

Planning and Environment Regulations 2005 Form 11  
Section 97F  
PLANNING PERMIT GRANTED BY THE MINISTER UNDER  
DIVISION 6 OF PART 4 OF THE PLANNING AND ENVIRONMENT ACT 1987

**PLANNING  
PERMIT**

**Permit No.:**2008/208

**Planning Scheme:** Moorabool Planning Scheme

**Responsible Authority for Administration and  
Enforcement of this Permit:** Moorabool Shire  
Council

**ADDRESS OF THE LAND:**

**Generally described as Land in Yendon:**

Crown Land vested in council for Yendon-Egerton Road and Crown Land vested in council for Duggans Lane, specifically that part of the road reserve on the southwest and southeast corners of the intersection of these two roads as well as the western and eastern side of Duggans Lane to a distance some 250 metres south of the intersection; generally adjacent to Crown Allotment 2, Section 5 in the Parish of Lal Lal and Crown Allotment 2, Section 6 in the Parish of Lal Lal; and Crown Land vested in council for Harris Road, specifically that part of the road reserve on the western and eastern side of Harris Road between a distance of approximately 1030 metres and 1080 metres south of the intersection with Yendon-Egerton Road that is adjacent to Crown Allotment 43 in the Parish of Kerrit Bareet and Lot 1 Title Plan 162602.

**Land in Elaine:**

Crown Land for the Midland Highway and Crown Land vested in council for Murphys Road, specifically that part of the road reserves on the northeast and southeast corners of the intersection of these two roads that is adjacent to Crown Allotments 16A and 17B in the Parish of Narmbool; and

Crown Land for the Midland Highway and Crown Land vested in council for Fords Lane, specifically that part of the road reserves on the northwest and southwest corners of the intersection of these two roads that is adjacent to Crown Allotments 16 and 14 in the Parish of Narmbool; and

Crown Land vested in council for Murphys Road, specifically that part of the road reserve on the northern and southern side of Murphys Road between a distance of approximately 800 metres and 1,000 metres east of the intersection with Midland Highway that is adjacent to Crown Allotments 48, 52, 17A, 16A and 47 in the Parish of Narmbool; and

Crown Land vested in council for Elaine-Blue Bridge Road, specifically that part of the road reserve on the western and eastern side of Elaine-Blue Bridge Road between a distance of approximately 1,320 metres and 1,370 metres south of the intersection with Murphys Road that is adjacent to Crown Allotments 53 and 55A in the Parish of Narmbool; and

Crown Land vested in council for Elaine-Blue Bridge Road, specifically that part of the road reserve on the western and eastern side of Elaine-Blue Bridge Road between a distance of approximately 70 metres and 120 metres south of the intersection with Murphys Road that is adjacent to Plan of Consolidation 368001 and Crown Allotment 55A in the Parish of Narmbool; and

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Crown Land vested in council for Horsehill Road, specifically that part of the road reserve on the western and eastern side of Horsehil Road between a distance of approximately 350 metres and 400 metres north of the intersection with Narmbool Road that is adjacent to Crown Allotments 15, 11B and 22A in the Parish of Narmbool.

**Generally described as Land in Yendon:**  
Duggan Lane, and  
McGuigans Road.

**Land in Elaine:**  
Corner of Murphy's Road and Fords Lane  
Settlement Road  
Murphy's Road  
Elaine – Blue Bridge Road, and  
Horsehill Road.

**THE PERMIT ALLOWS:**                      **Native vegetation to be removed, lopped or destroyed.**

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

**PLANS TO BE ENDORSED**

1. Prior to commencement of the native vegetation removal, plans must be prepared to the satisfaction of the Minister for Planning. The plans must be drawn to scale with dimensions and three copies must be provided. When approved the plans will be endorsed by the Minister for Planning and will then form part of this permit. The plans must be generally in accordance with the plans submitted with the application, but modified to incorporate any recommendations in the report prepared as required by condition 2.

**SPRING SURVEY**

2. Prior to commencement of the native vegetation removal:
  - a) A survey of vegetation in the vicinity of access point gates Y10, Y11, E1, E8, and E3 must be undertaken in spring by a suitably qualified ecological specialist; and
  - b) A report by a suitably qualified ecological specialist must be submitted to the Minister and the Department of Sustainability and Environment

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that sets out the findings of the spring survey and, if vegetation listed under the *Flora and Fauna Guarantee Act 1988* or the *Environment Protection and Biodiversity Conservation Act 1999* is identified, measures to avoid or minimise adverse impacts on that vegetation must be set out. The report must also review the net gain offset requirements in accordance with *Native Vegetation Management: A Framework for Action* (DSE 2002).

**FURTHER CONSENT**

3. If it is proposed to removal or destroy vegetation identified in the surveys required by condition 2(a) of this permit that is listed under the *Flora and Fauna Guarantee Act 1988* or the *Environment Protection and Biodiversity Conservation Act 1999*, further consent in writing must be obtained from the Department of Sustainability and Environment.

**DEVELOPMENT PLANS**

4. All works must be in accordance with the endorsed plan, unless otherwise approved in writing by the responsible authority.
5. Before works start, temporary fencing or tape must be installed around areas of native vegetation to be retained, to the satisfaction of the responsible authority.
6. Works must not cause damage to native vegetation stands to be retained. Vehicular access beneath large trees and habitat trees must be prevented.
7. Tree trimming operations must be undertaken using the natural target pruning 'three cut method' as described in the 'Roadside Handbook: An Environmental Guide for Road Construction and Maintenance' (VicRoads 2006).

**NET GAIN OFFSET PLAN**

8. Before removal of native vegetation starts, a net gain offset plan must be prepared by a suitably qualified ecological specialist and submitted to and approved by the Department of Sustainability and Environment. Once approved, the plan will be endorsed and will then form part of the permit. The offset plan must include the following:

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- a) Details of the proposed offsets which will achieve a net gain in quality and quantity of native vegetation in accordance with the principles and guidelines associated with the *Native Vegetation Management: A Framework for Action (DSE 2002)*
  - b) Fully dimensioned plans (drawn to an appropriate scale), which clearly show the locations, boundaries and title details of all offset sites. The plans must also clearly show the boundaries of any different management zones and the location of any proposed fencing.
  - c) Type of offsets to be provided for each location.
  - d) Details of revegetation including number of trees, shrubs and other plants, species mix and density (consistent with the characteristics of the relevant Ecological Vegetation Class).
  - e) Methods of managing and restoring the vegetation, including revegetation, such as fencing, weed control, enhancement planting and other habitat management actions.
  - f) Pest plant and animal control methods.
  - g) A statement of the need to source local seed stock and options available for sourcing of local seed.
  - h) A statement of the need for revegetation works to be carried out by a suitably qualified ecological specialist.
  - i) Methods of permanent protection for the offsets, such as the registration on title of an agreement under Section 173 of the *Planning and Environment Act 1987*, an agreement under Section 69 of the *Conservation Forests and Lands Act 1987*, or a covenant under section 3A of the *Victorian Conservation Trust Act 1972*.
  - j) Persons responsible for implementing and monitoring the offset plan.
  - k) A schedule of management actions, which documents how the net gain outcomes will be achieved within a 10 year timeframe.
9. Prior to the commencement of native vegetation removal, all offset sites must be legally secured by means of the registration of an on-title agreement or covenant to the satisfaction of the Department of Sustainability and Environment and the responsible authority.

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10. All actions specified in the endorsed offset plan must be completed within the specified timeframes, to the satisfaction of the Department of Sustainability and Environment and the responsible authority.
11. The disturbed roadside areas shall be revegetated as soon as practicable to minimise soil erosion.

**EXPIRY**

12. This permit will expire if one of the following circumstances applies:
- (i) the development is not started within 3 years of the date of this permit;
  - (ii) the development is not completed within 6 years of the date of this permit.

The Minister for Planning as responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Date Issued:

30 APR 2009

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Signature of the Minister

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**IMPORTANT INFORMATION ABOUT THIS PERMIT**

**WHAT HAS BEEN DECIDED?**

The Minister has granted and issued a permit under Division 6 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 the date on which it was issued.

**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 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; 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.
6. In accordance with section 97H of the **Planning and Environment Act 1987**, the Minister is the responsible authority in respect to any extension of time under section 69 in relation to this permit.

**WHAT ABOUT APPEALS?**

The permit has been granted and issued by the Minister under Division 6 of Part 4 of the **Planning and Environment Act 1987**. Section 97M provides that Divisions 2 and 3 of that Part and section 149A do not apply in relation to an application referred to the Minister under this Division, a permit issued under this Division or an amendment of a permit issued under this Division. The effect of this is that the Minister's decision is final.

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