
HERITAGE PERMIT

GRANTED UNDER SECTION 114 OF THE
HERITAGE ACT 2017

Permit No: P37853

Applicant:



NAME OF PLACE/OBJECT: FORMER BRYANT & MAY INDUSTRIAL COMPLEX

HERITAGE REGISTER NUMBER: H0626

LOCATION OF PLACE/OBJECT: 560 CHURCH STREET CREMORNE, YARRA CITY

THE PERMIT ALLOWS: Construction of one 13 level tower and one 12 level tower and associated landscaping on the northern half of the place, demolition of non-heritage buildings and adaptation and conservation of the Administration Building, Brymay Hall, Dining Hall, and the Boiler House and Chimney Stack generally in accordance with the following documents:

- Architectural Drawings, Denton Corker Marshall, dated 14/07/2023, Revision P3
- Modified proposal, Denton Corker Marshall, dated 31 May 2024, Revision #1
- 560 Church Street, Urban Design Report, prepared by Denton Corker Marshall, 11 April 2023
- 560 Church Street, Scope of Conservation Works, prepared by Lovell Chen, May 2023
- 560 Church Street, Cremorne, Town Planning Landscape Design Report, prepared by Oculus, 11 April 2023
- Structural Inspection & Audit Report, 560 Church Street, Cremorne, prepared by Robert Bird Group, Preliminary issue, 12 May 2023

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 (**Executive Director**). The plans must be generally in accordance with the plans identified in the preamble to this permit but modified to show any changes requires under the conditions of this permit and changes proposed in the Denton Corker Marshall modified proposal (31 May 2024) including but not limited to:
 - Reduction of the office tower on the western wing of Building C by four levels.
 - Design changes to the podium of the western wing of Building C.
 - Reduction of the setback from Adelaide Street.

GENERAL

2. 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 commencement of the permitted works. Commencement of the permitted works begins with onsite physical works.

3. The 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 17.
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 unless otherwise agreed in writing by the Executive Director.
7. The Executive Director must be informed when the approved works have been completed.

ENGAGEMENT OF CONSULTANTS

8. 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 heritage 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 consultant must help fulfil conditions 13, 17, 18, 19, 20, 21, 23, 24, 25, 31 and 33 of this permit.
9. 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 structural engineer must help fulfil conditions 14, 15, 16, 20 and 22 of this permit.
10. 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 26-30 of this permit.
11. 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 20.
12. Except with the written consent, and to the satisfaction of the Executive Director Denton Corker Marshall must be retained 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.

PRE-START

13. 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 views from key exterior vantage points and key interior spaces and details which are to be visually and/or physically impacted by the development including but not limited to:
- Long and short range views of the chimney stack and clock tower in the context of the heritage place within its setting from the north, south, east and west and in particular: views from Church Street looking west towards the chimney stack; views from Chestnut Street looking east into the site; views from outside the registered place recording existing views to the chimney stack, clocktower and factory building that will be blocked by the permitted works.
 - All heritage buildings and structures and their interaction/connection with more recent buildings and structures, both internally and externally.
 - Interiors of all heritage buildings and structures.

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.

STRUCTURAL AND VIBRATION MONITORING

14. Prior to the commencement of any stage of the works associated with demolition, the basement or excavation, the structural engineer approved at condition 9 must submit a reporting schedule for the written approval by the Executive Director. This is to include regular inspections by the structural engineer throughout the duration of the works to ensure the buildings and structures are not compromised at any point during construction. The Executive Director must be informed immediately if the structural stability of any of the buildings or structures are threatened.
15. Prior to the commencement of any stage of the works associated with demolition, the basement or excavation, the structural engineer approved at condition 9 must provide a report on acceptable levels of vibration that the heritage buildings and structures can tolerate during construction. The report must also provide a reporting schedule and measures and protocols to be put in place in the event that the vibration threshold is approached or exceeded. This report 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.

16. Prior to the commencement of any stage of the works associated with demolition, the basement or excavation, vibration monitoring equipment must be installed under the guidance of the structural engineer approved at condition 9 to ensure vibration levels are monitored and maintained in accordance with the report endorsed at condition 15.

STAGED WORKS

17. 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 18-30 of this permit.
18. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 17, any enabling works or investigations which may be required must be documented and submitted for the endorsement of the Executive Director and once endorsed becomes part of the permit.
19. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 17, 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 heritage buildings 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.
 - Location of plant and materials loading and unloading.
 - Waste disposal from the site (including excavation and the location and servicing of skips).
 - Details of protection methods during demolition and construction works to protect heritage buildings and structures, landscape elements and trees.
 - Details of vibration monitoring consistent with condition 16.
 - Documentation outlining the methodology for the dismantling, protection and temporary storage of relevant heritage elements associated with the dismantling of the infill buildings. The Executive Director must be notified in writing 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.

20. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 17 **final construction ready (marked as such) drawings** 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 at the relevant stage must address all demolition, structural engineering, 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.
21. Prior to the endorsement of the construction ready drawings at condition 20, a **report by the Heritage Consultant** endorsed at condition 8, reviewing the relevant construction ready plans for their compliance with conservation works must be submitted for the approval of the Executive Director.
22. Prior to the endorsement of the construction ready drawings at condition 20, a **report prepared by the Structural Engineer** endorsed at condition 9, reviewing the relevant construction ready plans for their compliance with any necessary structural works documented at conditions 14-16 must be submitted for the approval of the Executive Director.

INTERPRETATION AND SIGNAGE

23. Within 12 months of the commencement of works approved by this permit, 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 Former Bryant & May Industrial Complex, including didactic and site-specific responses incorporating historic images. Following endorsement, the Interpretation Plan is to be implemented on site prior to the expiration of the permit. The Bank Guarantee at condition 32 will be forfeited if the implementation of the endorsed Heritage Interpretation Plan is not completed to the satisfaction of the Executive Director.
24. 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 23 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.
25. Prior to the installation of new signage, a **construction ready (marked as such) set of signage drawings** 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

26. Prior to the commencement of any sub-surface works approved by this permit, the project archaeologist endorsed at condition 10 must provide an **historical archaeological**

assessment report which identifies whether the works may impact on archaeological remains associated with either the Former Bryant & May Industrial Complex or previous uses of the site 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.

27. The Executive Director may require a program of archaeological investigations and/or monitoring to be conducted prior to or during site works.
28. 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.
29. 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.
30. Prior to the commencement of any sub-surface works, 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 GUARANTEE

31. Prior to commencement of any stage of works associated with the construction of either tower (excluding demolition) the heritage consultant approved under condition 8 must prepare a **costed schedule of conservation works** identified as required for the exterior and interior of all of the registered buildings and structures. 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.
32. Prior to commencement of any stage of works associated with the construction of either tower (excluding demolition) and within one month of the Executive Director's endorsement of the costed schedules of works under condition 31 and as provided for under s.101A 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 31 approved by the permit. The amount guaranteed must be equivalent to the costs shown in the approved schedules under condition 31 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 P37853."

33. Following completion of the works required under condition 31, the heritage consultant approved under condition 8 must submit to the Executive Director for their approval, a **brief written report** confirming that the conservation and have been completed in accordance with the endorsed schedules at condition 31.
34. The Bank Guarantee referred to in condition 32 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 31 and implementation of the Heritage Interpretation Plan referred to in conditions 23 and 24 to the satisfaction of the Executive Director. 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 (\$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:

17 August 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