

FORM 4

Section 63

PLANNING PERMIT

Permit No.:	2016/166
Planning Scheme:	Latrobe Planning Scheme
Responsible Authority:	Latrobe City Council
ADDRESS OF THE LAND:	Sullivans Track, YALLOURN
DESCRIPTION:	L 1 PS 412576

THE PERMIT ALLOWS: Multi Lot Subdivision in Stages in the Urban Growth Zone, Bushfire Management Overlay and Land Subject to Inundation Overlay, Subdivision of land adjacent to a Road Zone, Category 1, Removal of Easements and Creation of Reserves, in accordance with the endorsed plan(s)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans:

1. Prior to the certification of Stage 1 of the development under the *Subdivision Act* 1988, amended plans must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application but modified as detailed below:
 - a) Amend the Vegetation Removal Plan to be consistent with the Lake Narracan Vegetation Precinct Plan.
 - b) Amend the Landscape Concept Plan to show a notation on the plans advising that species provided on the Landscape Masterplan are indicative only and the detailed plans for each stage will determine the final selection.
 - c) Amend the Landscape Masterplan as required under Condition 14 of this permit.
 - d) Amend the Bushfire Management Plan to:
 - i. Correct the water supply reference for lots greater than 1001m²; and
 - ii. Designate all five north-eastern lots as BAL29.
 - e) Amend the Mobility Plan, to reflect a revised shared pathway network that does not connect to PSP Property Number 67, to the satisfaction of the Responsible Authority.

Date Issued: 25 June 2018



Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- f) Amend the Mobility Plan, to reflect a revised shared pathway network that does not connect to PSP Property Number 67, to the satisfaction of the Responsible Authority.
- g) Amend the Whole of Water Cycle Assessment as required under Condition 38 of this permit.
- h) Amend all other plans required for endorsement to be consistent with the above changes.

When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.

- 2. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.
- 3. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the Responsible Authority.

Public Infrastructure Plan Conditions:

70 and 73 impossible for certification

- 4. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, conditions 1, 4, 5, 6, 8, 15, 16, 17, 25, 35, 36, 36, 38, 39, 40, 41, 45, 46, 63, 70, 73 and 75 of this permit must be completed to the satisfaction of the Responsible Authority.
- 5. Before the plan of subdivision for Stage 1 is certified under the Subdivision Act 1988 an amended Public Infrastructure Plan must be submitted to the Responsible Authority and approved by the Responsible Authority. It must be generally consistent with the Public Infrastructure Plan 19726 Millar Merrigan October 2017 but updated to include:
 - (a) The most recent indexation figures;

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- (b) Upgrade of Sullivan’s Track consistent with the planning permit conditions; and
 - (c) A plan which is generally consistent with the Staging Plan which shows where infrastructure items that are proposed to be delivered as ‘Works in Kind’ are located.
6. Before the certification of a plan of subdivision for Stage 1, the owner must enter into an agreement under Section 173 of the Planning and Environment Act 1987 which provides for:
- a) The implementation of the Public Infrastructure Plan approved under this permit;
 - b) The equalisation of open space having regard to the areas set aside in a plan of subdivision and the amount specified in the schedule of Clause 52.01; and
 - c) The timing of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the DCP or public open space account.

The owner must also:

- a) 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
- b) Pay the reasonable costs of the preparation, review, and execution and registration of the Section 173 Agreement; and
- c) Provide Council with a copy of the dealing number issued by the Titles Office; and

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- d) 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.

Development Contributions Conditions:

- 7. A Development Infrastructure Levy must be paid to the Responsible Authority in accordance with the provisions of the Lake Narracan Development Contributions Plan for the land within the following specified time, namely after Certification of the relevant plan of subdivision but not more than 21 days prior to the issue of Statement of Compliance for the relevant stage.
- 8. Prior to the Certification of the Plan of Subdivision under the Subdivision Act 1988 for each stage of the subdivision, a Schedule of Development Contributions must be submitted to and approved by the Responsible Authority. The Schedule of Development Contributions must show the amount of development contributions payable for that stage, and the amount paid in respect of prior stages to the satisfaction of the Responsible Authority.
- 9. Twenty-one (21) days prior to the issue of Statement of Compliance under the Subdivision Act 1988 for each stage of the subdivision, a revised Schedule of Development Contributions must be submitted to and approved by the Responsible Authority. The Schedule of Development Contributions must be in accordance with the approved schedule for the relevant stage in accordance with Condition 7, but updated to reflect the current Development Infrastructure Levy rates to the satisfaction of the Responsible Authority.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

Urban Design Conditions:

10. Prior to the issue of Statement of Compliance for Stage 1 under the Subdivision Act 1988, the owner must prepare urban design guidelines to the satisfaction of the Responsible Authority for all residential lots adjoining public open space areas. The design guidelines must include:
- a) Where appropriate, specification that a dwelling must not present 'back fences' and 'side fences' to the public open space areas. If unavoidable, part b of the design guidelines should apply.
 - b) Specification that any boundary fencing adjoining a public open space reserve must be no higher than 1.2m or constructed in material with at least 75% permeability to the satisfaction of the Responsible Authority.
 - c) Requirement that any development on the relevant lots must be in accordance with the design guidelines except with written consent from Council.

Section 173 Agreement – Design Guidelines

11. Prior to the issue of Statement of Compliance for Stage 1 under the Subdivision Act 1988, 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 (the Act) to register the design guidelines on all residential lots adjoining public open space areas.

The owner must also:

- a) 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

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- b) Pay the reasonable costs of the preparation, review, and execution and registration of the Section 173 Agreement; and
- c) Provide Council with a copy of the dealing number issued by the Titles Office; and
- d) 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.

Public Open Space Contribution:

- 12. Prior to the issue of Statement of Compliance under the *Subdivision Act* 1988, for each stage of the subdivision, a 5.29% public open space contribution as specified in the schedule to Clause 52.01 of the Latrobe Planning Scheme must be made to the Responsible Authority in a manner which is consistent with the Lake Narracan Precinct Structure Plan.
- 13. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 for each stage of the subdivision a schedule of public open space must be submitted to the Responsible Authority showing the amount of public open space provided for each stage together with cumulative totals of any credit/balance in the amounts provided to the satisfaction of the Responsible Authority.
- 14. Land required for open space, as set out in the Lake Narracan Precinct Structure Plan or the Lake Narracan Development Contributions Plan, must be transferred to or vested in Council at no cost to Council unless the land is funded by the Lake Narracan Development Contributions Plan or contributes to satisfaction of required provisions under Clause 52.01.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

Recreation Conditions:

15. Landscape Masterplan

Prior to certification of Stage 1 for the development, a Landscape Masterplan for the site must be provided and endorsed. The Landscape Masterplan must be generally in accordance with the Lake Narracan Precinct Structure Plan; Lake Narracan Native Vegetation Precinct Plan; and the neighbourhood character statement associated with Thompsons Bay. The plan will need to address the following:

- a) A brief description of how the design intent enhances natural features of the site and surrounds
- b) Paths
- c) Any vegetation that will be retained including tree protection zones
- d) Any wetland/retention area/vegetated swales with indication of vegetated areas
- e) Provision of any furniture, boardwalks, play spaces, shelters, and plantings with pictures of indicative styles
- f) General layout of trees
- g) Indicative plant and tree species
- h) Contours
- i) Detail that no planting is to take place during the period of November 1 and March 1.

Date Issued: 25 June 2018



Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

16. Detailed Landscape Plans:

Prior to the commencement of any works associated with each stage of the subdivision, a detailed landscape plan for all public open space areas to be developed as part of this permit, including streets, parklands, entry features, drainage reserves, wetlands and community use areas must be prepared by a person suitably qualified or experienced in landscape design and submitted to the Responsible Authority for its approval. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies and an electronic copy (PDF) must be provided. The landscape plan must be consistent with any development plan and/or landscape master plan already endorsed in respect of the land and must show:

- a) New plantings including their layout to be provided in any road reserves and municipal reserves.
- b) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
- c) The supply and spread of sufficient topsoil and subsoil if required on the proposed areas of open space to provide a stable, free draining surface free of compaction and hydro-seeding of proposed grass areas (including within drainage reserves).
- d) All proposed open space and streetscape embellishments (including materials and finishes) such as installation of pathways, garden beds, seating, shelters, picnic facilities, BBQ's, boardwalks, tree planting, signage, lighting, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- e) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls, fencing or bollards, garden edging,
- f) Additional supporting information, such as certified structural designs or building forms.
- g) Vehicle access points for maintenance purposes.
- h) Mechanisms/structures for the exclusion of vehicles from landscaped areas.
- i) The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
- j) Design and construction layouts for equipment in playground areas that comply with Australian Standard 4685:2014.
- k) All proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.
- l) Location of public lighting.
- m) Details of all boundary fencing along Council reserve boundaries, which provide for timber paling fences no higher than 1.2 metres or approved 75% permeable fencing or other fencing approved in writing by the Responsible Authority.
- n) Details of tree protection zones
- o) A detailed maintenance plan for all proposed landscape features outlined in the detailed landscape designs. The maintenance plan must include a schedule which details the following:
 - i. Frequency of maintenance visits

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- ii. Minimum maintenance standards for grass cutting, weed management, plant maintenance, tree watering and care, litter management, mulch coverage and playground/ street furniture maintenance and repairs.
- iii. Costs associated with the maintenance that will be carried out during the permit holder’s maintenance period.
- iv. Once approved, the maintenance plan will then form part of the permit.

17. Protection of trees to be retained

Prior to commencement of works in each relevant stage of the subdivision or otherwise agreed in writing by the Responsible Authority a fence must be erected around all trees that will be retained on the site. This fence will protect the tree by demarcating the tree retention zone and must be erected at a radius of 12 x diameter at breast height (DBH) to a maximum of 15m but no less than 2m from the base of the trunk. The fence must be constructed of star pickets/chain mesh or similar to the satisfaction of the responsible authority.

Except with the written consent of the responsible authority, none of the following are to occur within the tree retention zone:

- a) Vehicle or pedestrian access;
- b) Trenching or soil excavation;
- c) Storage or dumping of tools, equipment, waste or fill;
- d) Construction of entry and exit pits for underground services;
- e) Preparation of chemicals, including preparation of cement products;

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- f) Refuelling;
 - g) Temporary or permanent installation of utilities and signs; and
 - h) Physical damage to the tree.
18. Prior to the issue of a Statement of Compliance for each stage under the *Subdivision Act* 1988, the maintenance period for all landscape works to become 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.
19. Prior to the issue of a Statement of Compliance for each stage or by such later date as is approved by the Responsible Authority in writing, the landscape works for that stage must be carried out and completed to the satisfaction of the Responsible Authority. All landscape works carried out must be completed as per the detailed landscape plan for each stage of the subdivision and maintained to the satisfaction of the responsible authority for a period of two years as detailed in the endorsed landscape maintenance plans.

Environment Conditions:

20. Only the native vegetation which is identified for removal in the incorporated Native Vegetation Precinct Plan (NVPP) applying to the land may be removed, lopped or destroyed without a permit.
21. Before the removal, destruction or lopping of any native vegetation within any property (identified by the PSP Property Number in Map 1 of the Lake Narracan NVPP) the owner of the land from which the native vegetation is being removed must provide offsets consistent with the incorporated NVPP by either:
- a) providing an allocated credit extract issued by the Department of Environment, Land, Water and Planning; or

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- b) preparing and submitting an Offset Plan to the satisfaction of the Department of Environment, Land, Water and Planning and have the Offset Plan approved by the Responsible Authority.

22. Where an Offset Plan is approved:

- a) Before the removal, destruction or lopping of any native vegetation, the owner of the land from which the native vegetation is being removed must provide on-title security for the Offset Site to the satisfaction of Department of Environment, Land, Water and Planning that provides for the implementation of the Offset Plan and pay the reasonable costs of the preparation, execution and registration of any on-title agreement; and
- b) Offsets must be initiated within 12 months of approval of the Offset Plan or before the removal of Very High Conservation Significance vegetation, whichever is earlier, and be implemented according to the schedule of works in the Offset Plan to the satisfaction of the responsible authority.
- c) An Offset Management Plan must show offsets in relation to all native vegetation within the property which this NVPP allows to be removed. The offsets are to be as set out in this NVPP. An Offset Management Plan must be prepared in accordance with Department of Environment, Land, Water and Planning requirements.

23. Before the removal, destruction or lopping of any native vegetation, native vegetation to be removed in accordance with this NVPP must be clearly marked on site to the satisfaction of the Responsible Authority whilst works are being undertaken within the vicinity.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

24. Before felling of any trees with nest or hollows, the tree must be examined for fauna by a suitably qualified zoologist. If native fauna species are found, they must be salvaged and relocated in accordance with all statutory requirements, to the nearest suitable habitat, in consultation of the Gippsland Regional Office of the Department of Environment, Land, Water and Planning.
25. Before the commencement of any works during the construction phase, or the removal of any vegetation, a highly visible vegetation protection fence must be erected around the protection area of each scattered tree and more than 2 metres from all other native vegetation areas which have been identified as to be protected in this NVPP, unless otherwise agreed to in writing by the Secretary to the Department of Environment, Land, Water and Planning and to the satisfaction of the Responsible Authority:
- a) All tree protection zones must comply with *AS 4970-2009 Protection of Trees on Development Sites*, to the satisfaction of the responsible authority.
 - b) Where a scattered tree is no longer standing and diameter measurements were not recorded, a default tree protection area of 0.070 ha should be retained.
 - c) Vegetation protection fences must be erected where the site shares a property boundary with vegetation which has been identified to be protected in this NVPP.
26. Within the area of native vegetation to be retained and any tree protection zone associated with any permitted use and/or development, the following is prohibited:
- a) any vehicle or pedestrian access, trenching or soil excavation, and
 - b) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- c) entry or exit pits for underground services or utilities, and
 - d) any other use or activity that would result in the removal, destruction of lopping of native vegetation.
27. Any construction stockpiles, fill and machinery must be placed away from areas supporting native vegetation and drainage lines to the satisfaction of the responsible authority.
28. All earthworks must be undertaken in a manner that will minimise soil erosion and adhere to *Construction Techniques minimise for Sediment Pollution Control* (EPA, 1991).
29. Only indigenous plants of local provenance can be used in revegetation works within areas of native vegetation identified in the Native Vegetation Precinct Plan to be retained for conservation.
30. Water run-off and drainage must not adversely impact areas of native vegetation to be retained.
31. Any permitted use and development must not cause or result in the removal, loss or destruction of any native vegetation identified to be retained in the Native Vegetation Precinct Plan, without the written consent of the responsible authority.
32. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision or otherwise agreed in writing by the Responsible Authority permanent fencing must be installed along the shared boundary with PSP Property Number 67, to a standard that will prevent pedestrian access to the remnant patches of native vegetation identified to be retained in the NVPP, to the satisfaction of the responsible authority.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

33. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision or otherwise agreed in writing by the Responsible Authority post and rail boundary fencing must be installed around the two areas of native vegetation being protected within the site (P013, P015B, P016), to a standard that will prevent pedestrian access, to the satisfaction of the responsible authority.

Land Management Conditions:

34. Section 173 Agreement – Protection of Native Vegetation
- Prior to the issue of Statement of Compliance under the *Subdivision Act* 1988, 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 (the Act) and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act for lots that retain remnant trees; and for lots that contain protection areas for retained native vegetation; which provides that:
- a) Tree protection zones and vegetation protection zones are established and maintained on the site where required to protect scattered trees and remnant patches of native vegetation contained on the subject land and on neighbouring land, as appropriate, that is identified by the Lake Narracan Vegetation Precinct Structure Plan for retention.
 - b) Within the area of native vegetation to be retained and any tree protection zone and vegetation protection zone, the following is prohibited:
 - i. Any vehicle or pedestrian access, trenching or soil excavation;

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- ii. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products,
 - iii. Entry or exit pits for underground services or utilities, and
 - iv. Any other use or activity that would result in the removal, destruction or lopping of native vegetation.
- c) Dwellings and associated buildings will be erected outside any tree protection zone or vegetation protection zone.

The operator of this permit must pay the reasonable costs of the preparation, review, execution and registration of the Section 173 Agreement.

The Applicant/Owner must provide Council with a copy of the dealing number issued by the Titles Office. Once titles are issued Council requires the Application or its legal representative to provide either:

- a) A current title search; or
 - b) A photocopy of the duplicate certificate of Titles as evidence of the registration of the Section 173 agreement on title.
35. Prior to the commencement of works for Stage 7 the owner is required to prepare a Land Management Plan for the Native Vegetation Reserves P015, P016 and P013 as identified in the Lake Narracan Native Vegetation Precinct Plan to the satisfaction of the Responsible Authority. The Land Management Plan will be for a 10 year period and is to address, but not limited to, the following:
- a) Location of any significant species;
 - b) Location and proposed measures to control noxious and environmental weeds and pest animals;

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- c) Fire prevention activities;
 - d) Slashing or other maintenance activities around the boundary of the reserve;
 - e) Revegetation or enhancement planting requirements;
 - f) Proposed protection methods such as fencing;
 - g) Installation of interpretive signage; and
 - h) Timing and schedule for implementing management works across the ten year period.
36. Implementation of all actions in accordance with the approved Land Management Plan is required to the satisfaction of the Responsible Authority and can be done by either:
- a) The owner implementing all actions identified under the Land Management Plan for the 10 year period. At the end of the 10 year period the land is to be handed over to the Responsible Authority; or
 - b) Implementation of the Land Management Plan undertaken by the Responsible Authority at the cost of the applicant. This must be paid in accordance with an agreed payment plan to be developed with the Responsible Authority prior to the commencement of Stage 7.

Date Issued: 25 June 2018



Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

Engineering Conditions:

37. Prior to the issue of Statement of Compliance for stage 1 of the subdivision or otherwise agreed in writing by the Responsible Authority land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed local road must be transferred to or vested in Council at no cost to the acquiring agency unless funded by the Lake Narracan Development Contributions Plan.
38. Prior to the certification of the Plan of Subdivision under the Subdivision Act 1988 for stage 1 of the development hereby permitted, an amended Whole of Water Cycle Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the report will then form part of the permit. The report is to draw from the Whole of Water Cycle Assessment Thompsons Bay, Lake Narracan PSP (Millar & Merrigan April 2017) and must address the following:
- a) Details of the interim or staging of the works and how these will impact upon discharges from the land and best practice water quality requirements.
 - b) Additional details in accordance with Latrobe City Council guidelines, for the maintenance of all WSUD devices proposed to be used within the development. The maintenance plan must include a schedule of and requirements for inspections to be undertaken, how and when remediation and routine maintenance works are to be undertaken and estimated maintenance costs.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

39. Prior to certification of the plan of subdivision under the Subdivision Act 1988, the operator of this permit shall provide documentary evidence to the satisfaction of the Responsible Authority in support of all proposed new road names shown on the plan. Documentation must include a completed "Road Name History" form. All proposed new road names must comply with the naming principles described in the Victorian Government's *"Naming rules for places in Victoria, Statutory requirements for naming roads, features and localities – 2016"*.
40. Plans submitted for certification for each stage of the development under the Subdivision Act 1988 must show to the satisfaction of the Responsible Authority:
- a) Easements for drainage purposes,
 - b) A carriageway easement measuring 30 metres by 30 metres for all temporary vehicle turn-around areas proposed as part of this development and where the turn-around area is not located within a road reserve.
 - c) Road reserve widths complying with Latrobe City Council's Design Guidelines, with the Lake Narracan Precinct Structure Plan and the endorsed plans under this permit,
 - d) Splays at cross-road intersections appropriate to allow for the construction of a roundabout at such intersections,
 - e) Splays, a minimum of 3 metres by 3 metres unless required otherwise, at all intersections of the local road network,
 - f) Street names complying with the requirements of the Victorian Government's *"Naming rules for places in Victoria, Statutory requirements for naming roads, features and localities – 2016"*, and

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- g) Reserves created for the purposes of stormwater management, vested in the Responsible Authority.

- 41. Prior to certification of the Plan of Subdivision under the Subdivision Act 1988 for each stage of the development, a Schedule of Development Contributions must be submitted with each stage of the plan of subdivision and approved by the Responsible Authority. This Schedule of Development Contributions must show the amount of development contributions payable for the relevant stage and the value of credits sought to the satisfaction of the Responsible Authority in accordance with the provisions of the Section 173 Agreement on title.

- 42. Prior to the lodgement of engineering construction plans and specifications for each stage of the subdivision, a functional layout plan for the stage of subdivision must be submitted to and approved by the Responsible Authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn to scale with dimensions and an electronic copy in PDF format provided. The functional layout plan must incorporate the following:
 - a) A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations.
 - b) Any works from the Infrastructure Schedule of the Lake Narracan Precinct Structure Plan identified in an agreement made by the owner of the subject land with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987.
 - c) Topography and existing features, including contours for the subject land and any affected adjacent land.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.:	2016/166
Planning Scheme:	Latrobe Planning Scheme
Responsible Authority:	Latrobe City Council

- d) The location of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.
- e) Details of tree protection zones (TPZs), for all trees to be retained on site (if any).
- f) Any trees proposed for removal from the site clearly designated.
- g) Typical cross-sections for each street type, dimensioning individual elements, services offsets and street trees.
- h) Details of intersection treatments and traffic calming measures in accordance with Latrobe City Council's Design Guidelines and Austroads' Guide to Traffic Management.
- i) The provision of roundabouts at all cross-road intersections.
- j) A table of offsets for all utility services (including fibre optic conduit) and street trees.
- k) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, line marking and traffic controls.
- l) The provision of vehicle crossings to provide access to lots where the location of the vehicle crossing is relatively fixed.
- m) The proposed minor drainage network.
- n) The major drainage system, including any watercourse, wetland, silt pond or other water sensitive urban design devices, and/or piped elements showing preliminary sizing and any land required for maintenance access.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- o) Overland stormwater flow paths (100 year ARI) to indicate how excess runoff will be safely conveyed along road or drainage reserves to its destination including from adjacent upstream areas.
 - p) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance.
 - q) Preliminary location of reserves for electrical kiosks;
 - r) Works external to the subdivision, including both interim and ultimate access requirements.
 - s) Intersections with roads external to the subdivision.
43. The provision of entrance features to the development such as estate signage shall not be located within any road or public open space reserves unless with the written agreement of the Responsible Authority.
44. Utility service substations, kiosk sites and the like must not be located on any land identified as public open space or land to be used for any municipal purpose unless with the written agreement of the Responsible Authority.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

45. Prior to the commencement of any road and/or drainage works for each stage of the subdivision, detailed engineering plans and specifications for the stage must be submitted to the satisfaction of and approved by the Responsible Authority. The engineering plans must be generally in accordance with the approved Functional Layout Plans and consistent with the approved landscape detail plans. 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 an electronic copy in PDF format must be provided. The plans must include:
- a) Design and construction of any works from the Infrastructure Schedule of the Lake Narracan Precinct Structure Plan identified in an agreement made by the owner of the subject land with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987.
 - b) Design and construction of all new roads including connections to existing roads. Roads shall be designed and constructed in accordance with the Lake Narracan Precinct Structure Plan, the endorsed plans and Latrobe City Councils "Design Guidelines". All cul-de-sacs must be provided with a vehicle turning area at the non-continuous end which must be a minimum of 20 metres in diameter.
 - c) Design and construction of Sullivans Track in accordance with the Lake Narracan Precinct Structure Plan and Latrobe City Council's Design Guidelines, for the full length of the abuttal to that stage of the development. Sullivans Track shall be constructed on the east side of the existing centreline of the road, to provide a traffic lane width of 3.5 metres and an indented parking lane width of 2.3 metres, with concrete kerb and channel, nature strip, footpath and street trees along the development side of the road. Works shall include the piping of all existing earthen road drainage on the east side of the road.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- d) Temporary vehicle turnarounds at the ends of streets to be continued in future stages or in future developments, including a low maintenance sealed surface. Turning areas must be a minimum of 20 metres in diameter.
- e) Concrete footpaths along both sides of all proposed streets, unless otherwise required and 2.5 metre minimum width concrete shared pedestrian/bicycle paths to be provided in accordance with Latrobe City Council’s Design Guidelines and the endorsed plans.
- f) Underground piped drainage to each lot and provision of over-land surcharge routes and cut-off drains. Drainage plans must include hydraulic computations. The stormwater drainage system must:
 - Be designed to take the 1 in 5 year ARI storm event,
 - Meet the current best practice performance objectives for stormwater quality as contained in the “Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999” as amended,
 - Ensure that flows downstream of the subdivision site are restricted as proposed in the endorsed stormwater management strategy.
- g) Provisions shall be made for stormwater from all storm events greater than the 1 in 5 year event and up to and including the 1 in 100 year ARI storm event including:
 - Provision of over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from both within the development and from areas upstream of the development.
 - All new and existing lots should be free from inundation.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- All streets, footpaths and cycle paths that are subject to flooding must meet the safety criteria $d_a v_{ave} < 0.35 \text{ m}^2/\text{s}$ (where d_a = average depth in metres and v_{ave} = average velocity in metres per second).
- h) Construction of water sensitive urban design devices generally as proposed in the endorsed stormwater management strategy. The water sensitive urban design devices shall be designed to achieve the following objectives for environmental quality as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999:
 - 80% retention of the typical annual load of suspended solids;
 - 45% retention of the typical annual load of total phosphorus;
 - 45% retention of the typical annual load of total nitrogen; and
 - 70% retention of the typical annual load of gross pollutants.
- i) Appropriate intersection treatments and traffic calming measures in accordance with Latrobe City Council's Design Guidelines and Austroads' Guide to Traffic Management.
- j) The provision of roundabouts at all cross-road intersections and future cross-road intersections. Roundabouts must be designed in accordance with Austroads "Guide to Road Design".
- k) Vehicle crossings must be constructed to provide access to lots where the location of the vehicle crossing is relatively fixed.
- l) Earthworks shall be undertaken within the development to ensure that vehicle access can be obtained to each proposed allotment.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- m) Street lighting in accordance with Australian Standard AS1158, along all new and upgrade roads and along all new shared paths and upgraded street lighting at the locations of proposed intersection works external to the development.
 - n) All traffic signage, street name signage and road pavement line marking.
 - o) High stability permanent survey marks at locations in accordance with Latrobe City Council's Design Guidelines, levelled to the Australian Height Datum and coordinated to the Map Grid of Australia (MGA94).
46. Prior to the commencement of any road, drainage or landscaping works associated with each stage of the subdivision, a Site Management Plan shall be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit. The Site Management Plan must include:
- a) Traffic management measures - the plan must detail measures proposed to protect and maintain vehicle use of the existing road system and pedestrians using existing footpaths adjacent to the development, how site access will be obtained, how construction vehicles will access and egress the site and the management of public access to the site. The plan must include details of all signage on adjacent roads.
 - b) Construction management measures - the plan must outline how issues such as deliveries, noise, mud on roads, and dust generation will be managed onsite during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- c) An environmental management plan for the works detailing techniques for erosion prevention, temporary drainage and sediment control measures and vegetation protection during the construction of the works and post construction. Reference should be made to the Environment Protection Authority's publication 960 *'Doing it right on subdivisions'*.
 - d) Bushfire Risk Management. This must be to the approval of the CFA and must specify, amongst other things:
 - Measures to reduce the risk from fire within the surrounding rural landscape and protect residents from the threat of fire.
 - A separation buffer, consistent with the separation distances specified in AS3959-2009, between the edge of development and non-urban areas.
 - How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles
 - e) Cultural protection issues – the plan must demonstrate how the recommendations of any Cultural Heritage Management Plan applying to the land are to be carried out
47. Control measures in accordance with the approved Site Management Plan shall be employed throughout the construction of the works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Site Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

48. Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority. Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.
49. Before a Statement of Compliance is issued for each stage of this subdivision under the Subdivision Act 1988, the operator of this permit must construct road works, drainage and other civil works to the satisfaction of the Responsible Authority, in accordance with the engineering plans and specifications approved by the Responsible Authority and must include:
- a) Any works from the Infrastructure Schedule of the Lake Narracan Precinct Structure Plan identified in an agreement made by the owner of the subject land with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987.
 - b) All proposed new roads in accordance with the endorsed plans.
 - c) Construction of Sullivans Track in accordance with the Lake Narracan Precinct Structure Plan and Latrobe City Council's Design Guidelines, for the full length of the abuttal to that stage of the development.
 - d) Vehicle crossings must be constructed to provide access to lots where the location of the vehicle crossing is relatively fixed.
 - e) Concrete footpaths along both sides of all proposed streets and shared pedestrian/bicycle paths to be provided in accordance with the endorsed plans and Latrobe City Council's Design Guidelines.
 - f) Intersection treatments and traffic calming measures.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- g) The provision of roundabouts at all cross-road intersections.
- h) Underground piped drainage to convey stormwater from each lot to the legal point of discharge for the 1 in 5 year ARI storm event. Prior to the issue of the certificate of practical completion, CCTV results for the full length of all storm water drainage pipes for which Latrobe City Council will become responsible at the expiry of the maintenance period, must be submitted for assessment. The CCTV work is to be performed by an independent specialist contractor at the Developer's cost. The submitted information is to be to the satisfaction of the responsible authority.
- i) Works to ensure that flows downstream are in accordance with the approved stormwater management plan.
- j) Works to ensure the stormwater management system meets current best practice performance objectives for stormwater quality.
- k) Provisions for stormwater from all storm events greater than the 1 in 5 year event and up to and including the 1 in 100 year ARI storm event including:
 - i. Provision of over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows.
 - ii. Arrangements for the capture of overland stormwater flows from adjacent upstream areas not previously developed.
 - iii. All new and existing lots should be free from inundation.
 - iv. All streets, footpaths and cycle paths that are subject to flooding must meet the safety criteria $da_{ave} < 0.35 \text{ m}^2/\text{s}$ (where da = average depth in metres and v_{ave} = average velocity in metres per second).

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- l) Earthworks within the development to ensure that vehicle access can be obtained to each proposed allotment.
 - m) Street lighting along all new roads and shared paths and upgraded street lighting at the locations of proposed intersection works and along all those sections of external roads where access is obtained directly to lots in the development.
 - n) All traffic signage, street name signage and road pavement line marking.
 - o) The installation and registration of high stability permanent survey marks.
 - p) Provision of temporary vehicle turnarounds with a low maintenance sealed surface, at the end of all streets proposed to be continued in a later stage of the development or in the development of abutting lands, where there are new lots with frontage onto the completed sections of those streets.
50. Before a Statement of Compliance is issued for each stage of this subdivision under the Subdivision Act 1988, the operator of this permit must construct fences along all allotment boundaries abutting reserves. Fences shall be of timber palings, no higher than 1.2 metres or approved 75 percent permeable fencing or shall be in accordance with any Design Guidelines prepared under the requirements of this permit.
51. Before a Statement of Compliance is issued for each stage of this subdivision under the Subdivision Act 1988, the operator of this permit must pay to Latrobe City Council:

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- a) 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,
 - b) 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
 - c) The sum of \$490 per 20 metres of street length or per lot frontage (whichever provides for the greater number of street trees), for the provision of street trees along all streets where street trees are not planted by the operator of this permit.
52. After certification of the plan of subdivision under the Subdivision Act 1988 and at least 21 days prior to the issue of a Statement of Compliance under the Subdivision Act 1988 for each stage of the development, Development Contributions for the stage must be paid to the Responsible Authority in accordance with the approved schedule.
53. Before a Statement of Compliance is issued for each stage of this subdivision under the Subdivision Act 1988, the operator of this permit must provide to the satisfaction of the Responsible Authority:
- a) Final as-built plans for all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, in an electronic format complying with A-Spec requirements, levelled to the Australian Height Datum and coordinated to the Map Grid of Australia (MGA94).
 - b) Final as-built plans in an electronic DWG format, for all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- c) Certification by a licensed surveyor of the registration of all constructed Permanent Survey Marks.
 - d) Written records of all inspections undertaken during the maintenance period for the works, in accordance with the requirements of Latrobe City Council’s Road Management Plan, any defects identified during those inspections and the date and time of rectification of the defects.
54. Before a Statement of Compliance is issued for each stage of this subdivision under the Subdivision Act 1988, the maintenance period, including any defects liability period, for all works to become 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.
55. Unless otherwise required in this permit, all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, 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. At the end of this maintenance period, a Defects Liability Period of nine months shall then apply to the works at the end of which time Final Completion of the works will be issued.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

56. The operator of this permit must maintain to the satisfaction of the responsible authority, all water sensitive urban design (WSUD) devices constructed under this permit for a period of two (2) years. The maintenance period shall commence on the date the construction of the WSUD devices is certified by the Responsible Authority as practically complete. The maintenance of water sensitive urban design (WSUD) devices constructed under this permit must include full routine maintenance works including monthly, quarterly and annual inspections, weed removal, sediment clean out, litter management and remedial works as prescribed in the approved WSUD maintenance plan. The operator of this permit must provide copies to the Responsible Authority within one (1) calendar month of each inspection, of all maintenance inspection forms completed for each inspection, any defects identified and the date and time rectification works were completed. Any defects occurring during the maintenance period shall be rectified by the operator of this permit to the satisfaction of the Responsible Authority.
57. The layout of the subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
58. The subdivision may be completed in stages. Each stage must be to the satisfaction of the Responsible Authority. The stages may include or require drainage or other works outside the physical bounds of any lots in any stage.
59. The subdivision of the land must proceed in the order of stages shown on the endorsed plans except with the prior written consent of the Responsible Authority.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

AusNet Conditions:

60. 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.
61. 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.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- 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 30years, 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.

VicRoads Conditions:

- 62. Prior to certification of subdivision plans, a concept plan detailing the required improvements to the Thompson Road/Sullivans Track intersection and the location of the proposed intersection to the subdivision must be submitted and approved by VicRoads and the Responsible Road Authority.
- 63. Prior to design plans beginning, the applicant’s consultants must attend a pre- design meeting with VicRoads representatives.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- 64. Prior to the issue of a Statement of Compliance, the upgraded to Thompson Road/Sullivans Track intersection must be constructed and completed at no cost to and to the satisfaction of VicRoads.
- 65. The Thompson Road/Sullivans Track intersection must be provided with V3 LED lighting in accordance with AS/NZS 1158.
- 66. The discharge of any concentrated drainage on to the Thompson Road will not be permitted unless approved (in writing) by VicRoads.
- 67. VicRoads requires a pre-opening day and night Road Safety Audit conducted by an independent road safety auditor that is VicRoads Pre-Qualified and must be completed and submitted to VicRoads before practical completion of works can be approved.

Transport for Victoria (TfV) Conditions:

- 68. Unless otherwise agreed by Public Transport Victoria (PTV), prior to the issue of Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe access to a pedestrian path must be constructed:
 - a) In accordance with the Public Transport Guidelines for Land Use and Development; and compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.
 - b) At locations approved by PTV, at no cost to PTV, and to the satisfaction of PTV.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

69. Before the development starts, or other time agreed in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria 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) the design of the Sullivans Track/Thompsons Road intersection prepared in consultation with Vic Roads and The Head, Transport for Victoria

70. The construction of the Sullivan’s Track/Thompsons Road intersection must occur to The Head, Transport for Victoria, and VicRoads satisfaction.

Gippsland Water Conditions:

71. The following conditions must be met by the owner prior to the issue of a Statement of Compliance for each stage of the subdivision or otherwise agreed in writing by the Responsible Authority:
- a) The owner of the land must 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 water supply and sewerage services to all lots of the subdivision. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned deed.
- b) Design plans to be submitted outlining the size and the location of the works to determine where easements will be required. These plans must be endorsed by Gippsland Water prior to Gippsland Water consenting to certification of the relevant plan.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- c) Install water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
- d) Install sewer services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
- e) Create Reserves and/or Easements in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision. Easements are to be for Pipeline or Ancillary Purposes.
- f) 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.

West Gippsland Catchment Management Authority (WGCMA)
Conditions:

72. Prior to the commencement of any works related to the subdivision, a Waterway Management Plan for all drainage reserves must be endorsed in writing by the West Gippsland Catchment Management Authority. The Waterway Management Plan must include:
- a. Details of the existing environmental values;
 - b. Details of any initial stabilisation and vegetation works;
 - c. A landscape plan for revegetation of the waterway, drainage corridor and all water quality works, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site; and

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- d. A maintenance plan detailing the sequencing and periods of short, medium and long term actions, including inspections, and the parties responsible for each action.
- 73. Prior to the issue of a Statement of Compliance for any stage of the subdivision, the works identified in the Waterway Management Plan for any drainage reserve within that Stage must be completed to the satisfaction of the West Gippsland Catchment Management Authority.
- 74. Prior to the commencement of any works related to the subdivision, a Stormwater Management Plan must be developed to the satisfaction of the West Gippsland Catchment Management Authority. The Stormwater Management Plan must demonstrate that all stormwater discharge from the subdivision will meet the '*Urban Stormwater Best Practice Environmental Management Guidelines*' (CSIRO, 1999).

Country Fire Authority (CFA) Conditions:

- 75. Bushfire Management Plan

The Bushfire Management Plan generally in accordance with the plan submitted referenced as 19726BMP1 by NBA Group and dated October 2017, must be endorsed to form part of the permit, be included as an annexure to a Section 173 agreement and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
- 76. Construction Standards

The endorsed Bushfire Management Plan nominates the assessed minimum Bushfire Attack Level that a dwelling will be designed and constructed to including:

 - a. for lots subject to the bushfire management overlay and in accordance with the Latrobe Planning Scheme, and

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- b. for lots not subject to the bushfire overlay the assessment may be taken as an agreed assessment by the fire authority, and is to be
- c. taken as the minimum Bushfire Attack Level that a dwelling will be designed and constructed to.
- d. The BAL levels are generally 12.5, and BAL19 where specified for lots that interface with specific areas of vegetation risk, and some BAL29 lots are permitted

77. Development standards for bushfire

The detail on the Bushfire Management Plan for vegetation management and water supply is to be complied with for each lot as applicable across all lots.

78. Section 173 Agreement - Bushfire

In accordance with the provisions for the bushfire management overlay in the Latrobe Planning Scheme – all lots are to be subject to a s.173 Agreement between the owner and the responsible authority for implementation of the conditions on the Bushfire Management Plan; the agreement must:

- a. Incorporate the Bushfire Management Plan approved under this permit.
- b. State that it has been prepared for the purpose to give effect to the bushfire mitigation measures set out in the approved Bushfire Management Plan.
- c. Specify the relevant conditions of the permit and ongoing maintenance of defendable space.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

79. Before the Statement of Compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:
- a) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Latrobe Planning Scheme.
 - b) Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
 - c) State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement.

80. Maintenance of defendable space for land stages

The developer is to ensure the implementation of a management plan as part of stage works for an acceptable managed vegetation buffer for the purposes of fire prevention between developed lots and future stage land during the fire danger period.

Telecommunications Conditions:

81. 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

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

- 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.

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:

- c) 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
- d) 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.

Expiry of Permit:

82. This permit will expire if:
- a) the plan of subdivision for the first stage is not certified within 2 years of the date of this permit; or
 - b) the plan of subdivision for the last stage is not certified within 10 years of the date of this permit; or
 - c) the registration of the last stage of the subdivision is not completed within 5 years of certification of that plan of subdivision.

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

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.

Note 1. Staged Subdivision Extension of Time Note

This permit was extended on 3/07/2024. This permit will expire if:

- a) The plan of subdivision for the first stage is not certified by 25 June 2025; or
- b) The plan of subdivision for the last stage of the subdivision is not certified within 10 years from the date of this permit; or
- c) The registration of the last stage of the subdivision is not completed within five years of the certification of that plan of subdivision.

Date Issued: 25 June 2018



Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

Note 2. This permit was extended on 24/6/2022. This permit will expire if:

- a) The plan of subdivision for the first stage is not certified by 25 June 2022; or
- b) The plan of subdivision for the last stage of the subdivision is not certified within 10 years from the date of this permit; or
- c) The registration of the last stage of the subdivision is not completed within five years of the certification of that plan of subdivision.

Note 3. Staged Subdivision Extension of Time Note

This permit was extended on 13/7/2020. This permit will expire if:

- a) The plan of subdivision for the first stage is not certified by 25 June 2022; or
- b) The plan of subdivision for the last stage of the subdivision is not certified within 10 years from the date of this permit; or
- c) The registration of the last stage of the subdivision is not completed within five years of the certification of that plan of subdivision.

Date Issued: 25 June 2018



Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

Note 4. A Cultural Heritage Management Plan (CHMP) has been approved under Section 65 of the Aboriginal Heritage Act 2006, the subdivision as allowed under this permit must be carried out in accordance with the recommendations of the CHMP Plan ID 14823.

Engineering Notes:

Note 5. In accordance with section 17 of the Subdivision Act, the works required to be undertaken under this permit as part of the subdivision hereby permitted, shall not commence until the Plan of Subdivision has been certified and the engineering plans for the works required have been approved.

Note 6. In accordance with the requirements of the Road Safety (Traffic Management) Regulations, a responsible entity for a road or road-related area (as defined in the Road Safety Act) may install Major Traffic Control Devices on the road or road-related area only with the written approval of VicRoads.

VicRoads Notes:

Note 7. Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act (2004). For the purposes of this application the works which may include provision of:

- a) Turning lanes
- b) Road Widening
- c) Splitter Islands
- d) Lighting
- e) Vegetation Removal

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Note 8. TfV only require the referral of stages that contain the construction of the Sullivans Track/Thompsons Road intersection

Gippsland Water Note:

Note 9. The owner/developer/design consultant of the subject land is recommended to arrange a meeting with Gippsland Water due to large infrastructure requirements associated with the servicing of the development. Please call the Statutory Planning Team on 5175 7488 to co-ordinate a meeting.

Note 10. The owner/developer of the subject land is required to obtain an 'Application for Gippsland Water Deed of Agreement for Construction of Water and/or Wastewater Services' (extension of water and/or sewer mains) and/or a 'Property Connection's Quote Request' form and submit to Gippsland Water for a quote detailing costs & servicing requirements.

All requirements of the Developer Works Deed of Agreement and/or conditions outlined in the Quote, must be fulfilled to the satisfaction of Gippsland Water prior to Gippsland Water consenting to the Issuing of a Statement of Compliance.

The following Gippsland Water forms are available and may be obtained from Gippsland Water's website,
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):

Date Issued: 25 June 2018


Signature for the Responsible Authority

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2016/166

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

https://www.gippswater.com.au/application/files/1114/3916/8194/APPLICATION_FOR_GIPPSLAND_WATER_DEED_OF_AGREEMENT.pdf

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>

West Gippsland Catchment Management Authority (WGCMA) Note:

Note 11. All works within 30 metres of a designated waterway require a Works on Waterways permit from the West Gippsland Catchment Management Authority, issued under the Water Act 1989. This includes (but is not limited to) construction of any recreational paths and crossings, construction of any vehicle access over a designated waterway, and installation of any water or sewer main within 30 metres of a designated waterway.

Environment Notes:

Note 12. The incorporated Native Vegetation Precinct Plan (NVPP) is likely to contain a number of requirements concerning the actual process of the removal of native vegetation. You must consult with and comply with the requirements of the NVPP.

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Note 13. Habitat for Dwarf Galaxias (*Galaxiella pusilla*) and Growling Grass Frogs (*Litoria raniformis*) has been identified within the Lake Narracan Native Vegetation Precinct area. Both species are protected under the *Environment Protection and Biodiversity Conservation Act 1999* and the *Flora and Fauna Guarantee Act 1998*. In the event that any Dwarf Galaxias or Growling Grass Frogs are found to be present during any permitted works or activities within the precinct area, works must stop immediately and advice sought from the Gippsland regional DELWP office in Traralgon. There is to be no handling, translocation or other activities that may impact adversely on the species without the written consent of the relevant statutory authorities.

Note 14. Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.

END CONDITIONS

Date Issued: 25 June 2018


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.