

# DRAFT PLANNING PERMIT

Permit No. -----

Planning scheme Murrindindi Planning Scheme

Responsible authority Murrindindi Shire Council

**ADDRESS OF THE LAND:**

10 EIGHTH STREET, EILDON  
RESERVE 1 ON PLAN OF SUBDIVISION 506009M) AND LOT 25 SECTION C ON PLAN  
OF SUBDIVISION 041436

**THE PERMIT ALLOWS:**

6 Lot Subdivision

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

1. The subdivision must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
2. All new powerlines within the subdivision must be underground.
3. Pursuant to Section 18 of the Subdivision Act 1988, the applicant must pay to the Responsible Authority a sum equivalent to 5% of the site value of all land in the subdivision for Public Open Space. This payment shall be made prior to the issue of a Statement of Compliance and may be adjusted in accordance with Section 19 of the Subdivision Act 1988.

Telecommunications

4. 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; and
  - 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.

Date issued: -----

Signature for the  
responsible authority

5. 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; and
  - 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 Conditions

#### *Plans*

6. Prior to the issue of certification, a suitable prepared engineering plan detailing the proposed access, earthworks and drainage, must be submitted to the Responsible Authority and receive its endorsement.
7. Before any road and/or drainage works associated with the subdivision (or staged subdivision) start, detailed construction plans and specification must be submitted and approved by the responsible authority in accordance with the Infrastructure Design Manual (IDM).
8. A sealed (concrete) vehicular entrance to each lot from proposed roads must be constructed at the applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.1 – Typical Urban Vehicle Crossing and Standard Drawing SD 235.
9. Prior to the issue of a Statement of Compliance, the developer must construct the access drainage in accordance with approved construction drawings.

#### *Drainage*

10. Prior to certification of any plan of subdivision, a Stormwater Management Strategy in accordance with Council's Infrastructure Design Manual (IDM) Clause 11 with reference to Clause 17 – Rural Drainage must be submitted and approved by the Responsible Authority. That includes;
  - i. Plans with existing and design contour lines, total catchment, and drainage layout, including any open drains, major drainage structures with sizes of pipelines/culverts, by computations and supporting information.
  - ii. Provision of drains and drainage easements where appropriate to prevent runoff entering lower down properties.
  - iii. Drainage calculations shall include a hydraulic grade line analysis taking into account the 1 in 100 year storm event for the total catchment contributing to the outfalls of the development.
  - iv. Design of the lots, roads and stormwater drainage system to restrict outflows from the development to pre-development levels

Date issued: -----

Signature for the  
responsible authority

- v. Adverse effects on downstream properties must be considered and outfall requirements upgraded to accommodate diverted or concentrated flows;
- vi. All stormwater runoff from buildings shall be connected to the Council's underground drainage system.

CFA Conditions

**11. Bushfire Management Plan Required**

Prior to certification under the Subdivision Act 1988, an amended Bushfire Management Plan must be prepared to the satisfaction of CFA then submitted to and endorsed by the Responsible Authority. Once endorsed the Bushfire Management Plan must be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with Bushfire Management Plan, 10 Eight Street and 11 Seventh Street, Eildon, prepared by Terramatrix, dated 16/08/2023 but amended to include or replace the conditions for Building Envelopes and Defendable space with:

a) *Building envelopes*

The construction of buildings (excluding non-habitable outbuildings associated with a dwelling) must not occur outside of the building envelopes shown on the plan.

b) *Defendable space*

Defendable space within and around the building envelopes to the property boundary must be provided for lots 1-6 where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest treebranches and ground level.

*12. Implementation of defendable space*

Before the statement of compliance is issued under the Subdivision Act 1988, the defendable space shown on the endorsed Bushfire Management Plan must be implemented to the satisfaction of the Responsible Authority.

Goulburn Valley Water Conditions

13. Payment of new customer contribution charges for water supply to the

Date issued: -----

Signature for the  
responsible authority

development, such amount being determined by the Corporation at the time of payment;

14. Provision of one water tapping per Lot, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
15. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
16. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
17. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed gravity sewer mains located within private property;
18. 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;
19. 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.

AUSNET Conditions

20. The applicant must –
  - a. Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
  - b. Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

Permit Expiry

21. This permit will expire if one of the following circumstances applies:
  - a. the subdivision is not started (Certification) within two (2) years of the date of this permit;
  - b. the subdivision is not completed (Statement of Compliance) within five (5) years of the date of Certification under the Subdivision Act 1988.

The Responsible Authority may extend the periods referred to if a request is made in writing: .

- before the permit expires; or

Date issued: -----

Signature for the  
responsible authority

within six months afterwards if the use or development has not yet started; or within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

**NOTATIONS:**

nil

DRAFT

Date issued: -----

Signature for the  
responsible authority

**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 and 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 and 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 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 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.

**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 Victorian Civil and 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 and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and 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 and Administrative Tribunal.