

**PLANNING
PERMIT**

Permit No.: PA2201719

Moyne Planning Scheme

Responsible Authority: Minister for Planning

ADDRESS OF THE LAND:

Private Land:

LOT 1 TP934555F

CROWN ALLOTMENT 10 SECTION C PARISH OF
BOOTAHPOOL

CROWN ALLOTMENT 7 SECTION A PARISH OF
KAPONG

CROWN ALLOTMENT 15 SECTION A PARISH OF
KAPONG

CROWN ALLOTMENT 27A PARISH OF
BOOTAHPOOL

LOT 3 PS342920W

LOT 4 PS342920W

LOT 1 LP63776

LOT 2 LP68055

LOT 2 LP63776

LOT 1 LP132858

LOT 1 TP578048G

CROWN ALLOTMENT 23 SECTION C PARISH OF
BOOTAHPOOL

CROWN ALLOTMENT 10 SECTION A PARISH OF
KAPONG

LOT 2 LP218923A

LOT 1 TP20873M

LOT 2 LP98389

Road Reserves:

RIODANS ROAD

TARRONE NORTH ROAD

TARRONE LANE

GAPES ROAD

SPENCER ROAD

HAMILTON-PORT FAIRY ROAD

THE PERMIT ALLOWS:

Removal of native vegetation.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

VEGETATION REMOVAL LIMITED TO EXTENT SHOWN ON ENDORSED PLANS

1. Before any native vegetation is removed, amended plans must be submitted to and approved by the responsible authority. The plans must be generally in accordance with the plans prepared Umwelt dated 7 July 2022, but modified to show:
 - a. The final option (Option 1 or Option 2) only
 - b. Any modifications as required by Condition 4
2. Any plan or document endorsed in accordance with a condition of this permit must not be altered or modified without the written consent of the responsible authority.

DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING BARWON SOUTH-WEST REGION

3. Before works begin, all persons undertaking the vegetation removal or works on site must be advised of all relevant permit conditions and associated statutory requirements or approvals.
4. Before any native vegetation is removed, a Native Vegetation Plan prepared to the satisfaction of the responsible authority and DELWP (Environment Portfolio) must be submitted to and approved by the responsible authority. When approved, the Native Vegetation Plan will be endorsed and form part of this permit. The Native Vegetation Plan must include but is not limited to:
 - a. A Native Vegetation Removal (NVR) Report which reflects the native vegetation to be removed and the offsets required for the whole project or for an individual stage, to the satisfaction of the responsible authority, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017). If a staged approach is taken, iterative native vegetation removal reports may be submitted.
 - b. plans drawn to scale that identify:
 - i. native vegetation to be removed
 - ii. any mapped wetland included in the Current wetlands map, available in DELWP systems and tools
 - iii. the permissible micro-siting envelope of transmission poles
 - iv. the location of any detected threatened flora and fauna speciesPlan may be prepared for the whole project or for an individual stage. If staged approach is taken, iterative plans may be submitted.
 - c. a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of fencing to clearly define works or no-go zones to the satisfaction of the responsible authority.
 - d. standard vehicle and machinery hygiene measures to prevent the spread and introduction of weeds and pathogens into and around the site.
 - e. sediment and erosion control measures during construction to minimise sediment loads entering drainage lines, wetlands and waterways.
 - f. all works constructed or carried out must in accordance with the endorsed Native Vegetation Plan.

5. To offset the native vegetation removal described in the endorsed Native Vegetation Plan in connection with condition [4], a native vegetation offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) must be secured, to accord with the offset requirements set out in the NVR Report.
6. Before any native vegetation is removed for the project or for an individual stage, evidence that the required offset for the project or for each stage has been secured must be provided to the satisfaction of the responsible authority in consultation with DELWP (Environment Portfolio). This evidence is one or both of the following:
 - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
 - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
7. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, the applicant must provide a copy of the endorsed offset evidence to Planning Approvals at the DELWP regional office via BSW.Planning@delwp.vic.gov.au.
8. Except with the written consent of the responsible authority, within the areas of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
 - a. vehicular or pedestrian access
 - b. trenching or soil excavation
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d. entry and exit pits for the provision of underground services
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.
9. Any pruning to the canopy or major structural branches of any tree to be retained must be undertaken in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees.

EXPIRY

10. This permit will expire if one of the following applies:
 - a. The development is not started within two years of the date of this permit.
 - b. The development is not completed within four years of the date of this permit.

DATE OF NOTICE: 20/10/2022



**SIGNATURE OF MICHAEL JUTTNER, MANAGER, DEVELOPMENT APPROVALS AND
DESIGN, AS DELEGATE FOR THE MINISTER FOR PLANNING**

NOTES

- Before any works on public land start, a permit to take protected flora under the Flora and Fauna Guarantee (FFG) Act 1988 is required. To obtain an FFG permit or further information, please contact a Natural Environment Program officer at the Barwon South West regional office of DELWP via BSW.Planning@delwp.vic.gov.au.

IMPORTANT INFORMATION ABOUT THIS PERMIT

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 a plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage 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 in the case of a subdivision or consolidation within five 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 of 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, 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 the relevant 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 the Victorian Civil and Administrative Tribunal.