
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P36822

Applicant:



NAME OF PLACE/OBJECT: BENALLA BOTANICAL GARDENS AND ART GALLERY

HERITAGE REGISTER NUMBER: H2260

LOCATION OF PLACE/OBJECT: BRIDGE STREET WEST BENALLA, BENALLA RURAL CITY

THE PERMIT ALLOWS: Demolition of extant oval perimeter fence to be replaced with a white colorbond picket fence (with a flat top, in "Pearl White" and installed in panels), generally in accordance with the following documents:

- *Heritage Impact Statement, Deborah Kemp (March 2022)*
- *Letters in Response to RFI, Ross Runnalls, Secretary, Benalla Gardens Oval Committee of Management (no dates, received 26 October 2022 and 26 April 2023)*
- *Fence Replacement Plans, Tomkinson Group (21 July 2019)*
- *Fence Specifications, Blue Dog Fences (9 September 2016)*
- *Project Plan (no author, no date)*
- *Rhys Oldmeadow, Oldmeadow Arboriculture (6 Dec 2021)*

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 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. 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 suitably qualified and experienced arborist**, approved in writing by the Executive Director Heritage Victoria, must be engaged to advise and assist as necessary with the preparation of the Tree Management and Protection Plan required in condition 5.
5. Prior to the commencement of any of the works approved by this permit, a **Tree Management and Protection Plan** prepared by the arborist endorsed under condition 4 must be submitted to the Executive Director Heritage Victoria for approval. Once approved,

the plans will be endorsed and will then form part of the permit. The Tree Management and Protection Plan must be prepared in accordance with AS4970 Protection of trees on development sites. The Tree Management and Protection Plan must specify that any works undertaken within the TRZ must be supervised by an onsite arborist.

6. Prior to the commencement of any of the works approved by this permit a **Fencing Plan** must be submitted to the Executive Director Heritage Victoria for approval. Once approved, it will be endorsed and will then form part of the permit. The Fencing Plan must outline the construction method for determining fence post locations and general fence installation, hedging species and fence height. The Fence Plan must be specific to the topography and site conditions of the Place (F1 Sports Oval), must be in accordance with the Tree Management and Protection Plan required under condition 4 and must ensure: (i) that the metal pickets are a simple design, with flat tops and are in "Pearl White"; (ii) that the fence creates a smooth oval; (iii) that the panels do not visually step up and step down at the top of the fence; and that (iv) the pickets be installed to the outer face of the rails in line with historic precedent.
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 (\$21,808.80 FROM 1 JULY 2021) OR IN THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$109,044 FROM 1 JULY 2021) UNDER s104 THE HERITAGE ACT 2017.

WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF UP TO 4800 PENALTY UNITS (\$872,352 FROM 1 JULY 2021) FOR A NATURAL PERSON OR 5 YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,744,704 FROM 1 JULY 2021) 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:

02 May 2023

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

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

Nicola Stairmand
Manager, Statutory Approvals
Heritage Victoria

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