
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P41206

Applicant:



NAME OF PLACE/OBJECT: DAYLESFORD BOTANIC GARDENS

HERITAGE REGISTER NUMBER: H2202

LOCATION OF PLACE/OBJECT: CENTRAL SPRINGS ROAD AND FRASER STREET AND
HILL STREET AND DALY STREET DAYLESFORD,
HEPBURN SHIRE

THE PERMIT ALLOWS: Maintenance and repair works to the Oval Reservoir (F3) including temporary installation of water tanks in the carpark; temporary fencing; permanent installation of water inlet pipes; draining of the Oval Reservoir; investigations into the Oval Reservoir structure and undertaking of necessary repairs works; removal of one False Cypress tree (*Chamaecyparis lawsoniana*) to the east of the Oval Reservoir; tree pruning; creation of a temporary construction and laydown area, including temporary tree protection measures; permanent installation of photovoltaic panels to the north facing roof of the Oval Reservoir, generally in accordance with the following document:

- **PLANS, PREPARED BY JACOBS AND CENTRAL HIGHLANDS WATER**
 - **DRAWING NO. IS2600AW-0000-CI-DRG-002, REV. A, TEMPORARY WORKS (TANKS AND PIPES INSTALLATION), 02/07/2019**
 - **DRAWING NO. IS2600AW-0000-CI-DRG-002, REV. A, BASIN WORKS (MEMBRANE AND ROOF PURLIN REPLACEMENT, 02/07/2019**
 - **DRAWING NO. IS2600AW-0000-CI-DRG-001, REV. A, BASIN BYPASS WORKS SITE LAYOUT, 02/07/2019**

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. Commencement of the permit begins with onsite physical works.
2. The Executive Director Heritage Victoria is to be given five working days' notice of the intention to commence the approved works once all permit conditions requiring satisfaction prior to the commencement of works have been approved.
3. The works approved in this permit may be undertaken in a staged manner. These stages are Stage 1 related to draining the water tanks and undertaken the investigation works on the Oval Reservoir and Stage 2 related to undertake the necessary repair works on the Oval Reservoir and its associated construction impacts.
4. 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.

5. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
6. 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, Heritage Victoria considers that the changes are not minor, an amendment to the permit or a new application will be required.

PRIOR TO THE COMMENCEMENT OF STAGE 1

7. Prior to the commencement of **Stage 1** 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) A sequencing program for the approved works
 - b) Details of any temporary infrastructure (including fencing) and services required
 - c) Protection methods for the heritage place during the undertaking of the works
 - d) A work site layout plan.
8. Prior to the commencement of **Stage 1** of the works approved by this permit a **construction ready set of drawings** documenting the works, including but not limited to working methods and construction/laydown areas impacting the heritage place, anticipated carpark reinstatement works and the approximate timeframe for the temporary installation of water tanks/fencing (of no longer than 7 months) 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.
9. Prior to the commencement of **Stage 1** an **Arborist** with minimum qualification of Certificate IV Arboriculture or equivalent, approved in writing by the Executive Director Heritage Victoria, must be engaged to fulfill the requirements of the Tree Protection Plan at condition 10. If the same Arborist is to be used for Stage 2, notification of that at this condition can also satisfy condition 17.
10. Prior to the commencement of **Stage 1** a **Tree Protection Plan** prepared in accordance with *AS4970 Protection of trees on development sites* must be submitted to the Executive Director, Heritage Victoria for approval. Once approved the Tree Protection Plan will be endorsed and will then form part of the permit. This must reference the plans provided at condition 8 and include but not be limited to protection measures associated with the installation of permanent inlet pipes (noting requirement for manual trenching at condition 14) and any necessary tree pruning/canopy tie back works for Stage 1.
11. Prior to the commencement **Stage 1** a **Tree Removal Plan** for the approved removal of the False Cypress tree (*Chamaecyparis lawsoniana*) to the east of the Oval Reservoir must be submitted to the Executive Director, Heritage Victoria for approval. Once approved the Tree Removal Plan will be endorsed and will then form part of the permit. Should the approved

tree removal not be required at Stage 1, then this condition must be met prior to the commencement of Stage 2.

12. Prior to the commencement of **Stage 1** a short **Interpretation Plan** for implementation of simple interpretative devices on the temporary fencing facing public areas for the period of the project (in both Stage 1 and Stage 2) must be submitted to the Executive Director, Heritage Victoria for approval. Once approved the Interpretation Plan will be endorsed and will then form part of the permit. The Interpretation Plan must include simple interpretation (via photography and text) of the Oval Reservoir (F3) and its history as a water feature associated with the Daylesford Botanic Gardens, including the roofing of the structure in 1998, together with information on the approved works including approximate timeframes.
13. The **interpretative devices** in the endorsed Interpretation Plan at condition 12 are to be installed on the temporary fences associated with the project within 1 month of their installation on site (for both Stage 1 and Stage 2) and are to remain until the temporary fences are removed at the conclusion of each stage.
14. The approved surface and subsurface works for the installation of the **permanent inlet pipes to the east of the Oval Reservoir** is to be monitored by an appropriately qualified **historical archaeologist**. Excavations for these works must be undertaken as manual trenching. If any historical archaeological features, deposits or artefacts are uncovered at any time during site works, it is necessary for all works in the direct vicinity to cease and for Heritage Victoria to be contacted immediately. In this case a program of archaeological investigations and recording may be required, to the satisfaction of the Executive Director, Heritage Victoria. All required archaeological investigations must be undertaken by a qualified and experienced historical archaeologist, endorsed by the Executive Director, Heritage Victoria. All on-site workers and contractors must be made aware of this requirement. The archaeological monitoring may cease if the project archaeologist determines that the subject works do not (or no longer have) the potential to impact significant historical archaeological remains, subject to approval from the Executive Director Heritage Victoria.

PRIOR TO THE COMMENCEMENT OF STAGE 2

15. Prior to the commencement of **Stage 2** 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) A sequencing program for the approved works
 - b) Details of any temporary infrastructure (including fencing) and services required
 - c) Protection methods for the heritage place including the Pioneer Memorial Lookout (B3) during the undertaking of the works
 - d) A work site layout plan.
16. Prior to the commencement of **Stage 2** of the works approved by this permit a **construction ready set of drawings** documenting the works, including working methods and construction/laydown areas impacting the heritage place, anticipated carpark reinstatement works at conclusion of works, the photovoltaic panels and the approximate timeframe for the temporary installation of water tanks/fencing (of no longer than 7 months) 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.

17. Prior to the commencement of **Stage 2** an **Arborist** with minimum qualification of Certificate IV Arboriculture or equivalent, approved in writing by the Executive Director Heritage Victoria, must be engaged to fulfill the requirements of the Tree Protection Plan at condition 18.
18. Prior to the commencement of **Stage 2** a **Tree Protection Plan** prepared in accordance with AS4970 *Protection of trees on development sites* must be submitted to the Executive Director, Heritage Victoria for approval. Once approved the Tree Protection Plan will be endorsed and will then form part of the permit. This must reference the plans provided at condition 16 and include but not be limited to protection measures associated with the laydown and construction area and any pruning/canopy tieback works for Stage 2.

AT THE COMPLETION OF STAGE 2

19. The Executive Director must be notified in writing of the **completion of the Stage 2**.
20. **Replacement tree planting** of the False Cypress tree (*Chamaecyparis lawsoniana*) approved for removal at condition 11 is to occur within the current or next planting season after the completion date provided at condition 19.
21. Prior to replanting required at condition 20 a final **Tree Planting Plan**, including tree stock size, works to create improved soil conditions and a maintenance schedule must be submitted to the Executive Director, Heritage Victoria for approval. Once approved the Tree Planting Plan will be endorsed and will then form part of the permit.
22. Following replacement planting approved at condition 21, a **yearly report** by a relevant qualified professional on the **establishment, condition and formative pruning of the tree** in the first 3 years is to be provided to the written satisfaction of the Executive Director, Heritage Victoria.
23. Within 3 months of the completion date provided at condition 19, an **arborist report** prepared by the arborist nominated at condition 9 or 17 on the **condition of the trees** following the works, including any recommendations for **actions to mitigate any damage of the project on the trees** must be submitted to the Executive Director, Heritage Victoria for approval. Once approved that report and its actions will be endorsed by the Executive Director, Heritage Victoria and will then form part of this permit. Any approved recommendations in that report must be undertaken within 6 months of endorsement of the arborist report.
24. The Executive Director, Heritage Victoria must be informed when the approved works have been completed.
25. 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 (\$23,710.80 FROM 1 JULY 2024) OR IN

THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$118,554 FROM 1 JULY 2024) UNDER s104 THE HERITAGE ACT 2017.

WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF UP TO 4800 PENALTY UNITS (\$948,432 FROM 1 JULY 2024) FOR A NATURAL PERSON OR 5 YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,896,864 FROM 1 JULY 2024) 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:

09 September
2025

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



A handwritten signature in black ink, which appears to read "Nicola Stairmand". The signature is fluid and cursive, written over a light grey circular background.

Nicola Stairmand
Manager, Statutory Assessments
Heritage Victoria