of the PLF has resulted in diminished cultural heritage values and is of the view that its significance remains the same as when originally registered. The Committee notes that this land has not been substantially physically impacted by the LMA works.
2. The Committee is of the view that significance should be assessed in relation to the entire site rather than as an individual parcel.

Conclusion

1. The Committee finds that the Peninsula Link Freeway no longer retains any elements of cultural heritage significance and should be removed from the extent of registration for Westerfield.
2. The Committee has determined that all other land discussed, including the Peninsula Link Freeway road reserve and Peninsula Link Freeway eastern section owned by LMA, excluding the modified area north of the northern boundary of Lot 2 on Plan of Subdivision 637527, continues to be of cultural heritage significance, allows the reading of significance across the site as a whole, and should be retained within the registration.
3. The Committee does not agree with the principal that small sections of registered land can be read as individual areas and removed on this basis. It is the Committee’s view that heritage values should be considered across the place as a whole.
4. A revised Statement of Significance and registration diagram has been adopted and is shown in Attachments to this report.



ATTACHMENT A

HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGIFICANCE

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| CRITERION A | Importance to the course, or pattern, of Victoria’s cultural history. |
| CRITERION B | Possession of uncommon, rare or endangered aspects of Victoria’s cultural history. |
| CRITERION C | Potential to yield information that will contribute to an understanding of Victoria’s cultural history. |
| CRITERION D | Importance in demonstrating the principal characteristics of a class of cultural places or objects. |
| CRITERION E | Importance in exhibiting particular aesthetic characteristics. |
| CRITERION F | Importance in demonstrating a high degree of creative or technical achievement at a particular period. |
| CRITERION G | Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions. |
| CRITERION H | Special association with the life or works of a person, or group of persons, of importance in Victoria’s history. |

These were adopted by the Heritage Council at its meeting on 7 August 2008, and replace the previous criteria adopted by the Heritage Council on 6 March 1997.

ATTACHMENT B

***Diagram 4: Extent of land on the eastern portion of Westerfield considered warranting retention in the VHR (April 2014)(Heritage Victoria Submission 11 April 2014)***

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ATTACHMENT C

***What is significant?***

Westerfield, Frankston South is an estate which consists of a house, garden, paddocks, bushland and associated buildings and structures.

*History Summary*

Westerfield was a 45 hectare property purchased in 1920 by Russell and Mabel Grimwade as a farm and rural retreat, in an area which became popular in the 1920s for the holiday houses of Melbourne's most prominent families. Russell Grimwade (1879-1955) was one of Australia's outstanding industrialists, scientists and philanthropists. He was trained in science, was chairman of numerous chemical companies, including the family pharmaceutical business, Felton Grimwade & Co, which later became Drug Houses of Australia, and of the Victorian Board of Scientific and Industrial Research. His interests included arboriculture, carpentry, photography and forestry, and he was an enthusiast for native plants who published an *Anthology of Eucalypts* in 1920. At Westerfield he began to plant what became a collection of more than fifty species of gums, as well as acres of lavender and roses, from which oil was distilled.

A house designed by the fashionable Melbourne architect Harold Desbrowe Annear was built at Westerfield in 1924. Nearby was a terraced lawn, a garden and pergola, probably also designed by Annear, an orchard and vegetable garden, and a timber windmill (now demolished) designed to generate electricity for the house. An area of natural bushland east of the house was retained. With the onset of World War II Australia's supply of many essential plant-derived drugs was cut off, and Grimwade, with the aid of the Federal Government, obtained seed from England and cultivated at Westerfield crops of poppies, foxgloves, deadly nightshade, henbane and colchicum. He constructed a drying shed, and with the resources of the family firm's laboratories developed extraction techniques to produce many of the drugs essential for Australia's war effort. The poppy seed grown at Westerfield was distributed to farms around Australia, and was able to satisfy all of Australia's morphine requirements until after the war. Grimwade was knighted in 1950. The property was sold and subdivided after his death and about a third was retained as the Westerfield estate. In 2009 approximately 2.6 hectares at the eastern end of the estate were acquired for construction of the Peninsula Link Freeway.

*Description Summary*

The Westerfield estate, though reduced in area, incorporates a house, garden, paddocks, **remnants of a dam** and bushland. The two storey Arts and Crafts style house has ground floor walls of uncoursed locally-quarried granite rubble and a half timber and stucco upper floor. The plan is unconventional with three wings radiating out from a central stair hall. The house has no corridors, and many rooms have unusual shapes. The interior is remarkably intact, with many original details such as built-in furniture and door furniture. Much use was made of stained timber, for floors, skirtings, architraves, doors and built-in cupboards, but some is now painted white. A small timbered tower containing a water tank rises from the centre of the cement-tiled roof. In the angle between two wings is an east-facing semicircular porch, now glassed in, axially aligned to the main garden path. Above the porch is a balustraded deck, intended as a lookout towards Westernport Bay. To the south of the house are a caretaker's cottage and a garage.

The landscape still reflects the original design, with distinct but integrated features. A driveway lined with *Corymbia maculata* leads to the house. To the west is Grimwade's eucalypt paddock, with many species of gums remaining, including *Corymbia ficifolia*, *Eucalyptus saligna*, *E. cladocalyx*, and *E. sideroxylon*. To the east of the house is a long formal garden with a terraced lawn, flower beds, a fuchsia hedge, and a lily pond at the north end. The garden retains many of Grimwade's plantings, including a crab apple (*Malus floribunda*), Washington thorn, two old Lilacs and a Liquidamber. 'Sunny South' roses, which were once grown commercially on the property have been transplanted to the garden from the paddock where they were grown. The pergola that once divided the orchard from the garden was replaced by the 1950s by a privet hedge. In the orchard are many fruit trees planted by Grimwade, including three lemons, an old fig, Gravenstein, Democrat, Stewart's Seedling and Smith's Late Red apples, and Packham Triumph, Honeyball and Beurre Bosc pears. West of the eucalypt paddock, at the edge of a paddock where the roses and later the drug crops were grown, is a timber drying shed and next to it the base of a brick furnace used for heating, and nearby is an elevated water tank relocated from the former Langwarrin Military Reserve in c1922. To the east is an area of natural bushland retained by Grimwade and cared for by later owners. On the eastern **~~and western~~** side of the property are remnants of the dam constructed by Grimwade in 1926, a remnant pier from an old jetty, a depth gauge and a pump shed and the irrigation pipe leading from the dam to the upper tank, garden and paddocks.

This site is part of the traditional land of the Kulin Nation.

***How is it significant?***

Westerfield is of architectural, historical and scientific (botanical) significance to the state of Victoria.

It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion A Importance to the course or pattern of Victoria’s cultural history

Criterion D Importance in demonstrating the principal characteristics of a class of cultural places and objects

Criterion H Special association with the life or works of a person, or group of persons, of importance in Victoria’s history

***Why is it significant?***

Westerfield is significant at the State level for the following reasons:

Westerfield has a clear association with the development of the chemical and pharmaceutical industry in Victoria and plants grown at the property made an influential contribution to these fields from the 1920s. The cultivation of plants at the property for essential drug production made a strong contribution to society in Victoria during World War II. This association is evident in the fabric of the place, particularly in the drying sheds and furrowed paddock west of the house. These demonstrate a rare experimental enterprise in biotechnology, which played an important role in Australia’s war effort. [Criterion A]

Westerfield is an outstanding example of an innovative Arts and Crafts style house and garden, designed in 1924 by the prominent Melbourne architect Harold Desbrowe Annear. The Arts and Crafts style was an important architectural phase in Victoria and the house and garden at Westerfield is a highly notable and intact example of this period of design. The principal characteristics of this style are clearly evident in the physical fabric of the place. [Criterion D]

Westerfield has a direct association with Sir Russell Grimwade, a man of extraordinary diversity, active in some of Australia’s largest and most enterprising business concerns, particularly in the chemical and pharmaceutical industries, and prominent in such bodies as the National Museum and the University of Melbourne. Grimwade made a notable contribution to Victoria’s history in the field of forestry, conservation and experimental horticulture. This association is demonstrated in many of the trees that remain at Westerfield, including the eucalypt plantation. The retained bushland demonstrates Grimwade’s passion for, and knowledge of, the Australian environment. [Criterion H]

Westerfield has a direct association with Melbourne architect, Harold Desbrowe Annear, who made a notable contribution to Victoria’s history as a leader of the Arts and Crafts movement and as one of the state's most innovative and respected architects of the early twentieth century. This association is evident in the fabric of the house and garden. [Criterion H]



ATTACHMENT D

**PERMIT POLICY**

The purpose of the Permit Policy is to assist when considering or making decisions regarding works to the place. It is recommended that any proposed works be discussed with an officer of Heritage Victoria prior to making a permit application. Discussing any proposed works will assist in answering any questions the owner may have and aid any decisions regarding works to the place. It is recommended that a Conservation Management Plan is undertaken to assist with the future management of the cultural significance of the place.

The extent of registration protects the whole site. All of the place is significant and any alterations that impact on significance are subject to permit application. The significance of the place lies in its intactness as a rural estate developed between the 1920s and 1950s by Sir Russell and Lady Mabel Grimwade. Original elements include the house, caretaker's cottage, garage, garden, eucalypt plantation, paddock with drying shed and elevated water tank, and remnant bushland **with a section of the original dam** and pump shed. The addition of new buildings to the site may impact upon the cultural heritage significance of the place and requires a permit. The purpose of this requirement is not to prevent any further development on this site, but to enable control of possible adverse impacts on heritage significance during that process.

Any Minor Works that in the opinion of the Executive Director will not adversely affect the heritage significance of the place may be exempt from the permit requirements of the Heritage Act. A person proposing to undertake minor works may submit a proposal to the Executive Director. If the Executive Director is satisfied that the proposed works will not adversely affect the heritage values of the site, the applicant may be exempted from the requirement to obtain a heritage permit. If an applicant is uncertain whether a heritage permit is required, it is recommended that the permits co-ordinator be contacted.

**PERMIT EXEMPTIONS**

**General Conditions: 1.**   
All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object.

**General Conditions: 2.**   
Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such works shall cease and Heritage Victoria shall be notified as soon as possible.

**General Conditions: 3.**   
General Conditions: 3. If there is a conservation policy and plan endorsed by the Executive Director, all works shall be in accordance with it. Note: The existence of a Conservation Management Plan or a Heritage Action Plan endorsed by the Executive Director, Heritage Victoria provides guidance for the management of the heritage values associated with the site. It may not be necessary to obtain a heritage permit for certain works specified in the management plan.

**General Conditions: 4.**   
Nothing in this determination prevents the Executive Director from amending or rescinding all or any of the permit exemptions.

**General Conditions: 5.**   
Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits from the responsible authorities where applicable.

**Garden and landscape**

The process of gardening, including mowing, hedge clipping, bedding displays, removal of dead plants and replanting the same species or cultivar, disease and weed control, and maintenance to care for existing plants.

Removal of dead or dangerous trees if the tree is an immediate risk of personal or damage to property

Management of trees in accordance with Australian Standard; *Pruning of amenity trees* AS 4373

Replanting to maintain the landscape character or planting theme identified in the Statement of Significance

In the event of the loss of any plant specified in the Statement of Significance/Extent of Registration, replanting with the same species of tree/plant as that removed

Repairs, conservation and maintenance to hard landscape elements, buildings, structures, sculptures, fountains, monuments, ornaments, roads and paths, edges, fences and gates, drainage and irrigation systems

Removal of plants listed as noxious weeds in the *Catchment and Land Protection Act 1994*

Non-structural works and installation, removal or replacement of garden watering and drainage systems that occur at a distance greater than 5 metres from the canopy edge of a significant tree, plant or hedge,(structural works may require a permit if still on the registered land)

Removal of vegetation to maintain fire safety and to conserve significant buildings and structures

Removal of (intrusive) plants not identified in the registration or management report

**ONGOING PERMIT EXEMPTIONS**

**These specifically relate to the portion of LMA-owned land that forms part of the Peninsula Link Road Reserve and surrounds that remains within the extent of the heritage registration of Westerfield.**

PERMIT EXEMPTIONS  
General:  
**\* Inspection, maintenance and repair of existing infrastructure associated with Peninsula Link which replaces like with like.**

\* **~~Repairing or replacing road infrastructure associated with Peninsula Link which replaces like with like.~~**

**~~\* Inspection, non-invasive testing, maintenance and repair of the retaining wall which replaces like with like.~~**  
\*Inspection and maintenance of landscaping surrounding the road reserve which replaces like with like.  
\* Inspection and maintenance of the 'Extent of heritage fabric to be retained in situ' as depicted with hatching in the plan attached to permit P15708 which will not impact on the cultural heritage significance.



ATTACHMENT E

**EXTENT OF REGISTRATION**

All of the place shown hatched on Diagram 2200 encompassing part of Plan of Consolidation 158862, all of Lot 3 on Lodged Plan 42616, all of Lots 1 and 2 on Plan of Subdivision 637527 and part of Crown Allotment 2113 Parish of Frankston minus the land shown cross hatched on Diagram 2200 being all that land between the western edge of the western retaining wall and the eastern edge of the eastern noise attenuation wall and a line drawn from the northern end of the eastern noise attenuation wall eastward to the north west corner of Lot 2 on Plan of Subdivision 637527.

