
PLANNING PERMIT

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

Permit No.: PP-663-2017

Planning scheme: Greater Geelong Planning
Scheme

Responsible authority: Greater Geelong City
Council

ADDRESS OF THE LAND: 69-93 HAMS ROAD, WAURN PONDS

THE PERMIT ALLOWS: Variation of Covenant (Gas Easement), Removal of Vegetation
and Multi Lot Subdivision

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Prior to the commencement of the development, three (3) copies of 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 and must be generally in accordance with the Overall Subdivision Masterplan dated 24 July 2019 (MP19) but modified as follows:
 - a) The staging plan must be amended to include construction of Retarding Basin 2 in Stage 1 of development.
 - b) An extractive industry buffer extending 250 metres from the boundary of the land zoned Special Use Zone 7 to the south of the railway line.
 - c) All corner lots at intersections must have a minimum width of 14.0 metres.
 - d) Road reserve boundaries and splays that are sufficient to accommodate a roundabout at the internal four-legged intersection contained in Stage 1.
 - e) Provision of a court bowl at the dead end roads contained in Stage 2 and Stage 5 respectively with provision of a 21.0 metre diameter between Face of Kerbs.
 - f) The active pedestrian path through the creek reserve to be a minimum of 3.5 metres wide and connected to the existing shared path that runs alongside the Geelong Ring Road.
 - g) Removal of references to turn bans at the Grange Park Drive/Hams Road intersection.
 - h) A minimum 3 metre wide shared user path (off road), on the southern side of Hams Road from the Geelong Ring Road underpass, along the length of Hams Road, across Ghazeepore Road connecting to Sugargum Drive.
 - i) All plans to be amended to show no residential lots less than 400 square metres in area.
 - j) The Overall Subdivision Masterplan to be amended to show no more than 214 lots in total across both sites.
 - k) Deletion of three (3) lots in the north east corner of the site adjoining the north south entry street off Hams Road and replacement with open space to provide a visual connection to the creek reserve parkland.



Endorsed Plans

2. The layout and site dimensions of the subdivision as shown on the endorsed plan(s) must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the *Subdivision Act 1988* that is generally in accordance with the endorsed plan(s).
3. The staging of the subdivision must be generally in accordance with the staging plan endorsed as part of this planning permit except with the prior written consent of the Responsible Authority.

Prior to Certification

4. Any Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created, and any easement no longer required or approved to be removed as part of this permit must not be shown on the plan to the satisfaction of the Responsible Authority.
5. Prior to certification of any plan of subdivision, engineering plans for the construction of new council infrastructure must be submitted to the satisfaction of the Responsible Authority for approval.

Noise

6. Prior to certification of any plan of subdivision, a revised acoustic report(s) prepared by a suitably qualified acoustic consultant must be submitted to the satisfaction of the Responsible Authority for approval. Once approved, the revised acoustic report(s) will be endorsed and will form part of the permit. The revised acoustic report(s) must:
 - a) Reassess predicted noise levels from the Geelong Ring Road and from Baanip Boulevard at future dwellings on the subject land in accordance with the VicRoads Traffic Noise Reduction Policy. The assessment must include dwellings along the Geelong Ring Road, dwellings along Baanip Boulevard and dwellings along Hams Road with a line of sight to the Geelong Ring Road.
 - b) Include recommendations for any noise mitigation measures required to achieve the requirements of Australian Standard AS2107:2016 and the VicRoads Traffic Noise Reduction Policy, in relation to traffic from the Geelong Ring Road and Baanip Boulevard.
 - c) Demonstrate, including through modelling, that the requirements of condition 6(b) can be met, to the satisfaction of the Responsible Authority.



7. Prior to the certification of any plan of subdivision (or any relevant stage of a subdivision), any restrictions on the plan of subdivision including relevant "Design Guidelines", "Restrictions" and/or "Memorandum of Common Provisions" must be submitted to the Responsible Authority for approval and applied to affected lots to the satisfaction of the Responsible Authority. Once approved, the restrictions and associated documentation will be endorsed and form part of the permit. The Restrictions / Design Guidelines / Memorandum of Common Provisions must include:
- a) A restriction applying to any lot directly opposite the Warrnambool Railway Line (as shown on the Overall Subdivision Masterplan MP19), that does not allow the construction of any dwelling on the burdened lot unless it incorporates noise attenuation treatments to ensure the following internal noise criteria are met, to the satisfaction of the Responsible Authority:
 - 55 dB L_{Amax} for bedrooms
 - 60 dB L_{Amax} for living areas.
 - b) A restriction applying to any lot directly opposite the Geelong Ring Road or Baanip Boulevard (as shown on the Overall Subdivision Masterplan MP19), that does not allow the construction of any dwelling on the burdened lot unless it incorporates noise attenuation treatments to ensure the requirements of Australian Standard AS2107:2016 and the VicRoads Traffic Noise Reduction Policy are met, to the satisfaction of the Responsible Authority.
8. Any recommendations of the revised acoustic report(s) referred to in condition 6 that are not implemented through the Restrictions / Design Guidelines / Memorandum of Common Provisions required under condition 7 must be implemented to the satisfaction of the Responsible Authority.

Prior to commencement of works

9. Unless otherwise approved in writing, works for Stage 1 of the subdivision cannot commence unless the works to upgrade Hams Road required under both this permit and Permit PP-662-2017 are completed to the satisfaction of the Responsible Authority.

Easements – Drainage

10. Prior to certification of the Plan of Subdivision for each stage, easements for the purpose of 'Drainage' must be set aside in favour of the City of Greater Geelong, to the satisfaction of the Responsible Authority.

Fill

11. Excavated material shall not be carted off the site except with the written approval of the Responsible Authority.
12. No material shall be brought onto the site for use as filling within the subject area under this Permit, unless with the written approval of the Responsible Authority. Prior to any approval being issued by the Responsible Authority for imported filling to be used on the site, the applicant must submit for approval to the Responsible Authority, samples of proposed filling, details of the source of the filling, details of proposed traffic routes to be traversed, soil testing results and reports in regard to the presence of contaminants in the filling, and the suitability of filling to be placed on site.



13. All areas to be filled shall be stripped of vegetation and any top soil shall be removed and stockpiled for reuse over the filled areas. Only approved filling material shall be placed on the site. The filling shall be placed in maximum 150 mm layers, or as approved otherwise by the Responsible Authority, and compacted to the applicable level for filling on allotments and within future roadways in accordance with AS3798, to the satisfaction of the Responsible Authority.
14. At the completion of the bulk earthworks, and at completion of the works for each stage, all disturbed areas shall be hydro mulched with an approved seed and fertilizer mixture to the satisfaction of the Responsible Authority to suppress dust, and minimise erosion, unless approved otherwise by the Responsible Authority.
15. All works must be undertaken in accordance with the recommendations of any geotechnical reports.

Engineering Plans – Drainage

16. Prior to the commencement of site works for any stage of the subdivision, detailed drainage construction plans prepared by a suitably qualified engineer must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and form part of the permit. The plans must:
 - a) Include details of pits and pipes sizes, finished and existing surface levels, creation of appropriate easements, detention basin(s) including any required drainage reserves, water quality treatment and connection to the legal point of discharge.
 - b) Show that the design for the drainage system achieves the following, to the satisfaction of the Responsible Authority:
 - i. Includes recommendations of the report titled *35 & 69-93 Hams Road PSA Flood Modelling* dated 30 October 2018 (Water Technology).
 - ii. Includes recommendations of the report titled *35 Hams Road and 151-229 Anglesea Road, Waurm Ponds Surface Water Management Strategy (Version 3)* dated 19 September 2013 (Neil M Craigie) relating to geotechnical investigations to confirm requirements for the wetland and the use of non-dispersive topsoil.
 - iii. Complies with the requirements of the Infrastructure Design Manual and any other relevant standards.
 - iv. Limits site run-off to equivalent pre-developed levels for rainfall events up to and including the critical 1% AEP event.



- c) Include, but not limited to, the following to the satisfaction of the Responsible Authority:
- i. The stormwater drainage system on the site must be designed such that stormwater run-off exiting the land meets the current best practice performance objectives for stormwater quality as follows:
 - 80% retention of the typical annual load of suspended solids;
 - 45% retention of the typical annual load of total phosphorous;
 - 45% retention of the typical annual load of total nitrogen; and
 - 70% retention of the typical annual load of gross pollutants.
 - ii. Upgrade of the existing outlet and culvert from the retarding basin on the north side of Hams Road.
 - iii. Upgrade of the existing Ghazeepore Road culvert.
 - iv. Upgrade or replacement of the existing culvert beneath the Geelong Warrnambool railway corridor.
 - v. All external drainage works within the VicRoads reserve (Geelong Ring Road Section 4B) to connect and channel the existing drainage network extending from the Ring Road/shared path, to the open waterway reserve in the land.
 - vi. Any temporary drainage works that may be required to ensure that the conditions of this permit are met if the land in PP-662-2017 develops before the land in this permit, or the land in this permit develops before the land in PP-662-2017.
 - vii. Minimum finished surface levels on all lots must be 300mm above the relevant 1% AEP flood level.
 - viii. Details of waterway remediation.
 - ix. Details of remediation to existing dams / permanent water bodies. A risk assessment must be provided in accordance with Royal Lifesaving Society guidelines.

The Responsible Authority may require further modelling to demonstrate that the drainage system can achieve the requirements of this permit, to the Responsible Authority's satisfaction, before it endorses the drainage engineering plans.

Note: Detailed Road and Drainage Design Plans for any stage that result in flood levels on existing properties being adversely affected by the proposed works will not be approved for construction.

Engineering Plans – Roads

17. Prior to the commencement of works for each stage of the subdivision, construction plans must be submitted to and approved by the Responsible Authority for the full construction of roads including road reserves, design of all intersection treatments, traffic management devices, linemarking, signage, kerb and channel, vehicle crossing laybacks, road pavement and sealing and footpaths. The plans must include the following, to the satisfaction of the Responsible Authority:
- a) Construction of abutting roads including concrete kerb and channel, footpath and sealed road pavement.
 - b) Footpaths on both sides of roads unless otherwise approved.
 - c) All footpath treatments showing DDA compliance at all designated crossing points.
 - d) Suitable road reserve cross sections to convey major drainage flows.
 - e) Turning areas suitable for the safe and efficient turning of service and emergency vehicles.



18. Prior to the commencement of upgrade works to Hams Road, a scaled Functional Layout Plan for the works must be prepared to the satisfaction of the Responsible Authority. Any plan must include but not be limited to:
- a) Asphaltting
 - b) Line marking
 - c) Kerb and channel
 - d) Drainage works
 - e) Footpaths
 - f) Pedestrian crossings
 - g) Signage

Construction Management Plan

19. Prior to the commencement of works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and form part of this permit. The plan must include, but is not limited to, the following:
- a) The protection of all existing vegetation to be retained and waterways.
 - b) Show access locations for construction vehicles.
 - c) All appropriate control of site emissions during construction and the defects liability period.
 - d) Measures to ensure that no polluted water and/or sediment laden runoff is discharged directly or indirectly into stormwater drains, the existing watercourse through the site and/or existing wetlands and ponds to be retained, during the construction period.
 - e) A staging plan for all construction phases including indicative dates for commencement and completion.
 - f) Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact.
 - g) Details of actions to be implemented to in the event of damage to abutting assets.
 - h) Details of where construction personnel will park.
 - i) Hours/days of construction, including deliveries. (Note: These hours must be consistent with the Environment Protection Authority (EPA) legislation/guidelines)
 - j) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site.
 - k) Details of site cleanliness and clean up regimes.
 - l) Location of material storage.
 - m) Dust suppression management.
 - n) Details of measures to be maintained during the housing construction phase of development to prevent sediment entering downstream drainage infrastructure.
 - o) Measures to implement the recommendations of the Cultural Heritage Management Plan prepared by Benchmark Heritage Management dated 31 October 2018 and approved by the Wathaurung Aboriginal Corporation on 29 November 2019.
 - p) Any other measures that are consistent with the following Environmental Protection Authority publications: 'Environmental Management Guidelines for Major Construction Sites', 'Construction Techniques for Sediment and Pollution Control' and 'Doing it Right on Subdivisions'.

All development and works must be carried out in accordance with the Construction Management Plan to the satisfaction of the Responsible Authority.



Local Area Traffic Management Plan and Road Names

20. Unless otherwise approved in writing by the Responsible Authority, prior to the lodgement of the Stage 1 Functional Layout Plans, a Local Area Traffic Management (LATM) Plan must be developed with Council's Traffic Development Engineer, and submitted to and approved by the Responsible Authority. The LATM treatments may include, but not limited to:
- a) traffic management devices internal and external to the site
 - b) modified intersection priorities
 - c) indented car parking
 - d) signage
 - e) line marking
 - f) vehicle crossing locations.

All treatments shown on subsequent construction plans for each stage must be consistent with the approved LATM Plan, to the satisfaction of the Responsible Authority.

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

21. When the LATM plan has been finalised, a Road Naming Plan must be developed with Council's Traffic Development Engineer, and submitted to and approved by the Responsible Authority. The Road Naming Plan must respect the LATM plan and the *Naming Rules for Places in Victoria* document. Pre-approved road names and descriptors shall be applied to a color-coded length of road on the Road Naming Plan. All road naming on subsequent plans of subdivision for each stage must be consistent with the approved Road Naming Plan.
22. Prior to the development of the Road Naming Plan and lodgement of the Functional Layout Plan for Stage 1, the applicant must provide a list of all proposed road names within the subdivision for approval by Council's Properties and Valuations unit. The applicant must provide and place all relevant street signs, and are consistent with the road names shown on all approved plans, to the satisfaction of the Responsible Authority.

Construction of Roadworks/Drainage

23. Unless otherwise agreed to in writing by the Head, Transport for Victoria, prior to the issue of a Statement of Compliance for any subdivision stages that contain or abut Hams Road, the shared user path (off road) on the south side of Hams Road must be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria.
24. Prior to the issuing of a Statement of Compliance for any stage of the subdivision, all road and drainage works, including basin(s), required for that stage of the subdivision must be constructed in accordance with the approved plans and specifications to the satisfaction of the Responsible Authority. The Hams Road upgrades must be completed as part of Stage 1.
25. The design and construction of civil infrastructure to become council assets must be approved and supervised by council. A fee of 3.25% of the cost of the works is to be paid to council for the checking and supervision of these works.
26. A maintenance bond of 5% of the cost of the works is to be paid to council and will be returned after successful completion of a 12 month maintenance period for civil works.



27. Following Practical Completion, wetlands shall be maintained by the applicant for a period of 24 months, to the satisfaction of the Responsible Authority.
28. Prior to the issue of a Statement of Compliance for the relevant stage of subdivision, relevant street sign/s must be erected to the satisfaction of the Responsible Authority.
29. Prior to the issue of a Statement of Compliance for the relevant stage of subdivision, street lighting must be provided within the site and along external frontages in accordance with the relevant Australian Standard(s), unless otherwise agreed in writing by the Responsible Authority and unless it can be demonstrated that existing street lighting is sufficient for public safety to the satisfaction of the Responsible Authority.
30. During the construction phase of the development, the following conditions must be met:
 - a) Only clean rainwater shall be discharged to the stormwater drainage system.
 - b) Stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system.
 - c) Vehicle borne material from the premises shall not accumulate on the roads abutting the site.
 - d) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads.
 - e) Fencing is to be fitted and installed so as to ensure safe access for pedestrians.
 - f) All litter must be contained on site.

All to the satisfaction of the Responsible Authority.

No Removal of Native Vegetation

- 31 No native vegetation shall be removed other than that marked on the plan endorsed under condition 32, to the satisfaction of the Responsible Authority.

Vegetation Protection

32. Before works commence, a Vegetation Protection 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 form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan. The plan must identify:
 - a) The Ecological Vegetation Classes present on the land.
 - b) All native vegetation to be removed and retained.
 - c) A description of the measures to be used to protect the identified vegetation to be retained during construction.



33. The following requirements must be met:

- a) Removal, including pruning, of native vegetation must be undertaken using a suitably qualified arborist and be carried out in accordance with *AS4373-2007: Pruning of Amenity Trees* to the satisfaction of the Responsible Authority. The use of an excavator, backhoe, bulldozer blade or loader to trim branches of trees is not permitted.
- b) Prior to any vegetation removal, vegetation to be removed must be clearly marked on site and accord with the endorsed plan. An inspection is required to be undertaken by the City's Environment Unit.
- c) Prior to any native vegetation removal, all patches of native vegetation of native to be retained on site shall be protected by Native Vegetation Protection Fencing in accordance with *AS4970-2009: Protection of Trees on Development Sites*. An inspection is required to be undertaken by the Responsible Authority.
- d) No grazing must occur on native vegetation (including the wetlands and ponds) to be protected (unless permitted by a Management Plan approved by the Responsible Authority) to the satisfaction of the Responsible Authority.
- e) Water run-off must be designed to ensure that native vegetation to be protected is not compromised, to the satisfaction of the Responsible Authority.
- f) The Native Vegetation Protection Fencing must have signs attached around the fencing which clearly states - VEGETATION PROTECTION ZONE - No Access Permitted. An inspection is required once the Tree Protection Fencing has been erected. Please contact the City's Environment Unit to arrange an inspection.
- g) Except with the written consent of the Responsible Authority, none of the following are permitted to occur within the Tree Protection Zone:
 - i. vehicular or public pedestrian access.
 - ii. trenching or soil excavation.
 - iii. storage or dumping of tools, equipment, soil, stone or waste is to occur.
 - iv. construction of entry and exit pits for underground services.
 - v. temporary or permanent installation of signs and utilities.

Vegetation Management Plan

34. Prior to the commencement of any works for any relevant stage of the subdivision that may impact the Creeklane Grassy Woodland and Sedge Wetland vegetation, a Vegetation Management Plan must be submitted to and approved by the Responsible Authority. When approved this Vegetation Management Plan will form part of this permit. Any plan must include:

- a) Measures to protect and enhance the existing vegetation to be retained and water quality within the existing wetlands and ponds that are being retained, that are consistent with the requirements of condition 33.

The approved vegetation management plan must be implemented to the satisfaction of the Responsible Authority.



Weed Management Plan

35. Prior to the commencement of works, a Weed Management Plan must be submitted to and approved by the Responsible Authority. When approved this Weed Management Plan will form part of this permit. The plan must detail:
- a) Species and extent of weed infestation.
 - b) Current and/or proposed treatment methods.
 - c) Timeframes.
 - d) Any other relevant information.

The approved Weed Management Plan must be fully implemented prior to the commencement of any on-ground earthworks to the satisfaction of the Council's Environment Unit.

Native Vegetation Offsets

36. Before any works commence, an amended Native Vegetation Removal and Offset Report prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority and the Department of Environment, Land, Water and Planning. The report must be based on the final designs for the subdivision and Hams Road upgrades and specify the amounts of native vegetation permitted to be removed and required to be offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017).
37. In order to offset the removal of native vegetation permitted to be removed as part of this permit, the applicant must provide a native vegetation offset that meets the requirements of the Native Vegetation Removal and Offset Report referred to in condition 40. General offsets must be located on-site where possible, or within the Corangamite Catchment Management Authority boundary or City of Greater Geelong municipal district.
38. Before any native vegetation is removed, where offsets are to be provided off-site, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit. The offset evidence can be either:
- a) A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
 - b) A credit register extract from the Native Vegetation Credit Register.

Any credit register extract from the Native Vegetation Credit Register must be submitted to the Environment Unit as a formal record of the offset evidence.

At the conclusion of the subdivisional construction works, the overall native vegetation offset requirements must be reconciled with agreement by the Responsible Authority and DELWP and either credits are made available or further offsets are to be purchased.



Fauna Management Plan

39. Prior to the commencement of any works, a Fauna Management Plan must be submitted to and approved by the Responsible Authority. The plan must include:
- a) A pre-clearance survey to assess the presence of Growling Grass Frog, Golden Sun Moth, Ballion's Crake and Barking Owl (the survey must be undertaken during the optimal breeding season for the Growling Grass Frog).
 - b) Procedures for the salvage and relocation of any frog species present on the land under the supervision of a qualified zoologist prior to the commencement of works.

Details outlining the measures to protect the habitat and water quality for the frog population present within the wetland and ponds to be retained.

The approved Fauna Management Plan must be implemented to the satisfaction of the Responsible Authority.

Fauna Protection

40. Prior to the removal or lopping of any tree, the tree must be examined by a suitably qualified zoologist with relevant permits. If native fauna species are located, they must be salvaged and relocated to the closest suitable vegetation.
41. Any dams or water bodies filled as part of the approved development must be drained at least 48 hours prior to works commencing to enable the relocation or translocation of fauna.

Environmental Assessment

42. Prior to the commencement of any works (excluding works associated with removal of potentially contaminated material, such as fuel tanks and fill, which may be undertaken prior to or concurrent with the assessment), an Environmental Assessment must be submitted which must include an assessment of the land by a suitably qualified environmental professional detailing the level and location of any contamination. This assessment is to be peer reviewed by a suitably qualified environmental professional approved by the Responsible Authority. If the Responsible Authority is satisfied that significant levels of contamination have been found the following must be provided to the Responsible Authority, either:
- a) A Certificate of Environmental Audit must be issued for the land in accordance with Part 1XD of the *Environment Protection Act 1970*, or
 - b) A Statement of Environmental Audit must be issued in accordance with Part 1XD of the *Environment Protection Act 1970* stating that the environmental condition of the land is suitable for the sensitive use (with or without conditions on the use of the site).



Waterway Rehabilitation Plan

43. Prior to the commencement of works, a Waterway Rehabilitation Plan for the entire creek corridor must be submitted to and approved by the Responsible Authority. Any Plan must detail the specific rehabilitation and revegetation of the creek corridor to an average width of 30 metres either side of the centreline of the creek. When approved the plan will be endorsed and then form part of this permit. The Plan must include:
- a) Details regarding the proposed works within the creek and its embankments. An extensive vegetated riparian corridor is to be established as part of the design. Cross-sections outlining the proposed treatment must be provided.
 - b) Details regarding the protection and enhancement of the Creepline Grassy Woodland and Sedge Wetland to be retained must be provided.
 - c) Details of all revegetation works including the use of plants listed within the City's Indigenous plants of the Geelong Region Zone 7 and native species found as part of the flora survey, including densities and any specific treatments.
 - d) The provision of habitat improvements (i.e. rocks, logs etc) for frogs and other fauna.
 - e) The location of any stabilisation works (if required) such as rockwork and/or jute matting.
 - f) The use of non-dispersive topsoil.
 - g) Details of all weed control works.
 - h) Details of the proposed maintenance program for a minimum of two years after Practical Completion is awarded by the Responsible Authority.
44. Prior to the transfer to Council of the creek corridor, all works identified within the approved Waterway Rehabilitation Plan must be fully completed by the applicant and maintained for a period of two years after Practical Completion, unless otherwise agreed in writing by the Responsible Authority. A detailed inspection shall be undertaken by the Responsible Authority of all the required on-ground works before any transfer is undertaken.
45. If the creek rehabilitation works are undertaken in two stages and works within 35 Hams Road are completed first, a separate agreement must be prepared between the applicant and the Responsible Authority in respect to specifying a formal handover process of the partially completed asset.



Landscape Master Plan

46. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of a Statement of Compliance for the first stage of the subdivision, a Landscape Master Plan (incorporating a Street Tree Master Plan) for the permit area must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and form part of the permit. It must be drawn to scale with dimensions and submitted electronically. The plan must show and include, but not be limited to:
- a) The location, size and title designation of all land to be developed as reserves, including Public Open Space Reserves, Conservation Reserves, Greenways, Road Reserves and Drainage Reserves.
 - b) The ultimate 1% and 10% Annual Exceedance Probability storm event extents.
 - c) A general indication of what recreation infrastructure is proposed and its location, including but not limited to: playgrounds, furniture, and exercise equipment, kick about areas, paths, shelters, vehicle exclusion barriers and maintenance access points.
 - d) The style and location of permeable fencing for all lots abutting reserves (excluding road reserves).
 - e) The proposed species to be used for and general layout of street tree planting in various stages of the subdivision including the proposed planting theme for all secondary frontages of corner allotments. Tree placement on secondary lot frontages must use no more than two trees that grow to an estimated size of no greater than 5 x 4 metres at maturity.
 - f) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres, in compliance with AS2303-2015 *Tree Stock for Landscape Use*.
 - g) The principles and graphical concepts of Public Art which complies with the requirements of Council's Art and Culture Department.
 - h) The location and size of any water sensitive urban design assets.
 - i) The species list must not include species listed in *Environmental Weeds City of Greater Geelong*, September 2008.
 - j) The species list must include species listed in Indigenous Plants of the Geelong Region - Zone (7) Grovedale and Waurn Ponds Limestone Plains and Hills.

Notes:

- 1. Consultation with Council's Recreation and Open Space Unit during early concept design is encouraged to help facilitate efficient approval processes.
- 2. Any pathway within the open space reserves should be located having regard to the protection of existing vegetation worthy of retention.
- 3. Street tree species selection is subject to approval by Powercor in accordance with the requirements of the Distribution Construction Standard, Underground Trenching. Tree location and species type shall be determined, in consultation with CitiPower/ Powercor, based on the specific site and the ability of the tree to both enhance the local amenity and co-exist with utility services infrastructure – with all trees to be identified on a 'master services plan' provided by the party planting the trees.
- 4. The applicant must obtain and provide evidence to the Responsible Authority that Powercor has been consulted and has agreed with the proposed street tree species palette.



Detailed Landscape Plans

47. Unless otherwise agreed in writing by the Responsible Authority, prior to the Statement of Compliance being issued for each applicable stage of the subdivision, a detailed landscape plan for the stage must be prepared and submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and form part of the permit. The landscape plan must be drawn to scale with dimensions and submitted electronically. Any plan must address and be consistent with the endorsed landscape master plan applying to the site and show, but not be limited to:
- a) The ultimate 1% and 10% Annual Exceedance Probability storm event extents.
 - b) Vegetation that is approved to be retained, removed and/or lopped in accordance with the Vegetation Protection Plan, as well as any other practical retention tree(s) within a reserve (excluding conservation reserves) for any stage of the development. The tree(s) must be assessed by a suitably qualified arborist to determine suitability for retention and ongoing management recommendations. The detailed landscape plan for the area in which the tree(s) are located must be informed by this arboriculture assessment and show details of tree protection zones. This assessment must be submitted to council as part of the approval process.
 - c) A detailed planting schedule and proposed planting layout of all areas of and adjoining open space, including proposed trees, shrubs, groundcovers and aquatic planting (if applicable, with zonation detail), and showing botanical names, common names, pot sizes, sizes at maturity, quantities and densities of each plant.
 - d) The proposed layout, materials and finish of all finished surfaces, structures, fences abutting council reserves, maintenance vehicle access crossovers, maintenance access gates, play equipment, furniture and bike parking.
 - e) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls.
 - f) Detailed planting and construction drawings of any drainage and WSUD infrastructure within public reserves.
 - g) Permeable fence design details for lots abutting open space reserves and Council reserves (except road reserves). Fencing detail must be to Council specifications.
 - h) Additional supporting information, such as certified structural designs or building forms.
 - i) The removal of existing disused structures, foundations, pipelines, farm dams or stockpiles and the eradication of weeds.
 - j) The proposed landscaping treatment of any road reserve abutting public open space.
 - k) A detailed schedule of quantities showing accurate cost estimates of each item included in the plan.

Notes:

1. Hard copy/copies of the landscape plan must be provided at the reasonable request of the responsible authority.
2. Consultation with Council's Recreation and Open Space Unit during early concept design is encouraged to help facilitate efficient approval processes.



No Utility Services on Public Open Space

48. Utility service substations, kiosk sites and the like must not be located on any land identified as unencumbered open space unless otherwise agreed in writing by the responsible authority. Any existing or future easements affecting all land which is to be vested in council must be clearly identified on the detailed landscape plans as per the condition above.

Council Reserves – Vehicle Access Barriers

49. Unless otherwise approved in writing by the Responsible Authority, prior to the issuing of a Statement of Compliance for any relevant stage of the subdivision which includes a Council reserve, suitable vehicle access barriers must be provided across the entrance of the Council Reserve, one of these shall be de-mountable to allow access to Council maintenance vehicles to the satisfaction of the Responsible Authority. The location of these barriers shall be determined by the Responsible Authority.

Fencing of Council Reserves

50. Unless otherwise approved in writing by the Responsible Authority, prior to the issuing of a Statement of Compliance for any relevant stage of the subdivision which includes a Council reserve, the applicant must erect an appropriate fence on the boundaries of the Council Reserve to the satisfaction of the Responsible Authority and at no cost to Council.

Completion of Landscape Works

51. Unless otherwise approved in writing by the Responsible Authority, the landscaping works shown on the approved landscape plan for a particular stage must be completed to the satisfaction of the Responsible Authority, prior to the issue of a Statement of Compliance for that stage.
52. If the Responsible Authority agrees to issue Statement of Compliance prior to the landscaping works being completed, the entire landscaping works must be bonded to the satisfaction of the Responsible Authority. The landscape works bond or bank guarantee must be 125 per cent of the estimated cost of entire landscape works as shown in the approved schedule of quantities submitted as part of the landscape plans. Unless otherwise agreed in writing by the Responsible Authority the bonded works must be completed within one year of the date of the lodgement of the bond.
53. A practical completion inspection is required and must be arranged by the permit holder with two weeks' notice provided for the responsible authority. The practical delivery of the endorsed plans must be at a standard to the satisfaction of the responsible authority to pass this inspection. If applicable, the landscape works bond will be returned on award of practical completion.



54. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of practical completion of landscaping works, or any other time as agreed by the Responsible Authority, the following must be provided to the Responsible Authority:
- a) The vesting of the reserve to Council, at no cost to Council.
 - b) Building permits and structural engineering compliance, as-built construction plans, and materials detail where necessary.
 - c) Landscaping maintenance plan.
 - d) Schedule of Quantities showing the financial value of all hard assets.
 - e) As-built landscaping plans in PDF and GIS-ready AutoCAD (DXF) format.
 - f) An independent playground auditors report with evidence of rectification of any identified defects. The report must relate to all playground equipment, fitness equipment, natural play area, soft fall areas and edging to ensure that all aspects of playground construction meet Playground Standards AS/NZ4422 1996 and AS4685 parts 1-6 2004 and is in good working order and safe for use.
55. Unless otherwise agreed in writing by the Responsible Authority, a maintenance bond must be submitted to the Responsible Authority on application for practical completion of landscaping works. The maintenance bond or bank guarantee must be 125 per cent of the estimated cost of maintenance of landscape works for a two (2) year period.

Maintenance of Landscaping

56. The landscaping shown on any endorsed landscape plan for a particular stage must be maintained to the satisfaction of the Responsible Authority for a period of no less than two (2) years from the date of practical completion of the landscaping unless otherwise agreed in writing by the Responsible Authority. During this period, any dead, diseased or damaged plants are to be replaced and any landscaped area and hard assets are to be repaired as required to ensure the landscaping is maintained to the same standard as when practical completion was awarded.
57. Should the permit holder default on landscape maintenance requirements which leads to a partial or full replanting, the responsible authority will consider the extension of the maintenance period as necessary to provide for establishment of replacements.
58. A handover inspection is required and must be arranged by the permit holder with two weeks' notice provided for the responsible authority. The maintenance of the completed works must be at a standard to the satisfaction of the responsible authority to pass this inspection. The maintenance bond will be returned on award of Handover.
59. The applicant and contractors who will construct and maintain the subject reserves and associated landscaping must obtain and maintain appropriate public liability insurance (with the responsible authority's interest noted on the certificate of insurance) over the entire reserve area for the duration of the maintenance period.

Notes:

1. The responsible authority will not be responsible for the reserve and its assets or public liability until a handover inspection has taken place and written acceptance of handover has been issued.
2. At the conclusion of the maintenance period all maintenance responsibilities will be transferred to the responsible authority.
3. No handovers will be accepted during the summer months from 01 December to 28 February inclusive.



Public Open Space Contributions

60. The owner of the subject land must provide Public Open Space in part by land and the balance by cash-in-lieu equivalent to ten (10) per cent of the site value of all developable land in the subdivision pursuant to Section 18 of the *Subdivision Act 1988*. The contribution will be payable prior to the issue of a Statement of Compliance.

Streetscape Works – Detailed Plans

61. Prior to the Statement of Compliance being issued for each relevant stage of the subdivision, a detailed streetscape plan, prepared by a person suitably qualified in landscape design, 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 streetscape plan must be drawn to scale with dimensions and three hard copies provided. Where applicable, the plan must be generally in accordance to the approved Street Tree Master Plan and show:
- a) The name and stage of the estate and the Planning Permit Number.
 - b) The layout of proposed new planting in all road reserves and traffic management devices (e.g. medians, islands, and roundabouts).
 - c) Details of all other infrastructure within the road reserve (e.g. underground services, street lights, stormwater pits, fire plugs etc).
 - d) A detailed planting schedule of all proposed trees and plants including botanical names, common names, pot sizes, sizes at maturity and quantities for each species.
 - e) All proposed groundcover & shrub planting with a minimum container size of 150mm.
 - f) The maintenance schedule for all proposed planting.
 - g) Plan view indicating mature tree sizes, shown to scale to illustrate the extent of canopy coverage.
 - h) All road cross sections applicable to the site.
 - i) Tree Protection Zones on all plans (where applicable).

Notes:

- 1. Proposed entry signage must not be located on public land.
- 2. Landscape treatments within traffic control devices such as medians and roundabouts are subject to specific control measures.

Completion of Streetscape Works

62. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of Statement of Compliance for a particular stage of development all streetscape works shown on the endorsed streetscape plans for that stage must be completed to the satisfaction of the Responsible Authority.



63. Where streetscape works forming part of the endorsed plans are not completed to the satisfaction of the Responsible Authority prior to the applicant seeking a Statement of Compliance for all, or a particular stage of a subdivision, the applicant may request the approved streetscape plan to be appropriately bonded or covered by a bank guarantee. Estimates must be professionally costed and submitted to the Responsible Authority for approval. Once approved, the bonds or bank guarantees must be submitted to the Responsible Authority separately prior to a Statement of Compliance being awarded. The incomplete streetscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete streetscape works.

Notes:

1. A certificate of practical completion is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The incomplete works bond will be returned once practical completion has been awarded.
2. Works bonded as outstanding must be enacted within one (1) year of statement of compliance being awarded.

Maintenance of Streetscape Works

64. All works must be maintained to the satisfaction of the Responsible Authority for a period of two (2) years from the date of practical completion. During this period, any dead, diseased or damaged plants are to be repaired or replaced as required.
65. Where the landscape works are bonded, the maintenance period will commence from the date that the works are awarded Practical Completion by the Responsible Authority.
66. A maintenance bond to the value of 125 per cent of the cost of works must be submitted to the responsible authority on application for practical completion of landscaping works to be retained until such time that the works have been accepted by Council for handover.
67. Works that have achieved practical completion will be randomly inspected throughout the maintenance period. Works deemed by the Responsible Authority as being inappropriately maintained or established will not be accepted and will remain on maintenance until such time that the Responsible Authority deems it acceptable.

Notes:

1. A handover inspection is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The maintenance bond will be returned on acceptance of handover.
2. No handovers will be accepted during the summer period, between 30 November and 1 March.

Section 173 Agreements

68. Development Contributions, Infrastructure Items, public open space contributions and any other relevant requirement of the section 173 Agreement applying to the land must be satisfied in accordance with the Agreement to the satisfaction of the Responsible Authority. Detail, to the satisfaction of the Responsible Authority, must be provided detailing the method of calculation of the contribution or requirement to be satisfied.



Barwon Water Conditions

General

69. The owner shall create easements for Pipelines or Ancillary Purposes and or reserves in favour of Barwon Region Water Corporation on the plan of subdivision in accordance with Barwon Water's Land Development Manual, without cost to Barwon Water, over existing and proposed water and sewerage infrastructure within the land. If further easements or reserves are required following design of water and sewerage infrastructure these must be added to the plan of subdivision prior to seeking Barwon Water's consent to the issue of a statement of compliance for the subdivision.
70. The plan of subdivision must be referred to Barwon Water in accordance with the *Subdivision Act 1988* and any subsequent amendments to the plan provided to Barwon Water.
71. Barwon Water's two strategic mains surrounding the permit site, being the 1000mm Grovedale Feeder Main to the south and the 1400mm Pettavel-Montpellier Transfer Main to the West, are critical to the region and must be protected to the satisfaction of Barwon Water.

Water

72. The provision and installation of individual water services to all lots in the subdivision. Note, that tapplings and services are not to be located under existing or proposed driveways.
73. The payment of New Customer Contributions for water for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered for water supply.
74. Reticulated water mains or a water main extension are/ is required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.

Sewer

75. The provision of sewerage services to all lots in the subdivision. Individual allotment house connection drains are to be provided for and extend into each allotment.
76. The payment of New Customer Contributions for sewer for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered (for water supply).
77. Reticulated sewer mains or a sewer main extension are/ is required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.



78. Additional sewerage assets are required to service this development. The creation of assets is additional to the internal works required for which the developer will be responsible to provide. The assets required are a Sewerage Pump Station (SPS) and Rising Main (RM).

Note: The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water Land Development reference number **L014521**.

Powercor Conditions

79. The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
80. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A Payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
81. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. The applicant shall arrange compliance through a Registered Electrical Contractor.
82. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
83. The applicant shall set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
84. The applicant shall provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of Powercor Australia Ltd for 'Powerline Purposes' pursuant to Section 88 of the *Electricity Industry Act 2000*.
85. The applicant shall obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
86. The applicant shall adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.



87. The applicant shall obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
88. The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Downer Utilities / AusNet Services Conditions

89. The outcome of the Safety Management Study conducted in 2014 as required by Clause 2.2.4(e) and (f) of AS/NZS 2885.1-2012 and the *Victorian Pipelines Act 2000* must be implemented prior to any new development within the vicinity of AusNet Services' gas transmission pipeline.
90. No construction activity shall be carried out within 3.0 metres of the gas transmission pipeline without AusNet Services' approval. Access and line of sight to pipeline route shall be maintained at all times.
91. No construction or development which could result in "High Density (T2) and Sensitive Use (S)" location classes as per AS/NZS 2885.1-2018 shall be allowed within 170 metres of the gas transmission pipeline. This includes areas of public infrastructure serving the high density use such as railway stations, town centres, shopping centres, multi storey buildings, hotels, hospitals, aged care homes, schools, childcare and alike.
92. All associated development and construction activities in the vicinity of the existing gas transmission pipeline shall adhere to the requirements of AusNet Services 'Conditions of Works' TS 2607.2 and AS 2885.3.

Country Fire Authority Conditions

Hydrants

93. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, the following requirements must be met to the satisfaction of the CFA:
 - a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants must be no more than 120 metres apart.
 - b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note: CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au).



Roads

94. The following road requirements must be met to the satisfaction of the CFA:
- a) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - b) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - c) Curves must have a minimum inner radius of 10 metres.
 - d) Roads must have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 4 metres above the access way.
 - e) Roads more than 60 metres in length from the nearest intersection must have a turning circle with a minimum radius of 8 metres (including roll-over kerbs if they are provided). T or Y heads of dimensions specified by the CFA may be used as alternatives.

Corangamite Catchment Management Authority Conditions

95. There is to be no loss of floodplain storage as a result of the development.
96. All streets, footpaths and cycle paths that are subject to flooding must meet the applicable flood hazard safety criteria.
97. All lots within the development shall be free from inundation from 1% AEP flood events.
98. A Works on Waterways Permit is required from the Corangamite Catchment Management Authority prior to any works on or within the bed and banks of the waterway.

VicTrack Conditions

99. No waste, soil or other materials from the works are to be stored or deposited on VicTrack land.
100. All works including hoardings must be undertaken within the subject land and must not encroach onto VicTrack land.
101. No entry onto railway land is permitted without the written consent of the rail operator.
102. No permanent or temporary ground anchors are permitted within VicTrack land.

Telecommunication Conditions

103. The owner of the land must enter into agreements with:
- a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.



104. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the item; and
 - b) A suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Department of Jobs, Precincts and Regions – Earth Resources Regulation Branch

105. Land affected by the 250 metre extractive industry buffer as shown on the endorsed plan must not be subdivided or developed without the further written agreement of the Department of Jobs, Precincts and Regions.

Expiry

106. This permit will expire if one of the following circumstances applies:
- a) The first stage of the plan of subdivision has not been certified within two (2) years of the date of this permit.
 - b) All stages of the plan of subdivision have not been certified within five (5) years of the date of this permit.
 - c) A statement of compliance is not issued within five (5) years of the date of certification of a particular stage of subdivision.

The Responsible Authority may extend the certification period referred to if a request is made in writing before the permit expires or within six (6) months afterwards.



IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C372ggee to the Greater Geelong Planning Scheme.

WHEN DOES THE PERMIT BEGIN?

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

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

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