

**FORM 4**

Section 63

**PLANNING PERMIT**

Permit No.: 2020/152

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

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ADDRESS OF THE LAND: 56 & 58 Moe South Road, MOE SOUTH

DESCRIPTION: L 2 PS 400699, L 2 LP 55896 and L 1 PS 400699

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THE PERMIT ALLOWS: Development of land associated with Utility Infrastructure and removal of Native Vegetation, in accordance with the endorsed plan(s)

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

**Amended Plans Required**

1. Before the development 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 and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) Vegetation to be removed and retained in the context of the final layout of proposed works, including Tree Protection Zones where required;
- b) Any bushfire protection measures proposed in the *Strategic Assessment Report (May 2020)* and *Bushfire Assessment (May 2020)* submitted for the project.
- c) Additional details of car parking areas including surface materials proposed and if the car parking areas are to be temporary or permanent;
- d) Sections and elevations of the basin and associated works;
- e) Any noise mitigation measures recommended in the *Operational Noise Assessment (May 2020)* submitted for the project.

Date Issued:

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**FORM 4**

Section 63

**PLANNING PERMIT**

Permit No.: 2020/152  
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Responsible Authority: Latrobe City Council

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**Permit Conditions Notification and Compliance**

2. Before works start, the permit holder must inform and instruct all persons undertaking the vegetation removal or works on site about permit conditions and the need to comply with all statutory requirements or approvals.

**Endorsed Plans Not Altered**

3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**General Amenity**

4. The development must be managed so that the amenity of the area is not adversely affected by the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

**Noise Control**

5. Noise levels emanating from the land must comply with the requirements of the Environment Protection Authority's Information Bulletin No. N3/89 *Interim Guidelines for Control of Noise from Industry in Country Victoria*

**Landscape Plan**

6. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and form part of the permit. The plan must be drawn to scale with dimensions, north point and scale and three copies must be provided. The plan must show:
  - a) 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 and their location on the site
  - b) all species selected must be of low fire risk, not likely to become environmentally invasive to the satisfaction of the responsible authority and the Country Fire Authority.

Date Issued:

---

Signature for the Responsible Authority

**FORM 4**

Section 63

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---

7. Before the use of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
8. Landscaping to provide visual screening must be provided along the eastern part of the southern boundary of 58 Moe South Road, Moe South in general accordance with *Figure 3 Site Context and Design Response Plan* of the Strategic Assessment Report.
9. The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

**Construction Environmental Management Plan**

10. Before any works begin, a Construction Environmental Management Plan to the satisfaction of the Department of Environment, Land, Water and Planning must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must include:
  - a) A detailed description of the measures to be implemented to:
    - i. protect the native vegetation to be retained during construction works, which must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, including tree protection zones of all native trees to be retained. All tree protection zones must comply with *AS 4970-2009 Protection of Trees on Development Sites*.
    - ii. avoid or minimise impacts to all ecological values of the subject land, including but not limited to details of measures:
      - a) to be implemented to prevent adverse impacts on any aquatic habitat and waterways during the construction period (sediment control measures)
      - b) to prevent contaminants (e.g. oils, chemicals) from entering any aquatic habitat or waterways as a result of accidental spills

Date Issued:

---

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**FORM 4**

Section 63

**PLANNING PERMIT**

Permit No.: 2020/152  
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---

- c) to implement a weed/disease/pest hygiene measures that prevents the spread of existing and/or introduction of new weeds, diseases or pests to the site. This must include, but is not limited to:
- wash down and inspection of vehicles, machinery and boots before entering/leaving the site
  - control of existing weeds including measures for accurate identification
  - weed control methods that do not have adverse impacts on native vegetation to be retained, frogs, aquatic species and habitat or areas of poor drainage.

These measures must include details of the person/s responsible for implementation and compliance.

- b) an amended site plan, drawn to scale with dimensions and georeferences (such as VicGrid94 co-ordinates) at a landscape and site level, that clearly shows:
- i. the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land
  - ii. the location and area of all native vegetation present, including scattered trees, that are permitted to be removed under this permit
  - iii. all areas of native vegetation to be retained
  - iv. buffers or set back areas from construction impact zones that include the tree and vegetation protection zones of all native vegetation to be retained. Tree protection zones must accord with AS 4970—2009 *Protection of trees on development sites*.

**Native vegetation to be retained**

11. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- a) any vehicle or pedestrian access, trenching or soil excavation, and

Date Issued:

---

Signature for the Responsible Authority

**FORM 4**

Section 63

**PLANNING PERMIT**

Permit No.: 2020/152  
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Responsible Authority: Latrobe City Council

---

- b) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
- c) entry or exit pits for underground services, and
- d) any other actions or activities that may result in adverse impacts to retained native vegetation.

**Removal of vegetation**

- 12. The native vegetation permitted to be removed, destroyed or lopped under this permit is 1.854 hectares of patch native vegetation including 44 large trees, with a strategic biodiversity score of 0.531.
- 13. All vegetation removal works must be in accordance with the endorsed plan(s) to the satisfaction of the Responsible Authority.
- 14. Vegetation removal and disposal must not cause damage to vegetation stands to be retained and to drainage lines and/or watercourses.
- 15. Felled timber containing hollows must be retained and located on-site to the satisfaction of the responsible authority upon the advice of the Department of Environment, Land, Water and Planning.

**Native vegetation offsets**

- 16. To offset the removal of 1.854 hectares of native vegetation including 44 large trees, the permit holder must secure the following native vegetation offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017):
  - a) A general offset of 1.481 general habitat units:
    - i. located within the West Gippsland Catchment Management Authority boundary or Latrobe City Council municipal district
    - ii. with a minimum strategic biodiversity score of at least 0.413.

The offsets secured must also protect 44 large trees.

Date Issued:

---

Signature for the Responsible Authority

**FORM 4**

Section 63

**PLANNING PERMIT**

Permit No.: 2020/152  
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---

17. Before any native vegetation is removed, evidence that the required offset for the project 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, and/or
  - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
18. A copy of the offset evidence will 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 Environment, Land, Water and Planning at the Traralgon regional office via [Gippsland.Planning@delwp.vic.gov.au](mailto:Gippsland.Planning@delwp.vic.gov.au).
19. Where the offset includes a first party offset(s), the permit holder must provide an 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.
20. Within 12 months of the completion of the project, offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.

**Bushfire conditions**

21. Before development starts, an Emergency Plan must be submitted to and approved by the Country Fire Authority. The plan must contain details of bushfire management protocols and information including:
- a) Vegetation-management procedures to address defensible space guidelines;
  - b) Access information for emergency services in the event of a fire;
  - c) Country Fire Authority water supply connection point location and access information;

Date Issued:

---

Signature for the Responsible Authority

**FORM 4**

Section 63

**PLANNING PERMIT**

Permit No.: 2020/152  
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---

d) Storage and handling procedures for any dangerous goods.

The plan must not be altered unless otherwise agreed in writing by Country Fire Authority.

22. The permit holder must provide for access for fire fighting purposes that must:

a) have a minimum trafficable width of 3.5m of all-weather construction

b) only contain curves with a minimum inner radius of 10m

c) have an average grade of not more than 1 in 7 (14.4 percent or 8.1 degrees) with a maximum of not more than 1 in 5 (20 percent or 11.3 degrees) for no more than 50m

d) incorporate a turning area for fire fighting vehicles where the access is more than 100m in length.

23. Exempt for areas of retained native vegetation, during the fire danger period, all grassy areas around the infrastructure and emergency vehicle access tracks must be short cropped and maintained to reduce fire risk.

**Cultural Heritage Management**

24. Prior to ground disturbance works commencing, a Cultural Heritage Induction must be provided to all contractors and workers undertaking such works to inform them of:

a) The presence, purpose and results of the Cultural Heritage Management Plan;

b) The procedure to follow should cultural heritage material or Aboriginal Ancestral remains be discovered during the construction of works.

The induction must be presented by a GunaiKurnai Land and Waters Aboriginal Corporation (GLaWAC) representative. At least two weeks' notice must be provided to GLaWAC of the proposed induction date.

25. A hardcopy of the approved Cultural Heritage Management Plan must be kept on-site during the construction of works.

**Expiry of Permit**

Date Issued:

---

Signature for the Responsible Authority

**FORM 4**

Section 63

**PLANNING PERMIT**

Permit No.: 2020/152  
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Responsible Authority: Latrobe City Council

---

26. 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
- b) the development is not completed 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 before the permit expires; or

- a) within six (6) months after the permit expires where the development has not yet started, or
- b) within twelve (12) months after the permit expires where the development allowed by the permit has lawfully commenced before the permit expiry.

**Note 1.** Before works start, the permit holder must obtain a Third Party Works Authorisation from the APA Group for the works.

**Note 2.** Before any works on public land start, a permit to take protected flora under the *Flora and Fauna Guarantee (FFG) Act 1988* is required. To obtain an FFG permit or further information, please contact a Natural Environment Program officer at the Traralgon regional office of the Department of Environment, Land, Water and Planning on (03) 5172 2111.

END CONDITIONS

Date Issued:

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Signature for the Responsible Authority

## IMPORTANT INFORMATION ABOUT THIS NOTICE

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the *Planning and Environment Act 1987*.)

### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A 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:
  - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
  - ii. the date on which it was issued, in any other case.

### 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.

### WHAT ABOUT REVIEWS?

- ❖ The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of review exists.
- ❖ An application for review must be lodged within 60 days after the permit was issued, unless a Notice of Decision to Grant a Permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- ❖ 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.
- ❖ A copy of 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 VCAT.