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

Permit No.: P31352

Applicant/s: Ms Mandy King
Friends of Warrnambool Botanic Gardens
c/o Warrnambool City Council
25 Liebig Street
Warrnambool, VIC, 3280

NAME OF PLACE/OBJECT: WARRNAMBOOL BOTANIC GARDENS

HERITAGE REGISTER NUMBER: H2090

LOCATION OF PLACE/OBJECT: 6-34 COCKMAN STREET WARRNAMBOOL

THE PERMIT ALLOWS: *construction of a Nature-Based Play area, relocation of a tree and new landscaping adjacent to Botanic Road, generally in accordance with the following documents:*

- **WARRNAMBOOL BOTANIC GARDENS NATURE PLAY SPACE REV A, PREPARED BY LAIDLAW & LAIDLAW DESIGN, DATED DECEMBER 2019**

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 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*.
4. Prior to the commencement of any of the works approved by this permit a tender ready set of Landscape Plans revised to show the following must be submitted for the endorsement of the Executive Director, Heritage Victoria and when endorsed becomes part of the permit:
 - Reduction in number of mounded lawns
 - Reduction of path widths as much as possible
 - Removal of the two entrance bowers
 - The Landscape Plans must show details of all proposed new works such as structures, landscape features, ground treatments, footings and areas for planting (to be addressed in Planting Plan required at condition 5) including the garden beds east of the entrance path. Footings for any above ground infrastructure must be minimised as much as possible.
5. Should any footings documented in the Landscape Plans be within the Tree Protection Zone of any retained tree, then the tree/vegetation management and protection plan required at condition 3

must address the impact of these footings on these trees, in accordance with AS4970 *Protection of trees on development sites*.



6. Prior to the commencement of planting approved by this permit, a tender ready set of Planting Plans must be submitted for the endorsement of the Executive Director, Heritage Victoria and when endorsed becomes part of the permit. The Planting Plan must include appropriate tall canopy tree plantings on boundary, preferably with conifer species. Planting documented in this plan must be undertaken within the life of the permit.
7. Should further minor changes in accordance with the intent and approach of the endorsed documentation at condition 4 and 6 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.
8. 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.
9. 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.
10. 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>25 / 03 / 2020</p>	<p>Signed on behalf of the Executive Director, Heritage Victoria:</p>  <p>Janet Sullivan Principal Heritage Permits</p>	
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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/
