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

Permit No.: P32877

Applicant/s: [REDACTED]

NAME OF PLACE/OBJECT: YARRA BEND PARK

HERITAGE REGISTER NUMBER: PROV H2398

LOCATION OF PLACE/OBJECT: YARRA BEND ROAD FAIRFIELD and YARRA BOULEVARD
KEW

THE PERMIT ALLOWS: *The construction of eight (8) netball courts and a multi-use sports pavilion within Fairlea Reserve (which forms part of Yarra Bend Park) including associated car parking, lighting, fencing, shelter structures and park furniture, generally in accordance with the following set of architectural drawings for new netball courts at Yarra Bend Park (sheets 1 to 42) prepared by 2MH Consulting and Shane Muir Consulting Engineers, Landscape Plans (L-000 to L003, L101-102, L201-L202) prepared by John Patrick and an Arboricultural Impact Assessment Report prepared by Biosis.*

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. All sub-surface work must be conducted or monitored by an approved historical archaeologist. Archaeological monitoring may cease in any specific works area if the supervising archaeologist determines that the subject area does not contain, or have the potential to contain, significant historical archaeological features, deposits and/or artefacts. The disturbance of any site remains or deposits directly associated with the former asylum ha ha wall, or the relocated gate pillar (located at the western end of the project area) are not allowed.
3. If significant features, deposits and/or artefacts are uncovered at any stage of the works the Executive Director or delegate may require additional archaeological investigations to be undertaken in the direct vicinity to provide context for the uncovered remains.
4. The archaeologist must investigate and record any significant features and deposits in accordance with Heritage Victoria's *Guidelines for Investigating Historical Archaeological Artefacts and Sites*, and to the satisfaction of the Executive Director, Heritage Victoria.
5. Project reporting must be undertaken and completed in accordance with Heritage Victoria's *Guidelines for Investigating Historical Archaeological Artefacts and Sites*, and to the satisfaction of the Executive Director, Heritage Victoria.
6. The management of any recovered historical archaeological artefacts (including retention/discard, cataloguing, analysis, conservation and curation (storage) must be undertaken in accordance with Heritage Victoria's *Guidelines for Investigating Historical Archaeological Artefacts and Sites*, and to the satisfaction of the Executive Director, Heritage Victoria.
7. Prior to the commencement of any works approved by this permit (apart from archaeological investigations), Construction Ready Plans must be provided for endorsement by the Executive Director

and once endorsed becomes part of this permit. Unless otherwise agreed in writing by the Executive Director, Heritage Victoria, the drawings must generally be in accordance with the documents above, received at the lodgement of the application. Any additional signage, fencing and lighting requirements must be discussed with Heritage Victoria, prior to lodgement of documentation under this condition.

8. Prior to the commencement of any works approved by this permit (apart from archaeological investigations), information on tree removal within the former asylum site, must be provided for review and endorsement by the Executive Director and once endorsed becomes part of the permit. It must address the following:
 - A tree protection plan (TPP) must be devised and implemented for trees being retained in the project area to ensure they are not inadvertently removed or damaged during demolition and construction phases of the project.
 - To minimise impacts from root damage and other construction activities the Australian Standard AS 4970 – 2009, *Protection of trees on development sites*, specifies a tree protection zone (TPZ) based on a tree's trunk diameter.
 - A program of archaeological investigations must be conducted at the base of each tree if the tree roots systems are to be disturbed and removed. Archaeological testing is not required if trees are to be cut at base level, with roots left intact. Archaeological investigations must be conducted for all areas of archaeological potential that will be disturbed by the tree removal works, to the satisfaction of the Executive Director, Heritage Victoria.
9. Prior to the commencement of any landscaping works, a complete planting schedule/plan (including additional plantings within the broader Yarra Bend Park) is to be submitted for endorsement by the Executive Director and once endorsed becomes part of the permit.
10. Interpretation of the former use of the site and the development of Fairlea Womens Prison must form part of the works under this permit. A qualified curator or consultant with experience in interpretation is required to undertake historical research and prepare an interpretation plan for the place. The interpretation plan and associated signage is to reflect the significance of the place and is to be submitted for approval and endorsement by the Executive Director. Once endorsed it becomes part of the permit and must then be implemented within four (4) years of the original date of issue of this permit unless otherwise agreed in writing by the Executive Director, Heritage Victoria.
11. 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.
12. 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.
13. 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.

<p>Date Issued: 12 April 2021</p>	<p>Signed on behalf of the Executive Director, Heritage Victoria:</p> <p>Signature:</p>  <p>NICOLA STAIRMAND Manager Statutory Approvals</p>	
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Date of amendment	Brief description of amendment

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/
