
HERITAGE
PERMIT
GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No.: P32346

Applicant/s: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

NAME OF PLACE/OBJECT: DOMAIN PARKLANDS

HERITAGE REGISTER NUMBER: H2304

LOCATION OF PLACE/OBJECT: ST KILDA ROAD and DOMAIN ROAD MELBOURNE

THE PERMIT ALLOWS: *excavation, design and construction works for an underground cross-passage tunnel associated with the Melbourne Metro Rail Project, requiring the removal of two mature Phoenix canariensis (Canary Island Date Palms), a mature Cedrus deodar (Himalayan Cedar and a Corymbia citriodora (Lemon-scented Gum), and the temporary removal of rock walling, garden beds and paving and reinstatement of the landscaping elements and vegetation including the replacement of the Himalayan Cedar and Lemon-scented Gum with mature specimens at the conclusion of the cross-passage tunnel works, generally in accordance with the following documents:*

**METRO TUNNEL CROSS YARRA PARTNERSHIP DESIGN & CONSTRUCTION,
CROSS PASSAGE 15 DESIGN & CONSTRUCTION DRAWINGS 9 DECEMBER 2019 (REVIEW ISSUE)**

- **SITE ESTABLISHMENT AND INSTALLATION**

1. TAS-CYP-TUN-TCP-DRG-XTW-NAP-X2102 CP15-SITE INSTALLATION AND HERITAGE OUTLINES PLAN LAYOUT REVISION B;
2. TAS-CYP-TUN-TCP-DRG-XTW-NAP-X2120 CP15-SITE INSTALLATION AND UTILITIES -UTILITIES CLASS A TO D REVISION D;
3. TAS-CYP-TUN-TCP-DRG-XTW-NAP-X2161 CP15-SITE ESTABLISHMENT-AFFECTED TREES REVISION D;
4. TAS-CYP-TUN-TCP-DRG-XTW-NAP-X2180 CP15-EXCAVATION DETAILS OPTION WITH RETAINING WALL BEFORE EXCAVATION REVISION E SHEET 1 OF 2; **OR**
5. TAS-CYP-TUN-TCP-DRG-XTW-NAP-X2180 CP15-EXCAVATION DETAILS OPTION WITH RETAINING WALL AFTER EXCAVATION REVISION E SHEET 2 OF 2;
6. TAS-CYP-TUN-TCP-DRG-XTW-NAP-X2181 CP15-SITE ESTABLISHMENT OPTION WITH RETAINING WALL PLAN VIEW REVISION E;

- **INDICATIVE CONSTRUCTION: STAGE 1**

7. TAS-CYP-TUN-TCP-DRG-XTW-NAP-X2165 CP15-STAGE 1 PILING RIG/BASALT CORING REVISION B;

- **INDICATIVE CONSTRUCTION: STAGE 2**

8. TAS-CYP-TUN-TCP-DRG-XTW-NAP-X2166 CP15-STAGE 2 SLURRY WALL EXCAVATION REVISION B SHEET 1 OF 2;
9. TAS-CYP-TUN-TCP-DRG-XTW-NAP-X2166 CP15-STAGE 2 SLURRY WALL CONCRETING REVISION B SHEET 2 OF 2;

- **INDICATIVE CONSTRUCTION: STAGE 3**

10. TAS-CYP-TUN-TCP-DRG-XTW-NAP-X2167 CP15-STAGE 3 JET GROUTING REVISION B;

- **REINSTATEMENT**

**11. TAS-CYP-TUN-TCP-DRG-XTW-NAP-X2168 CP15-SITE REINSTATEMENT SURFACE PLAN VIEW
REVISION B SHEET 1 OF 2;**

**12. TAS-CYP-TUN-TCP-DRG-XTW-NAP-X2168 CP15-SITE REINSTATEMENT CROSS SECTIONS REVISION B
SHEET 2 OF 2**

**RYDER ARBORICULTURE & ENVIRONMENT, ASSESSMENT OF TREES AT CP-15 SITE, NEAR PRINCES BRIDGE
AND YARRA RIVER, MELBOURNE TREE PROTECTION & REMOVAL PLAN 29 NOVEMBER 2019 REVISION C**

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 date of issue of this permit, or are not completed within four (4) years of the date of issue of this permit unless otherwise agreed in writing by the Executive Director, Heritage Victoria (**Executive Director**).

CONDITIONS TO BE MET PRIOR TO COMMENCEMENT OF ANY OF THE WORKS APPROVED BY THIS PERMIT

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 on registered land of any of the works approved by this permit, updated documentation at final issue stage of development are to be lodged with the Executive Director for review and endorsement. Once these are endorsed, a set of the endorsed documentation will form part of the suite of documentation associated with the permit.
4. **Prior** to the commencement of any of the works approved by this permit, a location within the proposed works site or within the broader Domain Parklands is to be identified for the two *Phoenix canariensis* (Canary Island Date Palms) (DN012 and DCOMTAS082). The location is to be identified in consultation with the Land Manager (the City of Melbourne) and once determined, the exact location is to be delineated on a plan which is to be provided to the Executive Director for review and endorsement. Once endorsed, the location plan will form part of the suite of documentation associated with the permit. Should this not be possible due to underlying issues of soil contamination, advice is to be sought from the Executive Director to determine a compromise position, potentially requiring the acquisition of two replacement *Phoenix canariensis* (Canary Island Date Palms).
5. **Prior** to the commencement of any of the works approved by this permit, a Construction Management Plan (the CMP) must be provided for endorsement by the Executive Director and once endorsed becomes part of the permit. The CMP must include a sequencing program for the approved works, details of any temporary infrastructure and services required, protection methods for the heritage place, as well as for the south-east abutment of Princes Bridge (VHR H1447) during the undertaking of the works, a work site layout plan and must also include details of the proposed storage locations for the removed rockwork and other elements of salvaged hard landscaping, as appropriate.
6. **Prior** to the commencement of any of the works approved by this permit, an updated version of the Tree Protection and Removal Plan is to be provided to the Executive Director for review and endorsement. The revised Tree Protection and Removal Plan is to incorporate details of the measures to be taken to safely transport the two Canary Island Date Palms and to safeguard their health while they are in their new location. Once endorsed, the Tree Protection and Removal Plan will form part of the suite of documentation associated with the permit.
7. **Prior** to commencement of any of the works approved by this permit an archival quality photographic survey is to be prepared to record the existing conditions of the full extent of the area to be corralled as part of the works site. The survey must document the extant landscaping with

particular attention paid to the form and placement of the rockwork bordering the edge of the existing lawn areas to ensure that the rockwork removed to facilitate the approved works can be returned its substantive location at the conclusion of the works. The survey is to be prepared in accordance with the Heritage Council/Heritage Victoria Technical Note entitled "Photographic Recording for Heritage Places and Objects" (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 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.)

8. **Prior** to the commencement of any of the works approved by this permit, a detailed existing conditions plan is to be prepared documenting the placement of elements of soft and hard landscaping to assist with the accurate reinstatement of plantings and hard landscaping at the conclusion of the works. The plan is to be provided to the Executive Director for review and endorsement. Once this has been endorsed, the endorsed documentation shall form part of the suite of documentation associated with the permit.
9. **Prior** to the commencement of any of the works approved by this permit, a financial security in the form of an unconditional bank guarantee or insurance bond in the favour of the **Heritage Council of Victoria** (ABN 87 967 501 331), regardless of the financial status of the Principal, must be lodged with the Executive Director. The period of validity of the financial security is to be unspecified. The financial security is a completion bond to ensure the comprehensive reinstatement of the hard and soft landscaping elements removed to facilitate the approved works, including the replacement of the removed *Cedrus deodar* (Himalayan Cedar) and *Corymbia citriodora* (Lemon-scented Gum) with new specimens and the replanting of two *Phoenix canariensis* (Canary Island Date Palms). The financial security shall be released on written application to the Executive Director, subject to the completion of the works to their satisfaction. The sum of the financial security will be One Hundred Thousand Dollars (\$100,000.00). The financial security (or parts of it) shall be forfeited to the **Heritage Council of Victoria** if the works are not completed to the satisfaction of the Executive Director by the expiration of this permit or as otherwise agreed in writing by the Executive Director.

WORKS TO BE CARRIED OUT AFTER THE APPROVED WORKS COMMENCE

10. Reinstatement works including the reconstruction of the access stair, rockwork, plantings and vegetation must be fully documented on a detailed landscape plan which makes reference to the existing conditions plan prepared and lodged in accordance with Condition 8, prior to the commencement of these reinstatement works. The plan is to be lodged with the Executive Director for review and endorsement and will form part of the suite of documentation associated with the permit. Once approved the works are to be carried out in full before the date of expiration of the permit.
11. **Prior** to the completion of the reinstatement works, a three-month program of soil enrichment and improvement works to the top three metres depth of soil is to be undertaken to facilitate the growth of the transplanted and new plantings to those areas of the site which are within the high impact area only – defined as the excavation site area only, as well as the locations where the replacement tree plantings and transplanted trees will be sited. This is to occur **prior** to the planting and transplanting works authorised by Conditions 12 and 13. A memorandum detailing the works is to be prepared and lodged with the Executive Director for review and endorsement. Once the memorandum has been endorsed, a copy will form part of the suite of documentation associated with the permit.



12. **Prior** to the completion of the reinstatement works, a replacement specimen of the *Cedrus deodar* (Himalayan Cedar) and *Corymbia citriodora* (Lemon-scented Gum) of a minimum of 45 litre tree pot size are to be planted in the approximate position of the removed specimens.
 13. **Prior** to the completion of the reinstatement works, the two transplanted (*Phoenix canariensis*) Canary Island Date Palms (DN012 and DCOMTAS082) are to be replanted in their substantive positions, with both specimens to be oriented in **exactly** the same direction as originally sited. Should this not be possible due to underlying issues of soil contamination, two new *Phoenix canariensis* (Canary Island Date Palms) of similar maturity and form are to be acquired, and sited in the locations of the two removed *Phoenix canariensis* (Canary Island Date Palms).
 14. At the conclusion of the approved works, including the reinstatement works, the applicant is to arrange for a written assessment of the health and condition of the two transplanted *Phoenix canariensis* (Canary Island Date Palms) (DN012 and DCOMTAS082) as well as the following four *Phoenix canariensis* (Canary Island Date Palms) (DCOMTAS038, DCOMTAS081, DCOMTAS083 and DCOMTAS086), and, if determined to be necessary in accordance with Condition 13, the two replacement *Phoenix canariensis* (Canary Island Date Palms), be prepared by a suitably qualified Arborist (AQF Level 4 or above), for the Executive Director. The Executive Director shall review the document and return an endorsed copy to the applicant. The health and condition of the Canary Island Date Palms is to be reviewed every 12 months for the four year duration of the permit with a written assessment provided to the Executive Director each time, to ensure that the physical condition of the (*Phoenix canariensis*) Canary Island Date Palms do not demonstrate detrimental impacts resulting from the approved works. At the conclusion of the term of the permit, management will revert to the City of Melbourne and the condition will be considered to be satisfied in full.
 15. At the conclusion of the approved works, including the reinstatement works, the applicant is to prepare a brief report providing an account of how the approved works, including the reinstatement works have been undertaken in accordance with best practice conservation guidelines and demonstrate how the site area has been reinstated to a high standard, drawing reference as necessary from the existing conditions plan required under Condition 8 and from the archival quality photographic survey prepared in accordance with Condition 7 to demonstrate the appropriately high standard and integrity of the reinstatement works. The report is to be lodged with the Executive Director for review and endorsement. Once the report has been endorsed, a copy will form part of the suite of documentation associated with the permit. The provision and subsequent approval of this report is an essential element in determining the status of the Bank Guarantee lodged in accordance with Condition 9.
 16. 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.
 17. If historical archaeological features, deposits and/or artefacts are discovered during any excavation or subsurface works, all works must cease in accordance with the established Unexpected Finds Protocol, and Heritage Victoria must be contacted. Should any munitions or other potentially explosive artefacts be discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
 18. The Executive Director must be informed when the approved works have been completed.
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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 (\$19,826 AS AT JULY 2019) OR IN THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$99,132 AS AT JULY 2019) UNDER s104 *THE HERITAGE ACT 2017*.

WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF UP TO 4800 PENALTY UNITS (\$793,056 AS AT JULY 2019) FOR A NATURAL PERSON OR 5 YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,586,122 AS AT JULY 2019) 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.

<p>Date Issued:</p> <p>26 March 2020</p>	<p>Signed on behalf of the Executive Director, Heritage Victoria:</p>  <p>Erin Williams Manager Major Projects and Statutory Support (As delegate of the Executive Director, Heritage Victoria pursuant to the instrument of delegation)</p>	
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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Executive Director, Heritage Victoria has issued a permit under s102 of the *Heritage Act 2017*.

WHEN DOES THE PERMIT BEGIN?

The permit operates from the day the permit is signed by the Executive Director, Heritage Victoria or their delegate.

WHEN DOES A PERMIT EXPIRE?

A permit expires if -

- * the development or any stage of it does not start within the time specified in the permit; or
- * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit.

The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEW OF THE DETERMINATION?

The applicant or the owner of a registered place or registered object may ask the Heritage Council of Victoria to review any condition of a permit imposed by the Executive Director, Heritage Victoria on a permit issued under s102 of the *Heritage Act 2017*.

A request must -

- * be in writing; and.
- * be lodged within 60 days after the permit is issued.

Review request forms can be downloaded at:

www.heritagecouncil.vic.gov.au/hearings-appeals/permit-appeals/permit-appeals-explained/
