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# HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE  
HERITAGE ACT 2017

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Permit No: P37363

Applicant:



**NAME OF PLACE/OBJECT:** BALLARAT BOTANICAL GARDENS

**HERITAGE REGISTER NUMBER:** H2252

**LOCATION OF PLACE/OBJECT:** GILLIES STREET AND WENDOUREE PARADE LAKE  
WENDOUREE, BALLARAT CITY

**THE PERMIT ALLOWS:** Temporary relocation of the statue of Hercules (S5) for conservation works and reinstallation of the statue in original location upon completion, generally in accordance with the following documents:

- *Conservation report for Hercules Structural Investigation prepared by International Conservation Services dated 9 August 2022*
- *Heritage Impact Statement "Hercules" prepared by International Conservation Services dated 27 October 2022*

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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. Works are required to be completed within 12 months of commencement (see Condition 15).
2. 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 Heritage Victoria. If the Executive Director considers that the changes are not minor, an amendment to the permit or a new application will be required.

**Stage 1 works (de-installation and transportation)**

3. The Executive Director Heritage Victoria is to be given five working days' notice of the intention to commence the approved works.
4. Prior to the commencement of any of the works approved by this permit, a suitably experienced **specialist stone conservator**, approved in writing by the Executive Director Heritage Victoria, must be engaged to complete the conservation works to the Hercules statue.
5. Prior to the commencement of any dismantling and removal works, documentation outlining the methodology for the protection and offsite storage of the Hercules Statue must be submitted to the Executive Director, Heritage Victoria for approval. Once approved, the drawings/documents will be endorsed and will then form part of the permit.
6. Prior to the commencement of any of the works approved by this permit, a **Heritage Protection Plan** must be submitted to the Executive Director Heritage Victoria 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 a tree/vegetation management and protection plan prepared in accordance with AS4970 *Protection of trees on development sites*. The Heritage Protection Plan must also include a dilapidation report (including images) for the statue to record its condition prior to the commencement of works approved by this permit. The images must sufficiently detail the existing condition of the statue.

7. A dismantling record of the Hercules Statue, including overall photographic documentation and details of significant issues or failures, must be submitted to Executive Director, Heritage Victoria within one (1) month of relocation. Should an updated methodology for the protection and offsite storage (as approved under condition 5) be required, this must be submitted to the Executive Director Heritage Victoria for approval. The updated methodology will then be endorsed and form part of the permit
8. The Executive Director, Heritage Victoria must be notified in writing when the dismantling and temporary relocation of the Hercules Statue has been completed.
9. Within one (1) week of removal of the statue, a temporary sign is to be installed in its place indicating that the statue has been temporarily removed for conservation works.

**Stage 2 works (off site conservation)**

10. Prior to the commencement of any of the works approved by this permit (apart from dismantling works approved under condition 5), the specialist stone conservator as endorsed in condition 4 is to conduct an assessment of the condition of the Hercules Statue and the following must be submitted within four (4) months of satisfying condition 8 to the Executive Director, Heritage Victoria for approval. Once approved, the associated methodology/drawings will be endorsed and will then form part of the permit.
  11. A methodology to conduct tests to determine the most effective cleaning options without impacting the Hercules Statue
  12. A methodology to conduct tests/investigations to determine the best materials, consolidation and other methods for conserving the Hercules Statue
11. The testing and cleaning works approved at condition 10 must be completed within six (6) months of satisfying condition 10. The Executive Director, Heritage Victoria must be notified in writing when the works approved at condition 10 are completed.
12. Within six (6) months of satisfying condition 8, final plans related to the full scope of the proposed reconstruction/repair works for the Hercules Statue, including reinstatement to Ballarat Botanic Gardens, must be submitted to the Executive Director, Heritage Victoria for approval. Once approved, the drawings will then form part of the permit. The approved works at this condition must be completed within the life of this permit.
13. In the event of failure during Stage 2, Heritage Victoria must be immediately notified. A condition report and updated methodology (as outlined in condition 12) must be submitted to the Executive Director Heritage Victoria for approval. Once approved the updated methodology will then be endorsed and form part of the permit.

14. Following completion of the conservation works approved by this Permit, the approved stone conservator must submit to the Executive Director Heritage Victoria, 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.

**Stage 3 works (reinstallation)**

15. The Hercules statue is required to be re-installed within twelve (12) months of date of removal unless otherwise approved in writing by the Executive Director Heritage Victoria.
16. On completion of the works, a **report and photos** outlining the extent to which the approved works have been completed, must be provided to the Executive Director Heritage Victoria. This report can be an updated version of the report submitted in response to Condition 14.
17. 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.
18. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
19. The works approved by this permit must be carried out in their entirety unless otherwise agreed in writing by the Executive Director Heritage Victoria.

**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:**

22 December  
2022

**Signed as delegate for the Executive Director,  
Heritage Victoria pursuant to the Instrument of  
Delegation**

A handwritten signature in blue ink that reads "J Sullivan". The signature is written in a cursive style with a large initial "J" and a clear surname.

**Janet Sullivan**  
Principal Heritage Permits  
Heritage Victoria

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