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# HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE  
HERITAGE ACT 2017

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Permit No: P39258

Applicant:



**NAME OF PLACE/OBJECT:** FITZROY GARDENS

**HERITAGE REGISTER NUMBER:** H1834

**LOCATION OF PLACE/OBJECT:** WELLINGTON PARADE AND LANSDOWNE STREET  
AND CLARENDON STREET AND ALBERT STREET EAST  
MELBOURNE, MELBOURNE CITY

**THE PERMIT ALLOWS:** *Refurbishment works to the existing Pavilion building to accommodate a new restaurant and associated landscaping works, generally in accordance with the following documents:*

- Fitzroy Gardens Pavilion architectural and landscape plans:
  - Site information – proposed site plan, AR.0101 Rev. D, Wardle (February 2024)
  - Existing/demolition – ground floor plan, AR.0300 Rev. D, Wardle (October 2023)
  - Existing/demolition – roof plan, AR.0301 Rev. D, Wardle (November 2023)
  - Existing/demolition – elevations, AR.0302 Rev. D, Wardle (October 2023)
  - Site works - landscape plan, AR.0400 Rev A, Wardle (February 2024)
  - General arrangement – ground floor plan, AR.1000 Rev. D, Wardle (October 2023)
  - General arrangement – roof plan, AR.1001 Rev. B, Wardle (October 2023)
  - Major elevations – north and south elevations, AR.3000 Rev. B, Wardle (November 2023)
  - Major elevations – east and west elevations, AR.3001 Rev. B, Wardle (November 2023)
  - Major sections – section A, AR.3500 Rev. B, Wardle (November 2023)
  - Heritage Victoria Design Report, Fitzroy Gardens Pavilion 08.03.2024, Wardle (March 2024).

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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 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. 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 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, a work site layout plan and a tree/vegetation management and protection plan prepared in accordance with AS4970 Protection of trees on development sites.
5. 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 Heritage Victoria for approval. Once approved, the drawings will be endorsed and will then form part of the permit.
6. Prior to the commencement of the landscaping works, a **construction ready (marked as such) set of landscape drawings**, 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 Landscape Drawings must show details of all proposed new works such as structures, landscape features, ground treatments and plantings.
7. 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.
8. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
9. The Executive Director Heritage Victoria must be informed when the approved works have been completed.
10. The works approved by this permit must be carried out in their entirety unless otherwise agreed in writing by the Executive Director Heritage Victoria.

**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:**

31 May 2024

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



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

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