



Dear Jessica

Re: PERMIT APPLICATION P40198, FORMER NATIONAL MUTUAL LIFE ASSOCIATION BUILDING (H0036) – RESPONSE TO RFI

This letter responds to your request for information (RFI) received on 31 March 2025. It was surprising to read that the RFI disregards and contradicts previous advice provided by Heritage Victoria and fails to comprehend legislative requirements. However, for clarity, responses to each of your queries are provided below.

Firstly though, it is important to reiterate the levels of heritage significance across the heritage place. The 1893 building is of primary significance, while the 1903 building is of contributory significance. The interior of the 1903 building has been heavily modified, further reducing its significance. While there is no Conservation Management Plan or known surviving plans of the building, it is clear that the interior of the lower ground floor has been remodelled several times over with only its historical support columns remaining. The vaults have had their doors replaced and have also undergone alterations. The VHR citation for the place recognises the heavily altered nature of the interiors to the 1903 building and specifically states that:

The exterior and interior of the 1893 section of the former NMLA building are both integral to the significance of the place and are particularly intact. Alterations that impact on the significance of the exterior and interior are subject to permit applications. Only the facade of the 1903 section contributes to the significance as the interior has been altered considerably.

Our responses to your RFI queries are as follows:

1. *Detail of future use of the space including any proposed works to support new tenancies. This should address the concerns outlined above.*

Response

The proposed use of the tenancy by the prospective tenant and any future fitouts are not relevant to the permit application. The space in question is a commercial space that has been previously refurbished and adapted. In accordance with the General Permit Exemptions (August 2024), any internal fitouts are exempt under General Permit Exemption 4 – Internal fitouts.

The following conservation works would be undertaken to support the new tenancies and continued use of the building:

- Clean, repair, and repaint (as required) entrance doors (including leadlight) and original staircase balustrade.
- Clean and make good works to the early stonework.
- Investigation and remediation of damp issues within the basement vault(s) subject to the permit application, including but not limited to, chemical injection of a damp proof course and/or application of a poultice product, cutting out and repair of damaged plaster (as necessary), followed by replastering and repainting to match existing.



2. Option analysis for the following:

- Further options for the vault level works including an option with no demolition between the vaults should be explored. Robust reasoning is required for any demolition of heritage fabric and it should be demonstrated that no other options are viable for use by any prospective tenant.
- Further options for DDA access to Queen St entrance. It is understood that a new opening in the wall between the entry lobby and Tenancy 2 is necessary to provide DDA access. This should include whether it is feasible to install a small stair and platform lift in Tenancy 2 instead of the proposed extensive ramping and partition walls to create a hallway. Further information is also sought on the historic arrangement of the basement level to consider the impact of any partition wall proposed.

Response – vault works

The proposed works to the vaults aligns with the advice received by Heritage Victoria (Attachment 1), which states:

...Heritage Victoria is unlikely to support change to the bank vault doors, there would be a level of comfort with having a internal cage within the vault to effectively close off the original vault doors (without causing physical harm) and the construction of a new opening and door to each vault (and/or internally between the vaults), as required. Any new bank vault doors should leave as large a buffer to the original/early vault doors as possible to protect the original/early doors physically and visually.

As evident in the advice provided by Heritage Victoria, options for works to the vault spaces were discussed during the pre-application meeting. These were presented again within the HIS. For clarity, these options and the reasons they have been dismissed are presented again as follows:

1. Changes to the vault doors to provide modern, up-to-date, secure locking system necessary for the storage of high value goods was the initial option proposed. This option was discounted after discussion with Heritage Victoria as it was advised that despite the doors not being original “Heritage Victoria is unlikely to support change to the bank vault doors”.
2. Construction of two internal cages, one inside each vault was considered. However, the two vaults would be leased by the one company who are seeking a single unified space, not two separate vault spaces. Additionally, Heritage Victoria responded positively towards unifying the two spaces during the pre-application meeting. Therefore, this option was dismissed in support of the advice received from Heritage Victoria being a single internal cage and construction of a new opening between the vaults.

As discussed above, the vault spaces have been heavily modified and are not identified as being significant in the VHR citation. Therefore, the proposed vault works, which will involve the removal of a minor amount of fabric, will not have a detrimental impact on the significance of the place. No additional reasonings, options or mitigation measures are required.

Response – DDA access

The proposed DDA access is in keeping with the advice received by Heritage Victoria (refer Attachment 1), which states:

It is understood that while the change required to the Queen Street foyer would cause physical and visual harm to significant fabric, this is a preferred outcome in the context of the building as a whole.

No advice with regard to the associated works to the interior of the tenancy was provided by Heritage Victoria because this space has been heavily modified and is, at best, of contributory significance to the place meaning that internal fitout works to this space, including installation of a partition wall and ramp, are exempt under General Exemption 4 – Internal fitouts.

The partition wall is required to create a corridor that enables DDA access via a ramp to both tenancies on the lower ground floor, and must be fire rated to meet NCC compliance, which is why it must extend from the floor to the ceiling. Irrespective of this, installation of a partition wall is exempt under General Exemption 4.3 – Installation of new internal partitions and walls, so long as they do not obscure early or original fabric and are set away from window openings. The proposed



partition wall does not obscure early or original fabric and is situated more than 1m away from the window openings to create a corridor. The windows will still be clearly visible from the contributory significant exterior, and works will not impact significant fabric.

Additionally, installation of the ramp is exempt under General Exemption 4.1 - Alterations to interior areas that have been previously refurbished, including: the upgrade of previously modernised spaces including bathrooms, kitchens, laundries, and toilets; and the replacement of existing appliances, fixtures and associated wiring and plumbing. These works may be carried out so long as there are no works or activities to the exterior of the building, there are no works or activities to structural elements; and there is no construction of new extension or additions (excluding the installation of new internal partition walls, as specified by exemption 4.3. The proposed ramp itself does not require works to the exterior of the building or structural elements. Impact to structural elements is to create the opening from the foyer, not for the construction of the ramp. Therefore, construction of a ramp is permit exempt.

Section 3.3.2 of the HIS discusses the alternative option of a platform lift and stairs to access the lower ground floor. This option was discounted as the user would require assistance to use the platform, diminishing the value of the DDA access by not providing independent disability compliant access. This option would also cause greater impact through its installation and would be less reversible than the selected ramp option. The ramp will be a self-supporting structure that can be easily dismantled. Installation of stairs and a platform lift would require fixings to walls, installation of additional electrical conduits and communications features, as well as the construction of an additional set of stairs. All of which cause more harm and require remediation works, should they be removed.

In summary, while the works included within the HIS are a complete package to provide DDA compliance, certain aspects of the works, specifically installation of the partition wall and associated ramp, are permit exempt. These aspects of the works will have no detrimental impact on the cultural heritage significance of the place and therefore, no further options investigations or mitigation measures are required.

3. *Under s101(2)(b) of the Act, reasonable or economic use are matters that the Executive Director must consider in their assessment of permit applications. Further justification is required on the most impactful aspects of the proposal (i.e. creating a new opening to lobby and vault) as to why the changes are essential for the continued sustainable use of the place. It would need to be demonstrated that no other tenant could occupy this part of the building in its current form without the proposed new openings.*

Response

As outlined in Section 3.2 of the HIS, the proposed new opening in the entrance foyer is required for compliance with the commonwealth legislation, Disability Discrimination Act 1992 (DDA). Section 23 of the DDA makes it unlawful to discriminate against another person on the ground of the person's disability in relation to access to, or use of, premises. There is currently no DDA compliant access to the lower ground floor. To refuse to provide DDA compliant access for the prospective tenant would be discriminative and in breach of the DDA. This may result in a complaint to the Australian Human Rights Commission, under the Equal Opportunity Act 2010 to the Victorian Equal Opportunity and Human Rights Commission or VCAT, which may result in fines, penalties, and potential enforcement action to rectify. Therefore, the works are required to lawfully lease the lower ground floor space.



Updated architectural plans

Updated architectural plans accompany this response to your RFI. We have identified minor DDA required elements missing from the plans submitted with the permit application. The updated plans now include new nosings, tactile surface indicators and a compliant handrail beside the existing timber handrails to the stairs of the Queen Street entry foyer. The previous plans only show that the existing handrail beside the existing entry foyer ramp to be removed and replaced with a compliant handrail, however compliant handrails are required on both sides of the stairs. The updated set of plans now include all required DDA upgrades to the entry foyer. These additional elements, together with the other DDA upgrades to the entry foyer, will have a minor visual impact on the place.

Please do not hesitate to contact me if you have any queries or wish to discuss the above further. Feel free to give me a call on [REDACTED] or send me an email at [REDACTED]

Conservation Studio Australia Pty Ltd

Dan Blake

Director



Attachment 1

16/10/2024

Andrew Chatley

Via email: [REDACTED]

Dear Andrew,

RE: P40198 FORMER NATIONAL MUTUAL LIFE ASSOCIATION BUILDING, 389-399 COLLINS STREET AND 59-69 QUEEN STREET MELBOURNE, MELBOURNE CITY (H0036)

Thank you for our recent on-site meeting of 15 October 2024 in which we discussed proposed changes to the basement, including providing DDA access from Queen Street and upgrading security to two vaults.

Please note that the following officer comments are provided to assist in your further consideration of options for the place. They should not be construed as either approval or refusal of the proposal as it currently stands. A decision on the merits of a finalised proposal can only be provided once a permit application has been fully tested through the permit processes under the *Heritage Act 2017*.

At officer level, I can advise:

In regard to the proposed **additional lift between the basement and the Queen Street foyer**, there are significant concerns about this proposal, which would cause considerable visual and physical harm. The additional lift is unlikely to be supported by Heritage Victoria.

In regard to the proposed **DDA access between the basement and the Queen Street foyer**, in the first instance, Heritage Victoria supports appropriate and sympathetically-designed DDA access to heritage places. In this instance, Heritage Victoria would have significant concerns about the amount of change that would be required for DDA access to the main Collins Street entrance. It is understood that while the change required to the Queen Street foyer would cause physical and visual harm to significant fabric, this is a preferred outcome in the context of the building as a whole. As discussed, it is expected that there would be conservation works to the Queen Street foyer to mitigate the impact to the early stonework, including to the entrance doors (including leadlight), staircase balustrade, removal of the non-original balustrade and cleaning and make good works to the early stonework.

In regard to the **original/early bank vault doors**, while Heritage Victoria is unlikely to support change to the bank vault doors, there would be a level of comfort with having a internal cage within the vault to effectively close off the original vault doors (without causing physical harm) and the construction of a new opening and door to each vault (and/or internally between the vaults), as required. Any new bank vault doors should leave as large a buffer to the original/early vault doors as possible to protect the original/early doors physically and visually.

In regard to the **works generally**, there is a level of support for the proposed works (subject to further detailed design), which would require assessment under a permit from Heritage Victoria. Further information about this process is attached [here](#) and a link to apply here.

Please include the following in your application:

- Application form

- Standard application documents
- Description of the proposed works, including a schedule of conservation works
- Installation methodology for the proposed works
- Heritage Impact Statement (further guidance [here](#))
- Reasonable and economic use rationale (further guidance [here](#))
- Existing conditions photographs, including marked up photographs indicating where equipment would be located

I recommend discussing the proposed works with a heritage consultant and have included some names below that may be useful.

Please note that provision of the names below does not imply that a consultant or contractor is endorsed or approved by Heritage Victoria and the Department of Transport and Planning.

Conservation Studio (Dan Blake)

<https://conservationstudio.com.au/contact>

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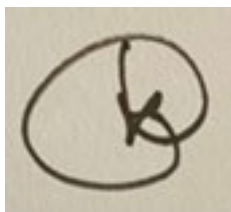
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If you have any queries or wish to discuss this further please contact me with a message via the online Heritage Desk or on katrina.dernelley@transport.vic.gov.au.

Yours sincerely



Katrina Place Dernelley
Heritage Officer



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Heritage Victoria