

FORM 4

Section 63 & 86

PLANNING PERMIT

Permit No.: 2020/192/A
Planning Scheme: Latrobe Planning Scheme
Responsible Authority: Latrobe City Council

ADDRESS OF THE LAND: 5483-5495 Princes Highway, TRARALGON
Description: CA 41D, L 1 TP 823034, L 1 TP 954239, Pt 41D

THE PERMIT ALLOWS: Use and development of a Service Station; creation of access to a road in a Transport Zone 2; and two lot re-subdivision of land , in accordance with the endorsed plan(s)

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

DATE OF AMENDMENT	BRIEF DESCRIPTION OF AMENDMENT
14 October 2024	This permit has been amended pursuant to Section 74 of the Planning and Environment Act 1987 as follows: <ul style="list-style-type: none">• Preamble amended.• Conditions 2, 12, 19, 21, 23, 24, 25 and 29 amended.• Conditions 2A and 51 added.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans Condition:

1. Prior to the commencement of works, revised plans must be submitted to and approved by the Responsible Authority. The plans must be consistent with those provided but modified to show:
 - a) All signage removed from the plans;
 - b) The site plan amended to reflect all changes required by Vic Roads conditions (i.e. conditions 32-44).

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.

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Endorsed Plans Condition:

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 2A. The subdivision as shown on the endorsed plans must not be altered without the permission of the Responsible Authority.

Standard Development Conditions:

3. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
4. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
5. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.

Amenity Conditions:

6. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin;or otherwise, to the satisfaction of the Responsible Authority.

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7. Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
8. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
9. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
10. The loading and unloading of vehicles and the delivery of goods to and from the land must:
 - a) be carried out on or adjacent to the boundaries of the land;
 - b) Not disrupt the circulation of traffic, access, pedestrian mobility and parking of vehicles on and off the land; and
 - c) be carried out to the satisfaction of the Responsible Authority.
11. No goods or packaging materials or machinery may be stored or left exposed outside the building so as to be visible from any public road or way.
12. Before the use starts, the concrete paved area for the washing of vehicles must be constructed so all water is drained to an outlet point (and includes appropriate oil interceptor traps) in the concrete area and discharged to the sewer. Vehicles must not be washed in any other area other than the designated washing bay as shown on the endorsed plans to the satisfaction of the Responsible Authority.

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Landscaping Conditions:

13. Prior to the occupancy of the development 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.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Health Conditions:

15. All wastewater shall be treated and disposed of to the reticulated sewer to the satisfaction of the Responsible Authority.
16. Wash down water to be recycled or discharged to sewer via a triple interceptor to the satisfaction of the Water Authority.
17. The fit out of the food premises must comply with the Food Standards Code Australia Standard 3.2.3, Food Premises and Equipment. Compliance with Standard 3.2.3 will facilitate compliance with Standard 3.2.2 Food Safety Practices and General Requirements and the Australian Standard Design, Construction of Food Premises AS 4674-2004
18. Noise levels emanating from the premises must be managed in accordance with the Victorian Environment Protection Authority's State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 and 'Noise from industry in Regional Victoria' Publication 1411, October 2011.

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Engineering Conditions:

19. Before the commencement of any works associated with the service station hereby permitted, a stormwater management plan including all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Plans must be drawn to scale with dimensions and an electronic copy (PDF) must be provided. Stormwater drainage must be designed in accordance with the requirements of Latrobe City Council's design guidelines and the plan must provide for the following:
- a) How the land including all buildings, open space and paved areas will be drained to the site discharge point for the service station, for a 1 in 10 year ARI storm event.
 - b) How stormwater will be conveyed from the site discharge point and connecting to the designated waterway to the north east of the service station site.
 - c) Written approval from the West Gippsland Catchment Management Authority for the works to discharge stormwater to the designated waterway.
 - d) Details regarding treatment of stormwater within the service station site to achieve the following objectives for environmental quality as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 and designed in accordance with:
 - i) 80% retention of the typical annual load of suspended solids;
 - ii) 45% retention of the typical annual load of total phosphorus;
 - iii) 45% retention of the typical annual load of total nitrogen; and
 - iv) 70% retention of the typical annual load of gross pollutants.

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- e) A concrete paved area must be used for the refuelling of vehicles such that all water shall be drained to an outlet point at which an oil and silt interceptor trap shall be installed to receive all drainage from the paved area. All waste water from the oil and silt interceptor trap must be discharged to an approved sewer or other approved outlet.
20. The plan of subdivision submitted for certification under the Subdivision Act 1988 must show appropriate easements set aside for drainage purposes to the satisfaction of the Responsible Authority.
21. Before development starts (excluding works associated with the subdivision), detailed engineering plans and specifications must be submitted to the satisfaction of and approved by the Responsible Authority. The engineering plans must be generally in accordance with the endorsed plans and the stormwater management plan approved under condition 19. 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 one copy and an electronic copy in PDF format must be provided. The plans must include:
- a. How the land including all buildings, open space and paved areas will be drained to the site discharge point for the service station, for a 1 in 10 year ARI storm event.
 - b. Road pavement widening works along the east side of Bradford Drive between Princes Highway and the proposed exit to the land in accordance with the endorsed plans. This section of Bradford Drive shall be widened to include a sealed pavement and kerb and channel along both sides of Bradford Drive for the full length of the development's abuttal to Bradford Drive.

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22. Appropriate measures must be implemented throughout the construction stage of the 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.
23. Before the use hereby permitted commences or prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988 (whichever is earlier), either:
- a) The operator of this permit must complete the following works to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:
 - i. The construction of a new stormwater drainage connection in accordance with the engineering plans and specifications approved by the Responsible Authority, so that Lot 1 is separately drained from its legal point of discharge to the designated waterway; OR
 - b) the operator of this permit must enter into an agreement with the Responsible Authority, made pursuant to Section 173 of the Planning and Environment Act 1987, to the effect that, without the written consent of the Responsible Authority:
 - i. The works described in part a) of this condition must be constructed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken before the use starts; and
 - ii. That prior to the commencement of the use allowed under this permit the operator of this permit must pay and submit to Latrobe City Council:

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- For all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an engineering plan checking fee of an amount equivalent to 0.75% of the estimated cost of constructing the works proposed on the engineering plans,
 - For all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an amount equivalent to 2.5% of the estimated cost of constructing the works which are subject to supervision, and
 - Final as-built plans for all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, in a electronic format complying with A-Spec requirements, levelled to the Australian Height Datum and coordinated to the Map Grid of Australia (MGA94).
- iii. That prior to the commencement of the use allowed under this permit, the maintenance period, including any defects liability period, for all works becomes the responsibility of Latrobe City Council, must be completed to the satisfaction of the Responsible Authority unless an arrangement to secure compliance with this condition has been agreed to in writing by the Responsible Authority under Section 21 (1)(b)(ii) of the Subdivision Act 1988
- c) Make application to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act; and
- d) Pay the reasonable costs of the preparation, review, and execution and registration of the Section 173 Agreement; and
- e) Provide Council with a copy of the dealing number issued by the Titles Office; and

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- f) Once titles are issued, provide either:
 - i. a current title search; or
 - ii. a photocopy of the duplicate certificate of Title as evidence of Registration of the Section 173 Agreement on title.

24. Before the use commences starts, 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. Construction of these works must include all necessary permits being obtained and inspections of the works by officers from the Responsible Authority.

- a) Road pavement widening works along the east side of Bradford Drive between Princes Highway and the proposed exit to the land in accordance with the endorsed plans. This section of Bradford Drive shall be widened to include a minimum 7.3 metre wide sealed pavement and kerb and channel along both sides of Bradford Drive for the full length of the development's abuttal to Bradford Drive.
- b) All proposed vehicle crossings must be constructed in accordance with the endorsed plans.
- c) The areas shown on the endorsed plans for vehicle access and car parking must be constructed to such levels that they can be used in accordance with the approved plans including surfacing with an all-weather sealed surface, drained, line marking to indicate all access lanes; and clearly marked to show the direction of traffic along access lanes and roadways.
- d) A concrete paved area must be constructed for the refuelling of vehicles such that all water shall be drained to an outlet point at which an oil and silt interceptor trap shall be installed to receive all drainage from the paved area. All waste water from the oil and silt interceptor trap must be discharged to an approved sewer or other approved outlet.

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- e) All drainage systems must be constructed in accordance with the approved stormwater management plan.
 - f) All redundant vehicle crossings must be removed and kerb and channel and grassed naturestrip reinstated.
25. All infrastructure constructed along Bradford Drive and which will become the responsibility of Latrobe City Council, shall be maintained by the operator of this permit for a period of three months from the date of practical completion of the works. Maintenance of road works shall include all inspections required in accordance with Latrobe City Council's Road Management Plan. Following the certified end of this maintenance period by the Responsible Authority, a Defects Liability Period of nine months shall then apply during which the operator of this permit will remain responsible for any defects in the works.
26. Car spaces, vehicle access lanes and driveways must be kept available for these purposes at all times.
27. The areas set aside for car parking and vehicle access lanes must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
28. Where proposed, all lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises to the satisfaction of the Responsible Authority.
- WGCM Conditions:**
29. Before development starts or before the certification of the plan of subdivision, an amended Stormwater Management Plan must be developed to the satisfaction of West Gippsland Catchment Management Authority. The Stormwater Management Plan must:

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- a. Demonstrate that all stormwater discharge from the development will meet the *Urban Stormwater Best Practice Environmental Management Guidelines* (CSIRO, 1999).
- b. Include a detailed, development-specific maintenance schedule detailing all maintenance actions that are required for each stormwater treatment asset.

Gippsland Water Conditions:

30. Prior to the commencement of any water, sewer or ancillary works vested in Gippsland Water, the owners of the land, the developer and the design consultant, must have executed a Developer Works Agreement for the decommissioning of the 100mm AC water main (to be removed from the ground as part of the works) and the re-alignment of the 150mm water main from private property to within the road reserve (This water main within private property is also to be removed from the ground as part of the works). Please refer to our website: <https://www.gippswater.com.au/developers/information/information-design-consultants> and download Form 1.
31. The owner of the land, the developer and the design consultant must also enter into a formal Developer Works Deed of Agreement with Gippsland Water, under the Corporation's Land Development system, for the complete construction of works necessary for the provision of sewerage services to this development. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned deed. Please refer to our website: <https://www.gippswater.com.au/developers/information/information-design-consultants> and download Form 1. Prior to the commencement of any water, sewer or ancillary works that will be vested in Gippsland Water, the owner of the land, the developer and the design consultant, must have executed the aforementioned deed with Gippsland Water.

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Vic Roads Conditions:

32. Only one direct point of entry to the development from the Princes Highway will be permitted. This must be a left in only access located generally in accordance with O'Brien Traffic drawing 21045002 dated 12 January 2021.
33. At the entry to the development from the Princes Highway, a left turn lane (generally in accordance with the Austroads Guidelines) must be provided.
34. Direct exit onto the Princes Highway from the development will not be permitted.
35. The existing intersection of Bradford Drive and the Princes Highway must be reconstructed to the satisfaction of the Head, Transport for Victoria.
36. At the intersection of Bradford Drive and the Princes Highway, a splitter island must be provided to the satisfaction of the Head, Transport for Victoria.
37. The existing road safety barriers must be modified to the satisfaction of the Head, Transport for Victoria.
38. Provide V3 roadway lighting to the satisfaction of the Head, Transport for Victoria.
39. Prior to the plans being endorsed, they must be amended to remove the exit onto the Princes Highway to the satisfaction of Head, Transport for Victoria. Once approved the plans can be endorsed and form part of the permit hereby permitted.
40. Prior to works beginning on the site, detailed functional layout plans in accordance with Gippsland Regions developer funded checklist must be submitted and approved by the Head, Transport for Victoria.

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41. Prior to plans beginning, the applicant's design consultants must attend a predesign meeting with Department of Transport Gippsland Regional officers.
42. Prior to the use hereby approved, all roadworks must be completed at no cost and to the satisfaction of the Head, Transport for Victoria.
43. Prior to commencement of the development hereby approved a truck wheel-wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land.
44. The truck wheel-wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of Head, Transport for Victoria.

Standard Subdivision Conditions:

45. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
46. 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.
47. 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.

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Standard AusNet Conditions:

48. The operator of this permit must meet the requirements of AusNet Electricity Services Pty Ltd in that, prior to the issues of Certification/Statement of Compliance, they:
- a) 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.
 - b) Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
 - c) Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations by also be required.

Use & Development Expiry Condition:

49. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit; or
 - b) The development is not completed and the use has not commenced within four years of the date of this permit;

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The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit. An extension of time to complete the [development](#) or a stage of the [development](#) may be requested if—

- the request for an extension of time is made within 12 months after the [permit](#) expires; and
- the [development](#) or stage started lawfully before the [permit](#) expired.

Subdivision Expiry Condition:

50. This permit will expire if one of the following circumstances applies:
- a) the plan of subdivision is not certified within 2 years of the date of this permit; or
 - b) the registration of the subdivision is not completed within 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.

Section 173 Agreement Condition:

51. Before the issue of Statement of Compliance under the *Subdivision Act 1988*, either:
- a) Construction of the development approved under Planning Permit 2020/192/A issued by Latrobe City Council must have substantially commenced; or

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- b) The operator of this permit must enter into an agreement with the Responsible Authority, made pursuant to Section 173 of the Planning and Environment Act 1987, to the effect that, without the written consent of the Responsible Authority:
- i. The use and development approved under planning permit 2020/192/A issued by Latrobe City Council must be undertaken in accordance with the conditions and plans endorsed to this permit; and
 - ii. Make application to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act; and
 - iii. Pay the reasonable costs of the preparation, review, and execution and registration of the Section 173 Agreement; and
 - iv. Provide Council with a copy of the dealing number issued by the Titles Office; and
 - v. Once titles are issued, provide either:
 - a) current title search; or
 - b) a photocopy of the duplicate certificate of Title as evidence of Registration of the Section 173 Agreement on title

Note 1. Use and Development Extension of Time Note

This permit was extended on 3 July 2023. This permit will expire if:

- a) The development is not started by 8 July 2025; or
- b) The development is not completed and the use has not commenced by 8 July 2027.

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Subdivision Extension of Time Note

This permit was extended on 3 July 2023. This permit will expire if:

- a) the plan of subdivision is not certified by 8 July 2025; or
- b) the registration of the subdivision is not completed within 5 years of certification.

Note 2. Please note that if any native vegetation is found to be impacted (unless exempt) this will require separate planning approval.

Note 3. Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:

- Left turn lane
- Roadway Lighting
- Safety Barrier modifications
- Splitter island

Note 4. All works within 30 metres of a designated waterway require a Works on Waterways permit from West Gippsland Catchment Management Authority issued under the Water Act 1989. This includes (but is not limited to) construction of installation of any water or sewer main within 30 metres of a designated waterway. An application form is available at <http://www.wgcma.vic.gov.au/for-landholders/works-on-waterways>

Note 5. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

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- Note 6.** The location of the Legal Point of Discharge for any property and the connection point into Latrobe City Council's stormwater drainage system can be obtained by completing a Legal Point of Discharge form, found at www.latrobe.vic.gov.au/services/roads/workspemits.
- Note 7.** A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of all new stormwater drainage into Latrobe City Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Latrobe City Council's Asset Protection Officer before any backfilling of the connection is undertaken.
- Note 8.** A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.
- Note 9.** The operator of this permit must ensure that all relevant Permits have been obtained prior to the commencement of the use.
- Note 10.** Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.

END CONDITIONS

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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.