
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P37150

Applicant:



NAME OF PLACE/OBJECT: WUCHATSCH'S FARM

HERITAGE REGISTER NUMBER: H0950

LOCATION OF PLACE/OBJECT: 74 ROBERT STREET LALOR, WHITTLESEA CITY

THE PERMIT ALLOWS: Subdivision of land into 6 residential lots and one road; construction of a road and associated landscape works, generally in accordance with the following documents:

- Plan of Subdivision PS823774A, prepared by Nacha Moore Land Surveyors P/L.
- Plan of subdivision, PS823774A/S2, prepared by Nacha Moore Land Surveyors P/L.
- Landscape Plan TP02 Rev A date 19/10/2020 prepared by John Patrick Landscape Architects.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

GENERAL CONDITIONS

1. The permission granted for this permit will 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.
2. The Executive Director Heritage Victoria is to be given five working days' notice of the intention to commence the any works (including subdivision) approved by this permit.
3. 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 Heritage Victoria who will advise on the approach to be taken to address these matters.
4. 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.
5. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
6. The Executive Director Heritage Victoria must be informed when the approved works have been completed.

7. The works approved by this permit must be carried out in their entirety unless otherwise agreed in writing by the Executive Director Heritage Victoria.

CONSERVATION WORKS

8. Prior to the issuing of the Statement of Compliance, and prior to the commencement of any of the conservation works, a suitably experienced **heritage conservation architect** endorsed in writing by the Executive Director, Heritage Victoria must be engaged to advise and assist in developing a suite of conservation works to building B1 and the stone circle B6. In particular the heritage conservation architect must help fulfil conditions 9 and 11 of this permit.
9. Prior to the issuing of the Statement of Compliance, and prior to the commencement of any of the conservation works, the conservation architect endorsed under Condition 8 must prepare a **final costed Conservation schedule and drawings of the conservation works** identified as required for building B1 and the stone circle B6 for the approval and endorsement of the Executive Director Heritage Victoria and once endorsed these works become part of the permit and must be completed within the period of validity of the permit.
10. Prior to the issuing of the Statement of Compliance, and as provided for under s.103 of the *Heritage Act 2017*, a financial security in the form of an unconditional **Bank Guarantee** in favour of the Heritage Council of Victoria (ABN 87 967 501 331) regardless of the financial status of the permit holder, is to be lodged with the Executive Director Heritage Victoria. The period of validity of the Bank Guarantee is to be unspecified. The Bank Guarantee is to ensure the satisfactory completion of all of the works required by condition 9 of this permit. The amount guaranteed must be equivalent to the cost shown in the approved conservation schedule under condition 9 plus a 20% contingency sum (inclusive of GST). 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 P37150".
11. Following completion of the conservation works required under condition 9, the approved heritage conservation architect at condition 8 must submit to the Executive Director Heritage Victoria a written report confirming that the conservation works have been completed and the extent to which the completed conservation works conformed to good practice in their professional judgement.
12. The Bank Guarantee referred to in condition 10 will be released to its provider following receipt by the Executive Director Heritage Victoria of a written request by the permit holder, subject to the completion of all of the works referred to in condition 9 and satisfaction of condition 11. The Bank Guarantee will be forfeited to the Heritage Council of Victoria in the event that the works in condition 9 are not completed to a satisfactory standard prior to the expiry date of this permit.
13. If the works required by condition 9 are undertaken in full to the satisfaction of the Executive Director Heritage Victoria before any other works approved by this permit are commenced (including Statement of Compliance for subdivision), financial security at condition 10 is not required to be lodged.
14. If the works required by conditions 8, 9, 10, 11 or 12 are undertaken in full to the satisfaction of the Executive Director Heritage Victoria under Permit P31539, they are not required to be satisfied under this Permit.

DESIGN GUIDELINES

15. Prior to the issue of a Statement of Compliance, updated **Design Guidelines** to be consistent with approval given in permit P31539 must be prepared for the registered place. The Design Guidelines must address elements including setback, fencing, structures dwellings and outbuildings and any hard and soft landscaping provided in the construction associated with the townhouses approved by Permit P31539 on the new allotments approved by this Permit P37150. New structures will be limited to single storey with a defined height limit for lots numbered 1, 2, and 8 and two storeys for lots numbered 4, 5, 6, 7 [note Lot 3 is outside of extent of registration]. The Design Guidelines must be submitted to the Executive Director Heritage Victoria for approval. Once approved the Design Guidelines will be endorsed and will then form part of the permit.
16. Prior to the issue of a Statement of Compliance, the Design Guidelines required under condition 11, is to be made legally binding on the current and future owners of the registered land by means of the owner entering into a **Covenant** with the Heritage Council of Victoria pursuant to the relevant provisions of section 134 of the *Heritage Act 2017*. The approved Design Guidelines at condition 15 must be incorporated into the Covenant and to be applied to all relevant titles created by the permitted subdivision.

SUBDIVISION

17. Prior to the issue of a statement of compliance, a final **plan of subdivision** is to be submitted for endorsement by the Executive Director Heritage Victoria. When approved, the plan must be endorsed and will then form part of this permit. The plan must be generally in accordance with the subdivision plans referenced in the permit preamble.

ROAD CONSTRUCTION

18. Prior to the commencement of road construction, construction ready (marked as such) set of **drawings documenting the road works** must be provided for the approval and endorsement of the Executive Director Heritage Victoria and once endorsed these works become part of the permit. Construction of the road cannot commence until the Statement of Compliance is issued, however the drawings can be submitted for endorsement prior to the Statement of Compliance being issued.
19. Prior to the commencement of road construction, a **Heritage Protection Plan** must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the Heritage Protection Plan will be endorsed and will then form part of the permit. The Heritage Protection 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 prepared in accordance with AS4970 *Protection of trees on development sites*. Construction of the road cannot commence until the Statement of Compliance is issued, however the Heritage Protection Plan can be submitted for endorsement prior to the Statement of Compliance being issued.

LANDSCAPE WORKS

20. Prior to the commencement of landscaping works, a construction ready (marked as such) **Landscape Plan** must be submitted to the Executive Director Heritage Victoria for approval. Once approved the Landscape Plan will be endorsed and will then form part of the permit. This plan must identify all tree and shrub varieties. The landscape works can commence upon satisfying this condition. The Landscape Plan must comply with the Covenant entered

into as part of Permit P24710 which requires all development of the Heritage Place to be in accordance with the endorsed Landscape Management Plan in that 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 (\$22,190.40 FROM 1 JULY 2022) OR IN THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$110,952 FROM 1 JULY 2022) UNDER s104 THE HERITAGE ACT 2017.

WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF UP TO 4800 PENALTY UNITS (\$887,616 FROM 1 JULY 2022) FOR A NATURAL PERSON OR 5 YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,775,232 FROM 1 JULY 2022) 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.

Date Issued:

12 October
2022

**Signed as delegate for the Executive Director,
Heritage Victoria pursuant to the Instrument of
Delegation**



Nicola Stairmand
Manager, Statutory Approvals
Heritage Victoria

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