

Form 5



GLENELG SHIRE COUNCIL

Section 64(1) and 66(2)

NOTICE OF DECISION TO GRANT A PERMIT

APPLICATION NO. : P18147
PLANNING SCHEME : **GLENELG PLANNING SCHEME**
RESPONSIBLE AUTHORITY : **GLENELG SHIRE COUNCIL**

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.
THE PERMIT HAS NOT BEEN ISSUED.**

ADDRESS OF THE LAND

315 Dutton Way, Bolwarra VIC 3305

CA 24 Parish of Bolwarra on CD022571P; CA 24A Parish of Bolwarra on CD022570R; Lot 1 on PS500867U; Lot 8 on PS500867U; Lot 1 on TP21860R and;; Lot 1 on TP24325Y.

WHAT WILL THE PERMIT ALLOW?

Use and development of land for an Aquaculture Facility, associated buildings and works, car parking, alteration of access to a road in a Road Zone Category 1 and removal of vegetation.

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions provided. Such plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. A setback of not less than 30 metres from the edge of the solar arrays to any adjoining property boundary;
 - b. The emergency generator located opposite 342 Dutton Way, Bolwarra be relocated or redesigned to achieve compliance with relevant noise guidelines; and
 - c. Any changes necessary for consistency with the plans endorsed under this permit.

Date of Notice: 10 April 2019

Signature for the Responsible Authority

Planning and Environment Regulations 2015 *Form 5*

Form 5

PERMIT No.

P18147

Page 2 of 12

PLANNING SCHEME

: GLENELG PLANNING SCHEME

RESPONSIBLE AUTHORITY

: GLENELG SHIRE COUNCIL

2. The use and development must be undertaken in accordance with the endorsed plans and must not be altered for any reason without the written consent of the responsible authority.
3. The use and development must be conducted in accordance with any works approval or licence issued under the Environment Protection Act 1970.
4. The use and development must not commence until the required works approval is issued under the Environment Protection Act 1970.
5. The proposed building and works must be drained to the satisfaction of the responsible authority.
6. The amenity of the area must not be unreasonably detrimentally affected by the development and works permitted by this permit through:
 - a. transport of materials, goods or commodities to or from the land;
 - b. appearance of any building, works or materials;
 - c. emission of artificial light, vibration, smell, noise, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit or oil; and
 - d. presence of vermin.
7. Any external lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.
8. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the responsible authority, adversely affect the amenity of the locality. Repairs should be carried out promptly should shade cloth, poly covers or building materials become dilapidated or torn.
9. Facilities must be provided for the collection and storage of solid and liquid waste awaiting disposal and/or removal from the site. All waste shall be disposed of, to the satisfaction of the Responsible Authority and the Environment Protection Authority.
10. Vehicles under the control of the operator or staff of the operator must not be parked along Dutton Way or within Frank Lodge Lookout.

Decommissioning Plan

11. Within three months of the aquaculture facility use ending, a decommissioning and rehabilitation management plan prepared by a suitably qualified person to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority for approval. When approved, the plan will be

Date of Notice: 10 April 2019

Signature for the Responsible Authority

Christopher Hodgetts

Planning and Environment Regulations 2015 Form 5

Form 5

PERMIT No.

P18147

Page 3 of 12

PLANNING SCHEME

: GLENELG PLANNING SCHEME

RESPONSIBLE AUTHORITY

: GLENELG SHIRE COUNCIL

endorsed and will form part of the permit. The plan must include but is not limited to:

- a. identification of structures to be removed, including but not limited to all tanks, coverings, nursery, solar panels, recirculation ponds, buildings (if they are not useful for ongoing use), piping and electrical infrastructure, including underground infrastructure to be removed and how they will be removed; and
- b. details of how the land will be rehabilitated to allow it to be used for agricultural purposes (or proposed alternative use).

Within 12 months of the endorsement of the decommissioning and rehabilitation management plan, all the decommissioning and rehabilitation must be completed to satisfaction of the responsible authority.

Amended Landscaping Plan Required

12. Before the development can commence, a Landscaping Plan to the satisfaction of the responsible authority 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. The plan must be drawn to scale with dimensions and one copy provided. The submitted plan must be generally in accordance with the plan submitted with the application but altered to show:
 - a. Amendment of the landscaping proposed on the Northern boundary area and ridgeline:
 - to allow for view sharing with residential development in Beechwood View; and
 - the relocation or amendment of proposed vegetation from within the powerline easement and locate it lower down the slope.
 - b. landscape plantings either side of the internal access road;
 - c. Include a schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;
 - d. The method of preparing, draining, watering and maintaining the landscaped area; and
 - e. The weed management program.

Where appropriate for screening purposes vegetation plantings on the slopes and below the ridgeline should be indigenous species from EVC 23 Herb-Rich Foothill Forest. Species chosen within the coastal plain should be from EVC 160 Coastal Dune Scrub.

Date of Notice: 10 April 2019

Signature for the Responsible Authority

Christopher Hodgetts

Planning and Environment Regulations 2015 Form 5

Form 5

PERMIT No.

P18147

Page 4 of 12

PLANNING SCHEME

: GLENELG PLANNING SCHEME

RESPONSIBLE AUTHORITY

: GLENELG SHIRE COUNCIL

Completion of Landscaping Plan

13. Before the use/occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

Assets Conditions (General)

14. The loading and unloading of goods from vehicles must only be undertaken entirely within the land.
15. For the diesel fuel tank 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 EPA Publication 347.1 Bunding Guidelines 2015 or as amended to the satisfaction of the responsible authority.
16. Areas shown as driveway and car parking spaces on the endorsed plans must be constructed and surfaced with an approved material for all weather use to the satisfaction of the responsible authority.
17. All the parking associated with the use and development shall be contained within the premises.
18. Prior to development, detailed design plans for access must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions. All the works within the road reserve is to be designed in accordance with the Infrastructure Design Manual (IDM).
19. Before construction can commence, if Keillers Beach Road and Dutton Way are to be used for construction traffic an amended traffic management plan to the satisfaction of the responsible authority 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. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan and the Infrastructure Design Manual or equivalent design standard. The plan must include:
- a. An existing conditions survey of roads to be used;
 - b. The location of all areas to be used for construction traffic, truck movements including swept path diagrams;
 - c. Quantity and types of construction vehicles expected;
 - d. Detailed pavement testing of Keillers Beach Road and Dutton Way;

Date of Notice: 10 April 2019

Signature for the Responsible Authority

Christopher Hodgetts

Planning and Environment Regulations 2015 Form 5

Form 5

PERMIT No.

P18147

Page 5 of 12

PLANNING SCHEME

: GLENELG PLANNING SCHEME

RESPONSIBLE AUTHORITY

: GLENELG SHIRE COUNCIL

- e. Allowance for safe access of vehicle traffic, cyclists and pedestrians in accordance with Infrastructure Design Manual specifications;
 - f. Recommendations on the need for road and road intersection upgrades to accommodate additional traffic or site access requirements, whether temporary or ongoing; and
 - g. Servicing of the drainage and maintenance of construction traffic routes.
 - h. All assets returning to the responsible authority must be designed and constructed in accordance with Infrastructure Design Manual specifications.
20. All access and traffic constructed must be in accordance with the approved access and traffic management plans.
21. Before the development starts, a construction management plan shall be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must show:
- a. measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
 - b. measures to retain dust, silt and debris on site, both during and after the construction phase;
 - c. locations of any construction wastes and the method of disposal, equipment, machinery and/or earth storage/stockpiling during construction;
 - d. All access to the site for construction vehicle traffic may only occur off Princes Highway entrance unless condition 19 is satisfied;
 - e. Any tree protection zones;
 - f. the location of trenching works, boring, and pits associated with the provision of services;
 - g. the location of any temporary buildings or yards;
 - h. heavy vehicle movements;
 - i. construction hours;
 - j. details of a site contact/site manager ; and
 - k. details of how the construction phase will comply with EPA Publication 1254, Noise Control Guidelines, 2011 as amended and replaced.

During the construction phase all measures identified in the endorsed construction management plan must be implemented to the satisfaction of the responsible authority.

Date of Notice: 10 April 2019

Signature for the Responsible Authority *Christopher Hodgetts*

Planning and Environment Regulations 2015 Form 5

Form 5

PERMIT No.

P18147

Page 6 of 12

PLANNING SCHEME

: GLENELG PLANNING SCHEME

RESPONSIBLE AUTHORITY

: GLENELG SHIRE COUNCIL

Assets Conditions (Drainage)

22. Prior to development, a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. All the works within the road reserve must be designed in accordance with Infrastructure Design Manual. The information and plan must provide:
- a. Where applicable drainage line separate/ independent of/ from the council drainage networks to a separate outfall;
 - b. Details of how the works on the land are to be drained;
 - c. Computations including total energy line and hydraulic grade line for the proposed drainage;
 - d. Underground pipe drains conveying stormwater to the legal point of discharge;
 - e. Measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
 - f. Evidence showing structural stability of the proposed stormwater underground pipe under Dutton Way to take any vehicle loading;
 - g. Documentation demonstrating approval from the relevant authority for the legal point of discharge;
 - h. Detail design of outfall structures including erosion & sediment control;
 - i. Any existing overland flow paths to the east be retained and demonstration that the use and development will not increase these flows;
 - j. Analysis of back flow from the ocean during critical rainfall event;
 - k. Stormwater emanating from the development shall not be drained into neighbouring properties; and
 - l. Evidence of control of the 1% Annual Exceedance Probability (AEP) rainfall run-off to ensure 1% AEP rainfall flows from the development will not enter neighbouring properties.
23. Before the use begins all works constructed or carried out must be in accordance with those plans to the satisfaction of the responsible authority and must be thereafter maintained.
24. A completion report, including photographs and CCTV footage (where applicable) is to be provided as evidence of works completed and compliance to the endorsed plans and this permit to the satisfaction of the responsible authority.

Date of Notice: 10 April 2019

Signature for the Responsible Authority

Christopher Hodgetts

Planning and Environment Regulations 2015 Form 5

Form 5

PERMIT No.

P18147

Page 7 of 12

PLANNING SCHEME

: GLENELG PLANNING SCHEME

RESPONSIBLE AUTHORITY

: GLENELG SHIRE COUNCIL

Assets Conditions (Miscellaneous)

25. Noise levels emanating from the land during construction and operation, must comply with the requirements of the Environment Protection Authority's State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 ('SEPP N-1') and Noise from Industry in Regional Victoria – recommended maximum noise levels from commerce, industry and trade premises in regional Victoria publication 14 11, October 2011 or any future noise guidelines.
26. The applicant must ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused during construction, does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority.
27. All roads/storage areas/external stockpiles/vacant areas must be covered and/or maintained to avoid dust, smell, and waste and or grit nuisance to any neighbouring area to the satisfaction of the Responsible Authority.
28. Before the development starts, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property to the coastal waters and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.
29. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two years of the date of this permit.
 - b. The development is not completed within five years of the date of commencement of works.
 - c. The use is not started within two years of completion of the development.
30. The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

Date of Notice: 10 April 2019

Signature for the Responsible Authority

Christopher Hodgotta

Planning and Environment Regulations 2015 Form 5

Form 5

PERMIT No.

P18147

Page 8 of 12

PLANNING SCHEME

: GLENELG PLANNING SCHEME

RESPONSIBLE AUTHORITY

: GLENELG SHIRE COUNCIL

Referral Authority Conditions:

Environment Protection Authority (EPA) Conditions

31. Odours offensive to the senses of human beings must not be discharged, emitted or released beyond the boundaries of the premises.
32. Nuisance dust and/or nuisance airborne particles must not be discharged or emitted beyond the boundaries of the premises.
33. Effective noise levels from the use of 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.
34. Surface water discharge from the premises must not be contaminated with waste.
35. 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 1698 Liquid Storage and Handling Guidelines, or as amended.

Department of Environment Land Water and Planning Conditions

36. Before works start, 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.
37. Before any works start, a construction environmental management plan must be prepared to the satisfaction of DELWP and submitted for approval by the responsible authority. When approved, the construction environment management plan will be endorsed and will form part of this permit.
38. To offset the removal of 2.286 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 0.652 general habitat units:

- a. located within the Glenelg Hopkins Catchment Management boundary or Glenelg Shire Council municipal area;
- b. with a minimum strategic biodiversity value of at least 0.372.

Date of Notice: 10 April 2019

Signature for the Responsible Authority

Christopher Hodgetts

Planning and Environment Regulations 2015 Form 5

Form 5

PERMIT No.

P18147

Page 9 of 12

PLANNING SCHEME

: GLENELG PLANNING SCHEME

RESPONSIBLE AUTHORITY

: GLENELG SHIRE COUNCIL

39. Before any native vegetation is removed evidence that the offset required by this permit has been secured must be provided to the satisfaction of responsible authority. 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.
40. 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 Approvals at the Department of Environment, Land, Water and Planning Geelong regional office via BSW.Planning@delwp.vic.gov.au.
41. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site 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.
42. Before the vegetation removal starts, the boundaries of all vegetation to be removed and retained must be clearly marked with temporary fencing to the satisfaction of the responsible authority. Removal must accord with the endorsed plan.

Glenelg Hopkins Catchment Management Authority Conditions

43. A Works on Waterways Licence shall be obtained from the Glenelg Hopkins CMA for the development of the aquaculture facility and associated infrastructure on the designated waterway on the property.

VicRoads Conditions

44. Prior to the commencement of the development, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may 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 "Foresight Engineering" plans Drawing No. "YUM-003-02-05" date stamped 9/10/18 and annotated, but modified to show:

Date of Notice: 10 April 2019

Signature for the Responsible Authority

Christopher Hodgetts

Planning and Environment Regulations 2015 Form 5

Form 5

PERMIT No.

P18147

Page 10 of 12

PLANNING SCHEME

: GLENELG PLANNING SCHEME

RESPONSIBLE AUTHORITY

: GLENELG SHIRE COUNCIL

- a. Entry access via Frank Lodge Lookout and exit only access via an upgraded existing crossover approx. 70 metres west of the western extremity of the Lookout.
 - b. An upgrade to the traffic movement and signage within the Frank Lodge lookout (one way traffic movement with upgrade to pavement surface, line marking and signage) so as to facilitate this new access.
45. Prior to the commencement of the development, an external works agreement must be entered into with VicRoads for the proposed works within the Princes Highway road reserve outlining those works and agreeing to all costs associated with those works and at no cost to the Roads Corporation, to the satisfaction of the Roads Corporation.
 46. Prior to the commencement of the use the works within the Princes Highway road reserve must be completed to the satisfaction of VicRoads.
 47. Prior to the commencement of the development, the proponent must enter into a Licence Agreement with VicRoads to enable access via the road locally known as "Portland Beach Rd". This Licence will delegate maintenance responsibility for Portland Beach Rd - from Dutton Way to the northern-most Yumbah access point - to Yumbah Aquaculture but will not confer exclusive access rights.

Wannon Water Conditions

48. The provision, at the developers cost, of the required sewerage works necessary to serve the proposed development.

The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water.
49. The provision, at the developers cost, of the required water supply works necessary to serve the proposed development.
50. The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water.
51. The developer entering into an agreement with Wannon Water for payment of the new customer contributions applicable to the proposed development.

Date of Notice: 10 April 2019

Signature for the Responsible Authority

Christopher Hodgotta

Planning and Environment Regulations 2015 Form 5

Form 5

PERMIT No.

P18147

Page 11 of 12

PLANNING SCHEME

: GLENELG PLANNING SCHEME

RESPONSIBLE AUTHORITY

: GLENELG SHIRE COUNCIL

52. The developer obtaining the necessary consents and approvals for:

- Alteration to or connection of on-site plumbing.
- The discharge of "trade waste" (other than domestic sewage) from the property.

Wannon Water Note:

Please Note Wannon Water will require further detailed information on the proposed water supply, water connection, expected sewer discharge volumes (including trade waste) to determine what Wannon Water's requirements will be for the proposed development.

EPA Note:

This permit is not an EPA Works Approval or licence. Before the use or development authorised under this permit starts, you should ensure you meet any obligations or duties that arise under *the Environment Protection Act 1970*. This may include obtaining a works approval or licence.

VicRoads Notes:

NOTE: Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act - contact swrresponse@roads.vic.gov.au for details.

NOTE: Separate permission may be required for the native vegetation impacted by the proposed new access and egress.

Notice of Decision Note:

A Building Permit and/or Assets Protection Permit may be required for this project. Prior to commencing work, please phone the Building Unit on 03 5522 2216.

End of Conditions and Permit Notes.

Date of Notice: 10 April 2019

Signature for the Responsible Authority Christopher Hodgetts

Planning and Environment Regulations 2015 Form 5

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has decided to grant a permit. The permit has not been issued.

This notice sets out what the permit will allow and what conditions the permit will be subject to if issued.

WHAT ABOUT REVIEWS?

For the Applicant-

- The person who applied for the permit may apply for review of any condition in the notice of decision to grant a permit. The application for review must be lodged within 60 days of the giving of this notice.

For an Objector-

- An Objector may apply for review of the decision of the Responsible Authority to grant a permit. The application for review must be lodged within 28 days of the date of this notice.
- If there is no application for review, a permit will be issued after 28 days of the date of this notice.

For a recommending referral authority-

- A recommending referral authority may apply for review of the decision of the responsible authority-
 - a) to grant a permit, if that recommending referral authority objected to the grant of the permit; or
 - b) not to include a condition on the permit that the recommending referral authority recommended.
- The application for review must be lodged within 28 days of the giving of this notice.
- If there is no application for review, a permit will be issued after 28 days of the giving of this notice.

For all applications for review—

- 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 be served on the Responsible Authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application after Victorian Civil and Administrative Tribunal.
- Notice of the application for review must be given in writing to all other parties to the review as soon as practicable after an application for review is lodged. An objector who applies for a review must give notice to the person who applied for the permit.

Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Date of Notice: 10 April 2019

Signature for the Responsible Authority *Christopher Hodgetts*

Planning and Environment Regulations 2015 Form 5