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

Permit No.: P32675

Applicant/s:



NAME OF PLACE/OBJECT: ST KILDA ROAD

HERITAGE REGISTER NUMBER: H2359

LOCATION OF PLACE/OBJECT: MELBOURNE and SOUTHBANK and ST KILDA

THE PERMIT ALLOWS: *Temporary installation of twenty-nine (29) double sided LED screens for the display of art work by Julian Opie for up to five (5) years in the St Kilda Road western median strip outside NGV. Permanent installation of tree lighting infrastructure. These works are to be generally in accordance with the following documents:*

- **PLANS, NGV ART COMMISSION PROPOSED ARTWORK LIGHTING ST KILDA ROAD, DATED 13 JULY 2020**
 - **DRAWING NO. E-001 REV B, COVER SHEET**
 - **DRAWING NO. E-100 REV B, ELECTRICAL PLAN – SHEET NO. 1**
 - **DRAWING NO. E-101 REV B, ELECTRICAL PLAN – SHEET NO. 2**
 - **DRAWING NO. E-102 REV B, ELECTRICAL PLAN – SHEET NO. 3**
 - **DRAWING NO. E-103 REV B, ELECTRICAL PLAN – SHEET NO. 4**
 - **DRAWING NO. E-200 REV B, SCHEMATIC DIAGRAMS AND DETAILS**
- **TREE PROTECTION PLAN, NGV ART INSTALLATION – ST KILDA ROAD, MELBOURNE, PREPARED BY TREE LOGIC, REF. 010721, DATED 21 JULY 2020**

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 one (1) year 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.
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 Construction Management Plan must be provided for endorsement by the Executive Director, Heritage Victoria and once endorsed becomes part of the permit. The Construction Management 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, and a work site layout plan.
4. This permit only relates to the temporary installation of the Julian Opie art project for five (5) years.
5. This permit only allows the display of the approved Julian Opie artwork in the LED screens. To display any other material on the LED screens will be subject to a new permit application which must be submitted prior to the expiry of this permit.

6. An application for amendment of this permit to allow extension of time to allow an additional five (5) years to the expiry of this permit (to allow a total of ten (10) years for the project) would be considered by the Executive Director, Heritage Victoria on receipt of the following report, submitted 6 months – 1 year prior to expiry of this permit. This condition should not be interpreted as acceptance or refusal of a permit amendment application.
 - a) A review undertaken by a suitably qualified professional including but not limited to the following: condition of the LED screens, including current graffiti or other damage; report on history of graffiti or other damage and repairs over the life of the project; recommendations for any current necessary repairs; any other relevant issues relating to the project as they impact the place such as visual impacts; review of the project in relation to any relevant heritage or conservation management plan prepared for the place since approval of this permit; viability of the LED screens for another 5 years.
 - b) Arborist report on the condition of the trees associated with the project including but not limited to recommendations for any necessary works on the trees to protect their health or to protect the LED screens; any tree replacement works.
7. Prior to the commencement of any of the works approved by this permit a set of tender ready Plans as outlined below must be submitted for the endorsement of the Executive Director Heritage Victoria and when endorsed becomes part of the permit:
 - a) Updated construction ready Plans of the artwork and lighting. These must include:
 - i) Removal of any subsurface works within the Structural Root Zone (SRZ) of trees;
 - ii) Electrical services must where possible be in the existing electrical conduit;
 - iii) Specify the maximum scope for movement of the infrastructure to avoid tree roots, which is to be no more than 1m, and outside the SRZ;
 - iv) Provide an elevation of the footings showing extent of baseplate to be covered in turf;
 - v) Details and methodology for all excavation works including services connection and existing lighting removal;
 - vi) Materials and finishes schedule;
 - vii) Document landscape remediation work at the completion of installation.
 - b) Tree Protection Plan prepared in accordance with *AS4970 Protection of trees on development sites* that references the plan provided at condition 7(a), including the existing floodlight removal.
 - c) Name of an Arborist with minimum qualification of Certificate IV Arboriculture or equivalent to be engaged to fulfil the requirements of the Tree Protection Plan at 7(c).
8. At the conclusion of the installation of the approved works, and 1 year after that (total of 2 reports), an arborist report is to be provided to the satisfaction of the Executive Director, Heritage Victoria on the condition of the trees following the works, including any recommendations for actions to mitigate any damage of the project on the trees. Any approved recommendations must be undertaken within 6 months of being notified of satisfying this condition.
9. Regular ongoing maintenance of the LED screens must be undertaken, including but not limited to graffiti removal. This permit covers any minor maintenance works required to the LED screens within the life of the permit if it does not change their visual appearance.
10. Should any LED screen, or other project component require full replacement or significant maintenance/repair within the life of this permit, plans to document that work must be submitted for the endorsement of the Executive Director, Heritage Victoria and when endorsed becomes part of the permit. If such work involves excavation works then a Tree Protection Plan prepared in accordance with *AS4970 Protection of trees on development sites* must also be provided.
11. Within 4 years of the commencement of works or 6 month prior to the expiry of the permit, a Landscape Plan and Tree Protection Plan for the removal of the temporary elements of the project approved in the project must be submitted for the endorsement of the Executive Director Heritage Victoria and when

endorsed becomes part of the permit. The works documented in that plan must be undertaken within the life of this permit.



12. 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.
13. 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.
14. 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.
15. The Executive Director, Heritage Victoria 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:</p> <p>2/10/20</p>	<p>Signed by the Executive Director, Heritage Victoria:</p>  <p>Steven Avery Executive Director, Heritage Victoria</p>	
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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/
