



Heritage Council Regulatory Committee

Wesley Church Complex (H0012)

118–148 Lonsdale Street, Melbourne, Melbourne City

Members – Ms Margaret Baird (Chair), Ms Natica Schmeder, Mr Justin Naylor

DETERMINATION OF THE HERITAGE COUNCIL

After considering all submissions received in relation to the permit review, and after conducting a hearing, the Heritage Council has determined pursuant to section 108(7)(c) of the *Heritage Act 2017* to set aside the determination under review and make another determination in substitution for it, by issuing Permit No. P31437 with conditions.

Margaret Baird (Chair)
Natica Schmeder
Justin Naylor

Decision Date – 5 May 2021

Reasons for Decision Published – 7 May 2021

ACKNOWLEDGEMENT

As a peak heritage body, the Heritage Council is proud to acknowledge Traditional Owners, the Kulin Nation, as the original custodians of the land and waters on which we meet, and to acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

HEARING PARTICIPANTS

EXECUTIVE DIRECTOR, HERITAGE VICTORIA ('THE EXECUTIVE DIRECTOR')

Material in relation to the Hearing was received from the Executive Director, Heritage Victoria ('the Executive Director'). Ms Nicola Stairmand, Acting Manager Statutory Approvals appeared and made verbal submissions at the Hearing on behalf of the Executive Director.

CHARTER HALL ('THE PERMIT APPLICANT')

Amended plans and other written material to the Hearing was received from Best Hooper Lawyers on behalf of Charter Hall Holdings Pty Ltd, the permit applicant and landowner of the Wesley Church Complex site ('the Applicant'). Mr John Cicero of Best Hooper appeared and made verbal submissions at the Hearing on behalf of the Applicant.

OTHER INTERESTED PARTIES

MELBOURNE HERITAGE ACTION ('MHA')

A submission in response to the amended plans was received from Melbourne Heritage Action ('MHA'). MHA did not make verbal submissions or participate further in the Hearing.

INTRODUCTION/BACKGROUND

THE REVIEW

01. This proceeding is a review of a determination by the Executive Director to refuse Permit Application No. P31437 in respect of proposed works to Nicholas Hall, part of the Wesley Church Complex, 118–148 Lonsdale Street, Melbourne ('the Review').

THE PLACE

02. The Wesley Church Complex ('the Place') is a large church complex, located in the Melbourne CBD which consists of 1858 church building, Manse (1859), School House (1859), Caretaker's Cottage (1914), the Princess Mary Club (1926) and Nicholas Hall (1938). The Place has been the core of Wesleyan Methodism in Victoria since 1858 and the headquarters of the Wesley Mission Victoria since 1893. Nicholas Hall ('the Subject Site'), located to the west of the church building, was designed by architect Harry Norris and was built to provide a venue for church social activities.

03. The Statement of Cultural Heritage Significance for the Place states:

'What is significant?'

The Wesley Church and Wesley Mission Victoria Complex in Lonsdale Street consists of ten buildings including: The Church (1858); The Manse (1859); and The School House (1859) all designed by Joseph Reed; a Caretakers Cottage (1914); the Princess Mary Club (1926), designed by AS Eggleston and Nicholas Hall (1938), designed by Harry Norris. The North Boundary wall along Little Lonsdale St (1869) incorporates remnants of a stables and also includes a section which was rebuilt in 1914 during the construction of the Caretakers Cottage. The Lonsdale Street boundary is defined by a set of basalt central gateposts, the basalt plinths of a cast iron palisade fence and the bases of a smaller set of gates which led to the Manse (1873). Standing in the forecourt of the church is a bronze statue of John Wesley by Paul Montford (1936). The Methodist Church has had a presence in Melbourne since the beginning of European occupation and the Wesley Church has been at this site since 1858 having moved from a site in Collins Street. The Wesley Church complex has been the core of Wesleyan Methodism in Victoria since this time and the headquarters of the Wesley Mission Victoria since 1893.'

04. The paragraph above is included for information purposes only and does not form part of the reasons for this Heritage Council determination.

CULTURAL HERITAGE SIGNIFICANCE OF THE PLACE

05. The Statement of Cultural Heritage Significance for the Place is as follows:

'How is it significant?'

The Wesley Church and Wesley Mission Victoria Complex is of historical, architectural and social significance to the State of Victoria.

Why is it significant?

The Wesley Church complex is of architectural and historical significance as a complete and substantial collection of related mid to late nineteenth and early twentieth century ecclesiastical buildings.

The principal group of 1858-59 buildings (Church, School House and Manse) are of architectural significance as the earliest intact church complex in the state. Conceived and completed as a single building project, the 1858-59 buildings are also architecturally significant as an early and essentially intact group of ecclesiastical buildings designed in a correct Gothic Revival Style. This group of buildings is of architectural significance as being the work of noted nineteenth century Melbourne architect Joseph Reed. The School House is of architectural significance as the only known Denominational school in Victoria designed by an architect.

The Wesley church is of architectural significance as an early and highly accomplished example of Gothic Revival styling and for the unusual combination of a gallery on all sides with a cruciform floor plan. The spire is the oldest surviving, and is believed to be the first, spire built in Victoria. The spire is also significant as having been a major landmark in nineteenth century Melbourne.

The Wesley Church is of architectural significance, representing the acceptance of the Gothic Revival style into the mainstream of Wesleyan and other non-conformist churches.

Nicholas Hall is of architectural significance as a fine and intact example of a church hall designed in a Moderne style and as the work of prominent interwar architect Harry Norris.

The Wesley Church complex is of historical significance as a major focus for Methodists in Victoria. The church itself has a symbolic position and prominence in the history of the Wesleyan Methodist Church in Victoria.

The site and complex are of social and historical significance for their long association with various welfare initiatives and programs since the 1850s, in particular those of the Wesley Mission Victoria.

The Wesley Church site is of historical significance for its associations with A M & G R Nicholas, founders of the Nicholas Chemical Manufacturing Company who had a longstanding philanthropic association with the Wesley Church.

The Princess Mary Club is of historical significance in the history of women's employment in Victoria as a rare surviving example of a 1920s hostel for young women coming to the city to work

and study, enabling the greater inclusion of women in the workforce.

The School House is of historical significance as a representative example of a nineteenth century denominational school.

The School House is of social significance as housing the offices of the Wesley Mission Victoria when it was established in 1893.'

CULTURAL HERITAGE SIGNIFICANCE OF THE SUBJECT SITE

- 06.** The 'Conservation Management Plan' ('CMP') (2020) for the Place sets out the cultural heritage significance of the Subject Site:

*'Nicholas Hall is one of a number early twentieth century structures on the site which reflect the on-going development of the church complex over its first eighty years. It is of historic significance as a church hall. The design is a restrained though uninventive combination of Moderne and medieval elements, which sympathetically relates to the original church complex. It is an intact example of the work of the notable interwar architect Harry Norris.'*¹

- 07.** Of the significance of the Subject Site within the Place, the CMP found the Subject Site to be of contributory significance; 'contribut[ing] to the overall significance of the Place but...not of a high level of significance in [its] own right'.²

- 08.** Of the Subject Site, the CMP found:

*'The east façade is of primary significance, the north façade is of contributory significance, and the south and west façades are of little or no significance. Internally, all original and early fabric to the principal hall is of primary significance, the ground floor foyer and stair are of contributory significance and all other areas are of little or no significance.'*³

THE PERMIT APPLICATION

- 09.** On 5 March 2020, Lovell Chen Pty Ltd, architecture and heritage consultants, made a permit application on behalf of the Applicant to the Executive Director pursuant to section 93 of the *Heritage Act 2017* ('the Act') for a permit to undertake work to the Subject Site ('the Permit Application').

- 010.** The Permit Application described the following works:

'The proposed works include the adaptation of Nicholas Hall (Building B4) to a food and beverage venue including the addition of a mezzanine to the main hall, alteration of the windows to the east facade and the construction of a roof top pavilion. The works also include the construction of a steel 'arbour' element to the front setback of the hall to Lonsdale Street' ('the Proposed Works').

¹ Allom Lovell & Associates, CMP, pg.78

² Allom Lovell & Associates, CMP, pg.136

³ Allom Lovell & Associates, CMP, pg.136

DETERMINATION OF THE EXECUTIVE DIRECTOR

011. On 25 August 2020 the Executive Director determined pursuant to section 101(1)(b) of the Act to refuse to issue a permit in respect of the Permit Application ('the Permit Refusal').

012. The Executive Director gave the following reasons for the Permit Refusal:

'REASONS FOR REFUSAL:

That a permit not be issued as:

- *If the application were approved, and the works were undertaken to facilitate the adaptation of Nicholas Hall to accommodate a food and beverage venue as proposed, it would result in an unacceptable detrimental impact on the cultural heritage significance of the Wesley Church Complex.*
- *The adaptation of Nicholas Hall to accommodate a food and beverage venue to the extent proposed, including irreversible changes to the main hall, construction of a rooftop addition, mezzanine level and rear dining space would result in extensive loss of original fabric and existing form that would physically and visually impact on the intactness and architectural merit of Nicholas Hall.*
- *Refusal of the permit application will prevent the economic benefits of the proposed use and development from being realised. Heritage Victoria accepts that a new use may be required for Nicholas Hall and that a food and beverage venue may be a reasonable use. However, the intensity of the use as proposed, is not compatible with the cultural heritage significance of Nicholas Hall and it has not been sufficiently demonstrated that a less-intensive food and beverage use, or other viable use, could not be accommodated without having such a significant impact on the registered place.*
- *The negative impacts of the proposal are not outweighed by the benefits, including the economic benefits.'*

THE PERMIT REVIEW REQUEST

013. On 22 October 2020, the Heritage Council received a written request from the Applicant, pursuant to section 106(1) of the Act, to review the Permit Refusal and a that permit hearing be conducted ('the Review Request').

014. The Applicant gave the following reasons for the Review Request:

'Reasons for the review request:

1. *The proposal does not result in any detrimental impact to the cultural heritage significance of the Wesley Church Complex.*
2. *The adaptation of Nicholas Hall is a considered response which is sympathetic to the heritage significance of the place. It does not unreasonably physically or visually impact the intactness or architectural merit of the heritage place.*
3. *The "intensity" of the proposed adaptive reuse is compatible with the cultural significance of the heritage place.*

4. *The proposal is a considered response which balances all relevant economic, cultural and heritage factors.'*

015. Pursuant to section 108(4)(a) of the Act, a permit review hearing was required to be held. A Heritage Council Regulatory Committee ('the Committee') was constituted to determine the matter.

NOTIFICATION AND SCHEDULING OF THE PERMIT REVIEW HEARING

- 016.** In October 2020 the Applicant, the Executive Director and prospective participants were notified that a permit review hearing would be conducted in relation to the Place, scheduled to be held in early 2021.
- 017.** Subsequently, on 8 February 2021, hearing participants were notified that the permit review hearing in relation to the Place had been scheduled to be held on 30 April and 3 May 2021.
- 018.** Hearing participants were advised that, in light of Victorian Government public health advice in relation to COVID-19, the permit review hearing had been scheduled to be conducted by videoconference, using the Microsoft Teams online platform ('the Hearing'). Further specific technical guidance on how the Hearing would be conducted was provided.

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

REQUEST TO LODGE AMENDED PLANS

- 019.** On 17 February 2021, following notification by the Committee of the scheduled hearing, the Applicant lodged a request to amend the plans subject to the Permit Review by way of *Heritage Council Form F – Request to Amend Plans*, which was circulated to hearing participants. A set of amended plans dated 10 February 2021 and an accompanying 'Statement of Changes' were also received.
- 020.** Hearing participants were afforded the opportunity to lodge a written response to the request to lodge amended plans with the Committee within 7 days of the receipt of the request. Responses were received from the Executive Director and MHA.
- 021.** The Executive Director objected to the request to amend the plans subject to the Permit Review for the following reasons:
- *'These changes have not been considered by Heritage Victoria as the determining authority in the first instance.'*
 - *'The extent and impact of the proposed changes is considerable and would require a complete reassessment of the proposal against ss 101(2) and 101(3) of the Heritage Act 2017 (Vic) (the Act) by Heritage Victoria prior to the permit review.'*
- 022.** In objecting to the request to lodge amended plans, the Executive Director further submitted:
- 'If the Heritage Council accepts the amended plans, Heritage Victoria requests an adjournment of the proceedings for at least 45 calendar days to allow a fulsome assessment of the application under ss 101(2) and 101(3) of the Act, prior to the first submission of the Executive Director.'*
- 023.** MHA submitted that it was 'pleased' with many of the changes to the amended plans, while noting that it 'still [held] reservations about a number of elements',

including but not limited to the reconstruction of the ceiling and the removal of the purpose-built stage within the Subject Site.

- 024.** On 2 March 2021, Hearing participants were advised that a Directions Hearing had been scheduled to consider the matters set out by the Executive Director in his response to the request to lodge amended plans.

DIRECTIONS HEARING HELD

- 025.** On 12 March 2021, a directions hearing was conducted by videoconference, using the Microsoft Teams online platform, to consider the request to lodge amended plans ('the Directions Hearing').

RULING ON THE REQUEST TO LODGE AMENDED PLANS AND CHANGE OF HEARING DATES

- 026.** After considering the request to amend plans, and all responses received in relation it, the Committee notified participants at the Directions Hearing that it had determined, in this instance, to allow the lodgement of the amended plans. The Committee instructed Hearing participants that submissions and evidence should rely on the amended plans dated 10 February 2021.
- 027.** In objecting to the request to amend the plans subject to review, the Executive Director noted that in the event that the Committee ruled to accept the amended plans, he requested an adjournment of no less than 45 days to allow for the consideration of the amended plans. At the Directions Hearing, and in consultation with Hearing participants, the Committee ruled that an adjournment of the hearing was not required. However, the original hearing dates were modified to give the Executive Director additional time to assess the amended plans.
- 028.** In consultation with Hearing participants the Hearing was rescheduled for 5 and 7 May 2021.

MEETING BETWEEN PARTIES AND CONSENT ORDER RECEIVED

- 029.** At the Directions Hearing, the Applicant requested the Committee direct Hearing participants to meet to discuss the amended plans and provide a statement to the Committee on issues of dispute. The Executive Director and the Applicant indicated their willingness to meet.
- 030.** The Committee acknowledged the willingness of the parties to meet. It indicated that a joint statement from Hearing participants would be appreciated, but no ruling was made.
- 031.** On 15 April 2021, the Applicant and the Executive Director submitted to the Committee a 'Minute of Proposed Consent Order' ('the Consent Order') which stated:

'The parties have agreed to resolve this matter. To facilitate same, the parties, by consent, seek final orders as follows:

- 1. That pursuant to section 108(7) of the Heritage Act 2017, the Heritage Council:
 - (a) Sets aside the determination under review and make another determination in substitution for it, being the issue of a permit in accordance with order 1(b) herein;**

(b) *Directs that Heritage Permit P31437 be issued in respect of the place in accordance with the conditions set out at Appendix A and the amended plans at Appendix B to these Minute of Proposed Consent Order.*

2. *That the hearing scheduled to commence on 5 and 7 May 2021 and all procedural orders set out in the Direction of the Council dated 16 March 2021 be vacated.*

3. *No order as to costs.'*

- 032.** Following receipt of the Consent Order, the Committee requested a statement from the Executive Director setting out the basis on which the amended plans and proposed conditions led to the change in position from the original determination to refuse to issue Permit Application No. P31437.
- 033.** On 19 April 2021 the Committee received a statement from the Executive Director, which included:
- *'The amended plans respond directly to the reasons for the refusal of Heritage Permit P31437 including but not limited to a significant increase in the retention of original fabric, retention of the layout and original fabric of the southern entrance area, retention of the existing window size to the eastern elevation, the reduction in size and impact of the mezzanine level and the omission of the rear dining space.*
 - *If the amended plans were submitted to Heritage Victoria, it is likely that a Heritage Permit would be issued with Conditions.'*
- 034.** On 26 April 2021, the Committee met on its own to consider the Consent Order and subsequently ruled that the first day of the Hearing, scheduled for 5 May 2021, would proceed. The second day of the Hearing, previously scheduled 7 May 2021, was cancelled.
- 035.** The Committee also advised the Hearing participants that no additional material, submissions or evidence was required. However, the Committee stated that it would be open to receiving up-to-date architectural visualisations or renders of the existing and proposed roof lines, and an updated Heritage Victoria Permit Officer's Report.
- 036.** The Committee subsequently received a set of four architectural visualisations/renders. It also received a document titled '*Heritage Victoria Extended Speaking Notes*'. This document summarised the proposed works that resulted in the refusal of P31437, summarised changes in the amended plans, and provided an explanation of the Executive Director's position having re-assessed the amended plans.

SITE INSPECTION

- 037.** On 5 May 2021, prior to the Hearing, the Committee undertook a site inspection, facilitated by the Applicant, of the Place and Subject Site, accompanied by the Heritage Council Project Officer. No submissions were sought, made or received at the time of the inspection.

CONFLICTS OF INTEREST

- 038.** At the Directions Hearing, the Chair invited Committee members to make declarations in relation to any matters that may potentially give rise to an actual, potential or perceived conflict of interest. The Chair noted that she currently works in a building owned by Charter Hall but was satisfied that there was no relevant conflict of interest and made no such declaration. Ms Schmeder and Mr Naylor were satisfied that there were no relevant conflicts of interests and made no such declarations.
- 039.** At the Hearing, the Committee confirmed that there were no changes to the declaration previously made, or new declarations.

THE HEARING

EXECUTIVE DIRECTOR'S ASSESSMENT OF THE AMENDED PLANS

- 040.** Based on its assessment of the amended plans, the Executive Director's position supported the issue of a permit on the basis of the amended plans and the 'without prejudice' draft permit conditions included in the Consent Order. The assessment addressed:
- The south façade and forecourt fronting Lonsdale Street
 - The southern section of the building – ground floor entrance lobby and first floor
 - The eastern façade
 - The main hall
 - The rear northern annexe
 - The rooftop pavilion/addition
- 041.** The assessment considered impacts on the Place as a whole, including the School House and Wesley Church.
- 042.** In relation to reasonable use and economic use submissions, provided as part of the original application, the Executive Director's assessment noted that the amended plans reduce the seating capacity of the restaurant and remove the rear dining space completely, both originally claimed to be critical to the viability of a restaurant. The Executive Director stated that the Applicant acknowledged that there would be a loss of revenue, but the proposal was still viable. The Applicant had also stated that it considered it important that Nicholas Hall was conserved and presented to the same standard as the rest of the significant buildings at the Place.
- 043.** The Applicant made no contrary submissions. It also explained the change in land ownership since an earlier permit for the Place was issued without Nicholas Hall being part of the project at that time.
- 044.** The Applicant responded to several questions and matters of clarification by the Committee, assisted by the project architect, heritage consultant and a representative from Charter Hall.
- 045.** Among the matters raised by the Committee with the Executive Director and Applicant at the Hearing were:
- Differences in detail between versions of the visualisations/renders and details compared with the amended plans. These included

background elements in several images, paint and gate details to the entry (east) elevation, glazing and window frames for the pavilion, and some elements of conservation works.

- The extent of change to the timber architrave and door jambs associated with the entry to the cloak room and accessible toilet on the ground floor.
- The extent of demolition associated with the roof and ceiling.
- The intent of the earlier permit for the development of the complex to assist to fund conservation works associated with retained heritage fabric and balancing potential harm or impacts with the reasonable or economic use of the registered place (sections 101(2)(a) and (b) of the Act).
- The wording of the permission sought and permit conditions agreed between the parties.

046. At the conclusion of the Hearing, the Committee advised the Hearing participants that it intended to accept the consent position. It stated that a short determination would be published with brief reasons.

COMMITTEE'S CONCLUSIONS

- 047.** The Committee has been assisted by the co-operation between Hearing participants to undertake discussions and reach a resolution. The Committee appreciates the parties' response to the Committee's request for further information that was presented at the Hearing.
- 048.** The Committee agrees with the Executive Director's comment about the close relationship between Subject Site and other buildings at the Place. The Subject Site contributes to the significance of the Place, albeit it is not one of the principal 1858–59 buildings.
- 049.** Physically, the Subject Site is to the west of the Church, and separated from it by a narrow walkway. The Subject Site abuts a high-rise non-heritage building to its west. The School House is positioned closely to the rear of the Subject Site. The façade of the Subject Site now facing Lonsdale Street was a party wall with the now-demolished 1888 Conference Hall.
- 050.** The Subject Site is of the Moderne style. It does not have a prominent or obvious roof form, as it has been largely concealed behind a parapet. This is typical of the Moderne style which is characterised by strong horizontality in form. Taking this into account, and understanding the whole of the Place, the Committee accepts the Executive Director's conclusion that proposed extent of roof demolition, and insertion of a new floor level as shown in the amended plans, would not have a detrimental or unacceptable visual impact. The demolition of the roof is a significant intervention and a loss, but the proposed addition is not imposing for the Subject Site or the Place.
- 051.** Windows in the eastern façade are no longer proposed to be altered. Their retention in their current dimensions is appropriate. Modified pedestrian access is acceptable, retention of the iron entrance gate is appropriate, and the conservation schedule included as part of the permit conditions is able to address the final detail of paint finishes.
- 052.** The extent of retention of the rear annexe is acceptable as a respectful interface with the School House.

- 053.** Careful attention has been given in the amended plans to address the retention and conservation of internal elements. The Executive Director explained that this was of more concern to it than works to the external fabric. The Committee was referred to the retention of the spatial configuration of the entrance lobby (floor levels, room volumes, layout) and original fabric (stairs, first floor slab, walls, and decorative elements such as cornices and skirtings). Further changes include changes to the 'floating' mezzanine that has been reduced in size with the columns removed.
- 054.** The Committee accepts there is a loss of some original internal fabric at the Subject Site but is of the view that loss will facilitate adaptive re-use and, in that regard, a balanced outcome is achieved.
- 055.** More specifically, the loss of original fabric associated with the stage is not desirable and is a negative impact given the role and prominence of this element. However, the Committee accepts the wing walls of the proscenium will be retained with interpretation of the stage through the form and design of the bar.
- 056.** The Committee is satisfied with the manner in which the ceiling is to be removed, and plaster and timber components managed. It is satisfied with the reconstruction of the plaster detail, given the simple profiles that were typical of their time.
- 057.** The Applicant indicated that the proposal, as amended, presents a viable option and that it is committed to conservation and future maintenance works. In addition to permit conditions, there are other operative mechanisms to facilitate conservation works, such as a covenant, to which the Executive Director referred at the Hearing.
- 058.** The Committee is satisfied that permit conditions can address the further detail required with respect to services, some finishes and detailed conservation works.
- 059.** The conditions upon which a permit is issued take account of comments made by the parties at the Hearing and include several of the matters upon which the Committee received clarification at the Hearing (see **Attachment 2**).

CONCLUSION

- 060.** After considering all submissions received in relation to the permit review, and after conducting a hearing, the Heritage Council has determined pursuant to section 108(7)(c) of the *Heritage Act 2017* to set aside the determination under review and make another determination in substitution for it, by issuing Permit No. P31437 with conditions.

ATTACHMENT 1

SECTION 101 OF THE HERITAGE ACT 2017

101 Determination of permit applications

- (1) After considering an application the Executive Director may—
 - (a) approve the application and—
 - (i) issue the permit for the proposed works or activities; or
 - (ii) issue the permit for some of the proposed works or activities specified in the application; or
 - (b) refuse the application.
- (2) In determining whether to approve an application for a permit, the Executive Director must consider the following—
 - (a) the extent to which the application, if approved, would affect the cultural heritage significance of the registered place or registered object;
 - (b) the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or registered object;
 - (c) any submissions made under section 95 or 100;
 - (d) if the applicant is a public authority, the extent to which the application, if refused, would unreasonably detrimentally affect the ability of the public authority to perform a statutory duty specified in the application;
 - (e) if the application relates to a listed place or to a registered place or registered object in a World Heritage Environs Area, the extent to which the application, if approved, would affect—
 - (i) the world heritage values of the listed place; or
 - (ii) any relevant Approved World Heritage Strategy Plan;
 - (f) any matters relating to the protection and conservation of the registered place or registered object that the Executive Director considers relevant.
- (3) In determining whether to approve an application for a permit, the Executive Director may consider—
 - (a) the extent to which the application, if approved, would affect the cultural heritage significance of any adjacent or neighbouring property that is—
 - (i) included in the Heritage Register; or
 - (ii) subject to a heritage requirement or control in the relevant planning scheme; or
 - (b) any other relevant matter.

ATTACHMENT 2

PERMIT NO. P31437

THE PERMIT ALLOWS:

The adaptation of Nicholas Hall (Building B4) to a food and beverage venue including the addition of a mezzanine to the main hall and the construction of a roof top pavilion. The works also include the construction of a steel 'arbour' element to the front setback of the hall to Lonsdale Street.

All works must be generally in accordance with the plans prepared by Cox Architecture, Dated 10/02/2021, Sheet Nos. TP-00-0000 Revision 3, TP-01-0010 Revision,3, TP-10-0G10 Revision 3, TP-10-0020 Revision 3, TP-10-0030 Revision 3, TP-10-0040 Revision 1, TP-11-0010 Revision 3, TP-11-0011 Revision 3, TP-11-0012 Revision 3, TP-11-0020 Revision 1, TP-11-0021 Revision 1, TP-11-0022 Revision 1, TP-11-0023 Revision 1, TP-11-0024 Revision 1, TP-20-0020 Revision 3, TP-21-0B00 Revision 3, TP-21-0G00 Revision 3, TP-21-0100 Revision 3, TP-21-0200 Revision 3, TP-21-0300 Revision 3, TP-30-0100 Revision 3, TP-30-0200 Revision 3, TP-30-0300 Revision 3, TO-40-0100 Revision 3, TP-40-0200 Revision 3, TP-42-0100 Revision 3, TP-42-0200 Revision 1, TP-80-0000 Revision 1.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Period of validity

1. The permission granted for this permit shall 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 (the Executive Director).

General conditions

2. The Executive Director is to be given five working days' notice of the intention to commence the approved works.
3. Changes to the endorsed documentation may be made, subject to the prior written approval of the Executive Director.
4. The works approved in this permit must be undertaken in a staged manner, unless otherwise agreed in writing by the Executive Director. These stages are:
 - Stage 1 – Site Establishment and Early Works
 - Stage 2 – Main Structure and Base Build
 - Stage 3 – External Works
 - Stage 4 – Tenancy Fitout Works.

Prior to commencement of any works approved by this permit

5. A suitably experienced **Structural Engineer** is to be nominated in writing for approval by the Executive Director. The nominated and approved Structural Engineer shall be appointed by the permit holder to prepare advice on appropriate measures to ensure the protection and structural stability of the heritage place prior to and during the undertaking of the works and assist with the fulfillment of

the conditions of this permit. The Structural Engineer is to undertake regular inspections throughout the duration of the works. The Executive Director is to be informed immediately of any concerns regarding the structural stability of Nicholas Hall.

6. A suitably experienced **Heritage Consultant** is to be nominated in writing for approval by the Executive Director. The nominated and approved Heritage Consultant shall then be appointed by the permit holder to provide advice to assist with the fulfillment of all stages of works and conditions of this permit. The endorsed Heritage Consultant shall advise the permit holder on appropriate means of achieving minimal detriment to significant fabric by compliance with best conservation practice and the conditions of this permit.
7. **Vibration monitoring equipment** must be installed as a precautionary measure to ensure vibration levels are monitored and maintained within acceptable levels (as determined between the experts nominated at conditions 5 and 6) to protect Nicholas Hall, The School House and Wesley Church from structural instability. Regular clear and concise vibration monitoring updates are to be provided to the Executive Director throughout the works as reassurance that the vibration levels are maintained within acceptable levels. The following must be submitted for the endorsement of the Executive Director and once endorsed becomes part of the permit:
 - (a) Plan(s) showing the location of vibration monitoring equipment, noting these must be fixed in discrete locations with the least impact to fabric possible;
 - (b) A schedule of vibration monitoring updates;
 - (c) Information to clarify what acceptable level has been determined;
 - (d) An outline of what measures and protocols have been put in place if the vibration threshold is approached or exceeded.
8. An **Archival Quality Photographic Survey** is to be prepared to record the heritage place. The survey must record the existing condition of the Place including views from key exterior vantage points and all interior spaces and details. The survey is to be prepared in accordance with the Heritage Council/Heritage Victoria Technical Note entitled "Photographic Recording for Heritage Places and Objects." 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 State Library of Victoria.
9. A **Dilapidation Report** (including images) for Nicholas Hall that details the current condition of the building including any existing damage and the state of any particular aspects of the building that are likely to be affected by demolition and new works, must be submitted for approval in writing by the Executive Director, Heritage Victoria.
10. A **Heritage Protection Plan** (the Plan) must be provided for endorsement by the Executive Director and once endorsed becomes part of the permit. The Plan should be updated to address each stage of work referenced at Condition 4 and resubmitted for endorsement by the Executive Director. The Plan must include

protection methods for the heritage place during the undertaking of the works including weather protection for the interior of the place once the roof and ceiling have been removed (as relevant to each stage of the works).

11. An **Engineering Statement** describing the methodology for maintaining the structural integrity of the building during and at the completion of works is to be provided.

Conservation works package

12. Prior to the commencement of any of the works approved by this permit, a costed conservation schedule, and associated drawings detailing conservation and repair works to the heritage place prepared by the approval heritage consultant, must be prepared for endorsement by the Executive Director, Heritage Victoria and once endorsed forms part of this permit. The endorsed conservation works must be carried out in full within the period of validity of the permit or as otherwise agreed in writing by the Executive Director, Heritage Victoria. The schedule must include but not be limited to:
 - (a) Conservation of South façade (exterior).
 - (b) Conservation of Eastern façade (exterior).
 - (c) Methodology for removal, storage (including location), conservation and reinstatement of pendant light fittings and timber panelling to ceiling.
 - (d) Methodology for protection and conservation of in situ items including but not limited to blind windows, grilles, proscenium, timber dado, plaster walls, original decorative elements to be retained, terrazzo flooring, timber and glass screens, ticket box, bio box.
 - (e) Internal and external painted finishes.
 - (f) Proposed approach to the salvage and reuse of jarrah flooring in the main hall, noting it is desirable to retain as much as possible.
 - (g) Proposed approach to the timber architrave and door jambs associated with the entry to the cloak room and accessible toilet on the ground floor, noting it is desirable to retain as much as possible.
 - (h) Methodology for the reconstruction of the original plaster ceiling to be demolished, including detailed recording and casting of plasterwork detail in situ, careful removal, numbering, storage, repair and reinstatement of timber panelling to reconstructed ceiling, with input from the heritage consultant.
13. An unconditional Bank Guarantee in favour of the Heritage Council of Victoria (ABN 87 967 501 331) for the amount of the works identified in approved conservation schedule at condition 12, plus a 20% contingency amount. The Bank Guarantee is required to ensure satisfactory completion of the conservation works approved by this permit regardless of the financial status of the permit holder. The Bank Guarantee will be forfeited to the Heritage Council of Victoria if the works are not completed or implemented to the satisfaction of the Executive Director, Heritage Victoria by the expiration of this permit. The Applicant must provide to the Executive Director, Heritage Victoria, a completion report with images demonstrating the works have been completed. 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 P31437 issued to the Customer by Heritage Victoria for the completion bond for conservation to the heritage place ‘Wesley Church Complex’.

Prior to each stage of works

14. A tender ready set of **Architectural Drawings, prior to the commencement of each stage of works as detailed in condition 4**, which reflect the amended plans must be provided for the endorsement of the Executive Director Heritage Victoria and when endorsed becomes part of the permit. The documentation must include conservation works to retained and reinstated heritage fabric (internal and external) as required under Condition 12; exterior and interior materials and finishes schedules; and location of services where known.

Management of historic archaeological remains

15. Prior to the commencement of any sub-surface works, an historical archaeological assessment report which identifies whether the works may impact on archaeological remains associated with either the Place or previous uses, must be submitted to the written satisfaction of the Executive Director, Heritage Victoria.
16. A consent for H7822-1199 is required.
17. The Executive Director, Heritage Victoria may require a program of archaeological investigations and/or monitoring to be conducted prior to or during site works.
18. If any significant historical archaeological features, deposits and or artefacts are uncovered during any site works, a program of recording and reporting must be undertaken in accordance with Heritage Victoria’s Guidelines for Investigating Historical Archaeological Artefacts and Sites (2015), and to the satisfaction of the Executive Director, Heritage Victoria. Any required project report must be submitted within 12 months of the completion of the archaeological investigations.
19. All historical archaeological artefacts recovered during investigations and site works must be retained, except where in accordance with an Artefact Retention and Discard Policy, endorsed by the Executive Director, Heritage Victoria. The Applicant is liable for all expenses arising from the conservation of any significant historical archaeological artefacts that are recovered and retained, to the satisfaction of the Executive Director, Heritage Victoria. A collection storage fee of \$50 per artefact box (standard size accepted by Heritage Victoria) will be required for the permanent storage and curation of any retained artefacts.
20. An unexpected finds protocol must be submitted to the written satisfaction of the Executive Director, Heritage Victoria, and implemented to the written satisfaction of the Executive Director, Heritage Victoria.

Landscaping

21. Prior to the commencement of any landscaping works, the final Landscape Design must be submitted for the endorsement of the Executive Director, Heritage Victoria and once endorsed becomes part of the permit. The Landscape Design must address the southern forecourt pocket park, the eastern façade, and the space between Nicholas Hall and The School House. The Landscape Design must be prepared by a suitably qualified Landscape Architect and should be informed by

consideration of the setting and presentation of the heritage buildings and the Place as a whole. The design should be of low-scale nature and be integrated with the existing landscaping of the Wesley Church Complex approved under Permit P21963. The landscape plan should include an inventory of ground treatment materials and colours, all proposed permanent elements including paving and proposed plantings.

Prior to commencement of tenancy fit out works

22. Prior to commencement of any fit out works relating to the adaptation of the place as a restaurant, a set of architectural drawings must be reviewed by the appointed heritage consultant before being submitted for the endorsement of the Executive Director and when endorsed becomes part of the permit.
23. Prior to the installation of new tenancy signage, a signage plan showing the proposed content, materials, location and installation method must be submitted for the endorsement of the Executive Director and when endorsed becomes part of the permit.
24. The Executive Director must be informed when the approved works have been completed.