
HERITAGE
PERMIT
GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No.: P32496

Applicant/s:



NAME OF PLACE/OBJECT: DAYLESFORD BOTANIC GARDENS

HERITAGE REGISTER NUMBER: H2202

LOCATION OF PLACE/OBJECT: CENTRAL SPRINGS ROAD and FRASER STREET and HILL STREET and DALY STREET DAYLESFORD

THE PERMIT ALLOWS: *Maintenance and repair works to the Oval Reservoir (F3) including temporary installation of water tanks in the carpark; temporary fencing; permanent installation of water inlet pipes; draining of the Oval Reservoir; investigations into the Oval Reservoir structure and undertaking of necessary repairs works; removal of one False Cypress tree (Chamaecyparis lawsoniana) to the east of the Oval Reservoir; tree pruning; creation of a temporary construction and laydown area, including temporary tree protection measures; permanent installation of photovoltaic panels to the north facing roof of the Oval Reservoir, generally in accordance with the following document:*

- **PLANS, PREPARED BY JACOBS AND CENTRAL HIGHLANDS WATER**
 - **DRAWING NO. IS2600AW-0000-CI-DRG-002, REV. A, TEMPORARY WORKS (TANKS AND PIPES INSTALLATION), 02/07/2019**
 - **DRAWING NO. IS2600AW-0000-CI-DRG-002, REV. A, BASIN WORKS (MEMBRANE AND ROOF PURLIN REPLACEMENT), 02/07/2019**
 - **DRAWING NO. IS2600AW-0000-CI-DRG-001, REV. A, BASIN BYPASS WORKS SITE LAYOUT, 02/07/2019**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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.
2. The Executive Director, Heritage Victoria is to be given five working days' notice of the intention to commence the approved works.
3. The works approved in this permit may be undertaken in a staged manner. These stages are **Stage 1** related to draining the water tanks and undertaken the investigation works on the Oval Reservoir and **Stage 2** related to undertake the necessary repair works on the Oval Reservoir and its associated construction impacts.
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. 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.

PRIOR TO THE COMMENCEMENT OF STAGE 1

6. Prior to the commencement of **Stage 1** of the works approved by this permit, a Construction Management Plan (the Plan) must be provided for endorsement by the Executive Director, Heritage Victoria and once endorsed becomes part of the permit. The Plan must include:
 - a) A sequencing program for the approved works
 - b) Details of any temporary infrastructure (including fencing) and services required
 - c) Protection methods for the heritage place during the undertaking of the works
 - d) A work site layout plan.
7. Prior to the commencement of Stage 1 of the works approved by this permit a **construction ready set of drawings** documenting the works, including but not limited to working methods and construction/laydown areas impacting the heritage place, anticipated carpark reinstatement works and the approximate timeframe for the temporary installation of water tanks/fencing (of no longer than 7 months) must be submitted for the endorsement of the Executive Director Heritage Victoria and when endorsed becomes part of the permit.
8. Prior to the commencement of **Stage 1** the name of an Arborist with minimum qualification of Certificate IV Arboriculture or equivalent to be engaged to fulfill the requirements of the Tree Protection Plan at condition 7 is to be nominated in writing for endorsement of the Executive Director, Heritage Victoria. If the same Arborist is to be used for Stage 2, notification of that at this condition can also satisfy condition 15.
9. Prior to the commencement of Stage 1 a **Tree Protection Plan** prepared in accordance with AS4970 *Protection of trees on development sites* must be provided for endorsement by the Executive Director, Heritage Victoria and once endorsed becomes part of the permit. This must reference the plans provided at condition 5 and include but not be limited to protection measures associated with the installation of permanent inlet pipes (noting requirement for manual trenching at condition 11) and any necessary tree pruning/canopy tie back works for Stage 1.
10. Prior to the commencement Stage 1 a **Tree Removal Plan** for the approved removal of the False Cypress tree (*Chamaecyparis lawsoniana*) to the east of the Oval Reservoir must be provided for endorsement by the Executive Director, Heritage Victoria and once endorsed becomes part of the permit. Should the approved tree removal not be required at Stage 1, then this condition must be met prior to the commencement of Stage 2.
11. Prior to the commencement of Stage 1 a short **Interpretation Plan** for implementation of simple interpretative devices on the temporary fencing facing public areas for the period of the project (in both Stage 1 and Stage 2) must be provided for endorsement by the Executive Director, Heritage Victoria and once endorsed becomes part of the permit. The Interpretation Plan must include simple interpretation (via photography and text) of the Oval Reservoir (F3) and its history as a water feature associated with the Daylesford Botanic Gardens, including the roofing of the structure in 1998, together with information on the approved works including approximate timeframes.
12. The **interpretative devices** in the endorsed Interpretation Plan at condition 9 are to be installed on the temporary fences associated with the project within 1 month of their installation on site (for both Stage 1 and Stage 2) and are to remain until the temporary fences are removed at the conclusion of each stage.

AT THE COMPLETION OF STAGE 2



- 20. The Executive Director must be notified in writing of the **completion of the Stage 2**.
- 21. **Replacement tree planting** of the False Cypress tree (*Chamaecyparis lawsoniana*) approved for removal at condition 8 is to occur within the current or next planting season after the completion date provided at condition 18.
- 22. Prior to replanting required at condition 19 a final **Tree Planting Plan**, including tree stock size, works to create improved soil conditions and a maintenance schedule is to be provided for endorsement by the Executive Director, Heritage Victoria and once endorsed becomes part of the permit.
- 23. Following replacement planting approved at condition 20, a **yearly report** by a relevant qualified professional on the **establishment, condition and formative pruning of the tree** in the first 3 years is to be provided to the satisfaction of the Executive Director, Heritage Victoria.
- 24. Within 3 months of the completion date provided at condition 18, an **arborist report** prepared by the arborist nominated at condition 6 or 15 is to be provided on the **condition of the trees** following the works, including any recommendations for **actions to mitigate any damage of the project on the trees**. Once approved that report and its actions will be endorsed by the Executive Director, Heritage Victoria and will become part of this permit. Any approved recommendations in that report must be undertaken within 6 months of endorsement of the arborist report.
- 25. The Executive Director, Heritage Victoria must be informed when the approved works have been completed.

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: 24 April 2021</p>	<p>Signed on behalf of the Executive Director, Heritage Victoria:</p>  <p>Nicola Stairmand Manager, Statutory Approvals</p>	
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Date of amendment

Brief description of amendment

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/
