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PLANNING PERMIT

Permit No.:	PA2402814
Planning scheme:	South Gippsland Planning Scheme
Responsible Authority:	Minister for Planning
ADDRESS OF THE LAND:	1486-1492 Korumburra-Wonthaggi Road and 25 Church Road, Kongwak (Lots 1 and 2 PS716625R, Lot 11 LP4610 and Lots 1, 2 and 3 PS331420F Parish of Kongwak)

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
Clause 32.05-2	Use the land for Group Accommodation, Place of Assembly (other than Carnival, Circus and Place of Worship) and Restaurant
Clause 32.05-10	Construct a building or construct or carry out works for a use in Section 2 of Clause 32.05-2
Clause 35.07-1	Use the land for Group Accommodation
Clause 35.07-4	Construct a building or construct or carry out works for a use in Section 2 of Clause 35.07-1
	Construct a building: <ul style="list-style-type: none">• Within 50 metres of a Road in a Transport Zone 2 (Korumburra-Wonthaggi Road)• Within 20 metres of any other road;• Within 100 metres of a dwelling not in the same ownership• Within 5 metres of a boundary; and• Within 100 metres of a waterway, wetland or designated flood plain.

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Clause 44.01-2	Construct a building or construct or carry out works and to remove vegetation.
Clause 43.01-1	<ul style="list-style-type: none">• Demolish or remove a building;• Construct a building or construct or carry out works;• Externally alter a building by structural work, rendering, sandblasting or in any other way;• Externally paint a building; and• Internally alter a building.
Clause 52.06	Reduce the number of car parking spaces.
Clause 52.17-1	Remove, destroy, or lop native vegetation including dead native vegetation.
Clause 52.27	Use the land to sell or consume liquor where a licence is required under the <i>Liquor Control Reform Act 1998</i> .
Clause 52.29	Create or alter access to a road in a Transport Zone 2 (Korumburra-Wonthaggi Road)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Before the development starts, including demolition (or as otherwise agreed with the Responsible Authority), amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and fully dimensioned including to show natural ground level, floor levels, wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD). The plans must be generally in accordance with the architectural plans, prepared by Wardle Architects (latest Revision G, dated 19 July 2024) but modified to show:
 - a) The vehicle access from Church Road relocated to be clear of the Tree Protection Zone (TPZ) of the northernmost tree on the road reserve.
 - b) The 'Type B' villa accommodation location in the northern area of the site (within the proposed orchard) setback a minimum setback of 100 metres from the northern boundary.
 - c) Deletion of any direct pedestrian access to Korumburra-Wonthaggi Road.

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- d) Deletion of any references or notations relating to the land art and sculpture park in the southern areas of the site adjacent to Korumburra-Wonthaggi Road.
- e) Details of any staging of the development.
- f) The potable and fire water tanks setbacks a minimum of 5 metres from any boundary.
- g) Full details including setbacks, elevations, materials and colour finishes of the proposed potable and fire water tanks.
- h) Widening and construction of Church Road to the proposed entrance into the development on Church Road servicing the group accommodation function, in accordance with the "Access Place" standard as described by Council's Infrastructure Design Manual.
- i) Any changes and relevant notations in accordance with the Bushfire Management Plan.
- j) Any changes, technical information and plan notations (or otherwise) required as a consequence of any requirement in this permit.

Compliance with documents approved under this permit

- 2. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the Responsible Authority.

Layout of the use and development not to be altered

- 3. The use and development as shown on the endorsed plans must not be altered (unless the South Gippsland Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Commencement of permit

- 4. This permit will operate from the issued date of this permit.

Staging Plan

- 5. Before the development starts, a staging plan must be submitted to and approved by the Responsible Authority. The staging plan must be prepared to the satisfaction of the Responsible Authority, be drawn to scale and be generally in accordance with the plans prepared by Wardle Architects (latest Revision G, dated 19 July 2024). The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.

Amended materials and colours schedule

- 6. Before the development starts, an amended schedule of construction materials, external finishes and colours must be approved and endorsed by the Responsible Authority. The schedule must be prepared to the satisfaction of the Responsible Authority and be generally in accordance with the plans prepared by Wardle Architects (latest Revision G, dated 19 July 2024) including Drawing no. TP0900 (Materials), Revision F dated 17 May 2024 by, and must include the following:
 - a) All buildings used for accommodation, including (but not limited) external walls and roofing finished in muted and non-reflective tones which integrate with the surrounding natural landscape.

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- b) The service building adjacent to Church Road finished in mute and non-reflective tones which integrate with the surrounding natural landscape.
- c) The above-ground water tanks (and any associated structures) finished in mute and non-reflective tones which integrate with the surrounding natural landscape.

The Responsible Authority may consent in writing to vary these requirements and the details in an approved schedule.

Red Line Plan

- 7. Concurrent with endorsement of plans under Condition 1 of this permit, a Red Line Plan showing the areas where liquor is proposed to be sold and consumed on the subject land must be approved and endorsed by the Responsible Authority. The plan must be prepared to the satisfaction of the Responsible Authority and be generally in accordance with the plan prepared by Wardle Architects, Drawing no. SK002, Revision B dated 17 May 2024.

Heritage - Before demolition

- 8. Before the development starts, including demolition, the permit holder must satisfy the Responsible Authority that substantial progress has been made towards obtaining the necessary building permits for the development of the land generally in accordance with the development of the land proposed under this permit and that the permit holder has entered into a bona fide formal contract for the construction of the development.

Heritage - Conservation Management Plan

- 9. Concurrent with the endorsement of plans, a Conservation Management Plan for the existing heritage buildings on the subject land must be approved and endorsed by the Responsible Authority. The conservation plan must be prepared to the satisfaction of the Responsible Authority, be generally in accordance with the Heritage Impact Assessment prepared by David Helms Heritage Planning dated 14 June 2023, and must:
 - a) Identify the buildings and works to be conserved.
 - b) Details of how the retained portion of the heritage buildings is going to be supported during demolition, excavation and construction works. This detail must be supported through a Structural Engineering Report;
 - c) Details of the restoration works within the retained portions of the heritage buildings
 - d) Construction details as appropriate to demonstrate those works; and
 - e) Comprehensive colour photographic record of the heritage building recording the interior and exterior of the building and accompanied by plans indicating the location of the photographs.

The works detailed in the approved conservation management plan must be completed before the use starts or the development is occupied, to the satisfaction of the Responsible Authority.

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Heritage – Structural Engineering Report

10. Before the development starts, including demolition, a report prepared by a suitably qualified structural engineer, must be approved by the Responsible Authority. The structural engineering report must be prepared to the satisfaction of the Responsible Authority, be generally in accordance with the Heritage Impact Assessment prepared by David Helms Heritage Planning dated 14 June 2023 and must demonstrate the means by which the retained portion of the heritage building will be supported during demolition and construction works to ensure its retention,

The recommendations contained within this report must be implemented at no cost to South Gippsland Shire Council and be to the satisfaction of the Responsible Authority.

Aboriginal Cultural Heritage

11. All works on the land must be carried out or constructed in accordance with the requirements of any approved CHMP or otherwise in accordance with the requirements of the *Aboriginal Heritage Act 2006* and Aboriginal Heritage Regulations 2018.

Landscape Plan

12. Concurrent with the endorsement of plans, a landscape plan must be approved and endorsed by the Responsible Authority. The landscape plan must be prepared to the satisfaction of the Responsible Authority, be drawn to scale with dimensions, be generally in accordance with the Landscape Masterplan prepared by PWLA, Revision TP2, dated 5 June 2024, and must include the following:
- a) Any changes required by Condition 1 of this permit;
 - b) A staging plan for landscaping planting areas, showing timeframes for plantings across the development;
 - c) Screen planting around the perimeter of the overflow car park and the water tanks;
 - d) layout of landscaping and planting within open areas of the subject land;
 - e) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - f) buildings and trees (including botanical names) on neighbouring properties and road reserves within three metres of the boundary of the subject land;
 - g) details of surface finishes of pathways and driveways;
 - h) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - i) details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation;
 - j) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site;



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- k) Replacing the tree/s to be removed with suitable species to the satisfaction of the Responsible Authority;
- l) A maintenance and monitoring program, including weed management and to ensure the ongoing health of landscape works;

The Landscaping Plan must be implemented to the satisfaction of the Responsible Authority.

Completion of landscaping

- 13. Within six (6) months of the completion of development, or as otherwise shown on the endorsed landscaping plan, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the Responsible Authority. The Responsible Authority may consent in writing to vary this requirement.

Landscape Maintenance

- 14. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the Responsible Authority.

Vegetation Management Plan

- 15. Concurrent with the endorsement of plans, a Vegetation Management Plan must be approved and endorsed by the Responsible Authority. The vegetation management plan must be prepared to the satisfaction of the Responsible Authority, be generally in accordance with the Landscape Masterplan prepared by PWLA, Revision TP2, dated 5 June 2024 and Arboricultural Assessment and Report prepared by Glenn Waters Arboriculture dated 18 February 2023, and must including the following:
 - a) measures that must be incorporated into the design and construction of the development to ensure the protection of any trees identified for retention, determined in accordance with Australian Standard AS4970-2009 - Protection of Trees on Development Sites
 - b) measures to protect the historic 'Avenue of Honour' trees located on the road reserve of Korumburra-Wonthaggi Road and the existing trees on the road reserve of Church Road from any building or works approved by this permit.
 - c) the location of tree protection zones (TPZ) and tree protection fencing for trees identified for retention on a plan that is drawn to scale with dimensions

Erection of tree protection fencing in accordance with vegetation management plan

- 16. Before the development starts, tree protection fencing must be erected around any trees identified for retention on the approved and endorsed plans in accordance with the approved vegetation management plan and *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*, to the satisfaction of the Responsible Authority.

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Maintenance of tree protection fencing and exclusion of activities within fencing

17. The tree protection fencing must remain in place and be maintained around any trees identified for retention on the approved and endorsed plans, in accordance with the approved vegetation management plan and *Australian Standard AS4970-2009 - Protection of Trees on Development Sites* to the satisfaction of the Responsible Authority.
18. The development, excavation, construction works or activities, grade changes, surface treatments, storage and movement of construction materials and vehicles of any kind must not occur on or over and must be excluded from any areas inside the tree protection fencing to the satisfaction of the Responsible Authority.

Construction Environmental Management Plan

19. Before the development starts, including demolition, site preparation works and the removal of native vegetation, a Construction Environment Management Plan (CEMP) to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority in consultation with South Gippsland Shire Council. When approved, the CEMP will be endorsed and will form part of this permit. The CEMP must include (but not necessarily be limited to) the following:
 - a) be prepared in accordance with the *Civil construction building and demolition guide, Publication 1834.1* (EPA, September 2023)
 - b) adopt the form of the template included in the EPA guide
 - c) the working hours schedule for construction, building and demolition noise in accordance with the EPA guide (unless with the further written consent of the Responsible Authority):
 - d) include a traffic management plan showing:
 - i. access routes for construction vehicles
 - ii. swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction
 - iii. proposed parking locations for construction vehicles and construction workers' vehicles
 - iv. any impacts upon adjacent roads and pedestrian walkways and provision for adequate movement and circulation of vehicles and pedestrians adjacent to the land during the construction phase
 - e) Details of how native vegetation removal is to be conducted in a manner that avoids any further, un-permitted impacts or damage to other native vegetation being retained on site or on adjoining land and avoids impacts, disturbance or damage to any native fauna.
 - f) Identification of all stockpiles, storage, laydown, parking and machinery storage locations on site and management requirements for these. These need to be located within identified impact areas/footprint,
 - g) Appropriate sediment and dust control, erosion and drainage management to be implemented on site, to ensure no sediment or sediment laden runoff enters any waterways, drainage lines, wetlands or moves off the subject land.

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- h) Weed control and management on site, including appropriate vehicle hygiene measures during construction phase, and post construction ongoing weed management.
- i) The person/s responsible for implementation and compliance of each aspect of the CEMP.
- j) Measures to avoid and minimise amenity and environmental impacts during construction.
- k) Procedures to manage construction noise and vibration
- l) Procedures to manage mud and debris on the surrounding road network which may occur during construction.
- m) Procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, when construction is complete.
- n) A construction timetable, including typical daily start and end times.

The Responsible Authority may consent in writing to vary any details in the Construction Environmental Management Plan.

20. All persons undertaking works on site must be fully briefed on all aspects and requirements of the endorsed CEMP. All works constructed or carried out must be in accordance with the endorsed CEMP, to the satisfaction of the Responsible Authority.

Stormwater management system – implementation and management

21. The stormwater management system approved by the Responsible Authority and included in the endorsed stormwater management plan must be constructed, managed and maintained to the satisfaction of the Responsible Authority. The details of the stormwater management system must not be altered from the details in the endorsed stormwater management plan without the written consent of the Responsible Authority.

Run-off Control

22. Polluted and/or sediment laden run-off must not be discharged directly or indirectly into South Gippsland Water, South Gippsland Shire Council or West Gippsland Catchment Management Authority drains or watercourses.

Ongoing soil erosion control

23. All works must be undertaken in a manner that minimises soil erosion to greatest extent practicable, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.

Onsite disposal of wastewater

24. Before the use starts or the development is occupied, an approved onsite wastewater management system must be installed to treat all wastewater generated from the use and development approved by this permit. All treated wastewater must be disposed of within the curtilage of the property. All wastewater must be managed in accordance with part 5.7 of the *Environment Protection Regulations 2021* to minimise the risk of harm to the environment and human health generally in accordance with the Wastewater Treatment and Reuse Options Report prepared by Diston, Version 1.5, dated August 2024.

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Bushfire management

25. Before the development starts, a Bushfire Management Plan must be approved and endorsed by the Responsible Authority. The Bushfire Management Plan must be prepared to the satisfaction of the Responsible Authority, be generally in accordance with the Bushfire Planning Considerations Report prepared by Euca Planning, Version 3, dated 31 July 2023.
26. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Department of Energy, Environment and Climate Action (DEECA - Gippsland Region) conditions

Notification of permit conditions

27. Before the development starts, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

Endorsed plans

28. The DEECA generated native vegetation report (ID: 361_20240913_11G), dated 13/09/2024) must be endorsed and form part of this permit.

Protection of retained native vegetation

29. All trees and native vegetation patches not included in the Native Vegetation Removal Report must be retained and protected.
30. Before the development starts, including demolition, a vegetation protection fence must be erected around all patches of native vegetation (and scattered trees) to be retained. This fencing must be erected on the endorsed construction zone boundary.
31. Where the patch of native vegetation contains canopy trees, the vegetation protection fence must be at a distance from the retained native vegetation that is not less than the tree protection zones, in accordance with AS 4970-2009 Protection of Trees on Development Sites.
32. The vegetation protection fence must be constructed of star pickets, chain mesh or similar to the satisfaction of the Responsible Authority. The fence must include a notice advising on the purpose of the Tree/ Vegetation Protection Zone. The native vegetation protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.
33. Except with the written consent of the Responsible Authority, within the area 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) entry and exit pits for the provision of underground services

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- d) any other actions or activities that may result in adverse impacts to retained native vegetation.
- e) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
- f) the native vegetation protection zone temporary fencing must be maintained until works are completed.

Native vegetation permitted to be removed, destroyed or lopped

34. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.059 hectares of native vegetation, which is comprised of:
- a) 0.059 hectares of patch native vegetation.

Native vegetation offsets

35. To offset the removal of 0.059 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017):

A general offset of 0.023 general habitat units:

- a) located within the West Gippsland Catchment Management boundary or South Gippsland municipal area;
 - b) with a minimum strategic biodiversity value of at least 0.7440
36. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of DEECA. This evidence must be 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.

Offset evidence

37. 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, a copy of the endorsed offset evidence must be provided to Planning & Environment Assessment at the Department of Energy, Environment and Climate Action Gippsland regional office via pe.assessment@deeca.vic.gov.au

End – DEECA (Gippsland Region) conditions

West Gippsland Catchment Management Authority conditions

38. Before the development starts, amended flood modelling undertaken to the satisfaction of the West Gippsland Catchment Management Authority. The amended flood modelling must:
- a) Include a developed condition hydraulic model set-up schematic. This must clearly demonstrate how the proposed development has been modelled.
 - b) Include internal drainage of the site.

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- c) Provide explanation regarding the proposed water quality treatment differences between the stormwater management concept and the flood modelling memo.
39. Before the development starts, a Waterway Management Plan must be developed to the satisfaction of 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 areas that clearly defines the area for revegetation. The plan must include a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site. Any area required to be cleared of vegetation to create defensible space must not encroach into the required revegetation within the waterway buffer.
 - d) An explanation of how the additional revegetation areas not directly adjacent to the waterway will provide the same waterway health benefits and address the requirements of Clause 12.03-1S and Clause 14.02-1S of the planning scheme.
 - e) A maintenance activities schedule detailing the establishment and ongoing maintenance requirements, frequency of maintenance activities and handover benchmarks.

Stormwater Management Plan

40. Before the development starts, an amended Stormwater Management Plan must be approved and endorsed by the Responsible Authority. The stormwater management plan must be prepared to the satisfaction of the Responsible Authority in consultation with the West Gippsland Catchment Management Authority, be generally in accordance with the Stormwater Management Report prepared by CJ Arms, Revision 1, dated 15 June 2023, and must:
- a) include details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system
 - b) Include a maintenance schedule to identify actions required to ensure that the water quality treatment assets are maintained in perpetuity.
 - c) Ensure consistency with the proposed water quality treatment identified in the flood modelling memo or provide an explanation of these differences.
 - d) Any existing building areas to form a part of any use to be limited to non-habitable purposes only, where 600mm freeboard to the 1% AEP flood level will not be achieved.
 - e) Any elevated structures subject to floodwater are constructed with 600mm freeboard to soffit level.
 - f) All stormwater runoff from the site will be captured and controlled via an appropriate stormwater detention system to ensure runoff is limited to pre-development flows to the equivalent of a 10% AEP event;
 - g) Adjacent properties will not be adversely impacted by runoff from the site;

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41. Before the use starts or the development is occupied, all works identified in the flood modelling report, the Waterway Management Plan and Stormwater Management Plan must be completed to the satisfaction of the West Gippsland Catchment Management Authority.

End – West Gippsland Catchment Management Authority conditions

South Gippsland Shire Council conditions

42. Before the development starts, drainage computations and engineering plans (based on South Gippsland Shire Council's Infrastructure Design Manual (IDM)) of the proposed stormwater network, stormwater capture and detention system, and any infrastructure works in Church Road are to be submitted to and approved by the South Gippsland Shire Council. Plans are to show;
- a) Civil engineering and stormwater drainage works generally in accordance with the approved Stormwater Management Plan.
 - b) Size of car parking bays and accessways in accordance with the South Gippsland Planning Scheme, and relevant Australian Standard.
 - c) Signage to be provided to describe access/egress arrangements for delivery and private vehicles accessing the site, internally and within any road reserve.
 - d) Church Road must be constructed to an Access Place standard with an asphaltic concrete sealed surface from the intersection of Korumburra Wonthaggi Road up to and ten (10) metres beyond the entrance to the overflow car parking area on Church Road.
43. The car parking area adjacent to the butter and cheese factory, including landscaping and associated works shown on the plans must be:
- a) Constructed to the relevant IDM standards and available for use in accordance with the plans approved by the Responsible Authority;
 - b) Formed to such levels and drained so that they can be used in accordance with the approved plans;
 - c) Appropriately marked to indicate each car space and all access lanes;
 - d) Clearly marked to show the direction of traffic along access lanes and driveways;
 - e) All signage must be constructed and maintained to the satisfaction of the Responsible Authority;
44. The car parking spaces must not be restricted to any exclusive use in accordance with the recommendation of the Traffic Impact Assessment Report 220006TIA002C-F by One Mile Grid section 7.2.2 Anticipated Parking Demand, that these spaces may be utilised by external patrons.
45. The proposed internal footpaths must be provided with suitable lighting for the safety of the patrons returning to and from the main facility during nighttime, including the footpath running between the main facility and the overflow car parking area.
46. The proposed sedimentation pond, check dam and the irrigation dam must have appropriate barrier plantings or fencing in accordance with relevant Melbourne Water Wetlands Design Manual where they will be subject to nearby pedestrian activities.

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47. Any permanent water bodies in the proposed site that will be subject to nearby pedestrian activities must meet the relevant 'Safety in Design' requirement described in Part 3.13 Melbourne Water Wetlands Design Manual – Part A3 – December 2020.
48. The proposed dam must be constructed in accordance with the recommendations found in the Flood Modelling Report prepared by Afflux Consulting date 11 June 2024
49. Before the use starts or the development is occupied, all civil engineering and stormwater drainage works as shown on the approved engineering plans must be constructed to the satisfaction of the Responsible Authority.
50. Upon agreed practical completion of civil works, the permit holder must pay to Council an amount equivalent to 5 % of the actual cost of construction of infrastructure to be handed to Council, being for Guarantee of Works during Defects Liability Period. The amount to be refunded upon release from Defects Liability Period by Council.
51. Scaled "As Constructed" plans are to be forwarded to Council in "pdf" and autocad compatible format, for any infrastructure to be handed over to Council to the satisfaction of the Responsible Authority.
52. The external works as required by this permit must be maintained in good condition and repair by the developer for a period of 12 months from the date of practical completion to the satisfaction of the Responsible Authority.
53. Sediment control for construction work must be provided in accordance with EPA Publication No. 275, "*Construction Techniques for Sediment Pollution Control*".
54. Any dams must be designed and constructed in accordance with the "*Melbourne Water's Retarding Basin and ANCOLD Guidelines – 2014*".

Head, Transport for Victoria Conditions

55. Prior to the commencement of the development, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans date stamped issued for Town planning 17/05/2024 and annotated TP 0000 Rev F – TP 0902 Rev F, but modified to show:
 - a) The proposed bus stop and associated signage must be removed from the arterial road. Any requirements for the servicing of buses must be provided within the development land and not on the road reserve.
 - b) The proposed bike parking is to be re-located completely within the property boundary.
 - c) The removal of all proposed landscaping within the road reserve.
 - d) The intersection of Church Road and the Korumburra – Wonthaggi Road must be upgraded with a Basic Auxiliary Left treatment generally in accordance with the Austroads Guidelines.

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Western Carpark Access

56. The entry/exit to the western carpark, located as shown on the Wardle drawing No. TP 0111 revision G dated May 2023, must be designed and constructed to the satisfaction of the Head, Transport for Victoria.
57. The proposed bicycle parking must be re-located to be totally within the property boundary.
58. Ensure that the driveway access provides a passing area a minimum of 6.1 metres x 7 metres
59. All vehicles must enter and exit in a forward direction.
60. The proposed extension of the footpath shown on the plans must include DDA requirements. The location as shown may need to be altered to provide better connectivity.
61. Access to the carparking must be designed and constructed at no cost and to the satisfaction of the Head, Transport for Victoria.

Butter Factory Access

62. The access to the Butter Factory must be designed to ensure the road loop is contained within the property boundary to the satisfaction of the Head Transport for Victoria. Or provide an alternate access arrangement.
63. The proposed bus parking within the road reserve must be removed and be contained within the property boundary.
64. Access to the Butter Factory must be designed and constructed at no cost and to the satisfaction of the Head, Transport for Victoria.

Church Road Intersection

65. At the intersection of Church Road and the Korumburra-Wonthaggi Road, the intersection must be re-sealed and upgraded with a Basic Auxiliary Left treatment generally in accordance with the Austroads Guidelines.
66. The intersection of Church Road and the Korumburra-Wonthaggi Road must be upgraded and constructed at no cost and to the satisfaction of the Head, Transport for Victoria.

General

67. Prior to works beginning on site, Detailed Functional Layout plans in accordance with the requirements of External Works in the Road Reserve guidelines and Gippsland Regions Developer Funded Checklist of the carpark entrance, Butter Factory entrance and the intersection of Church Road and the Korumburra – Wonthaggi Road must be submitted and approved by the Head, Transport for Victoria.
68. Prior to works beginning within the road reserve, Detailed Design Plans in accordance with requirements of External Works in the Road Reserve guidelines Gippsland Regions Developer Funded Checklist of the carpark entrance, Butter Factory entrance and the intersection of Church Road and the Korumburra – Wonthaggi Road must be submitted and approved by the Head, Transport for Victoria.

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69. Prior to design plans beginning, the applicant's consultants must attend a predesign meeting with the Department of Transport (Gippsland Region). Pre-Design Meeting Requests and plan submissions must be submitted via email: nriw.eastern@transport.vic.gov.au.
70. The existing Arterial Road Pavement and Surrounds must be upgraded to include the new access at no cost and to the satisfaction of the Head, Transport for Victoria. These works include, but are not limited to:
- a) Pavement reconstruction
 - b) Pavement Asphaltting / Re-Sealing
 - c) Drainage Works
 - d) Street Lighting
 - e) Line Marking
 - f) Signage
71. Prior to commencement of the earthworks on the site, a truck wheel-wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land.
72. The truck wheel-wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development.
73. Separate consent for works within the road reserve and the specifications of these works is required under the *Road Management Act*. For the purposes of this application the works will include provision of:
- a) Carpark access
 - b) Butter Factory Access
 - c) BAL at the intersection.

End – Head, Transport for Victoria conditions

AusNet Conditions

74. The applicant must enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to the proposed development. A payment to cover the cost of such work will be required.
75. A minimum clearance of 5000mm for water not accessible to boats and 13,500mm that is accessible to boats with masts, is required where AusNet's overhead assets cross over any proposed water feature or dam.

End – AusNet conditions

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Operational Management Plan

76. Before the development starts, an Operational Management Plan must be approved and endorsed by the Responsible Authority. The Operational Management Plan must be prepared to the satisfaction of the Responsible Authority, be generally in accordance with the draft Operational Management Plan, prepared by the Kongwak Butter Factory, Version 2.1 dated July 2024, and must include the following details:
- a) Details of the hours of operation of the premises (Place of Assembly and Restaurant and ancillary uses within the butter and cheese factory) which must only operate between the following times:
 - i. 7:00 am and 9:00 pm Sunday to Wednesday or public holiday
 - ii. 7:00 am and 10:00 pm on Thursday
 - iii. 7:00 am and 11:00pm on Friday and Saturday
 - b) Details of the maximum number of patrons to be permitted on the premises and breakdown of patrons for each use.
 - c) Details of anticipated events to occur on the subject land;
 - d) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons
 - e) signage to be used to encourage responsible off-site patron behaviour
 - f) the training of staff in the management of patron behaviour
 - g) staff communication arrangements
 - h) measures to control noise emissions from the premises
 - i) complaint handling process to effectively manage any complaints received. This must include a Complaints Register to be kept at the premises which records details of the complaint received, any action taken and the response provided to the complainant
 - j) Details of the provision of music including the entertainment provided by live bands, live music (DJ), amplified music and any other forms of entertainment
 - k) Details of how music and other forms of entertainment will be managed to limit impacts to surrounding residential properties.
 - l) Lighting within the boundaries of the site
 - m) Regulation of deliveries to and from the site
 - n) General rubbish storage and removal arrangements, including hours of pick up.
 - o) Bottle storage and removal arrangements including hours of pick up.
 - p) The recommendations of any acoustic report for the premises.
 - q) Details of the management of patrons in outdoor areas to minimise impacts on the amenity of nearby properties.

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r) Details of the management of patrons who are smoking.

The Responsible Authority may consent in writing to vary any of these details.

General amenity

77. 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, wastewater, waste products, grit or oil
- d) presence of vermin

to the satisfaction of the Responsible Authority.

Hours of operation

78. The Place of Assembly and Restaurant (and ancillary uses within the butter and cheese factory) must only operate between the following times:

- a) 7:00 am and 9:00 pm Sunday to Wednesday or public holiday
- b) 7:00 am and 10:00 pm on Thursday
- c) 7:00 am and 11:00pm on Friday and Saturday

The Responsible Authority may consent in writing to vary these requirements.

Patron numbers

79. At any time no more than 304 patrons may be present on the subject land in association with the Place of Assembly and Restaurant. The Responsible Authority may consent in writing to vary this requirement.

Leave quietly sign

80. A clear and legible sign must be attached to an internal wall in a prominent position adjacent to each entry/exit point to advise patrons to leave in a quiet and orderly fashion, to the satisfaction of the Responsible Authority.

Patrons to vacate premises

81. All patrons must vacate the premises and the immediate area within 30 minutes of the permitted closing time.

Noise Attenuation

82. Before the use or development starts, an acoustic report must be approved and endorsed by the Responsible Authority. The acoustic report must be prepared to the satisfaction of the Responsible Authority, be generally in accordance with the Environmental Noise Assessment prepared by JTA dated July 2023, and amended to include the following details:

- a) Any changes required under condition 1 of this permit.

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- b) Any noise attenuation measures to mitigate noise sources (such as patrons) from within and surrounding the development.
- c) Demonstrate compliance with EPA Publication 1826.4.
- d) Any mitigation measures that will be implemented to achieve compliance with EPA Publication 1826.4.

Acoustic measures for the development must be implemented in accordance with the acoustic report. The Responsible Authority may consent in writing to vary any of these requirements.

Acoustic Fencing

- 83. Before the use starts or the development is occupied, an acoustic fence must be erected along the west boundary of the subject land, extending from the front boundary to the rear of the car park to a minimum height 2.4 metres above natural ground level to the satisfaction of the Responsible Authority. The fence must be designed by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority.

Noise Control

- 84. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the Responsible Authority.
- 85. The use of the subject land must at all times comply with EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (EPA Publication 1826.4).

Security alarms

- 86. 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 to the satisfaction of the Responsible Authority.

Soundproofing of plant and equipment

- 87. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level to the satisfaction of the Responsible Authority.

Plant/equipment or features on roof

- 88. No plant, equipment, services or architectural features other than those shown on the approved plans are permitted above the roof level of the building(s).

Light Spill Management

- 89. All lighting installed and operated at the site must comply with *Australian Standard AS4282 Control of the obtrusive effects of outdoor lighting*.

Control of light spill

- 90. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

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Waste Management Plan

91. Before the development starts, a waste management plan must be approved and endorsed by the Responsible Authority. The waste management plan must be prepared to the satisfaction of the Responsible Authority, be generally in accordance with the Waste Management Plan prepared by OneMileGrid dated 7 August 2024, and must include the following:
- a) Provision for a minimum 8.8m service vehicle for waste collection servicing the proposed restaurant and event space facility, to be able to enter and exit in a forward direction via Korumburra-Wonthaggi Road without crossing into any proposed parking spaces;
 - b) anticipated volumes of waste and recycling that will be generated and how they are determined
 - c) the type and number of waste bins;
 - d) the type and size of trucks required for waste collection;
 - e) a plan detailing adequate areas for waste bin storage and collection for the required type and number of bins;
 - f) frequency of waste collection and how this will occur without compromising the use of car spaces and accessways;
 - g) hours for waste collection;
 - h) any other relevant requirements.

The Responsible Authority may consent in writing to vary these requirements.

Waste Storage

92. All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the Responsible Authority.

Access roads

93. Access to and egress from the subject land for all commercial vehicles (including waste collection vehicles) must only be via the designated access points from Korumburra-Wonthaggi Road and Church Road. The Responsible Authority may consent in writing to vary this requirement.

Traffic and Parking Management Plan

94. Before the development starts, a traffic and parking management plan must be approved and endorsed by the Responsible Authority. The traffic and parking management plan must be prepared to the satisfaction of the Responsible Authority, be generally in accordance with the Transport Impact Assessment prepared by OneMileGrid dated 2 July 2024, and include the following details:
- a) the means by which the on-site car parking and bicycle parking spaces will be allocated and managed
 - b) the location of all areas on-site and/or off-site to be used for staff and patron parking



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- c) specification of staff numbers adequate to enable efficient operation of car parking areas both on-site and off-site
- d) the number and location of all on-site and off-site security staff (as applicable)
- e) the means by which the direction of traffic, bicycle and pedestrian flows to and from car parking areas will be controlled both on-site and off-site
- f) measures to discourage patron car parking along Korumburra-Wonthaggi Road and Church Road
- g) measures to preclude staff parking in designated patron car parking areas
- h) staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time; and
- i) parking arrangements for larger groups visiting the premises (for example in buses).

Car park construction

95. Before the use starts or development is occupied, the area(s) set aside for the parking of vehicles and bicycles, and access lanes as shown on the endorsed plans must be:
- a) constructed
 - b) properly formed to such levels that they can be used in accordance with the plans
 - c) surfaced
 - d) drained
 - e) marked to indicate each car space and all access lanes
 - f) clearly marked to show the direction of traffic along access lanes and driveways, to the satisfaction of the Responsible Authority.
96. At all times car spaces, access lanes and driveways must be kept available for these purposes. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.

Parking Signs

97. Before the use starts or the development is occupied, a sign/signs must be provided directing drivers to the area(s) set aside for car parking to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres. At all times, the sign/signs must be located and maintained to the satisfaction of the Responsible Authority.

New Vehicle Crossings

98. Before the use starts or the development is occupied, any new vehicular crossing(s) must be constructed to the satisfaction of the Head, Transport for Victoria and South Gippsland Shire Council (as applicable).

Loading / Unloading

99. The loading and unloading of goods from vehicles must only be carried out on the subject land during designated times and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

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Expiry

100. This permit will expire if one of the following applies:

- a) The development is not started within two (2) years of the issued date of this permit.
- b) The development is not completed within four (4) years of the issued date of this permit.
- c) The use is not started within one (1) year following the completion of the development.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

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USEFUL INFORMATION:

(The following information does not form part of this permit)

- A. *This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the permit holder must apply for and obtain appropriate building approval from a Registered Building Surveyor.*
- B. *The permit holder will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the permit holder and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.*
- C. *Nothing in this permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the Building Act 1993 and its regulations.*
- D. *Noise Protocol means the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority on its website, as in force from time to time.*

South Gippsland Shire Council notes

- E. *The appropriate "Consent to work within the Road Reserve" permit must be obtained from DTP for all works carried out in Korumburra Wonthaggi Road. Information and Application Forms can be found on DTP website www.vicroads.vic.gov.au*
- F. *The appropriate "Consent to work within the Road Reserve" permit must be obtained from Council for the construction of the new driveway crossovers on Church Road and Browns Road. Information and Application Forms can be found on Council website www.southgippsland.vic.gov.au*
- G. *The applicant should carry out a "Dial Before You Dig" enquiry to check the location of underground services before any works are commenced on-site.*

DEECA (Gippsland Region) Notes

- H. *Prior to removal of trees/vegetation landholders are advised to contact the Conservation Regulator to determine if a Wildlife Act authorisation is required. For further information please contact environmental.research@deeca.vic.gov.au*

Environment Protection Authority Notes

- I. *This permit is not an EPA permission/ approval. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021.*

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- J. *The Environment Protection Act 2017 came into effect on 1 July 2021 and impose new duties on individuals and/ or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human Page 3 OFFICIAL health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable*

For further information on what the new laws will mean for Victorian businesses go to <https://www.epa.vic.gov.au/for-business/new-laws-and-your-business> .

For further information on what the new laws will mean for individuals and the community go to <https://www.epa.vic.gov.au/about-epa/laws/new-laws/the-new-actfor-the-community> .



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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 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 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 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, 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.

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