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# PLANNING PERMIT

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

**Permit No:** 2018/94

**Planning Scheme:**

Latrobe Planning Scheme

**Responsible Authority:**

Latrobe City Council

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**ADDRESS OF THE LAND:**

Lot E on PS732061 and proposed Lot C PS821062Y  
(currently Lot B PS729261) Traralgon Maffra Road,  
Traralgon.

**THE PERMIT ALLOWS:**

Two lot re-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.

**Standard Conditions:**

2. The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with section 8 of that Act.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

**Telecommunications Conditions:**

5. 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.

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**Date Issued:**

**Date Permit comes into  
operation:**

(or if no date is specified, the permit  
comes into operation on the same day as  
the amendment to which the permit  
applies comes into operation)

**Signature for the Responsible  
Authority**

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Form 9

6. 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 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.

**Engineering Conditions:**

7. The plan submitted for certification under the *Subdivision Act 1988*, must show easements for drainage purposes to the satisfaction of the Responsible Authority.
8. Before the plan of subdivision is certified under the *Subdivision Act 1988*, an amended stormwater management strategy for the development of the land in lot I, must be submitted to the satisfaction of and approved by the Responsible Authority. The amended strategy must include:
- a) How stormwater arising from the land in lot I will be discharged across lot J from the proposed wetland.
  - b) How stormwater arising from the strip of land within 'The Rise' estate proposed to be rezoned, will be discharged when developed for residential lots in the future, and any drainage easements required to facilitate this stormwater discharge.
  - c) Any works (both interim and ultimate) to facilitate these discharges and how access will be obtained to maintain any such works.
  - d) Drainage easements required for any works within lot J.

**APA VTS Conditions**

9. The APA easement located in the north east corner of the subject site has been incorrectly shown on the proposed plans. The easement is incorrectly referenced as being 3 metres wide, this easement is required to be shown as being 7 metres in width as per easements E-3 and E-4 on PS 7292612G prior to any plans being endorsed.
10. Buildings, structures, roadway, pavement, pipeline, cable, fence or any other improvement on or under the land within the gas transmission pipeline easement must not be constructed without prior consent in writing from the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd). No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.
11. Prior to the commencement of any works within the gas transmission pipeline easement, the proponent must enter a Third Party Works Authorisation agreement with the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd). Works within the easement must comply with any conditions attached to a third party works approval.
12. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to APA VTS Australia (Operations) Pty Ltd in accordance with section 8 of that Act.

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**Esso Australia Pty Ltd Conditions:**

- 13. 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).
- 14. 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.
- 15. 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.
- 16. Any fences placed across the Esso pipeline easement shall require Ministerial consent in accordance with section 120 of the VIC Pipelines Act.
- 17. 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.

**Expiry of Permit Condition**

- 18. 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.

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**Signature for the Responsible Authority**

**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.

**APA VTS Notes**

Note 3. If you are planning on undertaking any physical works on property containing or proximate to a pipeline, or are seeking details on the physical location of a pipeline, please contact Dial Before you Dig on 1100, or APA directly on [APAprotection@apa.com.au](mailto:APAprotection@apa.com.au)

Note 4. Infrastructure and services other than perpendicular service crossings will not be supported within the APA VTS gas transmission pipeline easement. Service crossings of the APA VTS gas transmission pipeline easement should be kept to a minimum and grouped wherever possible.

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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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