
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P38513

Applicant: 



NAME OF PLACE/OBJECT: EDZELL

HERITAGE REGISTER NUMBER: H0691

LOCATION OF PLACE/OBJECT: 76 ST GEORGES ROAD TOORAK, STONNINGTON CITY

THE PERMIT ALLOWS: Completion of internal works to a new dwelling and associated landscape works within the grounds of Edzell House and external conservation works - which were previously approved in permit P22569, in accordance with the following documents:

- *Heritage Impact Statement prepared by Lovell Chen (dated March 2015)*
- *Stormwater drawings prepared by John Patrick numbered L-TP01 (rev C, 09.03.2016) and TP017 (rev D, 30.03.2016)*
- *Drawings prepared by MGS numbered TP000 (rev C), TP001 (rev E), TP001D (rev C), TP001R (rev C), TP002 (rev D), TP002R (rev B), TP003 (rev D), TP003R (rev C), TP004 (rev D), TP004R (rev B), TP005 (rev C), TP005R (rev B), TP006 (rev D), TP006R (rev B), TP007 (rev C), TP007R (rev B), TP008 (rev C), TP008R (rev B), TP009 (rev B), TP012 (rev D), TP014 (rev C), TP015 (rev B), TP016 (rev C), TP017 (rev C) and TP018 (rev A)*
- *Tree Management Plan – Edzell, prepared by Kylie May of John Patrick (amended June 2015)*
- *Schedule of Conservation Works prepared by Purcell (vol.04, 18 May 2016)*

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Prior to the commencement of any of the works approved by this permit, a suitably experienced heritage conservation consultant, approved in writing by the Executive Director Heritage Victoria, must be engaged to advise and assist as necessary with the preparation of the documentation where any intervention to built fabric of heritage significance 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 2 and 5.
2. Prior to the commencement of any of the works approved by this permit, the conservation architect approved under condition 1 must prepare an updated and costed Schedule of Conservation Works (based on the Schedule of Conservation Works prepared by Purcell (vol 04, 18 May 2016) which identifies the remaining landscaping and conservation works for the heritage place for the approval and endorsement by the Executive Director Heritage Victoria and once endorsed these works become part of the permit and must be completed within the period of validity of the permit.

3. 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 completion of all of the works required by condition 2. The amount guaranteed must be equivalent to the cost shown in the approved conservation schedule under condition 2 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 P38513.
4. Following completion of the conservation works required under condition 2, the approved heritage conservation architect must submit to the Executive Director Heritage Victoria, for their approval, a written report outlining all required conservation works (under permits P22569 and P38513) as detailed in the Schedule of Conservation Works prepared by Purcell (rev 04, 18 May 2016) and notes/photographs against each of the listed conservation works detailing the methodology for the works and the extent to which the completed conservation works conformed to good practice in their professional judgement.
5. The Bank Guarantee referred to in condition 3 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 conditions 2 and 4 to the satisfaction of the Executive Director Heritage Victoria. 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.
6. 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 unless otherwise agreed in writing by the Executive Director Heritage Victoria.
7. The Executive Director Heritage Victoria is to be given five working days’ notice of the intention to commence the approved works.
8. 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.
9. 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.
10. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.

11. The Executive Director Heritage Victoria must be informed when the approved works have been completed.
12. 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:

12 October
2023

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

A handwritten signature in black ink that reads "Nicola Stairmand". The signature is written in a cursive style with a large initial 'N' and 'S'.

Nicola Stairmand
Manager, Statutory Approvals
Heritage Victoria

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