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# HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE  
HERITAGE ACT 2017

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Permit No: P36960

Applicant: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**NAME OF PLACE/OBJECT:** ATHENAEUM

**HERITAGE REGISTER NUMBER:** H2227

**LOCATION OF PLACE/OBJECT:** 28-36 OCEAN BEACH ROAD SORRENTO,  
MORNINGTON PENINSULA SHIRE

**THE PERMIT ALLOWS:** Works associated with the adaptive re-use of the Athenaeum to retail use, including partial demolition and refurbishment works, and conservation works, generally in accordance with the following documents:

- Revised architectural drawings set, drawing nos. HV00; HV01; HV10-HV12; HV20-HV22; HV30-HV32; HV40; HV50; HV51; HV55; HV56; HV60; HV70; HV80; HV90; and HV91, prepared by Tandem, dated 22 March 2023.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

## PERIOD OF VALIDITY

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 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.

## HERITAGE PROTECTION PLAN

3. Prior to the commencement of any of the works approved by this permit, 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, and a work site layout plan.

## REVISED CONSTRUCTION-READY DRAWINGS

4. Prior to the commencement of any of the works approved by this permit, a **construction ready (marked as such) set of architectural drawings and final materials and finishes schedule revised to show retention of the original stairs to the first-floor shopkeeper's residence**, must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the drawings will be endorsed and will then form part of the permit.

## CONSERVATION WORKS

5. Prior to the commencement of any of the works approved by this permit, a **suitably experienced heritage conservation consultant**, approved in writing by the Executive

Director Heritage Victoria, must be engaged to advise and assist as necessary with the preparation of the documentation where any intervention to built fabric of heritage significance 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 conditions 6 to 10 of this permit.

6. Prior to the commencement of any of the works approved by this permit, the conservation architect approved under condition 5 must prepare a **costed schedule and drawings of conservation works** identified as required for the heritage place for the approval and endorsement by 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. The schedule and drawings must include but not be limited to: removal of paint from the first-floor façade; render repairs; removal of organic growth from the parapet; and resolution of an historically appropriate paint scheme based on architectural paint research.
7. Prior to the commencement of any of the works approved by this permit 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 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 6. The amount guaranteed must be equivalent to the cost shown in the approved conservation schedule under Condition 6 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 P36960.

8. Following completion of the conservation works required under Condition 6, the approved heritage conservation architect must submit to the Executive Director Heritage Victoria, for their approval, a **brief 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.
9. The Bank Guarantee referred to in Condition 7 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 6 to the satisfaction of the Executive Director Heritage Victoria. 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.
10. If the works required by Condition 6 approved by the permit are undertaken in full to the satisfaction of the Executive Director Heritage Victoria before any other works approved by this permit are commenced, financial security is not required to be lodged. Following completion of the works outlined above, the approved heritage conservation architect must submit to the Executive Director Heritage Victoria a brief 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. Once the report has been approved and endorsed by the Executive Director Heritage Victoria, the remainder of the works approved by the permit may proceed.

## **INTERPRETATION**

11. A **Heritage Interpretation Plan** for installation of interpretive devices within the registered land must be prepared by a suitably qualified and experienced practitioner. The Heritage Interpretation Plan must include proposals for the appropriate interpretation of the history of the site and the building's original configuration with first floor shopkeeper's residence. The Heritage Interpretation Plan is to be submitted to the Executive Director Heritage Victoria for endorsement within 12 months of the activation of this permit unless otherwise agreed in writing by the Executive Director Heritage Victoria.
12. Prior to the implementation of the on-site interpretation, a **construction ready (marked as such) set of drawings** documenting works generally in accordance with the Heritage Interpretation Plan approved at condition 12, must be submitted to the Executive Director Heritage Victoria 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.

#### **GENERAL CONDITIONS**

13. 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 Heritage Victoria. If the Executive Director considers that the changes are not minor, an amendment to the permit or a new application will be required.
14. 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.
15. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
16. The Executive Director Heritage Victoria must be informed when the approved works have been completed.
17. The works approved by this permit must be carried out in their entirety unless otherwise agreed in writing by the Executive Director Heritage Victoria.

**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:**  
03 July 2023

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



**Janet Sullivan**  
Principal Heritage Permits  
Heritage Victoria

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