
**HERITAGE
PERMIT
GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017**

Permit No.: P30452

Owner/s:



NAME OF PLACE/OBJECT: HAMILTON BOTANIC GARDENS

HERITAGE REGISTER NUMBER: H2185

LOCATION OF PLACE/OBJECT: KENNEDY STREET and MARTIN STREET and FRENCH STREET and THOMPSON STREET HAMILTON

THE PERMIT ALLOWS: *Installation of bust of Malcolm Fraser, generally accordance with the following documents, as endorsed by the Executive Director and forming part of this permit:*

- EXAMPLE OF KLARFELD BRONZE BUST AT PRIME MINISTERS WALK IN BALLARAT, LETTER FROM LINDA KLARFELD TO BRETT HOLMES, DATED 2 SEPTEMBER 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 date of issue of this permit, or are not completed within four (4) years of the date of issue of this permit unless otherwise agreed in writing by the Executive Director, Heritage Victoria.
2. The Executive Director 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 construction ready plans (Final Plans) must be provided for endorsement by the Executive Director and once endorsed becomes part of the permit. The Final Plans must show the following:
 - o An alternative location for the bust. The location must avoid main entrance gates, not detract from significant views or involve any tree/landscape feature removal. The location must not impact on any conservation outcomes recommended by the Master Plan. The Friends of the Hamilton Botanic Gardens should be given the opportunity to participate in the decision-making process for this alternative location.
 - o Final plans for the bust including materials, size and installation method, generally in accordance with the Klarfeld Bronzes example provided as part of the application. The final bust must have a clearly identifiable date of manufacture.
 - o Appropriate landscaping associated with the installation such as tree or garden bed planting
4. 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 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*.
5. 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.

6. 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.
7. 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 SECTION 104 THE HERITAGE ACT 2017 (THE ACT). 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 ACT.

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:</p> <p>24 December 2019</p>	<p>Signed on behalf of the Executive Director, Heritage Victoria:</p> <p><i>J Sullivan</i></p>	<p>HERITAGE VICTORIA HERITAGE VICTORIA HERITAGE VICTORIA</p>
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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Executive Director has issued a permit under section 102 of the *Heritage Act 2017*.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit.

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 on a permit issued under Section 102 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:

<http://heritagecouncil.vic.gov.au/hearings-appeals/permit-appeals/permit-appeals-explained/>
