
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P38890

Applicant:



NAME OF PLACE/OBJECT: XAVIER COLLEGE

HERITAGE REGISTER NUMBER: H0893

LOCATION OF PLACE/OBJECT: 135 BARKERS ROAD KEW, BOROONDARA CITY

THE PERMIT ALLOWS: The installation of three temporary portable buildings on the lower tier of the porch to the east of the Senior Boarding House, adjacent to the West Wing, and related landscaping and service installation works for a period of three years with removal of the structures, fence and associated infrastructure at the end of this timeframe, generally in accordance with the following documents:

A Set of Architectural Drawings - Xavier College Boarding House Temporary Accommodation, project no. 20122, prepared by MGS Architects, dated 2 November 2023 and all Rev HV1.

- o A0001 Cover Page
- o A0101 Campus Plan - Proposed
- o A0104 Area Plan - 7/8 Building And Car Park - Proposed
- o A0201 Boarding House Floor Plan
- o A0202 Boarding House Roof Plan
- o A0401 West Elevation
- o A0402 North- South Elevation
- o A0403 East Elevation
- o A0501 Section A
- o A0502 Section B And Detail Sections
- o A1501 Materials Finishes Schedule

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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 three (3) years of the original date of issue of this permit. Commencement of the permit begins with onsite physical works.
2. The Executive Director Heritage Victoria is to be given five working days' notice of the intention to commence the approved works.
3. 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.

4. 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 and protection methods for the heritage place during the undertaking of the works.
5. Prior to the commencement of any of the works approved by this permit, final **construction ready (marked as such) architectural drawings** must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the report and drawings will be endorsed and will then form part of the permit.
6. The Executive Director Heritage Victoria must be notified in writing of the completion of the works endorsed in condition 5.
7. Within 12 months of the issue of this permit, a report on the steps being undertaken for the relocation of the boarding house to a permanent location must be submitted to the Executive Director, Heritage Victoria for review.
8. Prior to the commencement of any of the works approved by this permit, the heritage conservation consultant or Quantity Surveyor must prepare a **costed estimate** for all disassembly and repair works - to reinstate the site back to its current form at the end of the 3 year period.
9. 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 disassembly of all of the works approved under this permit and any required repair works. The amount guaranteed must be equivalent to the cost shown in the approved costed estimate under condition 8 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 P37405.
10. The Bank Guarantee referred to in condition 9 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 this permit to the satisfaction of the Executive Director Heritage Victoria, and satisfaction of conditions 12 & 13. 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.
11. A **Heritage Protection Plan and associated documentation** for the removal of the works approved in condition 5 must be submitted to the Executive Director Heritage Victoria for approval at least 6 months prior to the expiry of the permit. Once approved, they 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 and protection methods for the heritage place during the undertaking of the works.

12. Following disassembly and repair works approved at condition 11, the approved heritage conservation architect must submit to the Executive Director Heritage Victoria, for their approval, a brief written report confirming that the works have been completed and the extent to which the completed conservation works conformed to good practice in their professional judgement.
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. The Executive Director must be informed when the approved works have been completed.
15. 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:

20 December
2023

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



A handwritten signature in black ink, reading "Nicola Stairmand". The signature is written in a cursive, flowing style.

Nicola Stairmand
Manager, Statutory Approvals
Heritage Victoria