

Our Ref: 2002/250/B
Your Ref:



6 March 2015

Vic Roads
C/-Nick Francolino
PO BOX 158
Traralgon VIC 3844

Dear Sir/Madam

Re Application No: 2002/250/B
Proposed: Roadworks & removal of native and non-native vegetation - Extension of time
Location: Koonwarra

Council is pleased to advise that your application to extend Planning Permit 2002/250/A has been approved. Council has also amended the details of the land and the 'permit allows' statement. Please note that the extension of time is for three years rather than the originally request five years. The permit now expires on 11 November 2017. A copy of the permit is enclosed.

Please note the conditions that are contained in the Permit. It is the Owners responsibility to ensure all conditions are carried out tho the satisfaction of the Responsible Authority.

It is your responsibility to ensure all other relevant permits, including building, Septics, Health and Local Laws are obtained, if required, prior to the commencement of any use and/or development.

Should you have any questions or need further information, please do not hesitate to contact me on 5662 9807 or david.simon@southgippsland.vic.gov.au

Yours faithfully,



David Simon
Acting Manager Planning and Environmental Health

South Gippsland Shire Council



PLANNING PERMIT	Permit Number	2002/250/B
	Planning Scheme	South Gippsland
	Responsible Authority	South Gippsland Shire Council

ADDRESS OF THE LAND:

Land Title: L1 and L2 TP333725H Parish of Leongatha, CA84L, CA84M, CA87J and CA87N Parish of Leongatha, CA 2001, CA33D and CA30E Parish of Nerrena

Land Address: South Gippsland Highway, Tarwin River Reserve, 55 Swan Road and 175 Buckingham & Fowler Road Koonwarra

THE PERMIT ALLOWS:

The permit allows the development of a roadworks & removal of native and non-native vegetation, all in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The works and layout as shown on the endorsed plan shall not be altered or modified except with the written consent of the Responsible Authority.
2. The owner/applicant must comply with the following West Gippsland Catchment Management Authority conditions:
 - 2.1 Vegetation removal must be limited to that required to construct the new road.
 - 2.2 A 'net gain' must be achieved to the satisfaction of the Authority.
 - 2.3 Revegetation plans demonstrating a 'net gain' must be forwarded to and approved by the Authority prior to works commencing.
3. The owner/applicant must comply with the following requirements of the *Heritage Act 1995*:
 - 3.1 "A person must not knowingly or negligently deface or damage or otherwise interfere with an archaeological relic or carry out an act likely to endanger a relic except in accordance with a consent issued under Section 129."

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Signature of Responsible Authority

11 November 2004

Date of Issue

South Gippsland Shire Council



PLANNING PERMIT

Permit Number 2002/250/B
Planning Scheme South Gippsland
Responsible Authority South Gippsland Shire Council

- 3.2 "A person who discovers an archaeological relic must as soon as practicable report the discovery to the Executive Director or an inspector unless he or she has reasonable cause to believe that the relic is recorded in the Heritage Register."
- 3.3 "If an archaeological relic is discovered in the course of any construction or excavation on any land, the person in charge of the construction or excavation must as soon as practicable report the discovery to the Executive Director."
4. The following Department for Victorian Communities conditions must be met:
- 4.1 Works must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria shall immediately be notified of any such discovery; and
- 4.2 Development on the subject land must cease immediately upon the discovery of any suspected human remains. The Police or State Coroners Office must be informed of the discovery without delay. If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery must also be reported to Aboriginal Affairs Victoria.
5. The owner/applicant must comply with the following South Gippsland Shire Council's Environment Unit conditions:
- 5.1 All works are to be carried out in accordance with the Fauna, Flora, and Road Construction and Maintenance Guidelines, South Gippsland Shire Council Roadside Management Plan 1997.
- 5.2 Vegetation to be removed (identified in the endorsed plans) must be clearly marked (with a painted X or pegged) to avoid damage to remaining vegetation.
- 5.3 Vegetation to be removed containing hollow limbs must be inspected (check hollow limbs) for the presence of

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PLANNING PERMIT

Permit Number 2002/250/B
Planning Scheme South Gippsland
Responsible Authority South Gippsland Shire Council

wildlife prior to felling.

- 5.4 Wildlife must be relocated to a suitable location within 50m of the site. Any injured animals must be referred to the local Wildlife Shelter Ph: 5668 6328 / 5662 3012.
- 5.5 All other trees/vegetation identified for possible removal during the works must be retained unless it can be clearly demonstrated to the Shire Arborist or Environment Officer that:
 - 5.5.1 They pose an immediate safety risk
 - 5.5.2 The viability of the tree is threatened (to be determined by the Council Arborist)
 - 5.5.3 They will undermine the road structure
- 5.6 A revegetation/mitigation plan (in accordance with Net Gain Principles) must be developed to the satisfaction of DSE Flora & Fauna and Council to compensate (offset) for the removal of native vegetation and the increase in cumulative risk to *E.strzeleckii* due to habitat fragmentation and loss associated with the project.

The Plan/Offset measures must be commenced prior to clearing commencing. The Plan must indicate measures/works to be taken to offset losses in native vegetation and habitat fragmentation and loss, including:

- 5.6.1 Aerial photographs and maps (with a scale) clearly indicating the existing roads, the location of the proposed works, vegetation to be removed and the re-vegetation/remnant areas to permanently protected.
- 5.6.2 An accurate estimate of the areas to be cleared in hectares as well as a combined total.
- 5.6.3 A vegetation quality assessment of the condition and viability of the remnant vegetation expressed in

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PLANNING PERMIT

Permit Number 2002/250/B
Planning Scheme South Gippsland
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habitat hectares.

- 5.6.4 The area/s (including remnants conserved and revegetation sites) in hectares to be permanently protected.
- 5.6.5 Species lists (EVC's to be re-established). Seed must be sourced from the site or adjacent areas.
- 5.6.6 Planting densities to be used.
- 5.6.7 Site preparation works (including ripping, weed control and pest animal control).
- 5.6.8 Commencement and completion dates for the works.
- 5.6.9 Methods to permanently protect the Offset Area/s.
- 5.6.10 A 10 year management schedule outlining how offsets are to be achieved (weed control/replanting if required/pest animal control in the offset area/s).
- 5.7 Contact Environment Australia to determine whether the project should be referred to the Commonwealth Minister for the Environment under the provisions of the Environment Protection & Biodiversity Conservation Act 1999 (*Eucalyptus strzeleckii* is a Nationally Listed Species).
- 5.8 Steps must be taken to prevent weed infestation during construction at the site eg: washing vehicles prior to entering the work site.
- 5.9 All silt must be retained on site during construction and while the site is being rehabilitated.
- 5.10 A map indicating Stockpile locations is to be submitted to Council prior to works commencing.
- 5.11 Areas subject to erosion such as access roads, clearings

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Planning Scheme South Gippsland
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and batters/banks are to be stabilised using appropriate engineering and revegetation.

5.12 Steps must be taken to prevent contaminated runoff into waterways/waterbodies during the project.

5.13 To protect local waterways, no works office, toilet and service facility is to be established within 100m of any creek, channel or drainage line.

5.14 All waste is to be disposed of in accordance with EPA requirements.

5.15 A copy of the successful tenders /contractors (operational) Environmental Management System/Plan must be submitted to Council for endorsement 28 days prior to works commencing.

6. Works must be carried out in accordance with *Construction Techniques for Sediment Pollution Control* (EPA May 1991).
7. This permit will expire if the development is not started and completed within five years of the date of this permit.

NOTES:

1. Pursuant to the provisions of Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the time to start development if the request is made before the permit expires or within 6 months afterwards.

The Responsible Authority may extend the time to complete the development if:

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

2. All Aboriginal sites, places and objects in Victoria are protected under the *State Aboriginal Relics Preservation Act 1972* and the *Commonwealth Aboriginal and Torres Strait Islander Heritage Protection*

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Planning Scheme South Gippsland
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Act 1984. It is an offence to wilfully or negligently disturb or destroy an Aboriginal site, place or object without obtaining prior written consent from the relevant local Aboriginal community.

Where it is suspected that works may impact on Aboriginal cultural heritage places, sites or objects, the applicant should fund a heritage impact assessment of the area by a suitably qualified heritage consultant in conjunction with representatives of the relevant Aboriginal stakeholders.

Information on Aboriginal interests relating to the project area may be obtained by contacting the Co-ordinator of the Relevant Regional Cultural Heritage Program (RCHP). The Aboriginal Affairs Victoria website at <http://www.dvc.vic.gov.au/aav/rchp.htm> for maps and contact lists relating to the RCHP. Further, if the proposal includes Crown land, it may be necessary to consult with any parties who hold Native Title interests in the area.

3. The permit was amended on 25 February 2010 having regard to the following;
 - a) The Planning Permit is extended for Five (5) years.
4. The permit was extended and amended on 6 March 2015 having regard to the following:
 - a) Extension of time for 3 years under Section 69 of the Planning and Environment Act 1987.
 - b) Deletion of reference to repealed provisions of Section 69 of the Act from condition 7.
 - c) New provisions under Section 69 for extensions of time added as note 1 and other notes re-numbered accordingly.
 - d) Correct an evident material mistakes in the description of property referred to in the permit and to include non-native vegetation removal in the 'permit allows' statement under Section 71(1)(b) of the Planning and Environment Act 1987.

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