

Planning and Environment Act 1987

Panel Report

Greater Geelong Planning Scheme Amendment C342

Planning Permit 1342/2015

4 May 2017

Planning and Environment Act 1987

Panel Report pursuant to section 25 and 96A of the Act

Greater Geelong Planning Scheme Amendment C342

Planning Permit 1342/2015

4 May 2017



Brett Davis

Contents

	Page
1 Introduction.....	1
1.1 The Amendment.....	1
1.2 Background to the proposal.....	4
1.3 Summary of issues raised in submissions	5
1.4 Issues dealt with in this Report	5
2 Planning context.....	6
2.1 Policy framework.....	6
2.2 Planning scheme provisions	7
2.3 Ministerial Directions and Practice Notes.....	7
2.4 Conclusion	7
3 The issues	8
3.1 Submissions	8
3.2 Amended planning permit	11
3.3 Conclusions and recommendations	12

Appendix A Submitters to the Amendment

Appendix B Document list

Appendix C Panel Preferred Planning Permit

List of Figures

	Page
Figure 1 The subject land	2
Figure 2 Current zoning.....	3
Figure 3 Proposed rezoning.....	4

List of Abbreviations

DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
GRZ	General Residential Zone
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
PUZ	Public Use Zone
SPPF	State Planning Policy Framework
TIA	Traffic Impact Assessment
VPP	Victoria Planning Provisions

Overview

Amendment Summary

The Amendment	Greater Geelong Planning Scheme Amendment C342
Common name	Planning Permit 1342/2015
Brief description	Amendment to the Greater Geelong Planning Scheme in combination with an application for Planning Permit made pursuant to Section 96A of the <i>Planning and Environment Act 1987</i> to facilitate the subdivision of the land into 10 lots.
Subject land	40-42 Newcombe Street and 41-47 Elgin Street, Drysdale
The Proponent	Barwon Water
Planning Authority	City of Greater Geelong
Authorisation	17 October 2016
Exhibition	17 November to 19 December 2016.
Submissions	A total of 11 submissions were received, of which 6 either supported the Amendment or offered no objection, and 5 either objected or raised an issue of concern.

Panel Process

The Panel	Brett Davis
Directions Hearing	City of Greater Geelong, 7 March 2017
Panel Hearing	4 April 2017
Site Inspections	Unaccompanied, 7 March 2017
Appearances	<ul style="list-style-type: none"> - Ian McCartney, Senior Strategic Planner and Leanne Stockley, Statutory Planner on behalf of City of Greater Geelong - Chris Mason, St Quentin Consulting and Tony Belcher on behalf of Barwon Water - Tracey Jeffrey
Date of this Report	4 May 2017

Executive Summary

(i) Summary

Greater Geelong Planning Scheme Amendment C342 (the Amendment) proposes to rezone the major portion of 40 – 42 Newcombe Street, Drysdale from Public Use Zone 1 (Service and Utility) (PUZ1) to the General Residential Zone Schedule 1 (GRZ1). The accompanying planning permit 1342/2015 proposes a 10 lot residential subdivision of both 40 – 42 Newcombe Street and 41 – 47 Elgin Street, which are owned by Barwon Water.

Drysdale is one of the three designated growth areas in Council's planning scheme and has designated settlement boundaries. The subject land falls within this settlement boundary and the area surrounding the subject land is subdivided into conventional lots. The subdivision proposed is consistent with this pattern.

Key issues raised in submissions included:

- unsealed roads and associated dust
- loss of solar access to the immediate property to the east
- stormwater
- privacy
- alternative uses.

A number of issues were resolved between the land owner (Barwon Water) and submitters through the negotiation of conditions on the draft planning permit, particularly relating to issues of solar access. These changes have been reflected in the Panel's preferred Planning Permit at Appendix C of this report.

The Panel concludes:

- The proposal provides an opportunity to more fully utilise the subject land and provide for a small scale urban consolidation project in the Drysdale township. The land is centrally located in the town and only some 600 metres walking distance from the majority of the town's commercial and community facilities.
- The Amendment is strategically justified and the application should be supported.
- The accompanying planning permit should be supported subject to post-exhibition changes contained in Appendix C.

(ii) Recommendation

Based on the reasons set out in this report, the Panel recommends:

1. **Adopt Amendment C342 to the Greater Geelong Planning Scheme as exhibited.**
2. **Issue Planning Permit 1342/2015, subject to the amended conditions provided in Appendix C.**

1 Introduction

1.1 The Amendment

(i) Amendment description

Greater Geelong Planning Scheme Amendment C342 (the Amendment) proposes to rezone the major portion of 40 – 42 Newcombe Street, Drysdale from Public Use Zone 1 (Service and Utility) (PUZ1) to the General Residential Zone Schedule 1 (GRZ1).

The Amendment is a combined Planning Scheme Amendment and Planning Permit pursuant to Section 96A of the *Planning and Environment Act 1987*. The accompanying planning permit 1342/2015 proposes a 10 lot residential subdivision of both 40 – 42 Newcombe Street and 41 – 47 Elgin Street, which are owned by Barwon Water.

(ii) The subject land

The subject land comprises two separate properties being:

- 40 – 42 Newcombe Street, Drysdale which is occupied by a Barwon Water pump station site (726 square metres) with the balance of the site (3387 square metres) being vacant.
- 41 – 47 Elgin Street, Drysdale (4117 square metres) which is vacant. This property was created by a two lot subdivision in 2013 and purchased by Barwon Water in 2015.

That part of Elgin Street which separates these two properties contains a gravel road which provides access to the pump station site.

Both properties slope towards the small watercourse at their southern boundaries, which also marks the southern extent of the Elgin Street road reserve. The surrounding area is generally subdivided into conventional residential lots with the vast majority occupied by a single detached house.

The Amendment applies to land shown in Figure 1. The current zoning that applies to the land is shown in Figure 2.

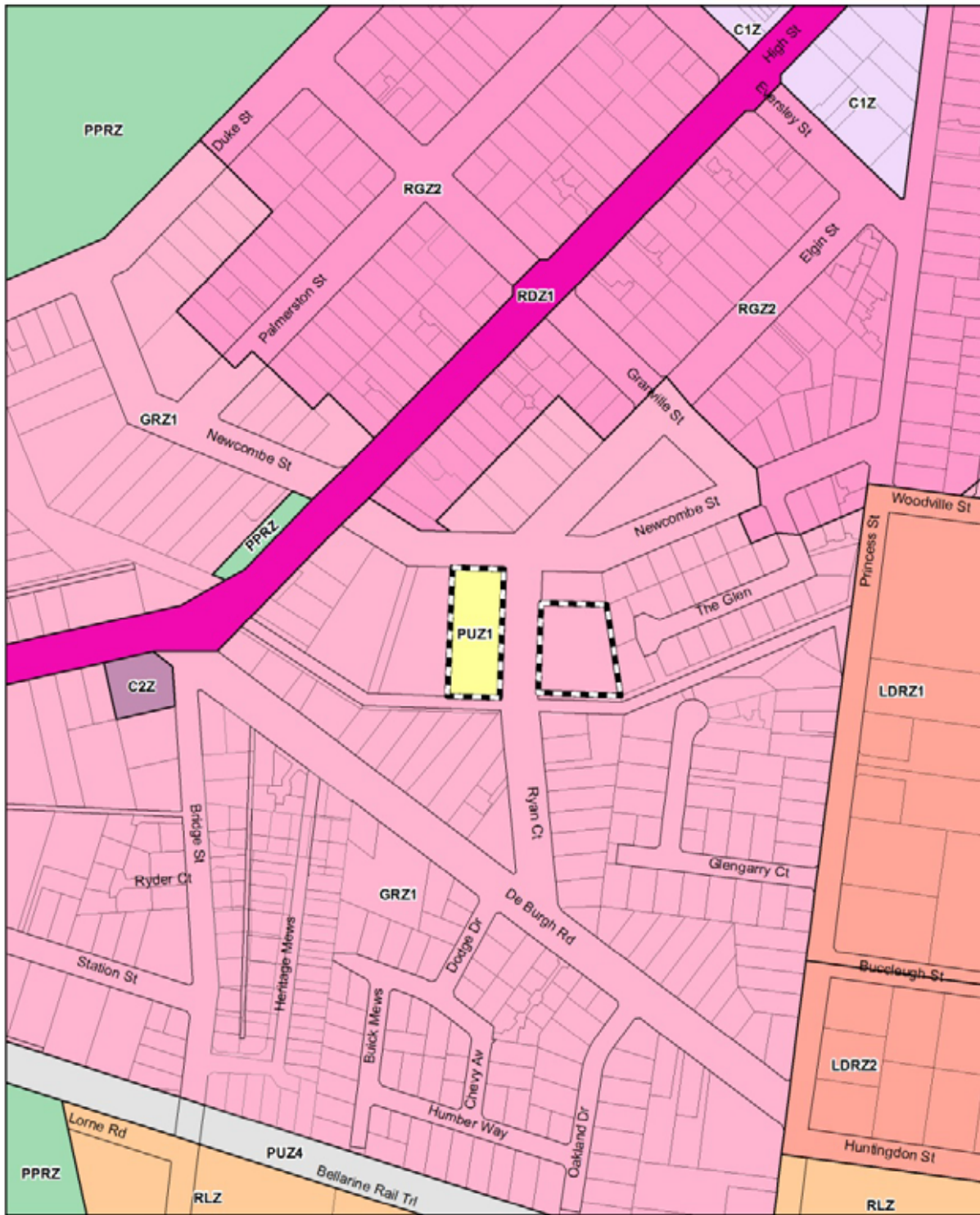


 SUBJECT LAND

Prepared by City of Greater Geelong - 9 January 2017 (Aerial Imagery - January 2016)
Although all due care has been taken to ensure that this document is correct, no warranty is expressed or implied by the City of Greater Geelong or Barwon Water in its use.



Figure 1 The subject land



GREATER GEELONG PLANNING SCHEME - ZONES

LEGEND				
NEIGHBOURHOOD RESIDENTIAL ZONE	COMMERCIAL 1 ZONE	COMPREHENSIVE DEVELOPMENT ZONE	PUBLIC PARK & RECREATION ZONE	Prepared by City of Greater Geelong - 9 January 2011 Although all due care has been taken to ensure that this document is correct, no warranty is expressed or implied by the City of Greater Geelong or Barwon Water in its use. This map contains all Amendments to the G.G.P.S. gazetted prior to the date shown above, however, for certainty, a Planning Certificate should be obtained. This map should be read in conjunction with additional Planning Overlay maps (if applicable)
GENERAL RESIDENTIAL ZONE	COMMERCIAL 2 ZONE	ACTIVITY CENTRE ZONE	PUBLIC CONSERVATION & RESOURCE ZONE	
RESIDENTIAL GROWTH ZONE	INDUSTRIAL 1 ZONE	PORT ZONE	ROAD ZONE CATEGORY 1	
LOW DENSITY RESIDENTIAL ZONE	INDUSTRIAL 2 ZONE	PUBLIC USE ZONE - Service & Utility	ROAD ZONE CATEGORY 2	
MIXED USE ZONE	INDUSTRIAL 3 ZONE	PUBLIC USE ZONE - Education		
TOWNSHIP ZONE	SPECIAL USE ZONE	PUBLIC USE ZONE - Health & Community		
RURAL LIVING ZONE	SUSTAINABILITY DEVELOPMENT ZONE	PUBLIC USE ZONE - Transport		
FARMING ZONE	URBAN GROWTH ZONE	PUBLIC USE ZONE - Cemetery/Crematorium		
RURAL CONSERVATION ZONE	COMMONWEALTH LAND	PUBLIC USE ZONE - Local Government		
URBAN FLOODWAY ZONE		PUBLIC USE ZONE - Other Public Use		

SUBJECT LAND

0 25 50 100 150 200 M

Figure 2 Current zoning

1.2 Background to the proposal

The subject land is located in Drysdale (current population of Drysdale - Clifton Springs is approximately 14,000 persons) which is one of the major towns on the Bellarine Peninsula.

Drysdale is one of the designated growth areas on the Peninsula (along with Ocean Grove and Leopold) and is currently experiencing population growth particularly in its major growth area to the west known as the Jetty Road Growth Area.

Figure 3 shows the proposed rezoning of the major portion of the land at 40 – 42 Newcombe Street, Drysdale from PUZ1 to GRZ1, consistent with the zoning of the surrounding land.

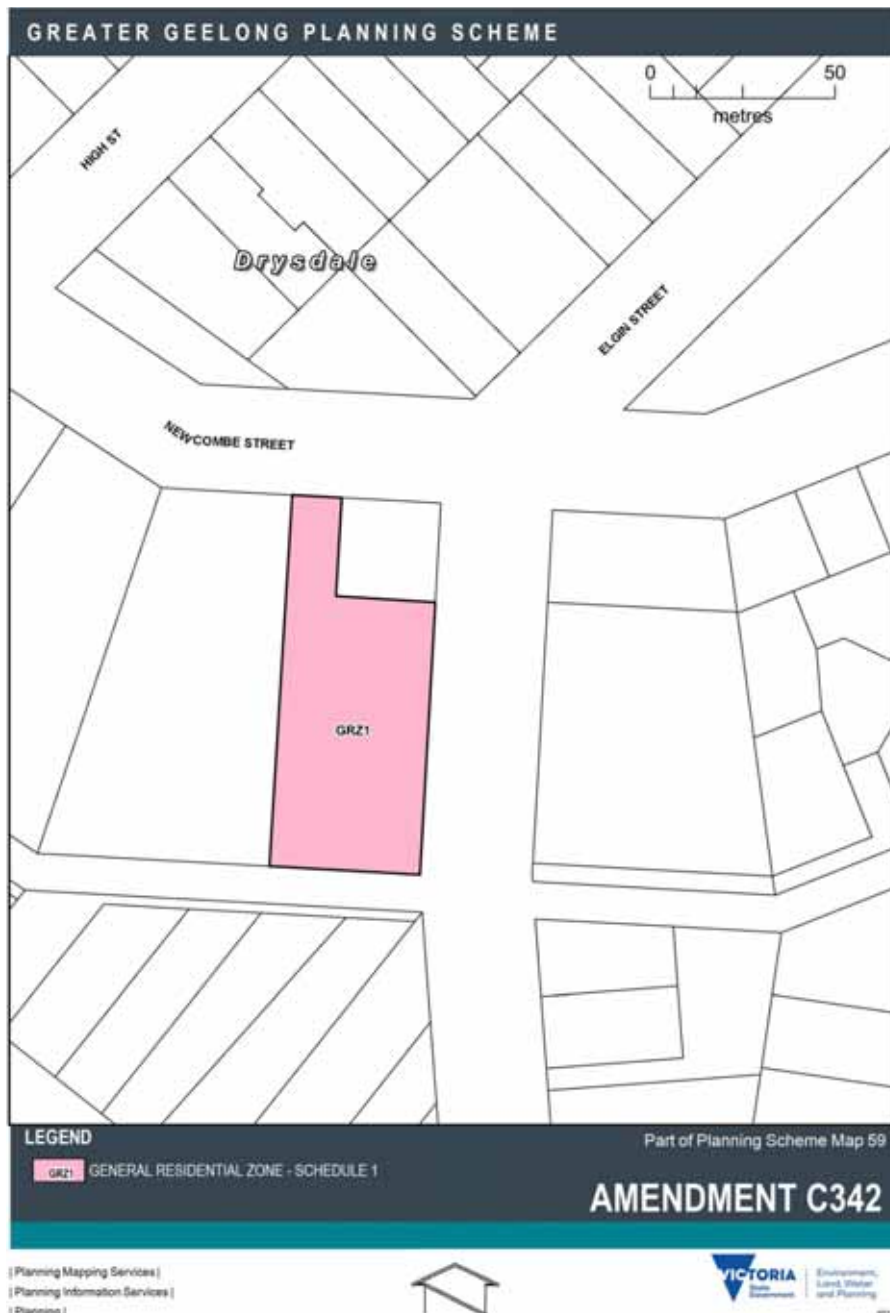


Figure 3 Proposed rezoning

1.3 Summary of issues raised in submissions

The key issues raised in the submissions of the various parties are briefly summarised as follows:

- unsealed roads
- loss of solar access
- amenity
- stormwater
- alternative uses.

1.4 Issues dealt with in this Report

The Panel considered all written submissions made in response to the exhibition of the Amendment; as well as further submissions, evidence and other material presented to it during the Hearing, and observations from site visits.

2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

2.1 Policy framework

Keep this brief and only include relevant information.

(i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the State Planning Policy Framework (SPPF):¹

- Clause 11.02 Urban Growth - strategies include *"Planning for urban growth should consider opportunities for consolidation, redevelopment and intensification of existing urban areas."* This amendment provides an opportunity for the creation of 10 additional residential lots in a location with excellent accessibility to a range of community facilities and services.
- Clause 11.07 Geelong Regional Growth - the objective of Clause 11.07-1 is *"to optimise infrastructure and consolidate growth"*, with one of the strategies specifically to *"support the growth of ... Drysdale/Clifton Springs ... as district towns by building on existing and planned infrastructure ..."*
- Clause 16.01-1 (Integrated Housing) - seeks to increase the supply of housing in appropriate locations, including under-utilised land as in being proposed by the amendment.
- Clause 19.03-2 (Water Supply, sewerage and drainage) - the amendment and proposed development effectively utilises existing services and provides for future community needs.

(ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

- Clause 21.06-3 (Urban Consolidation) and 21.06-4 (Neighbourhood Character) seek to provide for the consolidation of existing urban areas in a managed way. The proposed subdivision implements these objectives by creating new lots within an existing urban area that are responsive to and respectful of the established neighbourhood character.
- Clause 21.14 (The Bellarine Peninsula) - the Amendment supports the development of one of the identified growth areas on the Bellarine Peninsula within the defined

¹ Amendment VC134 to the Victoria Planning Provisions (VPP) and all planning schemes in Victoria was introduced on 31 March 2017. It also restructures Clause 11, includes policy-neutral updates and administrative changes and introduces new and updated incorporated and reference documents.

settlement boundary of Drysdale as shown in Council's adopted Drysdale Clifton Springs Structure Plan.

2.2 Planning scheme provisions

(i) Zones

The Amendment proposes to rezone the land from the Public Use Zone (PUZ) to the General Residential Zone (GRZ). The primary purpose of the GRZ is:

to respect and preserve urban character while enabling moderate housing growth and housing diversity.

(ii) Overlays

There are no overlays applicable to this Amendment.

2.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

Ministerial Direction No 11 - Strategic Assessment of Amendments

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).

Ministerial Direction No. 17 Localised Planning Statements.

The Amendment implements the Bellarine Peninsula Localised Planning Statement by providing for development which is consistent with the adopted Drysdale Clifton Springs Structure Plan.

The Form and Content of Planning Schemes (s7(5))

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

(ii) Planning Practice Notes

PPN78 – Applying the Residential Zones

The Amendment is consistent with PPN78. The practice note specifies that applying the residential zones should be underpinned by clearly expressed planning policies in the planning scheme. The SPPF and Local Planning Policy Framework in the planning scheme should be the starting point for deciding whether the council's strategic objectives are still valid and sound, or whether new strategic work is required.

2.4 Conclusion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes.

3 The issues

The issues raised by submitters include:

- unsealed roads
- loss of solar access
- amenity
- stormwater
- alternative uses.

3.1 Submissions

Submissions have been grouped under various issues below.

Regarding the choice of zone, St Quentin Consulting, acting on behalf of Barwon Water, submitted that the application of the GRZ:

Is an entirely appropriate response to the Subject Lands' characteristics, its' location and its' context; this is an under-utilized area of urban land located in the middle of a reasonably typical area of suburban housing which displays a diversity of housing types, and which is contained within the defined settlement boundary of Drysdale.

Council submitted conditions as required by relevant referral authorities have been included on the exhibited permit 1342/2015.

(i) Unsealed roads

Submitters 5,6 and 9 raised the issue of unsealed roads and the dust and amenity issues associated with the proposed development exacerbating this situation. Council submitted access to the subject land and proposed subdivision is gained from either Newcombe or Elgin Streets, both of which are unsealed.

Council submitted that the submissions made by nearby residents about the prospect of the additional traffic generated by the proposed development exacerbating the existing dust problem is not unexpected. It advised:

The Council's Engineering Department receives regular complaints about the condition of those roads particularly in dry summer conditions when the issue of dust created by vehicles travelling along these streets causes discomfort and inconvenience for residents. In wet conditions the road surface becomes sloppy with mud, resulting in dirt coating residents' vehicles and driveways.

Council explained that many unsealed roads were created in most of the Bellarine Peninsula towns when neither sealed roads nor constructed drainage systems were considered necessary. It submitted that it has addressed this legacy from the historical development of the Bellarine Peninsula towns by for many years implementing Special Rates and Charges Schemes to upgrade local unsealed roads. Under these Schemes, property owners living on unsealed roads can agree to jointly meet the cost of Council undertaking their construction. These Schemes have seen dozens of Bellarine Peninsula local roads upgraded over recent years.

Council submitted:

In 2012 the Council wrote to all residents in Newcombe Street to determine their interest in participating in a special charge scheme whereby property owners would meet the cost of construction and sealing of the street. Council advised it did not receive adequate support for this project and subsequently advised owners it would not be proceeding.

More recently, at the request of a number of owners in Elgin Street, the Council has indicated to them it will initiate design work and further detailed resident consultation in 2018 – 2019 financial year with the prospect of construction of the street taking place in 2019 – 2020.

The TIA report prepared by Civil and Traffic Consulting on behalf of Barwon Water submitted with the application has estimated that the proposed subdivision will generate 90 vehicle trips per day (including 9 peak hour trips). The report indicates that all generated traffic is likely to use Elgin Street to gain access to the outside wider area (rather than Newcombe Street) and argues that the additional peak hour volume “*will have a negligible impact on performance and safety of the local road network*”.

In brief summary, the existing situation regarding road access can be summarised as follows:

- Both access roads (Newcombe and Elgin Streets) to the subject land are not sealed;
- Future traffic from the proposed Amendment/Permit subdivision development is likely to use Elgin Street; and
- There is a good prospect of Elgin Street being upgraded and sealed in 2019 – 2020.

In assessing this application, Council submitted it was unreasonable to request the applicant to fund the full cost of construction of either or both Newcombe or Elgin Streets. It noted:

Such cost was considered to be an excessive imposition on a proposed 10 lot subdivision which would be only likely to generate a very modest additional traffic load on these roads which already provide direct property access to some 48 existing dwellings.

Council submitted that the other option of not proceeding with this amendment and refusing the residential subdivision until either one or other of these access roads are constructed is not supported. All of the surrounding area has been substantially subdivided into conventional residential size lots. It argued to prevent the subject properties from being similarly subdivided at this stage is considered to be an overly-restrictive imposition on the owner of the land.

The requirement that Council has imposed on the proposed subdivision permit is the full construction of Elgin Street south of Newcombe Street because the proposed lots fall on both sides of this section of Elgin Street. The intersection treatment with Newcombe Street is proposed to be finished in the same manner as the subdivision to the east, where The Glen intersects with Newcombe Street.

Submitters 5 and 6 argued that dust, ‘hoons’ and traffic using Newcombe and Elgin Streets as a rat run were a concern for safety and amenity reasons. They were both generally supportive of the subdivision. Their main concern was sealing the road.

Barwon Water submitted it commissioned a *Traffic Impact Assessment* (TIA) to identify anticipated traffic and parking generation associated with the proposal, and to identify the measures necessary to appropriately address the impacts of that traffic and parking generation.

The TIA concluded that traffic generation associated with the proposal will have a “*negligible impact*” on the performance and safety of the local road network, which includes these existing unsealed roads. Barwon Water submitted it would be neither fair nor equitable for the Proponent to be burdened with the full cost of those works. This view was supported by the Council.

(ii) Loss of solar access

Submitter 8 is located in the adjoining subdivision to the east in The Glen. The submitter expressed concern about potential future overshadowing of solar panels on their property, as their home is located virtually on the common property boundary.

Council submitted that the proposed lots on the east side of Elgin Street adjoining the submitter’s home have an area exceeding 1000 square metres and a depth of some 60 metres. As such, they are sufficiently large to enable some form of protection to be provided to the submitter’s solar panels.

Barwon Water advised that it been negotiating with the submitter in an effort to determine a suitable building setback on the subject land to address the submitter’s concerns. At the hearing it advised that the submitter has withdrawn his objection on the basis of an agreed building setback being applied as a Restriction on Title.

Post-hearing Council and Barwon Water agreed on an additional condition being applied to the permit to provide for its implementation, and on 15 March 2017 the submitter withdrew their objection subject to these requirements being placed on the planning permit (Document 5).

(iii) Amenity

Submitter 10 submitted on issues relating to loss of privacy and amenity if the proposed rezoning and subdivision proceeds. They objected because their backyard looks directly out onto the proposed lots, which in turn will have a direct line of sight into their back yard, outdoor deck and living rooms at night when their lights are on.

Council submitted that from inspection from the subject land verifies the potential overlooking into the backyard of the submitter’s property with the rear of their home being clearly visible, substantially resulting from the topography of the area with both properties sloping down to the intervening watercourse.

St Quentin submitted photographs showing the potential view (documents 7 and 8). They submitted that there is a distance of some 75 metres between the rear of submitter 10’s house and the closest part of the Amendment site. St Quentin and Council both argued that this distance far exceeds normal overlooking requirements in a residential zone and as such, the concern about loss of privacy is considered very difficult to substantiate.

The submitter's backyard, which has a depth of some 60 metres from the rear of the house, provides an ample opportunity for the planting of landscaped screening if required in the future.

(iv) Stormwater

Submitter 10 has raised concerns about increased water run-off from the proposed development and potential additional flooding of the creek. The submitter is also seeking dense tree planting and landscaping along the creek corridor to improve water quality and movement.

Council explained that the Barwon Water's *Flood Investigation Report* acknowledges the creek is subject to flooding in the 1 in 100 flood event and recommends mitigation measures to provide permanent protection from flood risk e.g. lot setback, filling, building floor levels. It advised the Panel that permit conditions have been included on the permit as required by CCMA and Council engineers to address these issues.

Council did not support dense tree-planting and landscaping along the creek. It submitted that this would be an impediment to the free flow of floodwater.

(v) Alternative uses

Submitter 10 suggested *alternative community type uses* for the amendment/permit land as a means of addressing the privacy amenity issues referred to above. The submitter suggested alternative uses included a community solar energy farm or a community garden.

Council submitted:

As the Council does not own the land and does not intend to purchase it, there is little prospect of a community use being established. A community garden at 225 – 270 Jetty Road, Drysdale (the Springdale Community Garden) draws membership from across the Northern Bellarine.

(vi) Discussion

Council and Barwon Water (as Proponent) have worked through the majority of the issues raised and formulated satisfactory permit condition responses where appropriate. With regard to alternative uses and privacy issues raised by submitter 10, the Panel does not share the submitters' concerns as Council demonstrated that overlooking issues were well beyond standard Clause 55 requirements (i.e. more than 9 metres), and alternative uses were not relevant as Council was not the owner of the land. The Panel recognises issues relating to dust and road condition, however cannot impose the sealing of the roads on the Proponent beyond their immediate site. Residents in the past have had the chance to sign on to 'Special Rate and Charge Schemes' and declined the offer.

3.2 Amended planning permit

The post-exhibition permit at Appendix C of this report contains changes stemming from negotiation with submitters and the proponent.

Additional noise insulation has been recommended by an internal Barwon Water report. Barwon Water agrees with an additional permit condition being included to give effect to

this requirement. During the Hearing, additional wording relating to this condition and a condition relating to solar panels was discussed and submitted post-exhibition.

Council submitted a revised condition 32 to ensure compliance with SEPP N-1. In the Hearing Barwon Water advised that noise limits can change over time, and as such no specific noise ambience level has been nominated in the condition. The Panel supports this revision.

With regard to solar access, the Panel supports the amended condition 1(b) to ensure that any future development proposed does not unreasonably reduce the operation of the existing solar panels on the dwelling at number 14 The Glen.

Council submitted that the public open space requirement contained in the exhibited permit (condition 33) was calculated incorrectly. Upon review, Council submitted this has been discussed with Barwon Water and is to be a flat 5% over the two properties. The Panel supports this revision.

3.3 Conclusions and recommendations

The Panel considers that the Amendment is generally consistent with State and Local Planning Policies and will enable the land to be subdivided for residential development in a manner which is consistent with the surrounding residential area.

The Panel acknowledges that, whilst access to the subject land along unsealed roads is not altogether ideal, the additional traffic likely to be generated by future development is unlikely to result in significantly increased dust issues to the extent that it warrants the amendment being abandoned. Imposing the cost of sealing existing roads on the permit applicant is not a fair outcome and could not be justified. The Panel encourages Council and local residents to re-visit the special rates scheme to address this issue.

The Panel supports the planning permit application, subject to modifications, as discussed at the Hearing and provided post-exhibition, contained in Appendix C.

The Panel concludes:

- The planning permit and rezoning request is consistent with state and local planning policy and should be supported.

Based on the reasons set out in this report, the Panel recommends:

- **Adopt Amendment C342 to the Greater Geelong Planning Scheme as exhibited.**
- **Issue Planning Permit 1342/2015, subject to the amended conditions provided in Appendix C.**

Appendix A Submitters to the Amendment

No.	Submitter
1	Barwon Water
2	Corangamite Catchment Management Authority
3	DELWP
4	EPA
5	G and T Jeffrey
6	J Smith
7	C Mason c/- St Quentin
8	M Stent
9	C Swinton
10	J Tilley
11	VicRoads

Appendix B Document list

No.	Date	Description	Tabled by
1	4/4/2017	Council Submission	Ian McCartney
2	4/4/2017	New Clause 11.07 to the Victorian Planning Provisions	Ian McCartney
3	4/4/2017	Drysdale Historic Plan	Ian McCartney
4	4/4/2017	Greater Geelong Special Rates Policy	Ian McCartney
5	4/4/2017	Withdrawal of objection email dated 15/3/17 sent by M Stent	Chris Mason, St Quentin
6	4/4/2017	Submission on behalf of Barwon Water	Chris Mason, St Quentin
7,8	4/4/2017	Photos of subject land / views to objecting property	Chris Mason, St Quentin
9	4/4/2017	General Residential Zone extract	Chris Mason, St Quentin
10	4/4/2017	Email dated 30/3/17 – DELWP advice regarding new Clause 32.08-4	Leanne Stockley

Appendix C Panel Preferred Planning Permit

DRAFT – JULY 2016 [April 2017 \(Post Panel Changes\)](#)

PLANNING PERMIT GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987	Permit No.: 1342/2015
	Planning scheme: Greater Geelong
	Responsible authority: City of Greater Geelong

ADDRESS OF THE LAND: 40-42 NEWCOMBE STREET and 41-47 ELGIN STREET, DRYSDALE

THE PERMIT ALLOWS: TEN (10) LOT SUBDIVISION

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans Required

1. Prior to the certification of the Plan of Subdivision, 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
 - a) Road width and court bowl design in accordance with any conditions contained within the permit, including CFA requirements;
 - [b\) A restriction to be applied to the proposed lots with a common boundary to the land at 14 The Glen, Drysdale, to ensure that any development upon those proposed does not unreasonably reduce the operation of the 3x existing solar panels on the dwelling at 14 The Glen. The restriction must:](#)

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

- i) Limit built form within a 14.1m setback as measured from the western eave of 14 The Glen, Drysdale to a maximum height of 3.5m above natural ground level.
- ii) Limit built form beyond the 14.1m setback to a maximum height of 9m above natural ground level.

Note: The submitted plan must be accompanied by written approval from the CFA.

Endorsed Plans

- 2. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) shall 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 plans.

Plan for Certification

- 3. Unless otherwise approved in writing, the Plan of Subdivision submitted for certification must include:
 - a) a splay for road purposes at the intersection of Elgin Street (west side) and Newcombe Street;
 - b) all relevant drainage easements for the subdivision in favour of the City of Greater Geelong;all to the satisfaction of the Responsible Authority.
- 4. All reserves nominated on the plan of subdivision are to be vested to Council and the creation must be at no expense to Council.

Construction Management Plan

- 5. Prior to works commencing an Environmental (Construction) Management Plan (CEMP) shall be submitted and shall address control of site emissions during construction and the defects liability period to the satisfaction of the Responsible Authority. The plans must include measures to be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the construction period. The EMP shall be prepared in accordance with the EPA – Guideline for Environmental Management, Doing it Right on Subdivisions, Publication 960, September 2004. All development works must be carried out in accordance with the CEMP to the satisfaction of the Responsible Authority.

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

Works Adjacent Waterway – Corangamite Catchment Management Conditions

6. The development must demonstrate that site and access safety achieved in accordance with Australian Rainfall and Runoff Revision Project 10 Safety Criteria. Safety is defined in terms of the depth and velocity of water over the area in question during a 1% AEP flood event as follows:
 - a) Depth must be no greater than or equal to 0.3 metres; and
 - b) Velocity must be no greater than or equal to 3.0 m/s; and
 - c) The product of depth multiplied by velocity must be no greater than or equal to 0.3 m² per second.
7. It is recommended that minimum floor levels shall be no lower than 450mm above the applicable 1% AEP flood extent.
8. Any lot filling must be consistent with recommendations of the report Flood Investigation (Afflux Consulting, May 2016). Earthworks shall not result in adverse flood impacts to adjoining residential properties. Filling is not supported where depth of flooding exceeds half a metre, or where off site impacts are identified. Afflux mapping must show no off site hydraulic impacts onto private properties surrounding the development up to and including the 1% AEP flood event. Council assets (including drainage paths) where afflux occurs must be supported in writing by council, acknowledging the increased flooding on their assets.
9. Any proposed fill must be accompanied by detailed cut and fill balance calculations. Fill shall be limited to the flood fringe (depths less than half a metre) and in conjunction with calculations that demonstrate that no net loss of floodplain storage occurs.

Engineering Plans - Road Design and Drainage

Construction Plans

10. Prior to the commencement of works on the subdivision, engineer designed roadworks and drainage construction plans, including Functional Layout Plan must be submitted to and approved by the Responsible Authority. The engineering construction plans must show:
 - a) With each stage the extent of any proposed interim or temporary measures associated with road or other infrastructure;
 - b) Construction to a standard that achieves a functional design with no adverse external impacts and achieve an acceptable standard of aesthetics including landscaping and is maintained in perpetuity to the satisfaction of the Responsible Authority;
 - c) Roadworks construction including the provision of a court bowl to allow the appropriate servicing by side loading garbage and recycling trucks with maximum

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

sized bodies and air bag suspension, or any other type of suspension providing the worst case scenario. Unless otherwise approved in writing by the Responsible Authority, the court bowl must be of a minimum diameter of 21 metres from front of kerb to front of kerb and be fully sealed. The design cross slope of the court bowl at the end Elgin Street must be approved by the Responsible Authority prior to engineering, road or street design plans being approved by the Responsible Authority;

- d) Drainage designed to ensure runoff is to be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority;
- e) The stormwater drainage system designed so that stormwater runoff exiting the land meets the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:
 - i) 80% retention of the typical annual load of suspended solids;
 - ii) 45% retention of the typical annual load of total phosphorous;
 - iii) 45% retention of the typical annual load of total nitrogen; and
 - iv) 70% retention of the typical annual load of gross pollutants
- f) Fully sealed pavement of 6.0m width in Elgin Street, including court bowl;
- g) Kerb and channel and nature strip either side in Elgin Street;
- h) Footpath on both sides of Elgin Street, and connecting across the frontage of Lot 1 west, extending to the western boundary in Newcombe Street;
- i) Treatment of the intersection between Elgin Street and Newcombe Street, including road drainage, designed and constructed in accordance with engineering plans. The intersection treatment shall be consistent with that undertaken at the intersection of Newcombe Street and The Glen;

all to the satisfaction of the Responsible Authority.

Drainage and Road Construction Completion

- 11. Prior to the issuing of a Statement of Compliance for the subdivision, roadworks and an underground site stormwater drainage system must be constructed in accordance with the approved plans and specifications. The stormwater drainage system is to be

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

constructed within easements and/or road reserves to cater for all lots, roads, streets and courts created by the subdivision and the surrounding developed and undeveloped area all to the satisfaction of the Responsible Authority. Typically the drainage system will include overland surface channelling and underground stormwater pipe network for the conveyance of major and minor storm events.

Street Names – Place Signs

- 12. Prior to the issuing of a Statement of Compliance for the subdivision the subdivider must provide and place all relevant street signs to the satisfaction of the Responsible Authority.

Street Lighting

- 13. Prior to the issuing of a Statement of Compliance for the subdivision street lighting must be provided within and abutting the subdivision to the satisfaction of the Responsible Authority and at the full cost of the subdivider.

Maintenance of Civil Works

- 14. Unless otherwise approved in writing by the Responsible Authority, the civil works shown on any endorsed engineering plan must be maintained to the satisfaction of the Responsible Authority for a period of one (1) year.

Maintenance Bond

- 15. Prior to the issuing of a Statement of Compliance for the subdivision a civil works maintenance bond of 5% of the cost of the works must be paid to the Council. The bond will be returned after successful completion of the relevant maintenance period.

Disturbed Surfaces

- 16. Prior to the issuing of a Statement of Compliance for the subdivision, all disturbed surfaces on the land authorised by this permit except those areas set aside for roadways and footpaths shall be dressed with topsoil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Responsible Authority to prevent any erosion or siltation either on or adjacent to the land.

Council Assets

- 17. Prior to the issuing of a Statement of Compliance for the subdivision, any repair and reinstatement necessitated by damage to Council assets caused by or as a result of the subdivision construction is required to be carried out at the developer’s expense to the satisfaction of the Responsible Authority.

Existing Fill

- 18. Prior to the issuing of a Statement of Compliance for any relevant stage of the subdivision, any existing previously filled ground within/abutting the subdivision for which the conditions of the placement are neither adequately documented and tested, nor are to the satisfaction of the Responsible Authority, must be completely removed

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

by the developer. Replacement material, compaction and testing of the fill is to be to the satisfaction of the Responsible Authority.

Streetscape and Landscaping Works

Weed Removal

- 19. Prior to the commencement of any on-ground works the large infestation of Flax-leaf broom, which is a serious noxious weed, must be removed by either cut and paint method or sprayed. These works must be fully implemented by a licensed contractor to the satisfaction of the Council’s Environment and Waste Services Unit.
- 20. All vehicles, earth moving equipment and other machinery must be cleaned of soil and plant materials before entering and leaving the site to prevent the spread of weed and pathogens.

Vegetation Protection

- 21. No native vegetation shall be removed other than that marked on the endorsed plan, to the satisfaction of the Responsible Authority. The two (2) River Red Gums located at the rear of proposed Lot 4 are to be retained as part of the proposed subdivision.
- 22. Prior to any native vegetation removal, the vegetation to be retained on site shall be protected by Tree Protection Fencing in accordance with AS4970-2009 Protection of Trees on Development Sites. An inspection of the tree protection measures is to be undertaken by an officer of Council’s Environment Unit prior to works commencing in the location of the vegetation to be retained.

Streetscape Plans - Landscaping

- 23. Prior to the Statement of Compliance being issued for 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. The plan must show:

- a) The layout of proposed new planting in all road reserves and traffic management devices (e.g. medians, islands, and roundabouts)
- b) Details of all other infrastructure within the road reserve (e.g. underground services street lights, stormwater pits, fire plugs etc)
- c) 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
- d) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres
- e) Tree placement on secondary lot frontages using no more than two (2) trees that grow to an estimated size at maturity of no greater than 5 x 4m

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

- f) All proposed groundcover and shrub planting with a minimum container size of 150mm
- g) The maintenance schedule for all proposed planting

Notes

1. Streetscape plans must be submitted to the Responsible Authority for approval separately to adjoining land including Council reserves.
2. Proposed entry signage must not be located on public land.
3. Landscape treatments within traffic control devices such as medians and roundabouts are subject to specific control measures.
4. Street tree species selection within the master plan is subject to approval by Powercor in accordance with the requirements of the Distribution Construction Standard, Underground Trenching dated 25 Nov 2015. 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.
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.

Completion of Streetscape Works

24. Unless otherwise approved in writing by the responsible authority, prior to the issue of Statement of Compliance all streetscape works shown on the endorsed streetscape plans for that stage must be completed to the satisfaction of the responsible authority.
25. Where streetscape works forming part of the endorsed plans are not commenced or 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 developer may request the approved Streetscape Plan to be appropriately bonded or covered by a bank guarantees. 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 Statement of Compliance being awarded.
 - The incomplete streetscape works bond or bank guarantee must be 125% of the estimated cost of incomplete streetscape works.
 - The maintenance bond or bank guarantee must be 100% of the estimated cost of maintenance activities for a two (2) year period.

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

Notes

1. A 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

26. 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.

Where the landscape works are bonded, the maintenance period will commence from the time that the landscape works have been inspected and completed to the satisfaction of the Responsible Authority.

27. A maintenance bond to the value of 100% 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.

Notes

1. 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.
2. 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.
3. No handovers will be accepted during the summer period, between 30 November and 1 March.

Pumphouse and Reserve to be Vested to Council - Landscaping Works

28. Prior to works commencing, a detailed landscaping plan shall be submitted to and approved by the Responsible Authority which provides dense screen planting on the northern, eastern and southern boundaries, to soften the visual impact of the Pump House Facility using local indigenous species. All works within the approved landscaping plan must be fully implemented by Barwon Water prior to the completion of the subdivision and issue of Statement of Compliance.

Council Reserves – Footpath / Loam / Landscape

29. Prior to the issuing of a Statement of Compliance for the subdivision which includes a Council reserve, the subdivider must include; loam and sow down, landscaping, etc.

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

within and abutting the Council Reserve to the satisfaction of the Responsible Authority.

Council Reserves – Vehicle Access Barriers

- 30. Prior to the issuing of a Statement of Compliance for the subdivision vehicle access barriers must be provided across the entrance of the Council Reserve to the satisfaction of the Responsible Authority. One of these shall be de-mountable to allow access to Council maintenance vehicles to the satisfaction of the Responsible Authority. The location and design of these barriers must be agreed to in writing by Council prior to their installation.

Fencing of Council Reserves

- 31. Prior to the issuing of a Statement of Compliance for the subdivision which includes a Council reserve, the subdivider 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.

Pumphouse Noise Insulation

- 32. Prior to the issue of statement of compliance, noise insulation to the pumphouse must be undertaken to ensure noise emissions received at the nearest proposed residential lot is within allowable limits, in accordance with State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade No. N-1 (SEPP N-1) (Victorian Government, 1989). Unless otherwise approved in writing, evidence of completion and compliance shall be supplied to the Responsible Authority.

Public Open Space Contribution

- 33. Prior to the issue of a Statement of Compliance a Public Open Space contribution is payable to Council pursuant to Section 18 of the Subdivision Act 1988. The owner of the subject land must pay to the Council a sum equivalent to five (5) per cent of the site value of all of the land in the subdivision
 - ~~a) five (5) per cent of the site value of the land in the subdivision identified as Lot B PS 642109V and known as 41-47 Elgin Street; and~~
 - ~~b) ten (10) per cent of the site value of the land in the subdivision identified as Crown Allotment D Section 13, TP870646F and known as 40-42 Newcombe Street.~~

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

PROVISION OF SERVICES

Telecommunications

334. 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.
345. Before the issue of 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 time; 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.

POWERCOR CONDITIONS

365. 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.
376. 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.
387. The applicant shall, 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. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

398. 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.

4039. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

410. Any construction work must comply with Energy Safe Victoria’s “No Go Zone” rules.

BARWON WATER CONDITIONS

General

421. 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.

432. The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation over all existing and proposed sewers located within the subdivision. The width of these easements shall be 2.0m centrally located over the sewer main.

Water

443. The provision and installation of individual water services to all lots in the subdivision in accordance with Barwon Water requirements and Victorian Plumbing Regulations. Note that tapplings and services are not to be located under existing or proposed driveways.

454. 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.

Sewer

465. Reticulated sewer mains, including individual allotment house connection branches extending into each allotment, are 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.

476. 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.

Note: The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of a water supply and sewerage service to the subdivision.

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

CFA CONDITIONS

Hydrants

- 487. Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
- 498. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- 5049. Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site

Roads

- 510. 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.
- 521. 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.
- 532. Roads must have a minimum trafficable width of:
 - 5.5m if parking is prohibited on one or both sides of the road,
 - 7.3m where parking is allowable on both sides of the road.
- 543. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.
- 554. Any road with a trafficable width (Kerb to Kerb) less than 7.3 metres, must have 'No Standing' signage and/or appropriate on-road line markings installed to clearly identify that parking is only allowed on one side of the roadway.

SUBDIVISION EXPIRY

- 565. This permit as it relates to subdivision will expire if one of the following circumstances applies:
 - a) The plan of subdivision has not been certified within two (2) years of the date of this permit.
 - b) A statement of compliance is not issued within five (5) years of the date of certification.

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

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

Note:

1. Construction of the site stormwater connection/s is to be inspected by Council Representative at various stages. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.
2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
3. A Vehicle Crossing Permit must be obtained prior to commencement of works.

[If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit, and the name of the responsible authority that approved the amendment —]

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
---------------------	---	---

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. *[insert amendment number]* to the *[insert name of 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.