
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P34664

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

NAME OF PLACE/OBJECT:

BALLARAT RAILWAY COMPLEX

HERITAGE REGISTER NUMBER:

H0902

LOCATION OF PLACE/OBJECT:

75 HUMFFRAY STREET NORTH BAKERY HILL and 140 LYDIARD STREET NORTH BALLARAT CENTRAL and SCOTT PARADE and 60 CORBETT STREET BALLARAT EAST and 202 LYDIARD STREET NORTH and NOLAN STREET SOLDIERS HILL, BALLARAT CITY

THE PERMIT ALLOWS: the temporary removal to storage at the V/Line Wendouree Depot for a period not exceeding eighteen (18) months of the following elements from the Lydiard Street North level crossing: the pair of timber sector gates (Gates 2 and 3), Gate Post 3 including the two gate braces, square rotating shaft and rear stay, the two gate braces to Gate Post 2 and the rear stay to Gate Post 1 and the rear stay and any remnant elements of the swing mechanism still extant and loose at the base of Gate Post 4.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The permission granted for this permit shall expire if one of the following circumstances applies: the permitted works have not commenced within six (6) months of the original date of issue of this permit, or are not completed within two (2) 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.

PRE-START PERMIT CONDITIONS

3. Prior to the commencement of any of the works approved by this permit, the permit holder is to provide amended drawings showing the retention of Gate Post 2 and its square rotating shaft in situ. The drawings will be submitted to the Executive Director, Heritage Victoria for review and approval. Once endorsed, a set of the endorsed documentation will be provided to the permit holder. Another endorsed set will be retained as part of the documentation associated with the permit.
4. Prior to the commencement of any of the works approved by the permit, an experienced consulting conservation architect is to be nominated in writing to the Executive Director, Heritage Victoria, who shall approve the nomination in writing. The approved conservation architect shall then be appointed by the permit holder to provide advice to assist with the fulfilment of the works required by Conditions 5, 8, 9 and 10.
5. Once appointed, the consulting conservation architect approved under Condition 4 shall advise the permit holder on appropriate means of achieving minimal detriment to the timber sector gates, gate braces, rear stays, cast iron gate posts and square rotating shafts during the removal, storage and reinstatement of the items approved for removal, by compliance with best conservation

practice, in consultation with Heritage Victoria. They will prepare a methodology/work statement that will show how the timber sector gates, gate braces, square rotating shafts and rear stays will be removed without detriment to the remaining fabric. The methodology/work statement must also provide for the fitting of a weather-proof cap to the truncated Gate Post 1, and provide a weatherproof steel plate to the exposed connection pits to Gate Posts 3 and 4. The methodology/work statement shall be submitted to the Executive Director, Heritage Victoria for review and endorsement. Once endorsed, a copy of the endorsed methodology/work statement will be provided to the permit holder, allowing the removal and 'make good' works to proceed. Another endorsed copy will be retained as part of the documentation associated with the permit.

6. Prior to the commencement of any of the works approved by this permit, an archival quality photographic survey is to be prepared. The survey will document the existing condition of the Lydiard Street North level crossing. The photographic survey must show the timber sector gates 2 and 3, the surviving cast iron gate posts 2 and 3 and their square rotating shafts, rear stays and gate braces, the truncated gate post 1 and its rear stay, and the site of gate post 4 and its rear stay and include views to the crossing from both directions of Lydiard Street North and from Ararat Street. Establishment images of Signal Box 'B' and any equipment related to the operation of the timber sector gates evident between the signal box and the level crossing must also be recorded. The survey is to be prepared in accordance with the Heritage Council/Heritage Victoria Technical Note entitled "Photographic Recording for Heritage Places and Objects" (available on the Heritage Council website or from Heritage Victoria on request). Two copies of the completed photographic survey are to be produced with a digital copy submitted to the Executive Director, Heritage Victoria for approval in writing prior to commencement of any of the works approved by this permit. Within three months of the date of issue of this permit a printed copy of the photographic survey is to be delivered to Heritage Victoria, and a second printed copy is to be lodged with the La Trobe Picture Collection, 328 Swanston Street Melbourne 3000, State Library of Victoria or delivered by courier to Despatch: 174 Little Lonsdale Street Melbourne 3000. Deliveries accepted from 7.30 to 4.30 (A receipt will be sent the day the material is received.)

WORKS TO BE CARRIED OUT AFTER THE APPROVED WORKS COMMENCE

7. Within two (2) months of the date of issue of this approval, a financial security in the form of an unconditional Bank Guarantee made out to the Heritage Council of Victoria (ABN 87 967 501 331) (or other means approved by the Heritage Council of Victoria) is required. The sum of the financial security will be \$600,000.00 Six Hundred Thousand Dollars). The period of the financial security is to be unspecified. The financial security is required to ensure all of the works approved by this permit are completed in full within the term of the permit. The financial security shall be released on written application to the Executive Director, subject to the completion of the works approved by this permit to Executive Director's satisfaction.

8. The approved consulting conservation architect is to be on-site and is to supervise the removal of the approved fabric to the V/Line Wendouree Depot to ensure the greatest possible care is taken with the fabric and to ensure the works are carried out in accordance with the methodology/work statement approved by Condition 5. Correspondence in the form of a brief illustrated report is to be provided to the Executive Director, Heritage Victoria for review and approval within seven (7) days of the works being completed. Once endorsed, a copy of the endorsed illustrated report will be provided to the permit holder. Another endorsed copy will be retained as part of the documentation associated with the permit.

9. All heritage fabric removed from the Lydiard Street North level crossing is to be stored in a

secured area at the V/Line Wendouree Depot until such time as it is returned to the Lydiard Street North level crossing. All salvaged elements are to be photographed and listed in an inventory which is to be provided to the Executive Director, Heritage Victoria within one (1) month of the removal of the sector gates and associated fabric to the V/Line Wendouree Depot for review and approval. Once endorsed, an endorsed copy of the illustrated inventory will be provided to the permit holder. Another endorsed copy will be retained as part of the documentation associated with the permit.

10. Once Condition 9 has been satisfied, an illustrated Condition report detailing the state of the stored fabric shall be provided at six (6) monthly intervals to the Executive Director, Heritage Victoria for review and endorsement. Once reviewed, an endorsed copy of the illustrated Condition report will be returned to the permit holder for their records. Once endorsed, a copy will be retained as part of the documentation associated with the permit. This obligation will cease once the removed fabric is returned to its substantive location at the Lydiard Street North level crossing or in an arrangement to the satisfaction of the Executive Director, Heritage Victoria.

11. Within fifteen (15) months of the issue of this permit approval, an options paper assessing permanent options for the level crossing and the future of the salvaged heritage elements is to be provided to the Executive Director, Heritage Victoria for review. The options paper must include an assessment of the feasibility of returning the level crossing to its earlier operational form with the timber sector gates in active use. The document should demonstrate that community consultation has formed part of its preparation, whether this be by the establishment of a stakeholder liaison group or by community information events, whether in real time or by a digital/online interface in the period leading up to its lodgement. Once reviewed, an endorsed copy of the options paper will be returned to the permit holder for their records. Once endorsed, a copy will be retained as part of the documentation associated with the permit.

12. Within three (3) months of the receipt of the endorsed copy of the options paper required under Condition 11, a permit application is to be lodged with Heritage Victoria requesting approval for the return of the removed fabric to their substantive locations at the Lydiard Street North level crossing, or in an arrangement to the satisfaction of the Executive Director, Heritage Victoria.

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. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works. Should any munitions or other potentially explosive artefacts be discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.

15. The Executive Director, Heritage Victoria, or their nominated officer reserves the right to visit the storage facility at the V/Line Wendouree Depot by giving five (5) working days' notice of their intent to visit. The permit holder or their nominated agent must ensure that access in full to all stored fabric is provided to the Executive Director, Heritage Victoria or their agent on the visit.

16. The works approved by this permit are to be carried out in accordance with the conditions of

this permit unless otherwise agreed in writing by the Executive Director, Heritage Victoria.

17. 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 (\$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.

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Executive Director, Heritage Victoria has issued a permit under s102 of the Heritage Act 2017.

WHEN DOES THE PERMIT BEGIN?

The permit operates from the day the permit is signed by the Executive Director, Heritage Victoria or their delegate.

WHEN DOES A PERMIT EXPIRE?

A permit expires if -

- the development or any stage of it does not start within the time specified in the permit; or
- the development or any stage is not completed within the time specified in the permit; or
- if no time is specified, within two years after the issue of the permit.

The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEW OF THE DETERMINATION?

The applicant or the owner of a registered place or registered object may ask the Heritage Council of Victoria to review any condition of a permit imposed by the Executive Director, Heritage Victoria on a permit issued under s102 of the Heritage Act 2017.

A request must -

- be in writing; and.
- be lodged within 60 days after the permit is issued.

Review request forms can be downloaded at:

www.heritagecouncil.vic.gov.au/hearings-appeals/permit-appeals/permit-appeals-explained/

Date Issued:

07 October
2021

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

A handwritten signature in black ink, appearing to read 'Erin Williams', is centered below the text.

Erin Williams

Manager Major Projects and Statutory Support
Heritage Victoria

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