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# HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE  
HERITAGE ACT 2017

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Permit No: P40363

Applicant:



**NAME OF PLACE/OBJECT:** ST KILDA ROAD

**HERITAGE REGISTER NUMBER:** H2359

**LOCATION OF PLACE/OBJECT:** MELBOURNE AND SOUTHBANK, MELBOURNE CITY,  
PORT PHILLIP CITY

**THE PERMIT ALLOWS:** Temporary installation from November 2024 to May 2025 of "Ascension of Polka Dots on the Trees" artwork by Yayoi Kusama, involving the installation of printed fabric wrapping to 65 of the existing London Plane trees along the St Kilda Road between Southbank Boulevard and the bridge over Alexandra Avenue, outside the NGV and Arts Centre, generally in accordance with the following documents:

- Tree Protection Management Plan 'Ascension of Polka Dots on the Trees' Art Installation – St. Kilda Road, Melbourne, prepared by Tree Logic (Ref 013763), 2 October 2024
- NGV Kusama Tree Wrap Proposal, Ascension of the Polka Dots Yayoi Kusama, prepared by NGV

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### GENERAL CONDITIONS

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) months of the original date of issue of this permit, or are not completed within two (2) 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.
3. 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.
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. The Executive Director Heritage Victoria must be informed when the approved works have been completed.
7. The works approved by this permit must be carried out in their entirety unless otherwise agreed in writing by the Executive Director Heritage Victoria.

#### **PRE-START CONDITIONS**

8. Prior to the commencement of any of the works approved by this permit, a qualified arborist (a person suitably experienced and competent in arboriculture, having obtained the minimum required qualification of Australian Qualification Framework (AQF) Level 5, Diploma of Horticulture (Arboriculture)) approved in writing by the Executive Director Heritage Victoria, must be engaged to advise and assist as necessary with the preparation of the Tree Management and Protection Plan required at condition 10, and reporting required at condition 13 and 14.
9. 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, and a work site layout plan.
10. Prior to the commencement of any of the works approved by this permit, a Tree Management and Protection Plan prepared by the arborist approved at condition 8 must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the Tree Management and Protection Plan 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*, and address the same version of drawings provided to meet condition 11. It must include appropriate levels of supervision of the installation of the work by a qualified arborist.
11. Prior to the commencement of any of the works approved by this permit, a construction ready (marked as such) set of 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.

#### **DURING EVENT CONDITIONS**

12. Regular ongoing maintenance of the fabric wrapping must be undertaken during the event, including but not limited to replacement of fabric impacted by vandalism or graffiti. This permit condition covers any like for like replacement (in material and installation methodology) of fabric provided it is undertaken in accordance with the documents endorsed at conditions 9, 10 and 11.
13. At the conclusion of the installation of the approved works an arborist report (prepared by the arborist approved at condition 8) is to be provided for the approval of the Executive Director, Heritage Victoria on the condition of the trees following the works, including any recommendations for actions to mitigate any damage of the project on the trees. Once approved, the arborist report will be endorsed and will then form part of the permit. Any approved recommendations must be undertaken within 6 months of being notified of

satisfying this condition.

**POST EVENT REPORTING**

14. 1 year after the endorsement of the report at condition 13, an arborist report (prepared by the arborist approved at condition 8) is to be provided for the approval of the Executive Director, Heritage Victoria on the condition of the trees following the works, including any recommendations for actions to mitigate any damage of the project on the trees. Once approved, the arborist report will be endorsed and will then form part of the permit. Any approved recommendations must be undertaken within 6 months of being notified of satisfying this condition.

**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:**

15 November  
2024

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



A handwritten signature in black ink that reads "Nicola Stairmand". The signature is written in a cursive style with a large, sweeping initial 'N'.

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