

# PLANNING PERMIT

Permit No. **DP/599/2022**  
Planning Scheme: **Greater Bendigo Planning Scheme**  
Responsible Authority: **Greater Bendigo City Council**

**ADDRESS OF THE LAND:** **42, 44-48 View Street, BENDIGO 3550**  
**CA's 6, 6A & part 5 Section 89C & Units 1 & 2 RP 8408, Part Lot 1**  
**RP 8408**

**THE PERMIT ALLOWS:** **Demolition works in the Heritage Overlay (Schedule 3) and the construction of new buildings and works associated with alterations and additions to the existing gallery and cafe land uses**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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1. **MODIFIED PLAN REQUIRED**

Before development commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) Landscaping changes in accordance with condition 4
- (b) Any changes required as a result of the Heritage Victoria approval/permit process

2. **NO LAYOUT ALTERATION**

The development permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority.

3. **DEMOLITION ACTIVITIES**

All activities associated with the demolition permitted by this permit must be carried out to the satisfaction of the responsible authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.

4. **AMENDED LANDSCAPE PLAN**

Concurrent with the endorsement of plans under Condition 1 of this permit, an amended Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must be generally in accordance with the plan prepared by Openwork dated 11 August 2023 but modified to show:

- (a) A grassed area within the Bolton Court/View Street Frontage 'circle figure'.
- (b) A wider pedestrian accessway to Bolton Court from the northern footpath along View Street.
- (c) A revised tree palette along View Street that maintains views to the heritage building whilst providing appropriate canopy cover.
- (d) A revised planting palette around the Childrens Gallery / Rosalind Park to align with a sensory garden pallet, are suited to solar conditions and are more suitable in terms of their mature size.

**Signature for the  
Responsible Authority**



**Date Issued:** 19 March, 2024

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- (e) An irrigation plan to the satisfaction of the Responsible Authority.
- (f) Suitable Ground Covers, shrubs, and grasses to the satisfaction of the Responsible Authority.

5. **COMPLETION OF LANDSCAPING**

Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

6. **LANDSCAPING MAINTENANCE**

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

7. **GENERAL DRAINAGE**

The development must be drained to the satisfaction of the City of Greater Bendigo as the responsible drainage authority.

8. **CONSTRUCTION PHASE**

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the responsible authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.

9. **CONSTRUCTION MANAGEMENT PLAN**

Prior to commencement of works the owner or applicant must submit a Construction Management Plan (CMP) for approval by the responsible authority. This plan shall include, but not be limited to:

- (a) A site specific plan showing proposed erosion and sedimentation control works.
- (b) Techniques and intervention levels to prevent a dust nuisance.
- (c) Techniques to prevent mud and dirt being transported from the site to adjacent streets.
- (d) The protection measures taken to preserve any vegetation identified for retention
- (e) Measures to address any contamination if found on the site during the construction process.

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During construction of works associated with the subdivision, the applicant must employ and provide the protection methods contained in the CMP to the satisfaction of the responsible authority and the Environment Protection Agency.

10. SUSTAINABILITY MANAGEMENT PLAN

- (a) All works must be undertaken in accordance with the endorsed SMP including the minimum requirements of the BESS and MUSIC report, and as a major project achieve at a minimum 5 Star Green Star Buildings Certification consistent with the City's endorsed Environmentally Sustainable Development Building Policy. Works must be to the satisfaction of the responsible authority. No alterations to the SMP or BESS reports may occur without the prior written consent of the responsible authority.
- (b) Prior to the commencement of occupation, a report must be submitted to the responsible authority. The report must be to the satisfaction of the responsible authority and must confirm that all measures specified in the SMP have been implemented in accordance with the minimum requirements of the approved plan. The report must include the following documentary and/or photographic evidence of:
- i. 5 Star Green Star Buildings Certification at a minimum.
  - ii. An all-electric development.
  - iii. Final section J report demonstrating a minimum 10% improvement of the building fabric compared to the minimum NCC2019 provisions as well as a minimum 20% overall energy efficiency improvement.
  - iv. A whole-of-building air tightness test demonstrating an air permeability of no more than 1.5 m<sup>3</sup>.h-1.m<sup>2</sup> @ 50 Pa in newly constructed areas.
  - v. Location and size of solar system installed.
  - vi. Location and total volume of rainwater tanks and connection to toilets.

11. EXPIRY OF PERMIT

This permit will expire if the development permitted by this permit is not completed within five (5) years from the date hereof. The time within which the development must be completed may be extended, on written request to the responsible authority, before or within 6 months after the expiry of this permit where the development has not yet started or 12 months where the development has commenced.

Signature for the  
Responsible Authority



Date Issued: 19 March, 2024

## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the *Planning & Environment Act 1987*)

### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the *Planning & Environment Act 1987*.

### WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from:
  - (i) the date of the decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
  - (ii) the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if –
  - the development or any stage of it does not start within the time specified in the permit, or
  - the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; 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 or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of land expires if –
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of the land 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 of it 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; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision –
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under the permit before the expiry.

### WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil & Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil & Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil & Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil & Administrative Tribunal.