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# HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE  
HERITAGE ACT 2017

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Permit No: P39227

Applicant: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**NAME OF PLACE/OBJECT:** FORMER AUSTRALIAN LICORICE FACTORY CHIMNEY  
AND FIRE TUNNEL REMAINS

**HERITAGE REGISTER NUMBER:** H1289

**LOCATION OF PLACE/OBJECT:** 342-348 VICTORIA STREET BRUNSWICK, MERRI-BEK  
CITY

**THE PERMIT ALLOWS:** Stabilisation and conservation works, landscaping and lighting to the former Australian Licorice Factory chimney and fire tunnel remains, including implementation of security measures, graffiti management and graffiti removal, generally in accordance with the following documents:

- Architectural drawings for Fire Tunnel prepared by Lovell Chen, dated 2 May 2024, numbered HA00 – HA03 (inclusive, all Revision DD1)
- Landscape drawings prepared by Mala, dated 4 April 2024, and numbered L000-L002, L102, L202, L302, L400, L402, L501 and L603
- Lighting design documentation prepared by Norman Disney and Young and NDYLIGHT Design, dated 4 April 2024, and numbered LL06 [02]

## 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 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. Commencement of the permit begins with onsite physical works.
2. The Executive Director, Heritage Victoria is to be given five (5) 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 assessment by the Executive Director, Heritage Victoria who will advise on the approach to be taken to address these matters.
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. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
6. The Executive Director, Heritage Victoria must be informed when the approved works have been completed.
7. 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**

8. 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 10, 13, 14, 15 and 16 of this permit.
9. 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 13 and 14 of this permit.

#### **IMMEDIATE SECURITY OF CHIMNEY AND FIRE TUNNEL REMAINS**

10. Within 3 months of the issue of this permit, a security and graffiti management plan is to be prepared and submitted to the Executive Director Heritage Victoria for approval. Once approved the security and graffiti management plan will be endorsed and will then form part of the permit. The plan must propose measures to be implemented on site to secure the chimney and fire tunnel remains from illegal access and graffiti attacks, as far as is practicable during the period leading up and during construction on site. It must also document a methodology for protecting the fabric of the chimney/fire tunnel remains from the physical impacts of graffiti.
11. The works approved in condition 10 must be implemented within 3 months of endorsement, and the Executive Director, Heritage Victoria notified.

#### **STAGED WORKS**

12. Prior to the commencement of any of the works approved by this permit (excluding those required at condition 10), 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.

13. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 12, 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/propping 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):
- a dilapidation report (including images) for the fire tunnel to record its existing condition prior to the commencement of works approved by this permit.
  - Regular inspections throughout the duration of the works to ensure the fire tunnel is not compromised at any point during the works.

#### **SUBMISSION OF DRAWINGS**

14. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 12 final construction ready (marked as such) drawings for the subject stage of works must be submitted to the Executive Director, Heritage Victoria for approval. Once approved, they will be endorsed and will then form part of the permit. Drawings for multiple stages can be provided. The construction ready drawings must address all demolition, excavation, conservation, structural, new works and landscaping as relevant to the subject stage. At the relevant stage the following must be provided:
- Removal of all graffiti from the heritage place (fire tunnels and chimney) must be documented with a detailed methodology and with reference to Heritage Victoria's 'Guidance relating to the management of graffiti at heritage places' (December 2022). This must be prepared by the approved heritage conservation consultant.
  - Prior to the reconstruction works, the approved structural engineer must submit structural drawings.
  - Documentation related to recording, and methodology for the protection and location of onsite storage of all heritage fabric to be removed and reinstated. This may include existing conditions sketches, photographs and diagrams, as necessary. Each component is to be labelled to ensure it can be restored to its original location.
15. All bricklaying and repointing works are to be undertaken in accordance with the Heritage Council of Victoria and Heritage Victoria's Technical Codes Lime Mortars for the Repair of Masonry and Repointing with Lime Mortars (2020) at the direction of the approved heritage conservation consultant.

#### **BANK GUARANTEE**

16. Prior to the commencement of any works approved by this permit (excluding those required at condition 10), the heritage consultant approved under condition 8 must prepare a costed schedule of conservation works identified as required for the chimney stack and fire tunnel remains (excluding works already costed in permit P33440) 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. The schedule of conservation works must address graffiti removal.

17. Prior to the commencement of any works approved by this permit (excluding those required at condition 10), 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 16 approved by the permit. The amount guaranteed must be equivalent to the cost shown in the approved schedule under condition 16 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 P39227.”
18. Following completion of the conservation works required under condition 16, the heritage consultant approved under condition 8 must submit to the Executive Director, Heritage Victoria for their approval, a brief written report confirming that the conservation works have been completed in accordance with the endorsed schedule at condition 16.
19. The Bank Guarantee referred to in condition 17 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 16, satisfaction of condition 18. 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:**

26 July 2024

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



A handwritten signature in black ink, which reads "Nicola Stairmand". The signature is written in a cursive, flowing style.

**Nicola Stairmand**  
Manager, Statutory Approvals  
Heritage Victoria