

Permit Appeal Number P26464

**Spurling House (H0126), Permit Application P25759**

**38 Black Street, Brighton, Victoria**

**Heritage Council Permits Committee**

**Hearing – Monday 3 July, 2017**

Decision of the Heritage Council

After considering all submissions received in relation to the permit appeal, and after conducting a hearing, pursuant to Section 76(4)(b) of the *Heritage Act 1995*, the Heritage Council has determined to confirm the decision of the Executive Director to refuse to issue a permit for the demolition of Spurling House, located at 38 Black Street, Brighton.

Heritage Council Permits Committee:

**Juliette Halliday (Chair)**

**Jeffrey Robinson**

**Karen Murphy**

**Decision Date:** 21 August 2017

**APPEARANCES / SUBMISSIONS**

**Executive Director, Heritage Victoria (‘the Executive Director’)**

Mr Terry Montebello of Maddocks Lawyers appeared and made verbal submissions representing the Executive Director. Mr Montebello was assisted by Ms Katerina Axiarlis, solicitor of the Department of Environment, Land, Water and Planning. Ms Janet Sullivan, Principal - Heritage Permits, and Mr Geoff Austin, Manager - Heritage Register and Permits, both of Heritage Victoria, were present and available to answer questions.

**The Owner of the Place, Dr Damien Louis (‘the Appellant’)**

The Appellant was represented by Mr Ian Pitt, QC and Special Counsel of Best Hooper Lawyers, who appeared and made verbal submissions. Mr Pitt called the following persons to give expert evidence at the hearing:

- Mr Peter Lovell of Lovell Chen Architects and Heritage Consultants.

- Mr Bryce Raworth of Bryce Raworth Pty Ltd Conservation and Design.

- Mr Joseph Stinear, of Opteon Property Group.

- Mr Brett Cole of Biosafety Pty Ltd.

- Mr Timothy Freshney of Well Known Homes.

- Mr David Hogg of Beauchamp Hogg Spano Consultants.

- Dr Heiki Neumeister-Kemp of Mycotec.

Attachment 1 contains a list of the documents that were tendered on behalf of the Executive Director and the Appellant, which have been taken into consideration by the Committee.

**Brighton Residents for Urban Protection Inc. (‘BRUP’)**

BRUP was represented by Ms Kristin Stegley. Ms Stegley appeared and made verbal submissions.

**National Trust of Australia (Victoria) [‘the Trust’]**

The Trust was represented by Ms Felicity Watson, who appeared and made verbal submissions.

**Ms Susan Pickhaver**

A written submission was received from Ms Susan Pickhaver, who did not attend the hearing or make verbal submissions.

**Introduction/background**

**The Place**

1. ‘Spurling House’ (‘the Place’) is a two-storey dwelling located at 38 Black Street, Brighton (‘the Subject Land’). The Place is included in the Victorian Heritage Register (‘the Register’) as a place of architectural and historical significance to the State of Victoria.
2. The following paragraphs are taken from the Statement of Cultural Heritage Significance (‘Statement of Significance’) for the Place:

*‘What is significant?*

*Spurling House, Brighton was built in 1889 for Phillis Spurling to a highly innovative design by Canadian-born, Sydney architect, John Horbury Hunt. It is the only known example of his work in Victoria. Originally known as Purno, Spurling House was built on a large block of land in the popular seaside village of Brighton, in close proximity to the Middle Brighton railway station which was constructed from 1882-87. Hunt's design of the comparatively small Spurling House introduced the Shingle style to Melbourne. This Arts and Crafts-inspired North American domestic architectural style used organic materials in a way which heightened their natural qualities, eschewed any applied decoration, used contrasting vertical, horizontal and diagonal lines to achieve compositional balance, and grouped functional elements for aesthetic effect. At the height of the boom in Melbourne, when the majority of houses were designed in a highly decorative Italianate style, the surprising design of Spurling House was exceptional. In his design of Spurling House, Hunt used simple, open planning and externally incorporated expanses of black stained shingles, bold timber bracketting and strongly modelled brick chimneys. The composition of the front facade is highly asymmetrical, with contrasting horizontal, vertical and diagonal lines providing balance. An off centre gable; a dominant plain brick chimney shaft which is offset from the gable apex; an offset recessed verandah and varying window opening sizes provide both contrast and balance to the composition. The stained shingles of the upper facade, corbelling of the chimneys and the projection of the upper floor beyond the lower floor add to the picturesque nature of the composition.*

*How is it significant?*

*Spurling House, Brighton is of architectural and historical significance to the State of Victoria.*

*Why is it significant?*

*Spurling House, Brighton is of architectural significance as the only known house designed by John Horbury Hunt in Victoria. It is one of twenty-two designed by this highly influential, Sydney-based architect. Spurling House, Brighton is of architectural significance as the first, and one of the most innovative, domestic buildings constructed in the later nineteenth century in Victoria in the Shingle style. As the first of seven houses designed by Hunt in the North American Shingle style, it introduced this picturesque style to Victoria. At a time when the often heavily ornamented, rendered architecture of the domestic boom style was popular in Victoria, Spurling House was highly innovative and unique. Spurling House, Brighton is of architectural significance as an influential design in the overall oeuvre of the Arts and Crafts style. Many concepts introduced at this house were integrated in the design of houses by architects from the 1890s and into the early twentieth century. Spurling House, Brighton is of historical significance as a large house built in the popular bayside suburb of Brighton, at a time when the suburb was expanding, aided by the advent of the Sandringham rail line through the suburb from 1878.*

1. The Place is also subject to a Heritage Overlay in the Bayside City Council Planning Scheme, HO78. No permit is required under the Heritage Overlay as the Place as a whole is included in the Register.

**Permit Application**

1. A fire occurred at the Place on 30 October 2015. The fire was confined to the first floor gabled roof of the house, and smoke damage occurred in the first floor below and water damage from the firefighting efforts occurred to parts of the building including the ceilings and floors.
2. On 26 October 2016 the Appellant applied to the Executive Director, Heritage Victoria for a permit for the ‘complete demolition’ of the Place under s 67(1) of the *Heritage Act 1995* (‘the Application’). The Appellant gave the following description of the Application and the reasons for it:

*‘Complete demolition as a result of a major fire and resultant contamination of the site including building materials and finishes together with damage to asbestos sheeting together with contaminated soil under and adjacent to the building. The contamination issues necessitate the complete removal of the entire building from a public health and safety perspective’.*

1. The Application was advertised in accordance with s 68 of the *Heritage Act 1995* (‘the Act’) and ten (10) submissions, all of which opposed the demolition of the Place, were received under s 69 of the Act, and were considered by the Executive Director in accordance with s 73(1)(c) of the Act.
2. This determination refers to the proposal for the full demolition of the Place as ‘the Proposed Works’.

**Determination of the Executive Director**

1. On 3 February 2017 the Executive Director (pursuant to s 74(1)(c) of the Act) determined to refuse to issue a permit for the Proposed Works on the following grounds:

* *The demolition of Spurling House would result in the total and permanent loss of its cultural heritage significance.*
* *The application fails to demonstrate that structural remediation and remediation of mould contamination are not possible.*
* *The structural and mould contamination problems cited in the application as justifying demolition are considered to be attributable in a significant degree to the owner’s failure to implement measures that would have effectively mitigated the extent of such problems. Despite this, remediation is considered to be achievable and should have been explored as the first option.*

**The appeal against the permit refusal**

1. An appeal against the refusal to issue a permit under s 75(2)(a) of the Act was lodged with the Heritage Council by the Appellant on 2 March 2017 (‘the Permit Appeal’) on the following grounds:

*1. Spurling House has lost its cultural heritage significance to a substantial degree.*

*2. Structural remediation and remediation of mould contamination would result in a loss of its cultural heritage significance rendering it a mere facsimile.*

*3. The Applicant has used her best endeavours to mitigate the consequences of the fire at Spurling House in the context of the Stop Orders issued by the Building Surveyor of the Bayside City Council and the health hazards present in the building.*

*4. All reasonable steps have been taken to determine whether remediation is reasonably achievable.*

*5. The Executive Director has not disclosed any qualified evidence relied on to rebut the evidence in the application regarding the constraints on effective structural and mould contamination remediation or the consequences for the heritage significance of the building.*

*6. A refusal of the application would cause undue financial hardship to the owner in relation to the place.*

*7. The Executive Director has not identified any evidence that remediation without substantial demolition is reasonably possible or that after remediation the building would be of material heritage significance.*

*8. The building and historic record is capable of adequate archival documentation.*

1. Persons who had lodged submissions under s 69 were subsequently notified that a hearing would be conducted and a hearing was scheduled for 3 May 2017.

**Procedural matters**

*Request for an adjournment and Directions Hearing*

1. The Appellant requested an adjournment of the hearing, and following a directions hearing held on 19 April 2017 at which the Heritage Council Permits Committee (‘the Committee’) considered submissions made by parties relating to the Appellant’s request for an adjournment, and other procedural matters, the Committee determined to grant the request and adjourned the hearing to Monday 3 July 2017.

**Site Inspection and other matters**

1. Members of the Committee inspected the Place on Friday 30 June 2017. Access to the Place was facilitated by the Appellant, as requested by the Committee, and was led by Mr Krishnan of EnviroProtect Pty. Ltd. (the Heritage Council’s Occupational Health and Safety Contractor regarding access to the Place). The Committee was accompanied by the Heritage Council Hearings Coordinator. No submissions were sought or received at the time of the site inspection.
2. The Committee has considered all mandatory and some discretionary considerations in accordance with s 73 of the Act (see Attachment 2). The Committee has considered the issue of whether there are any relevant matters relating to the protection and conservation of the Place under s 73(1)(f) of the Act, and because the Proposed Works are for the demolition of the Place, it has not further addressed any matters relating to the protection and conservation of the Place.
3. The Committee’s consideration of the appeal is a *de novo* merits hearing, and the Committee ‘stands in the shoes’ of the Executive Director in exercising its powers under s 76(4) of the Act.
4. With respect to the mandatory considerations under s 73(1)(a), when considering any effect the Proposed Works may have on the Place, the Committee must consider their impact on the cultural heritage significance of the Place to the State of Victoria.
5. With respect to other considerations under s 73(1A)(a), some submissions and evidence referred to planning scheme considerations that relate to the Place. The Committee has not found it necessary to refer to local planning considerations in making its determination and considers that it can make its decision independent of the local planning considerations relating to the Place. The Committee notes that the material it has considered in making its determination relates only to the Permit Appeal.

**ISSUES**

1. The following issues sections are not intended to be a complete record of submissions that were made to, or evidence that was heard by the Committee. A summary of the relevant evidence and the position taken by parties in relation to key issues is included, followed by a discussion and the conclusions reached by the Committee on each issue.

**Summary of issues**

1. The principal issues before the Committee are: the extent to which the Proposed Works, if approved, would affect the cultural heritage significance of the Place; and, the extent to which a refusal to issue a permit for the Proposed Works would affect the reasonable or economic use of the Place, or cause undue financial hardship to the owner in relation to the Place. The parties disagreed on these issues with a particular focus on the condition of the Place and whether or not it can or should be remediated.

Mandatory Considerations

**s.73(1)(a) the extent to which the application, if approved, would affect the cultural heritage significance of the registered place**

*Submissions and evidence*

1. The Executive Director submitted that a permit for the Proposed Works should be refused because the demolition of the Place would adversely affect the cultural heritage significance of the Place by causing the total and permanent loss of its cultural heritage significance, and that elements of the Place can be salvaged, and either restored or reconstructed, based on the evidence (including the Appellant’s evidence). The submissions of the Executive Director were that the Appellant has adopted demolition as their preferred course of action (based in particular on the advice of Dr Jones) even where the advice is that the building need not be demolished (at least not all of it) from a structural perspective. The Executive Director also submitted that the Appellant relies on mould as the basis for demolition of the building, where, after experts (particularly Dr Jones) have highlighted the issue of mould, no action was taken to mitigate the damage caused by mould.
2. The Executive Director further submitted that the evidence does not permit a finding that the building cannot be restored, particularly the external components of the building acknowledging that much (although not all), of the internal elements will be lost due to the need to remove wall and floor linings. The Executive Director submitted that the Appellant has not established that the building is beyond remediation, and that the reports of Mr Lancashire and Mr Hogg confirm that structural remediation of the building is possible.
3. The Executive Director relied on the report of Terry Lancashire[[1]](#footnote-1) (who was not called to give evidence at the hearing) whose opinion was that the damage caused by the fire is limited to the roof and the first floor, and the fire did not appear to extend beyond the roof line, and other parts of the building are largely unaffected by fire including the ground floor brick walls. Mr Lancashire’s opinion was he did not believe the building should be condemned for demolition, and that the first floor of the building remains stable and structurally sound, and the ground floor brick walls are in good condition.
4. BRUP submitted that the Proposed Works, if approved, would have an adverse impact on the cultural heritage significance of the Place and submitted that insufficient evidence had been provided as to the need for the total demolition of the Place, and that it supported the Executive Director’s grounds for the permit refusal. BRUP submitted that the current condition of the Place was caused by neglect and inaction, and that the fabric of the Place could be successfully remediated and that an accurate reconstruction was another possible response to the condition of the Place.
5. Ms Pickhaver submitted her support for the permit refusal and for the general position of the Executive Director in writing.
6. The Trust submitted that it supported the grounds given in the Executive Director’s permit refusal and submitted that the Appellant has not established the necessity for the Proposed Works. It was also submitted on behalf of the Trust that any proposal for the total demolition of a registered heritage place must demonstrate beyond doubt that it is the only possibility for that place.
7. The Appellant submitted that the evidence shows that the level of biological contamination of the Place by mould and the risks to health posed by the mould are such that remediation to render the Place habitable would require full demolition and reconstruction. The Appellant also submitted that a permit should be issued for the Proposed Works, as the cultural heritage significance of the Place had already effectively been lost due to the contamination by mould, which necessitates its demolition.
8. The Appellant submitted that given the condition of the Place, the Proposed Works would not detrimentally affect its cultural heritage significance, and that the cultural heritage significance of the Place is doomed whether the application for a permit is, or is not granted. The Appellant submitted that demolition would not have a material impact on the cultural heritage significance of the Place because the building represents a hazard to life, and cannot be restored without effectively totally demolishing the building and reconstructing it in accordance with Building Regulations, effectively from the foundations up, following which it would not be a building of State heritage significance, but rather a facsimile masquerading as a building of heritage significance. The Appellant also submitted that all reasonable steps have been taken to determine whether remediation is reasonably achievable, and relied on expert evidence to support its submission that structural remediation and remediation of mould would result in the loss of the cultural heritage significance of the Place, rendering it a mere facsimile.
9. The Appellant relied on the reports of Dr Jones, although he did not give evidence at the hearing. Dr Jones’ opinion was that the building contains an unacceptable level of mould contamination, that it constitutes a very significant health risk, that it cannot be successfully remediated from mould, spores and mycotoxins and that the contamination was inevitable after the fire unless the building was dried and made weatherproof within between 24-48 hours after the fire, as set out in the following reports of Dr Jones:
   1. ‘Interim Findings’[[2]](#footnote-2), which amongst other things, reported the findings of twelve initial air samples and five surface samples (four of which were carpet) which he reported showed that both the airspace and the typical surfaces were significantly contaminated with viable fungi and spores and which recommended destructive tests to confirm the presence or absence of in-wall or in-floor contamination. In his interim findings, Dr Jones stated that based on these interim results, it is likely that the only course of action will be adequate containment and neutralisation of biological waste followed by demolition; and
   2. An ‘In-wall and In-floor Air Quality and Mould Inspection Report’[[3]](#footnote-3) which amongst other things reported on nine air samples and seven surface samples both taken from in-wall and in-floor spaces and surfaces which Dr Jones’ report showed that the in-wall and in-floor airspaces and typical surfaces are significantly contaminated with viable fungi and spores and containment and neutralization of the biological waste should be followed by full demolition of the property as any mould remediation efforts are unlikely to ever return the building to a condition that would be safe and habitable in terms of mould exposure.
10. The Appellant relied on the evidence of Mr Cole, who was called as a witness at the hearing, about his own assessment of the building. Mr Cole was made available to answer questions about the reports of Dr Jones, having previously conducted a peer review of Dr Jones’ reports.
11. It was Mr Coles’ evidence that the Place is biohazardous with the presence of extensive microbial growth, potential exposure to spores and mycotoxins and the presence of faecal coliforms, and that it is unlikely from the environmental testing data and structural building reports that it is safe to remediate to pre-existing conditions, nor rebuild the home safely to allow for reinhabitation, and the building should be disinfected and demolished. Mr Coles’ evidence was that the relevant guidelines for remediation standards[[4]](#footnote-4) required the removal or demolition of the brickwork be undertaken according to the extent of damage caused by mould. Mr Coles’ evidence was based upon the following reports:
12. A ‘Property Mould Inspection Report’[[5]](#footnote-5) which amongst other things reported the results of five air samples, six surface samples and two faecal coliform samples and in which Mr Cole concluded that:
13. All internal air samples showed high or very high mould spore levels; and
14. Many species identified internally are from internal microbial growth and some species identified are synonymous with wood rot (e.g. Basidiospores); and
15. The surface sampling indicated microbial flora (hypha and spores) in certain ground floor rooms in the very high range with the presence of Stachybotrys a particular concern as it is capable of killing immunosuppressed people; and

b. A peer review of Dr Jones’ reports,[[6]](#footnote-6) concurring with Dr Jones’ assessment and noting that no subsequent microbial or water ingress remediation has been conducted since the fire and that typically, mould growth will commence within 24-48 hours from moisture intrusion if ambient temperatures and humidity levels are favourable.

1. In response to questions in cross examination and re-examination, Mr Cole’s evidence (inter alia) was that:
   1. He had measured the moisture content of parts of the building such as plasterboard, but he had not measured the moisture contents of the bricks or mortar in the building or carried out destructive and structural testing at the Place; and
   2. He did not remove any bricks or mortar from the building to carry out penetrative testing to analyse whether mould had penetrated inside the bricks or mortar, nor did Dr Jones or Mr Murphy; and
   3. In the context of the guidelines for remediation standards ‘demolition’ refers to the ‘removal of building materials’ and, in terms of the Place, the extent of demolition required should correspond with the extent of damage caused by mould; and
   4. Although the presence of *Basidiospores* within the Place suggests the presence of rotting building material, he could not determine the location or extent of contamination without destructive and structural testing and, in the absence of such testing, he would have to assume the ‘worst case scenario’.
2. The Appellant relied on the evidence of Dr Neumeister-Kemp[[7]](#footnote-7) who conducted an assessment of the Place and gave evidence that the building is contaminated with mould, primarily *Stachybotrys chartarum* which is a pathogenic mould with mild to very severe health effects. Dr Neumeister-Kemp’s evidence was that any space can be remediated to return it to ‘normal mould ecology’, and that remediation in this case will likely require the removal and disposal of all porous and semi porous materials, including timber, mortar (including brick joint mortar), wall paper, plaster board and render. Given that brick joint mortar requires removal and replacement, partially porous and solid materials such as brick could be remediated if removed and processed, however it is likely that there is less than 20% chance of successfully remediating brick in this way. Amongst other things, Dr Neumeister-Kemp’s assessment reported and analysed the results of:
   1. Air sampling in six locations within the building which showed ‘elevated to extremely high’ levels of fungal concentrations;[[8]](#footnote-8) and
   2. Surface sampling of seven surfaces within the building which showed ‘below detectable levels to extreme contamination.[[9]](#footnote-9)
3. In response to questions in cross-examination and re-examination, Dr Neumeister-Kemp’s evidence (amongst other things) was that:
   1. She noticed mould was visible on some bricks (but did not take photos of this), and she believed that there could be mould in between the bricks, but did not have a photograph of mould in a brick cavity; and
   2. The samples were taken in easily accessible places including the downstairs dining room and bedroom upstairs but she did not perform penetrative testing; and
   3. The bricks downstairs were not tested because they are porous, they were visibly wet and mould was visible, and a photo is not necessary to prove this; and
   4. She does not assume that the whole building needs to be removed now but in her opinion, it is most likely that the whole of the building is affected by mould; and,
   5. The extent of contamination of the Place by mould can only be determined once all the lining of the building has been removed, and only then can the extent be seen.
4. The Committee notes that it has placed more weight on the evidence of Mr Cole and Dr Neumeister-Kemp, compared to Dr Jones, noting that he did not give evidence at the hearing, and was not available to be cross examined.
5. The Appellant relied on the evidence of Mr Hogg regarding the structural condition of the building. Mr Hogg’s evidence was that with the exception of the roof framing and some partial collapse of the upper front wall, the house remains largely intact, although much of the fabric (plaster) is irreversibly water affected, and that from a structural perspective alone, a large proportion of the existing structure could be retained, or dismantled and reused in reconstruction. Mr Hogg suggested three stages of remedial works:
   1. Urgent make safe, stabilisation and weather protection works; and
   2. Further remedial preparation works and investigations that will inform the final remediation scope, including removal of fire damaged fabric and geotechnical investigation; and
   3. General remediation to be compliant with relevant codes.
6. Mr Hogg’s evidence was that at least some remnant framing will need to be removed and most wall, floor and ceiling linings will need to be removed and replaced, and in doing so, the remaining structure will be exposed and can be treated, but that the degree to which the structure will be able to be retained will be dependent on the requirements of other factors, largely mould spores in the material and the ability to treat the mould.
7. In response to cross examination, Mr Hogg’s evidence was that along with the recommended ‘make safe works’, the only works he had recommended regarding the building which have been carried out is the installation of the temporary roof. Mr Hogg’s evidence was that he could not comment on why, or how the bricks in the arch above the window in the ground level dining room have been removed, or why the veranda support post had been removed. The Committee has placed more weight on the evidence of Mr Hogg than the report of Mr Lancashire (relied upon by the Executive Director in its submissions) or the reports of Mr Kaplonyi and Mr Murphy noting that Mr Hogg gave evidence at the hearing and was cross examined in relation to his evidence.
8. The Appellant relied on the evidence of Mr Freshney, which was that the building should be demolished after being remediated to remove mould, and that he did not believe the building is suitable for rebuilding because it is a hazard to the public and the structural integrity of the building is compromised, and most if not all of the structural elements require replacing. Relying on the reports of Dr Jones and Sub Zero[[10]](#footnote-10), it was Mr Freshney’s evidence that the building was bonded brick (not brick veneer as stated in his report dated 9 March 2017) and that the house should be demolished brick by brick because the brickwork is mould infested. It was Mr Freshney’s evidence that remediation would not result in one hundred percent removal of mould spores, and the building would need to be rebuilt, predominantly with new materials.
9. In response to cross examination, Mr Freshney said he relied on the information in the reports of Dr Jones and Sub Zero, and that he did not test brickwork for mould, and that even without doing the analysis, it is his view that the bricks should be removed brick by brick.
10. The Appellant relied on the site inspection reports of Mr Kaplonyi[[11]](#footnote-11) who did not give evidence at the hearing. Mr Kaplonyi concluded as follows:
    1. It appears that most of the internal structure would need to removed or replaced, not only from a structural adequacy point of view, but also from health concerns regarding mould throughout the building and it would be most feasible for the entire building to be demolished; and
    2. Concerns about the structural stability of the dwelling have increased considerably, to the point where imminent collapse of major parts of the building is a distinct possibility if not a probability and that it is unfeasible to make the structure safe and secure.
11. The Appellant relied on the evidence of Mr Raworth, which was based on the assumption that all building fabric is required to be dismantled and treated due to mould infestation with much damaged fabric not suitable for reuse, and that a permit for full demolition will be required, even if the building is reconstructed. Assuming that the building will effectively cease to exist and will be rebuilt as a facsimile with limited or no original material, Mr Raworth’s evidence was that (inter alia):
    1. The demolition of the Place would represent a substantial loss to the State; and
    2. The integrity of the building has already been damaged to a substantial degree, reconstruction is not warranted and it is reasonable to demolish the Place; and
    3. The outcome of reconstruction would be inherently imperfect, as so little of the original fabric remains in a stable and reusable condition, and that any reconstruction would result in a substantially new building, the integrity of which would be greatly impacted, and the significance of the resulting building could reasonably be questioned; and
    4. It is rare to require reconstruction of a building that has to be demolished as a result of fire and associated issues; and archival documentation and interpretation are valid alternatives in this case.
12. Mr Raworth’s evidence was that before the fire, the internal fittings at the Place were reasonably intact, and their integrity complemented the cultural heritage significance of the Place, but that the primary cultural heritage significance of the Place relates to its external fabric.
13. In response to questions in cross examination, Mr Raworth’s evidence was that the answer to the question about whether his opinion would change if a substantial section of the building could be retained depends on the degree of the building that could be retained, and he questioned the value of retaining just the brickwork and limited fabric.
14. The evidence of Mr Lovell on behalf of the Appellant relied on the assumption that the Place would be completely demolished and rebuilt. Mr Lovell did not consider partial dismantling and rebuilding. Mr Lovell gave evidence that there should be exceptional circumstances to justify full or substantial reconstruction, and typically these circumstance exist where a place is of a high level of social, spiritual or community value, and where the reconstruction evidences renewal or empowerment of the impacted society or community, such as the reconstructed St Kilda Pier Kiosk. Mr Lovell’s conclusion was that the circumstances of loss for the Place are not compelling to justify full reconstruction, because (inert alia) it is not a place which has strong community recognition, and it is one of a number of places designed by John Horbury Hunt and amongst those does not stand out.
15. Should the Place be reconstructed, Mr Lovell’s evidence was that although it would have the potential to meet Criterion E of the test in the Criteria and Threshold Guidelines[[12]](#footnote-12), such a building would not be of State significance, because there is a distinction between buildings that retain a large part of their original structure and fabric, and buildings which are essentially replicas of the original.
16. In response to questions in cross examination, Mr Lovell’s evidence was that if even half of the building could be retained, his opinion about the Proposed Works would change, because there would be the potential for options for remediation or reconstruction of the Place that would warrant investigation.

*Discussion*

1. The Place is of architectural and historical significance for several reasons, including because it is the first and one of the most innovative domestic buildings constructed in the later nineteenth century in the shingle style in Victoria. The Committee accepts Mr Raworth’s evidence that Spurling House is of significance to the State of Victoria and that its demolition would represent a loss to the State. The Committee also accepts the evidence of Mr Raworth that the primary cultural heritage significance of the Place is in its exterior architectural expression, and that the interiors of the Place (before they were partly damaged) were not of primary cultural heritage significance.
2. The evidence presented by the Appellant demonstrates that much of the internal fabric of the Place is affected by mould and would need to be removed, that it is presently a health and safety hazard, and that the building is not presently habitable.
3. The evidence of Mr Cole is that it is unlikely that the building is safe to remediate due to mould. The evidence of Dr Neumeister-Kemp is that it is most likely that all of the building is contaminated with mould. Although testing was carried out on surfaces and airspaces within the building, testing was not carried out by Mr Cole or Dr Neumeister-Kemp to determine whether or not mould had penetrated the brickwork and other building materials, and if so, to what extent the mould had penetrated the brickwork and other building materials. In light of this evidence, the Committee is not persuaded that the evidence has established that the brickwork and other building materials are affected by mould (including internal penetration of mould within the brickwork and other building materials) to such an extent that demolition of all building fabric at the Place is required at this point in time.
4. Mr Cole’s evidence was that it is unlikely that the building is safe to remediate due to mould and that he could not determine the location of *Basidiospores* without destructive and structural testing, in the absence of which he would assume a ‘worst case scenario’. Dr Neumeister-Kemp’s evidence was that it is most likely that all of the building is affected by mould and that she does not assume that the whole building needs to be removed now, and that the extent of contamination can only be determined once all the building linings have been removed. Both witnesses confirmed that testing has not occurred to establish whether or not mould has penetrated the brickwork and other building materials, and if so the extent of mould penetration into the brickwork and other building materials. In light of this evidence, the Committee finds that the Appellant’s submissions that the weight of evidence demonstrates that the Proposed Works are the only solution to the mould contamination are not sustained at this point in time.
5. On the basis of the evidence of Mr Cole and Dr Neumeister-Kemp, the Committee also finds that it has not yet been established that remediation without substantial demolition is not possible, and that after remediation the building would be of no material cultural heritage significance. The Committee also considers that based on the evidence of Mr Cole and Dr Neumeister-Kemp, it is not unreasonable to establish whether or not mould has penetrated the brickwork and other building materials, and if so, to what extent. Once this is established, it is also not unreasonable to establish whether any reasonable steps are available to remediate the mould, and whether remediation would materially affect the cultural heritage significance of the Place, before drawing a conclusion about whether or not remediation without substantial demolition is reasonably possible.
6. The Appellant’s submission that structural remediation and remediation of mould would result in the loss of the cultural heritage significance of the Place, rendering it a facsimile cannot be sustained at this point, because:
   1. Mr Hogg’s evidence demonstrates that (subject to the ability to treat the mould) from a structural perspective alone, a large proportion of the existing structure could be retained, or dismantled and reused in reconstruction; and
   2. Although Mr Cole’s evidence is that it is unlikely that the building is safe to remediate due to mould, and Dr Neumeister-Kemp’s evidence is that it is most likely that all of the building is mould contaminated, the evidence of Mr Cole and Dr Neumeister-Kemp has not established whether or not mould has penetrated the brickwork and other building materials, and if so, to what extent. If mould has penetrated the brickwork and other building materials, the evidence has not addressed whether or not remediation of the mould is reasonably possible, and whether any remediation required would materially affect the cultural heritage significance of the Place.
7. The Appellant’s submission that all reasonable steps have been taken to determine whether remediation is reasonably achievable and that demolition would not have a material impact because the building cannot be restored without totally demolishing it and reconstructing it cannot be sustained. This is because the Committee considers that, rather than proceeding with the Proposed Works on the basis of the evidence of Dr Neumeister-Kemp that it is most likely that all of the building is affected by mould, and the evidence of Mr Cole that it is unlikely that the building can be safely remediated, it is not unreasonable to establish whether or not the brickwork and other building materials in the Place have been penetrated with mould, and if so, to what extent, particularly in light of Dr Neumeister-Kemp’s evidence that the extent of mould contamination can only be determined once all the building linings are removed. If the brickwork and building materials have been penetrated with mould, the Committee considers it is not unreasonable to determine the extent of penetration of the brickwork and other building materials with mould. If penetration with mould has occurred, it is not unreasonable to establish whether any reasonable methods available to remediate the mould would materially affect the cultural heritage significance of the Place. This is relevant in light of Mr Lovell’s evidence that even if half of the building could be retained, his opinion would change because there would be the potential for options for remediation or reconstruction of the Place that would warrant investigation.
8. Whilst witnesses were not called at the hearing to rebut the evidence of the Appellant’s witnesses, from a structural perspective alone, it was Mr Hogg’s evidence regarding the constraints on remediation that a large proportion of the existing structure could be retained, or dismantled and used in reconstruction, but the degree to which the structure would be able to be retained would be dependent on other factors (largely mould and the ability to treat the mould). The evidence of Mr Cole (inter alia) was that it is unlikely that the building can be safely remediated, but further testing would be required to establish whether *Basidospore* has affected the building. The evidence of Dr Neumeister Kemp (inter alia) was that it is most likely that all of the building is affected by mould and that the extent of contamination can only be established once the building linings have been removed. On the basis of this evidence, and given that testing has not occurred to establish whether or not mould has penetrated the brickwork and other building materials (and if so, to what extent) the Committee is not satisfied that the constraints on effective structural and mould remediation, particularly with respect to the brickwork and other building materials are such that the Proposed Works are required.
9. The Committee acknowledges that the Place has been partly damaged by fire and mould exists in the building, rendering it uninhabitable at present. Whilst the evidence presented on behalf of the Appellant is that it is most likely that all of the building is affected by mould, and that it is unlikely that the building can be safely remediated, testing has not occurred to establish whether or not mould has penetrated the brickwork and other building materials, and if so to what extent. This building fabric (including the timber shingles and the double brick walls) continues to contribute to the cultural heritage significance of the Place from an architectural perspective, due to its contribution to the structure, form and floorplan of the Place, and the Place has not lost its historical association with John Horbury Hunt. For these reasons, the Committee finds that the Proposed Works would adversely affect the cultural heritage significance of the Place by permanently removing it, and that the Appellant’s submissions that the cultural heritage significance of the Place is lost and that the building and historic record is capable of adequate archival documentation are not sustained.

**s.73(1)(b) the extent to which the application, if refused, would affect the reasonable or economic use of the registered place, or cause undue financial hardship to the owner in relation to that place**

1. The Parties disagreed as to the extent to which reasonable or economic use would be affected by a refusal and as to the extent to which a refusal would cause undue financial hardship to the Appellant as the owner of the Place.

*Submissions and evidence*

1. The Executive Director submitted that no proper evidence has been put that is capable of testing as to the extent to which a permit refusal would affect the reasonable or economic use of the Place, and in relation to the extent to which the owner would be caused undue financial hardship if a permit was refused, and that the refusal would not detrimentally affect the Appellant’s reasonable or economic use of the Place. The Executive Director also submitted that the costs estimates of Mr Freshney (which are relied upon to ground the Appellant’s submission regarding economic loss and financial hardship) contain some baseless figures which appear to be nothing more than guesstimates, and that the material on this issue cannot be relied upon. It was also submitted that there are not quantity surveyor estimates in relation to the works required to remove mould and undertake the required structural works. The Executive Director submitted that it is not the refusal to issue the permit that would cause the economic loss or hardship, the cause was the fire, and the building is presently uninhabitable and requires works to be made habitable. The Executive Director stated that there was no suggestion by the Executive Director that a permit for appropriate works would be refused.
2. BRUP submitted that evidence that had been provided by the Appellant as to financial hardship related to the period prior to the permit refusal and was not relevant.
3. The Trust submitted that the threshold for s 73(1)(b) matters had not been reached and agreed with the Executive Director’s submissions as to a lack of evidence on this point. Responding to evidence provided by the Appellant as to s 73(1)(b) considerations, the Trust submitted that Mr Freshney had not given adequate consideration to alternative courses of action for development of the Place.
4. The Appellant submitted that a refusal to issue a permit would affect the reasonable and economic use of the Place, and cause undue financial hardship to the owner. The Appellant contended that if a permit for the Proposed Works is refused, the existing condition of the Place would continue, which would not allow a reasonable or economic use of the Place.
5. In relation to the estimated cost of the Proposed Works and other potential remediation works, the practicality of remediation works, the value of the Place and other related matters, the Appellant relied on evidence including that of Mr Freshney and Mr Stinear. Mr Freshney estimated the cost to remediate and contain the building, remove and remediate the bricks, and to demolish and rebuild is $4,479,552. In Mr Freshney’s opinion, the Place should be demolished brick by brick, and in this regard he agreed with the Sub Zero report[[13]](#footnote-13) that the cost estimates should be prepared on this basis. Mr Freshney stated that, due to the condition of the Place, he would not take personal responsibility for its remediation. In response to cross-examination, it was Mr Freshney’s evidence that the estimate of $1,543,600 for the remediation and containment of the building is a cost to be incurred whether or not a permit is issued to demolish the Place.
6. The Appellant relied on the evidence of Mr Stinear, which was that the market value at the date of valuation of the Subject Land (1 May 2017) is $3,150,000 on the special assumption that the condition of the property was as it was in June 2015. In response to cross-examination Mr Stinear’s evidence was that if a permit is granted to demolish the building it could affect the valuation, depending on whether 36 and 38 Black Street were in the same ownership, and what could be done on the combined pieces of land.
7. Relying on the evidence of Mr Freshney, the Appellant submitted that the total cost of decontamination and rebuilding of the Place would be $5,675,000 (including the amount owing under the mortgage over the Subject Land and the total cost of decontamination and rebuilding as estimated by Mr Freshney) which would be more than $2,525,000 more than the market value as stated by Mr Stinear. It was submitted that the Appellant has $490,148 total assets to meet the shortfall in rebuilding the Place above the Appellant’s assets upwards of $2,000,000. The Appellant submitted that, considering the above figures and the circumstances in which the amount paid by her insurer in full settlement was $1,528,000, this would cause the Appellant undue financial hardship.

*Discussion*

*The extent to which refusal would affect the reasonable or economic use of the Place*

1. Although the Committee was not presented with extensive details about the reasonable or economic use of the Place, it accepts that the use of the Place as a residence is a reasonable use and that the Place is not able to be inhabited as a residence in its current condition due to the presence of mould and other damage which occurred as a result of the fire.
2. In relation to the extent to which refusal of a permit would affect the reasonable or economic use of the Place, the Committee notes that no evidence was provided to satisfy it that the long term economic use of the Place would be affected by a refusal to issue a permit for the Proposed Works.
3. The Committee finds that insufficient evidence was provided to satisfy it that the future long-term reasonable or economic use of the Place for residential purposes would be affected by a refusal to issue a permit for the Proposed Works.

*The extent to which refusal would cause undue financial hardship to the Owner in relation to the Place*

1. Some of the financial outlays referred to by the Appellant will be incurred, whether or not the permit is refused. This includes Mr Freshney’s estimate of $1,436,000 cost to remediate and contain the building, which is a cost that would need to be incurred whatever the Committee decides, and the cost of the mortgage over the Subject Land of $1,197,639 (both of which were included in the total estimated cost of $5,675,000 to decontaminate and rebuild). The mortgage is a cost that should be anticipated as part of the ownership of the Subject Land, and which will not be the result of a decision to refuse the permit for the Proposed Works. The Committee finds that the costs estimated by Mr Freshney associated with the removal and remediation of the Place were not based on sourced costings, but were an estimate based on Mr Freshney’s experience, and the documents referred to in his report.[[14]](#footnote-14)
2. Having considered the submissions of the parties and the relevant evidence, the Committee is not satisfied that the Appellant has demonstrated that refusal of the permit will cause undue financial hardship to the Appellant. This is because the evidence and other material provided concerning the financial outlays the Appellant expects to incur as a result of a permit refusal includes costs which would be incurred whether or not the permit is refused (the mortgage over the Subject Land and the costs to remediate and contain the building), and because material provided about the Appellant’s financial position was not put before the Committee which was capable of testing in relation to consideration of the extent of undue financial hardship to the Appellant that would be caused by a refusal.

Discretionary considerations

**s.73 (1A) (a) the extent to which the application, if approved, would affect the cultural heritage significance of any adjacent or neighbouring property that is - (i) subject to a heritage requirement or control in the relevant planning scheme; or (ii) included in the Heritage Register; and (b) any other relevant matter.**

1. Some parties made submissions relevant to s 73(1A)(a) of the Act. The Executive Director’s submissions included reference to the railway footbridge at the end of Black Street and BRUP noted the concern they have regarding the negative impact of an approval for the Proposed Works on the ‘precinct’ and ‘landscape’ near to the Place.
2. Mr Raworth’s evidence was that the Proposed Works would not affect the cultural heritage significance of the nearby Middle Brighton Railway Station (‘the Station’) or the footbridge at the end of Black Street. Mr Raworth noted that the Statement of Cultural Heritage Significance for the Station does not mention the Place, and stated his opinion that the ability of the Station and footbridge to be understood in their historical context is not dependent on views to built form such as the Place, which he noted is outside the Station’s extent of registration.

*Discussion*

1. The Committee notes that the Station (which is included in the Register) is not immediately adjacent to the Place, but is in the same area or neighbourhood as the Place. The Committee notes that the Statement of Cultural Heritage Significance for the Place refers to its construction ‘in close proximity to Middle Brighton Railway Station’ and also refers to the expansion of the suburb of Brighton aided by the advent of rail travel on the Sandringham railway line.
2. The Committee has considered the submissions and evidence presented in relation to this issue, but the Committee has not considered in detail the extent to which the cultural heritage significance of the Station would be affected by the Proposed Works, because the decision of the Committee is to confirm the decision of the Executive Director and refuse to issue a permit for the Proposed Works. On this basis the Committee has not further considered the matters referred to in s 73(1A)(a) regarding the extent of the effect of Proposed Works on the cultural heritage significance of the Station.

**s.73(1A)(b) any other relevant matter**

1. The parties disagreed as to the extent to which the Appellant has acted to mitigate the impact of the fire, and the extent to which the Appellant’s actions have contributed to the current condition of the Place.

*Submissions and evidence*

1. The Executive Director submitted that the Appellant has contributed to the current condition of the building due to:
   1. Her failure to provide adequate weather protection to the building after the fire, noting that the building was finally provided with weather protection in March 2017; and
   2. The failure to adequately dry out the building after the fire; and
   3. The failure to remove soft furnishings from the building which contain and hold water; and
   4. At best, the inexplicable failure to prevent the unexplained significant structural interference with the building observed by a number of the expert reports.
2. The Executive Director submitted that those who do not at least act reasonably to mitigate the impact of an event such as a fire should not benefit from their inaction, as such an outcome would be contrary to public policy, and that the Appellant should not be able to rely on the damage which has been caused to the building as a result of inaction to justify the demolition of the building, as such an outcome would be perverse.
3. Submissions were made on behalf of the Appellant that she used her best endeavors to mitigate the consequences of the fire in the context of the Stop Orders issued by the Building Surveyor of the Bayside City Council and the health hazards presented in the building. Submissions were made that the Appellant was not aware of, nor did either Heritage Victoria or the Municipal Council advise the Appellant of the risk of mould contamination, and that it was the Appellant who recognised the potential that the building was contaminated, and who arranged for Dr Jones to inspect, which he did, providing his initial advice on 9 December 2015.

*Discussion*

1. Having considered the submissions of the parties and the relevant evidence, the Committee finds that regardless of what has contributed to the current condition of the building and whether or not the Appellant took adequate steps to mitigate the impact of the fire, the Committee is not satisfied that the Proposed Works are required at this stage, in part because:
   1. Subject to the ability to treat mould, the evidence of Mr Hogg is that from a structural perspective alone, a large proportion of the existing structure could be retained, or dismantled and reused in reconstruction; and
   2. Although the evidence of Dr Neumeister-Kemp is that it is most likely that all of the building is affected by mould, and the evidence of Mr Cole is that it is unlikely that the building can be safely remediated, the evidence presented by the Appellant has not established whether and to what extent mould has penetrated the brickwork and other building materials, and if so, whether remediation of that mould is reasonably possible, and whether any reasonably required remediation of that mould would materially affect the cultural heritage significance of the Place.

**CONCLUSION**

1. The Committee determines, pursuant to s 76(4)(b) of the *Heritage Act 1995*, to confirm the decision of the Executive Director to refuse to issue a permit for the Proposed Works (being the demolition of Spurling House at 38 Black Street, Brighton).

**ATTACHMENT 1**

Documents tendered on behalf of the Executive Director:

1. Building Fabric and Structural Assessment and Damage Report prepared by Mr Terry Lancashire of MacLeod Consulting dated 13 October 2016.
2. Review of the reports on mould growth at Spurling House prepared by Dr Cameron L. Jones of Biological Health Services, PTY Limited dated 10 December 2015 and 15 January 2016, 38 Black Street, Brighton VIC, 3186 prepared by Hutton + Rostron Environmental Investigations Ltd dated 13 January 2017.

Documents tendered on behalf of the Appellant:

1. Email from Ivo de Vocht of CRD Building Consultants and Engineers to Heritage Permits at the Department of Environment, Land Water and Planning dated 26 November 2015.
2. Statement of Dr Cameron L Jones of Biological Health Services dated 24 May 2017, attaching Interim Findings dated 9 December 2015; In Wall and In floor Air Quality and Mould Inspection Report dated 15 January 2016; and Opinion on the H+R, Hutton + Rostron Report dated 4 April 2017.
3. Site Inspection Reports by Kaplonyi & Associates Pty Ltd dated 12 January 2016; and 12 October 2016.
4. Mould Assessment Report for 38 Black Street, Brighton by Mr Brian Murphy of EHS Assess dated 17 January 2016.
5. Asbestos and Hazardous Materials Report for 38 Black Street, Brighton by EHS Assess dated 4 February 2016.
6. Report of Mike Neighbour, Consultant Building Surveyor dated 16 February 2016.
7. Quotation for 38 Black Street, Brighton by Sub Zero Restoration dated 23 January 2017.
8. Statement of David Lark dated 27 May 2017 attaching Analytical Reports dated 8 March 2017 and 12 May 2017.
9. Notices of assessment from the Australian Tax Office to Dr Damien Louis and Mr Anthony Gavan dated 30 June 2016
10. Bank print outs/statements for accounts held with AFSH Nominees Pty Ltd, Credit Union SA and the Commonwealth Bank.

**ATTACHMENT 2**

**s 73 of the *Heritage Act 1995* (Vic)**

**73. Matters to be considered in determining applications**

(1) In determining an application for a permit, the [Executive Director](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#executive_director) must

consider-

(a) the extent to which the application, if approved, would affect the [cultural heritage significance](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#cultural_heritage_significance) of the [registered place](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#registered_place) or [registered object](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#registered_object); and

(ab) if the application relates to a [listed place](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#listed_place) or to a [registered place](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#registered_place) or [registered object](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#registered_object) in a [World Heritage Environs Area](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#world_heritage_environs_area), the extent to which the application, if approved, would affect -

(i) the [world heritage values](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#world_heritage_values) of the [listed place](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#listed_place); or

(ii) any relevant [Approved World Heritage Strategy Plan](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#approved_world_heritage_strategy_plan); and

(b) the extent to which the application, if refused, would affect the reasonable or economic use of the [registered place](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#registered_place) or [registered object](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#registered_object), or cause undue financial hardship to the [owner](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#owner) in relation to that [place](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#place) or [object](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#object); and

(c) any submissions made under section 69; and

(d) any decision of the [Heritage Council](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#heritage_council) under section 72 which has been

received; and

(e) if the applicant is a [public authority](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#public_authority), the extent to which the application, if refused, would unreasonably detrimentally affect the ability of the [public authority](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#public_authority) to carry out a statutory duty specified in the application; and

(f) any matters relating to the protection and [conservation](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#conservation) of the [place](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#place) or [object](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#object) that the [Executive Director](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#executive_director) considers relevant.

(1A) In determining an application for a permit, the [Executive Director](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#executive_director) may consider-

(a) the extent to which the application, if approved, would affect the [cultural heritage significance](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#cultural_heritage_significance) of any adjacent or neighbouring property that is -

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

(ii) included in the [Heritage Register](http://www.austlii.edu.au/au/legis/vic/consol_act/ha199586/s3.html#heritage_register); and

(b) any other relevant matter.

1. Building Fabric Structural Assessment and Damage Report, Spurling House 38 Black Street, Brighton. MacLeaod Consulting 13 October 2016. [↑](#footnote-ref-1)
2. Interim Findings by Dr Cameron Jones of Biological Health Services, dated 9 December 2015. [↑](#footnote-ref-2)
3. In-wall and In-floor Air Quality and Mould Inspection Report by Dr Cameron Jones of Biological Health Services dated 15 January 2016. [↑](#footnote-ref-3)
4. ANSI/IICRC S520 Standard and Reference Guide for Professional Mould Remediation (2015) IICRC. [↑](#footnote-ref-4)
5. Site Assessment Report no. 20170010: Property Mould Inspection Report by Brett Cole of Biosafety Pty Ltd dated 14 March 2017. [↑](#footnote-ref-5)
6. Expert Witness/Peer Review Statement Report no. 20170025 by Brett Cole of Biosafety dated 24 May 2017. [↑](#footnote-ref-6)
7. Expert Report MCTC 2560 prepared by Dr Heike Neumeister-Kemp, Senior Mycologist of Mycotec dated 5 June 2017. [↑](#footnote-ref-7)
8. Assessed under the Australian Mould Guidelines AMC -2010-1. [↑](#footnote-ref-8)
9. Ibid. [↑](#footnote-ref-9)
10. Sub Zero Restoration Mould Inspection Scope of Works dated 14 December 2016 and Sub Zero Restoration Quotation dated 23 January 2017. [↑](#footnote-ref-10)
11. Kaplonyi and Associates Pty Ltd Site Inspection Reports dated 12 January 2016 and 12 October 2016. [↑](#footnote-ref-11)
12. *The Victorian Heritage Register Criteria and Threshold Guidelines*, endorsed by the Heritage Council on 6 December 2012. Reviewed and updated 5 June 2014. [↑](#footnote-ref-12)
13. Sub Zero Restoration Mould Inspection – Scope of Works report dated 12 January 2017. [↑](#footnote-ref-13)
14. Including the Sub Zero Restoration Mould Inspection – Scope of Works dated 14 December 2016 and Quotation dated 23 January 2017. [↑](#footnote-ref-14)