

## PLANNING PERMIT GRANTED UNDER SECTION 96J OF THE PLANNING AND ENVIRONMENT ACT 1987

<b>Permit No.:</b>	TP/32/2023
<b>Planning Scheme:</b>	Southern Grampians Planning Scheme
<b>Responsible Authority:</b>	Southern Grampians Shire Council
<b>Address of the land:</b>	2-20 Taylor Street Dunkeld Vic 3294 - CA5 Township of Dunkeld Parish of Dunkeld.

**THE PERMIT ALLOWS:**

<b>Planning Scheme Clause No.</b>	<b>Description of what is allowed</b>
	Four (4) Lot subdivision in accordance with the endorsed plans
32.03-3	A permit is required to subdivide land
43.02-3	A permit is required to subdivide land

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

**Endorsed Plans**

1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.
2. Three-dimensional building envelopes must be included on the plan of subdivision to the satisfaction of the Responsible Authority. The building envelopes must include:
  - a) The bushfire attack level that corresponds to each lot
  - b) Building heights, no greater than 8 metres above the natural ground level.
  - c) Side boundary setbacks of at least 5 metres
  - d) Front boundary setbacks of at least 15 metres.

**Public Open Space**

3. Before the issue of a statement of compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a public open space

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<b>Date permit comes into operation:</b> XX Month XXXX (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

contribution of 5 per cent in accordance with the requirements of Clause 53.01 of the Southern Grampians Planning Scheme and Section 18 of the Subdivision Act 1988.

**Services**

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

**Electricity (Powercor)**

7. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
8. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor’s requirements and standards.

**Notes:** Extension, augmentation or rearrangement of the Distributor’s electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

9. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

**Notes:** Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

10. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

**Notes:**

- Existing easements may need to be amended to meet the Distributor’s requirements.
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

*Powercor Australia Pty Ltd- Power line- Section 88 Electricity Industry Act 2000.*

**Telecommunications**

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

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- a) 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; and
  - b) 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.
12. 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) 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; and
  - b) 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.

**Bushfire Management Plan**

13. Before certification of the plan of subdivision, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following information, unless otherwise agreed in writing by the CFA and the Responsible Authority:

- a) Water supply requirements
  - i) An effective capacity of 10,000 litres of water.
  - ii) Be stored in an above ground water tank constructed of concrete or metal.
  - iii) Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
  - iv) Include a separate outlet for occupant use.
  - v) Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority.
  - vi) Be located within 60 metres of the outer edge of the approved building.
  - vii) The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
  - viii) Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64-millimetre CFA 3 thread per inch male fitting).
  - ix) Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA)

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- b) Each building envelope provides a separation from any classified vegetation that meets or exceeds that required in AS3959:2018 Construction of buildings in bushfire-prone areas for the BAL allocated to that building envelope.
- c) The bushfire attack level that corresponds to each lot is noted on the building envelope.
- d) Metal netting fences shall be provided across the lots, away from dwellings by at least 19 metres for lots 1, 2 & 3 and 13 metres for lot 4, north of any dwelling.
- e) The location of any areas of vegetation within the subdivision not located on private land that will be managed to a low threat condition, including the reserves.
- f) The minimum setback distance of any development from the bushfire hazard for defensible space purposes where vegetation will be managed.
- g) Notations of vegetation management standards and when vegetation management will occur i.e., annually, quarterly, during the fire danger period.
- h) Vegetation must be managed within any area of defensible space to the following standard:
  - i) Grass to be short cropped and maintained during the declared fire danger period.
  - ii) All leaves and vegetation debris to be removed at regular intervals during the declared fire danger period.
  - iii) Within 10 metres of a building, flammable objects are not to be located close to the vulnerable parts of the building.
  - iv) Plants greater than 10 centimetres in height are not to be placed within 3m of a window or glass feature of the building.
  - v) Shrubs are not to be located under the canopy of trees.
  - vi) Individual and clumps of shrubs are not to exceed 25 sq. metres in area and must be separated by at least 5 metres.
  - vii) Trees are not overhang or touch any elements of the building.
- i) Fire authority vehicles are to be able to get within 4 metres of the water supply outlet.
- j) For access the following design and construction outcomes apply:
  - i) All weather construction
  - ii) A load limit of at least 15 tonnes
  - iii) Provide a minimum trafficable width of 3.5 metres.
  - iv) Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
  - v) Curves are to have a minimum inner radius of 10 metres.
  - vi) The average grade is to be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
  - vii) Dips are to have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- k) A turning area for fire fighting vehicles is to be provided close to the building by one of the following:
  - i) A turning circle with a minimum radius of eight metres A driveway encircling the dwelling.

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- ii) The provision of other vehicle turning heads such as a T head or Y Head – which meet the specification of Austroad Design for an 8.8 metre service vehicle.

**Access**

14. Prior to certification of the Plan of Subdivision, a properly prepared plan showing access to each lot is to be provided. The new/proposed crossover should be designed and constructed according to the Infrastructure Design Manual (IDM) Standard Drawing to the satisfaction of Responsible Authority; and
- a) Any redundant vehicular crossing must be reinstated to kerb and channel, footpath and nature strip to the satisfaction of the Responsible Authority.
  - b) It is a requirement of the Southern Grampians Shire Council that a Works within Road Reserve Permit must be taken prior to works commencing for any works being conducted within the road reserve.

**Stormwater Management Plan**

15. Prior to certification of Plan of Subdivision, a Stormwater Management Plan must be prepared by a suitably qualified individual to the satisfaction of Responsible Authority must be submitted to and approved by the Responsibility 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 information submitted must show the details listed in the Council’s Infrastructure Design Manual. The plan must include:
- a) Details of how each lot are to be drained to the discharge point through the appropriate easements/reserves.
  - b) Runoff is to be treated to the current best practice pollutant removal targets by connection to an appropriate Waste Treatment Facility with capacity to treat at least a 3-month ARI storm event, unless approved otherwise by the Responsible Authority. The Waste Treatment Facility is to be maintained to the satisfaction of the Responsible Authority.
  - c) The site stormwater discharge is not increased by the proposed development and design of an onsite detention system.
  - d) Demonstrate storm water runoff for key events can pass through the development via reserves and/or easements.
  - e) All associated computations and designs.
  - f) Construction of the site stormwater connection/s is to be inspected by Council Representative prior to any backfilling. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.

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- g) All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.

16. Prior to the Statement of Compliance (unless otherwise approved in writing by the Responsible Authority), the developer must construct the site stormwater system in accordance with the endorsed stormwater management plan to the satisfaction of the Responsible Authority.

17. The Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.

**Section 173 Agreement**

18. Before the issue of a statement of compliance of the subdivision 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:

- a) Incorporate the Bushfire Management Plan prepared in accordance with Condition 13 of this permit and approved by the Responsible Authority.
- b) State that if any dwelling is constructed on the land the bushfire protection measures set out in the Bushfire Management Plan incorporated into the agreement must be implemented and maintained to the satisfaction of the Responsible Authority on a continuing basis.

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

**Expiry**

19. This permit will expire if one of the following circumstances applies:

- a) The plan of subdivision is not certified within two years of the date of the permit.
- b) A statement of compliance is not issued within five years of the date of certification of the Plan.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition. The Responsible Authority may extend the time if a request is made before the permit expires, or within six months of the permit expiry date.

**Note**

- a) The starting of a subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan under Section 6 of the Subdivision Act 1988. Completion is regarded as registration of the subdivision.

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<i>Date of extension</i>	<i>Period of extension to commence use (specify date where possible)</i>	<i>Period of extension to commence development (specify date where possible)</i>	<i>Period of extension to complete development or any stage (specify date where possible)</i>	<i>Period of extension to certify plan of subdivision (specify date where possible)</i>

## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. This permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No.C60sgra to the Southern Grampians Planning Scheme..

### WHEN DOES A PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

### 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 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 that permit before the expiry.

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**WHAT ABOUT REVIEWS?**

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- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Administrative Tribunal for a review of any condition in this permit.

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