

# PLANNING PERMIT

|                              |  |
|------------------------------|--|
| <b>Permit No.</b>            | AM/904/2011/J  |
| <b>Planning Scheme</b>       | Greater Bendigo Planning Scheme  |
| <b>Responsible Authority</b> | City of Greater Bendigo  |
| <b>Address of the Land</b>   | Evergreen Waters Estate - 1 & 3 Evergreen Boulevard, 269 & 277 Howard Street, 162 & 184 Jobs Gully Road, Lot B Eucalyptus Street, JACKASS FLAT 3556<br>Lot A PS 748508Q, Lot RES1 PS 629818P, CP 106350, Lot A PS 748508Q, Lot B PS 810190B, Lot 88-102, A & B PS 839777E, Lots 201-219, E, F & RES1 PS 629818P, Lot 199 PS 737179U, Lot 1 PS 719970G, Lot 2 PS 719970G, CA 188G Sec N |

## THE PERMIT ALLOWS:

Staged subdivision of land and removal of an easement; and creation of a restriction (building envelopes) on lots 1-9; 47-59; 63- 67 (all inclusive); and Lots 69, 222, 223, 224, 225, 239, 240, 242, 254, 257-264, 267-273; and construction of a dwelling on each lot within Design and Development Overlay Schedule 6 and removal of native vegetation

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### 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:

- Bushfire Management Plan showing all boundary setbacks nominated and consistent with the Building Envelope Plan
- A Native Vegetation Removal Plan which maps the extent of vegetation to be deemed lost, including any impacts of fencing.

### 2. PLANS TO BE ENDORSED

The plans to be endorsed and which will then form part of the permit are the plans submitted with the application.

### 3. LAYOUT PLANS

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

### 4. STAGED SUBDIVISION

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

### 5. LANDSCAPE PLAN

Before a statement of compliance is issued 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.

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## 6. 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, or secured by a bond, for that stage to the satisfaction of the responsible authority.

## 7. LANDSCAPING MAINTENANCE

The landscaping works shown on the endorsed plans must be maintained to the satisfaction of the responsible authority for 12 months after the works are completed, including that any dead, diseased or damaged plants are to be replaced.

## 8. EARTHWORKS

All earthworks on the site which involve filling must comply with AS 3798-2007 Level 1 inspection and testing. Within one month of a statement of compliance being issued for each stage of the subdivision a geotechnical report must be submitted to the responsible authority confirming the standard of earthworks on the site.

## 9. SALINITY

Before a statement of compliance is issued for each stage of the subdivision, the owner must enter into an agreement with the responsible authority and register the agreement on the titles to the relevant lots which provides that:

- Dwellings on lots affected by saline groundwater, where the depth to the water table is 1.6m-2.5m, will be constructed in accordance with the guidelines approved under this permit.
- No dwellings will be constructed on lots where the depth to the water table is 0m-1.5m.

## 10. 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:

- Direction of stormwater run off.
- A point of discharge for each lot.
- Independent drainage for each lot.
- Approval from the relevant authority for the point of discharge.

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## 11. 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.

## 12. 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. Allowable discharge:  $Q_{30} = 30$  l/s per hectare. The responsible authority may waive this condition if the North Central CMA does not require the provision of stormwater detention.

## 13. 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.

## 14. CONSTRUCTION OF WORKS

Road works, drainage and other civil works must be constructed in accordance with the City of Greater Bendigo Infrastructure Design Manual and plans and specifications approved by the responsible authority and must include - Internal roads:

- (a) Fully sealed pavement with kerb and channel.
- (b) Paved footpaths and shared pedestrian/bicycle paths where required.
- (c) Underground drainage.
- (d) Indented car parking and bus parking bays where required.
- (e) Underground conduits for water, gas, electricity and telephone.
- (f) Appropriate intersection and traffic measures.
- (g) Appropriate street lighting and signage.
- (h) High stability permanent survey marks, as required.

## 15. HARVEYS LANE UPGRADE

Before a statement of compliance is issued for Stage 28 of the approved subdivision Harveys Lane, from the site boundary to Edwards Road, must be constructed to a standard required to accommodate public transport access for buses to the satisfaction of the responsible authority.

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## 16. DECORATIVE LIGHTING

The decorative lighting style is to be consistent with any adjacent decorative lighting. The Responsible Authority shall determine decorative lighting style where conflicts arise. The applicant shall submit for approval full details of any proposed decorative lighting to the Responsible Authority prior to commencement of works. Prior to the issue of the statement of compliance the applicant will make payment to the Responsible Authority in accordance with Table 15 of the Infrastructure Design Manual.

## 17. 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.

## 18. 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. The plan must include:

- A site specific plan showing proposed erosion and sedimentation control works.
- Techniques and intervention levels to prevent a dust nuisance.
- Techniques to prevent mud and dirt being transported from the site to adjacent streets.
- 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.

## 19. COLIBAN WATER

- 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 Coliban Water's specifications.

Signature for the  
Responsible Authority



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- (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) This development is within a mandated recycled water area that requires all the properties to connect with recycled water network. A recycled water mains extension will be required to service all the proposed lots in this subdivision.

## 20. POWERCOR

- (a) This letter shall be supplied to the applicant in its entirety.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.  
**Notes:** Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:
  - RESERVES established by the applicant in favour of the Distributor.
  - SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.
  - The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.
- (f) 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:

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| Easement reference | Purpose    | Width (metres) | Origin                                     | Land benefited / In Favour of |
|--------------------|------------|----------------|--|-------------------------------|
|                    | Power Line |                | Section 88 – Electricity Industry Act 2000 | Powercor Australia Ltd        |

## 21. TELECOMMUNICATIONS

- (a) 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.
- (b) 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.

## 22. GAS

- (a) Easements in favour of SPI Networks (Gas) Pty Ltd must be created on the plan to the satisfaction of SP AusNet (Gas).
- (b) The plan of subdivision submitted for certification must be referred to SP AusNet (Gas) in accordance with Section 8 of the Subdivision Act 1988.



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## 23. COUNTRY FIRE AUTHORITY

### (a) 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:

- i. 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.
- ii. Incorporate the plan prepared in accordance with clause 53.02-4-4 of this planning scheme and approved under this permit.
- iii. 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.

### (b) Bushfire Management Plan

The Bushfire Management Plan (Appendix 2 - Drawing No's: 303949-V1-BMP - Sheets 1 & 2, in the BMS prepared by Spiire Australia dated 15/1/2018) 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.

### (c) 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:

- i. 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.
- ii. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

### (d) Roads

- i. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

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- ii. Proposed roads must have a suitable trafficable width to allow the unimpeded access of emergency fire fighting vehicles (notwithstanding any parking restrictions that Council may apply) to the satisfaction of CFA.
- iii. Dead end roads and cul-de-sac's more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided); T or Y heads of dimensions specified by the CFA may be used as alternatives.
- iv. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- v. Curves must have a minimum inner radius of 10 metres.

## 24. COUNTRY FIRE AUTHORITY

### *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 the BMP prepared by Spiire (Drawing No: 309300-V6-BMP (Version 2), dated 09/05/2023) but amended to include or replace the conditions for Defendable space, Construction standards, Access and Water Supply with:

#### (a) Defendable space

Defendable space is to be provided for a distance of 33 metres within and around the building envelopes (or to the property boundary, whichever is the lesser distance) for Lots 201-221, 226-256 and 265-266

And

Defendable space is to be provided for a distance of 24 metres within and around the building envelopes (or to the property boundary, whichever is the lesser distance) for Lots 222-225, 257-264 and 267-273 where vegetation (and other flammable materials) for all Lots 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.

Signature for the  
Responsible Authority



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- 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 tree branches and ground level.
- (b) Construction standards
- Dwellings within Lots 201-221, 226-256 and 265-266 must be constructed to a minimum Bushfire Attack Level of 12.5 (BAL12.5).
- Dwellings within Lots 222-225, 257-264, and 267-273 must be constructed to a minimum Bushfire Attack Level of 19 (BAL19).
- (c) Water supply
- 2,500 litres of effective water supply for fire fighting purposes must be provided within Lots 243, 244, 265 & 266 which meets the following requirements:
- Is stored in an above ground water tank constructed of concrete or metal.
  - All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
  - Include a separate outlet for occupant use.
- 5,000 litres of effective water supply for fire fighting purposes must be provided within Lots 215-242, 245-264, 267-273 which meets the following requirements:
- Is stored in an above ground water tank constructed of concrete or metal.
  - All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
  - Include a separate outlet for occupant use.
- 10,000 litres of effective water supply for fire fighting purposes must be provided within Lot 214 which meets the following requirements:
- Is stored in an above ground water tank constructed of concrete or metal.
  - All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.

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- Include a separate outlet for occupant use.
- Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4m of the accessway and be unobstructed. • Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

(d) Access

Access for fire fighting purposes must be provided within Lot 214 which meets the following requirements:

- Access must have a load limit of at least 15 tonnes.
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Have a minimum trafficable width of 3.5m of all-weather construction.
- Be clear of encroachments for at least 0.5m on each side and 4m above the accessway. • Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

## 25. COUNTRY FIRE AUTHORITY

### *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.

## 26. NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY

- All new allotments must be filled to at least the estimated 1% AEP flood level(s). Prior to issuing a statement of compliance a certified survey plan of the finished surface levels must be submitted to the responsible authority and North Central CMA for its approval.
- Prior to certification a suitable restriction is to be placed on title which specifies the minimum floor level of any new dwelling(s) on each new allotment. The minimum floor level must be no lower than 300mm above the estimated flood level.

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- (c) Prior to the commencement of works, appropriate silt control measures must be installed to prevent sediment laden runoff from entering the waterway. The silt control measures must be maintained throughout the construction period.

## 27. TRANSPORT FOR VICTORIA

- (a) Prior to the issue of a Statement of Compliance for any subdivision stage that contains any portion of Jobs Gully Road, Howard Street and Harveys Lane (as identified in the endorsed development plan as a potential bus route), that portion of road must be constructed in accordance with the Public Transport Guidelines for Land Use and Development in order to accommodate public transport access for buses to the satisfaction of the Director of Public Transport.
- (b) Any roundabouts constructed on roads designated a future public transport route within the subdivision, must be designed to accommodate ultra low floor buses, to the satisfaction of the Director of Public Transport.
- (c) Intersections, slow points, splitter islands and the like must be designed and constructed in accordance with the Public Transport Guidelines for Land Use and Development. The use of speed humps, raised platforms, one-way road narrowing and 'weave points' are not accepted on any portion of the potential bus route.

## 28. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION

- (a) Prior to the commencement of any works or before the statement of compliance is issued under the Subdivision Act 1988, whichever is sooner, the applicant must provide details of the area of exact losses of native vegetation to be removed under each site or sub-site, in line with the endorsed plans and the Jackass Flat Vegetation Precinct Plan to the satisfaction of the Department of Energy, Environment and Climate Action.
- (b) In order to offset the removal of native vegetation approved as part of this permit, the applicant must provide appropriate offsets. To provide the required offset, within 12 months of the native vegetation removal, or before the statement of compliance is issued under the Subdivision Act 1988, whichever is sooner, the applicant or the owner must either:
- Provide to the responsible authority, an Allocated Credit Extract issued by the Department of Energy, Environment and Climate Action Native Vegetation Credit Register which satisfies the required offset, or
  - Provide an offset plan to the responsible authority. The offset plan must be prepared to the satisfaction of the Department of Energy, Environment and Climate Action and submitted to and approved by the responsible authority. The offset plan must include:

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| <b>Address of the Land</b>   | Evergreen Waters Estate - 1 & 3 Evergreen Boulevard, 269 & 277 Howard Street, 162 & 184 Jobs Gully Road, Lot B Eucalyptus Street, JACKASS FLAT 3556<br>Lot A PS 748508Q, Lot RES1 PS 629818P, CP 106350, Lot A PS 748508Q, Lot B PS 810190B, Lot 88-102, A & B PS 839777E, Lots 201-219, E, F & RES1 PS 629818P, Lot 199 PS 737179U, Lot 1 PS 719970G, Lot 2 PS 719970G, CA 188G Sec N |

- Description of the site where the offset will be provided, including a site plan.
- Schedule of works to achieve the offset over a 10 year period, detailing:
  - Management actions to be performed (e.g. fencing, weed control, pest control, revegetation).
  - Person(s) responsible for implementing the specific management actions.
  - Timeline for the implementation of management actions.
  - Method by which management actions will be undertaken.
  - Standard to which management actions will be undertaken.

When approved the offset plan will be endorsed and will then form part of the permit.

- (c) Within twelve months of vegetation removal or prior to the issue of statement of compliance which ever is sooner:
- The endorsed offset site must be permanently protected to the satisfaction of the responsible authority (eg. through encumbrance on title).
  - A copy of the endorsed offset plan and protection mechanism (eg. title showing encumbrance) must be lodged with the department.
- (d) Before works start, a protection fence must be erected around the boundaries of retained native vegetation, outside the canopy of the overstorey and at the extent of the native understorey. The delineated area will define a 'Vegetation Protection Zone'. The protection fence must be constructed to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until all works are completed to the satisfaction of the responsible authority. Adequate signage to indicate the 'Vegetation Protection Zone' must be attached to the protection fence and maintained until all works are completed. Except with the written consent of the responsible authority and approval of the Department of Energy, Environment and Climate Action, within the Vegetation Protection Zone there is to be:
- No vehicular or pedestrian access, trenching or soil excavation.
  - No storage or dumping of tools, equipment or waste.
  - No physical damage to vegetation.
  - No works or construction activities.

## 29. BUILDING ENVELOPES

- (a) The plan of subdivision must include a building envelope restriction (for lots 1-9; 47-59; 63-67 (all inclusive); and Lot 69) in accordance with the endorsed plan. No building may be constructed outside the building envelopes shown on the endorsed plan.
- (b) The plan of subdivision submitted for certification must include a restriction for lots 239, 240, 242 and 254 specifying that no buildings or structures are permitted to be constructed

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within Tree Protection Zones for trees identified for retention as shown on the endorsed Tree Retention Plan.

- (c) The plan of subdivision submitted for certification and for lots 222, 223, 224, 225 and 257-264, 267 – 273 must include a building envelope restriction specifying that no building is permitted to be constructed outside the endorsed Building Envelope Plan – Design and Development Overlay (DDO6) Golden Grove Estate – North, unless with the prior written consent of the responsible authority.

## 30. GOLDEN PARK ESTATE DESIGN GUIDE – REAR LOADED LOTS

The design guide is an endorsed document under the Planning Permit and must be registered on title in the form of a Memorandum of Common Provisions pursuant to Section 91A of the Transfer of Land Act, 1958.

## 31. SECTION 173 AGREEMENT

Prior to the issue of a Statement of Compliance, the owner must enter into a section 173 Agreement under the Planning and Environment Act 1987. The agreement must specify that:

- (a) The trees identified for retention on Lots 239, 240, 242 and 254 as shown on the endorsed Tree Retention Plan must not be removed, except with the prior written consent of the responsible authority.

The Agreement must be executed and registered 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

## 32. EXPIRY OF THE PERMIT - SUBDIVISION

This permit will expire unless:

- (a) All stages of the approved subdivision have been certified within fourteen (14) years of the date of this permit; or  
(b) Any stage of the approved subdivision is not completed within five (5) years of the certification of the plan of subdivision under the Subdivision Act 1988.

The responsible authority may extend the time for certification of a plan of any stage of the subdivision if a request is made in writing before the permit expires, or thereafter, within the period allowed by section 69 of the Planning and Environment Act 1987.

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## 33. EXPIRY OF PERMIT – DWELLING CONSTRUCTION IN THE DESIGN AND DEVELOPMENT OVERLAY

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

- (a) the development is not commenced within twenty (20) years from the date of issue of this permit; or
- (b) the development is not completed within twenty-two (22) years from the date of issue of this permit.

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.

**NCCMA NOTE:** Flood levels for the 1% AEP (100 year ARI) flood event have been determined for this area under provisions of the Water Act 1989. The applicable 1% AEP flood level for the location described above grades from 199.6 metres AHD down to 194.5 metres AHD, which was obtained from Bendigo Urban Flood Study (2013).

**DEECA NOTE:** Works or any other activities on public land which may impact on protected native plants will require a Protected Flora Licence or Permit in respect of the Flora and Fauna Guarantee (FFG) Act 1988. All native vegetation likely to be impacted should be checked against the Protected Flora List (DSE 2010) to determine whether FFG approvals are required. Protected Flora Permits can be obtained through the regional departmental office.

**CFA NOTE:** CFA's requirements for identification of hydrants are specified in "Identification of Street Hydrants for Fire fighting Purposes" available under publications on the CFA web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))

### CHMP NOTE:

An approved Cultural Heritage Management Plan (prepared by Heritage Insight Pty Ltd, reference number 18337, dated 1 September 2022) applies to the subject land. All works for the development must occur in accordance with the approved Cultural Heritage Management Plan.



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## THE PERMIT HAS BEEN AMENDED AS FOLLOWS:

| Date of amendment | Brief description of amendment   | Name of responsible authority that approved the amendment | Section of the Act under which the permit has been amended |
|-------------------|--|---|--|
| 10 August 2012    | Condition 22 - CFA vegetation management - was corrected.  | City of Greater Bendigo                                   |  |
| 31 July 2013      | The expiry provisions of the permit (Condition 26) have been revised.  | City of Greater Bendigo                                   |  |
| 2 March 2012      | Condition 14 (Harveys Lane Upgrade) has been revised.  | City of Greater Bendigo                                   |  |
| 14 September 2017 | <ul style="list-style-type: none"> <li>Statement of what the permit allows amended to include reference to the creation of a restriction (building envelopes) on nominated lots.</li> <li>New conditions (26 and 27) included in the permit with respect to the creation of building envelopes and the need for the Golden Park Estate Design Guidelines to be registered on Title.</li> </ul> | City of Greater Bendigo                                   |  |
| 12 January 2018   | Change to Stage number in Condition 14 (Harveys Lane upgrade)  | City of Greater Bendigo                                   |  |

Signature for the  
Responsible Authority



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| Date of amendment | Brief description of amendment   | Name of responsible authority that approved the amendment | Section of the Act under which the permit has been amended |
|-------------------|--|---|--|
| 24 April 2018     | <ul style="list-style-type: none"> <li>Reduced forest setback (north eastern boundary) from 30 to 26 metres;</li> <li>Inclusion of construction of dwellings under the Design and Development Overlay Schedule 6;</li> <li>Inclusion of permission (and relevant CFA/mandatory conditions) under the Bushfire Management Overlay; and</li> <li>Deletion of condition 22 replaced with a new Condition 22 consistent with the Country Fire Authority conditional consent to the amendment of the permit dated 19 February 2018</li> </ul> | City of Greater Bendigo                                   |  |
| 5 October 2022    | When the permit was amended (Amendment G) on the 24 of April 2018 to include permission for dwelling construction in the Design and Development Overlay; this permission was not reflected in the permit preamble/ statement of what the permit allows; and an intended expiry condition (after condition 28) was not included in the permit. Both these slips/ omissions have been corrected.   | City of Greater Bendigo                                   | Section 71   |

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| Date of amendment | Brief description of amendment  | Name of responsible authority that approved the amendment | Section of the Act under which the permit has been amended |
|-------------------|---|---|--|
| 3 May 2024        | <p>Amendment under s. 72 as follows:</p> <ul style="list-style-type: none"> <li>• Amendment to the approved plan of subdivision to change the layout and to include 269 Howard Street, Jackass Flat within the subdivision and approve a Bushfire Management Plan.</li> <li>• Amendment to the land to which the permit applies to include 269 Howard Street, Jackass Flat.</li> <li>• Amendment to what the permit allows to include removal of native vegetation and creation of a restriction for lots 222, 223, 224, 225, 239, 240, 242, 254, 257-265, 267 – 273.</li> <li>• Amendment to conditions to include a new condition 1 (Amended plans) and renumber conditions onwards, amend conditions 5 (Landscape plans), 14 (Construction of works), 19 (Coliban Water), 20 (Powercor), 21 (Telecommunications), 22 (Gas), 23 (CFA) add new conditions 24 and 25 (CFA), amend conditions 26 (NCCMA), 28 (DEECA) and 29 (Building envelope restrictions) and add a new condition 31 (S173 Agreement – Tree retention)</li> </ul> | City of Greater Bendigo                                   | Section 72   |

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| Date of amendment | Brief description of amendment   | Name of responsible authority that approved the amendment | Section of the Act under which the permit has been amended |
|-------------------|--|---|--|
| 5 December 2024   | <ul style="list-style-type: none"> <li>Amend the Bushfire Management Plan to include Lots 140-142 within this plan and change the designated BAL for Lots 140-142 from BAL to 12.5.</li> <li>Amend the Building Envelope Plan to show building envelopes for dwellings on Lots 140-142, which are affected by the Design and Development Overlay to allow construction of a dwelling on each lot.</li> <li>Delete condition 1(a) which has been satisfied by the submission of an amended building envelope plan.</li> <li>Amend condition 32(a) to extend the timeframe to have all plans certified to 14 years from the date of the permit.</li> <li>Amend condition 33(a) to extend the timeframe to commence the development to 20 years from the date of the permit.</li> <li>Amend condition 33(b) to extend the timeframe to complete the development to 22 years from the date of the permit.</li> </ul> | City of Greater Bendigo                                   | Section 72   |

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| Date of amendment | Brief description of amendment  | Name of responsible authority that approved the amendment | Section of the Act under which the permit has been amended |
|-------------------|---|---|--|
| 3 October 2025    | <ul style="list-style-type: none"> <li>Correction under s.71 to correct the address of the property, correct what the permit allows to accurately reflect permissions included in the previous version of the permit, amend condition 29(c) to refer to Lots 257-264 to correct an error in the lot numbers, and include amendment notes at the end of the permit for previous amendments to the permit.</li> </ul> | City of Greater Bendigo                                   | Section 71   |

## 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.