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HERITAGE  
PERMIT  
GRANTED UNDER SECTION 102 OF THE  
HERITAGE ACT 2017

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Permit No.: P34404

Applicant/s:



NAME OF PLACE/OBJECT: BUCHAN CAVES RESERVE  
HERITAGE REGISTER NUMBER: H1978  
LOCATION OF PLACE/OBJECT: CAVES ROAD BUCHAN

THE PERMIT ALLOWS: *Removal of hazardous trees following the 2019/2020 bushfire along with woody weeds in the reserve in accordance with the following documents, as endorsed by the Executive Director and forming part of this permit:*

- **BUCHAN CAVES TREE REMOVAL HERITAGE PERMIT APPLICATION, REVIEW OF PROPOSED TREE REMOVAL AND IDENTIFICATION OF SPECIES ON 2005 SURVEY, PREPARED BY JOHN HAWKER, DECEMBER 2020.**

**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. Prior to the commencement of any 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 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*.
4. The stumps of elms, linden, poplars and gums will require grinding or mechanical removal as part of the approved works. No tree trunks are to be retained for sculpturing purposes.
5. The Executive Director, Heritage Victoria is to be notified in writing at the **completion of the tree removal works** approved in this permit.
6. Within 2 months of the completion of the tree removal works, in accordance with the notification at condition 5, the Executive Director, Heritage Victoria must be provided with a final **Tree Removal Plan** which fully documents all trees removed in accordance with this permit plus those removed immediately after the 2019/2020 bush fires. Each tree species must be identified, and geo-located in this Tree Removal Plan.

7. Within 6 months of issue of this permit, a new permit application must be lodged with Heritage Victoria for the **reconstruction of the historic landscape**. This must address, but not be limited to: trees lost because of bushfire; natural tree losses; lost historic plantings; and inappropriate species planted since 2005. The works for reconstruction of the historic landscape to be applied for in that permit are expected to be informed by the Burra Charter conservation processes of restoration, reconstruction, and adaption together with interpretation. Article 13 of the Burra Charter, 'Co-existence of cultural values', is also a relevant consideration. The development of plans for this work should make reference to historic and recent documentation of the place, including but not limited to: the 1929 Hugh Linaker plan; photographic evidence; oral histories; tree collection surveys; the 2004 Heritage Action Plan; the Buchan Caves Significant Tree Assessment, 2020 (John Hawker); and any other relevant research. The reconstruction plan must also address the sourcing and propagation of nursery stock, including the establishment of a contract grower for propagation of species not readily available. Planning for the reconstruction plan must anticipate a period of up to 2 years for this landscape work to be implemented.
8. 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 this permit condition for assessment by the Executive Director, Heritage Victoria who will advise on the approach to be taken to address these matters.
9. 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.
10. 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.
11. The Executive Director, Heritage Victoria 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><b>Date Issued:</b></p> <p>5 March 2021</p>	<p><b>Signed by the Executive Director, Heritage Victoria:</b></p>  <p><b>Steven Avery</b> Executive Director</p>	
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Date of amendment	Brief description of amendment
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## **IMPORTANT INFORMATION ABOUT THIS PERMIT**

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### **WHAT HAS BEEN DECIDED?**

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

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### **WHEN DOES THE PERMIT BEGIN?**

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

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### **WHEN DOES A PERMIT EXPIRE?**

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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.

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### **WHAT ABOUT REVIEW OF THE DETERMINATION?**

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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/](http://www.heritagecouncil.vic.gov.au/hearings-appeals/permit-appeals/permit-appeals-explained/)

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