
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P33301

Applicant:



NAME OF PLACE/OBJECT: MILTON HOUSE

HERITAGE REGISTER NUMBER: H0582

LOCATION OF PLACE/OBJECT: 21-25 FLINDERS LANE MELBOURNE, MELBOURNE
CITY

THE PERMIT ALLOWS: Projection of a tower into the airspace at the rear, introduction of a new opening to the east elevation, works to the south elevation, removal of internal partition walls, introduction of an internal lift, structural works for seismic compliance and external conservation works including reinstatement of original roof cladding of Welsh slate (in conjunction with the works approved under P33300) generally in accordance with the following documents:

- Milton House architectural plans Revision K, DA-000, DA-0501, DA-0502, DA-0503, DA-1001, DA-2001, DA-2002, DA-2501, DA-6001 and DA-6002, Ingenhoven, Architectus, Seidler, 7 March 2023.
- 1 Spring Street, Melbourne Tower 2 Planning Application Architectural Plans, Revision J, Ingenhoven, Architectus, Seidler, 13 January 2023.
- Drawings SK-221 (Level 2 Revised Stair), SK-222 (Level 3 Revised Stair), SK-223 (Revised Stair Perspective) Ingenhoven, Architectus, Seidler, 20 March 2023.
- Drawing SK-224 (Theatrette Stair Options) Ingenhoven, Architectus, Seidler, 20 March 2023.
- Memorandum, 1 Spring Street Tower 02 Development – Proposed Construction Methodology adjacent to Milton House, ARUP, 28 January 2021
- Memorandum, 1 Spring Street Tower 02 Development – Shell House – Seismic Considerations, ARUP, 27 January 2021
- Memorandum, 1 Spring Street Tower 02 Development – Milton House – Existing Building Expected Seismic Upgrade Requirements, ARUP, 12 October 2020

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

MODIFICATIONS TO PLANS

1. Prior to the commencement of any of the works approved by this permit, amended plans must be submitted for the written approval of the Executive Director, Heritage Victoria. The plans must be generally in accordance with the plans identified in the preamble to this permit but modified to show any changes required under the conditions of this permit and permit P33300 including but not limited to:

- Retention of the rear staircase and relocation of the lift.
- Retention of all internal walls. Further demolition of internal walls as required by future tenants must form part of separate permit applications for tenancy fitouts.
- Details of proposed demolition and new connections between the existing building and the new development.
- Details of any wind mitigation requirements. Variations should be confined to the tower and not require changes to Milton House.
- Exterior and interior materials and finishes schedules.
- Landscape works including a schedule of ground treatment materials and colours, and all proposed permanent elements including seating, porphyry paving and plantings.

GENERAL

2. The permission granted for this permit will expire if one of the following circumstances applies: the permitted works have not commenced within four (4) years of the original date of issue of this permit or are not completed within four (4) years of commencement of the permitted works. Commencement of the permitted works begins with onsite physical works.
3. The Executive Director, Heritage Victoria (Executive Director) is to be given five working days' notice of the intention to commence the approved works in accordance with the Staging Plan required at condition 16.
4. 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 in accordance with the permit condition for endorsement by the Executive Director. If the Executive Director considers that the changes are not minor, an amendment to the permit or a new application will be required.
5. 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.
6. The works approved by this permit must be carried out in their entirety and in conjunction with the works approved in permit P33300 (H2365 1 Spring Street (Shell House)) unless otherwise agreed in writing by the Executive Director.
7. All documentation submitted to satisfy the conditions on this permit must be consistent with the documentation submitted to satisfy the relevant conditions on P33300.
8. The Executive Director must be informed when the approved works have been completed.

ENGAGEMENT OF CONSULTANTS

9. Prior to the commencement of any of the works approved by this permit, a suitably qualified and experienced **Heritage Consultant**, approved in writing by the Executive Director must be engaged to advise and assist as necessary with the preparation of the documentation where any intervention to fabric within the extent of registration is involved and to provide relevant

conservation advice to the permit holder during the carrying out of those works. In particular the heritage conservation consultant must help fulfil or advise on conditions 1, 15, 16, 17, 18, 19, 30 and 32.

10. Prior to the commencement of any of the works approved by this permit, a suitably qualified and experienced **Structural Engineer** approved in writing by the Executive Director must be engaged to advise and assist as necessary with the preparation of the documentation where any structural intervention to heritage fabric is required and to provide relevant advice to the permit holder during the carrying out of those works. In particular the engineer must help fulfil conditions 18 and 20 of this permit.
11. Prior to the commencement of any of the works approved by this permit, a suitably experienced **Project Archaeologist** approved in writing by the Executive Director must be engaged to fulfill conditions 24-29.
12. Prior to the commencement of any of the works approved by this permit, a suitably experienced **Landscape Architect** approved in writing by the Executive Director must be engaged to prepare the construction ready landscape plans under condition 1 and 18.
13. Except with the written consent, and to the satisfaction of the Executive Director, Heritage Victoria, Ingenhoven + Architectus in conjunction with Seidler must be retained as appropriate to the works to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes. The final finishes and design for the parts of the plaza associated with P33300 but within the extent of registration for Milton House must be supervised under the direction of Seidler.

PRE-START

14. Prior to commencement of any of the works approved by this permit 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 all interior spaces and details and views from key exterior vantage points including the intersection with 1 Spring Street (Shell House) at the rear of the building. The survey is to be prepared in accordance with the Heritage Council/Heritage Victoria Technical Note entitled "Specification for the submission of archival photographic records" (available on the Heritage Council website or from Heritage Victoria on request). Two copies of the completed photographic survey are to be produced with one copy submitted to the Executive Director 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. Delivery must be made either in person or by proxy to the Library's despatch facility: 174 Little Lonsdale Street Melbourne 3000. Deliveries can be accepted between 7.30am and 4.30pm. A receipt will be issued within 2 business days. If a receipt is required on the same day, then an advance appointment must be made with the Collection Curation & Engagement team by telephone – 03 8664 7000. Two business days notice is required for an appointment. Material will not be accepted at the information desks in the Library.
15. Prior to the commencement of any of the works approved by this permit, a **Conservation Management Plan** for Milton House must be prepared and submitted to the written satisfaction of the Executive Director.

16. Prior to the commencement of any of the works approved by this permit, a **Staging Plan** which provides the order in which the approved works will be commenced and completed must be submitted to the Executive Director for approval. Once approved, the Staging Plan will be endorsed and will then form part of the permit. Each stage of the works will require specific approvals from the Executive Director prior to the commencement of the works, as detailed in the conditions that follow. The Executive Director is to be given five working days' notice of the intention to commence each stage of the approved works. The Staging Plan must:
- Include but not be limited to all the works in conditions 17 - 23 of this permit.
 - Must ensure that the staging of works allows for completion of the conservation works to Milton House prior to or concurrent with any adaptive or new works associated with this permit.
 - Be coordinated with the Staging Plan required under permit P33300 and be submitted at the same time as that plan. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 16, any enabling works or investigations which may be required must be documented and submitted for the endorsement of the Executive Director and once endorsed become part of the permit.
17. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 16, a **Heritage Protection Plan** must be submitted to the Executive Director for approval. A Heritage Protection Plan for multiple stages can be provided. 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 allowed for under this permit and a work site layout plan. For the relevant stage of works, the Heritage Protection Plan must also include a **dilapidation report** (including images) to record the condition of the place prior to the commencement of works approved by this permit. The Heritage Protection Plan must include the following (as relevant to the stage):
- Site establishment, set-down and staging activities, including no-go areas and elements to be protected during works.
 - Details of any temporary signage, hoardings or partitions proposed in and around the buildings during the period of works.
 - Details of protection methods proposed to protect key heritage structures/buildings, landscape elements and trees.
 - Details of protection methods for the duration of demolition and construction works.
 - Details of vibration monitoring for the duration of demolition and construction.
 - Demolition methodology and protection works.
 - Documentation outlining the methodology for the dismantling, protection and temporary offsite storage of relevant elements to be retained including notification in writing to the Executive Director at each stage.
 - Details of how the project workforce will be informed of the sensitivity of working at a heritage place during site induction processes.

- Notification requirements in the case of unexpected or emergency conditions which may affect a building, feature or archaeology of heritage significance within the site.
18. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 16 **final construction ready (marked as such) plans** for the subject stage of works must be submitted to the Executive Director for approval. Once approved, they will be endorsed and will then form part of the permit. Drawings for multiple stages can be provided. The construction ready plans must address all demolition, conservation, new works, landscape, services, lighting and signage. The submitted drawings must be in accordance with the documents approved under condition 1 of this permit.
 19. Prior to the endorsement of the construction ready plans at condition 18, a **report by the Heritage Consultant** reviewing the construction ready plans for their compliance with conservation works must be submitted for the approval of the Executive Director.
 20. Prior to the commencement of any of the works approved by this permit, a **report prepared by the Structural Engineer** endorsed at condition 10, must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the report will be endorsed and will then form part of the permit. The report must document appropriate measures to ensure the protection and structural stability of 1 Spring Street (Shell House) and Milton House prior to and during the undertaking of the works. It must also include an assessment of the feasibility of the construction of the columns adjacent to Milton House and any potential impacts on Milton House.
 21. Within 12 months of the commencement of works, a **Heritage Interpretation Plan** must be prepared by a suitably qualified and experienced practitioner and be submitted to the Executive Director for approval. Once approved, it will be endorsed and will then form part of the permit. The Heritage Interpretation Plan must include proposals for the appropriate interpretation of the history of Milton House and any previous history of the place. Following endorsement, the Interpretation Plan is to be implemented on site prior to the expiration of the permit. The Bank Guarantee at condition 31 will be forfeited if the implementation of the endorsed Heritage Interpretation Plan is not completed.
 22. Prior to the implementation of the on-site interpretation, a **construction ready (marked as such) set of interpretation drawings** documenting the works generally in accordance with the Heritage Interpretation Plan approved at condition 21 must be submitted to the Executive Director for approval. Once approved, the drawings will be endorsed and will then form part of the permit. After its approval the interpretation works are to be implemented on site prior to the expiration of the permit.
 23. Prior to the installation of signage, a **signage plan** showing the proposed content, materials, location and installation methods must be submitted to the Executive Director for approval. Once approved, the drawings will be endorsed and will then form part of the permit.

MANAGEMENT OF ARCHAEOLOGY

24. Prior to the commencement of any sub-surface works approved by this permit, the project archaeologist endorsed at condition 11 must provide an **historical archaeological assessment report** which identifies whether the works may impact on archaeological remains associated with either Milton House or previous uses of the site, particularly in relation to the intersection with 1 Spring Street (Shell House) must be submitted to the Executive Director for approval. Once approved, the historical archaeological assessment

will be endorsed and will then form part of the permit.

25. If works are proposed that may affect historical archaeological remains at Victorian Heritage Inventory site Milton House, H7822-1951 a Heritage Act 2017 Consent will be required.
26. The Executive Director may require a program of archaeological investigations and/or monitoring to be conducted prior to or during site works.
27. 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.
28. 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. 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 \$100 per artefact box (standard size accepted by Heritage Victoria) will be required for the permanent storage and curation of any retained artefacts.
29. Prior to the commencement of any sub-surface works approved by this permit, 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.

BANK GUARANTEES

30. Prior to the commencement of any of the works approved by this permit, the heritage consultant approved under condition 9 must prepare a **costed schedule of conservation works** identified as required for the exterior and interior of Milton House. The schedule and drawings must generally be in accordance with the documentation listed in the preamble and at condition 1 of this permit. The works are to be costed by a cost consultant/quantity surveyor and submitted to the Executive Director for approval. Once approved, the costed schedule of conservation works will be endorsed and will then form part of the permit.
31. Prior to the commencement of any of the works approved by this permit and within one month of the Executive Director's endorsement of the costed schedule of conservation works under condition 30 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), is to be lodged with the Executive Director. The period of validity of the Bank Guarantee is to be unspecified. The Bank Guarantee is to ensure the satisfactory completion of all the works required by condition 30 and condition 21 of this permit. The amount guaranteed must be equivalent to the cost shown in the approved schedules under condition 30 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 P33301."
32. Following completion of the conservation works required under condition 30, the heritage consultant approved under condition 9 must submit to the Executive Director for their approval, a brief written report confirming that the conservation works have been completed in accordance with the endorsed schedule at condition 30.

33. The Bank Guarantee referred to in condition 31 will be released to its provider following receipt by the Executive Director of a written request by the permit holder, subject to the completion of all of the conservation works referred to in condition 30 and implementation of the Heritage Interpretation Plan referred to in condition 21. The Bank Guarantee will be forfeited to the Heritage Council of Victoria in the event that all of these works are not completed to a satisfactory standard prior to the expiry date of 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.

Date Issued:

17 May 2024

**Signed by the Executive Director, Heritage
Victoria**



A handwritten signature in black ink, appearing to read "Steven Avery". The signature is fluid and cursive, with a long horizontal stroke at the bottom.

Steven Avery
Executive Director
Heritage Victoria