
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P35014

Applicant:



NAME OF PLACE/OBJECT: RIALTO BUILDING

HERITAGE REGISTER NUMBER: H0041

LOCATION OF PLACE/OBJECT: 497-503 COLLINS STREET MELBOURNE, MELBOURNE CITY

THE PERMIT ALLOWS:

Construction of a 32 level tower cantilevering into the airspace above the Rialto Building (only partially within the extent of registration), undertaken together with works approved in P35013 (Winfield Building). Works include demolition of the 1980s atrium and entry canopy, construction of a basement (only partially within extent of registration), minor demolition and strip out of interior fit-outs, major refurbishment, conservation and adaptation works to the Rialto Building, generally in accordance with the following documents:

- 495 Collins Street – Heritage Victoria, prepared by Cox Architecture, Revision 1, February 2024.
- Schedule of Works, 495 Collins Street, Bryce Raworth, undated (received 7 September 2023)
 - 01 Schedule of Works Introduction, 02 Ground Floor and Roof Plan, 03 North Elevation, 04 South Elevation, 05 East & West Elevations (Winfield), 06 East and West Elevation (Rialto)

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 three (3) years of the original date of issue of this permit, or are not completed within seven (7) 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 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 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.
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 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.

5. The place includes two historical archaeological sites that are listed in the **Victorian Heritage Inventory**: Winfield Square (H7822-2197) and Menzies-at-Rialto (H7822-2196). If works are proposed that may affect historical archaeological remains associated with either or both of these sites, **Heritage Act Consents will need to be obtained**.
6. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
7. The Executive Director Heritage Victoria must be informed when the approved works have been completed.
8. 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

9. 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, Heritage Victoria, must be engaged to advise and assist as necessary in 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 consultant must help fulfill conditions 16, 17, 18, 19, 22 and 24 of this permit.
10. 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, Heritage Victoria, must be engaged to advise and assist as necessary in the preparation of documentation and the fulfillment of works. The approved structural engineer shall advise the permit holder on appropriate measures to ensure the protection and structural stability of the heritage place prior to and during the undertaking of the works. The structural engineer must help fulfill conditions 11, 12, 13, 17 and 19 of this permit.

STRUCTURAL AND VIBRATION MONITORING

11. Prior to the commencement of any stage of the works associated with the basement or excavation, the structural engineer approved at Condition 10 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 Rialto Building is not compromised at any point during construction. The Executive Director, Heritage Victoria is to be informed immediately if the structural stability of the Rialto Building is threatened.
12. Prior to the commencement of any stage of the works of the works associated with the basement or excavation, the structural engineer approved at condition 10 must provide a **report on acceptable levels of vibration** that the Rialto Building can tolerate during construction. The report must include 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 Heritage Victoria for approval. Once approved the report will be endorsed and will then form part of the permit.

13. Prior to the commencement of any stage of the works associated with the basement or excavation, **vibration monitoring equipment** must be installed as a precautionary measure to ensure vibration levels are monitored and maintained in accordance with the report endorsed at condition 12.

RECORDING

14. Prior to the commencement of any of the works approved by this permit an archival quality photographic survey is to be prepared to record the western bluestone laneway, including the horseshoe bend. 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 Heritage Victoria 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 La Trobe Picture Collection, 328 Swanston Street Melbourne 3000, State Library of Victoria or delivered by courier to Despatch: 174 Little Lonsdale Street Melbourne 3000. Deliveries accepted from 7.30 to 4.30 (A receipt will be sent the day the material is received.)

STAGING

15. Prior to the commencement of any of the works approved by this permit, a **Staging Plan** which provides an overview of the order in which approved works will be commenced must be submitted to the Executive Director Heritage Victoria 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 Heritage Victoria prior to the commencement of the works, as detailed in the conditions that follow. The Executive Director Heritage Victoria is to be given five working days' notice of the intention to commence each stage of the approved works.
16. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 15, any **enabling works or investigations** which may be required must be documented must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the associated documentation will be endorsed and will then form part of the permit.
17. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 15, 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 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. The Heritage Protection Plan must include the following (as relevant to the stage):
 - Details of protection methods including any necessary temporary propping for the Rialto Building during construction of the basement and lift wells and reference to the vibration monitoring at conditions 12 and 13.
 - A dilapidation report (including images) for the Rialto Building to record its condition prior to the commencement of excavation works

SUBMISSION OF DRAWINGS

18. Prior to the submission of construction ready drawings referred to in condition 19, and at a point sufficient to allow for discussion and potential changes, **detailed design drawings** documenting the proposed works must be submitted to the Executive Director Heritage Victoria 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 19.

The detailed design plans must address but not be limited to the following items which can be provided at the relevant stage:

Works to the historic bluestone laneways (western bluestone laneway and Winfield Square), including the following.

- For the western bluestone laneway and horseshoe bend: methodology for the finished bluestone cobblestones to demonstrate the original bluestone can be restored and re-laid to meet the necessary compliance without substantial changes to the character of the laneway such as sawing flat the bluestone (changes to grade are acceptable); alternative design options that retain the original fabric should the re-laid option not be satisfactory to the Executive Director Heritage Victoria.

- For Winfield Square: investigations into the extent of the bluestone laneway fabric retained and salvageable under the 1980s atrium (Winfield Square); re-use of salvageable bluestone in the approved bluestone paving to Winfield Square, where possible; interpretation of the historic extent of Winfield Square in the ground plane treatment.

Detailed design and material specification for atrium glazing and lighting.

Detailed design and material specification for bridges.

Documentation of heritage fabric proposed for removal, and whether any can be salvaged and reused in the approved works. Where reuse is not able to be achieved, a storage plan must be provided at condition 19.

Documentation of roofing material proposed in the conservation works to the Rialto Building that reinstates original/early material based on historic evidence.

19. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 15 **final construction ready (marked as such) drawings** 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 18. The construction ready plans must address all demolition, conservation, new works, services and signage.

To satisfy this condition (where relevant), a report by the Heritage Consultant 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 Structural Engineer reviewing the construction ready plans for their compliance with vibration and structural monitoring/propping must be submitted for the approval of the Executive Director.

Should any heritage fabric proposed for removal be salvageable for future use (but not used in the approved works), documentation outlining the methodology for the protection and onsite storage of that retained heritage fabric must be submitted to the Executive Director, Heritage Victoria for approval at the relevant stage. Once approved, the drawings/documents will be endorsed and will then form part of the permit.

20. Within 18 months of the commencement of works approved by this permit, a **Heritage Interpretation Plan** for the Rialto Building must be prepared by a suitably qualified and experienced practitioner and be submitted to the Executive Director for approval. Once approved, it will be endorsed and will then form part of the permit. The Heritage Interpretation Plan must include proposals for the appropriate interpretation of the history of the site and in particular include ongoing activation of the urinal structure.
21. Prior to the implementation of the on-site interpretation, a **construction ready (marked as such) set of drawings** documenting works generally in accordance with the Heritage Interpretation Plan approved at condition 20, 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. After its approval the interpretation works are to be implemented on site prior to the expiration of the permit.

BANK GUARANTEE

22. Prior to commencement of any stage of works associated with the construction of the tower (excluding demolition and basement works), the heritage consultant approved under condition 9 must prepare a **costed schedule of conservation works** identified as required for the Rialto Building for the approval and endorsement by the Executive Director and once endorsed these works become part of the permit and must be completed within the period of validity of the permit.
23. Prior to commencement of any stage of works associated with the construction of the tower (excluding demolition and basement works), 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 the works required by condition 21 and 22 approved by the permit. The amount guaranteed must be equivalent to the cost shown in the approved schedule under condition 22 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 P35014."
24. Following completion of the conservation works required under condition 22, the heritage consultant approved under condition 9 must submit to the Executive Director for their approval, a **brief written report** confirming that the conservation works have been completed and the extent to which the completed conservation works conformed to good practice in their professional judgement.
25. The **Bank Guarantee** referred to in condition 23 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 conservation works referred to in condition 22, satisfaction of condition 24 and implementation of the Heritage Interpretation Plan referred to in condition 21 to the satisfaction of the Executive Director. 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 (\$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: Signed by the Executive Director, Heritage
Victoria**

23 April 2024



A handwritten signature in black ink, appearing to read "Steven Avery". The signature is fluid and cursive, with a long horizontal stroke at the bottom.

Steven Avery
Executive Director
Heritage Victoria