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# HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE  
HERITAGE ACT 2017

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Permit No: P31655

Applicant:



**NAME OF PLACE/OBJECT:** AVENUE OF HONOUR

**HERITAGE REGISTER NUMBER:** H2342

**LOCATION OF PLACE/OBJECT:** HAMILTON HIGHWAY MORTLAKE, MOYNE SHIRE

**THE PERMIT ALLOWS:** Staged removal of all remaining Monterey Cypress (*Hesperocyparis macrocarpa*) trees (approximately 137) forming the Mortlake Avenue of Honour and replacement with Holm Oak (*Quercus ilex*) (approximately 198), generally in accordance with the following document:

- **Tree Removal and Replacement Plan, Tree Establishment Plan, Plaque Management Plan, Mortlake Avenue of Honour, prepared by John Patrick Landscape Architects Pty Ltd, dated October 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 six (6) 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.

### **PRE-START CONDITIONS**

3. Prior to commencement of any of the works approved by this permit an **archival quality photographic survey** is to be prepared to record the full length of the Avenue, to the satisfaction of the Executive Director Heritage Victoria. The focus of the survey is to provide a record of the original planting pattern and aesthetic characteristics of the Monterey Cypress trees, and for use in the Interpretation Strategy required at condition 19. The survey is to be prepared in accordance with the Heritage Council/Heritage Victoria Technical Note entitled "Photographic Recording for Heritage Places and Objects" (available on the Heritage Council website or from Heritage Victoria on request). Two copies of the completed photographic survey are to be produced with one copy submitted to the Executive Director Heritage Victoria for approval in writing prior to commencement of any of the works approved by this permit. On approval of the first copy the second copy is to be lodged with the La Trobe Picture Collection, 328 Swanston Street Melbourne 3000, State Library of Victoria or delivered by courier to Despatch: 174 Little Lonsdale Street Melbourne 3000. Deliveries accepted from 7.30 to 4.30 (A receipt will be sent the day the material is received).
4. Prior to commencement of any of the works approved by this permit a **Surveyed Tree Plan** and **Site & Soil Investigation** must be undertaken and provided to the satisfaction of the Executive Director, Heritage Victoria. The Surveyed Tree Plan must show the exact location of all existing trees in the Avenue, all trees removed from the avenue in recent years, and any

known missing trees, and must be used as the reference point for the Tree Removal and Replacement Plans required by this permit. The Site & Soil Investigation is to establish the base conditions of the site/soil of the entire Avenue of Honour, undertake testing for any known pests or disease that impact Holm Oak, including but not limited to *Phytophthora*. It must also make recommendations for any site/soil remediation necessary to ensure the successful establishment of Holm Oaks which is to be added to the Tree Removal and Replacement Plans required by this permit.

5. Prior to the commencement of any of the works approved by this permit, a **suitably experienced heritage consultant with experience in heritage trees**, approved in writing by the Executive Director Heritage Victoria, must be engaged to advise and assist as necessary with the preparation of the documentation related to tree removal and replacement and to provide relevant conservation advice to the permit holder during the carrying out of those works. In particular the heritage consultant must help fulfil Conditions 3, 7, 8, 9, 10, 11, 12, 13 and 19 of this permit. Multiple consultants can be engaged if required in accordance with this condition.

#### **STAGED WORKS**

6. Prior to the commencement of any of the works approved by this permit, a **Staging Plan** which provides an overview of the order in which approved works will be commenced must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the Staging Plan will be endorsed and will then form part of the permit. Minor amendments to the Staging Plan if required will be facilitated via condition 20.
7. Prior to the commencement of each stage of works identified in the Staging Plan referred to in Condition 6, a **Heritage Protection Plan** must be provided for the approval and endorsement by the Executive Director Heritage Victoria and once endorsed becomes part of the permit. The Heritage Protection Plan must provide details of any temporary infrastructure and services required, protection methods for the heritage place during the undertaking of the works and a work site layout plan. If the works relate to a stage prior to tree removals, or where memorial trees will be retained, a Tree Management and Protection Plan prepared in accordance with AS4970 *Protection of trees on development sites* will also be required.
8. Prior to the commencement of any early works package identified in the Staging Plan referred to in Condition 6 **final construction ready (marked as such) drawings** documenting early works are to be submitted to the Executive Director Heritage Victoria for approval and endorsement and once endorsed become part of the permit.
9. Prior to the commencement of each stage of works related to tree removal identified in the Staging Plan referred to in Condition 6, **final construction ready (marked as such) Tree Removal and Replacement Plan, Tree Establishment Plan and Plaque Management Plan** for the subject stage of works are to be submitted to the Executive Director Heritage Victoria for approval and endorsement and once endorsed become part of the permit. The submitted Plans shall be generally in accordance with the documents referenced above in the permit preamble.
10. The Tree Removal and Replacement Plan required at condition 9, in addition to the version referenced in the permit preamble, must:
  - ensure new planting locations are in accordance with the surveyed plan of trees at condition 4

11. The Tree Establishment Plan required at condition 9, in addition to the version referenced in the permit preamble, must:
  - identify who is responsible for undertaking the actions outlined
  - provide for regular 6 monthly reports to the satisfaction of the Executive Director, Heritage for 3 years following the planting of each stage
  - include an action plan for replanting any trees which fail
12. The Plaque Management Plan required at condition 9, in addition to the version referenced in the permit preamble, must:
  - include any plaques already in storage with the Moyne Shire Council
  - provide an audit of all plaques associated with all trees at each stage
  - new tree plaques are to be created for any trees missing plaques, consistent with the existing design
  - include Plans that document the installation of all plaques
13. Prior to the commencement of each stage of works identified in the Staging Plan referred to in Condition 6 **final construction drawings associated with Interpretation** for the subject stage of works are to be submitted to the Executive Director, Heritage Victoria for endorsement and once endorsed become part of the permit. The submitted drawings shall be generally in accordance with the intent set out in the Interpretation Strategy referred to at condition 19. If a stage related to tree removal is approved prior to the approval of the Interpretation Strategy at condition 19 then plans documenting no less than 4 interpretative devices to be installed in public areas of the Avenue, visible from the road must be provided under this condition. These signs must at the least include the reason and dates for tree removal, dates for replacement tree planting and reasons for replanting with Holm Oak.
14. Prior to the commencement of any stage of works identified in the Staging Plan referred to in Condition 6 that relates to tree removal, a **signed contract or agreement with the nursery growing on the replacement trees**, plus a 20% contingency in tree numbers for that stage is to be provided to the satisfaction of the Executive Director, Heritage Victoria.
15. The replacement tree planting of the first stage of tree removal must be completed by the end of 2025.
16. The replacement tree planting of the final stage of tree removal must be completed within the life of the permit.
17. Tree Plaques are to be reinstated in accordance with the endorsed Plaque Management Plan at condition 9 within the life of the permit.
18. Emergency tree works to maintain public safety as a result of failure of an individual Monterey Cypress tree in the Avenue can be undertaken in accordance with this condition, provided the Executive Director, Heritage Victoria is notified within seven days of the removal or works occurring.

## **INTERPRETATION**

19. Within 6 months of the activation of this permit an **Interpretation Strategy** for implementation of interpretive devices within the registered land must be prepared by a suitably qualified and experienced practitioner and submitted to the Executive Director,

Heritage Victoria for approval. Once approved, the Interpretation Strategy will be endorsed and will then form part of the permit. The intent of the Interpretation Strategy is to ensure the heritage and memorial values of the Avenue are communicated to the public during the works, particularly at times where trees are removed prior to replanting. It is also to meaningfully engage the community in the works and planting program. It will also implement permanent interpretation related to the change of tree species. It must provide public commitments to the community by Moyne Shire Council related to the timely completion of the Avenue tree re-planting program. The Interpretation Strategy must include interpretative devices relevant to the various stages of the project (temporary related to tree removal and replacement as well as permanent at the conclusion of works) to communicate the heritage significance of the avenue, the presentation of the Avenue prior to works, the significance of Monterey Cypress historically in the Avenue, reason and dates for tree removal, dates for replacement tree planting and reasons for replanting with Holm Oak. For stages where trees have been removed, and prior to replacement, no less than 4 interpretative devices must be installed in public areas of the Avenue, visible from the road. These signs must at the least include the reason and dates for tree removal, dates for replacement tree planting and reasons for replanting with Holm Oak. After its approval the Interpretation Strategy can be implemented in stages through drawings submitted to meet condition 13 and the final stage of permanent interpretation must be implemented on site prior to the expiration of the permit.

#### **GENERAL CONDITIONS**

20. 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 for assessment by the Executive Director Heritage Victoria who will advise on the approach to be taken to address these matters.
21. 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.
22. 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.
23. The Executive Director, Heritage Victoria must be informed when the approved works have been completed.
24. 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 (\$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:**           **Signed as delegate for the Executive Director,  
Heritage Victoria pursuant to the Instrument of  
Delegation**  
27 May 2022



**Nicola Stairmand**  
Manager, Statutory Approvals  
Heritage Victoria

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