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# HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE  
HERITAGE ACT 2017

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Permit No: P35520

Applicant:



**NAME OF PLACE/OBJECT:** FLAGSTAFF GARDENS

**HERITAGE REGISTER NUMBER:** H2041

**LOCATION OF PLACE/OBJECT:** KING STREET and WILLIAM STREET and LA TROBE STREET and DUDLY STREET WEST MELBOURNE, MELBOURNE CITY

**THE PERMIT ALLOWS:** *Demolition of an existing discharge vent and construction of a new discharge vent in the same location associated with upgrade works to the Melbourne Underground Rail Loop smoke management system, generally in accordance with the following documents:*

- **Architectural Drawings – Flagstaff Station, P35520 Flagstaff Gardens, Discharge Vent Structure (West), Southern Program Alliance, Level Crossings Removal Project, Drawings FGS\_AHV-1–9, dated 8 September 2021.**
- **Preliminary Arboricultural Assessment, AWP 5 – MURL Fire & Line Safety Upgrade, prepared by Active Green Services, dated 9 August 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 (5) working days' notice of the intention to commence the approved works.
3. The works approved by this permit are to be undertaken in a staged manner, these stages are: **Stage 1 Early-Works Package** (including site establishment/mobilisation works, enabling works and all demolition/construction works within the draft relief shaft), **Stage 2 Demolition Works Package** (including demolition of the existing above-ground discharge vent and associated items) and **Stage 3 Main Works package** (including construction of the new above ground discharge vent and associated items). If a variation of the stages is required, a written explanation is to be provided to the Executive Director, Heritage Victoria for consideration.
4. Prior to the commencement of any of the works associated with each stage of the approved works (as outlined in Condition 3), a Heritage Protection Plan (the Plan) must be submitted for endorsement by the Executive Director, Heritage Victoria. The Plan must outline details for the protection of heritage assets throughout the works program, including a sequencing program for the approved works, details of any temporary infrastructure and services required, layout and set down arrangements, details of how heritage fabric and form will be protected and details of how the project workforce will be informed of the sensitivity of

working at a heritage place. The same Plan can be provided and updated in association with the relevant stages.

5. Prior to the commencement of any of the works approved by this permit, a Tree Protection Plan in accordance with *AS4970 Protection of trees on development sites* must be submitted for endorsement by the Executive Director, demonstrating how existing vegetation will be avoided and adopting the tree protection zones as documented in the Preliminary Arboriculture Assessment (Active Green Services 2021).
6. Prior to the commencement of any of the works associated with **Stage 2 Demolition Works Package** and **Stage 3 Main Works Package** (as outlined in Condition 3), construction ready architectural drawings must be submitted for endorsement by the Executive Director, Heritage Victoria and once endorsed become part of the permit. Drawings for each stage of works must be submitted for endorsement prior to commencement of relevant stages of works.
7. Should further changes in accordance with the intent and approach of the endorsed documentation become necessary, correspondence and supporting documentation must be submitted to the Executive Director, Heritage Victoria who will advise on the approach to be taken to address these matters.
8. Following the conclusion of the **Stage 3 Main Works Package** and removal of the protection hoarding, all impacted grassed areas are to be appropriately reinstated to reflect the broader condition of the gardens.
9. If any additional landscaping works are required within the vicinity of the new discharge vent (including any new or reinstated footpaths), a landscape plan must be submitted for endorsement by the Executive Director prior to the commencement of any associated works.
10. Excavation works must stay within the footprint of the existing discharge vent (including slab, plinth and surrounding paving and drain) to avoid potential historical archaeological impacts. If further ground disturbance works beyond the existing footprint are required, a suitably qualified archaeologist must be engaged and an Archaeological Management Plan be prepared and provided to the Executive Director for consideration.
11. Approved works or activities are to be planned and carried out in a manner which prevents damage to the registered place. However, if other previously hidden original or inaccessible details of the 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 (\$21,808.80 FROM 1 JULY 2021) OR IN THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$109,044 FROM 1 JULY 2021) UNDER s104 THE HERITAGE ACT 2017.**

**WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF UP TO 4800 PENALTY UNITS (\$872,352 FROM 1 JULY 2021) FOR A NATURAL PERSON OR 5 YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,744,704 FROM 1 JULY 2021) 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:**

10 February  
2022

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



**Erin Williams**

Manager Major Projects and Statutory Support  
Heritage Victoria

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