

# PLANNING PERMIT

Permit No. **AM/111/2015/C**  
Planning Scheme: **Greater Bendigo Planning Scheme**  
Responsible Authority: **Greater Bendigo City Council**

**ADDRESS OF THE LAND:** **73-77 Kennewell Street and 171 St Killian Street, WHITE HILLS  
Lot 4 PS 737185A, Lots 1-7, B & Part Lot A PS 737185A, Part  
Lot A PS 737185A, Lot B PS 737185A, Lot 3 PS 737185A, Lot 2  
PS 737185A, Lots 1, 3, 4, 6 & 7 PS 737185A, Lot 5 PS 737185A,  
Lot A PS 737185A, Lot 6 PS 737185A, Lot 7 PS 737185A**

**THE PERMIT ALLOWS:** **Staged subdivision of land into 21 lots and removal of native  
vegetation (Amended permit and plans to address Bushfire  
Management Overlay requirements)**

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

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**1. AMENDED PLANS**

Before the plan of subdivision is certified 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 then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:

(a) The plan of subdivision must show the following:

- A single 5m wide crossover serving lots 6 and 7
- Lot sizes and driveways to lots 6 and 7 to be amended to have one driveway no greater than 3m in width and a second driveway not greater than 5m in width.
- Crossover locations and driveways for lots 1-4 inclusive, lot 12 and lot 17.
- Crossover to lot 4 should of the minimum width possible and/or have an engineering solution so as not to impact on the existing street tree.
- Driveways to lots 1 and 3 must be no greater than 3m wide.

(b) Landscaping plan to accord with condition 6.

(c) Building envelopes in accordance with condition 12.

(d) Staging plan to accord with condition 3.

**2. LAYOUT PLANS**

The subdivision, as shown on the endorsed plans, must not be altered without the prior written consent of the responsible authority.

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**3. STAGED SUBDIVISION**

Any staging of the subdivision must be in accordance with an approved staging plan. A staging plan must show the following:

- (a) Details of the proposed staging; and
- (b) A requirement that the endorsed plans for that stage must show compliance with the conditions of the permit as appropriate to that stage.

The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the responsible authority.

**4. PUBLIC OPEN SPACE CONTRIBUTION**

Before the statement of compliance is issued the applicant or owner must pay to the responsible authority a sum equivalent to 5% of the site value of all the land in the subdivision.

**5. VEHICLE CROSSOVERS AND DRIVEWAYS**

Before the statement of compliance is issued for each stage of the subdivision, the vehicle crossovers and driveways approved under condition 1(a) must be constructed to the satisfaction of the responsible authority. The crossovers to lots 5,6 and 7 may be constructed in gravel in stage 1 of the subdivision on the condition that they are constructed and sealed prior to the statement of compliance of stage 3.

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**6. LANDSCAPE PLAN**

Before a plan of subdivision is certified for each stage of the subdivision a landscape plan for the relevant stage must be submitted to the satisfaction of the responsible authority. When approved, the plan will be endorsed and then form part of the permit. The plan must be generally in accordance with the landscaping masterplan drawn by Brendan Bartlett dated 1 July 2015 but modified to show:

- (a) Consistency with the subdivision plan in terms of crossovers and accessways
- (b) One metre landscaping strips to either side of the driveway to lot 7 and to one side of lot 5. The landscaping strips are to contain appropriate canopy tree species a maximum of 1.8m apart.
- (c) Fencing details as required in condition 9.
- (d) Revegetation of the section of the current gravel road no longer required.
- (e) Removal of the existing pine tree adjacent to lot 12 and other dead and diseased trees in the nature strip in consultation with the City's Park and Reserves Team.
- (f) A survey of all existing vegetation to be retained and/or removed.
- (g) Landscape notes included on the Landscape Plan in relation to soil preparation, irrigation of planting beds and the provision of an appropriate number of water tanks to support the sustainable maintenance of the landscaping.
- (h) The botanical name, common name, quantity, average size at maturity and intended pot size for each plant species in the Plant Schedule of the Landscape Plan.
- (i) A note on the Landscape Plan specifying that all planted areas will to be mulched to a minimum 75 mm thickness using an appropriate timber species.
- (j) A 24 month maintenance plan with notes on appropriate weed control, irrigation, mulch replenishment, dead plant replacement and pruning is included on the Landscape Plan to ensure the successful establishment, and on-going health, of new planting.
- (k) Edging around all garden beds utilising products which can include treated pine, recycled plastic, moulded concrete, brick edging or stone.

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**7. COMPLETION OF LANDSCAPING**

Before a statement of compliance is issued for each stage of the subdivision the landscaping works shown on the endorsed must be carried out and completed for that stage to the satisfaction of the responsible authority.

**8. LANDSCAPING MAINTENANCE**

The landscaping works shown on the endorsed plans must be maintained to the satisfaction of the responsible authority for 24 months after the works are completed, including that any dead, diseased or damaged plants are to be replaced.

**9. FENCING REQUIREMENTS**

Before a statement of compliance is issued for each stage of the subdivision the fencing must be constructed and/or covenants be registered on title to achieve the following:

- (a) On lots 13, 14 and 15 where the side boundary adjoins a driveway no side fencing shall be being constructed within 5 metres St. Killian Street.
- (b) The dividing fence between the driveways serving lots 6 and 7 must be a permeable wire style fence for a minimum of 30 metres from the lot frontage.
- (c) All other side fencing must be designed to provide a sight line for pedestrian safety at the driveway exit.

**10. TREE PROTECTION MEASURES**

Prior to commencement of development the following tree protection measures must be undertaken to the satisfaction of the responsible authority.

- (a) All trees to be retained on site must be provided with protection; as per AS4970-2009 Protection of trees on development sites. Evidence of the protection measures must be provided to the responsible authority prior to commencement of work.
- (b) Prior to commencement of works un-invasive root investigation must be

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undertaken to show the proposed works will not impact the health of the existing large tree in the road reserve adjacent to lot 17. Modified kerb and channeling may be required.

- (c) All services to be located in the road reserve adjacent to existing trees are to be located via directional boring.
- (d) A report from an arborist must be provided that demonstrates that the street tree towards the northern end of lot 12 can be retained whilst allowing for the construction of a footpath. If this cannot be demonstrated a realignment of lot 12 and the footpath will be required.
- (e) A report from an arborist must be provided that demonstrates that the crossover and driveway to lot 4 can be constructed without impacting on the existing street tree or an alternative engineering solution.

### **11. NATIVE VEGETATION REMOVAL**

In order to offset the removal of native vegetation approved as part of this permit, the applicant must provide native vegetation offsets that meet the following requirements, and is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual:

The offset for the vegetation removed on-site must:

- Contribute gain of 0.062 general biodiversity equivalence units
- Be located within the North Central Catchment Management Authority boundary or Greater Bendigo municipal district
- Have a strategic biodiversity score of at least 0.470.

The offset for the vegetation removed in the road reserve must:

- Contribute gain of 0.011 general biodiversity equivalence units
- Be located within the North Central Catchment Management Authority boundary or Greater Bendigo municipal district

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- Have a strategic biodiversity score of at least 0.404.

*Offset Evidence*

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:

- (a) A credit register extract from the Native Vegetation Credit Register; or
- (b) A security agreement, to the required standard, for the offset site or sites, including a 10-year offset management plan to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the responsible authority. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification.

**12. BUILDING ENVELOPES**

The plan of subdivision must include a building envelope restriction on lots 1-4 inclusive and lot 8 in accordance with the endorsed plan. The restriction must document that no building is to be constructed and no vegetation is to be removed outside the building envelope as shown on the endorsed plan without the written consent of the responsible authority.

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**13. DETAILED DRAINAGE**

Prior to the certification of the plan of subdivision under the Subdivision Act 1988, 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 then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include:

- (a) Direction of stormwater run off.
- (b) A point of discharge for each lot.
- (c) Independent drainage for each lot.

**14. DRAINAGE EASEMENTS**

The subdivision must provide easements for drainage within and through the subject land for external outfall drainage to a point of lawful discharge to the satisfaction of the responsible authority.

**15. STORMWATER DETENTION**

Prior to the issue of a statement of compliance, the owner or applicant must provide onsite surface and stormwater detention to pre-development levels in accordance with plans and specifications to the satisfaction of the responsible authority.

**16. STORMWATER QUALITY**

Before the use or development is commenced, the owner or applicant must provide a stormwater treatment system to achieve the Best Practice Environmental Guidelines storm water quality (Victoria Stormwater Committee 1999) in accordance with plans and specifications to the satisfaction of the responsible authority.

**17. DRAINAGE WORKS**

Prior to the issue of the statement of compliance for the subdivision, drainage works must be constructed in accordance with plans approved by the responsible authority.

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**18. CONSTRUCTION OF WORKS**

Road works, drainage and other civil works must be constructed in accordance with the Infrastructure Design Manual and plans and specifications approved by the responsible authority and must include:

Scott Street

- (a) kerb and channel and associated pavement widening
- (b) paved footpath
- (c) underground drainage;
- (d) underground conduits for water, gas, electricity and telephone;
- (e) appropriate intersection and traffication measures;
- (f) appropriate street lighting and signage;

St Killian Street

- (a) kerb and channel and associated pavement widening
- (b) full road construction where the pavement is not sealed on the development frontage
- (c) paved footpath
- (d) underground drainage;
- (e) underground conduits for water, gas, electricity and telephone;
- (f) appropriate intersection and traffication measures.

**19. STREET LIGHTING**

Standard Powercor poles are to be used where required.

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**20. PUBLIC ASSETS**

Before the development starts, the owner or developer must submit to the responsible authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to any public infrastructure caused as a result of the development or use permitted by this permit.

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

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**22. CONSENT FOR WORK ON ROAD RESERVES**

The applicant must comply with:

- (a) The Road Management Act 2004.
- (b) Road Management (Works and Infrastructure) Regulations 2005.
- (c) Road Management (General) Regulations 2005.

with respect to any requirements to notify the Coordinating Authority and/or seek consent from the Coordinating Authority to undertake "works" (as defined in the Act) in, over or under the road reserve. The responsible authority in the inclusion of this condition on this planning permit is not deemed to have been notified of, or to have given consent to undertake any works within the road reserve as proposed in this permit.

**23. EASEMENTS**

All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

**24. COLIBAN WATER**

- (a) The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision, and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with our specifications.
- (b) All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.
- (c) Coliban Water will not grant its consent to reduce the size of the existing registered easement which protects our existing trunk sewer mains which currently traverse Lot 1 PS 335288F of this development site.
- (d) Consent will not be granted by Coliban Water for any structures to be constructed

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over Coliban Water easements within this development site.

- (e) Statement described under clause 56.07-3. Wastewater management objective "It is proposed to direct water into the existing open drain near the site and contribution made to the responsible Authority for larger scale water treatment measures is unacceptable from Coliban Water's perspective.
- (f) Evidence is required to verify that the existing property service drain has been amended and is contained within the boundary of the proposed lot being created to retain the existing residence. An amendment will be required to achieve this. Coliban Water will require a copy of the plumber's compliance certificate and a copy of a detailed as constructed plan.
- (g) Evidence is required to verify that the existing water meter and service pipes are contained within the lot boundaries of the proposed lot being created to retain the existing residence. An amendment will be required to achieve this. Coliban Water will require a copy of the plumber's compliance certificate and a copy of a detailed as constructed plan.
- (h) All private works required to satisfy the above-mentioned conditions applicable to private works must be constructed per AS 3500 National Plumbing and Drainage Code of Australia and any specific conditions of Coliban Water.

### **25. POWERCOR**

- (a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with section 8 of that Act.
- (b) The applicant shall: Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so

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- informed.
- (c) The applicant shall: Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. The applicant shall arrange compliance through a Registered Electrical Contractor.
  - (d) The applicant shall: Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements, and/or leases, satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.
  - (e) The applicant shall: Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to section 88 of the Electricity Industry Act 2000.
  - (f) The applicant shall: Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
  - (g) The applicant shall: Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
  - (h) The applicant shall: Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
  - (i) The applicant shall: Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

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**26. COUNTRY FIRE AUTHORITY**

**Mandatory Condition**

Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Greater Bendigo Planning Scheme.
- Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

**Matters to be set out in Section 173 Agreement**

In addition to the requirements of Clause 44.06-3 of the Greater Bendigo City Planning Scheme the Section 173 Agreement prepared in accordance with that clause must also specify:

- Explicitly exclude Lot 5 from the following exemption under Clause 44.06-1 of the Greater Bendigo City Planning Scheme:
  - A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-3.

**Bushfire Management Plan – Lots 10-21**

The Bushfire Management Plan (Drawing No: 302102-BMS-V2, dated 8/1/2018) must be endorsed to form part of the permit, be included as an annexure to the Section 173 agreement and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

**Construction Standards – Lots 1-2 and Lots 6-7**

The dwellings on Lots 1-2 and Lots 6-7 must be constructed in accordance with the

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**ADDRESS OF THE LAND:** **73-77 Kennewell Street and 171 St Killian Street, WHITE HILLS Lot 4 PS 737185A, Lots 1-7, B & Part Lot A PS 737185A, Part Lot A PS 737185A, Lot B PS 737185A, Lot 3 PS 737185A, Lot 2 PS 737185A, Lots 1, 3, 4, 6 & 7 PS 737185A, Lot 5 PS 737185A, Lot A PS 737185A, Lot 6 PS 737185A, Lot 7 PS 737185A**

**THE PERMIT ALLOWS:** **Staged subdivision of land into 21 lots and removal of native vegetation (Amended permit and plans to address Bushfire Management Overlay requirements)**

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

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conditions contained in the Bushfire Management Plan (Drawing No: 300228-BMP-V3 dated 28/11/2018).

**27. TELECOMMUNICATIONS**

The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time.
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time.
  - A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**28. AUSNET SERVICES (GAS)**

The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with section 8 of the Subdivision Act 1988.

Signature for the  
Responsible Authority



Date Issued: 11 November 2015

# PLANNING PERMIT

Permit No. **AM/111/2015/C**  
Planning Scheme: **Greater Bendigo Planning Scheme**  
Responsible Authority: **Greater Bendigo City Council**

**ADDRESS OF THE LAND:** **73-77 Kennewell Street and 171 St Killian Street, WHITE HILLS  
Lot 4 PS 737185A, Lots 1-7, B & Part Lot A PS 737185A, Part  
Lot A PS 737185A, Lot B PS 737185A, Lot 3 PS 737185A, Lot 2  
PS 737185A, Lots 1, 3, 4, 6 & 7 PS 737185A, Lot 5 PS 737185A,  
Lot A PS 737185A, Lot 6 PS 737185A, Lot 7 PS 737185A**

**THE PERMIT ALLOWS:** **Staged subdivision of land into 21 lots and removal of native  
vegetation (Amended permit and plans to address Bushfire  
Management Overlay requirements)**

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

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**29. SECTION 173 AGREEMENT**

Prior to the issue of a Statement of Compliance for the stage of the subdivision comprising the lots fronting St. Killian Street, the applicant/owner of the land must enter into a Section 173 Agreement under the Planning and Environment Act 1987.

This Agreement must covenant that all prospective purchasers of the proposed lots fronting St. Killian Street are made aware of the fact that there is an existing commercial nursery at 178 - 184 St. Killian Street, which has an existing use right to continue its operations into the future.

The Agreement must be executed on title prior to the issue of a Statement of Compliance under the Subdivision Act 1988. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.

**30. EXPIRY OF THE PERMIT**

- (a) The plan of subdivision is not certified within two years from the date of this permit; or
- (b) The subdivision is not completed within five years from the date of certification of the plan of subdivision.

The responsible authority may extend the time for certification of the plan if a request is made in writing before the permit expires or within six months afterwards.

Signature for the  
Responsible Authority



Date Issued: 11 November 2015

# PLANNING PERMIT

Permit No. **AM/111/2015/C**  
 Planning Scheme: **Greater Bendigo Planning Scheme**  
 Responsible Authority: **Greater Bendigo City Council**

**ADDRESS OF THE LAND:** **73-77 Kennewell Street and 171 St Killian Street, WHITE HILLS Lot 4 PS 737185A, Lots 1-7, B & Part Lot A PS 737185A, Part Lot A PS 737185A, Lot B PS 737185A, Lot 3 PS 737185A, Lot 2 PS 737185A, Lots 1, 3, 4, 6 & 7 PS 737185A, Lot 5 PS 737185A, Lot A PS 737185A, Lot 6 PS 737185A, Lot 7 PS 737185A**

**THE PERMIT ALLOWS:** **Staged subdivision of land into 21 lots and removal of native vegetation (Amended permit and plans to address Bushfire Management Overlay requirements)**

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

**NOTE:**

**COUNTRY FIRE AUTHORITY**

CFA is satisfied that Section 173 Agreements are not required for Lots 1-2 and Lots 6-7 and that the mandatory conditions for dwellings only apply to these Lots.

This permit has been amended as follows:

<b>Date of Amendment</b>	<b>Brief Description of Amendment</b>	<b>Responsible authority that approved the amendment</b>
12 February 2016	The permit conditions were amended to reflect an amended staging plan and lot numbers approved on this date.	City of Greater Bendigo
5 March 2018	Preamble amended to reflect Bushfire Management Overlay requirements. Inclusion of Condition 26 (Country Fire Authority) Conditions re-numbered accordingly	City of Greater Bendigo

Signature for the  
Responsible Authority



Date Issued: 11 November 2015

## 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.

