
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P38974

Applicant:



NAME OF PLACE/OBJECT: FORMER STATE THEATRE

HERITAGE REGISTER NUMBER: H0438

LOCATION OF PLACE/OBJECT: 150 - 162 FLINDERS STREET MELBOURNE,
MELBOURNE CITY

THE PERMIT ALLOWS:

Urgent removal, salvage, temporary storage and reinstatement of the canted bays on the tower and the crenelations; investigation, destructive testing and non-destructive testing to compile a scope of future conservation and restoration works in accordance with the following documents, as endorsed by the Executive Director and forming part of this permit:

- **Architectural Drawings for Forum Theatre – Urgent Make Safe Works prepared by Conservation Studio P/L**
 - **23025-00 Tower Plan, Elevation & Sections**
 - **23025-01 Tower Plan, Elevation & Sections**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

GENERAL CONDITIONS

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. Commencement of the permit beings with onsite physical works.
2. The Executive Director, Heritage Victoria is to be given **five working days' notice** of the intention to commence the approved works.
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 for assessment by the Executive Director who will advise on the approach to be taken to address these matters. If the Executive Director considers that the changes are not minor, an amendment to the permit or a new application will be required.
4. The Executive Director Heritage Victoria must be informed when the approved works have been completed.
5. The works approved by this permit must be carried out in their entirety unless otherwise agreed in writing by the Executive Director, Heritage Victoria.

ENGAGEMENT OF CONSULTANTS

6. 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 fulfill conditions 8, 10, 12- 22 of this permit.
7. Prior to the commencement of any of the works approved by this permit a suitably experienced **structural engineer** (with relevant heritage experience) 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 has the potential to impact the structural integrity of any part of the place. In particular the structural engineer must help fulfill conditions 8, 12- 22 (as necessary) of this permit.

BANK GUARANTEE

8. Prior to the commencement of any of the works approved by this permit, the heritage conservation consultant approved under condition 6 must prepare general drawings for the removal, salvage, storage and reinstatement works approved in this permit and **an estimated costed schedule** of these works must be prepared by a Quantity Surveyor. The costed schedule and drawings must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the schedule and drawings will be endorsed and will then form part of the permit.
9. 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 in this permit. The amount guaranteed must be equivalent to the cost shown in the approved estimated costed schedule under condition 8 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 P38974.

10. Following completion of the all of the works required in this permit, the approved heritage conservation consultant must submit to the Executive Director Heritage Victoria, for their approval, a **brief written report** confirming that the conservation and reinstatement works have been completed and the extent to which the completed conservation works conformed to good practice in their professional judgement.
11. The **Bank Guarantee** referred to in condition 9 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 in this permit to the satisfaction of the Executive Director Heritage Victoria, and the satisfaction of condition 10. The Bank Guarantee will be forfeited to the Heritage Council of Victoria in the event that all of the approved works are not

completed to a satisfactory standard prior to the expiry date of this permit.

SURVEY AND RECORDING

12. Within two months of the completion of the dismantling and temporary relocation works (the satisfaction of condition 18) an **archival quality digital photographic survey** is to be submitted to record the exterior of the Former State Theatre, including general streetscape views, and detailed views of the elements impacted by works approved in this permit. The intent of the survey is to ensure an accurate record of the exterior condition of the place, its context and details of the elements approved to be removed in this permit, should their reconstruction be necessary. The survey is to be prepared in accordance with the digital submission requirements of 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). It must include a drawing that accurately shows the subject and the location of each image. Where detailed images are taken on vertical surfaces, elevations must also be included.
13. Within two months of completion of the dismantling and temporary relocation works (the satisfaction of condition 18), **measured drawings of the canted bays and crenelations** must be submitted to the Executive Director, Heritage Victoria for approval. Once approved, the drawings will be endorsed and will then form part of the permit. The intent of the drawings is to record adequate details to allow accurate reconstruction of these features should that be required.
14. Within two months of completion of the dismantling and temporary relocation works (the satisfaction of condition 18), a **dismantling record** of all retained heritage fabric (canted bays and crenelations), including overall photographic documentation and details of significant issues associated with that fabric and encountered during the undertaking of the removal works, must be submitted to the written satisfaction of the Executive Director, Heritage Victoria.

DOCUMENTATION

Pre-start

15. Prior to the commencement of any of the works approved by this permit, a **Heritage Protection Plan** must be submitted to the Executive Director, Heritage Victoria for approval. Once approved, the Heritage Protection Plan will be endorsed and will then form part of the permit. The 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.

Investigations and testing

16. Within 6 months of the original date of issue of this permit a specification including a brief proposed scope of works and descriptions of **investigation, destructive testing and non-destructive testing** to be used on the heritage fabric of the registered place must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the document(s) will be endorsed and will then form part of the permit. This is to inform the Condition Assessment report required at condition 19.

Dismantling and temporary relocation works

17. Prior to the commencement of any dismantling and temporary relocation works, documentation outlining the **methodology for the protection and storage of retained fabric**, including storage location, must be submitted to the Executive Director, Heritage Victoria for approval. Once approved, the drawings/documents will be endorsed and will then form part of the permit.
18. The Executive Director, Heritage Victoria must be notified in writing when the **dismantling and temporary relocation of the canted bays and crenelations has been completed**. This notification must include a list of all retained material and confirmation of the location the material is stored.
19. Within 18 months of the original date of issue of this permit, a **Conditions Assessment report** that reports on results from the investigation, destructive testing and non-destructive testing approved at condition 16 are to be submitted to the written satisfaction of the Executive Director Heritage Victoria. This report must also include sourcing archival drawings for the place if they are available.

Reinstatement

20. The canted bay and the crenelations are to be **reinstated** to the Former State Theatre (Forum Theatre) in accordance with the documentation endorsed by condition 21 within the period of validity of this permit.
21. Within 9 months of satisfaction of condition 18, **construction ready drawings outlining the reinstatement**, including any associated conservation/reconstruction of the canted bay structure and the crenelations must be submitted to the Executive Director Heritage Victoria for approval. Once endorsed the documentation will form part of the permit. The drawings must document the permanent marking of any proposed reconstructed elements in an inconspicuous place with the month and year of installation.
22. Should any **further conservation works** to the built fabric of the place be necessary as a result of the Condition Assessment report at condition 19, or to facilitate the completion of reinstatement works required at condition 21, a **permit application** must be submitted to Heritage Victoria for these works within the life 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 (\$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:

07 February
2024

**Signed by the Executive Director, Heritage
Victoria**

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

Steven Avery
Executive Director
Heritage Victoria

