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

Permit No.: P32257

Applicant/s: 

NAME OF PLACE/OBJECT: ROSALIND PARK

HERITAGE REGISTER NUMBER: H1866

LOCATION OF PLACE/OBJECT: PALL MALL and VIEW STREET and GAOL ROAD and PARK ROAD BENDIGO

THE PERMIT ALLOWS: *Construction of two new public entrances into the Fernery on the south side; changes to configuration of the existing maintenance gate to become a public entrance on the north side of the Fernery; installation of five seat-shelters inside the Fernery; installation of tree cabling to trees on the south and west boundary of the Fernery; installation of an atmospheric cooling system on the south side of the Fernery; changes to the gate configuration at the Park Road and Bridge Street intersection; removal of three galvanised poles, all generally in accordance with the following documents:*

- THE FERNERY, ROSALIND PARK, BENDIGO, PLANNING PERMIT DRAWINGS, PREPARED BY PUBLIC SPACE DESIGN FOR CITY OF GREATER BENDIGO, 01/02/2021
 - DRAWING NO. L0
 - DRAWING NO. L1.1, PARK ROAD ENTRANCE EXISTING CONDITIONS
 - DRAWING NO. L1.2, PARK ROAD ENTRANCE
 - DRAWING NO. L2.1, 2 ENTRANCE FROM THE BRIDGE – EXISTING CONDITIONS
 - DRAWING NO. L2.2, 2 ENTRANCE FROM THE BRIDGE
 - DRAWING NO. L2.3, MAINTENANCE ENTRANCE AND BOLLARD
 - DRAWING NO. L2.4, ENTRANCE GATES CONCEPT
 - DRAWING NO. L3.1, SEAT SHELTER LOCATIONS
 - DRAWING NO. L3.2, SEAT SHELTER CONCEPT
 - DRAWING NO. L4.1, TREE CABLING AND COOLING ZONE

The following document has been endorsed by the Executive Director, Heritage Victoria and forms part of this permit:

- FERNERY, ROSALIND PARK (H1866), PUBLIC SAFETY IMPROVEMENTS, ARCHAEOLOGICAL MONITORING METHODOLOGY FOR PERMIT APPLICATION, PREPARED BY DAVID BANNEAR, DATED 17 NOVEMBER 2020.
- ARBORIST REPORT, PREPARED BY TREE BUSINESS, ASSESSMENT OF TREES FOR CABLE BRACE INSTALLATION, THE FERNERY – ROSALIND PARK, 25/01/2021.

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 be relevant to all components of the approved works and 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 Plan must also refer to the requirements at condition 4.
4. All approved works must be undertaken in accordance with the **archaeological monitoring methodology** outlined in the endorsed document: Fernery, Rosalind Park (H1866), Public Safety Improvements, Archaeological Monitoring Methodology for Permit Application, prepared by David Bannear, dated 17 November 2020.
5. Any **significant artefacts** recovered during approved works in accordance with the endorsed archaeological monitoring methodology at condition 4 that require conservation must be conserved to the satisfaction of the Executive Director, Heritage Victoria.
6. Prior to the commencement of any of the **Fernery Entrance and Path Works** approved by this permit a tender-ready set of drawings documenting these works must be submitted for the endorsement of the Executive Director Heritage Victoria and when endorsed becomes part of the permit. These must be revised to show:
 - a) Retention in their current position of all original heritage gate posts (S2) on the Park Road and Bridge Street intersection path.
 - b) Any required reflective treatment required to the original heritage gate posts (S2). These must be subtle, be minimised as much as practicable, and be of a material that is easily reversible.
 - c) If required, the temporary installation for a maximum of 2 years, of new chain-link gates (or similar) at the three new Fernery public entrances.
 - d) Tree removal plans.
 - e) Any necessary landscape reinstatement works.
7. The date of completion of the works endorsed in condition 6 must be provided to Heritage Victoria within 2 months of that date.
8. Within 2 years of the date of completion of works nominated at condition 7, or within the life of the permit, whichever date comes first, the temporary gates at the three new public Fernery entrances must be replaced with new, contemporary designed gates.
9. Prior to the commencement of any of the works associated with the **installation of the new, contemporary designed gates** required at condition 8, a tender-ready set of drawings documenting these works must be submitted for the endorsement of the Executive Director Heritage Victoria and when endorsed becomes part of the permit. The new gates must have the date of manufacture clearly identified on them.
10. Prior to the commencement of the **Fernery Seat Shelter Works** approved by this permit, a tender-ready set of drawings documenting these works must be submitted for the endorsement of the Executive Director Heritage Victoria and when endorsed becomes part of the permit.
11. Prior to the commencement of the **Atmospheric Cooling System Works** approved by this permit, a tender-ready set of drawings documenting these works must be submitted for the endorsement of the Executive Director Heritage Victoria and when endorsed becomes part of the permit.
12. An **Interpretation Plan** for installation of interpretive devices within the registered land must be prepared by a suitably qualified and experienced practitioner. The Interpretation Plan must include proposals for the appropriate interpretation of the history of the site and the creation of the new public entrances approved in this permit. The Interpretation Plan is to be submitted to the Executive Director

Heritage Victoria for endorsement within 12 months of the activation of this permit unless otherwise agreed in writing by the Executive Director.

13. The **Interpretation Plan** endorsed at condition 12 is to be implemented on site prior to the expiration of this permit.
14. 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 assessment by the Executive Director, Heritage Victoria who will advise on the approach to be taken to address these matters.
15. 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.
16. 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.
17. 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:</p> <p>8 April 2021</p>	<p>Signed on behalf of the Executive Director, Heritage Victoria:</p>  <p>Janet Sullivan Principal Heritage Permits</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/
