
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P37541

Applicant:



NAME OF PLACE/OBJECT: FORMER UNION BANK BUILDING

HERITAGE REGISTER NUMBER: H0109

LOCATION OF PLACE/OBJECT: 4 - 6 LYDIARD STREET SOUTH BALLARAT CENTRAL,
BALLARAT CITY

THE PERMIT ALLOWS: *Adaptive re-use of the Former Union Bank building for new gallery use, with works concentrated in the rear Annexe (the former Gold Offices) and the ground floor of the Bank building, and including demolition, the construction of a new glass companion building to Bath Lane, hard landscaping, conservation works, and interpretation, generally in accordance with the following documents:*

- Heritage impact statement, prepared by Michael Taylor Architecture & Heritage, dated 14 October 2022.
- Architectural drawings set, prepared by Kerstin Thompson Architects, dated 14 October 2022.
- Heritage Advice Memo, prepared by Michael Taylor Architecture & Heritage, dated 25 November 2022.
- RFI Response package, prepared by Kerstin Thompson Architects, dated November 2022.
- RFI Response Letter, prepared by Ballarat International Foto Biennale, dated 25 November 2022.
- RFI Response Letter, prepared by Kerstin Thompson Architects, dated 16 December 2022.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

PERIOD OF VALIDITY

1. The permission granted for this permit shall 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. The Heritage Protection Plan must also include a dilapidation report (including images) for the heritage building to record its condition prior to the commencement of works approved by this permit.

CONSTRUCTION READY DRAWINGS

4. Prior to the commencement of any of the works approved by this permit a **construction ready (marked as such) architectural set of drawings** revised to show:
 - o Interpretation of original/early circulation methods where stairs are to be removed, namely those to the Former Manager's Office and the original stairs to the upper levels
 - o Confirmation as to whether slate pavers can be retained beneath new ramp or used elsewhere.
 - o Final materials and finishes schedule, including a revised scheme for the Former Manager's Office which better distinguishes the decorative architectural details from the new amenities pod.

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.

STRUCTURAL ENGINEERING

5. Prior to the commencement of any of the works approved by this permit, a **report prepared by a suitably qualified Structural Engineer**, must be submitted to the Executive Director Heritage Victoria for approval. Once approved, report will be endorsed and will then form part of the permit. The report must demonstrate the means by which the retained portions of the heritage building will be supported during demolition and construction works to ensure its retention.

CONSERVATION WORKS

6. Prior to the commencement of any of the works approved by this permit, a **suitably experienced heritage conservation architect**, endorsed 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 built fabric of heritage significance is involved and to provide relevant conservation advice to the principal during the carrying out of those works. In particular the heritage conservation architect must help fulfil conditions 7, 9, 11 and 12 of this permit.
7. Prior to the commencement of any of the works approved by this permit the conservation architect endorsed under Condition 6 must prepare a **final costed conservation schedule and drawings of conservation works** identified as required for the heritage place for endorsement by the Executive Director, Heritage Victoria and once endorsed these works become part of the permit. The conservation schedule must also include urgent repair works to rectify damage caused by damp issues in the Stage 3 areas.
8. If the works approved at Condition 7 are not completed before the commencement of the other development works approved by this permit, 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 (as provided for under s.103 of the *Heritage Act 2017*). 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 conservation works required and approved by this permit. The amount guaranteed must be equivalent to the cost shown in the endorsed conservation schedule under Condition 7 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 P37541.

9. Following completion of the conservation works required under Condition 7, 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.
10. The Bank Guarantee referred to in Condition 8 will be released to its provider subject to the completion of all of the works referred to in Condition 7 and the satisfaction of Condition 9. The Bank Guarantee will be forfeited to the Heritage Council of Victoria in the event that all of the works at Condition 7 are not completed to the satisfaction of the Executive Director, Heritage Victoria prior to the expiry date of this permit.
11. During the life of the permit, the conservation architect endorsed under Condition 6 must provide an **annual report on the condition of the Stage 3 areas** observed to be in poor condition to the Executive Director Heritage Victoria for approval. Once approved, the reports will be endorsed and will then form part of the permit. Should any urgent conservation issues be identified that might threaten the conservation of the place, plans to document works to address these must be included in the report.
12. Prior to the expiration of this permit, the conservation architect endorsed under Condition 6 must prepare a **final costed conservation schedule of conservation works for Stage 3 areas** identified as required for the heritage place to the satisfaction of the Executive Director, Heritage Victoria. These works must be included in the permit application subsequently lodged for Stage 3.

FUTURE STAGES OF WORKS

13. During the life of the permit, **bi-annual reporting providing evidence of funding proposals** to support future Stage 3 of the adaptive re-use must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the reports will be endorsed and will then form part of the permit.

ARCHAEOLOGY

14. Prior to the commencement of any of the works approved by this permit an archaeologist with relevant qualifications and expertise approved in writing by the Executive Director Heritage Victoria, must be engaged to advise and assist as necessary with the archaeology program. In particular the archaeologist must help fulfil Conditions 15, 16, 17, 18, 19 and 20 of this permit.
15. Prior to the commencement of any of the works approved by this permit an **Archaeology Management Plan (AMP)** must be submitted for to the Executive Director Heritage Victoria for approval. Once approved, the AMP will be endorsed and will then form part of the permit.

The AMP must include:

- a relevant place history;
- assessment of the site's historical archaeological condition, values and potential;
- a proposal for the site's archaeological management (which may include monitoring or investigation/excavation); and
- details relating to site recording; project reporting; artefact management, custodianship and conservation; and site interpretation;
- an unexpected finds protocol.

Once endorsed, the works outlined in the AMP must be undertaken to the satisfaction of, and within the timeframes specified by, the Executive Director Heritage Victoria.

16. **Artefact management**, including artefact cataloguing, analysis and storage, is to be undertaken in accordance with Heritage Victoria's Guidelines for Investigating Historical Archaeological Artefacts and Sites, and to the satisfaction of the Executive Director, Heritage Victoria.
17. An **Artefact Catalogue** must be completed within six (6) months of the completion of archaeological site works and submitted to the Executive Director Heritage Victoria for approval. The catalogue must be prepared in accordance with Heritage Victoria's approved format and include all historical archaeological artefacts recovered during the investigations.
18. In the event artefacts requiring conservation treatment are discovered, an **Artefact Conservation Proposal** (ACP) must be prepared and submitted to the Executive Director Heritage Victoria within two (2) months of the completion of fieldwork, for approval. Once approved, the ACP will be endorsed and will then form part of the permit. Any artefacts requiring complex treatment will require that a conservator with suitable experience (as approved by the Executive Director Heritage Victoria) be engaged to undertake the works. The ACP must include the details of the proposed conservation treatments, and the details and rationale for the artefact selections. The ACP must be informed by the post-excavation evaluation of site and context significance. Any artefacts recommended for retention and long-term storage must be considered in the ACP and be treated to a stabilised condition. All conservation works proposed within the ACP must be completed within 12 months of the date of completion of the archaeological fieldwork. All details of the artefact conservation program must be included in the Archaeology Project Report required at condition 10.
19. The archaeologist must **lodge all artefacts** approved for retention with Heritage Victoria within 12 months of the date of the completion of the archaeological fieldwork, unless an extension has been granted by the Executive Director Heritage Victoria. All artefacts must be packed, labelled and curated in accordance with Heritage Victoria's Guidelines for Investigating Historical Archaeological Artefacts and Sites, and to the satisfaction of the Executive Director, Heritage Victoria. A collection storage fee of \$50 per artefact box (standard size accepted by Heritage Victoria) will be required for the permanent storage and curation of any significant artefacts that are retained. This fee is payable to Heritage Victoria and will be required prior to the lodging of the collection with Heritage Victoria.
20. The **Archaeology Project Report** must be submitted to the Executive Director Heritage Victoria for approval within 14 months of the date of completion of the archaeology fieldwork project. The Archaeology Project Report must address the requirements of Heritage

Victoria's Guidelines for Investigating Historical Archaeological Artefacts and Sites and be to the satisfaction of the Executive Director Heritage Victoria. The Archaeology Project Report must include (but is not limited to): project records; individual site and trench reports; details of project Artefact Retention Policy; synthesis of findings and results; results of background historical research and other specialist historical research; plans, images and photogrammetry; results and interpretation of recovered scientific samples; framing and addressing of project Research Framework; artefact catalogue and analysis; details of artefact conservation, and production of revised Statements of Significance for both the site and the recovered artefact assemblage.

INTERPRETATION

21. Within twelve months of activation of the permit 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 in particular the building's original use as a bank. 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. After its approval the Interpretation Plan is to be implemented on site prior to the expiration of the permit.

GENERAL CONDITIONS

22. 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 assessment by the Executive Director, Heritage Victoria who will advise on the approach to be taken to address these matters.
23. 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.
24. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
25. 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 (\$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:

02 February
2023

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



Evelina Ericsson
Acting Manager Statutory Approvals
Heritage Victoria

HERITAGE
VICTORIA
HERITAGE
VICTORIA
HERITAGE
VICTORIA