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

Permit No.: P31334

Applicant/s:



NAME OF PLACE/OBJECT: BALLARAT BOTANICAL GARDENS

HERITAGE REGISTER NUMBER: H2252

LOCATION OF PLACE/OBJECT: GILLIES STREET and WENDOUREE PARADE LAKE
WENDOUREE

THE PERMIT ALLOWS: *Construction a new tramway building, café and carpark, installation of new tram tracks with associated infrastructure, tree removal and landscaping, generally in accordance with the following documents:*

- **Architectural plans Ballarat Tramway Museum Extension, prepared by MKM Constructions, dated 09/12/2019**
 - o Site – Existing, Sheet Number TP.05, v7.0
 - o Site – Proposed, Sheet Number TP.06, v7.0
 - o Plan – Floor, Sheet Number TP.07, v7.0
 - o Site – Mezzanine, Sheet Number TP.08, v7.0.
 - o Plan – Roof, Sheet Number TP.09, v7.0
 - o Elevations, Sheet Number TP.10, v7.0
 - o Elevations, Sheet Number TP.11, v7.0
 - o Details, Sheet Number TP.12, v7.0
- **Landscape Concept Plan, prepared by Thomson Hay Landscape Architects, dated 06/12/2019**
 - o Drawing No. 1911-LP01
 - o Drawing No. 1911-LP02
- **Arboriculture report Tree Management Plan, prepared by Uber Arbor, dated 9 October 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 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. Prior to the commencement of any of the works approved by this permit a tender ready set of architect and landscape plans revised to show the following must be submitted for the endorsement of the Executive Director Heritage Victoria and when endorsed becomes part of the permit:
 - Architect plans:
 - Removal of the concrete window mouldings used across the design and a resolution using a finer profile and lighter weight material
 - Better resolution of the Gillies Street elevation addressing the fire escape door location and reducing the large central section of cladding
 - Landscape plans:
 - Removal of asphalt and replacement with gravel surface for the carpark. Should accessibility requirements limit the use of gravel for some of this carpark, the appropriate legislation which requires this must be provided and a resolution found that retains as much of the carpark in gravel as possible.
 - Removal of non-essential paths, including the path that runs diagonally across landscape in front of new tramway building and the straight path running to the south from east elevation of new tramway building.
 - Alteration to new path located south of the new tramway building so that it does not intersect with the edge of the building but retains similar curve to existing path removed for project. The entire length of this new path must be gravel.
 - Demonstration that the final width of the asphalt surface east of the existing tramway building is generally no longer than a single tram and any minor buffer required for operations. Drainage plans for this asphalt area which show how waste and stormwater does not flow onto the surrounding park.

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 for assessment by the Executive Director, Heritage Victoria, who will advise on the approach to be taken to address these matters.

5. The works documented in the landscape plans approved in condition 4 must be completed within the life of the project.
6. Prior to the commencement of the works associated with the construction of the new tramlines, a final tender ready set of plans documenting this work including the construction methods must be submitted for the endorsement of the Executive Director, Heritage Victoria and when endorsed becomes part of the permit.
7. Prior to the commencement of the works associated with the construction of the new tramlines the following must be submitted for the endorsement of the Executive Director, Heritage Victoria and when endorsed becomes part of the permit:
 - the name of a qualified and experienced arborist to be engaged to fulfil the requirements of a Tree Protection Plan
 - A final Tree Protection Plan for the new tramline works, which references the plan required for condition 6 and is in accordance with AS4970 *Protection of trees on development sites*.
8. 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.
9. 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.


10. 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 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.

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| <p>Date Issued: 20 March 2020</p> | <p>Signed on behalf of the Executive Director, Heritage Victoria:</p> <p></p> <p>Janet Sullivan Principal Heritage Permits</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, Heritage Victoria has issued a permit under s102 of the *Heritage Act 2017*.

WHEN DOES THE PERMIT BEGIN?

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

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, 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/
