
HERITAGE
PERMIT
GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No.: P32629

Applicant/s: [REDACTED]
[REDACTED]
[REDACTED]

NAME OF PLACE/OBJECT: QUEEN VICTORIA MARKET

HERITAGE REGISTER NUMBER: H0734

LOCATION OF PLACE/OBJECT: 65-159 VICTORIA STREET MELBOURNE

THE PERMIT ALLOWS: *Installation of services within Sheds A, B, C, D, H and I (including service trenches, service bollards, six waste hub connection points and three waste hubs), construction of a new centralised waste and recycling facility (consisting of a basement, services core, hydraulic lifts, and mechanical vent), installation of operable bollards, retractable gates and new raised street edge to facilitate segregated loading, and associated landscaping and public realm works within Queen Street. The canopy element of the proposed 'Northern Shed' is not approved. All works must be generally in accordance with the following documents:*

- *Drawings prepared by NH Architecture numbered TP0-010 (rev 7, August 2020), TP0-100 (rev 6, August 2020), TP1-100 (rev 6, August 2020), TP1-200 (rev 6, August 2020), TP2-100 (rev 6, August 2020), TP2-110 (rev 4, August 2020), TP2-111 (rev 6, August 2020), TP2-112 (rev 6, August 2020), TP2-151 (rev 6, August 2020), TP2-160 (rev 4, August 2020), TP2-161 (rev 5, August 2020), TP2-162 (rev 4, August 2020), TP2-163 (rev 3, August 2020), TP5-100 (rev 5, August 2020), TP5-101 (rev 5, August 2020), TP5-102 (rev 5, August 2020), TP5-103 (rev 5, August 2020), TP6-100 (rev 5, August 2020) and TP9-150 (rev 5, August 2020)*
- *Drawings prepared by City Design Studio numbered SD11, SD21, SD22, SD33 and SD35 (all dated 28 November 2019)*

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The permission granted for this permit shall expire if one of the following circumstances applies: the permitted works have not commenced within three (3) years of the original date of issue of this permit, or are not completed within five (5) years of the original date of issue of this permit unless otherwise agreed in writing by the Executive Director, Heritage Victoria (the Executive Director).
2. The Executive Director is to be given five (5) working days' notice of the intention to commence the approved works. Contact details of the head contractor, registered building surveyor and project manager must be provided to Heritage Victoria at this time.
3. Prior to the commencement of any of the works approved by this permit, a report addressing the scale, form and materiality requirements of the mechanical vent must be submitted to the Executive Director, for review and written approval. The report must include:
 - a. An assessment detailing the minimum height requirements of a mechanical vent servicing the basement needs in order to meet Australian Standards and an analysis as to whether a mechanical vent with a height lower than 6m reasonably address any issues associated with the vent's placement in a pedestrian thoroughfare; and
 - b. An analysis of the materiality requirements of the mechanical vent and alternatives that more appropriately responds to the prevailing architectural context of this part of the heritage place and/or that of other approved new developments at the northern end of

Heritage Act 2017

Queen Street such as the 'Trader Shed' (approved under P30767) and services core, as resolved under condition 4.

4. Prior to the commencement of any of the works approved by this permit, a report addressing the form and materiality requirements of the services core must be submitted to the Executive Director, for review and written approval. The report must document options for revision of the materiality (and form if required) of the services core that more appropriately responds to the prevailing architectural context of this part of the heritage place and/or the approved new developments at the northern end of Queen Street such as the 'Trader Shed' (approved under P30767) and mechanical vent, as resolved under condition 3.
5. Prior to the commencement of any of the works approved by this permit, final detailed design drawings must be submitted to the Executive Director, for review and endorsement, and once endorsed becomes part of the permit. The drawings must include:
 - a. removal of the canopy element;
 - b. a revised materials and finishes schedule for all approved works;
 - c. removal of any proposed signage on the mechanical vent;
 - d. any revisions to the scale and/or materiality of the mechanical vent following review and endorsement of the report submitted under condition 3 of this permit; and
 - e. any revisions to the form and/or materiality of the mechanical vent following review and endorsement of the report submitted under condition 4 of this permit.
6. Should further minor changes in accordance with the intent and approach of the permitted works and/or endorsed documentation become necessary, correspondence and supporting documentation must be prepared and lodged for assessment by the Executive Director. More fulsome or major changes to the permit may require the submission of a permit amendment application to Heritage Victoria.
7. Prior to the commencement of any works approved by this permit, a Construction Management Plan (the Plan) must be submitted for endorsement by the Executive Director and once endorsed becomes part of the permit. The Plan must:
 - a. include a sequencing program for the approved works;
 - b. detail any temporary infrastructure (including appropriate protection methods for the place before and during the undertaking of the works) and services required; and
 - c. include a work site layout plan.
8. Archaeological investigations. Archaeological investigations (rather than monitoring of site disturbance works) are to take place in the area of the proposed works between sheds A and B in the north-western corner of the Upper Market which overlies the former Orderly Room (an area measuring approximately 25 metres in length from the Peel Street frontage). Archaeological investigations must continue in this area until the project archaeologist and the Executive Director determine that the subject area(s) do not have the potential to contain significant historical archaeological features, deposits and/or artefacts. At this time the archaeological investigation may be altered to a monitoring program.
 - a. Site recording. All features and deposits are to be investigated and recorded using a context-based system and presented in the project report. All site investigations must be conducted in accordance with Heritage Victoria's *Guidelines for Investigating Historical Archaeological Artefacts and Sites* (July 2015), and the methodology detailed in the submitted *Archaeological Assessment & Research Design* (section 5.6).
 - b. Site monitoring: All sub-surface works conducted under this permit must be monitored by the project archaeologist. Any potentially significant historical archaeological features, deposits and or artefacts that are uncovered at any time must be investigated, recorded and

Heritage Act 2017

reported to the satisfaction of the Executive Director. The monitoring program may cease in parts of the site if the project archaeologist, in consultation with Heritage Victoria, determines that the subject area does not have the potential to contain significant historical archaeological remains.

- c. Reporting of unexpected finds: If historical archaeological remains are uncovered at any time during any phase of site works, all work in the vicinity must cease immediately and the project archaeologist must be contacted. In this case, a program of investigation and recording may be required to the satisfaction of the Executive Director. All on-site workers and contractors must be made aware of this requirement and appropriately inducted.
- d. Project reporting: The Project Report must be submitted within 12 months of the date of the completion of archaeological fieldwork conducted under this permit. Any required additions or amendments to the submitted report must be made to the satisfaction of the Executive Director, and within the timeframe specified by the Executive Director.
- e. Project reporting: The report must address the requirements of Heritage Victoria's *Guidelines for Investigating Historical Archaeological Artefacts and Sites* (July 2015), and be to the satisfaction of the Executive Director. The report must include (but is not limited to) project records, synthesis of findings and results; results of background historical research; plans and images, addressing of Research Framework (as detailed in section 5.2 of the application); artefact catalogue and analysis, and details of artefact conservation, and production of revised Statements of Significance for both the site and any recovered artefact assemblage.
- f. Artefact Retention/Discard. All historical archaeological artefacts likely to be more than 75 years of age are to be initially retained and listed in the required project catalogue, with the exception of artefacts that may be hazardous to health. Building materials may be sampled.
- g. Artefact Retention/Discard. No post-excavation artefact discard can take place unless in accordance with a Retention/Discard policy, submitted to and approved by the Executive Director. At the completion of the fieldwork, catalogue and site analysis work, a significance-based assessment of the artefact collection should be undertaken which will form the basis for the artefact retention/discard policy. The policy should also consider artefact condition, research value, sampling, representativeness and other relevant factors.
- h. Artefact conservation: The applicant is liable for all expenses arising from the conservation, storage, and management of any significant historical archaeological artefacts that are recovered during works.
- i. Urgent conservation requirements: If any artefacts with urgent conservation requirements are recovered during the fieldwork, a qualified and experienced conservator (approved by the Executive Director) must conduct an assessment as soon as is practicable and provide appropriate conservation treatments to the satisfaction of the Executive Director.
- j. Artefact Conservation Plan (ACP): If significant artefacts are recovered that are likely to be retained, an ACP is required to be submitted to Heritage Victoria within two months of the completion of the fieldwork. The ACP must include the details of the proposed conservation treatments, and the details and rationale for the artefact selections. The conservation program proposed in the ACP must be approved by and implemented to the satisfaction of the Executive Director. The ACP must be informed by the post-excavation evaluation of site, context and artefact significance.
- k. Artefact conservation: All retained artefacts must be conserved to at least a stable condition, and to the satisfaction of the Executive Director. Heritage Victoria will not accept for storage any metal artefacts or other artefacts with conservation requirements that have not been conserved to at least a stable condition. All details of the artefact conservation program

Heritage Act 2017

must be included in the project report. All required artefact conservation work must be completed within 10 months of the date of the completion of archaeological fieldwork conducted under this permit.



9. Approved works or activities are to be planned and carried out in a manner which prevents damage to the registered place/object. However, if other previously hidden original or inaccessible details of the object or place are uncovered, any works that may affect such items must immediately cease. The Executive Director must be notified of the details immediately to enable Heritage Victoria representatives to inspect and record the items, and for discussion to take place on the possible retention of the items, or the issue of a modified approval.
10. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works. Should any munitions or other potentially explosive artefacts be discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
11. Prior to the expiration of the permit, the Executive Director must be informed of the completion of all works approved by this permit by submission of a Final Project Report to the satisfaction of the Executive Director. The Final Project Report must include:
 - a. A summary of how and when each of the conditions of the permit was satisfied; and
 - b. Documentation of the changes which have occurred at the heritage place as a result of the approved works, including documentation of any significant material which has been removed, altered, revealed or excavated from the heritage place.

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

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

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

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

| | | |
|---|--|--|
| <p>Date Issued:</p> <p>3.12.2020</p> | <p>Signed by Executive Director, Heritage Victoria:</p>  <p>Steven Avery</p> |  |
|---|--|--|

| Date of amendment | Brief description of amendment |
|-------------------|--------------------------------|
| | |

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

WHEN DOES THE PERMIT BEGIN?

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

WHEN DOES A PERMIT EXPIRE?

A permit expires if -

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

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

WHAT ABOUT REVIEW OF THE DETERMINATION?

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

A request must -

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

Review request forms can be downloaded at:

www.heritagecouncil.vic.gov.au/hearings-appeals/permit-appeals/permit-appeals-explained/
