
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P39942

Applicant:



NAME OF PLACE/OBJECT: FORWARD SURGE

HERITAGE REGISTER NUMBER: H2378

LOCATION OF PLACE/OBJECT: 100 ST KILDA ROAD SOUTHBANK, MELBOURNE CITY

THE PERMIT ALLOWS:

Construction of one new canopy structure to the north of the ACM Theatres Building as part of the Melbourne Arts Precinct Transformation (MAPT) redevelopment, providing weather protection for the new food and beverage facility, generally in accordance with the following documents, as endorsed by the Executive Director, Heritage Victoria and forming part of this permit:

- **TP000 – COVER PAGE**
- **TP001 - PRECINCT SITE LOCALITY PLAN**
- **TP002 - NORTH WING LEVEL 6_EXISTING CONDITIONS PLAN**
- **TP003 - NORTH WING LEVEL 7_EXISTING CONDITIONS PLAN**
- **TP004 - NORTH WING LEVEL 8_EXISTING CONDITIONS PLAN**
- **TP005 - NORTH WING LEVEL 6_DEMOLITION PLAN**
- **TP006 - NORTH WING LEVEL 7_DEMOLITION PLAN**
- **TP007 - WEST WING LEVEL 7_EXISTING CONDITIONS PLAN**
- **TP008 - WEST WING LEVEL 8_EXISTING CONDITIONS PLAN**
- **TP015 - PROPOSED SITE PLAN**
- **TP050 - DESIGN RESPONSE**
- **TP051 - DESIGN RESPONSE_CANOPY HEIGHT VIEWS**
- **TP052 - DESIGN RESPONSE_CANOPY ATTACHMENT TO DRUM**
- **TP100 - NORTH WING LEVEL 6_PROPOSED FLOOR PLAN**
- **TP101 - NORTH WING LEVEL 7_PROPOSED FLOOR PLAN**
- **TP102 - NORTH WING LEVEL 8_PROPOSED ROOF PLAN**
- **TP110 - WEST WING LEVEL 7_PROPOSED FLOOR PLAN**
- **TP111 - WEST WING LEVEL 8_PROPOSED ROOF PLAN**
- **TP200 - NORTH WING_PROPOSED ELEVATIONS 1**

- **TP201 - NORTH WING_PROPOSED ELEVATIONS**
- **TP210 - WEST WING_PROPOSED ELEVATIONS 1**
- **TP250 - PROPOSED SECTIONS 1**
- **TP251 - PROPOSED SECTIONS 2**
- **TP260 - NORTH WING_PROPOSED EXPLODED ISOMETRIC**
- **TP261 - WEST WING_PROPOSED EXPLODED ISOMETRIC**
- **TP300 - ARTIST'S IMPRESSION**
- **TP301 - ARTIST'S IMPRESSION**
- **TP302 - ARTIST'S IMPRESSION**
- **TP303 - ARTIST'S IMPRESSION**
- **TP304 - ARTIST'S IMPRESSION**
- **TP305 - ARTIST'S IMPRESSION**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. 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 (**Executive Director**).
2. The Executive Director is to be given five working days' notice of the intention to commence the approved works.
3. 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, 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 work
4. Prior to the commencement of any of the works approved by this permit, a schedule of site visits must be arranged with Heritage Victoria to enable regular inspections of the progress of the works. The agreed schedule must be approved by the Executive Director and once endorsed becomes part of the permit. Variation to the agreed site visit schedule may occur, subject to the approval of the Executive Director.
5. 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 for approval. Once approved, the Staging Plan will be endorsed and will then form part of the permit.
6. Prior to the commencement of any of the works approved by this permit, a Heritage Protection Plan (HPP) must be submitted to the Executive Director for approval. Once approved, the HPP will be endorsed and will then form part of the permit. The HPP must be prepared in accordance with Heritage Victoria's Heritage Protection Plan Guidelines May 2022 and include at a minimum 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, a work site layout plan and a tree/vegetation management and protection plan (for retained trees) prepared in accordance with AS4970 Protection of trees on development sites. In particular, the plan must include details of the methodology for temporary removal to storage for any items from the ACM Foundation Collections of art and furniture that will be impacted by the proposed work program.

Approval of the HPP may be staged (e.g. site establishment works, main works), however it must be updated, submitted, approved and endorsed by the Executive Director for each stage of the works, prior to commencement of that stage or activity. The HPP required for permit P39873 can cover the works for both this permit and P39873.

7. Within six months of the date of issue of this permit, a schedule of materials, colours and finishes (interior and exterior) must be submitted to the Executive Director, for approval. Once approved, the schedule will be endorsed and will then form part of the permit. The schedule may be provided in stages nominated by the applicant; however, all materials, colours and finishes must be approved by the Executive Director prior to their installation on site.

8. Prior to the commencement of any of the works approved by this permit, a construction ready (marked as such) set of architectural drawings, must be submitted to the Executive Director for approval. Once approved, the drawings will be endorsed and will then form part of the permit. The drawings must include, but not be limited to, details of:

- a. Balustrade to the terrace overlooking Forward Surge
- b. All External service outlets, other fixtures details and final locations on the northern and west canopy roofs

Approval of drawings may be staged (e.g. site establishment works, main works), however drawings must be submitted, approved and endorsed by the Executive Director for each stage of the works, prior to commencement of that stage or activity.

9. 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.

10. Within twelve months of the date of issue of this permit, Tenancy Guidelines must be prepared for the cold shell areas and extent of the proposed tenanted area to ensure new tenancy fit out works to these spaces are appropriate for the heritage values of the place. The Tenancy Guidelines are to be submitted for endorsement by the Executive Director. The Tenancy Guidelines required for permit P39873 can cover the works for both this permit and P39873.

11. 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 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.

12. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.

13. The Executive Director must be informed when the approved works have been completed.
14. The works approved by this permit must be carried out in their entirety unless otherwise agreed in writing by the Executive Director.

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 (\$23,710.80 FROM 1 JULY 2024) OR IN THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$118,554 FROM 1 JULY 2024) UNDER s104 THE HERITAGE ACT 2017.

WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF UP TO 4800 PENALTY UNITS (\$948,432 FROM 1 JULY 2024) FOR A NATURAL PERSON OR 5 YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,896,864 FROM 1 JULY 2024) 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:

09 October
2024

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

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

