

DRAFT

Permit No.

PP-39-2019

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

Planning Scheme

Greater Geelong Planning
Scheme

Responsible
Authority

Greater Geelong City Council

ADDRESS OF THE LAND

87-101 & 103-127 ASH ROAD, LEOPOLD

THE PERMIT ALLOWS

**MULTI LOT STAGED SUBDIVISION, REMOVAL OF
NATIVE VEGETATION, AND REMOVAL OF
EASEMENT(S)
GENERALLY IN ACCORDANCE WITH THE ENDORSED
PLANS**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Prior to certification for the first stage of the 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 must be generally in accordance with maps shown in the Design and Development Overlay – Schedule 46 and 43, but modified to show:
 - a) A 1ha Northern Open Space Reserve which is of suitable dimensions (Broadly Square or Rectangular with sides no greater than 2:1);
 - b) Identify areas of encumbered and unencumbered open space. This should be shown on the map and also include a land use budget to demonstrate compliance with 10% unencumbered open space provision. Linear Links should not be included as unencumbered open space;
 - c) Provision of an off road connection (direct, shared path or other format) to the southern local park shown as part overall open space network;
 - d) Consistency with approved house lot retention subdivision layouts of PP-261-2020 and 263-2020.

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.
3. Unless otherwise approved in writing by the Responsible Authority, the subdivision must be staged in accordance with the endorsed staging plan.

Engineering Conditions

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CONDITIONS OF PLANNING PERMIT NUMBER PP-39-2019 CONTINUED**Stormwater Outfall Impact Assessment**

4. Prior to the lodgement of the Functional Layout Plan for the first stage of development, an addendum to the *Ash Road East Stormwater Management Plan* and *Ash Rd Development - Flows to Lake Connewarre Impact Assessment* for the South East Leopold Growth Area must be submitted and approved by the Responsible Authority. The assessment must include but not be limited to an assessment of;
- a) the adopted ultimate stormwater management plan for Mollers Lane development PP-1463-2016, approved by the City of Greater Geelong
 - b) any interim stormwater measures approved
 - c) the constructed outfall infrastructure to Lake Connewarre
 - d) and propose a stormwater strategy design response to the ultimate stormwater management plan and constructed assets.

The addendum assessment must be submitted to and approved by the Responsible Authority, to the satisfaction of the Responsible Authority.

Creation of Reserve on 129-141 Ash Rd – Prior to Commencement of Works

5. Unless otherwise approved in writing by the Responsible Authority, prior to works commencing, a Plan of Subdivision must be submitted and approved by the Responsible Authority under Section 35 of the Subdivision Act 1988, creating a reserve for drainage purposes in general accordance with the growth area development plan on 129-141 Ash Rd and in favour of the City of Greater Geelong, at the landowners expense.

The plan of subdivision creating the reserve must be registered with Land Victoria within 60 days of approval by the Responsible Authority and all associated costs and compensation are at the landowners expense, or there must be an agreement in writing to the satisfaction of the Responsible Authority which secures its creation prior to commencement of works.

Engineering Plans Required

6. Prior to the commencement of site works for any stage of the subdivision, the developer is required to submit detailed road and drainage construction plans for that stage to the Responsible Authority for approval. The plans shall include details of pits and pipes sizes, finished and existing surface levels, location of appropriate easements, detention basin(s) including any required drainage reserves, water quality treatment and connection to the legal point of discharge. The Consulting Engineer must show that the design for the drainage system complies with the requirements of the Infrastructure Design Manual (Local Government Infrastructure Design Association, Version 5.30, March 2020, or as amended from time to time) and any other relevant standards.

The plans must include, but not limited to:

- a) 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:
 - 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.
- b) Site run-off shall be limited to equivalent pre-developed levels for rainfall events up to and including the critical 1% AEP event, to the satisfaction of the Responsible Authority.
- d) Minimum finished surface levels on all lots must be 300mm above the relevant 1% AEP flood level.
- e) Detailed methodology for the removal of existing dams.

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- f) Risk assessment of drainage structures, in accordance with relevant ANCOLD guidelines.
- g) Construction of Ash Road including concrete kerb and channel, footpath, intersection treatments and sealed road pavement where it abuts the subject site, unless otherwise approved in writing by the Responsible Authority;
- h) Interim road construction and asset works in Ash Road abutting Stage 4, during Stage 2.
- b) Footpaths on both sides of roads unless otherwise approved in writing by the Responsible Authority;
- 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.

Note

1. 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.

Prior to Certification - Easements

7. 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 in favour of the City of Greater Geelong to the satisfaction of the Responsible Authority.
8. Unless otherwise approved in writing by the Responsible Authority, prior to certification of each relevant stage of the Plan of Subdivision, the following easements and/or reserves must be created and registered with Land Victoria, or there must be an agreement in writing to the satisfaction of the Responsible Authority which secures their creation:
 - a) Drainage easements and/or reserves as required by the land use between the subject site and the outfall at Lake Connewarre;
 - b) Carriageway easements on adjoining land where required to facilitate the construction of drainage infrastructure and works;
 - c) Carriageway easements in favour of relevant authorities where access to assets is required;
 - d) Carriageway easement over any private property that is required to facilitate a vehicle turnaround area for waste services/fire services and to create the Temporary Hammerhead Turnaround at the dead end of a street or streets. The use of private property driveways to create a hammerhead is acceptable and must be approved by the Responsible Authority unless other options are agreed to and approved by the Responsible Authority. The Temporary Hammerhead Turnarounds of each stage must be maintained by the applicant until the connecting road network is completed and the kerbside collection trucks can undertake all collections in a forward motion.

All to the satisfaction of the Responsible Authority.

Local Area Traffic Management and Road Name Plan

9. Unless otherwise approved in writing by the Responsible Authority, prior to the lodgement of Functional Layout Plans for Stage 1:

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- a) A Local Area Traffic Management (LATM) Plan must be developed with Council's Traffic Development Engineer's, and submitted to and approved by the Responsible Authority. The LATM treatments may include, but not limited to: traffic management devices, modified intersection priorities, indented car parking, signage, linemarking, and vehicle crossing locations. All treatments shown on the LATM Plan on subsequent construction plans for each stage must be consistent with the approved LATM Plan.
 - b) When the LATM plan has been finalised, a Road Naming Plan must be developed with Council's Traffic Development Engineer's, 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.

All to the satisfaction of the Responsible Authority.

Road Names and Signs

- 10. Prior to the development of the Road Naming Plan and lodgement of the Functional Layout Plan for Stage 1, the permit holder must provide a list of all proposed road names within the subdivision for approval by Council's Properties and Valuations unit. The permit holder 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.

Functional Layout Plan

- 11. Unless otherwise approved in writing by the Responsible Authority, prior to works commencing for each relevant stage of the Plan of Subdivision, a detailed Functional Layout Plan for that stage of the subdivision must be submitted to and approved by the Responsible Authority. The plan must be in accordance with the Infrastructure Design Manual and submitted with the Design Engineers Checklist - Request for functional layout approval. Plans are to include:
 - a) Locations of High voltage cable routes, sub-stations and property/NBN services pits;
 - b) All Local Area Traffic Management items along with waste bin presentation plan, maintenance vehicle access points, maintenance vehicle access tracks, tree protection measures, footpaths and utility installations on or adjacent to public reserves.

All to the satisfaction of the Responsible Authority.

Interim Works

- 12. The engineering construction plans must show with each stage the extent of any proposed interim measures associated with road, drainage or other infrastructure and must detail construction to a standard that achieves a functional design with no adverse external impacts and achieves an acceptable standard of aesthetics including landscaping and is maintainable in perpetuity to the satisfaction of the Responsible Authority. The Responsible Authority may approve modifications to the execution of this requirement upon receipt of an application in writing that successive stages are to immediately follow on with construction and a guarantee that should this not occur within a prescribed time.
- 13. All temporary road connections to existing roads must be maintained by the landowner until the ultimate alignment is constructed, to the satisfaction of the Responsible Authority.

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14. Prior to the commencement of site works for any stage of the subdivision, a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the Responsible Authority. When approved this CEMP will form part of this permit. The plan will be reviewed and updated to include each stage of development. This plan must incorporate, but is not limited to, the following information:
- a) Measures to protect all vegetation nominated to be retained and the two waterways;
 - b) A Traffic Management Plan with proposed access and routes of construction vehicles to and from the site must submitted and approved to ensure that no traffic hazards are created in and around the site;
 - c) An outline of requests to occupy public footpaths or roads, and anticipated disruptions to traffic on Ash Road and utility services – updated regularly to include copies of Consents, Notifications or MOUs from Authorities;
 - d) A dilapidation survey of authority assets within and immediately adjoining the site must be documented and reviewed prior to Practical Completion for each Stage.
 - e) All appropriate control of site emissions during construction and the defects liability period;
 - f) A staging plan for all construction phases including indicative dates for commencement and completion;
 - g) 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 in the event of damage to abutting assets;
 - h) Details of where construction personnel will park; Planning and Environment Regulations 2015 - Form 9. Section 963
 - i) Lined and bunded concrete washout area
 - j) Designated Hydrocarbon filling area and spill kit
 - i) Hours/days of construction, including deliveries, that are consistent with applicable 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;

The CEMP must include measures to ensure the following requirements are met:

- a) No polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the construction period.
- b) No polluted stormwater runoff from the development site shall impact upon the Lake Connewarre State Game Reserve Ramsar wetland.
- c) Any construction stockpiles, fill and machinery must be placed away from those areas supporting native vegetation and drainage lines.
- d) All vehicles, earthmoving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.
- e) Any other measures that are consistent with the following EPA publications: 'Environmental Management Guidelines for Major Construction Sites', 'Construction Techniques for Sediment and Pollution Control' and 'Doing it Right on Subdivisions'
- e) Any other measures that are consistent with the following EPA publications: 'Environmental Management Guidelines for Major Construction Sites', 'Construction Techniques for Sediment and Pollution Control' and 'Doing it Right on Subdivisions'

The CEMP must be prepared in accordance with the EPA — Guideline for Environmental Management, Doing it Right on Subdivisions, Publication 960, September 2004 and CCF Environmental Guidelines for Civil Construction, 2010.

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15. All development and works must be carried out in accordance with the approved CEMP, to the satisfaction of the Responsible Authority.
16. All sediment and erosion measures must be fully implemented prior to the commencement of earthworks on the development site.

Water Sensitive Urban Design (WSUD) Landscape Plans

17. Unless otherwise approved in writing by the Responsible Authority, prior to works commencing for each relevant stage of the subdivision, plans which outline the WSUD landscaping elements must be submitted to and approved by the Responsible Authority. The plans must include, but are not limited to:
- Construction details of all water sensitive urban design elements including materials and plantings required for effective stormwater pollutant removal in accordance with the drainage design criteria specified in the conditions of this permit;
 - Planting and establishment schedule for all water sensitive urban design planting, including species and densities in accordance with the drainage design criteria specified in this permit;
 - Q10 and Q100 levels, and associated flow rates;
 - Details of existing and finished surface levels; and;
 - Construction and establishment methodology and associated staging of the WSUD works specific to the site, in accordance with relevant industry standards of the City of Greater Geelong to the satisfaction of the Responsible Authority.

All to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design (WSUD) Landscape Works

18. Unless otherwise approved by the Responsible Authority, prior to the issue of statement of compliance for the relevant stage, the Water Sensitive Urban Design works shown on the approved landscape plan must be carried out and completed to the satisfaction of the Responsible Authority.

Practical Completion for the WSUD works can only be awarded when the ultimate landscape design is complete and subject to:

- Civil works within the treatment device being issued Practical Completion; and
- Landscape works within the treatment device being completed; and
- The final stage of the development draining to that treatment device is issued Statement of Compliance; and;
- A relevant maintenance bond being in place for the planting works.

A Practical Completion inspection is required and must be arranged by the permit holder with a two week notice period provided prior to onsite inspections. Any incomplete landscape works bond for WSUD will be returned on award of Practical Completion.

Water Sensitive Urban Design (WSUD) Maintenance

19. Unless otherwise approved by the Responsible Authority, Water Sensitive Urban Design works must be maintained in accordance with Council's Landscape Standards Manual (June 2013), or any replacement landscape standard guidelines or manual which may be adopted by the Council, to the satisfaction of the Responsible Authority until:
- The end of 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; or;

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- b) Statement of Compliance is issued for the final stage of the development draining to that treatment device; whichever is the latter.

A Handover inspection is required and must be organised by the permit holder with a two week notice period provided prior to onsite inspections. No handovers will be accepted during summer months from 1 December to 29 February inclusive. Any landscape maintenance bond for WSUD will be returned on award of Handover.

Completion of Earthworks

20. At the completion of the bulk earthworks and at the completion of the works for each stage, all disturbed areas must be hydro mulched with an approved seed to the satisfaction of the Responsible Authority to suppress dust and minimise erosion, unless otherwise approved in writing by the Responsible Authority.

During the construction phase of the development, the following conditions must be met to the satisfaction of the Responsible Authority:

- 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; and
- f) all litter must be contained on site.

Prior to Statement of Compliance – Roads and Drainage

21. Prior to the issuing of a Statement of Compliance for any stage of the subdivision, all road and drainage works, including basin(s), must be constructed for that stage in accordance with the approved plans and specifications to the satisfaction of the Responsible Authority.
22. 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, payable prior to the issue of statement of compliance for the relevant stage, unless otherwise approved in writing by the Responsible Authority.
23. 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. The bond is payable prior to the issue of statement of compliance for the relevant stage, unless otherwise approved in writing by the Responsible Authority.
24. 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.
25. 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.

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26. Excavated material shall not be carted off the site except with the written approval of the Responsible Authority.
27. 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.
28. 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 otherwise approved 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.
29. All works must be undertaken in accordance with the recommendations of any geotechnical reports.

Redundant Crossovers

30. Prior to the issuing of a Statement of Compliance for each relevant stage of the subdivision, any vehicular crossovers which are redundant as a result of this subdivision shall be removed, and the kerb and channel, footpath and nature strip shall be reinstated as required, at the expense of the Landowner and to the satisfaction of the Responsible Authority.

Council Assets

31. Prior to the issuing of a Statement of Compliance for each relevant stage of the subdivision, repair and reinstatement necessitated by any damage to Council assets caused by or as a result of the subdivision construction is required to be carried out at the Landowners expense to the satisfaction of the Responsible Authority.

Provision for Waste Collection Services

32. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, relevant street signs must be erected to the satisfaction of the Responsible Authority, including any signs required to prevent parking on the street on days of recycling and waste kerbside collections to allow the collection contractor to service the courts and streets.
33. During construction of the development, the waste and recycling kerbside collection trucks shall not be required to reverse a distance greater than 20 metres. Temporary turnarounds or constructed carriageways must be provided at the end of each temporary dead end road of each stage where the reversing distance exceeds 20 metres. The temporary dead end turnaround of each stage must be maintained by the applicant until the connecting road network is completed and the kerbside collection trucks can undertake all collections in a forward motion.
34. Prior to certification of the plan of subdivision for any relevant stage, a carriageway easement must be provided over any private property that is required to create the Temporary Hammerhead Turnaround at the dead end of a street or streets. The required hammerhead length is 26.5 metres and a width of 5.5 to 6 metres. The use of private property driveways to create a hammerhead is acceptable and must be approved by the Responsible Authority unless other options are agreed to and approved by the Responsible Authority. The carriageway easement over the private property must remain in place for the duration that the temporary turnaround is required.
35. Where cul de sacs are to be created, they must be a minimum of 21 metres from face of kerb to face of kerb no parking signs to apply on the day of residential kerbside collection.
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36. Unless otherwise approved in writing by the Responsible Authority, prior to commencement of works for any relevant stage of the subdivision, a Bin Presentation Plan must be provided to the satisfaction Responsible Authority where bin pads are required:
- on the through street for properties which front onto a Place (a short cul de sac without a turning circle);
 - to courts with four or less dwellings and garbage collection is to occur at the mouth of the court;
 - at the corner of through traffic where a stage creates an ending, that is not a court or a hammerhead, that services a number of dwellings;
 - for bins from lots whose frontage is used for the bin pads.

When bin pad is more than 20 metres from a lot frontage a section 173 agreement is required for the property indicating where the bin placement is according to the Bin Presentation Plan.

Swept path information for kerbside collection trucks shall also be submitted, using a "Checking Vehicle" with no clearance from Kerbs and overhang permitted over the internal islands and Road Centreline. Garbage collection vehicles are 10.2 metres long, dual rear axle. The "Design Vehicle" – which design guidelines require no overhang and 0.5m clearance (Back of Kerb) in the road reserve. Swept path diagrams using recognised software must be provided to show all egress movements from the development so that these vehicles can exit the site in a forward direction, to the satisfaction of the RA.

Developer Contributions**Public Open Space Contribution**

37. Prior to the issue of Statement of Compliance for each stage of the subdivision, a public open space contribution, as specified in the Schedule to Clause 53.01 of the Greater Geelong Planning Scheme must be made to the Responsible Authority. The land must be provided in a manner which is consistent with the endorsed plan of subdivision and associated Section 173 Agreement applying to the land. Any shortfall in the 10% contribution must agreed to by the Responsible Authority and made as a cash contribution.

Land identified as public open space as approved by this permit must be transferred to or vested in Council at no cost to Council. Any public open space provided at the applicants request in addition to the requirements here, must be transferred to or vested in Council at no cost to Council and is not subject to compensation.

Community Infrastructure Contribution

38. Prior to the issue of Statement of Compliance for any stage of the subdivision, a Community Infrastructure contribution must be made to the Responsible Authority in accordance with the Section 173 Agreement applying to the land.

Social Housing Contribution

39. Unless otherwise approved in writing with the Responsible Authority, prior to the issue of Statement of Compliance for the first stage of the subdivision, the Owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, which provides for the provision of a social and/or affordable housing contribution (as defined in that agreement) to the satisfaction of the Responsible Authority. The Owner must pay the Responsible Authority's reasonable costs associated with the preparation, registration and enforcement of the agreement

Open Space Reserves and Streetscape Landscaping**Tree Protection Management Plan**

40. A Tree Protection Management Plan must be prepared by a suitably qualified arborist and

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submitted for approval by the Responsible Authority prior to any work commencing. The plan must be prepared in accordance with the relevant Australian Standards and address all:

- a) council-owned trees
- b) privately owned trees and
- c) trees owned by other parties that are located within 4 metres of the property boundary.

Once approved, the Tree Protection Management Plan and its recommendations will form part of the Planning Permit and must be distributed and communicated to neighbouring properties that may be affected by the works

41. All works must be in accordance with the endorsed Tree Protection Management Plan, unless otherwise approved in writing by the Responsible Authority.

Works within Tree Protection Zones

42. All works within the nominated Tree Protection Zones must be:

- a) carried out in accordance with Australian Standard 4373–2007 *Pruning of amenity trees* and Australian Standard 4970–2009 *Protection of trees on development sites*
- b) overseen by a suitably qualified, level-5 arborist
- c) carried out to our satisfaction (as the Responsible Authority) by suitably trained and qualified arboricultural staff
- d) Tree Protection Fencing must be installed prior to the development starting (including any demolition works) and
- e) maintained until works are completed, or for two years.

Works encroaching the nominated Tree Protection Zones must not be undertaken without the written consent of the Responsible Authority. All requests to amend or encroach a Tree Protection Zone must be directed to and carried out under the supervision of the Project Arborist.

Failure to adhere to the above conditions may result in the applicant being held fully liable for all costs associated with the following items:

- a) amenity tree value
- b) tree removal
- c) stump removal
- d) remedial pruning
- e) offset replanting and establishment of replacement trees, as determined by us (as the Responsible Authority).

At the conclusion of the works and prior to seeking Statement of Compliance the Project Arborist must submit a written statement to the Responsible Authority that certifies that the following items have been addressed as part of the works:

- a) Establishment of correct placement and installation of tree protection fencing
- b) Attendance during Tree Protection Zone incursions
- c) Adherence to Australian Standard 4970–2009 *Protection of trees on development sites*

Note

1. An inspection is required to satisfy this condition, please contact Council's Parks Planner's on 5272 5272 (treeplanning@geelongcity.vic.gov.au) to discuss this requirement and provide adequate notice of any request.
2. In the instance that minor pruning is anticipated the applicant must contact Council's Parks Planner's on 5272 5272 (treeplanning@geelongcity.vic.gov.au) to lodge a request and provide adequate notice.

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Landscape Master Plan

43. Prior to issue of Statement of Compliance for the first stage of the subdivision, unless otherwise approved in writing by the Responsible Authority, a landscape master plan (incorporating street tree master plan detail) for the entire permit area must be prepared by a qualified landscape architect and submitted and approved by the Responsible Authority. The plan must be submitted electronically. When approved, the plan will be endorsed and form part of the permit. The landscape master plan must show and include, but is not limited to:
- a) The location, size (including area and dimensions) and primary function of all land to be developed as reserves, including Public Open Space Reserves (identifying if encumbered or unencumbered), Conservation Reserves, Greenways, Road Reserves and Drainage Reserves;
 - b) A survey (including the location, size and botanical name) of all existing vegetation proposed to be retained on the land. Further detail to be supplied in accordance with condition 40 for Tree Protection Management Plan;
 - c) Any open space or landscaped areas to be common property must be distinguished from public open space areas;
 - d) Current reserve area grades and any proposed changes to site gradients for all reserve areas.
 - e) The ultimate 1% and 10% Annual Exceedance Probability storm event extents;
 - f) The location and size of any water sensitive urban design (WSUD) assets;
 - g) Location of any proposed services in open space – services will not to be allowed in credited open;
 - h) 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;
 - i) The style and location of all fencing for all boundaries abutting reserves (excluding road reserves other than paper roads);
 - j) Street Tree Master Plan
 - k) The principles and graphical concepts of any proposed Public Art, which complies with the requirements of the City's Arts and Culture Department;
 - l) Mechanisms for the exclusion of vehicles from landscaped areas, as and where agreed with the Responsible Authority. Where vehicle access barriers to public open space are deemed appropriate, a maintenance access gate must be provided. The location of these barriers will be determined with the Responsible Authority;
 - m) Pedestrian and cyclist movement plan – including shared path locations, widths and surface treatments.

The Street Tree Masterplan must include but not be limited to, the following:

- a) Street tree planting using semi-advanced trees with a minimum container size of 45 litres that comply with AS2303 - 2018 *Tree Stock for Landscape Use*;

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- b) One tree per standard property frontage and no more than two (2) trees on side boundaries;
- c) Pedestrian linkages;
- d) Street closures;
- e) Land created for the purposes of creating a buffer zone (i.e. rural interface or main road);
- f) The estimated canopy of the mature trees (at 20 years) must be shown to scale.

Notes:

1. Street tree species selection within the Masterplan is subject to approval by Powercor in accordance with the requirements of the Distribution Construction Standard, Underground Trenching. Please consult with the Electrical Designer regarding this requirement.
2. Consultation with the City's Open Space Planning Unit during early concept design is encouraged to help facilitate efficient approval processes.
3. Any pathway within the open space reserves should be located having regard to the protection of existing vegetation worthy of retention.

Detailed Landscape Plans

44. Prior to the Statement of Compliance being issued for each applicable stage of the subdivision, unless otherwise agreed in writing by the Responsible Authority, a detailed landscape plan for that 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. The plan must address and be consistent with any endorsed landscape master plan applying to the site and show, but not be limited to:
- a) The name and stage of the estate and the Planning Permit Number.
 - b) Location of all services or encumbrances (including drainage infrastructure/WSUD);
 - c) Site contours and any proposed changes to existing levels including any structural elements such as retaining walls;
 - d) Any reserve containing gradients 1 in 14 or steeper must include a minimum of two (2) individual cross sections that stipulate the proposed treatment options;
 - e) The ultimate 1% and 10% Annual Exceedance Probability storm event extents;
 - f) The proposed layout including all paths, structures, furniture, play equipment, bike parking, signage, maintenance vehicle access crossovers and maintenance access gate/s – including materials and finish of all surfaces;
 - g) Details of all other infrastructure within the road reserve (e.g. underground services, street lights, stormwater pits, fire plugs etc.);
 - h) Specifications for all proprietary products shown on the plan. Construction details for all non-proprietary furniture, play equipment, shelters etc;
 - i) A detailed planting schedule and proposed planting layout of all areas of open space, road reserves and traffic management devices (e.g. medians, islands, and roundabouts) 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. Note: Street tree planting must be achieved in no less than 85% of the lots for that particular stage of the development;
 - j) All proposed groundcover and shrub planting with a minimum container size of 150mm and must not exceed 400 mm in height at maturity;
 - k) The maintenance schedule for all proposed planting;

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- l) The estimated canopy of the mature trees (at 20 years) must be shown to scale ;
- m) All road cross sections applicable to the site;
- n) Tree Protection Zones on all plans.

- o) Detailed planting and hardscaping construction drawings;
- p) Permeable fence design details for lots abutting all reserves except road reserves. Fencing detail must be to the satisfaction of the Responsible Authority;
- q) A detailed schedule of quantities showing accurate cost estimates of each item included in the plan;
- r) The removal of any existing disused structures, foundations, pipelines, farm dams or stockpiles and the eradication of weeds;
- s) Additional supporting information as required, such as certified structural designs;

Landscape plan changes must be identified on any amended plans with a revision cloud. Any changes not identified on a plan that is subsequently endorsed will not be accepted and Council has the right to require rectification.

No Utility Services On Public Open Space

45. Utility service substations, kiosk sites and the like must not be located on any land identified as 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.

Council Reserves — Vehicle Access Barriers

46. 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 must be provided across the entrance of the Reserve, to allow access to City of Greater Geelong maintenance vehicles to the satisfaction of the Responsible Authority. The location of any barriers shall be determined by the Responsible Authority.

Fencing of Council Reserves

47. 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, or is adjacent to, 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 the City. Design detail of the fencing to be provided to the satisfaction of the Open Space Planning Unit.

Restriction on title – Fencing of Council Reserves

48. Unless otherwise approved in writing by the Responsible Authority, the plan of subdivision submitted for certification for any stage that includes a lot that is to be provided with fencing where the lot adjoins a Council reserve must show a restriction on title. The land to be burdened by the restriction must be all lots that are both:
- a) Within that stage of the subdivision; and
 - b) To be provided with fencing where the lot adjoins the Council reserve,

The land to be benefitted by the restriction must be the Council reserve(s) within that stage of the subdivision. The restriction must prohibit the owner of the burdened land from:

- a) Removing the boundary fence along the boundary between the Council reserve and the adjoining lot; or

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- b) Altering the boundary fence along the boundary between the Council reserve and the adjoining lot, if the alterations would result in a different fence material, height or level of visual permeability;
Except with the written consent of the owner of the benefitting land.

Completion of Landscape Works

49. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of Statement of Compliance, the landscaping works shown on the approved landscape plan for that stage must be completed to the satisfaction of the Responsible Authority.

A practical completion inspection is required and must be arranged by the permit holder with two weeks' notice provided for the responsible authority. The completion of works must be to a standard to the satisfaction of the Responsible Authority to pass this inspection. If applicable, the landscape works bond will be returned following the award of practical completion.

50. 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 in 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.

Landscaping Bonds

51. If the Responsible Authority agrees to issue Statement of Compliance prior to the landscaping works being completed for the relevant stage, 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 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 (1) year of the date of statement of compliance being awarded for that stage.
52. 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

53. 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 and equipment are to be repaired as

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required to ensure the landscaping is maintained to the same standard as when practical completion was awarded.

Should the permit holder default on landscape maintenance requirements which leads to a partial or full replanting, the Responsible Authority will determine an appropriate extension of the maintenance period as necessary to provide for establishment of replacements.

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 following award of Handover.

The developer 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 construction and 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.

Native Vegetation Removal**Notification of permit conditions**

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

No Removal of Native Vegetation

55. No native vegetation shall be removed other than that marked on the endorsed plan, to the satisfaction of the Responsible Authority.

Vegetation Removal and Protection

56. Removal, including pruning, of native trees 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.
57. Prior to any vegetation removal, vegetation to be removed must be clearly marked on site and accord with the endorsed plan. The vegetation to be retained must be protected in accordance with the endorsed Tree Protection Management Plan and its recommendations. An inspection is required once the Tree/Vegetation Protection Fencing has been erected. Please contact the City's Environment Unit to arrange this inspection.

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58. All work within the drip line of any tree to be retained above or below ground must be supervised by a suitably qualified level 5 arborist to ensure that the works are done in a manner which protects and minimises damage to those trees to the satisfaction of the Responsible Authority.
59. Water run-off must be designed to ensure that native vegetation to be protected is not compromised, to the satisfaction of the Responsible Authority.

Native vegetation offsets**Offset requirement**

60. To offset the removal of 0.463 hectares of native vegetation, the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:

General offset

A general offset of 0.219 general habitat units:

- a) located within the Corangamite Catchment Management Authority boundary or the City of Greater Geelong municipal district
- b) with a minimum strategic biodiversity score of at least 0.365

Offset evidence and timing

61. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
- a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

Monitoring and reporting for onsite offset implementation

62. In the event that a security agreement is entered into as per the preceding condition, the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Fauna and Habitat**Stag Relocation Plan**

63. Any Eucalypt tree nominated for removal that has a Diameter at Breast Height >70 centimetres, and dead stags to be removed must be used as habitat to the satisfaction of the Responsible Authority. These trees must be salvaged so that they can achieve maximum habitat value. Prior to the commencement of works for any relevant stage containing trees to be removed, a Stag Relocation Plan for each stage of subdivision must be submitted and approved by the Responsible Authority. The plan must include the following:
- a) Identification of each tree proposed for relocation.
 - b) Species identification and size of each individual tree.

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- c) Identification of the relocation sites.
- d) The proposed site preparation and protection measure to ensure each tree's structural integrity and protection after relocation is maximised.

Fauna Protection

64. Prior to the commencement of any tree removal or other potential fauna habitat, the permit holder must appoint an ecologist to conduct a pre-clearing survey to assess the presence of fauna. Where fauna is likely to be present in trees or vegetation proposed for removal, a suitably qualified wildlife handler must be present to ensure that native fauna is managed in accordance with DELWP guidance and all necessary authorisations must be obtained prior to removing native fauna. Dams 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.

CFA Conditions**Subdivision plan not to be altered**

65. The subdivision as shown on the endorsed plans must not be altered without the consent of CFA

Hydrants

66. 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:

- 1) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 90 metres and the hydrants must be no more than 120 metres apart. These distances must be measured around lot boundaries.
- 2) 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

67. 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.
- 1) 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.
 - 2) Curves must have a minimum inner radius of 9 metres.
 - 3) Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
 - 4) 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.

Barwon Water**Conditions required**

Approximately 12 conditions

Powercor

80. This letter shall be supplied to the applicant in its entirety.
81. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
82. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

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Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

83. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

84. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- i. RESERVES established by the applicant in favour of the Distributor.
- ii. SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.

The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

85. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- i. Existing easements may need to be amended to meet the Distributor's requirements
- ii. Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

Tenix

- 86. No Condition requested.**

Telecommunications

87. 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.

88. 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 time; and

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- 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.

Transport for Victoria

89. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the Certification of a Plan of Subdivision for any stage which contains a bus stop nominated in writing by the Head, Transport for Victoria, construction engineering plans relevant to that stage of the subdivision must be submitted to the Head, Transport for Victoria and the Responsible Authority and show the following;
- a) Concrete hard stand area for passengers, and barrier kerb, (based upon PTV standard drawings STD_0064, STD_0065, STD_0066 or STD_0067 (where applicable) in accordance with the attached 'Ash Road Bus Stop Plan' document prepared by TN;
 - b) A design compliant with the Disability Discrimination Act - Disability Standards for Accessible Public Transport 2002 (but not including the construction of tactile);
 - c) Direct and safe pedestrian access to a shared/pedestrian path
90. Before the certification of a Plan of Subdivision, or other time agreed in writing with the Head, Transport for Victoria, an Integration Plan to the satisfaction of the Head, Transport for Victoria, must be submitted to and approved by the Responsible Authority. When approved, the Integration Plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be generally in accordance with the Proposed Road Network Plan prepared by Cardno dated 4 December 2018 but modified to show:
- a) how the proposed development within the subdivision connects to the existing road network to the east of the site;
 - b) both shared user paths (off road) on the southern and northern connector roads; and
 - c) a shared user path (off road) of a minimum of 3.5 metres width through the linear park reserve and connecting Ash Road and the southern Connector road.
91. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the Certification of a Plan of Subdivision, construction engineering plans for any subdivision stages which contain or abut a road nominated as a bus capable road must be submitted to the Head, Transport for Victoria for approval. The plan must be to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and must depict the road cross section, including shared user paths (off road), to be constructed as outlined in the endorsed plans.
92. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the issue of a Statement of Compliance for any subdivision stage which contains a bus stop nominated in writing by the Head, Transport for Victoria, concrete hard stand pads for passengers and barrier kerbing must be constructed in accordance with the endorsed plans at the full cost of the permit holder.
93. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the issue of a Statement of Compliance for any subdivision stages that contain or abut a road nominated as bus capable, that portion of road must be constructed to accommodate public transport access for buses, in accordance with its corresponding cross sections and shared user paths (off road).
94. Any roundabouts constructed on roads designated as bus capable within the subdivision, must be designed to accommodate ultra-low floor buses, to the satisfaction of Public Transport Victoria.

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95. Intersections, slow points, splitter islands and any other local area traffic management treatments must be designed and constructed in accordance with the Public Transport Guidelines for Land Use and Development. The use of speed humps, raised platforms, one-way road narrowing and 'weave points' must not be constructed on any portion of a road identified as a potential bus route.

SUBDIVISION EXPIRY

96. 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 ten (10) 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.

Note:

Conditions from the following authorities are expected to be provided post exhibition of the draft permit via Amendment C391:

- 1. Barwon Water;
- 2. Tenix
- 3. Department of Environment Land Water and Planning

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IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)

WHEN DOES A PERMIT BEGIN?

A permit operates-

- * from the date specified in the permit; or
- * if no date is specified from-
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it is issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

- (1) A permit for the development of land expires if-
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
- (2) A permit for the use of land expires if-
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years of 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 APPEALS?

- * The person who applies for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case, no right of review exists.
- * An application for review must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that Notice.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must be also served on the Responsible Authority.
- * Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.