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

Permit No.: P33898

Applicant



NAME OF PLACE/OBJECT: FORMER CUSTOMS HOUSE

HERITAGE REGISTER NUMBER: H0463

LOCATION OF PLACE/OBJECT: 3 GILLES STREET WARRNAMBOOL

THE PERMIT ALLOWS: *Works associated with a new Library and Learning Hub including construction of a section of a new building on registered land and landscaping and heritage interpretation works, generally in accordance with the following documents:*

- *Warrnambool Learning and Library Hub, Heritage Victoria Application Rev01, prepared by Kosloff Architecture, dated 16 November 2020*
- *Heritage Impact Statement, prepared by Bryce Raworth Conservation/Heritage, dated September 2020*
- *Warrnambool Learning and Library Hub, Preliminary Conservation Schedule (Draft), prepared by Kosloff Architecture, dated 5 November 2020*
- *Warrnambool Learning and Library Hub, Preliminary Interpretation Plans: Thematic Matrices, prepared by Sue Hodges Productions, dated 5 November 2020*
- *Warrnambool Learning and Library Hub, Proposed Heritage Interpretation Scope, prepared by Sue Hodges Productions, dated 5 November 2020.*
- *Preliminary Interpretation Plans: Warrnambool Learning and Library Hub and three sites: Orderly Room and Residence, Former Police Complex, Former Customs House, prepared by Sue Hodges Productions, dated 6 November 2020*
- *Landscape Plan prepared by GLAS, titled Detail Plan Customs House - LA-175, dated 21 October 2020*
- *South-West TAFE Learning and Library Hub, Archaeological Management Plan, prepared by Dr Vincent Clark and Associates, dated 19 November 2020.*

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

PERIOD OF VALIDITY

1. The permission granted for this permit shall expire if one of the following circumstances applies: the permitted works have not commenced within two (2) years of the original date of issue of this permit, or are not completed within four (4) years of the original date of issue of this permit unless otherwise agreed in writing by the Executive Director, Heritage Victoria.

CONDITIONS TO BE MET PRIOR TO THE COMMENCEMENT OF ANY WORKS APPROVED BY THIS PERMIT

2. The Executive Director, Heritage Victoria is to be given five working days' notice of the intention to commence the approved works.

3. Prior to the commencement of any of the works approved by this permit, a set of **tender-ready architectural drawings** must be provided for endorsement by the Executive Director, Heritage Victoria and once endorsed becomes part of the permit. Should further minor changes in accordance with the intent and approach of the endorsed documentation become necessary, correspondence and supporting documentation must be prepared and lodged for assessment by the Executive Director who will advise on the approach to be taken to address these matters. If the Executive Director considers that the changes are not minor, an amendment to the permit or a new application will be required.
4. Prior to the commencement of any of the works approved by this permit, a **Construction Management Plan** (the Plan) must be provided for endorsement by the Executive Director, Heritage Victoria and once endorsed becomes part of the permit. The Plan must include a sequencing program for the approved works, details of any temporary infrastructure and services required, protection methods for the heritage place during the undertaking of the works, a work site layout plan, and a tree/vegetation management and protection plan (for trees on the site and adjacent street trees) prepared in accordance with AS4970 *Protection of trees on development sites*. The Plan must also include a dilapidation report (including images) for the heritage buildings to record their condition prior to the commencement of works approved by this permit.
5. Prior to the commencement of any of the works approved by this permit, the **name of an experienced Heritage Consultant** must be provided in writing to the Executive Director, Heritage Victoria. The nominated Heritage Consultant is to be engaged to provide advice to assist with the preparation of the schedules required by Condition 6 and 7, and in all instances where significant building fabric is impacted by adjacent works, refurbishment, conservation or repair works.
6. Prior to the commencement of any of the works approved by this permit, a **costed Final Landscape Plan** (the Plan) must be provided for endorsement by the Executive Director, Heritage Victoria and once endorsed becomes part of the permit. The Plan must show the full extent of the VHR registration extent area (H0463) and include the following details: mid-height simple timber picket fences, the fence to the west of the Customs House is to be recessed back from the front line of the Customs House building, sculptures and other installations must not protrude above the fence line, planting and pathways should reflect the simple landscape arrangement of the early condition, planting should be kept away from the building edges, a strong heritage interpretation strategy is required along the western edge of the Customs House. Locations of all heritage interpretation elements approved by condition 7 should be included on submitted landscape plans. The approved landscape works must be completed within the period of validity of this permit.
7. Prior to the commencement of any of the works approved by this permit, a **costed Final Heritage Interpretation Plan** (the Plan) prepared by a suitably qualified interpretation specialist must be provided for endorsement by the Executive Director, Heritage Victoria and once endorsed becomes part of the permit. The Plan must be based on the Preliminary Heritage Interpretation documents (noted above) previously submitted to Heritage Victoria. It must also include a strong heritage interpretation strategy for the western edge of the Customs House. The Plan must include details of the methodology proposed, full details of interpretative elements proposed including text and images, materiality, size, and other key details. It must also include site plans and/or floorplans indicating the locations proposed for interpretation elements around the heritage place. The approved heritage interpretation works must be completed within the period of validity of this permit.
8. Prior to the commencement of any of the works approved by this permit, a **financial security in the form of an unconditional Bank Guarantee** made out to the Heritage Council of Victoria (ABN 87 967

501 331) must be lodged with the Executive Director, Heritage Victoria. The sum of the financial security will be equivalent to the combined cost of the landscaping works approved under condition 6 and heritage interpretation works approved under condition 7, plus a 20% contingency amount. The period of validity of the financial security is to be unspecified. The financial security is a completion bond to ensure the completion of works required under conditions 6 and 7. The Bank Guarantee will be forfeited to the Heritage Council if the works are not completed or implemented to the satisfaction of the Executive Director, Heritage Victoria within the period of validity of the permit.

GENERAL CONDITIONS

- 9.** Approved works or activities are to be planned and carried out in a manner which prevents damage to the registered place/object. However, if other previously hidden original or inaccessible details of the object or place are uncovered, any works that may affect such items must immediately cease. The Executive Director, Heritage Victoria must be notified of the details immediately to enable Heritage Victoria representatives to inspect and record the items, and for discussion to take place on the possible retention of the items, or the issue of a modified approval.
- 10.** The Executive Director, Heritage Victoria must be informed when the approved works have been completed.

CONDITIONS RELATING TO HISTORICAL ARCHAEOLOGY

- 11.** A program of archaeological site monitoring is to be undertaken in accordance with the submitted Archaeology Management Plan (AMP) (Dr Vincent Clark & Associates, 19 November 2020) and with Heritage Victoria's Guidelines for Investigating Historical Archaeological Artefacts and Sites (July 2015).
- 12.** 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 the methodology detailed in section 3 of the submitted AMP.
- 13.** Site monitoring: Any potentially significant historical archaeological features, deposits and or artefacts that are uncovered during site monitoring must be investigated, recorded and 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.
- 14.** 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.
- 15.** 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.
- 16.** 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; 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.



17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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 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.

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.

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| Date Issued: 12/1/2021 | Signed by the Executive Director, Heritage Victoria:  Steven Avery |  |
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| Date of amendment | Brief description of amendment |
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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/
