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# PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF  
THE PLANNING AND ENVIRONMENT ACT  
1987

**Permit No:** 2019/163

**Planning Scheme:**

Latrobe Planning Scheme

**Responsible Authority:**

Latrobe City Council

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**ADDRESS OF THE LAND:**

110A Marshalls Road, Traralgon  
Lot 2 PS 329021; 50 Glendale Road, TRARALGON  
Lot 1 PS 329021

**THE PERMIT ALLOWS:**

Five lot subdivision of the land generally in accordance with the endorsed plan(s).

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

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**Plan Not Altered Condition:**

1. The subdivision layout as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.

**Engineering Conditions:**

2. The plan submitted for certification under the Subdivision Act 1988, must show easements for drainage purposes to the satisfaction of the Responsible Authority.
3. Before the plan of subdivision is certified under the Subdivision Act 1988, a stormwater management strategy for the development of the land in Lots A, B, D and E, must be submitted to the satisfaction of and approved by the Responsible Authority. This strategy is to draw from the Traralgon North Development Plan water management plan and must include:
  - a) Where the discharge of stormwater from Lots A, B, D and E will be directed to and any easements across the proposed Lot C that may be required to facilitate this discharge.
  - b) Any works (both interim and ultimate) to facilitate this discharge and how access will be obtained to maintain any such works, and
  - c) Details regarding the proposed location of facilities for the treatment of stormwater to achieve the objectives for environmental quality as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999.
  - d) How the development of Lots A, B, D and E will meet stormwater management best practice requirements during all stages of the development of each lot.

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**Signature for the Responsible Authority**

**APA Group**

4. Easements in favor of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT.
5. The plan of subdivision submitted for certification must be referred to APT O&M Services Pty Ltd, in accordance with Section 8 of the Subdivision Act 1988.

**AusNet Electricity Services**

6. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.
7. The applicant must –
  - a) Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
  - b) Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
  - c) Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
  - d) Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
  - e) Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
  - f) Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
  - g) Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.
  - h) Provide survey plans for any electric substations required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
  - i) Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
  - j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
  - k) Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

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**Gippsland Water**

8. The following conditions being met by the owner prior to the issue of a Statement of Compliance:
- a) Carry out works necessary to ensure all existing water services supplying the land are contained solely within the boundary of the individual lot(s), to the satisfaction of Gippsland Water. On completion of these works the owner must sign and return the Water Servicing Declaration provided by Gippsland Water.
  - b) Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.

**Esso Australia Pty Ltd Conditions:**

9. Prior to the commencement of any works within the Esso pipeline easement, the proponent must seek a right of way work permit from an Authorised Esso Pipeline Surveillance Officer. Works within the easement must comply with the conditions attached to the permit (refer to Esso document "Conditions for working near Esso Pipelines" as issued by Esso Australia). The proponent shall lodge the application via Dial Before You Dig with a minimum of 48 hours notice period (during business hours).
10. Roadways, Structures, Service crossings, vegetation / landscaping or bulk material placement on or under the area within the pipeline easement may not be undertaken without prior consent in writing by Esso Australia Pty Ltd.
11. Any works, vegetation, landscaping or structures that limit line of sight across the easement may not be undertaken without prior consent in writing by Esso Australia Pty Ltd.
12. Any fences placed across the Esso pipeline easement shall require Ministerial consent in accordance with section 120 of the VIC Pipelines Act.
13. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to Esso Australia Pty Ltd in accordance with section 8 of that Act.

**Telecommunications Conditions:**

14. The owner of the land must enter into an agreement with:
- a) 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
  - b) 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.
15. 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) 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
  - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the

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Form 9

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.

**Expiry of Permit Condition**

16. This permit will expire if:

- a) the plan of subdivision is not certified within two (2) years of the date of this permit; or
- b) the registration of the subdivision is not completed within five (5) years of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months of expiry of permit.

Note: The commencement of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of the plan, and completion is regarded as the registration of the plan.

**Notes**

Note 1. The permit holder must ensure that all relevant Permits have been obtained before the commencement of the use.

Note 2. Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.

**Gippsland Water Notes**

Note 3. The following Gippsland Water forms are available and may be obtained from Gippsland Water's website, [www.gippswater.com.au](http://www.gippswater.com.au):

1. Servicing Information Request form – to assist in location of existing assets and services:

<https://www.gippswater.com.au/developers/property-connections/property-information-and-requests>

2. Application for Gippsland Water Deed of Agreement for Construction of Water and/or Wastewater Services for both subdivisional and non-subdivisional developments (extension of water and/or sewer mains):

[https://www.gippswater.com.au/application/files/1114/3916/8194/APPLICATION\\_FOR\\_GIPPSLAND\\_WATER\\_DEED\\_OF\\_AGREEMENT.pdf](https://www.gippswater.com.au/application/files/1114/3916/8194/APPLICATION_FOR_GIPPSLAND_WATER_DEED_OF_AGREEMENT.pdf)

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3. Property Connections Quote Request form – Residential, Commercial/Industrial, Multi-Tenement (Units), Land Subdivisions – A Property Connections Quote Request form must be completed and forwarded to our Property Connections Team to arrange a quote for the development:

<https://www.gippswater.com.au/developers/property-connections/connections>

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

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### WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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### 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 a 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.

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### WHAT ABOUT APPEALS?

- \* Any person affected may apply for a review of -
    - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or.
    - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or.
    - the failure of the responsible authority to extend the time within one month after the request for extension is made.
  - \* An application for review is lodged with the Victorian Civil and Administrative Tribunal.
  - \* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
  - \* An application for review must state the grounds upon which it is based.
  - \* 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 Victorian Civil and Administrative Tribunal.
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