

Delegate Report

File Number: DA7730
Planning Application No. P119/21
Responsible Officer: Tim Berger

Conflict of Interest

In accordance with Sections 127 and 128 of the Local Government Act 2020, the author does not have a conflict of interest in this matter.

<i>Application Details</i>	
APPLICANT	Elizabeth Karras C/- Ellen Hogan & Associates
PROPOSAL	Development of a replacement dwelling and illuminated tennis court
APPLICATION LODGED	10 November 2021
STATUTORY DAYS	60 (as at 15 February 2022)
NOTICE AND SUBMISSIONS	No objections/submissions received.
<i>Property Details</i>	
PROPERTY ADDRESS	575 Mt Buller Road, Mansfield
LAND DESCRIPTION	Lot 5 LP137140 Parish of Beolite
RESTRICTIVE COVENANTS	Nil
LAND AREA	8.645 hectares
EXISTING USE	Dwelling
<i>Planning Provisions</i>	
ZONE	Farming Zone (FZ)
OVERLAYS	Significant Landscape Overlay – Schedule 1 (SLO1)
PLANNING POLICY FRAMEWORK	Clause 12.05-2S – Landscapes Clause 14.01-1S – Protection of Agricultural Land

	Clause 14.02-1S – Catchment planning and management Clause 15.01-2S – Building design Clause 15.01-6S – Design for rural areas
LOCAL PLANNING POLICY FRAMEWORK	Clause 21.03-2 – Managing rural land Clause 21.05-1 – Landscapes Clause 22.02 – Design and siting guidelines in rural areas and upon significant ridgelines
PARTICULAR PROVISIONS	Clause 52.21 – Private Tennis Court
<i>Permit Triggers</i>	
	Clause 35.07-4 – A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 35.07-1, and to construct a building with 100 metres of a waterway. Clause 42.03-2 – A permit is required to construct a building or construct or carry out works. Clause 52.21-2 – A permit is required to construct, use or illuminate a private tennis court.
<i>Other</i>	
CULTURAL SENSITIVITY	Partial – does not cover development area.
DWMP RISK RATING (IF RELEVANT)	N/A

Background

Proposal

The permit applicant, Elizabeth Karras C/- Ellen Hogan & Associates Pty Ltd seeks approval for the development of land with a replacement dwelling, illuminated tennis court and associated works at 575 Mt Buller Road, Mansfield (Lot 5 LP137140).

The proposal will result in the demolition of the existing single storey dwelling located on the subject land, and the development of a new, single storey dwelling, tennis court and associated works in its place. Various landscape screening is proposed to minimise the effect of the works to the alpine approach. Access to the site will remain unchanged from Mt Buller Road.

The proposed development is characterised by reference to the following features:

Dwelling

- Dwelling characteristics:
 - Total floor area – 560.2 square metres
 - Floor plan
 - One (1) x master bedroom with WIR, ensuite and deck;
 - 3 x bedrooms with BIR;
 - Open plan kitchen/dining area with butlers pantry;

- Family/sitting area with decking wrapping around;
- 'Kids lounge' with adjacent deck;
- Laundry with connecting mud room to garage; and
- Study and cloak room adjacent to master bedroom.
- Boundary setbacks:
 - 41.21 metres from eastern boundary, greater than 100 metre setback from northern, southern and western boundaries.
- Built form
 - Maximum height of 6.03 metres above natural ground level;
 - Skillion roofing @ 20 degree pitch height;
 - Spotted gum timber cladding;
 - Corten steel feature screening to selected elevations; and
 - Roofing in Colorbond 'Coolmax' white haven;

Tennis Court

- Proposed full size (36 metre x 18 metre) court proposed, orientated in a north-south direction in front of the dwelling.
- Six (6) x light poles proposed, 3 on the east and west aspects of the court respectively at 6 metres height;
- 3 metre high black mesh fencing and landscape screening proposed around the court.

A copy of the proposed development plans is attached below:

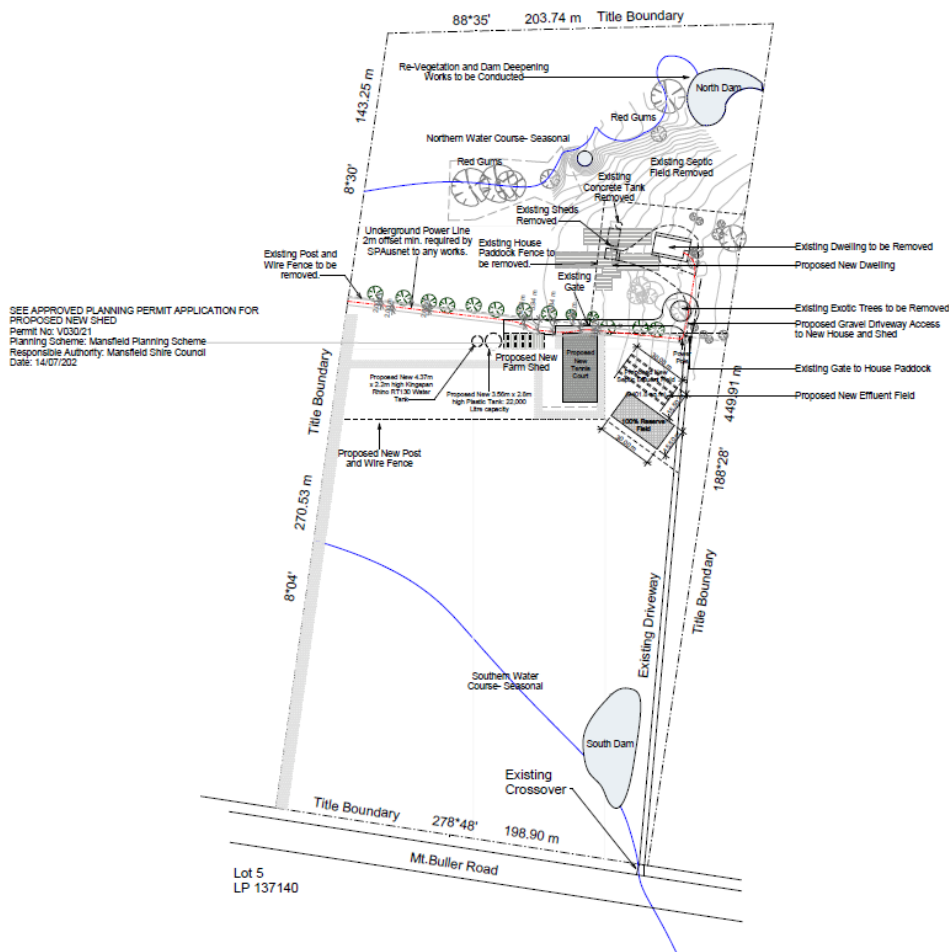


Image 1: Proposed site plan. Source: Application documents.

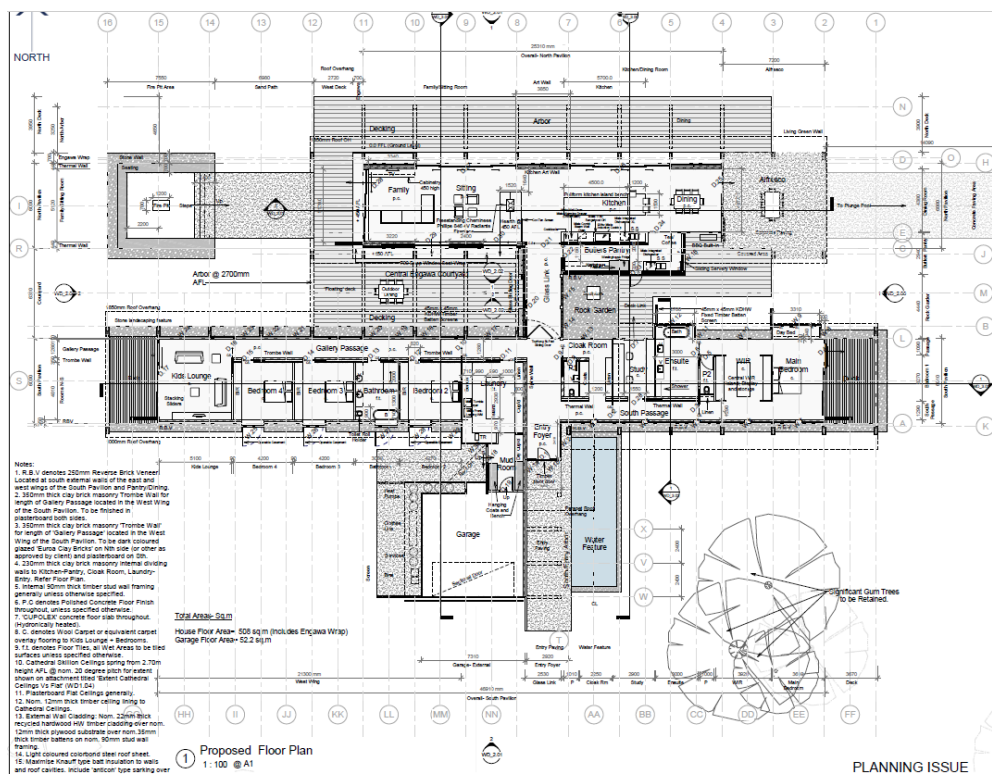
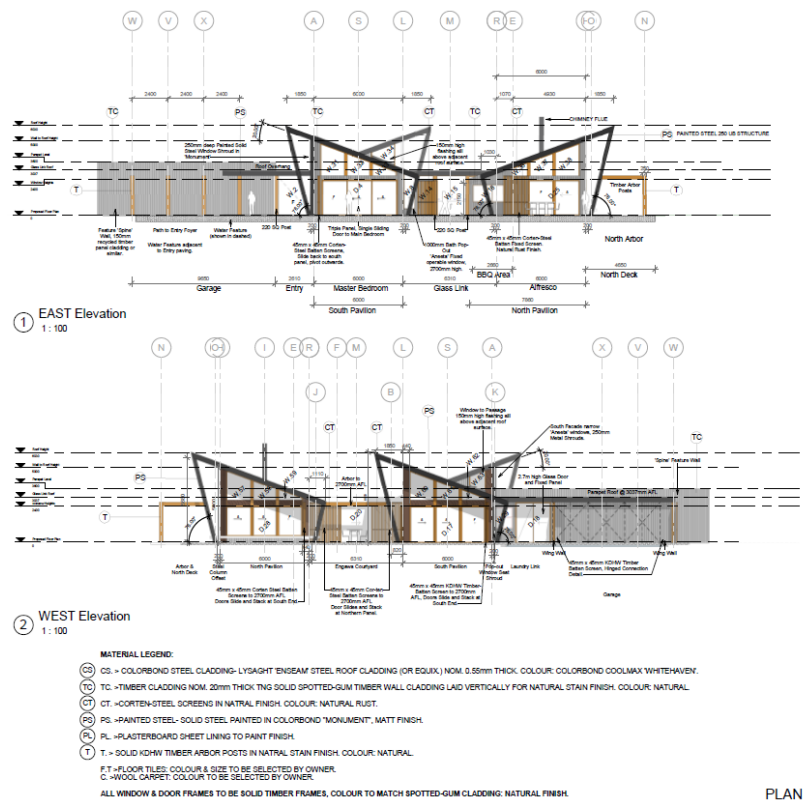
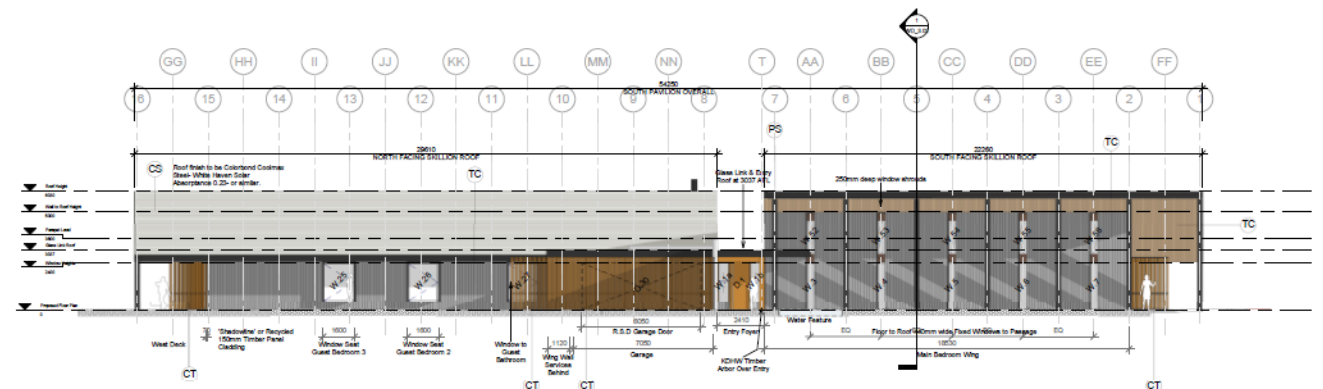


Image 2: Proposed dwelling floor plan. Source: Application documents.





① NORTH Elevation
1 : 100



② SOUTH Elevation
1 : 100

PLANNING ISSUE

Images 3 and 4: Proposed elevation plans. Source: Application documents.

Site and Surrounds:

The subject land comprises a single parcel with an area of approximately 8.645 hectares. The subject land has a frontage to Mt Buller Road of approximately 198.9m, with access to the land is provided from same. The land is generally flat, with minimal fall across the site.

The subject land is rectangular in shape and is currently improved by an existing dwelling and domestic curtilage, with the balance of the site comprising vacant rural land. The dwelling on site is to be demolished, with new works to be developed in the same part of the site.

The surrounding area comprises Farming Zone land of varying sizes, with land use largely dependent on lot size. To the immediate north and west of the subject land are smaller fragmented lots, typically used and developed for rural lifestyle purposes. To the south and east of the subject land are larger lots which appear to be used for agricultural activity, with dwellings in the area typically supported such activities on the land. Building forms, setbacks and sizes vary from lot to lot, with no consistent characteristic present.

The site appears to have access to reticulated power and telecommunications, but not water and sewer.



Image 5: Aerial image of site and surrounding area. Source: Council GIS 2019 images.

Site History

Planning Permit V030/21 – Buildings and works in a Rural Zone (Shed) – Issued 14 July 2021

Consultation

Referral Responses

Referral Agency	Response
ENVIRONMENTAL HEALTH	Conditional consent. Response received 11 November 2021 .

Advertising

Advertising was carried out in accordance with the requirements of the *Planning and Environment Act 1987*, by:

- Sending out letters to adjoining and nearby owners and occupiers (including those required under Section 52(1)(c) of the Act by Clause 52.21-4).

As a result of public notification, no objections have been received.

Mansfield Planning Scheme and Context Assessment

Planning Policy Framework (PPF)

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The following Planning Policies and Objectives are relevant to this application:

Clause 12.05-2S – Landscapes

Objective

To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

Comment:

The subject land is identified in the SLO1 as being a significant landscape within the Mansfield municipality, with views to the east along Mt Buller Road providing Mt Buller, Stirling and Timbertop as the main backdrops. Development in this area is to be subservient to the dominant landscape character of the area; buildings that nestle into the landscape with muted tones, landscape screening and avoiding development on ridgelines.

The proposed development is sizeable when compared to the existing development form on the land. However, policy and the SLO do not specifically seek to regulate size. The important criteria for assessment is the visual impact on the landscape (as small buildings can be jarring if designed/sited poorly, and large buildings can be nestled if designed/sited appropriately).

The development is well setback into the lot, with maximum heights of 6 metres and further recessed into the landscape than adjoining buildings to the west. Landscape screening is proposed, which will minimise the visibility of the proposed structures from Mt Buller Road. Existing landscaping (combined with new proposed landscaping) on the western boundary from Mt Buller Road will prevent the eye from being drawn to the development and retain the backdrop of the mountains as the dominant characteristic of the area.

For these reasons, the proposal is considered to be supported by applicable policy.

Clause 14.01-1S – Protection of Agricultural Land

Objective

To protect the state's agricultural base by preserving productive farmland

Comment:

The subject land is located in the Farming Zone, and surrounded by lots within the FZ. This policy seeks to prevent the loss or fragmentation of agricultural land by permanent change in land use or creation of land use conflict.

The subject land is already improved by an existing dwelling, which was lawfully established on the land under the former Shire of Mansfield Planning Scheme. The dwelling has been maintained as such, and the land therefore able to be used as a defacto rural living lot in its current form. In this vein, policy seeks to then ensure that new development on the land will not prejudice agricultural activity in the surrounding area.

The location of the replacement dwelling, tennis court and associated works are further setback from property boundaries than the existing dwelling. This increased setback will provide for a greater buffer to surrounding agricultural activities, particularly to the east, where land use conflict would have potential to curtail legitimate agricultural activities. As such, the proposal is considered to be consistent with this policy.

Clause 14.02-1S – Catchment planning and managementObjective

To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

Comment:

The subject land is located in the Upper Goulburn Open Potable Water Supply Catchment Area, where protection of water quality is an important planning consideration. The application has been supported by a Land Capability Assessment, showing that the proposed development can treat and retain wastewater while retaining a 100 metre buffer to mapped waterways on the land. Development of the new dwelling will necessitate a new wastewater system, which will improve quality of wastewater dispersal on the land.

Clause 15.01-2S – Building designObjective

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Comment:

The development reflects a modern, architecturally designed dwelling that uses a varied materials palette and design forms to create visual interest and break up the built form when viewed from the public realm or other properties. The development is considered to be consistent with the prevailing built form of the surrounding area, and with these features coupled with landscape screening, will not present as jarring or dominant in the landscape.

Clause 15.01-6S – Design for rural areasObjective

To ensure development respects valued areas of rural character.

Comment:

As discussed at Clause 12.05-2S and Clause 15.01-2S, the proposed design is considered to be appropriate for the landscape it is sited within.

Local Planning Policy Framework (LPPF)

The following Local Planning Policies are relevant to this application:

Clause 21.03-2 – Managing rural land

Objective

To protect productive agricultural land from competing and inappropriate land uses, including residential use not associated with agriculture.

To ensure that the development of existing small rural allotments does not prejudice any existing surrounding agricultural activities.

Comment:

As previously discussed, the land is already used for rural residential purposes, which has lawfully occurred in the past. On this basis, the proposal does not further impact any surrounding agricultural activities or remove land from agricultural production.

Clause 21.05-1 – Landscapes

Objective

To recognise and protect the environmental and landscape significance of the broader alpine approach areas.

Comment:

As previously discussed, the development is considered to be sympathetic with the alpine approach areas and will nestle appropriately into the landscape.

Clause 22.02 – Design and siting guidelines in rural areas and upon significant ridgelines

Objectives

To ensure that all buildings are designed and sited to minimise environmental and visual impacts.

To ensure that the siting of buildings does not threaten or reduce the rural capability of the land or introduce the potential for land use conflicts.

To ensure that access driveways and other earthworks are designed and sited to limit environmental impact and the impact on the visual amenity.

To ensure that all development is designed and located to minimise risks from natural hazards.

Policy

- *Buildings, particularly dwellings, should be located so as not to adversely impact on the rural activities conducted on the site and adjoining land and the long term viability of rural production in the area.*
- *Buildings should be unobtrusive in the landscape, be located along tree lines or topographically obscured to reduce their visual impact.*
- *Substantial landscaping should be used to reduce the visual impact of the buildings on the landscape.*
- *Buildings should not be sited on visually exposed ridgelines, unless the visual impact is minimised by using designs and colours that merge with, or compliment, the landscape.*

Comment:

The development is appropriately sited well into the lot, with the topography of the land flat and vegetative screening to obscure the development from the alpine approaches. Substantial landscaping is proposed, the details of which will be required to be provided and implemented as a condition of permit.

Zoning

Clause 35.07 – Farming Zone (FZ)

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

Comment:

The proposal is for a replacement dwelling, where the use of land for a dwelling has already been lawfully established. Consideration of the proposal is therefore confined to the development aspect of the proposal.

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*

Agricultural issues and the impacts from non-agricultural uses

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

Accommodation issues

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

Comment:

Assessment of the proposal against the Municipal Planning Strategy and the Planning Policy Framework is provided earlier in this report. The proposal utilises existing infrastructure and services, with sufficient land area to accommodate the development, including effluent disposal.

The replacement dwelling will not support agricultural production on the land, however given that there is an existing use right for the dwelling, questions of use are not relevant to this proposal. The design and siting of the dwelling and associated works will ensure that the potential for land use conflict is managed between the subject land and surrounding agricultural activities.

The existing use rights for the land result in no further concentration or proliferation of dwellings than what is currently found in the area.

Proposed as part of the application is various landscaping and revegetation of land. This will support planning policy relating to the alpine approaches, as well as improving health of waterways and riparian buffers on the land.

Overlays

Clause 42.03 – Significant Landscape Overlay – Schedule 1 (SLO1)

Statement of nature and key elements of landscape

The alpine approach is characterised by a strong valley bordered by the alpine areas to the north, south and east. The views from the Mansfield - Mt Buller Road to surrounding mountains and ranges are impressive especially in the winter when there is spectacular snowy backdrop. The valley has a relatively flat floor with undulating pasture, ribbons of vegetation along roads, fences, the upper Delatite River (a Proclaimed Water Supply Catchment Area), creek lines and in scattered patches. The Crown Land boundary is an abrupt interface with the dense woodland, which visually helps define the unit. All these elements create an area that is a major asset for the Shire.

Landscape character objectives to be achieved

- *Identify and protect the visual values of the landscape of state significance on the approaches to mountains and ranges, including Mount Buller, Mount Stirling, Mount Timbertop and other significant mountains.*

- *Protect short and long distance views of Mount Buller from the Mt Buller Road, other approach roads and public viewpoints.*
- *Avoid the visual impact of buildings and works in the landscape.*
- *Minimise the visual impact of buildings and works by requiring setbacks from prominent visual areas, ridgelines and adjoining and nearby private land.*

Decision guidelines

- *The impact of the proposed buildings and works on the landscape including effect on landscape within and outside the land (due to siting, design, size, and colour and texture of external construction materials), flora and fauna, land form, heritage values, and views to the land from roads, other public viewpoints and private land.*
- *The impact of buildings and works on views to the land from any road, public viewpoints and private land.*
- *Effluent disposal systems and measures to improve water quality.*

Comment:

The statement of landscape character specifies views Mt Buller Road to the surrounding mountain ranges as being the significant views and key elements of the landscape.

For the reasons discussed in this report, it is considered that the position of the new development will be proportionate to the existing development alongside the subject site. A site inspection and broader landscape analysis suggests that there will be little impact on views from Mt Buller Road, particularly given the topography of the land, proposed landscaping and deep setback from the road.

The character objectives identifies the necessity to protect views of significant mountains such as Mount Buller, Mount Timbertop and Mount Stirling. The proposed dwelling, tennis court and associated works will not impact views to these mountains.

Particular Provisions

Clause 52.21 – Private Tennis Court

A planning permit is required to construct, use or illuminate a private tennis court where the land is in an SLO that triggers a permit for buildings and works.

The relevant purposes are as follows:

- *To ensure that tennis courts used in association with a dwelling are sited and constructed to minimise the effects of the development on nearby properties.*
- *To ensure that the use of tennis courts in association with a dwelling does not cause unreasonable disturbance to adjoining residents or adversely affect the residential amenity of adjoining areas*

Clause 52.21 requires an application be assessed against the Code of Practice – Private Tennis Court Development Revision (1 March 1999), which is provided below:

- Element 1 – Court Location
 - The location of the tennis court as proposed is appropriately separated from other properties and nearby dwellings, with the closest dwelling located over 150 metres from the western edge of the court.
 - Screening to Mt Buller Road and adjoining properties (both existing and future required landscaping) will ensure the court is not a dominant characteristic of the rural landscape.
 - Orientation of the court is appropriate having regard to nearby dwellings and cleared areas on the land.
 - Setback requirements of E1.3 are met.
- Element 2 – Fencing and Enclosures
 - Proposed fencing heights and forms are consistent with standard residential tennis courts and are well setback from adjoining properties and Mt Buller Road.
 - These impacts will be further ameliorated by screening along the southern, eastern and western elevations of the court.
- Element 3 – Site works
 - The siting of the works require minimal cut/fill to accommodate the tennis court, with works to comply with Performance Requirements E3.3.1, E3.3.2 and E3.3.3.
 - Drainage from the court can be retained on site without adversely affecting adjoining properties.
- Element 4 – Landscaping
 - No vegetation removal is required to accommodate the tennis court, with site areas met in any event. Landscaping is proposed around the court to minimise impacts on other nearby properties.
- Element 5 – Illumination
 - Lighting of the court is proposed to be compliant with the performance requirements specified at E5.3 of the Code of Practice. Given the location and siting of the court, there is no apparent constraint to the standard being met.
 - Light pole heights comply with the code, with light baffling to be required to ensure amenity is protected.
 - Location and design of the lighting fixtures is typical for a tennis court and will not be discordant in the landscape once landscaping is installed.
- Element 6 – Privacy
 - Permit conditions will ensure that the performance requirements of the Code will be met in relation to hours of use, coaching or ball throwing machines.
 - The court height is consistent with natural ground level, with the development site in an existing cleared area of the land.
- Element 7 – Construction Methods
 - The siting of the tennis court will meet performance measures for setbacks. Temporary barriers can be erected on site to protect any vegetation proximate to the works.

Permit conditions will require construction to be undertaken in accordance with the 'Guide Specifications for Tennis Court Construction'.

General Provisions

Clause 65.01 – Approval of An Application or Plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

Comment:

The Municipal Planning Strategy and Planning Policy Framework have been addressed under separate headings in the body of the report. No impacts to native vegetation are proposed. Stormwater discharge from the site will be managed in accordance with Council requirements such that the development is not considered likely to lead to a reduction in water quality or salinity issues. No natural hazard issues (such as flooding or bushfire management) apply to the site.

Conclusions

This application proposes the development of a replacement dwelling and illuminated tennis court at the site known as 575 Mt Buller Road, Mansfield. Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the development responds positively to the requirements of the Scheme with respect to works within the Significant Landscape Overlay, Farming Zone, Clause 52.21 and consideration of the general decision guidelines at Clause 65 for the reasons discussed in this report.

The application is therefore recommended for approval.

Officer Recommendation

PLANNING PERMIT

That Council, having caused notice of the application to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all matters under Section 60 of the *Planning and Environment Act 1987*, determines to issue a Planning Permit for Application P119/21 for the Development of a replacement dwelling and illuminated tennis court on **Lot 5 LP137140 Parish**

of Beolite, commonly addressed as 575 Mt Buller Road, Mansfield in accordance with the endorsed plans and subject to the conditions at Attachment A of this report.

Attachment A – Draft Conditions
Development of a replacement dwelling and illuminated tennis court
575 Mt Buller Road, MANSFIELD

Amended plans

1. Before the developments starts, 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 will then form part of the permit. The plans must be drawn to scale with dimensions.
The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Elevations of fencing and lighting for the tennis court, demonstrating compliance with the performance requirements of the Code of Practice – Private Tennis Court Development Revision 1, March 1999.
 - (b) A landscaping plan prepared by a suitable landscape professional, that must show:
 - i. A survey (including botanical names) of all existing vegetation to be retained.
 - ii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - iii. A range of plant types such as large shrubs and trees that form a vegetation screen along the southern, eastern and western elevations of the tennis court, for its full length and at least 5 metres beyond on these elevations.
 - iv. A range of plant types such as large shrubs and trees in the areas annotated as 'revegetation zones' on the submitted plans.
 - v. At least 50% species selection by type and number must be indigenous to the local Ecological Vegetation Class to the satisfaction of the Responsible Authority.
 - vi. All trees must to be installed at a minimum pot size of 250mm and height when planted of 1.5 metres and shrubs installed at a minimum pot size of 200mm.
 - vii. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, planting instructions, plant establishment procedures and any specific maintenance requirements.

Endorsed Plans

2. The endorsed plans forming part of this permit must not be altered or modified without the written consent of the Responsible Authority.

Colours and Materials

3. The materials and colours of the exterior finish of the buildings must be in accordance with the endorsed plans and must not be altered or modified without the written consent of the Responsible Authority.

Landscaping

4. Unless with the prior written consent of the Responsible Authority, within 3 months of the occupancy of the dwelling hereby permitted, the landscaping as shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
5. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Dwelling Infrastructure

6. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
7. The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
8. The dwelling approved by this permit must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
9. The dwelling approved by this permit must be connected to a reticulated electricity supply or have an alternative energy source.

Tennis Court Conditions

10. Prior to the commencement of the use of the tennis court, the permit holder must provide written certification from a qualified lighting engineer confirming that the lights have been installed, tested and accurately focused and baffled in accordance with the Tennis Court Code of Practice Performance Requirement E5.3, so as to prevent nuisance to surrounding properties, to the satisfaction of the Responsible Authority.
11. The lights must be accurately focused towards the centre of the court in accordance with the installation requirements to prevent spill lighting on adjacent properties or Mt Buller Road.
12. No automatic ball throwing machine or equivalent mechanical equipment may be used in conjunction with the tennis court between 7.00pm and 8.00am on any day.
13. The tennis court must not be used between 10:30pm and 7:30am on any day.
14. The tennis court lights may only be used at night and must not be operated between 10:30pm and 7:30am on any day.
15. The tennis court must not be used for commercial purposes, profit, reward or hire. Coaching, other than for a resident of the dwelling on the subject land, is prohibited.

Engineering Conditions

16. Appropriate measures must be implemented throughout the construction stage of development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land to the satisfaction of the Responsible Authority.
17. Before an Occupancy Permit is issued for the dwelling hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
 - (a) All stormwater discharging from the site, buildings, vehicle access ways and works must be discharged to a water tank, soakwell or otherwise discharged so as not to cause erosion, flooding or nuisance to the subject or surrounding land to the satisfaction of the Responsible Authority. The water tank/s (if required) must be in muted, non reflective tones to the satisfaction of the Responsible Authority;
 - (b) The areas shown on the endorsed plans for vehicle access to the permitted buildings and works must be constructed in accordance with the endorsed plans and be surfaced with concrete, reinforced concrete, brick paving, gravel, crushed rock or hot mix asphalt so as to prevent mud or other debris from being carried onto the road to the satisfaction of the Responsible Authority.
18. Any damage to Council managed assets (such as roads and stormwater infrastructure) as a result of the development must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.
19. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991) to the satisfaction of the Responsible Authority.

Wastewater Conditions

20. Prior to the commencement of construction of the dwelling, an *Application for a Permit to Install* a septic tank system must be submitted and approved by Council prior to any installation.
21. The onsite wastewater disposal system must be developed in accordance with the Land Capability Assessment (Report No. TCE594-2021 – dated 19 April 2021) prepared by Taylor Consulting Engineers.
22. Stormwater from the dwelling must not be permitted to enter the effluent disposal field, septic tank or any associated wastewater infrastructure to the satisfaction of the Responsible Authority.

Permit Expiry

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

- (a) The development is not started within two (2) years of the date of this permit; or
- (b) The development is not completed and used commenced within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with the *Planning and Environment Act 1987*.