
Permit No.: P31437

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

Applicant:



NAME OF PLACE/OBJECT: WESLEY CHURCH COMPLEX

HERITAGE REGISTER NUMBER: H0012

LOCATION OF PLACE/OBJECT: 118-148 LONSDALE STREET and 117-147 LITTLE LONSDALE STREET MELBOURNE

THE PERMIT ALLOWS: *Adaptation of Nicholas Hall (B4) to a food and beverage venue including the addition of a mezzanine to the main hall, construction of a roof top pavilion and construction of a steel 'arbour' element to the front setback of the hall to Lonsdale Street, generally in accordance with the following:*

- Town Planning Drawings, Nicholas Hall, prepared by Cox Architecture, dated 10 February 2021, including:
 - TP-00-0000 Rev 3 – COVER SHEET - DRAWING INDEX
 - TP-01-0010 Rev 3 – EXISTING PRECINCT PLAN - GENERAL LAYOUT
 - TP-10-0G10 Rev 3 – EXISTING CONDITIONS SITE - DEMOLITION
 - TP-10-0020 Rev 3 – EXISTING CONDITIONS GROUND - DEMOLITION
 - TP-10-0030 Rev 3 – EXISTING CONDITIONS LEVEL 01 - DEMOLITION
 - TP-10-0040 Rev 1 – EXISTING CONDITIONS RCP
 - TP-11-0010 Rev 3 – EXISTING EAST ELEVATION - DEMOLITION
 - TP-11-0011 Rev 3 – EXISTING SOUTH ELEVATION – DEMOLITION
 - TP-11-0012 Rev 3 – EXISTING NORTH ELEVATION - DEMOLITION
 - TP-11-0020 Rev 1 – EXISTING MAIN HALL - INTERNAL DEMOLITION
 - TP-11-0021 Rev 1 – EXISTING MAIN HALL - INTERNAL DEMOLITION
 - TP-11-0022 Rev 1 – EXISTING MAIN HALL - INTERNAL DEMOLITION
 - TP-11-0023 Rev 1 – EXISTING ENTRANCE - INTERNAL DEMOLITION
 - TP-11-0024 Rev 1 – EXISTING ENTRANCE - INTERNAL DEMOLITION
 - TP-20-0020 Rev 3 – SITE PLAN - PROPOSED
 - TP-21-0B00 Rev 3 – PROPOSED BASEMENT
 - TP-21-0G00 Rev 3 – PROPOSED GROUND FLOOR
 - TP-21-0100 Rev 3 – PROPOSED LEVEL 01
 - TP-21-0200 Rev 3 – PROPOSED LEVEL 02
 - TP-21-0300 Rev 3 – PROPOSED ROOF PLAN
 - TP-30-0100 Rev 3 – PROPOSED NORTH ELEVATION
 - TP-30-0200 Rev 3 – PROPOSED EAST ELEVATION
 - TP-30-0300 Rev 3 – PROPOSED SOUTH ELEVATION
 - TO-40-0100 Rev 3 – GA SECTIONS
 - TP-40-0200 Rev 3 – GA SECTIONS

- TP-42-0100 Rev 3 – DETAIL SECTIONS
- TP-42-0200 Rev 1 – TYPICAL CEILING DETAILS
- TP-80-0000 Rev 1 – MATERIALS SCHEDULE

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 ('the Executive Director').

General conditions

2. The Executive Director is to be given five working days' notice of the intention to commence the approved works.
3. Changes to the endorsed documentation may be made, subject to the prior written approval of the Executive Director.
4. The works approved in this permit must be undertaken in a staged manner, unless otherwise agreed in writing by the Executive Director. These stages are:
 - Stage 1 – Site Establishment and Early Works
 - Stage 2 – Main Structure and Base Build
 - Stage 3 – External Works
 - Stage 4 – Tenancy Fitout Works.

Prior to commencement of any works approved by this permit

5. A suitably experienced **Structural Engineer** is to be nominated in writing for approval by the Executive Director. The nominated and approved Structural Engineer shall be appointed by the permit holder to prepare advice on appropriate measures to ensure the protection and structural stability of the heritage place prior to and during the undertaking of the works and assist with the fulfillment of the conditions of this permit. The Structural Engineer is to undertake regular inspections throughout the duration of the works. The Executive Director is to be informed immediately of any concerns regarding the structural stability of Nicholas Hall.
6. A suitably experienced **Heritage Consultant** is to be nominated in writing for approval by the Executive Director. The nominated and approved Heritage Consultant shall then be appointed by the permit holder to provide advice to assist with the fulfillment of all stages of works and conditions of this permit. The endorsed Heritage Consultant shall advise the permit holder on appropriate means of achieving minimal detriment to significant fabric by compliance with best conservation practice and the conditions of this permit.
7. **Vibration monitoring equipment** must be installed as a precautionary measure to ensure vibration levels are monitored and maintained within acceptable levels (as determined between the experts nominated at conditions 5 and 6) to protect Nicholas Hall, The School House and Wesley Church from structural instability. Regular clear and concise vibration monitoring updates are to be provided to the Executive Director throughout the works as reassurance that the vibration levels are maintained within acceptable levels. The following must be submitted for the endorsement of the Executive Director and once endorsed becomes part of the permit:
 - a. Plan(s) showing the location of vibration monitoring equipment, noting these must be fixed in discrete locations with the least impact to fabric possible.
 - b. A schedule of vibration monitoring updates.
 - c. Information to clarify what acceptable level has been determined.

- d. An outline of what measures and protocols have been put in place if the vibration threshold is approached or exceeded.
8. An **Archival Quality Photographic Survey** is to be prepared to record the heritage place. The survey must record the existing condition of the Place including views from key exterior vantage points and all interior spaces and details. The survey is to be prepared in accordance with the Heritage Council/Heritage Victoria Technical Note entitled "Photographic Recording for Heritage Places and Objects." Two copies of the completed photographic survey are to be produced with one copy submitted to the Executive Director, Heritage Victoria for approval in writing prior to commencement of any of the works approved by this permit. On approval of the first copy the second copy is to be lodged with the State Library of Victoria.
9. A **Dilapidation Report** (including images) for Nicholas Hall that details the current condition of the building including any existing damage and the state of any particular aspects of the building that are likely to be affected by demolition and new works, must be submitted for approval in writing by the Executive Director, Heritage Victoria.
10. A **Heritage Protection Plan** (the Plan) must be provided for endorsement by the Executive Director and once endorsed becomes part of the permit. The Plan should be updated to address each stage of work referenced at Condition 4 and resubmitted for endorsement by the Executive Director. The Plan must include protection methods for the heritage place during the undertaking of the works including weather protection for the interior of the place once the roof and ceiling have been removed (as relevant to each stage of the works).
11. An **Engineering Statement** describing the methodology for maintaining the structural integrity of the building during and at the completion of works is to be provided.

Conservation works package

12. Prior to the commencement of any of the works approved by this permit, a **costed conservation schedule**, and associated drawings detailing conservation and repair works to the heritage place prepared by the approval heritage consultant, must be prepared for endorsement by the Executive Director, Heritage Victoria and once endorsed forms part of this permit. The endorsed conservation works must be carried out in full within the period of validity of the permit or as otherwise agreed in writing by the Executive Director, Heritage Victoria. The schedule must include but not be limited to:
 - a. Conservation of South façade (exterior).
 - b. Conservation of Eastern façade (exterior).
 - c. Methodology for removal, storage (including location), conservation and reinstatement of pendant light fittings and timber panelling to ceiling.
 - d. Methodology for protection and conservation of in situ items including but not limited to blind windows, grilles, proscenium, timber dado, plaster walls, original decorative elements to be retained, terrazzo flooring, timber and glass screens, ticket box, bio box.
 - e. Internal and external painted finishes.
 - f. Proposed approach to the salvage and reuse of jarrah flooring in the main hall, noting it is desirable to retain as much as possible.
 - g. Proposed approach to the timber architrave and door jambs associated with the entry to the cloak room and accessible toilet on the ground floor, noting it is desirable to retain as much as possible.
 - h. Methodology for the reconstruction of the original plaster ceiling to be demolished, including detailed recording and casting of plasterwork detail in situ, careful removal, numbering, storage, repair and reinstatement of timber panelling to reconstructed ceiling, with input from the heritage consultant.

13. An unconditional **Bank Guarantee** in favour of the Heritage Council of Victoria (ABN 87 967 501 331) for the amount of the works identified in approved conservation schedule at condition 12, plus a 20% contingency amount. The Bank Guarantee is required to ensure satisfactory completion of the conservation works approved by this permit regardless of the financial status of the permit holder. The Bank Guarantee will be forfeited to the Heritage Council of Victoria if the works are not completed or implemented to the satisfaction of the Executive Director by the expiration of this permit. The Applicant must provide to the Executive Director, a completion report with images demonstrating the works have been completed. The Bank Guarantee must set out under the “contract/agreement” that the bank “asks the Principal to accept this Bank Guarantee (“undertaking”) in connection with permit P31437 issued to the Customer by Heritage Victoria for the completion bond for conservation to the heritage place ‘Wesley Church Complex’.

Prior to each stage of works

14. A tender ready set of **Architectural Drawings, prior to the commencement of each stage of works as detailed in condition 4**, which reflect the amended plans must be provided for the endorsement of the Executive Director and when endorsed becomes part of the permit. The documentation must include conservation works to retained and reinstated heritage fabric (internal and external) as required under Condition 12; exterior and interior materials and finishes schedules; and location of services where known.

Management of historic archaeological remains

15. Prior to the commencement of any sub-surface works, an historical archaeological assessment report which identifies whether the works may impact on archaeological remains associated with either the Place or previous uses, must be submitted to the written satisfaction of the Executive Director.
16. A consent for H7822-1199 is required.
17. The Executive Director, Heritage Victoria may require a program of archaeological investigations and/or monitoring to be conducted prior to or during site works.
18. If any significant historical archaeological features, deposits and or artefacts are uncovered during any site works, a program of recording and reporting must be undertaken in accordance with Heritage Victoria’s Guidelines for Investigating Historical Archaeological Artefacts and Sites (2015), and to the satisfaction of the Executive Director. Any required project report must be submitted within 12 months of the completion of the archaeological investigations.
19. All historical archaeological artefacts recovered during investigations and site works must be retained, except where in accordance with an Artefact Retention and Discard Policy, endorsed by the Executive Director, Heritage Victoria. The Applicant is liable for all expenses arising from the conservation of any significant historical archaeological artefacts that are recovered and retained, to the satisfaction of the Executive Director. A collection storage fee of \$50 per artefact box (standard size accepted by Heritage Victoria) will be required for the permanent storage and curation of any retained artefacts.
20. An unexpected finds protocol must be submitted to the written satisfaction of the Executive Director, and implemented to the written satisfaction of the Executive Director.

Landscaping

21. Prior to the commencement of any landscaping works, the final **Landscape Design** must be submitted for the endorsement of the Executive Director, Heritage Victoria and once endorsed becomes part of the permit. The Landscape Design must address the southern forecourt pocket park, the eastern façade, and the space between Nicholas Hall and The School House. The Landscape

Design must be prepared by a suitably qualified Landscape Architect and should be informed by consideration of the setting and presentation of the heritage buildings and the Place as a whole. The design should be of low-scale nature and be integrated with the existing landscaping of the Wesley Church Complex approved under Permit P21963. The landscape plan should include an inventory of ground treatment materials and colours, all proposed permanent elements including paving and proposed plantings.

Prior to commencement of tenancy fit out works



- 22. Prior to commencement of any fit out works relating to the adaptation of the place as a restaurant, a set of architectural drawings must be reviewed by the appointed heritage consultant before being submitted for the endorsement of the Executive Director and when endorsed becomes part of the permit.
- 23. Prior to the installation of new tenancy signage, a signage plan showing the proposed content, materials, location and installation method must be submitted for the endorsement of the Executive Director and when endorsed becomes part of the permit.
- 24. The Executive Director must be informed when the approved works have been completed.

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: 11 May 2021</p>	<p>Signed by the Executive Director, Heritage Victoria:</p>  <p>STEVEN AVERY Executive Director</p>	
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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/
