

NOTICE OF REFUSAL TO GRANT A PERMIT

HERITAGE ACT 1995



File No.	<i>10/001444 [07 - 08]</i>
Application Dated	<i>5 May 2010</i>
Heritage Register No.	<i>H2238</i>
Registered Category	<i>Heritage Place</i>
Name of Place/Object	<i>AVENUE OF HONOUR</i>
Location	<i>BACCHUS MARSH ROAD BACCHUS MARSH</i>

WHAT HAS BEEN REFUSED?

Construction of a new roundabout intersection, removal of trees and planting of replacement elms, relocation of commemorative name plates and associated landscaping works.

REASONS FOR REFUSAL:

1. The works will have an adverse impact on the aesthetic significance of the Avenue of Honour. The removal of nine (9) commemorative elm trees will remove the continuous and unbroken cathedral-like arching of the canopy which makes it one of the most distinctive elm avenues in Victoria. The trees form a visually impressive colonnade effect in all seasons. The regular spacing and pairing of trees on either side of the road is a strong design element reflecting the dual purposes of commemoration and amenity enhancement. These design elements contribute to the Avenue of Honour being a cultural landmark at the entrance to Bacchus Marsh, and would be significantly diminished if a permit was to be issued.
2. The removal of nine (9) commemorative elm trees will have an adverse impact on the historical significance of the Avenue of Honour. Two hundred and eighty-one (281) individuals are each commemorated by an individual tree within the Avenue and each tree is arranged in alphabetical order along the Avenue of Honour, keeping families together and symbolising the idea that each individual's contribution to the war effort was equally important, regardless of rank. One tree that is proposed for removal is dedicated to Lt Rupert V Moon who was awarded the Victoria Cross. Further, the form and open character of the roundabout will be experienced as a distinct gap and will contrast with the linear and enclosed nature of the Avenue of Honour.

3. Refusal of the proposed works do not unreasonably detrimentally affect the ability of VicRoads to fulfil its statutory duties; including the provision of efficient and safe movement of road traffic, the improvement of road safety strategies and practices and the improvement of the State's principal road network to facilitate vehicular movement of people and goods. There were other alternatives (albeit these are less preferred by the applicant) presented that provide similar road transport outcomes. In this case, the statutory duties of the applicant do not outweigh the need to protect the cultural heritage significance of the Avenue of Honour.

cc. Statutory Planner, Moorabool Shire Council

HERITAGE VICTORIA
PO BOX 2392 MELBOURNE, VIC 3001

Signed  Executive Director

Date 20 Dec 2010

WHO CAN APPEAL?

The applicant, the owner of a registered place or registered object or a person with a real and substantial interest in the registered place or object may appeal to the Heritage Council against :-

- (a) a determination by the Executive Director to refuse to issue a permit in respect of that place or object; or
- (b) a determination by the Executive Director to refuse to issue a permit for some of the proposed works and activities in respect of that place or object.

LODGING AN APPEAL

An appeal must :-

- (a) be in writing; and
- (b) be lodged with the Heritage Council within 60 days after the notice of refusal is given.

Appeal Forms can be obtained from the offices of Heritage Victoria, 4/55 Collins Street, Melbourne or by phoning (03) 8644 8800.

Notice of appeal should be addressed to the Chairperson, Heritage Council, 4/55 Collins Street, Melbourne, 3000.