
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P40205

Applicant:



NAME OF PLACE/OBJECT: TOMLINS SIMMIE & CO FLOUR MILL

HERITAGE REGISTER NUMBER: H2433

LOCATION OF PLACE/OBJECT: 87 CHARLESTON ROAD BENDIGO, GREATER BENDIGO CITY

THE PERMIT ALLOWS: *Consolidation of the site into three lots; demolition of the Northern Warehouse and its additions (from c.1929), and non-significant buildings (administration block (1977), truck weighbridge (1977), and truck wash bay (c.1980s)); and commercial development of proposed Lot 3 and associated landscaping, generally in accordance with the following documents:*

- Proposed Masterplan Drawings, Project Now Architects, 3 June 2025.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

PERIOD OF VALIDITY

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.

ENGAGEMENT OF CONSULTANT

3. Prior to the commencement of any of the works approved by this permit, a **suitably experienced heritage conservation architect** approved in writing by the Executive Director, Heritage Victoria, must be engaged to advise and assist as necessary with the preparation of the documentation where any intervention to built fabric of heritage significance is involved and to provide relevant heritage advice to the permit holder during the carrying out of those works. In particular the heritage consultant must help fulfill conditions 5, 7, and 8 of this permit.

DOCUMENTATION

4. Prior to the issue of a statement of compliance for the subdivision, consistent with Planning Permit DS/528/2024, an **amended plan of subdivision** is to be submitted to the Executive Director Heritage Victoria for approval. Once approved, it will be endorsed and will then form part of the permit. The plan must be generally in accordance with the plans submitted with Version 5 prepared by Swanson Surveying, but must be revised to show:
 - Building envelopes developed in consultation with Heritage Victoria for Lot 1, Lot 2 and Lot 3 and any fencing or hedging to delineate lot boundaries that retain an open space and visual relationship between the Mill building and the former Stables and Lorry Shed.

- Heritage building footprints, including the Mill building, Engine House, Gas Suction Room and former Stables and Lorry Shed.
5. Prior to the submission of construction-ready drawings referred to in Condition 6, **detailed design plans** (relating to demolition, new construction, services and signage as relevant) documenting the approved works must be submitted to the Executive Director, Heritage Victoria for written approval. This is to ensure the detailed design plans are consistent with the amended subdivision plans required under Condition 4. This will reduce the potential for delays following the submission of construction ready drawings required at Condition 6. The detailed design plans must address but not limited be to the following items:
 - Retention of the Stables and Lorry Shed (1912).
 - Analysis of view lines and massing to support an appropriate level of development to Lot 3.
 6. Prior to the commencement of any of the works approved by this permit, a **construction ready (marked as such) set of architectural 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.
 7. Prior to the commencement of any of the works approved by this permit (in accordance with condition 2), the heritage consultant approved under Condition 3 must prepare a costed schedule and drawings of outstanding maintenance and repair works identified as required for the Stables and Lorry Shed (1912). The works must at a minimum include works necessary to ensure the building meets the owner's obligations under sections 152 and 153 of the *Heritage Act 2017*, consistent with **Heritage Victoria's document *Minimum standards for maintenance and repair of heritage places* (Made and published under s 19(2) of the Heritage Act 2017 in August 2020).**

The costed schedule and drawings/specification must be submitted to the Executive Director Heritage Victoria for approval. Once approved, the schedule and drawings will be endorsed and will then form part of the permit and must be completed within the period of validity of the permit.
 8. Following completion of the repair works required under condition 7, the heritage consultant approved under Condition 3 must submit to the Executive Director Heritage Victoria, for their written approval, a brief written report confirming that the repair works have been completed in accordance with the endorsed documentation. A Heritage Victoria representative may require a visit the place to inspect and confirm the satisfactory completion of the works.

BANK GUARANTEE

9. Prior to the commencement of any of the works approved by this permit and as provided for under s.101A of the *Heritage Act 2017*, a financial security in the form of an **unconditional Bank Guarantee** in favour of the Heritage Council of Victoria (ABN 87 967 501 331), is to be lodged with the Executive Director Heritage Victoria. The period of validity of the Bank Guarantee is to be unspecified. The amount guaranteed must be equivalent to the cost shown in the schedule at Condition 7 plus a 20% contingency sum (inclusive of GST). The Bank Guarantee must set out that it is to secure the satisfactory completion of all the works required by Condition 7 of permit P40205.

10. The Bank Guarantee referred to in condition 9 will be released to its provider following receipt by the Executive Director Heritage Victoria of a written request by the permit holder, subject to the completion of all the works required at Condition 7 in this permit to the satisfaction of the Executive Director Heritage Victoria, and the satisfaction of condition 8. The Bank Guarantee will be forfeited to the Heritage Council of Victoria if all the approved works in Condition 7 are not completed to a satisfactory standard prior to the expiry date of this permit.
11. If the works required by condition 7 approved by the permit are undertaken in full to the satisfaction of the Executive Director Heritage Victoria before any other works approved by this permit are commenced, financial security is not required to be lodged. Following completion of the works outlined above and the satisfaction of condition 8, the remainder of the works approved by the permit may proceed.

GENERAL CONDITIONS

12. 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.
13. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
14. The Executive Director Heritage Victoria must be informed when the approved works have been completed.
15. 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: **Signed as delegate for the Executive Director,
Heritage Victoria pursuant to the Instrument of
22 August 2025 Delegation**



A handwritten signature in black ink, reading "Nicola Stairmand".

Nicola Stairmand
Manager, Statutory Assessments
Heritage Victoria