

PLANNING PERMIT

Permit No: **P055/20**Planning Scheme: **Mansfield Planning Scheme**Responsible Authority: **Mansfield Shire Council**

ADDRESS OF THE LAND: **LOT 24 1 TP 893662 MANSFIELD,
340 DEAD HORSE LANE MANSFIELD 3722**

THE PERMIT ALLOWS: **Fifteen (15) lot subdivision**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The layout of the subdivision allowed under this permit must be in accordance with the endorsed plan/s and must not be altered without the written consent of the responsible authority.
2. The development allowed under this permit must be sited and constructed in accordance with the endorsed plan/s and must not be altered without the written consent of the responsible authority.
3. Prior to the issue of a Statement of Compliance for the subdivision allowed under this permit, a monetary contribution equal to five (5) percent of the value of the land must be paid to the responsible authority for a public open space requirement under Section 18 of the *Subdivision Act 1988*.
4. To offset the removal of **0.031** hectares of native vegetation, comprising one yellow box, the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)* as specified below.
 - a) A general offset of **0.006** general habitat units
 - b) Located within the Goulburn Broken Catchment Authority boundary or Mansfield Shire boundary.
 - c) With a minimum strategic biodiversity score of **0.256**
5. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of Mansfield Shire. The evidence is one or both of the following;
 - a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or:
 - b) Credit extract allocated to the permit from the Native Vegetation Credit Register.

Note: A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to DELWP.

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

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 Signature for the
Responsible Authority: _____

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED

The Responsible Authority has issued a permit. This Notice sets out what the permit allows and what conditions must be met.

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 and 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 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 in the case of a subdivision or consolidation within 5 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.
 - 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 & 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.

WHAT ABOUT APPEALS?

- 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 **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 notice.
- An application for review is lodged with the Victorian Civil & Administrative Tribunal www.vcat.vic.gov.au
- The application must state the grounds upon which it is based, be served on the Responsible Authority, be accompanied by the applicable fee

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- i) 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
 - ii) 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.
7. 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:
- i) 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
 - ii) 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.

Engineering

8. Protection of downstream stormwater assets
- Prior to the commencement of works a bond must be calculated and submitted to the satisfaction of the responsible authority to the equivalent calculation of 1.5 times the value of a reset and replanting of downstream bio-retention systems and water sensitive urban design assets utilised as stormwater treatment by the subdivision.
 - The bond will be released following the reset and replanting of downstream bio-retention systems and water sensitive urban design assets utilised as stormwater treatment by the subdivision to the satisfaction of the responsible authority. This will occur no sooner than two years following the issue of Statement of Compliance.

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9. Section 173 Agreement

Before the Plan of Subdivision is certified under the Subdivision Act, 1988, the owners of the land must enter into an Agreement with the responsible authority in accordance with Section 173 of the Planning and Environment Act, 1987. The Agreement must provide for the following:

- a) All lots are to be provided with a minimum 10,000 litre water tank to collect rainwater from all roof areas. The rainwater tanks must be connected for use to toilet systems, laundry washing machine taps and garden watering taps.
- b) Water tanks must be located at the side or rear of dwellings. Water tanks must not be located in the front setback unless with the prior written consent of the responsible authority.

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

10. Construction period Site Environmental Management Plan

- Before the commencement of works, a Site Environmental Management Plan for the entire site must be approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be developed in accordance with EPA Victoria Publication 960 *Doing it right on subdivisions: Temporary environmental protection measures for subdivision construction sites.*

11. Landscape Plan

- Before the commencement of works for any stage of the subdivision, a landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies must be provided. The plan must be consistent with any endorsed landscape master plan and must show:
- New plantings including their layout to be provided in any road reserves and municipal reserves.

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- A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
- The plant schedule should be based on the recommended planting schedule documented in the *Revegetation Guide for the Goulburn Broken Catchment* as published by the Goulburn Broken Catchment Management Authority
- The proposed layout, materials and finishes paths, areas of pavement, playgrounds, play items, structures and street furniture.
- Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls.
- The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
- All proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.
- Australian native street trees along the Dead Horse Lane extent of the site.

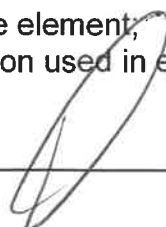
12. Landscape Works to be completed

- The landscaping works shown on the approved landscape plan for any stage must be carried out and completed to the satisfaction of the responsible authority prior to the issue of a Statement of Compliance for that stage or any other time agreed in writing by the responsible authority.

13. Landscaping Maintenance Plan

- A landscape maintenance plan for landscaping elements shown on the endorsed landscape plan must be developed to the satisfaction of the responsible authority.
- The Landscape Maintenance Plan must include for each landscape element:
 - 'As constructed' plans for each landscape element;
 - Lists of vegetation and species composition used in each element;

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17. Protection of vegetation

- Before the commencement of works, an amended Arborist Report assessing the Safe Use Life Expectancy for all trees on the site including native vegetation deemed lost in accordance with the Native Vegetation Guidelines must be carried out and completed to the satisfaction of the responsible authority.
The amended arborist report must recommend treatment opportunities to encourage the retention of trees.
- A copy of the arborist report will be endorsed by the responsible authority and form part of this permit.
- No vegetation is to be removed, destroyed or lopped unless supported by a recommendation in the endorsed amended arborist report and with the written consent of the responsible authority.
- All vegetation recommended for retention in the endorsed amended arborist report must be protected during construction and shown for retention on the Construction Site Environment Management Plan.

18. Construction period Site Environmental Management Plan

- Before the commencement of works, a Site Environmental Management Plan for the entire site must be approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be developed in accordance with EPA Victoria Publication 960 *Doing it right on subdivisions: Temporary environmental protection measures for subdivision construction sites*.

19. Offset evidence and timing

- Before any native vegetation is removed, evidence that the required 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 *Guidelines for the removal, destruction or lopping of native vegetation*.

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The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;

The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.

CFA

21. Hydrants

Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note - CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

AusNet

22. The applicant must –

- Enter in an agreement with AusNet Electricity Service Pty Ltd for supply of electricity to each lot on the endorsed plan.
- Enter into an agreement with AusNet Electricity Service Pty Ltd for the rearrangement of the existing electricity supply system.
- Enter into an agreement with AusNet Electricity Service Pty for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Service Pty Ltd.
- Provide easements satisfactory to AusNet Electricity Service Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Service Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Service Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- Obtain for the use of AusNet Electricity Service Pty Ltd any other easement required to service the lots.
- Adjust the position of any existing AusNet Electricity Service Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- Set aside on the plan of subdivision Reserves for the use AusNet Electricity Service Pty Ltd for electric substations.
- Provide survey plans for any electric substations required by AusNet Electricity Service Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Service Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.

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- Provide to AusNet Electricity Service Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Service Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- Ensure that all necessary auditing is completed to the satisfaction AusNet Electricity Service Pty Ltd to allow the new network assets to be safely connected to the distribution network.

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

- The plan of subdivision is not certified within two years of the date of this permit;
- The subdivision is not completed within five years of the date of certification of the plan of subdivision.
- The removal, destruction or lopping of native vegetation is not commenced within two years of the date of this permit.
- The removal, destruction or lopping of native vegetation is not completed within five years of the date of this permit.

Planning Notes

CFA

The current proposal shows a direct interface between the subdivision and adjacent vegetation which may result in high construction standards (Bushfire Attack Levels) and have implications for future development of the land depending on staging on this development and development occurring on the adjoining land.

The use and development controls (subdivisions of more than 10 lots) of Clause 13.02-1S state:

- Consider the risk of bushfire to people, property and community infrastructure
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts

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