
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P36077



NAME OF PLACE/OBJECT: FORMER BEECHWORTH GAOL

HERITAGE REGISTER NUMBER: H1549

LOCATION OF PLACE/OBJECT: WILLIAMS STREET BEECHWORTH, INDIGO SHIRE

THE PERMIT ALLOWS: 24-lot subdivision, conservation works and interpretation, generally in accordance with the following documents:

- Proposed Plan of Subdivision, Reference S7293, prepared by Oxley & Company.

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.

AMENDED PLAN OF SUBDIVISION

3. Prior to the issue of a statement of compliance, **an amended plan of subdivision** is to be submitted to the Executive Director Heritage Victoria for approval. Once approved, it will be endorsed and will then form part of the permit. The plan must be generally in accordance with the plans submitted with Reference S7293 prepared by Oxley & Company, but must be revised to show:
 - A 4m-wide tree reserve, easement or similar setback of the rear fence of each of lots 18 to 23 parallel with the western rear boundary to Sydney Road
 - Common property areas as relevant to any significant heritage buildings (such as exteriors).

HERITAGE AUDIT MANAGEMENT PLAN

4. Prior the issue of a statement of compliance, a **Heritage Audit Management Plan (HAMP)** must be prepared, to identify works required to achieve the ongoing and long-term maintenance and conservation of the significant buildings and features of the heritage place.

The HAMP must set out a proposed inspection and reporting regime at regular intervals to identify and document the required maintenance and conservation procedures necessary to retain the built fabric in good and safe condition. The draft Heritage Infrastructure Management Plan is to be submitted to the Executive Director Heritage Victoria for endorsement in writing.

DESIGN GUIDELINES

5. Prior to the issue of a statement of compliance, **Design Guidelines** are to be prepared to:

- **Ensure new works to the existing heritage buildings** are appropriate for the heritage values of the place.

- Address elements including setback (including the 4m tree reserve), fencing, structures, dwellings and outbuildings and any hard and soft landscaping provided in the **construction associated with proposed buildings on the new allotments** approved by this permit.

The Design Guidelines should encompass principles to guide works such as exterior painting, other external alterations (including window and door treatments, service installation, roof-mounted solar cells, antennae and the like), and new structures on the land (including car parking, bin enclosures, fencing, gates, out-buildings and services installation).

The Design Guidelines are to be submitted for endorsement by the Executive Director Heritage Victoria and once approved, form part of the permit. The relevant Owners Corporation/s and the title owners are responsible for ensuring compliance with the Design Guidelines and any statutory approvals required under the *Heritage Act 2017*.

COVENANT

6. Prior to the issue of a statement of compliance, the HAMP and Design Guidelines required under conditions 4 and 5, are to be registered on the parent title (or part of the parent title as applicable) by way of a **Covenant** between the landowner and the Heritage Council of Victoria in accordance with section 134 of the *Heritage Act 2017*. The Covenant must address who is responsible for the delivery and maintenance of relevant elements, such as the 4m-wide tree buffer and common property. The draft covenant must be submitted to and approved by the Executive Director Heritage Victoria before registration.

OWNERS CORPORATION RULES

7. Prior to the issue of a statement of compliance, if Owners Corporation Rules are to be established they are to be consistent with the requirements of the Covenant. If required, the Rules must be submitted to the Executive Director Heritage Victoria for approval.

CONSERVATION WORKS

8. Prior to the issue of a statement of compliance, a **costed schedule and drawings of any conservation works** identified as required for the heritage place must be prepared and endorsed by the Executive Director Heritage Victoria. The conservation works must include but not be limited to any outstanding works required under previous subdivision approvals.

9. Prior to the issue of a statement of compliance, the details of a **suitably experienced heritage conservation professional**, engaged to prepare the costed schedule and drawings of conservation works required by condition 8, must be approved in writing by the Executive Director Heritage Victoria.

10. If the conservation works required by condition 8 are undertaken in full to the satisfaction of the Executive Director Heritage Victoria prior to the issue of a statement of compliance, the Bank Guarantee outlined at condition 11 is not required to be lodged. In that instance, Condition 8 and 12 must be satisfied prior to the issue of a statement of compliance.

11. A statement of compliance may be issued prior to completion of the conservation works (satisfaction of condition 8 and 12), if 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

lodged with the Executive Director Heritage Victoria prior to the issue of a statement of compliance. 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 8. The amount guaranteed must be equivalent to the cost shown in the approved conservation schedule 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 **P36077**.”

12. Following completion of the conservation works required under condition 8 and prior to the Executive Director Heritage Victoria providing their satisfaction of works completed, the approved heritage conservation professional 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 works conform with good practice in their professional judgement.
13. The Bank Guarantee referred to in condition 11 will be released to its provider following receipt by the Executive Director Heritage Victoria of a written request by the principal, subject to the completion of all of the works referred to in Condition 8 to the satisfaction of the Executive Director Heritage Victoria and satisfaction of condition 12. 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.
14. Prior to the commencement of the landscape works to the reserve to the rear fence of lots 18 to 23 parallel with the western rear boundary to Sydney Road, **a landscape plan** designed to ensure a level of screening along western side of the fence with a mix of sizes, without creating a solid hedge must be provided to the Executive Director Heritage Victoria for approval. Once approved, the landscape plan will be endorsed and will then form part of the permit. After its approval the landscape works are to be implement on site prior to the expiration of the permit.

INTERPRETATION

15. A **Heritage Interpretation Plan** for installation of interpretive devices within the registered land to be subdivided 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 area to the north of the Gaol to be subdivided, including but not limited to stories relating to the history of this area and its relationship to the Gaol, i.e. the quarry which supplied the stone to construct the Gaol, and the vegetable gardens tended by prisoners etc. The Heritage Interpretation Plan is to be submitted to the Executive Director Heritage Victoria for endorsement within 12 months of the commencement of works in accordance with condition 2.
16. 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 15, 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.

ARCHAEOLOGY

17. Prior to the commencement of any sub-surface disturbance works in any part of the subject area, a Historical Archaeology Management Plan (AMP) must be submitted for endorsement by the Executive Director. Once endorsed the AMP must be implemented to the satisfaction of the Executive Director. It is likely that a program of archaeological investigation, recording, reporting and artefact management will be required for any significant historical archaeological remains that are uncovered during any site works.

GENERAL CONDITIONS

18. 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.
19. Any new development facilitated by the subdivision would be subject to a new permit application.
20. All new titles issued as a consequence of this permit must carry over the notice from the parent title that the land is listed in the Victorian Heritage Register and a notice of the Covenant required at condition 6. Copies of each new title is to be lodged with the Executive Director Heritage Victoria as proof of compliance with this condition within 14 days of the land being subdivided.
21. 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.
22. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
23. The Executive Director Heritage Victoria must be informed when the approved works have been completed.
24. 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 (\$21,808.80 FROM 1 JULY 2021) OR IN THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$109,044 FROM 1 JULY 2021) UNDER s104 THE HERITAGE ACT 2017.

WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF

UP TO 4800 PENALTY UNITS (\$872,352 FROM 1 JULY 2021) FOR A NATURAL PERSON OR 5 YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,744,704 FROM 1 JULY 2021) 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: Signed as delegate for the Executive Director,
Heritage Victoria pursuant to the Instrument of
01 March 2024 Delegation



A handwritten signature in black ink, appearing to read "Nicola Stairmand". The signature is fluid and cursive, written over a light grey circular stamp.

Nicola Stairmand
Manager, Statutory Approvals
Heritage Victoria