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# HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE  
HERITAGE ACT 2017

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Permit No: P40110

Applicant:



**NAME OF PLACE/OBJECT:** FORMER SMITHS NURSERY

**HERITAGE REGISTER NUMBER:** H2060

**LOCATION OF PLACE/OBJECT:** 721 KILMORE ROAD AND 731 KILMORE ROAD AND 14 FLOUR MILL LANE AND 20 FLOUR MILL LANE AND 18 FLOUR MILL LANE AND 26 FLOUR MILL LANE AND 38 FLOUR MILL LANE RIDDELLS CREEK, MACEDON RANGES SHIRE

**THE PERMIT ALLOWS:** Construction of a four-bedroom residence and a shed structure, including driveway, paths, water tank, and landscaping at Lot 3 (14 Flour Mill Lane), generally in accordance with the following documents:

- Architectural plans 'New Dwelling at 14 Flour Mill Lane, Riddells Creek for Danielle Ziervogel' prepared by New Homes Vic, drawing set 01-FC - 06-FC, 07-PD, and 08-FC - 21-FC, dated 24 June 2024
- Colour and Landscaping Plan 14 Flourmill Lane Riddles Creek 3031, not dated
- Landscape Plan 2024, not dated

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.
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. This site has the potential to contain historical archaeological remains. 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.

5. 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, a work site layout plan and a tree/vegetation management and protection plan prepared in accordance with *AS4970 Protection of trees on development sites*.
6. Prior to the commencement of any of the works approved by this permit, a construction ready (marked as such) set of Architectural Plans must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the Architectural Plans will be endorsed and will then form part of the permit. The Architectural Plans must document the dwelling, shed and water tank, and include a materials and finishes schedule.
7. Prior to the commencement of any of the works approved by this permit, a final Landscape Plan must be submitted to the Executive Director, Heritage Victoria for approval. Once approved, the Landscape Plan will be endorsed and will then form part of the permit. The Landscape Plan must include but not be limited to the following: a statement regarding consistency with the Vegetation and Landscape Management Plan November 2018 and Design Guidelines April 2018; use of species historically connected to Smiths Nursery such as feature trees and orchard species; solution to improved integration of the dwelling with the landscape; greater use of tall canopy trees particularly to the north-east and southern boundaries and flanking the driveway; reduction in driveway and path surfaces; details of fencing type(s) and locations.
8. Prior to the commencement of any of the works approved by this permit a Utility Services Plan must be submitted to the Executive Director, Heritage Victoria for approval. Once approved, the Utility Services Plan will be endorsed and will then form part of the permit. The Utility Services Plan must document the connection of the dwelling, shed and water tank to any required services, including excavation works associated with this.
9. The shipping container at Lot 3 must be removed within the life of this permit. The Executive Director Heritage Victoria must be informed when the shipping container has been removed.
10. 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.
11. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
12. The Executive Director Heritage Victoria must be informed when the approved works have been completed.
13. 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:**

30 October  
2024

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



A handwritten signature in blue ink, appearing to read "Jessica Hood". The signature is fluid and cursive, written over a light blue circular stamp.

**Jessica Hood**  
Principal, Heritage Permits  
Heritage Victoria