
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P39543

Applicant:



NAME OF PLACE/OBJECT:

FORMER CABLE TRAM ENGINE HOUSE & TRAM
SUBSTATION

HERITAGE REGISTER NUMBER:

H2332

LOCATION OF PLACE/OBJECT:

253-263 BRUNSWICK ROAD BRUNSWICK, MORELAND
CITY

THE PERMIT ALLOWS: At 253-259 Brunswick Road, Brunswick, partial demolition of the Cable Tram Engine House (north-west bays), construction of an seven-level building, and associated program of archaeology, conservation, repair, adaptation and interpretation works to the Cable Tram Engine House, generally in accordance with the following documents:

- Cable Tram Engine House 253-259 Brunswick Road, Brunswick, Town Planning Report, Project No. 2732, prepared by Hayball, 25/02/2025.
- Cable Tram Engine House 253-259 Brunswick Road, Brunswick, Permit Application P39543 Response to Request for Further Information, prepared by Hayball, April 2025.
- Schedule of Conservation Works, P39543, 253-263 Brunswick Rd Brunswick, prepared by Bryce Raworth Conservation Heritage, 26/02/2025.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

GENERAL CONDITIONS

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. Commencement of the permit begins with onsite physical works.
2. The Executive Director, Heritage Victoria (**Executive Director**) is to be given five working days' notice of the intention to commence the approved works once all permit conditions requiring satisfaction prior to the commencement of works have been approved.
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. If the Executive Director considers that the changes are not minor, an amendment to the permit or a new application will be required.
4. 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 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.

5. The Executive Director must be informed when the approved works have been completed.
6. The works approved by this permit must be carried out in their entirety unless otherwise agreed in writing by the Executive Director.

ENGAGEMENT OF CONSULTANTS

7. Prior to the commencement of any of the works approved by this permit, a suitably experienced **Heritage Consultant**, approved 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 fabric within the extent of registration 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 19, 20, 21, 22, 26, 27, 28, 29 and 32 of this permit.
8. Prior to the commencement of any of the works approved by this permit, a suitably experienced **Project Archaeologist** must be approved in writing by the Executive Director. The Project Archaeologist must advise and assist as necessary with the preparation of the archaeological documentation and to provide relevant archaeological advice to the permit holder during the carrying out of those works. The Project Archaeologist must help fulfil conditions 11-18 and 29 of this permit.
9. Prior to the commencement of any of the works approved by this permit, a suitably experienced **Structural Engineer** approved in writing by the Executive Director must be engaged to advise and assist as necessary with the preparation of the documentation where any structural intervention to heritage fabric is required and to provide relevant advice to the permit holder during the carrying out of those works. In particular the engineer must help fulfil conditions 22, 23, 24 and 25 of this permit.
10. Except with the written consent, and to the satisfaction of the Executive Director, Hayball must be retained to complete and provide architectural oversight during construction and detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes.

MANAGEMENT OF ARCHAEOLOGY

11. **Site monitoring:** The Project Archaeologist approved at condition 8 is to **conduct or monitor all subsurface disturbance across the site**. All potentially significant archaeological features and deposits are to be investigated, recorded and presented in the project report. Features and deposits which may be considered of medium to high archaeological significance (with consideration given to integrity and condition) include those related to the cable tram engine house phase of occupation. Features and deposits associated with the occupation phase prior to that are likely to be considered of medium to low significance, and low for the occupation phase between 1936 to present. The monitoring program may cease if the Project Archaeologist determines that the site no longer has potential to contain significant archaeological remains, subject to endorsement from the Executive Director.
12. **Completion of archaeological fieldwork:** The Executive Director must be notified in writing of the completion of archaeological fieldwork conducted under this permit.

13. **Project reporting:** Within 8 months of the date of the completion of archaeological fieldwork conducted under this permit (in accordance with condition 12), a **Project Report** must be submitted to the Executive Director for approval. Any required additions or amendments to the submitted report must be made to the satisfaction of, and within the timeframe specified by, the Executive Director. The report must address the requirements of Heritage Victoria's *Guidelines for Investigating Historical Archaeological Artefacts and Sites* (July 2015), and be to the satisfaction of the Executive Director. The report must include (but is not limited to) project records, synthesis of findings and results; results of background historical research; plans and images (including photogrammetry), artefact catalogue and analysis, and details of artefact conservation (if required).
14. **Artefact Retention/Discard:** All historical archaeological artefacts likely to be more than 75 years of age are to be initially retained and listed in the required project catalogue, with the exception of artefacts that may be hazardous to health. Building materials may be sampled. No post-excavation artefact discard can take place unless in accordance with a Retention/Discard policy, submitted to and approved by the Executive Director. At the completion of the fieldwork, catalogue and site analysis work, a significance-based assessment of the artefact collection should be undertaken which will form the basis for the artefact retention/discard policy. The policy should also consider artefact condition, research value, sampling, representativeness and other relevant factors.
15. **Artefact conservation:** The applicant is liable for all expenses arising from the **conservation, storage, and management of any significant historical archaeological artefacts** that are recovered during works. If any artefacts with urgent conservation requirements are recovered during the fieldwork, a qualified and experienced conservator (approved by the Executive Director) must conduct an assessment as soon as is practicable and provide appropriate conservation treatments to the satisfaction of the Executive Director,.
16. **Artefact Conservation Plan:** If significant artefacts are recovered that are likely to be retained, an **Artefact Conservation Plan** (ACP) is required to be submitted to the Executive Director Heritage Victoria within 2 months of the date of the completion of archaeological fieldwork conducted under this permit (in accordance with condition 12). The ACP must include the details of the proposed conservation treatments, and the details and rationale for the artefact selections. The conservation program proposed in the ACP must be approved by and implemented to the satisfaction of the Executive Director. The ACP must be informed by the post-excavation evaluation of site, context and artefact significance.
17. **Artefact conservation:** All retained artefacts must be conserved to at least a stable condition, and to the satisfaction of the Executive Director. **Heritage Victoria will not accept for storage any metal artefacts or other artefacts with conservation requirements that have not been conserved to at least a stable condition.** All details of the artefact conservation program must be included in the project report. All required artefact conservation work must be completed within eight months of the date of the completion of archaeological fieldwork conducted under this permit.
18. **Artefact management:** All artefacts are to be packaged for storage in accordance with Heritage Victoria's *Guidelines for Investigating Historical Archaeological Artefacts and Sites*, and to the satisfaction of the Executive Director. **A collection storage fee of \$100 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.

ARCHIVAL PHOTOGRAPHIC SURVEY

19. Prior to commencement of any of the works approved by this permit an **archival quality photographic survey** is to be prepared to record the internal and external existing condition of the Cable Tram Engine House. It must include:

- Long and short range views of the exterior of the subject site
- Interior spaces and details of the subject site
- Views from Brunswick Street and Black Street that include the whole of the registered place (not just the subject site).

The survey is to be prepared in accordance with the Heritage Council/Heritage Victoria Technical Note entitled "Specification for the submission of archival photographic records" (available on the Heritage Council website or from Heritage Victoria on request).

Two copies of the completed photographic survey are to be produced with one copy submitted to the Executive Director for approval in writing prior to commencement of any of the works approved by this permit.

On approval of the first copy the second copy is to be lodged with the State Library of Victoria. Delivery must be made either in person or by proxy to the Library's despatch facility: 174 Little Lonsdale Street Melbourne 3000. Deliveries can be accepted between 7.30am and 4.30pm. A receipt will be issued within 2 business days. If a receipt is required on the same day, then an advance appointment must be made with the Collection Curation & Engagement team by telephone – 03 8664 7000. Two business days notice is required for an appointment. Material will not be accepted at the information desks in the Library.

DOCUMENTATION

20. Prior to the commencement of any of the works approved by this permit, a **Staging Plan** which provides the order in which the approved works will be commenced and completed must be submitted to the Executive Director for approval. Once approved, the Staging Plan will be endorsed and will then form part of the permit. Each stage of the works will require specific approvals from the Executive Director prior to the commencement of the works, as detailed in the conditions that follow. The Executive Director is to be given five working days' notice of the intention to commence each stage of the approved works. The Staging Plan must include but not be limited to all the works in condition 26 of this permit.
21. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 20, any **enabling works or investigations** which may be required must be documented and submitted for the endorsement of the Executive Director and once endorsed become part of the permit.
22. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 20, a **Heritage Protection Plan** must be submitted to the Executive Director for approval. A Heritage Protection Plan for multiple stages can be provided. 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. For the relevant stage of works, the Heritage Protection Plan must also include a dilapidation report (including images) for the Cable Tram Engine House to record its condition prior to the commencement of works approved by this permit. The Heritage Protection Plan must include the following (as relevant to the stage):

- Site establishment, set-down and staging activities, including no-go areas and elements to be protected during works.
- Site monitoring by the Project Archaeologist approved at condition 9 for all subsurface disturbance.
- Details of any temporary signage, hoardings or partitions proposed in and around the building during the period of works.
- Details of protection methods for the Cable Tram Engine House during construction, including relevant advice from the Structural Engineering approved at condition 10.
- Details of vibration monitoring consistent with condition 23-25.
- Demolition methodology and protection works
- Details of the removal methodology and storage location should temporary relocation of items and fabric be required.
- Details of how the project workforce will be informed of the sensitivity of working at a heritage place (including in relation to archaeology) during site induction processes.
- Notification requirements in the case of unexpected or emergency conditions which may affect a building, feature or archaeology of heritage significance within the site.

23. Prior to the commencement of any stage of the works associated with excavation or demolition, the Structural Engineer approved at condition 9 must submit a **reporting schedule** for the written approval by the Executive Director, Heritage Victoria. This is to include regular inspections by the Structural Engineer throughout the duration of the works to ensure the Cable Tram Engine House building is not compromised at any point during construction. The Executive Director is to be informed immediately if the structural stability of any of the buildings are threatened.
24. Prior to the commencement of any stage of the works of the works associated with the excavation or construction works, the structural engineer approved at condition 9 must provide a **report on acceptable levels of vibration** that the heritage building can tolerate during construction. The report must also provide a reporting schedule and measures and protocols to be put in place in the event that the vibration threshold is approached or exceeded. This report must be submitted to the Executive Director for approval. Once approved the report will be endorsed and will then form part of the permit.
25. Prior to the commencement of any stage of the works associated with excavation or construction works, vibration monitoring equipment must be installed under the guidance of the structural engineer approved at condition 9 to ensure vibration levels are monitored and maintained in accordance with the report endorsed at condition 23.
26. Prior to the submission of construction ready drawings referred to in condition 27, and at a point sufficient to allow for discussion and potential changes, **detailed design plans** (relating to demolition, conservation, new works, services and signage) documenting the proposed works must be submitted to the Executive Director for approval. Any works or variations

which have been required by the Engineer or Building Surveyor must also be identified at this stage. This will reduce the potential for delays following the submission of construction ready drawings required at condition 27. The detailed design plans must be based on the version of plans referenced in the permit preamble and must address but not be limited to the following items which can be provided at the relevant stage:

- Conservation works to the Cable Tram Engine House
- Methodology for the retention of the Cable Tram Engine House during construction without substantial dismantling.
- Detailed design including exterior material and finishes specification for the six level building.
- The retention, exposure and interpretation of the linear brick cable pits and part of the driving wheels pit in the Cable Tram Engine House in the relevant architectural drawings. This must be agreed to by the Executive Director, Heritage Victoria in accordance with this condition prior to any physical disturbance of the brick cable pits or driving wheels pits as part of the approved works.
- Extent of brick cable pits or driving wheels pit to be disturbed.
- Signage.

27. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 20 **final construction ready (marked as such) plans** for the subject stage of works must be submitted to the Executive Director for approval. Once approved, they will be endorsed and will then form part of the permit. Drawings for multiple stages can be provided. The submitted drawings shall be generally in accordance with the documents listed in the permit preamble and reflect any changes agreed at condition 26. The construction ready plans must address all demolition, conservation, new works, landscape, services, signage and heritage interpretation.

To satisfy this condition (where relevant), a report by the Heritage Consultant approved at condition 7 reviewing the construction ready plans for their compliance with conservation works must be submitted for the approval of the Executive Director.

To satisfy this condition (where relevant), a report by the Project Archaeologist approved at condition 8 reviewing the construction ready plans for their compliance with site monitoring must be submitted for the approval of the Executive Director.

28. Within 18 months of the commencement of works approved by this permit in accordance with condition 2, a **Heritage Interpretation Plan** for the subject site must be prepared by a suitably qualified and experienced practitioner together with the Project Archaeologist approved at condition 8 and be submitted to the Executive Director for approval. Once approved, it will be endorsed and will then form part of the permit. The works included in the endorsed Heritage Interpretation Plan must be implemented to the satisfaction of the Executive Director within the period of validity of the permit. The Bank Guarantee at condition 29 will be forfeited if the implementation of the endorsed Heritage Interpretation Plan is not completed.

The Heritage Interpretation Plan must present the history of the place (including through the use of plans and images), including the key findings from the archaeology project. It must also interpret the function of the retained and exposed site fabric by including the retention,

exposure and interpretation of significant site fabric including parts of the linear brick cable pits and part of the driving wheels pit.

BANK GUARANTEE

29. Prior to the commencement of any of the works approved by this permit, the Heritage Consultant approved under condition 7 must prepare a costed schedule and drawings of conservation works identified as required for the Cable Tram Engine House. The Project Archaeologist approved under condition 8 must also prepare a costed schedule for exposing and conserving a representative example of the linear brick cable pits and part of the driving wheels pit. Both costed schedules must be submitted for the approval of the Executive Director Heritage Victoria. Once approved the schedule and drawings will be endorsed and become part of the permit and must be completed within the period of validity of the permit.
30. Prior to the commencement of any of the works approved by this permit and as provided for under s.101A 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. 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 28 and the onsite implementation of the Interpretation Plan at Condition 27 of the permit. The amount guaranteed must be equivalent to the cost shown in the two approved costed schedules under Condition 29 plus a 20% contingency sum (inclusive of GST), unless otherwise agreed by the Executive Director in accordance with condition 31.

The bank guarantee must set out that it is to ensure the satisfactory completion of all of the works required by condition 29 and the onsite implementation of the Interpretation Plan at Condition 28 approved by permit P39543.

31. If the conservation works to the Cable Tram Engine House (excluding the works associated with exposing and conserving a representative example of the linear brick cable pits and part of the driving wheels pit) are undertaken in full prior to the commencement of any stage of the works associated with the construction of the seven-level building (excluding early works), the value of the Bank Guarantee required at condition 30 can exclude the cost of that work. Following completion of the conservation works to the Cable Tram Engine House to the satisfaction of the Executive Director, and the satisfaction of condition 32 (Heritage Consultant report only), the remainder of the works approved by the permit may proceed.
32. Following completion of the works required under Condition 29 and the implementation of the Interpretation Plan required at Condition 28, the approved Heritage Consultant (with assistance from the Project Archaeologist) must submit to the Executive Director, for their approval, a brief written report confirming that the conservation and interpretation works have been completed in accordance with the endorsed documentation.
33. The Bank Guarantee referred to in Condition 30 will be released to its provider following receipt by the Executive Director of a written request by the permit holder, subject to the completion of all of the works referred to in condition 29 and the implementation of the Interpretation Plan required at Condition 28 to the satisfaction of the Executive Director and the satisfaction of condition 31. 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.

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 (\$23,710.80 FROM 1 JULY 2024) OR IN THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$118,554 FROM 1 JULY 2024) UNDER s104 THE HERITAGE ACT 2017.

WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF UP TO 4800 PENALTY UNITS (\$948,432 FROM 1 JULY 2024) FOR A NATURAL PERSON OR 5 YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,896,864 FROM 1 JULY 2024) 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 by the Executive Director, Heritage
Victoria**
15 August 2025



A handwritten signature in black ink, appearing to read "Steven Avery", with a horizontal line underneath.

Steven Avery
Executive Director
Heritage Victoria