

Jessica Hood
Principal, Heritage Permits
Heritage Victoria

17th May 2025

Dear Jessica,

**Re: REQUEST FOR FURTHER INFORMATION Permit Application P40244 - Colac Botanic Gardens,
1-5 Fyans Street Colac, Colac Otway Shire (H2259)**

I am writing in response to your letter dated 6th May 2025 and the request for further information pursuant to reasonable and economic use of the place addressing s101(2)(b) of the Heritage Act 2017.

The area of the Colac Botanic Gardens subject to this application has never been developed as either pleasure or botanic gardens and only falls under the Victorian Heritage Registration as it is within the title boundary. The area to the east of Fyans Street (subject to the application) was included in William Guilfoyle's 1910 plan and instructions for the site, but as with many of his proposals, there is no evidence whatsoever that it was ever implemented. Indeed, the design and planting of this area relate more to Barongarook Creen Reserve than to the Gardens. It is our professional opinion that any update of the Conservation Management Plan will include the recommendation that the area to the east of Fyans Street be excised from the H2259 registration due to its lack of heritage values.

The area has been a caravan park since 1975 and contributes to the recreational value of the foreshore and the economic viability of the Botanic Gardens Café, and therefore the botanic gardens themselves.

Based on the above, the use of the site as a Holiday Park / Caravan Park is a reasonable use for a place never developed for any alternative purpose, and the refusal to grant the permit would impact on this reasonable use. The site is well separated from the Botanic Gardens by parking, a road and screening vegetation and currently has no other compatible use other than as a Holiday Park. Upgrade works are also required in accordance with item 16 in the Heritage Victoria Reasonable and Economic Use Policy which states *"Refusal to issue a permit for upgrading facilities to bring them to contemporary or safe standards may affect the reasonable use of a place. For example, updating kitchens, bathrooms, access provisions or other necessary infrastructure or services required to meet current regulations or legislation."* The majority of the proposed works relate specifically to this requirement.

Refusal of the permit would also lead to a breach in the lease arrangement between Council (the land manager and principal economic supporter of the Gardens) and the current Holiday Park tenant, negatively impacting the future viability of the site and Council as the Botanic Gardens' asset manager. While under the Act economic use needs to relate directly to the funding of the listed site, it could be argued that in activating the lake foreshore and providing much needed tourist and essential worker accommodation, the proposal Holiday Park development contributes to the economic viability of the botanic gardens' tenants, and indirectly to the botanic gardens themselves.

Thank you for providing us with the opportunity to submit this further information. I look forward to hearing from you further and hope this information is of assistance.

Yours Sincerely,



Andrea Proctor
andrea proctor landscapes

