
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P36953

Applicant:



NAME OF PLACE/OBJECT: BURNHAM BEECHES

HERITAGE REGISTER NUMBER: H0868

LOCATION OF PLACE/OBJECT: 1 SHERBROOKE ROAD SHERBROOKE, YARRA
RANGES SHIRE

THE PERMIT ALLOWS: Development of a masterplan outlining adaptive reuse of the property including adaption and conservation works to the existing buildings, construction of new buildings/glamping units and upgrades to building and site services. Landscape works including the installation of new amenity landscaping, the renewal of elements of the original gardens, and conservation and renewal works to hard landscape features, generally in accordance with the following documents:

- Architectural plans (Woods Bagot, 25 November and 13 December 2022, 60 pages)
- Landscape plans (Oculus, 13 December 2022, 31 pages)
- Conservation works plans (Lovell Chen, September / November 2022, 22 pages)
- Services plans for Mansion (WSP, 21 November, 5 pages)
- Structural report and schematic plans (Webber Design Consulting Engineers, 28 November 2022, 6 pages)
- Site services plans (WSP, 21 November 2022, 5 pages)
- Civil works plans (WSP, 2 December 2022, 2 pages)
- Burnham Beeches Conservation Management Plan (Lovell Chen, September 2022)
- Mansion Services Masterplan Strategy prepared by WSP, November 2022, 7 pages)
- BCA Assessment Report and drawings (United Building Consultants, November 2022, revision 3, 52 pages)
- Bushfire Management Strategy report (Terramatrix, November 2022, version 1.3, 20 pages)
- Arboricultural Impact Statement and Tree Impact Assessment (Ryder Consulting, 16 December 2022)
- Existing Road Assessment (WSP, November, 13 pages)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

GENERAL CONDITIONS

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 (**Executive Director**).
2. The Executive Director 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. If the Executive Director considers that the changes are not minor, an amendment to the permit or a new application will be required.
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 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. The works approved by this permit must be carried out in their entirety unless otherwise agreed in writing by the Executive Director, Heritage Victoria
6. The Executive Director must be informed when the approved works have been completed.

STAGING

7. Prior to the commencement of any of the works approved by this permit, a Staging Plan which provides an overview of the order in which the approved works will be commenced must be submitted to the Executive Director for approval. Once approved, the Staging Plan will be endorsed and will then form part of the permit. Each stage of the works will require specific approvals from the Executive Director prior to the commencement of the works, as detailed in the conditions that follow. The Staging Plan must include but not be limited to all the works in Conditions 13-21 of this permit. The staging of works must ensure that the conservation works to the following buildings and elements are completed prior to or concurrent with any adaptive or new works to those buildings:
 - a) Cottage (building 07)
 - b) Machine Shed (building 10)
 - c) Garage (building 04)
 - d) Tractor Shed (building 03)
 - e) Cattle Pavilion (building 02)
 - f) Silos (building 05)
 - g) Calf Shed (building 06)

The Executive Director is to be given five working days' notice of the intention to commence each stage of the approved works. A Heritage Protection Plan for multiple stages can be

provided.

8. The works approved by this permit are based upon a site-wide master plan, the detail of which is subject to further design. With the approval of the Executive Director, the details contained in the master plan documents submitted as part of the permit application may be varied in documentation submitted for endorsement under the conditions that follow.
9. Prior to the commencement of any of the works approved by this permit, a suitably experienced Heritage Consultant, approved in writing by the Executive Director, Heritage Victoria, must be engaged to advise and assist as necessary with the preparation of the documentation where any intervention to built fabric of heritage significance is involved and to provide relevant conservation advice to the permit holder during the carrying out of those works. In particular the heritage conservation consultant must help fulfil conditions 16, 17, 18, 19, 20, 21 and 23 of this permit.
10. Prior to the commencement of any of the works approved by this permit, a suitably experienced Landscape Architect approved by the Executive Director is to be engaged to prepare the construction ready (marked as) landscape plan or plans required under condition 18 and 19, and to undertake any coordination work required to implement the recommendations of the Project Arborist and to ensure appropriate landscape protection and mitigation works are undertaken with respect to works detailed in the plans addressed under conditions 16, 17 and 19.
11. Prior to the commencement of any of the works approved by this permit, a suitably experienced Project Arborist approved by the Executive Director is to be engaged to prepare Tree Protection and Management Plans, to provide advice on appropriate measures to ensure the protection of all trees to be retained prior to, during and following the undertaking of the works, and to assist with the fulfillment of the conditions of this permit. The Project Arborist is to undertake regular inspections throughout the duration of the works, and is to be present at the site to observe works which in their professional opinion have the potential to impact trees which have been identified to be retained.
12. Prior to the commencement of any of the works approved by this permit 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 including:
 - a) Mansion (building 01)
 - b) Cottage (building 07)
 - c) Garage (building 04)
 - d) Tractor Shed (building 03)
 - e) Cattle Pavilion (building 02)
 - f) Silos (building 05)
 - g) Calf Shed (building 06)
 - h) Former Hot Houses (building 11)

The survey is to be prepared in accordance with the Heritage Council/Heritage Victoria Technical Note entitled "Specification for the submission of archival photographic records" (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.)

13. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 7, any enabling works or investigations which may be required must be documented and submitted for the endorsement of the Executive Director and once endorsed become part of the permit.
14. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 7, a Heritage Protection Plan must be submitted to the Executive Director for approval. Once approved, the Heritage Protection Plan will be endorsed and will then form part of the permit. The Heritage Protection 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 if necessary a tree/vegetation management and protection plan prepared in accordance with AS4970 Protection of trees on development sites. For the relevant stage of works, the Heritage Protection Plan must also include a dilapidation report (including images) for the heritage buildings to record their condition prior to the commencement of works approved by this permit. The Heritage Protection Plan must include the following (as relevant to the stage):
 - a) Site establishment, set-down and staging activities, including no-go areas and elements to be protected during works.
 - b) Details of any temporary signage, hoardings or partitions proposed in and around the buildings during the period of works.
 - c) Details of protection methods proposed to protect key heritage structures/buildings, landscape elements and trees.
 - d) Demolition methodology and protection works.
 - e) Details of the removal methodology and storage location should temporary relocation of items and fabric be required.
 - f) Details of how the project workforce will be informed of the sensitivity of working at a heritage place during site induction processes.
 - g) Notification requirements in the case of unexpected or emergency conditions which may affect a building or feature of heritage significance within the site.
15. Prior to the commencement of any of the works approved by this permit, a Tree Management and Protection Plan and Tree Removal Plan prepared by a suitably qualified professional must be submitted to the Executive Director 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. It must address all external works approved by this permit and must include regular inspections by the Project Arborist approved at condition 11. Should the Project Arborist identify non-compliant works which may have resulted in physical impact to trees identified for retention under the Tree Protection and Management Plan, any works

which may perpetuate the impact must cease until the Project Arborist has notified the Executive Director and further actions as may be required have been agreed and implemented.

16. Prior to the submission of construction ready drawings referred to in condition 19, and at a point sufficient to allow for discussion and potential changes, Services and Infrastructure Plans documenting all external road works, civil, electrical and hydraulic works and infrastructure, and other physical infrastructure works as necessary to enable the development and its operation (such as signage) must be submitted to the Executive Director for approval. The plans must be accompanied by a report by the Project Arborist showing they meet compliance with tree protection requirements specified in condition 15.
17. Prior to the submission of construction ready drawings referred to in condition 19, and at a point sufficient to allow for discussion and potential changes Landscape Plans must be prepared by the Landscape Architect approved at condition 10 and be submitted to the Executive Director for approval. The plans must include:
 - a) All hard and soft landscaping works required in conjunction with the approved works
 - b) All grading works required in conjunction with the approved works
 - c) All tree removals as required by the final works design or as identified by the Project Arborist as being unavoidable in construction of the final works design
 - d) Any other design elements such as fencing, steps and pergolas not addressed in the architectural documentation
 - e) A listing of the landscape conservation measures to be undertaken to address tree removals and to renew landscape elements which have been the subject of previous deterioration. The landscape conservation measures should include identified tree replacement and renewal plantings, renewal of planted garden beds and rockeries, and conservation works addressing hard landscape elements of significance; the proposed measures should be informed by and consistent with the Conservation Management Plan (Lovell Chen, 2022).
 - f) Works plans and specifications addressing all works to the Rustic Pergola, main Terraced Rockery stair, Glass Orb and any other built landscape elements of significance, prepared by the Heritage Consultant approved at condition 10, or by another qualified architect or materials conservation specialist as agreed in writing by the Executive Director.
18. Prior to the submission of construction ready drawings referred to in condition 19, and at a point sufficient to allow for discussion and potential changes, a detailed design set of plans (relating to conservation, architecture and services) documenting the proposed works must be submitted to the Executive Director for approval. Any works or variations which have been required by the Building Surveyor should also be identified at this stage. This will reduce the potential for delays following the submission of construction ready drawings required at condition 19 and should address:
 - a) Mansion (building 01)
 - b) Cottage (building 07)
 - c) Machine Shed (building 10)
 - d) Garage (building 04)

- e) Tractor Shed (building 03)
 - f) Cattle Pavilion (building 02)
 - g) Silos (building 05)
 - h) Calf Shed (building 06)
 - i) Former Hot Houses (building 11)
 - j) Hotel wings (Garden and Forest wings)
 - k) New buildings, outdoor amenities and temporary accommodations
19. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 7 final construction ready (marked as such) drawings for the subject stage of works must be submitted to the Executive Director for approval. Once approved, they will be endorsed and will then form part of the permit. Drawings for multiple stages can be provided. The submitted drawings shall be generally in accordance with the documents listed in the permit preamble and reflect any changes agreed at condition 18. The construction ready drawings must address all architectural, structural and building services works and be coordinated with the conservation works as approved by the heritage consultant approved at condition 9 where relevant. To satisfy this condition (and also where relevant), a report by the Heritage Consultant reviewing the construction ready plans for their compliance with best practice conservation and for consistency with the Conservation Management Plan must also be submitted for the approval of the Executive Director. This report should also identify and assess any works or variations which have been required by the Building Surveyor.
20. Within 6 months of activation of the permit, a Heritage Interpretation Plan for the heritage place must be prepared by a suitably qualified and experienced practitioner and be submitted to the Executive Director for approval. Once approved, it will be endorsed and will then form part of the permit. The works included in the endorsed Heritage Interpretation Plan must be implemented to the satisfaction of the Executive Director within the period of validity of the permit. The Bank Guarantee (condition 21) will be forfeited if the implementation of the endorsed Heritage Interpretation Plan is not completed.

BANK GUARANTEE

21. Prior to the commencement of any of the works approved by this permit, the heritage consultant approved under condition 9 must prepare a costed schedule and drawings of conservation works identified as required for the exterior and interior of the Mansion (building 01) for the approval and endorsement by the Executive Director and once endorsed these works become part of the permit and must be completed within the period of validity of the permit. This schedule must include but not necessarily be limited to:
- a) All conservation works to the exterior of the Mansion building.
 - b) Interior conservation works including the reinstatement of original detail and finishes which have been previously removed, including timber doors and joinery details as well as decorative ceilings. Where possible the stored original fabric currently stockpiled within two rooms of the Garden Wing must be reinstated.
22. Prior to the commencement of any of the works approved by this permit and as provided for under s.103 of the Heritage Act 2017, a financial security in the form of an unconditional

Bank Guarantee in favour of the Heritage Council of Victoria (ABN 87 967 501 331), is to be lodged with the Executive Director. The period of validity of the Bank Guarantee is to be unspecified. The Bank Guarantee is to ensure the satisfactory completion of all of the works required by condition 21 approved by the permit. The amount guaranteed must be equivalent to the cost shown in the approved conservation schedule under condition 21 plus a 20% contingency sum (inclusive of GST). 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 P36953.

23. Following completion of the conservation works required under condition 21, the approved heritage consultant must submit to the Executive Director for their approval, a brief written report confirming that the conservation works have been completed and the extent to which the completed conservation works conformed to good practice in their professional judgement.
24. The Bank Guarantee referred to in condition 22 will be released to its provider following receipt by the Executive Director of a written request by the permit holder, subject to the completion of all of the conservation works referred to in condition 21 and implementation of the Heritage Interpretation Plan referred to in condition 20 to the satisfaction of the Executive Director and satisfaction of conditions 20 and 21. The Bank Guarantee will be forfeited to the Heritage Council of Victoria in the event that all of these works are not completed to a satisfactory standard prior to the expiry date of this permit.

MANAGEMENT OF ARCHAEOLOGY

25. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
26. If any significant historical archaeological features, deposits and or artefacts are identified 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. Any required project report must be submitted within 12 months of the completion of the archaeological investigations.
27. Prior to the commencement of any sub-surface works, an unexpected finds protocol must be submitted to the written satisfaction of the Executive Director and implemented to the written satisfaction of the Executive Director.

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 (\$22,190.40 FROM 1 JULY 2022) OR IN THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$110,952 FROM 1 JULY 2022) UNDER s104 THE HERITAGE ACT 2017.

WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF

UP TO 4800 PENALTY UNITS (\$887,616 FROM 1 JULY 2022) FOR A NATURAL PERSON OR 5 YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,775,232 FROM 1 JULY 2022) 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: Signed by the Executive Director, Heritage
Victoria

13 April 2023

A handwritten signature in black ink, appearing to read 'Steven Avery', with a long horizontal flourish underneath.

Steven Avery
Executive Director
Heritage Victoria

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