

Contact: Planning Department
Email: planning@egipps.vic.gov.au
Our Ref: 5.2023.398.1

Corporate Centre
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Bairnsdale Victoria 3875
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ABN 81 957 967 765

4 April 2024

Pinni Project Services
12-16 Stott Street
NOWA NOWA VIC 3887

Email: tristan@pinnips.com.au

Dear Sir or Madam

GRANT OF A PLANNING PERMIT

Application: 5.2023.398.1
Proposal: Buildings and works in the form of alteration to an existing jetty
Property Address: 485 Rules Road TOORLOO ARM 3909
Property Title TBA: 6

The Responsible Authority has completed its assessment of the above application and has issued a planning permit for the proposed development.

A copy of planning permit number 5.2023.398.1 is enclosed.

Your attention is drawn to the conditions of the permit. Please read these conditions carefully, and check whether there are any actions you need to take prior to acting on the permit, including submission of additional and/or amended plans.

Please note that this permit is not a building permit, and if the proposal involves the construction or alteration of a building, you may need to obtain a separate building permit.

Yours sincerely



ANDREW BATES
Senior Statutory Planner

PLANNING PERMIT

Permit No: 5.2023.398.1
Planning Scheme: East Gippsland
Responsible Authority: East Gippsland Shire

FORM 4

ADDRESS OF THE LAND:

485 Rules Road TOORLOO ARM 3909
TBA: 6

THE PERMIT ALLOWS:

Planning Scheme Clause no.	Description of what the permit allows, in accordance with the endorsed plans
36.03-2	Construct a building or construct or carry out works.
52.17-2	Remove, destroy or lop native vegetation, including dead native vegetation.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Layout Not Altered

1. The removal of native vegetation must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.
2. At all times the permit allowed must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Department of Energy, Environment and Climate Action conditions

Notification of permit conditions

3. 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.

Endorsed plans

4. The former Department of Environment, Land Water and Planning (DELWP), now DEECA generated native vegetation report (ID: ETH_2023_009, dated 04/09/2023) must be endorsed and form part of this permit.
5. Figure 3: Extent of proposed native vegetation removal 23026 Lake Tyers boat ramp and jetty installation (EthosNRM) dated 12 September 2023 must be endorsed and form part of this permit.

Protection of retained native vegetation.

6. All trees and native vegetation patches not included in the Native Vegetation Removal Report must be retained and protected.
7. Before works start, a vegetation protection fence must be erected around all patches of native vegetation (or scattered trees) to be retained This fencing must be erected on the endorsed construction zone boundary as shown on Figure 3: Extent of proposed native vegetation removal 23026 Lake Tyers boat ramp and jetty installation (EthosNRM) dated 12 September 2023. Where the patch of native vegetation contains canopy trees, the vegetation protection

Date Issued: 4 April 2024



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. 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.

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
- 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

8. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.122 hectares of native vegetation, which is comprised of:
- a) 0.052 hectares of patch native vegetation; and
 - b) 1 scattered large tree

Native vegetation offsets

9. To offset the removal of 0.122 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) a general offset of 0.086 general habitat units:
 - i. located within the East Gippsland Catchment Management boundary or East Gippsland Shire Council municipal area
 - ii. with a minimum strategic biodiversity value of at least 0.416
 - iii. The offset(s) secured must provide protection of at least 1 large tree.
10. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the 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.

Offset evidence

11. 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 Energy, Environment and Climate Action via pe.assessment@delwp.vic.gov.au.

Date Issued: 4 April 2024



First party offset reporting

12. Where the offset includes a first party offset, 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.

Commencement of Permit

13. This permit will operate from the issued date of this permit.

Expiry – Development

14. This permit as it relates to the removal of vegetation will expire if one of the following circumstances applies:
- a) The native vegetation is not started within 2 years of the issued date of this permit.
 - b) The native vegetation is not completed within 4 years of the issued date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

NOTES

1. Department of Energy, Environment and Climate Action note

Some plants, fish and plant communities are protected under the Victorian Flora and Fauna Guarantee (FFG) Act 1988. Please check the current listings for threatened species and communities, as well as the protected flora list to ensure you obtain all necessary approvals before starting works on public land.

The application information describes the presence of three species of protected flora, these are:

- Common cassinia *Cassinia aculeata*
- Fireweed *Senecio* spp.
- Black Wattle *Acacia meamsii*

It is not clear from the application whether these species are located within the works footprint. Should the responsible authority grant a permit to remove, destroy or lop native vegetation from within public land, the permit holder must obtain a permit to take protected flora under the FFG Act if these species are to be impacted. To submit a FFG permit application or for further information, please contact the Gippsland Natural Environment Program on Gippsland.environment@delwp.vic.gov.au.

2. Gippsland Ports note

A Works Permit is required to be obtained by the Principal Contractor prior to commencement of any works on Port Waters. Applications can be made via www.gippslandports.vic.gov.au or further information obtained by calling (03) 5150 0500.

Date Issued: 4 April 2024



Page 3 of 3

Signature for the Responsible Authority

IMPORTANT INFORMATION ABOUT THIS NOTICE

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 day on which it is 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 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 the 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 appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in such case, no right of appeal exists.
- An appeal 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 appeal must be lodged within 60 days after the giving of that notice.
- An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- An appeal must be made on a Notice of Appeal form and lodged with the Victorian Civil and Administrative Tribunal, and be accompanied by the prescribed fee. An appeal must state the grounds on which it is based.
- An appeal must also be served on the responsible authority.
- Details about appeals, notice of appeal forms and the fees payable can be obtained from the Planning & Environment List at the Victorian Civil and Administrative Tribunal.

EAST GIPPSLAND PLANNING SCHEME

Plan Referred to in Permit No:
5.2023.398.1

Endorsed by Andrew Bates for and on behalf of
East Gippsland Shire Council
Date: 04 April 2024

Sheet No: 2 of 10

LEGEND:

- PROPOSED CONCRETE APPROACH
PROPOSED GRAVEL PAVEMENT
PROPOSED CONCRETE PAVEMENT
FINISHED SURFACE CONTOURS (0.1m INTERVAL)
PROPOSED EDGE OF FORMATION
EXISTING CONTOURS (0.2m INTERVAL)
EXISTING EDGE OF ROAD
EXISTING TREES

WARNING:
BEWARE OF UNDERGROUND SERVICES
THE LOCATION OF UNDERGROUND SERVICES
ARE APPROXIMATE ONLY AND THEIR EXACT
POSITION SHOULD BE PROVEN ON SITE.
NO GUARANTEE IS GIVEN THAT ALL EXISTING
SERVICES ARE SHOWN.

WARNING:
BEWARE OF LIVE ELECTRICITY.

NOTES:

- FACILITY TO COMPLY WITH ACCESS REQUIREMENTS OF AS1428 EXCEPT AT LOW WATER LEVELS WHEN ASSISTED ACCESS MAY BE NECESSARY
- PONTOONS ARE TO BE CONCRETE DECK WITH BROOM FINISH
- GANGWAYS ARE TO BE ALUMINIUM FRAMED WITH ALUMINUM OR FRP OPEN MESH OR PRESSED METAL DECKING
- PONTOON FLOATS TO BE ARRANGED AND WEIGHTED TO PROVIDE STABILITY DURING EXPECTED USE.
- PILES ARE TO BE DESIGNED TO SUPPORT THE LOADS SPECIFIED FOR THE PONTOONS INCLUDING WAVE ACTION
- STEEL PILES TO BE CORROSION PROTECTED WITH A MARINE GRADE EPOXY AND SLEEVED WITH HDPE TUBING EMBEDDED A MINIMUM OF 1m INTO THE LAKE BED AND CAPPED WITH A WHITE PILE CAPS. SEALITE CAP OR APPROVED EQUIVALENT FITTED AS SHOWN
- HEAVY DUTY PILE GUIDE BRACKETS MUST BE FITTED WITH HD WEAR BLOCKS OR ROLLERS
- PONTOONS TO HAVE AN UNLOADED FREEBOARD OF 400mm TO MATCH MARINE DOCK SYSTEMS PONTOON
- PROVIDE SLIDING COVER PLATES OVER PONTOON JOINTS
- PROVIDE CAST ALUMINIUM HORN CLEATS WITH SWL OF 0.5T MIN AT 3m CENTRES TO BOTH SIDES OF PONTOONS
- PROVIDE TUBULAR ALUMINIUM GRABHANDLES AT 8M CENTRES STAGGERED TO BOTH SIDES OF PONTOON
- DETAILS OF PONTOONS, GANGWAYS, LOCATING PILES, GUIDES, ROLLERS, WEAR BLOCKS CLEATS AND GRAB HANDLES TO BE SUBMITTED AT TENDER.
- ROCK BEACHING SHOWN AT END OF BOAT RAMP IS PROVISIONAL ONLY SUPERINTENDENT TO CONFIRM PRIOR TO COMPLETE OF WORK.

2 1 0 2 4 6 8
1 : 100 (A1)
1 : 200 (A3)

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DESIGNED: M.S.
DRAWN: A.M.M.
CHECKED: R.S.
APPROVED: M.S.
SCALE: 1:100

DATUM:
HEIGHT: AHD
HORIZONTAL: ARBITRARY
A1
SURVEY REF: 19844
PLAN No: -

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FIRE RISK CONSULTANTS PTY. LTD.

EAST GIPPSLAND SHIRE COUNCIL
BUNG YARDA, LAKE TYERS, ABORIGINAL TRUST
RULES ROAD TOORLOO ARM

GENERAL ARRANGEMENT

DATE: JUNE 2022

SHEET 3 OF 8

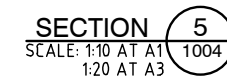
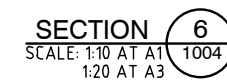
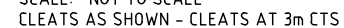
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2587/1002

Rv.	APPR.	DATE	REVISIONS
B	M.S.	10-08-2022	ISSUED FOR TENDER
A	M.S.	10-06-2022	ORIGINAL ISSUE



1. BOAT RAMP TO BE A MINIMUM CONSTRUCTION WIDTH OF 4.0m WITH KERB, IF NO KERB THEN THE MINIMUM CONSTRUCTION WIDTH MUST BE 4.5m OR GREATER



1. TRACTION GROOVES ARE DESIRABLE MEASUREMENTS ONLY,
SIMILAR DEIGNS WITH FINAL APPROVAL FROM EGSC ARE ACCEPTABLE

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<div><div><div>B</div><div>M.S</div><div>10-08-2022</div><div>ISSUED FOR TENDER</div></div><div><div>A</div><div>M.S</div><div>10-06-2022</div><div>ORIGINAL ISSUE</div></div><div><div>Rev</div><div>APPR.</div><div>DATE</div><div>REVISIONS</div></div></div>																				<div>B</div>	

EXISTING GANGWAY APPROACH SLAB TO BE DEMOLISHED AND SITE TO BE RECONSTRUCTED, SHAPED AND RE-VEGETATED TO APPROVAL OF THE SUPERINTENDENT

EXISTING GANGWAY TO BE REMOVED AND RELOCATED TO NEW JETTY INFRASTRUCTURE



EXISTING FLOATING PONTOON JETTY TO BE REMOVED

EXISTING FLOATING PONTOON INFRASTRUCTURE
TO BE DEMOLISHED AND RECONSTRUCTED WITH NEW FACILITY

EAST GIPPSLAND PLANNING SCHEME
Plan Referred to in Permit No:
5.2023.398.1

Endorsed by Andrew Bates for and on behalf of
East Gippsland Shire Council
Date: 04 April 2024

Sheet No: 5 of 10

EXISTING SHELTER AND BASE TO BE DEMOLISHED AND SITE TO BE RECONSTRUCTED, SHAPED AND REHABILITATED AS DETAILED ON THE DRAWINGS AND TO APPROVAL OF THE SUPERINTENDENT

EXISTING ROCKWALL TO BE REMOVED AND USED FOR SITE DRAIN BEACHING



EXISTING SHELTER
TO BE REMOVED AND AREA RECONSTRUCTED FOR ACCESS TO BOAT RAMP

EXISTING INFRASTRUCTURE TO BE DEMOLISHED TO ALLOW FOR CONSTRUCTION

THE FOLLOWING ITEMS INCLUDING BUT NOT LIMITED TO MUST BE DEMOLISHED AND/OR RECONSTRUCTED WITH NEW FACILITY

1. PILES AND OTHER EXISTING HAZARDS IN PROXIMITY TO THE EXISTING FLOATING JETTY MUST LOCATED AND REMOVED AS PART OF THESE WORKS
2. EXISTING FLOATING JETTY INCLUDING APPROACH SLAB AND PILES MUST BE DEMOLISHED AND REMOVED FROM SITE.
3. PILES MUST BE WHOLLY EXTRACTED OR CUT OF A MINIMUM OF 200mm BELOW LAKE LEVEL.
4. EXISTING PAVILION AND ASSOCIATED FOUNDATIONS TO BE REMOVED.

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DESIGNED: M.S.	A1	DATUM: HEIGHT: AHD HORIZONTAL: ARBITRARY
DRAWN: A.M.M.		
CHECKED: R.S.		
APPROVED: M.S.		SURVEY REF: 198.4.4
SCALE: NOT TO SCALE	PLAN No: -	
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EAST GIPPSLAND SHIRE COUNCIL		
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RULES ROAD TOORLOO ARM		
DEMOLITION OF EXISTING INFRASTRUCTURE		
2587/1005		

B	M.S.	10-08-2022	ISSUED FOR TENDER
A	M.S.	10-06-2022	ORIGINAL ISSUE
Rv.	APPR.	DATE	REVISIONS

Native vegetation removal report

This report provides information to support an application to remove, destroy or lop native vegetation in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation*. The report is **not an assessment by DELWP** of the proposed native vegetation removal. Native vegetation information and offset requirements have been determined using spatial data provided by the applicant or their consultant.

Date of issue: 04/09/2023

Report ID: ETH_2023_009

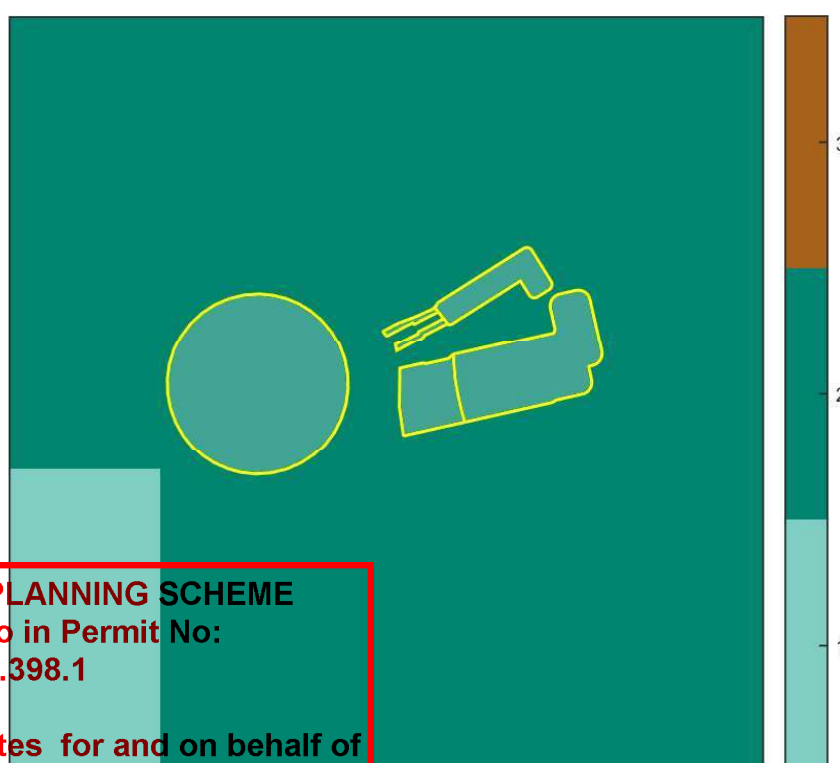
Time of issue: 12:30 pm

Project ID 23026_LTAT_Jetty_NVR_EnSym_v2

Assessment pathway

Assessment pathway	Intermediate Assessment Pathway
Extent including past and proposed	0.122 ha
Extent of past removal	0.000 ha
Extent of proposed removal	0.122 ha
No. Large trees proposed to be removed	1
Location category of proposed removal	Location 2 The native vegetation is in an area mapped as a wetland designated under the Convention on Wetlands of International Importance (the Ramsar Convention); and a wetland listed in the Directory of Important Wetlands of Australia. Removal of less than 0.5 hectares of native vegetation in this location will not have a significant impact on any habitat for a rare or threatened species.

1. Location map



EAST GIPPSLAND PLANNING SCHEME
Plan Referred to in Permit No:
5.2023.398.1

Endorsed by Andrew Bates for and on behalf of
East Gippsland Shire Council
Date: 04 April 2024

Sheet No: 8 of 10

OFFICIAL



Environment,
Land, Water
and Planning

Native vegetation removal report

Offset requirements if a permit is granted

Any approval granted will include a condition to obtain an offset that meets the following requirements:

General offset amount ¹	0.086 general habitat units
Vicinity	East Gippsland Catchment Management Authority (CMA) or East Gippsland Shire Council
Minimum strategic biodiversity value score ²	0.416
Large trees	1 large tree

NB: values within tables in this document may not add to the totals shown above due to rounding

Appendix 1 includes information about the native vegetation to be removed

Appendix 2 includes information about the rare or threatened species mapped at the site.

Appendix 3 includes maps showing native vegetation to be removed and extracts of relevant species habitat importance maps

EAST GIPPSLAND PLANNING SCHEME
Plan Referred to in Permit No:
5.2023.398.1

Endorsed by Andrew Bates for and on behalf of
East Gippsland Shire Council
Date: 04 April 2024

Sheet No: 9 of 10

¹ The general offset amount required is the sum of all general habitat units in Appendix 1.

² Minimum strategic biodiversity score is 80 per cent of the weighted average score across habitat zones where a general offset is required

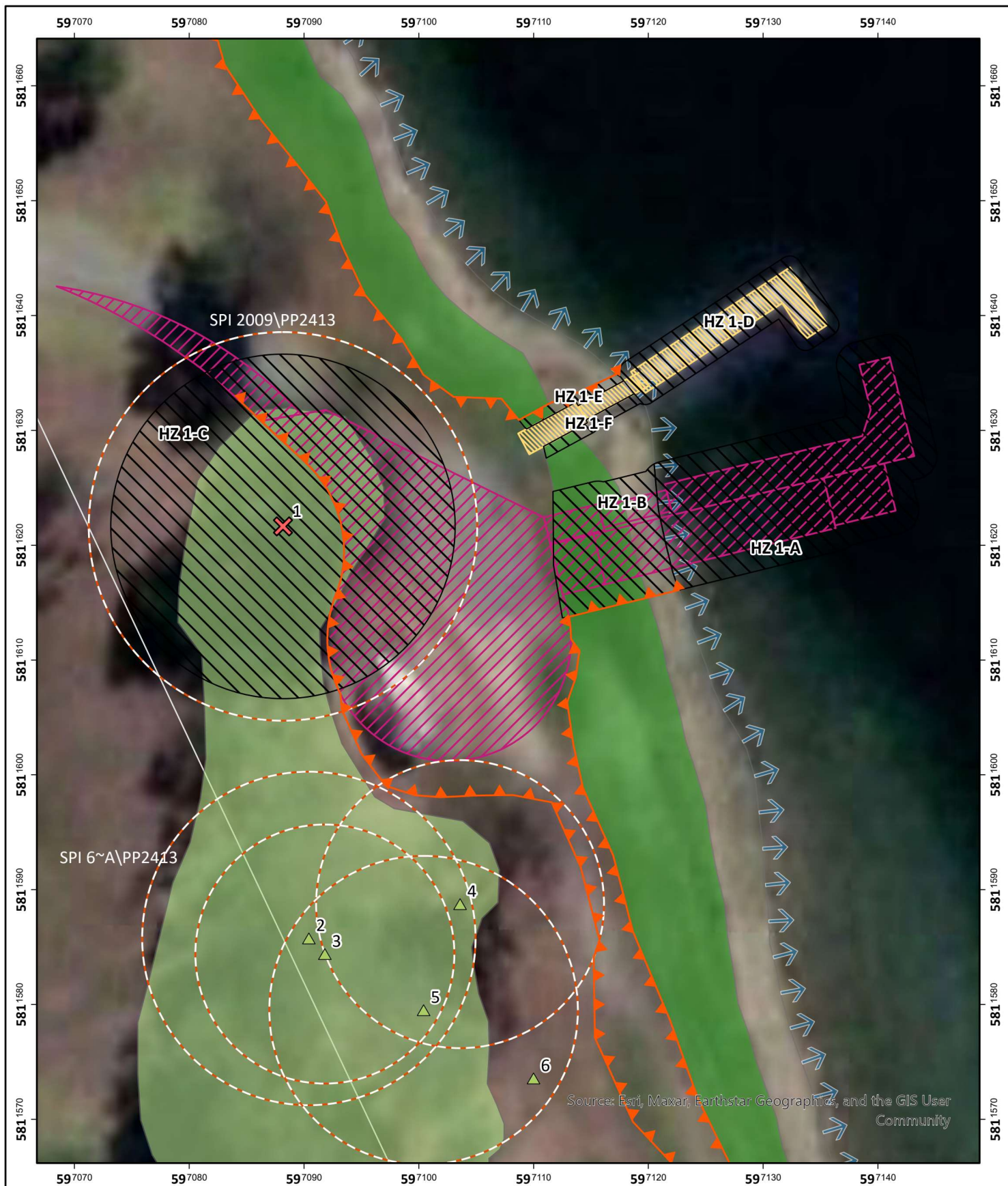


Figure 3: Extent of proposed native vegetation removal

23026 Lake Tyers boat ramp and jetty installation
Lake Tyers Aboriginal Trust

Mapped extant native vegetation

- Coastal Saltmarsh EVC 9
- Limestone Box Forest EVC 15
- Seagrass zone

Tree status

- Retained
- Removed

Tree protection zone

- Tree protection zone
- Cadastre
- Extent of native vegetation removal
- No-Go Zone

Spatial Reference

GDA 2020 MGA Zone 55

EAST GIPPSLAND PLANNING SCHEME

Plan Referred to in Permit No:
5.2023.398.1



0 5 10
Metres

Date: 12 September 2023



Produced by Ethos NRM
162 Macleod Street,
Bairnsdale, VIC 3875
Ph: (03) 5153 0037
info@ethosnrm.com.au

**Endorsed by Andrew Bates for and on behalf of
East Gippsland Shire Council**

Date: 04 April 2024

Sheet No: 10 of 10