

Planning and Environment Act 1987

MURRINDINDI PLANNING SCHEME

AMENDMENT C57

EXPLANATORY REPORT

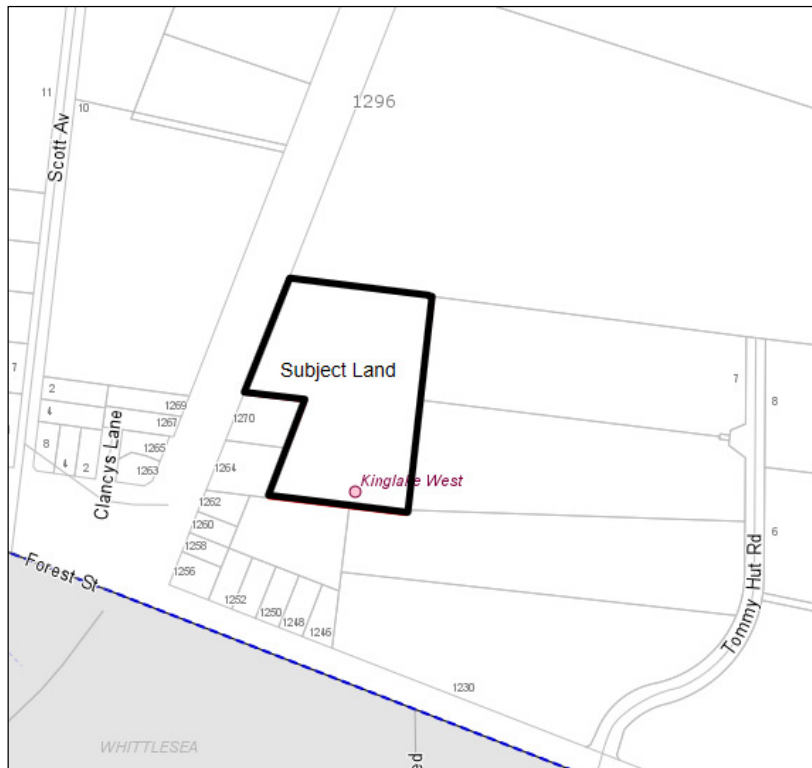
Who is the planning authority?

This amendment has been prepared by the Murrindindi Shire Council which is the planning authority for this amendment.

The Amendment has been made at the request of the landowners, Angelo and Giuseppe Bonaddio.

Land affected by the Amendment

The Amendment applies to 1274 Whittlesea-Yea Road, Kinglake West (Lot 7 PS 630072). The land affected by the Amendment is a 2.04 hectare site situated on the east side of the Whittlesea-Yea Road approximately 163 metres north of the intersection of Whittlesea-Yea Road and Whittlesea-Kinglake Road.



What the amendment does

In accordance with Section 96A of the Planning and Environment Act 1987, the proposal includes a combined planning permit application and planning scheme amendment.

The Amendment proposes to:

- Amend Clause 21.02 to amend the Kinglake West – Pheasant Creek Framework Plan. This change has been made to meet a recommendation made by the panel for this amendment to indicate the land subject to this amendment as being within the existing area zoned Township.

- Amend planning scheme map no 27 by rezoning the subject land from Rural Living Zone to Township Zone

The planning permit application seeks approval for the use and development of the land for a service station, shop, postal agency and food and drink premises, the display of internally illuminated signs and the removal of native vegetation.

A Section 173 Agreement was required as part of the Amendment. The Agreement provides that the use and development of the land for accommodation (including dwellings) and any further subdivision of the subject land are prohibited.

Strategic assessment of the Amendment

Why is the Amendment required?

An amendment to the Murrindindi Planning Scheme is required to facilitate the proposed use and development of the subject site for the use and development of the land for a service station, shop, postal agency and food and drink premises, the display of internally illuminated signs and the removal of native vegetation. These proposed uses and developments are not permitted in the Rural Living Zone. The Amendment proposes to rezone the site to Township Zone. These proposed uses and development require a permit in the Township Zone.

The combined Amendment and permit application will result in a good planning outcome with net community benefit to the Kinglake West community. The community will have improved access to services and facilities including a service station, post office, convenience store and food outlets as a consequence of the Amendment and the proposed development.

How does the Amendment implement the objectives of planning in Victoria?

The objectives for planning are set out at Section 4(1) of the *Planning and Environment Act* 1987. The objectives relevant to the proposed development and the proposed Amendment include:

- To provide for the fair, orderly, economic and sustainable use and development of land.
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- To balance the present and future interests of all Victorians.

The Amendment achieves these objectives by addressing important issues such as on-site wastewater management, traffic access and management, bushfire management and orderly site development. Each of these issues is dealt with in detail in supporting strategic documents.

How does the Amendment address any environmental, social and economic effects?

A Land Capability Assessment (LCA) for on-site wastewater management has been prepared for the proposed development by Paul Williams & Associates P/L. The LCA report concludes that the proposed development at the site is suitable for sustainable on-site effluent disposal. The LCA report also concludes that effluent should be treated to at least the 20/30 standard and distributed by subsurface irrigation utilising the processes of evapotranspiration and deep seepage.

The irrigation area will satisfy the requirements of SEPPs (Waters of Victoria) in that the

effluent irrigation system cannot have any detrimental impact on the beneficial use of surface waters or groundwater. There is sufficient available area for expansion of the irrigation areas.

The location of the entry and exit to the site at the Whittlesea-Yea Road requires the removal of native vegetation. A biodiversity assessment report has been generated from the Native Vegetation Information Management (NVIM) tool. The identified remnant patch of native vegetation proposed for removal equates to 0.057 ha. The biodiversity assessment report prescribes a native vegetation offset requirement which is included as a condition on the draft permit.

The Amendment will improve access to services and employment opportunities for the Kinglake West community.

The Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework (KFT Plan) includes a direction to provide compact and distinct town centres and community hubs that reinforce township identity.

A key feature of the KKT Plan development framework is to improve access to services at the local level through developing local activity and community nodes with one particular community activity node emphasised at the intersection of Whittlesea-Kinglake Road and Whittlesea-Yea Road.

Does the Amendment address relevant bushfire risk?

The proposed site is not within a Bushfire Management Overlay. Further to this, the proposal does not provide for accommodation type uses and these will be effectively prohibited by the requirement for a Section 173 Agreement to be registered on the land. A preliminary bushfire assessment has been prepared, however, and is submitted with this Amendment.

The proposed development has had regard to the bushfire threat in the surrounding area, and though not located in a Bushfire Management Overlay, is able to fulfil bushfire management objectives.

The site can provide safe access and egress, as well as ample space within the site for the movement of emergency vehicles. It is able to provide static water supply for bushfire fighting purposes, with a static allocation for each proposed outlet.

It is able to provide defendable space to a BAL19 contained mostly within the site, with 5m falling on land to the east which can be reasonably assured will be maintained to comply with bushfire objectives.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7 (5) of the Act.

The Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework (KFT Plan) forms the strategic basis supporting the Amendment. The proposed Amendment is supported by specialised reports relating to traffic and wastewater management.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The land affected by the Amendment is not in an area covered by a Bushfire Management Overlay however a preliminary bushfire assessment has been prepared which addresses Clause 13.05 Bushfire.

A land capability assessment for wastewater management has been prepared. The LCA report demonstrates that the site and proposed development can achieve sustainable on-site effluent disposal. The Amendment and planning application is able to implement

Clause 14.02-1 Catchment planning and management, Clause 14.02-2 Water quality and Clause 19.03-2 Water supply, sewerage and drainage.

The proposed development will increase access to retail commercial facilities in Kinglake West thereby implementing Clause 17.01-1 Business.

The Amendment implements Clause 18.01-1 Land use and transport planning. A traffic impact assessment has been prepared which considers access, parking and traffic impacts of the proposed development. Whittlesea-Yea Road is a VicRoads main road. The proposed development integrates land use and transport and makes services and jobs more accessible to the local Kinglake West and Kinglake communities.

The combined Amendment and permit application implements Clause 52.17 Native Vegetation, specifically setting an offset requirement for proposed native vegetation removal.

The combined Amendment and permit application supports Clause 52.12 (Service Station). The proposed development can satisfy requirements of these policies in relation to site area and dimensions, number of vehicle crossovers and setbacks from Whittlesea-Yea Road and landscape buffers to adjoining land in the Township Zone.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment meets Local Planning Policy Framework objectives and strategies. No changes are required to the Local Planning Policy Framework for the proposed rezoning and development.

Clause 21.03-1 (Business and Industry) includes the objective to “facilitate active and vibrant commercial area in townships.” Strategies to achieve this objective include:

- Strengthen the role and identity of townships, including establishing new and/or reinstating businesses within the commercial centres of Kinglake, Kinglake West – Pheasant Creek.
- Support each township as the focus of a residential, commercial, community and service hub for its surrounding area. Identify and promote further business development in and around main townships with existing communities and services.
- Facilitate new and expanded commercial and industrial uses and developments in key commercial areas of Alexandra, Yea, Kinglake, Eildon and Marysville.
- Support and facilitate existing and expanded commercial activities in smaller townships.

The Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework (KFT Plan) reference document proposes an activity node at the intersection of Whittlesea-Yea Road and Whittlesea-Kinglake Road, more specifically at the north-east and north-west corners. Land within the broadly applied activity node includes land that is not within the Township Zone and part of the subject land.

The subject site adjoins the Township Zone. The amendment will assist in the achievement of Clause 21.03-1 strategies and objectives. The proposed rezoning is an orderly extension of the existing Township zoning and is generally consistent with the activity node proposal shown on the Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework.

The Amendment also implements the Local Planning Policy Framework as follows.

The subject site is not located in a bushfire management overlay however a preliminary bushfire assessment has been undertaken with regard to the bushfire threat in the surrounding area. The combined Amendment and permit application is able to fulfil bushfire management objectives (Clause 21.05-2).

Notwithstanding that a Bushfire Management Overlay does not apply to the site, the preliminary bushfire assessment report demonstrated that proposed use and development

is capable of incorporating appropriate protection measures to reduce the risk to life and property from bushfire to an acceptable level on a continuing basis (Clause 21.05-2).

The Traffic Impact Assessment report considers and addresses the provision of safer access to and from the Whittlesea-Yea Road (Clause 21.06).

The planning application is supported with a Land Capability Assessment with a recommended wastewater management system to ensure that the discharge of effluent as a result of the development of the site is contained on-site and will not affect the volume or quality of discharge to a watercourse (Clause 21.05-1).

Does the Amendment make proper use of the Victoria Planning Provisions?

Proposed rezoning to Township Zone is a logical extension of the township area and boundary of Kinglake West. Properties immediately south and south west of the site are currently zoned Township Zone. The site's location adjacent to the township and frontage to Whittlesea-Yea Road makes the Township Zone the most appropriate zone and represents a proper use of the Victorian Planning Provisions.

A Section 173 Agreement was required that provides that the use and development of the land for accommodation (including dwellings) and any further subdivision of the subject land are prohibited.

How does the Amendment address the views of any relevant agency?

The views of the Country Fire Authority and VicRoads have been sought in relation to the planning scheme amendment and draft planning permit prior to the exhibition of the amendment. The requirements of these agencies have been incorporated into the draft planning permit.

VicRoads have advised that proposed access from and to Whittlesea-Yea Road is considered to be safe.

Views of all relevant agencies will be sought during exhibition of the Amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

A Traffic Impact Assessment Report (TIAR) has been undertaken by Traffix Group Pty Ltd, traffic engineers and transport planners. The TIAR considers the parking, access and traffic impacts of the proposed development.

The TIAR concludes that the level of additional traffic as a result of the proposal can be satisfactorily accommodated by the proposed site access points, and will not have a detrimental impact on the surrounding road network. A copy of the report is exhibited with this amendment.

Vehicle access is proposed at Whittlesea-Yea Road via separate 'entry only' and 'exit only' access points.

The traffic assessment concludes that a Basic Left Turn treatment (BAL) and a Channelised Right Turn – Shortened (CHR-S) right turn are required to support the proposed 'entry' access point. Sight distance assessments indicate that sufficient sight distance is available at both access points for the existing 80km/h speed zone.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is not anticipated that the proposed rezoning will result in an adverse impact on the resource and administrative costs of the responsible authority. The Amendment does not introduce additional planning controls or trigger the need for additional planning permits.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Murrindindi Shire Council

Perkins Street

Alexandra 3714

Murrindindi Shire Council

19 Whittlesea-Kinglake Road

Kinglake 3763

Murrindindi Shire Council Website: www.murrindindi.vic.gov.au

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.dtpli.vic.gov.au/publicinspection.

Planning Permit 2016/2

Form 9

PLANNING

Permit No. 2016/2

PERMIT

Planning Scheme Murrindindi Planning Scheme

GRANTED UNDER SECTION 96I OF THE
PLANNING AND ENVIRONMENT ACT 1987

Responsible Authority Murrindindi Shire Council

ADDRESS OF THE LAND:

1274 Whittlesea-Yea Road KINGLAKE WEST; Lot 7 PS 630072K

THE PERMIT ALLOWS:

Use and development of the land for a service station, shop, postal agency and food and drink premises under Clause 32.05; display of internally illuminated signs under Clause 52.05; and removal of native vegetation under Clause 52.17.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

NO ALTERATION TO LAYOUT

1. Before the development starts, amended plans must be submitted and approved to the Responsible Authority. When approved, the plans will be endorsed and will then form part of permit. The plans must be generally in accordance with the plans prepared by RCP Architects (TP-01, TP-02 and TP-03, Revision E) dated 20 June 2016 but modified to show the:
 - a) turn lane arrangements along Whittlesea-Yea Road amended to reflect the CHR(s) and BAL arrangements shown in Traffic Design drawing G17986-01 dated 24th June 2015;
 - b) designated area for location of the effluent treatment plant, balance tank and primary effluent irrigation area, generally in accordance with the addendum report prepared by Paul Williams & Associates Pty Ltd dated 18 February 2017;
 - c) reduction in the height of the main internally illuminated sign from 9 metres to 6 metres;
 - d) relocation of the main internally illuminated sign to south of and adjacent to the northern access driveway on private land;
 - e) deletion of the eastern service road (including the entry and exit return) and hard stand areas to the immediate south of the proposed built form;
 - f) construction of southern egress driveway so that it does not exceed RL510.35 metres;
 - g) location of LPG tanks within the front landscape setback;
 - h) location of water storage, including location of the 40,000 litre tank for fire

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- fighting purposes and accessible for fire fighting appliances;
- i) fencing along the southern and eastern boundaries of the site and its return to the site frontage at a height of 1.8 metres and of colourbond construction;
 - j) provision of a battered earthen retaining wall as a replacement for the concrete crib retaining wall to the north of the ingress driveway;
 - k) provision of a landscaping plan that incorporates the land formally occupied by the rear accessway, its entry and exit returns and the battered earthen retaining wall. Species to be used will provide an effective screen of the development to the north, east and south;
 - l) provision of a shared loading bay centrally on the frontage of the site alongside the car parking;
 - m) provision of a dedicated loading area to the immediate north of the larger shop; and
 - n) provision of a bin location area that can be accessed from the front of the site.
2. The development and use permitted by this permit as shown on the endorsed plans and described in the endorsed documents must not be altered or modified except with the prior written consent of the Responsible Authority.

REPORTS TO BE PROVIDED

3. Before the commencement of the use, the following reports must be submitted and approved to the Responsible Authority. When approved, the reports will be endorsed and will then form part of permit:
- a) a Lighting Impact Report prepared by a suitably qualified person which provides for:
 - i. the form of illumination on the site; and
 - ii. confirms that any light spillage does not unreasonably impact upon the amenity of surrounding existing residential properties and is generally in accordance with the relevant Australian Standards.
 - b) a Water Balance Report prepared by a suitably qualified person which details the location and capacities of water tanks for commercial and fire fighting purposes on site.

SCHEDULE OF MATERIALS AND COLOURS

4. Before the development starts, a schedule of colours must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.

EARTHEN RETAINING WALL

5. Before the use commences, plans are to be submitted and approved by the Responsible Authority showing the construction details of the battered northern earthen retaining wall and drainage. This is to be designed and constructed to accommodate landscaping to screen the proposal. When approved, the plans will be endorsed and will then form part of the permit.

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ON-SITE FAUNA

6. Prior to the commencement of works on site, a suitably qualified person is to visually inspect the wombat burrow to ensure it is vacant and place a barrier at its entrance to ensure the wombat cannot re-enter the burrow.

WASTEWATER MANAGEMENT

7. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the responsible authority. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any watercourse, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.
8. Prior to the commencement of any works, including site works, the applicant shall obtain a Permit to Install a Septic Tank permit from Council. Sewerage treatment must achieve at least the 20/30 standard to the satisfaction of the responsible Authority.

VEGETATION REMOVAL

9. Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the Responsible Authority.

LANDSCAPING MAINTENANCE

10. The landscaping shown on the endorsed landscaping plan must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

WASTE MANAGEMENT PLAN

11. Prior to the commencement of the use, a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site must be submitted to and approved by the Responsible Authority. The Waste Management Plan must provide for:
 - (a) the method of collection of garbage and recyclables;
 - (b) designation of methods of collection;
 - (c) appropriate areas of bin storage on site and areas for bin storage on collection days; and
 - (d) litter management.

GENERAL AMENITY PROVISION

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

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- (d) presence of vermin.

HOURS OF OPERATION

13. The hours of operation for all uses are 6.00am to 11.00pm on all days including public holidays.

REGULATION OF DELIVERY TIMES

14. Deliveries to and from the site (including waste collection) must only take place between: 7.00am and 5.00pm Monday to Friday and 8.30am and 4.00pm Saturday, Sunday and public holidays.

VEHICLE ACCESS LANES AND CAR PARK CONSTRUCTION

15. Before the use starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) constructed and properly formed to such levels that they can be used in accordance with the plans;
 - b) surfaced with an all-weather-seal coat;
 - c) drained;
 - d) line marked to indicate each car space and all access lanes clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the Responsible Authority;
 - e) designed to be compliant with the design standards of Clause 52.06 of the Murrindindi Planning Scheme;
 - f) compliant with disabled parking bays - Australian Standard AS/NZ 2890.6:2009;
 - g) provided with public lighting in accordance with AS/NZ 1158.0-2005/Amdt 2-2010 minimum light category P11/P12 and the fitting are to minimize spill lighting on to neighbouring property (including road reserves) in accordance with AS/NZ 4282-1997; and
 - h) car spaces, access lanes and driveways must be kept available for these purposes at all times.

CAR PARKING FOR DISABLED PERSONS

16. A minimum of 2 car spaces must be provided for the exclusive use of disabled persons. The car spaces must be provided as close as practicable to suitable entrances of buildings and must be clearly marked with a sign to indicate that the spaces must only be utilised by disabled persons. The minimum dimensions of the car spaces must be in accordance with AS2890.06-2009.

PARKING SIGNS

17. Signs to the satisfaction of the Responsible Authority must be provided directing drivers to the areas set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority.

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VEHICLE CROSSING REQUIREMENTS

18. Before the use commences and/or buildings are occupied, vehicular crossings must be constructed in accordance with an approved roadworks plan to the satisfaction of the Responsible Authority, and must have satisfactory clearance to any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant authority and must be at the applicant's expense.

DRIVEWAY AND DRAINAGE CONSTRUCTION REQUIREMENTS

19. Before the commencement of any works associated with the provision of vehicle access, drainage and car parking, detailed construction plans demonstrating appropriate drainage and levels compliant with AS 2890 Part 1 Off Street Car Parking and AS 3500 Part 3 – Stormwater Drainage, be prepared in accordance with endorsed plans and to the satisfaction of the Responsible Authority.

STORMWATER MANAGEMENT

20. Before the use commences, drainage plans, including computations and longitudinal sections, must be provided to and approved by the Responsible Authority to the Responsible Authorities nominated point of discharge. Once approved, the plans will be endorsed as part of the planning permit and must not be further altered without the prior written consent of the Responsible Authority.

CONSTRUCTION PHASE

29. All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the responsible authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.

CONSTRUCTION PHASE

21. All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.

CONSTRUCTION MANAGEMENT PLAN

22. Prior to commencement of works the owner or applicant must submit a "Construction Management Plan" (CMP) for approval by the Responsible Authority. This plan shall include, but not be limited to:
 - a) a site-specific plan showing proposed erosion and sedimentation control works;
 - b) techniques and intervention levels to prevent a dust nuisance;
 - c) techniques to prevent mud and dirt being transported from the site to adjacent streets;
 - d) the protection measures taken to preserve any vegetation identified for retention;

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- e) details of a contact person/site manager must also be provided so that this person can be easily contacted should any issues arise; and
- f) techniques to ensure that all vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.

ADVERTISING SIGNS

- 23. Before the development starts, detailed plans showing the location and details of signs, and any supporting structure, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.
- 24. The signs must not contain any flashing light.
- 25. Lighting of signs, including internal illumination, must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
- 26. Signs may only be illuminated between the hours of between 6.00am and 11.00pm.
- 27. Signs must be constructed and maintained to the satisfaction of the Responsible Authority.

BAFFLED LIGHTING

- 28. Outdoor lighting, where provided, must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.

SECURITY ALARMS

- 29. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

VICROADS - TRAFFIC AND ACCESS

- 30. Only two access points to the property will be permitted with the northern access being entry only and the southern access being exit only.
- 31. Prior to commencement of the use, the following roadworks must be completed at no cost and to the satisfaction of the Roads Corporation:
 - a) Construction of a CHR(S) right turn lane for the northern entry access generally in accordance with Traffix Design Drawing G17986-01 dated 24th June 2015; and
 - b) Construction of a BAL left turn lane for the northern entry access generally in accordance with Traffix Design Drawing G17986-01 dated 24th June 2015.
- 32. Before commencement of any works required by VicRoads under this permit a detailed engineering design must be prepared generally in accordance with the accepted functional layout plan and to the satisfaction of VicRoads.

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33. The permit applicant is to submit a detailed design Road Safety Audit (RSA) of the proposed works to VicRoads for approval. The RSA must be undertaken by an independent VicRoads pre-qualified audit team and be conducted in accordance with AustRoads – Road Safety Audit.
34. The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads policy, procedures, and standard and at no cost to VicRoads.
35. Works must not be commenced in, on, under or over the road reserve without first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those acts.

WORKSAFE

36. The proposed development must comply with the relevant requirements of the Dangerous Goods Act and its subordinate legislation, particularly the Dangerous Goods (Storage and Handling) Regulations 2000. These standards include, but are not limited to:
 - a) AS 4897 Design, installation and operation of underground petroleum storage systems; and
 - b) AS 1596 Storage systems for LPG.

DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING

37. Before works start, the permit holder must advise all persons undertaking the vegetation removal and works of all relevant permit conditions and associated statutory requirements or approvals.
38. Before works start, a plan to the satisfaction of the Responsible Authority identifying all native vegetation to be retained and describing measures to be used to protect the identified vegetation during construction, must be prepared, submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.
39. To offset the removal of **0.057** hectares of native vegetation, the permit holder must secure a native vegetation offset, in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the Native vegetation gain scoring manual (DEPI 2013) as specified below:
 - a) a general offset of **0.003** general biodiversity equivalence units with the following attributes:
 - i. be located within the Goulburn Broken Catchment Management Authority area or with Murrindindi Shire; and
 - ii. have a strategic biodiversity score of at least **0.080**.
40. Before any vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. Offset evidence can be:
 - a) a security agreement, to the required standard, for the offset site or sites,

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- including a 10 year offset management plan; and/or
- b) a credit register extract from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of the endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

41. In the event that a security agreement is entered into as per condition 40, the applicant must provide the annual offset site condition report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Note: This condition does not apply to offsets on the native vegetation credit register as these include monitoring requirements.

ENVIRONMENT PROTECTION AUTHORITY

42. Displaced petrol fumes must be collected with a vapour recovery system.
43. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
44. Construction and post-construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.
45. Offensive odours must not be discharged beyond the boundaries of the premises.
46. All infrastructure for the storage and handling of Liquefied Petroleum (LP) gas should be designed, constructed and operated in accordance with AS/NZS 1596:2008 The Storage and Handling of LP Gas (Standards Association of Australia).
47. Effluent and waste solvent generated from the washing or cleaning of engines or parts shall not be discharged on or from the premises.
48. Nuisance dust must not be discharged beyond the boundaries of the premises.
49. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.

COUNTRY FIRE AUTHORITY

50. A static tank of 40,000 litres with CFA fittings is to be provided for bushfire fighting purposes only, to the satisfaction of the Country Fire Authority.

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PERMIT EXPIRY DATE

51. This permit shall expire if the following circumstances apply:

- a) The development is not commenced within two years of the date of this permit.
- b) The development is not completed and use is not commenced within 4 years of the date of this permit.

A request for an extension of time may be made before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.

NOTATIONS:

- 1. Separate consent for works within the road reserve and the specifications of these works will be required under the Road Management Act.
- 2. The consent application under the Road Management Act will be treated as a developer funded application which requires payment of fees and charges to VicRoads and submission of detailed design plans and specifications for approval including a detailed design Road Safety Audit.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>
[date]	[full proposal]	Murrindindi Shire Council

Date issued:

Signature for the Responsible Authority _____

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C57 to the Murrindindi Planning Scheme.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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 a 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?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.