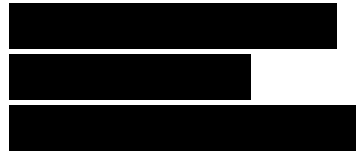

HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P35059

Applicant:



NAME OF PLACE/OBJECT: OLD CURIOSITY SHOP

HERITAGE REGISTER NUMBER: H1982

LOCATION OF PLACE/OBJECT: 7 QUEEN STREET BALLARAT EAST, BALLARAT CITY

THE PERMIT ALLOWS: *Works to stabilise and make safe the brick and stone boundary wall to Queen Street South and part Gladstone Street, including to document all the wall sections (front and rear) and the applied decoration, to remove applied decoration from the brick walls for storage and reinstatement under conservator's direction, to remove and store freestanding decorative elements within the work area, to deconstruct the brick walls and temporarily retain the earth behind for support and protection of the decorative paths and garden, to protect the applied decoration on the stone wall under conservator's direction, to prop, support and realign the stone wall and excavate behind, to install retaining structures, footings and drainage to all walls, to reconstruct the brick walls using retained bricks and stone capping, to reinstate applied decoration to the brick walls under conservator's direction, and to reinstate freestanding decorative elements in the work area, generally in accordance with the following:*

- 'Feasibility Study of porcelain embedded garden wall', prepared by Andrew Thorn of ArtCare, dated 29 March 2019
- 'Structural Assessment of Boundary Masonry Fences at the Curiosity Shop', prepared by Joe Spano of Ingegnaria Consultants, dated 7 July 2020
- 'Old Curiosity Shop - Assessment and documentation of garden wall, Comments on Engineering proposal, Refinements of treatment proposal', prepared by Andrew Thorn of ArtCare, dated 14 July 2020
- 'Schedule of Works - Works to Masonry Boundary Wall', prepared by Wendy Jacobs, Architect and Heritage Consultant, February 2021
- Email dated 15/03/2021 from Andrew Thorn of ArtCare to Wendy Jacobs, Architect and Heritage Consultant, discussing Documentation/ Repositioning, Removal, and Re-attachment of decorative elements to the brick walls

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 one (1) year 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.
3. The works approved in this permit must be undertaken in a staged manner. These stages are:
Preliminary Works (nomination of specialist consultants and lead contractor, site recording

of existing conditions through photography and measured architectural drawings, site establishment and preparation including propping and make safe works to the extent of reasonably avoiding catastrophic collapse of the walls, geotechnical investigations), **Stage 1 Conservation Works Package** (removal and storage or in situ protection of decorative elements attached to the walls; removal and storage of freestanding decorative elements and decorative pathways within the work area), **Stage 2 Building Works Package** (deconstruction and reconstruction of the brick walls, stabilisation of the stone wall, installation of retaining structures and footings and drainage system to all walls, repair or reinstatement of the entrance gate and picket fence), and **Stage 3 Reinstatement Works Package** (reattachment of the decorative elements to the reconstructed brick wall and stone capping, reinstatement of the decorative elements in the work area).

PRELIMINARY WORKS

4 Prior to the preparation of reports and documents required by the conditions, and before the commencement of any of the works approved by this permit, the names and professional details of a suitably experienced **Materials Conservator**, **Heritage Consultant** and **Structural Engineer** are to be nominated in writing for endorsement by the Executive Director. The nominated and approved persons shall be appointed by the Permit Holder to provide expert advice on appropriate means of achieving minimal detriment to significant fabric by compliance with best conservation practice, to ensure the protection and structural stability of the heritage place prior to and during the undertaking of the works, and to assist with the fulfillment of the conditions of this permit.

5 Prior to the preparation of reports and documents required by the conditions, and before the commencement of any of the works approved by this permit, the name of the **Lead Consultant** responsible for coordination of the works must also be nominated in writing for endorsement by the Executive Director. The nominated and approved person will oversee the coordination of the expert requirements of the Materials Conservator, the Heritage Consultant, and the Structural Engineer and undertake any required reporting.

6 Prior to the commencement of any works approved by this permit, a digital **Archival Photographic Record** (the Record) must be undertaken for the purpose of clearly recording the stone and brick walls (interior and exterior faces), the stone capping to the walls, the work area (adjacent garden beds, freestanding decorative elements, and decorated pathways) and all decorative elements in support of the Stage 1 to Stage 3 works and in the event of catastrophic failure at any stage of the walls or of retained earth to the edge of the decorative garden paths. The Record is to be prepared in accordance with the requirements of the Heritage Victoria Technical Note entitled 'Specification for the submission of Archival Photographic Records' which can be accessed online or from Heritage Victoria on request. As a further requirement, the photographic recording of the decorative elements attached to both the brick and the stone walls and to the stone capping, must follow a methodology that provides accurate location-recording for reinstatement or repair (as applicable) of all the decorative elements following reconstruction or stabilisation (as applicable) of the walls. The photographic recording methodology must also provide accurate location-recording for the reinstatement of the stone capping itself and for reinstatement of the decorative elements on the capping. A single copy of the Record, in electronic (hard drive) format only, is to be provided to the Executive Director who will advise in writing if it satisfies this condition.

7 Prior to the commencement of any works approved by this permit, a set of fully dimensioned

Architectural Drawings of the brick walls must be provided for endorsement by the Executive Director, Heritage Victoria and once endorsed become part of the permit. The Drawings must include plans and elevations that document the present configuration of the walls including length and height of stepped sections to the extent that reconstruction of the demolished walls based on the Drawings will match existing conditions. The Drawings should also be coordinated with the Archival Photographic Record required under condition 6.

8 Prior to the commencement of any works approved by this permit, a **Construction Management Plan** (the Plan) must be provided for endorsement by the Executive Director, Heritage Victoria and once endorsed becomes part of the permit. The Plan must include:

- a sequencing program for the approved works
- details of any temporary infrastructure and services required
- a work site layout plan
- the means for restricting public access to the work site
- a tree removal plan for the cypress pine trunks at the south-west corner and the tree near the north-west corner and a tree protection plan for the palm tree both prepared by a suitably qualified professional in accordance with AS4970 *Protection of trees on development sites* and AS4373 *Pruning of Amenity Trees*
- protection methods for the heritage place during the undertaking of the works, including retention of earth within the site, all of which are to be designed and implemented to ensure structural stability and prevent collapse of any parts of the walls or of the site itself, and to safeguard all contractors, site visitors, and the public. Protection methods are to be designed by the Structural Engineer in consultation with the Heritage Consultant, both as nominated at condition 4, and be put in place before associated works commence. Works requiring protection methods include the removal of the trees, particularly ensuring that the removal of the cypress trunk does not destabilise the stone wall, deconstruction of the brick walls and required retention of the site and decorative paths beyond, stabilisation of the stone wall, and removal of garden soil throughout to enable the insertion of retention structures, footings and the drainage system.
- methods for draining rainwater away from the site during the works to ensure retained earth and stone wall stabilising activities are not impacted
- an Action Plan that can be implemented in the event of catastrophic or structural collapse or emergency events.

9 Prior to the preparation by the Structural Engineer of reports and drawings under condition 13, in advance of the commencement of Stage 2 Building Works Package, a suitably experienced Geotechnical Engineer approved by the endorsed Structural Engineer is to be nominated in writing for endorsement by the Executive Director. The nominated and approved person shall be appointed by the Permit Holder to carry out a **Geotechnical Report** on the existing site geology and on the existing footings to the stone wall to inform the Structural Engineer's computations and engineering design.

10 Should **minor changes** in accordance with the intent and approach of the endorsed documentation in conditions 7 to 9 become necessary, correspondence and supporting documentation must be prepared and lodged in accordance with this permit condition for assessment by the Executive Director. More fulsome or major changes to the permit may require the submission of a permit amendment application to Heritage Victoria.

PRIOR TO COMMENCEMENT OF STAGE 1 CONSERVATION WORKS PACKAGE

11 Prior to commencement of **Stage 1 Conservation Works Package**, and after the **Archival Photographic Record** is completed and endorsed, a **Materials Conservation Report** (the Report) must be submitted for the endorsement of the Executive Director and once endorsed becomes part of the permit. The Report is to document the conservation works on all areas of the registered place at, and in the vicinity, of where works are proposed, and decorative elements are present. The Report must be prepared by the endorsed Materials Conservator, with the input of the Heritage Consultant and the Structural Engineer, and must include:

- Proposed methodologies for the safe and non-destructive removal of applied decorative elements from the brick walls and stone capping that suit the particular circumstances. A trial sample of each proposed methodology is to be carried out for the approval of Heritage Victoria representatives before the full removal works are undertaken.
- Methodology for the safe protection, packaging and storage of all decorative elements to be removed from the brick walls and the capping, and for the removal, protection and storage of the urns and other garden ornaments, garden edgings, and decorative paving to garden paths within the work area to protect them from harm during the works. A safe location for all temporarily removed elements must be nominated by the endorsed Conservator for the approval of the Executive Director.
- Methodology for the protection from damage or loss of the decorative elements remaining in situ on the stone wall during the stabilisation works.
- Methodology for the location-recording, retrieval and storage of surface and subsurface deposits which are discovered during excavation or subsurface works to the rear of both the brick and the stone walls. This includes any historical artefacts or deposits (ceramics, shells and other decorative items) which may have become dislodged from the walls over time.
- All works described in the endorsed Materials Conservation Report, are generally to be undertaken by, or directly supervised by, the endorsed Conservator. Non-conservators may work on the project but must be trained by the endorsed Conservator, only undertake works described to them by the endorsed Conservator, and not work unsupervised by the endorsed Conservator except with the written agreement of the endorsed Conservator and approval of the Executive Director.
- Methodology for the accurately located reinstatement of decorative elements on the brick walls and stone capping.
- Methodology for the reinstatement or repair of decorative elements to the stone walls where damage has occurred during the stabilisation works.
- Methodology for the accurately located reinstatement of urns and other decorative elements within and to the edge of the garden beds, and the repair or reconstruction of decorative elements in the pathways where damage has occurred during the works.

12 Should **minor changes** in accordance with the intent and approach of the permitted works approved for the Stage 1 Conservation Works Package and with the endorsed documentation (condition 11) become necessary, correspondence and supporting documentation must be prepared and lodged in accordance with this permit condition for assessment by the Executive Director. More fulsome or major changes to the permit may require the submission of a permit amendment application to Heritage Victoria.

PRIOR TO THE COMMENCEMENT OF STAGE 2 BUILDING WORKS PACKAGE

13 Prior to the commencement of **Stage 2 Building Works Package** a final construction set of coordinated **Structural** and **Architectural** drawings, reports and specifications must be submitted for the endorsement of the Executive Director and when endorsed become part of the permit. The Drawings and documents must detail and specify the deconstruction and reconstruction of the brick walls and the stabilisation of the stone wall, and detail and specify the retaining structures, footings, and drainage system to the rear of the walls, and detail and specify the works to the gate and picket fence, and must include:

- The deconstruction methodology for the brick walls and associated stone capping following the removal of the decorative elements. This must include the retention, cleaning and storage of the original bricks, and the location-recording, retention and storage of the stone capping.
- The engineering works and reconstruction methodology for the brick walls. Note: the visible internal wall face of the brick wall is to be designed and configured to match existing conditions to enable the decorative elements to be accurately reinstated to match the existing appearance. The reconstruction methodology must include means for the re-use of as many original bricks as possible, the extent and location of inclusion of new materials, and the accurate reinstatement of the stone capping. Specification of the mortar and pointing methodology is also required.
- The engineering works and stabilisation methodology for the stone wall which is to be realigned in situ. A precise construction sequence is to be included. Note that the Conservator is to be involved in devising this methodology, including the protection of the decorative elements as required under condition 11.
- The nomination of hold points during the deconstruction, engineering works and reconstruction or stabilisation (as applicable) of the walls at which time the Structural Engineer is to undertake inspections to ensure the propping of the walls and land within the site is not compromised and the works are being undertaken as designed and specified. Hold points are also to be nominated for the Conservator to undertake inspections during the stabilisation works on the stone wall to ensure the protection methodology has not been compromised.
- Details for the drainage system to be installed to the rear of the walls and its connection to the City of Ballarat Stormwater outlet
- The design and construction details for the alterations to the entrance gate and the reinstatement of the picket fence.

14 Should **minor changes** in accordance with the intent and approach of the permitted works approved for the Stage 2 Building Works Package and with the endorsed documentation (condition 13) become necessary, correspondence and supporting documentation must be prepared and lodged in accordance with this permit condition for assessment by the Executive Director. More fulsome or major changes to the permit may require the submission of a permit amendment application to Heritage Victoria.

PRIOR TO THE COMMENCEMENT OF STAGE 3 REINSTATEMENT WORKS PACKAGE

15 Prior to the commencement of **Stage 3 Reinstatement Works Package** all the reports and documentation required under condition 11 must be finalised and submitted for the approval of the Executive Director.

16 Should **minor changes** in accordance with the intent and approach of the permitted works approved for the Stage 3 Reinstatement Works Package (condition 14) become necessary, correspondence and supporting documentation must be prepared and lodged in accordance with

this permit condition for assessment by the Executive Director. More fulsome or major changes to the permit may require the submission of a permit amendment application to Heritage Victoria.

PREVENTION OF DAMAGE AND HISTORICAL ARCHAEOLOGICAL ARTEFACTS

17 Approved works or activities are to be planned and carried out in a manner which prevents damage to the registered heritage place/object. However, if other previously hidden original or inaccessible details of the object or heritage 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.

18 Historical archaeological artefacts or deposits are likely to be discovered during any excavation or subsurface works. These are to be location-recorded and retained in accordance with the methodologies described in the Materials Conservation Report required at Condition 11.

19 All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits unrelated to the wall decoration 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.

AT COMPLETION OF ALL WORKS

20 Prior to the expiration of the permit, the Executive Director must be informed of the completion of all works approved by this permit (including works required by the conditions of the permit) by submitting a **Final Project Report** to the satisfaction of the Executive Director. The Final Project Report must include the following:

- A summary of how and when each of the conditions of the permit was satisfied;
- Documentation of the changes which have occurred at the heritage place, including documentation of any significant material which has been removed, altered, revealed or excavated from the heritage place.
- This condition will be satisfied on receipt of written confirmation from the Executive Director.

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 (\$19,826 AS AT JULY 2019) OR IN THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$99,132 AS AT JULY 2019) UNDER s104 THE HERITAGE ACT 2017.

WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF UP TO 4800 PENALTY UNITS (\$793,056 AS AT JULY 2019) FOR A NATURAL PERSON OR 5 YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,586,122 AS AT JULY 2019) 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
13 August 2021 Delegation

A handwritten signature in blue ink that reads "J Sullivan". The signature is written in a cursive style with a large initial "J" and a clear surname "Sullivan".

Janet Sullivan
Principal Heritage Permits
Heritage Victoria

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