
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P35266

Applicant: [REDACTED]
[REDACTED]
[REDACTED]

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: *Landscaping works immediately adjacent the reconstructed Fernery and fronting Wendouree Parade*, in accordance with the following document, as endorsed by the Executive Director and forming part of this permit:

- Condition survey of the Thomson marble statues in the Ballarat Botanical Gardens, prepared by International Conservation Services, dated 9 February 2021

and generally in accordance with the following documents:

- Heritage impact statement, prepared by Andrea Proctor Landscapes, dated August 2022.
- Proposed plans, drawing nos. H21-08DT, H21-08M, H21-08MI, H21-08EL1, H21-08EL2, H21-08M, prepared by Andrea Proctor Landscapes, dated August 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, or are not completed within four (4) years of the original date of issue of this permit.
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 **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 including works to protect the Claxton Memorial, heritage drinking fountain and other heritage elements, and a work site layout plan.
4. Prior to the commencement of any of the works approved by this permit, a **construction ready (marked as such) set of landscape drawings** must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the drawings will be endorsed and will then form part of the permit. The Landscape Drawings must show details of all proposed new works such as structures, landscape features, ground treatments and plantings, and document resolution of landscaping to the Forecourt entrance at Wendouree Parade.

5. Prior to the commencement of the **new pedestrian gate works**, construction ready (marked as such) drawings documenting these works must be submitted to the Executive Director Heritage Victoria for approval. The design and scale of the pedestrian gates must be modest and recessive in views to the Fernery building and be informed by historic evidence. Once approved, the drawings 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 **Tree Management and Protection Plan and Tree Removal Plan** prepared by a suitably qualified professional must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the plans will be endorsed and will then form part of the permit. The Tree Management and Protection Plan must be prepared in accordance with AS4970 *Protection of trees on development sites*. This plan must address protection measures for the plantings in the works area to ensure they are not impacted by the works.
7. Within 12 months of the activation of this permit a **Heritage Interpretation Plan** for installation of interpretive devices within the registered land must be prepared by a suitably qualified and experienced practitioner. The Heritage Interpretation Plan must include proposals for the appropriate interpretation of the history of the Fernery site and in particular the various changes to the Forecourt landscaping over time. The Heritage 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 Heritage Victoria. After its approval the Interpretation Plan is to be implemented on site prior to the expiration of the permit.
8. The **conservation/repair works for the Claxton Memorial** as detailed in the endorsed documentation must be completed within the period of validity of the permit.
9. 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.
10. 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.
11. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
12. The Executive Director Heritage Victoria must be informed when the approved works have been completed.
13. 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:

01 December
2022

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



Jessica Hood
Principal Heritage Permits
Heritage Victoria

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