

**PLANNING PERMIT GRANTED BY THE MINISTER UNDER
SECTION 97F OF THE PLANNING AND ENVIRONMENT
ACT 1987**

Permit No.:	PA1894-2025
Planning scheme:	Hindmarsh Planning Scheme
ADDRESS OF THE LAND:	The road reserves of: • Nhill-Harrow Road curve at D Manns Road, Nhill, 3418 • Nhill-Harrow Road curve at Pilgrims Road, Nhill, 3418 • Nhill-Harrow Road and Western Highway intersection, Nhill, 3418 • Western Highway and McKenzie Avenue intersection, Nhill, 3418 • Nelson Street and McKenzie Avenue intersection, Nhill, 3418 As shown on the plans approved under condition 3.

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit is granted
52.17-1	Remove, destroy or lop native vegetation, including dead native vegetation.
42.01-2	Vegetation removal.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Date of issue: 14 August 2026 **Signature for the Minister:**



Planning and Environment
Interim Regulations 2026

Form 11

Regulation 45

Development plans

3. Before the native vegetation is removed, plans must be approved and endorsed by the responsible authority. The plans must be fully dimensioned and drawn to scale. The plans must show:
 - a. The location of the vegetation to be removed.

Written consent to modify endorsed plans

4. The development must be generally in accordance with the plans and documents approved and endorsed under this permit. The development as shown on the endorsed plans must not be altered or modified (unless the Hindmarsh Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Department of Energy, Environment and Climate Action (DEECA) Conditions (recommending referral authority)

5. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

Protection of vegetation to be retained

6. Before works start, a native vegetation protection fence must be erected around or along all patches of native vegetation and scattered trees to be retained on and adjoining the development impact areas/footprint, including on any road reserves. This fence must be erected at:
 - a. a radius of 12 times the diameter of the tree trunk at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b. around any patches of native vegetation at a minimum distance of 2 metres from the dripline of retained native vegetation.

The protection fence must be constructed of star pickets and plain wire, para-webbing or similar durable and clearly visible material, to the satisfaction of the responsible authority. The protection fence must remain in place until all works are completed to the satisfaction of the responsible authority. All tree protection zones must comply with AS 4970-2025 Protection of Trees on Development Sites, to the satisfaction of the responsible authority.

7. Except with the written consent of the responsible authority in consultation with the Department of Energy, Environment and Climate Action, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and development, the following is prohibited:
 - a. vehicular and machinery access
 - b. trenching or soil excavation (under boring at >600mm accepted)
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d. entry and exit pits for the provision of underground services (except where permitted by this permit)
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.

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Planning and Environment
Interim Regulations 2026

Form 11

Regulation 45

Offset evidence

8. 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 evidence must be 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,
 - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
9. A copy of the offset evidence must 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 the Department of Energy, Environment and Climate Action (DEECA).

Monitoring and reporting of onsite offset implementation

10. In the event that a security agreement is entered into as per native vegetation offsets condition above, the permit holder must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Native vegetation offsets

11. To offset the removal of 0.071 hectares of native vegetation, as identified in Native Vegetation Removal Report NAA_2024_136, the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DEECA 2025) as specified below:
 - a. A general offset of 0.023 general habitat units:
 - i. located within the Wimmera Catchment Management Authority boundary or Hindmarsh municipal district
 - ii. with a minimum strategic biodiversity score of at least 0.184.

End DEECA referral authority conditions

12. The requirements of conditions 6 to 11 must not be altered or modified without the prior written consent of the responsible authority.

Expiry

13. This permit will expire if one of the following applies:
 - a. The development is not started within 3 years of the date of this permit.
 - b. The development is not completed within 6 years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a

Date of issue: 14 August 2026 **Signature for the Minister:**



Planning and Environment
Interim Regulations 2026

Form 11

Regulation 45

request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.



Planning and Environment
Interim Regulations 2026

Form 11

Regulation 45

PERMIT NOTES:

- The Department of Energy, Environment and Climate Action advises the following.
 - All native wildlife in Victoria is protected under the *Wildlife Act 1975*, and approval to remove native vegetation does not exempt the project from other statutory obligations under the *Wildlife Act 1975*. Where works may impact on native fauna and/or habitat used by native fauna, the project manager/staff must ensure that measures are implemented, and to act in a manner that does not harm, injure or kill wildlife. Prior to removal of vegetation, project managers are advised to determine whether a Wildlife Act authorisation is required. For further information please visit <https://www.vic.gov.au/wildlife-licences-and-permits>.
 - Works or other activities on public land, including road reserves, which may affect protected native plants, may require a permit to take protected flora under the *Flora and Fauna Guarantee (FFG) Act 1988*. All native vegetation likely to be affected should be checked against the most up to date Protected Flora List (DEECA) to determine whether FFG approvals are required.



Planning and Environment
Interim Regulations 2026

Form 11

Regulation 45

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 if no time is specified, within 3 years after the issue of 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 2 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 5 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 3 years after the issue of the permit; or
 - the use is discontinued for a period of 3 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 if no time is specified, within 3 years after the issue of 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 5 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 3 years after the completion of the development; or
 - the use is discontinued for a period of 3 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.
In accordance with section 97H of the **Planning and Environment Act 1987**, the responsible authority specified in the planning scheme is the responsible authority for the administration and enforcement of the **Planning and Environment Act 1987** and the relevant planning scheme in respect of this permit (whether or not the permit is amended) except that the Minister remains the responsible authority in respect of—
 - any matters which the permit specifies to be done by, approved by or done to the satisfaction of the Minister; and
 - any extension of time under section 69 in relation to the permit; and
 - the correction of the permit under section 71(1); and
 - the amendment of the permit under section 97J.

WHAT ABOUT REVIEWS?

In accordance with section 97M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

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