

# MINUTES

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## COUNCIL MEETING

**Tuesday 28 June 2022**  
**6:00 pm**

**City Hall**  
**57 Little Malop Street, Geelong 3220**

**LIVE STREAMED ON THE CITY'S WEBSITE:**

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### **COUNCIL:**

Cr P Murreihy (Brownbill Ward) - Mayor  
Cr T Sullivan (Bellarine Ward) - Deputy Mayor  
Cr S Asher (Bellarine Ward)  
Cr J Mason (Bellarine Ward)  
Cr E Kontelj (Brownbill Ward)  
Cr S Mansfield (Brownbill Ward)  
Cr B Harwood (Kardinia Ward)  
Cr B Moloney (Kardinia Ward)  
Cr R Nelson (Kardinia Ward)  
Cr A Aitken (Windermere Ward)  
Cr K Grzybek (Windermere Ward)

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## 2.13. Amendment C408ggee Combined Rezoning and Subdivision - 31-49 Melaluka Road, Leopold

Source: City Planning & Economy  
Director: Gareth Smith

### Purpose

1. To consider the independent Panel Report about Planning Scheme Amendment C408ggee and Planning Permit 1247/2019 and adopt the amendment and permit.

### Background

2. The amendment rezones land at 31-49 Melaluka Road, Leopold from Low Density Residential Zone to the General Residential Zone Schedule 1. The Planning Permit 1247/2019 allows the staged multi-lot subdivision of the land.
3. The amendment and permit are consistent with the Leopold Structure Plan. **Attachment 1** provides a background summary of the amendment process including consideration of the report of the independent Panel that considered submissions on the proposal.
4. Following a hearing on 31 January 2022, the Panel's report was received on 3 March 2022. Under Section 27 of the *Planning and Environment Act 1987*, the Planning Authority must consider the Panel's report before deciding on whether to adopt the amendment.

### Key Matters

5. Exhibition of the amendment and draft planning permit in September and October 2021 resulted in 13 written submissions addressing issues including strategic justification for the amendment, loss of semi-rural character in the area, stormwater management and potential traffic impacts.
6. The submissions were considered under delegation by Council on 17 November 2021, whereby it was resolved to refer all submissions to an independent Panel appointed by the Minister for Planning.
7. The independent Panel found the amendment to be strategically supported by planning policy and recommended that the amendment be adopted and that some changes are made to improve the planning permit.
8. Whilst the Panel's recommendations are supported, this report at **Attachment 1** provides the City's response.

**RESOLUTION - Item 2.13**

**Cr Sullivan moved, Cr Mason seconded –**

**That Council:**

- 1. Adopt Amendment C408ggee – 31-49 Melaluka Road, Leopold in the form outlined in Attachment 2 of this report;**
- 2. Submit the adopted Amendment C408ggee together with the prescribed information to the Minister for Planning requesting approval; and**
- 3. Recommend to the Minister for Planning that Planning Permit 1247/2019 be approved in the form outlined in Attachment 3 of this report.**

**Carried**

### ***Financial Sustainability***

9. An agreement between the City's lawyers and the owner of the land under Section 173 of the *Planning and Environment Act 1987* has been prepared and signed by the owner. The agreement requires the landowners to pay Council a community infrastructure contribution of \$40,000 per net developable hectare when the land is subdivided. Council will be obliged to spend this funding on community facilities within the Leopold area.

### ***Community Engagement***

10. Amendment C408ggee and the draft Planning Permit 1247/2019 were exhibited in accordance with the requirements of the *Planning and Environment Act 1987*.
11. All submitters had an opportunity to be heard before an independent Panel. The Panel considered all submissions referred to it, not just the submissions presented at the hearing.
12. The City has advised submitters of the release of the independent Panel report. Submitters will be notified of the final decision of Council and the Minister for Planning.

### ***Social Equity and Sustainability***

13. The amendment will provide social benefits through the establishment of a new residential development conveniently located in relation to existing open space and the sub-regional retail centre. Community infrastructure contributions will be allocated to community infrastructure projects within Leopold.

### ***Relevant Law/Policy/Legal Implications***

14. The amendment is consistent with the Greater Geelong Planning Scheme Policy Framework, in particular Clauses 21.06 and 21.14, which support the residential growth of this area of Leopold.
15. The amendment is also consistent with the declaration of the Bellarine as a Distinctive Area and Landscape and the subsequent draft Bellarine Peninsula Statement of Planning Policy. As a district town, the subject land is within the current and proposed settlement boundary of Leopold and rezoning to residential is supported.

### ***Alignment to Community Plan and Vision***

16. This report aligns with Our Community Plan 2021-2025 strategic priority: "Sustainable growth and environment".
17. This report aligns with the Community led 30-year Vision, "Greater Geelong: A Clever and Creative Future" community aspiration:  
"Sustainable development that supports population growth and protects the natural environment."

### ***Conflict of Interest***

18. No officer involved in the preparation of this report declared a general or material conflict of interest.

***Risk Assessment***

19. Delay in adopting Amendment C408ggee will impact on the timeline for the subdivision development.
20. A delay to adoption may also impact on the approval timeline of the Minister for Planning in the lead up to the caretaker period before the November state election.

***Environmental Sustainability***

21. The planning permit includes conditions to conserve and manage the local environment including off-sets for the small amount of native vegetation being lost in the development.

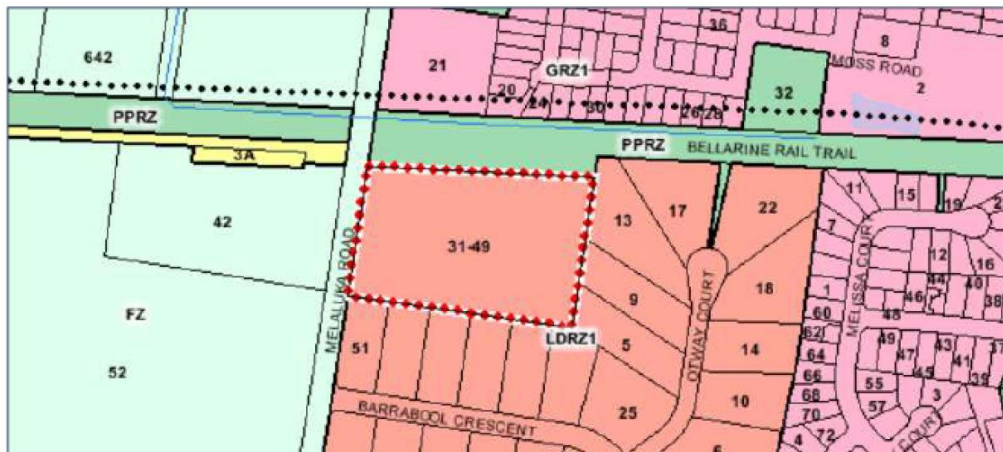
**Attachments**

1. Background and Discussion [2.13.1 - 7 pages]
2. Amendment for Adoption [2.13.2 - 2 pages]
3. Planning Permit for Adoption (PP-1247-2019) [2.13.3 - 17 pages]

## Attachment 1 - Background and Discussion – Amendment C408ggee

### **Background to the Amendment**

1. Amendment C408ggee and permit application 1247/2019 is a combined planning permit application and planning scheme amendment under section 96A of the *Planning and Environment Act 1987*.
2. The land subject to the amendment and the planning permit is 31-49 Melaluka Road, Leopold.
3. The amendment proposes to rezone the land at 31-49 Melaluka Road, Leopold to facilitate the subdivision and development of the area in accordance with the Council adopted Leopold Structure Plan September 2011 (amended January 2013).
4. Specifically, the amendment will rezone the land from Low Density Residential Zone (LDRZ) to the General Residential Zone Schedule 1 (GRZ1).
5. The maps below show the existing zoning of the subject land and an aerial photo.



**Existing Zoning – LDRZ1**



**Aerial photo of subject land**

6. The planning permit application proposes to allow, subject to conditions:
  - a) Approval for the multi-lot staged residential subdivision of 31-49 Melaluka Road, Leopold; and
  - b) Removal of native vegetation.
7. The combined proposal seeks to facilitate the residential subdivision of land on the north western edge of Leopold. The land is within the settlement boundary shown on the Leopold Structure Plan map and in clause 21.14 of the planning policy framework in the planning scheme.
8. A Section 173 Agreement relating to development contributions for community infrastructure has been prepared and is ready to be entered into between the owner of the land and Council. The landowner has agreed to a contribution of \$40,000 per net developable hectare to be used by Council for the purpose of providing community facilities within Leopold.

### ***Discussion***

9. Amendment C408ggee was exhibited between 16 September and 18 October, 2021. As a result of this public exhibition of the proposal, 13 submissions were received including 9 opposing, with the balance supporting and/or making comments about the amendment and draft planning permit.
10. The main issues the Panel identified in the submissions were:
  - Planning context (policy, strategic framework, statutory considerations);
  - Infrastructure (subdivision layout, public open space, drainage and stormwater, traffic, and access);
  - Environment (vegetation, contamination); and
  - Resolution of the amendment and planning permit application.
11. The Council delegates report dated 17 November, 2021 both summarised all the submissions and provided a detailed City response to the issues raised.
12. All submissions were considered pursuant to Sections 22 (1) & (2) of the *Planning and Environment Act 1987* and referred to an independent Panel appointed by the Minister for Planning.
13. The Panel has now presented its report to Council and recommended that Amendment C391ggee be adopted subject to some changes. The Executive Summary of the Panel Report is included later in this **Attachment 1**.
14. A complete copy of the Panel's report is available on the Geelong Australia website [www.geelongaustralia.com.au/amendments](http://www.geelongaustralia.com.au/amendments) under the C408ggee webpage.

### ***Key Panel Findings and City Responses***

15. The Panel report provided discussion and a series of findings and recommendations about all the issues associated with the amendment. A summary and response to the key matters is provided below.
16. Overall, the Panel considers that the amendment's intent is consistent with the policies of the planning scheme.

**Issue - Planning Context for the Amendment**

17. The Panel noted the strategic support for this amendment in relation to the following state policy objectives:
  - Clause 11 (Settlement), and
  - Clause 19 (Infrastructure).
18. The Panel also identified the amendment as being consistent with Clause 21 (Municipal Strategic Statement) and that it supports the MSS by:
  - Clause 21.05-2 (Waterways) – protecting waterways by the appropriate management of stormwater runoff from developments;
  - Clause 21.05-7 (Flooding) – protecting floodplains and minimising the risk of flood damage;
  - Clause 21.06-3 (Urban Consolidation) – consolidating existing urban areas in a managed way, encouraging an appropriate range of development densities and improving accessibility to urban services;
  - Clause 21.06-4 (Neighbourhood Character) – ensuring new development positively responds to the established urban character of the area;
  - Clause 21.08-5 (Accessibility) – recognising the need to have safe access to infrastructure for all members of the community and provide shared spaces and passive surveillance of all recreational areas; and
  - Clause 21.14 (Bellarine Peninsula) – rezoning land for residential growth consistent with the Leopold Structure Plan map included in that clause.
19. In addition, the Panel identified the following other planning policies and strategies, planning scheme provisions, Ministerial Directions and Practice Notes as relevant:
  - G21 Regional Growth Plan;
  - Leopold Structure Plan;
  - Draft Bellarine Statement of Planning Policy (2019);
  - Proposed zoning;
  - Native Vegetation provisions;
  - Clause 56 (Residential subdivision);
  - Ministerial Direction 1;
  - Ministerial Direction 19; and
  - Planning Practice Note 30.
20. Panel Conclusion: The Panel concluded that the amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The amendment is strategically justified, and the amendment should proceed subject to addressing the more specific issues raised in submissions as discussed elsewhere in the Panel Report.
21. City Response: The City concurs with the view of the Panel which supports the preparation of this combined amendment and planning permit.

**Drainage**

22. Issue: Whether the stormwater drainage can be appropriately managed via a Storm Water Management Plan.
23. The panel was satisfied that the Flood Impact Assessment (FIA) and Site Stormwater Management Plan (SSMP) can deliver the appropriate outcomes once the detailed functional design has been compiled to the satisfaction of Council.
24. The Panel was similarly satisfied that the proposed development should produce no adverse flood impacts upon the neighbours to the east and south of the site, when the required Water Sensitive Urban Design (WSUD) principles are included in the final detailed design.
25. Panel Conclusions:
- An updated Storm Water Management Plan needs to be prepared that integrates all relevant considerations identified in the draft planning permit;
  - Condition 4 should require an updated Storm Water Management Plan at the detailed design stage;
  - Condition 5 should require that the WSUD outputs be monitored independently at the developer's cost, and reported annually to the Responsible Authority for two years following the completion of stage 2 of the development; and
  - Condition 24 should require that the design and construction of stormwater drainage connections and any new Council infrastructure must accord with the final SWMP and be approved and supervised by the Responsible Authority.
26. Panel Recommendations:
- Amend Condition 4 to also require an updated Storm Water Management Plan at the detailed design stage;
  - Amend Condition 5 to include a requirement for the WSUD outputs to be monitored independently at the developer's cost, and reported annually to the Responsible Authority for 2 years following the issue of a Statement of Compliance for stage 2 of the development; and
  - Amend Condition 24 to require that the design and construction of stormwater drainage connections and any new Council infrastructure must accord with an endorsed Storm Water Management Plan and be approved and supervised by the Responsible Authority.
27. City Response: The City concurs with the conclusions and recommendations of the Panel with regards to drainage and stormwater management.

**Site Interface**

28. Issue: Whether the proposal addresses the relevant policies at the site boundary interfaces.
29. Panel Conclusions:
- A consistent fence height and form along the eastern and southern property boundaries would be an optimal urban design outcome at these two interfaces; and
  - The Landscape Plan should consider the most appropriate boundary fence style to achieve an appropriate public realm interface at lots 1 to 5, 19 and 36.

30. Panel Recommendations:

- Amend Condition 7 to include a requirement to detail appropriate boundary treatments and fencing at the public realm interface, particularly in relation to lots 1 to 5, 19 and 36 on the Revision E plan.

31. City Response: The City concurs with the conclusions and recommendations of the Panel with regards to the recommended interface changes.

***Pedestrian and Bicycle Connectivity***

32. Issue: Whether the proposal accords with the Leopold Structure Plan with respect to pedestrian and bicycle linkages.

33. Panel Conclusions:

- The requirement for a 33 metre footpath extension north of the property boundary be deleted from Condition 3 and replaced with a requirement for a pedestrian connection between the property and the footpath on the west side of Melaluka Road; and
- The requirement for the proponent to provide a footpath along the Melaluka Road frontage of the subject land should remain, and this should connect with the subdivision's internal footpath layout.

34. Panel Recommendations:

- Amend Conditions 3 and 4 to delete the requirement for a 33 metre footpath extension to the north; and
- The functional layout plan for the subdivision should incorporate additional pedestrian linkages to enable access to Melaluka Road (via access to the existing footpath on the west side of the road).

35. City Response:

- The City considers connectivity of the footpath created through development in the frontage of the site should extend to existing connections across the already developed adjacent properties;
- The conditions requiring the 33 metre footpath extension to the north has been deleted from the permit in **Attachment 3**. This is partly due to consideration for the proponent's opposition to the 33 metre connection on the grounds of extensive and costly civil works to accommodate the Council's drainage assets and the Panel's recommendation; and
- Connection to the shared path can be accomplished via the existing pram crossing outstand situated at the Child Care centre to the south of the site. This is practically the safest location and provides some community benefit. A pram crossing outstand is not recommended at the new intersection into the development due to design consideration for vehicle right hand turning movements and vehicles passing. This is not a traffic light controlled intersection.

***Public Open Space Contribution***

36. Issues:

- Whether the public open space contribution is appropriate; and
- Whether the proposed drainage reserves can be counted towards the open space contribution.

37. Panel Conclusions:

- A 5 percent public open space contribution is applicable given the timing of the original rezoning of the land for low density residential purposes; and
- The drainage reserves cannot be used as part of the 5 percent contribution as they are considered encumbered land, not useable from a public open space perspective.

38. Panel Recommendations:

- Amend Condition 23 to require a 5 percent public open space contribution based on the net developable area (excluding the drainage reserves).

39. City Response:

- The permit has been amended to require a 5 percent rather than 10 percent open space contribution.

***Planning Permit.***

40. Council provided a draft planning permit as part of its submissions. Council did not provide a detailed explanation of each permit condition or a response to agency comments in its written submission. However, in a 'without prejudice' drafting discussion, Council elaborated further on its intended permit conditions and the purpose of the conditions. The proponent opposed several conditions and proposed alternative drafting in its submission.
41. The Panel directed Council to provide an updated version of the draft permit conditions after the hearing, to capture the essence of discussions in the without prejudice drafting session.
42. The Panel raised concerns regarding the updated version of the draft permit conditions provided by Council with respect to drafting, and completeness omissions. In addition, the sequencing and grouping of the draft permit conditions was described as confusing by the Panel.
43. The Panel stated that it considered:
- The draft planning permit, while covering most of the substantive matters necessary, needs a comprehensive re-write. Council needs to revisit the structure and drafting of conditions to ensure that the obligations are logically ordered, clear and enforceable;
  - The permit preamble needs to reflect the fact that the application relates to a staged subdivision;
  - Each condition needs to be revisited to ensure the sequencing of requirements reflects any staging consideration; and
  - The sequencing of the permit conditions needs to be revisited to ensure that the conditions are drafted in a logical manner. For example, any requirement to submit plans should appear at the start of the permit and the interaction between permit conditions needs to be considered.
44. In addition to the substantive matters addressed by the Panel in this report, the Panel stated that the permit should:
- Refer to the Revision E plan; and
  - Explain a clear pathway for the preparation of a Functional Layout Plan that integrates all relevant considerations.

45. Panel Conclusions:

- The draft planning permit, while covering most of the substantive matters necessary, needs a comprehensive re-write. Council needs to revisit the structure and drafting of conditions to ensure that the obligations are logically ordered, clear, and enforceable; and
- The additional substantive matters that need to be included in the permit are a reference to the endorsed plans generally being in accordance with the Revision E plan, and a clear pathway for the preparation of a Functional Layout Plan that incorporates all respective Panel Recommendations.

46. Panel Recommendations:

- Redraft the permit to:
  - a) Ensure the preamble reflects the proposal;
  - b) Restructure the sequence and drafting of conditions to ensure the obligations are logical, clear, and enforceable; and
  - c) Incorporate the specific recommendations of the Panel.

47. City Response:

- A revised planning permit recommended for adoption by Council is in **Attachment 3**. The permit has been edited and restructured to make the obligations clearer and more logical as recommended by the Panel. Conditions have been changed generally as recommended in the track changes version at pages 35 – 49 of the Panel Report and as discussed in the Panel recommendations.

## **Attachment 2 - Amendment for Adoption**

### *Planning and Environment Act 1987*

#### **GREATER GEELONG PLANNING SCHEME**

#### **AMENDMENT C408ggee**

#### **INSTRUCTION SHEET**

The planning authority for this amendment is Greater Geelong City Council.

The Greater Geelong Planning Scheme is amended as follows:

#### **Planning Scheme Maps**

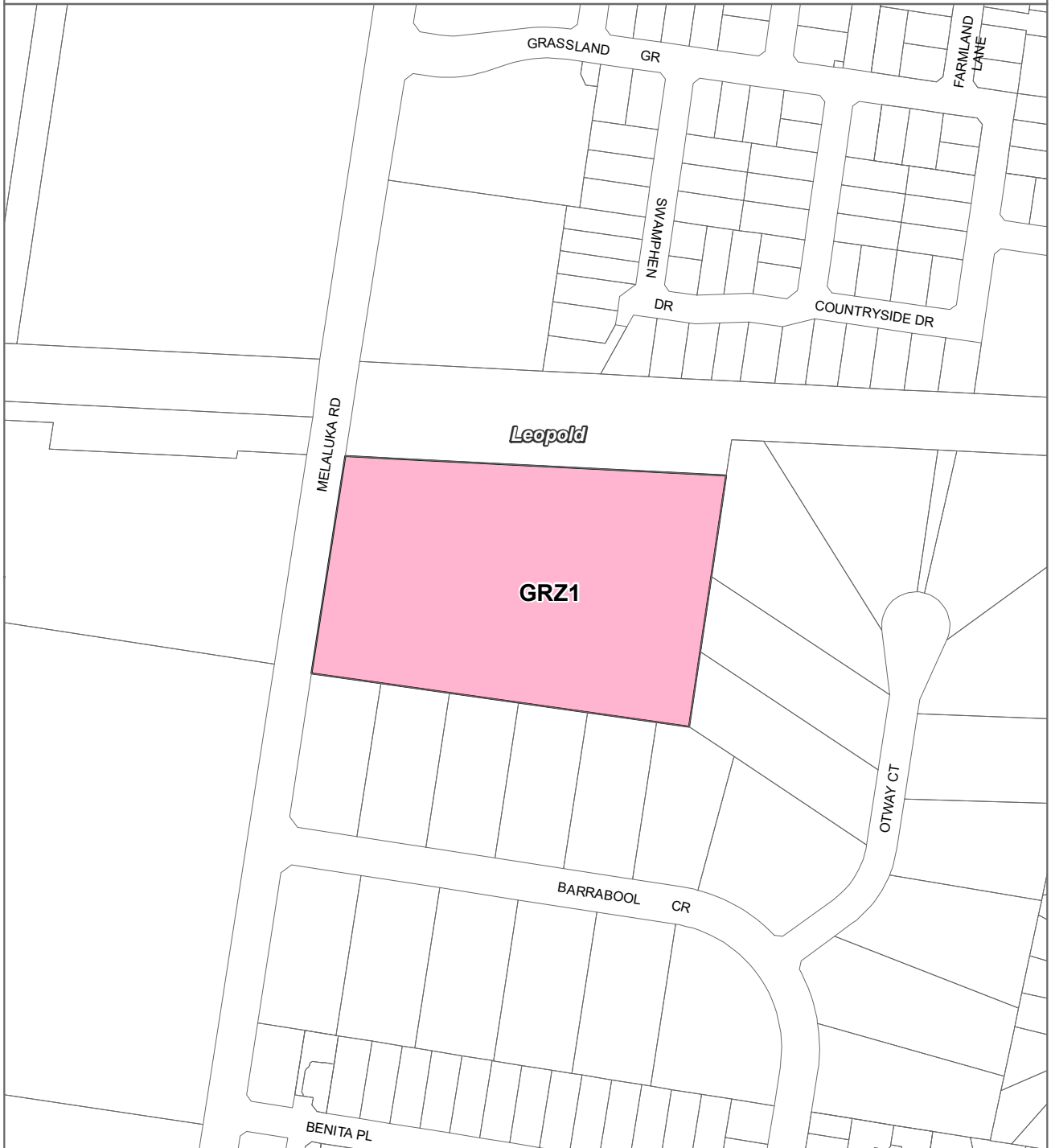
The Planning Scheme Maps are amended by a total of 1 attached map sheet.

#### **Zoning Maps**

1. Amend Planning Scheme Map No 57 in the manner shown on the one attached map marked "Greater Geelong Planning Scheme, Amendment C408ggee".

End of document

## GREATER GEELONG PLANNING SCHEME - LOCAL PROVISION AMENDMENT C408ggee



**LEGEND**

- GRZ - General Residential Zone
- Local Government Area

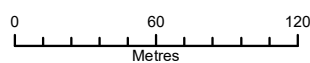


Part of Planning Scheme Map 57

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Planning Group  
Print Date: 3/12/2019  
Amendment Version: 1



Environment,  
Land, Water  
and Planning

# PLANNING PERMIT

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

Permit No.: PP-1247-2019

Planning scheme: Greater Geelong

Responsible authority: City of Greater Geelong

**ADDRESS OF THE LAND: 31-49 MELALUKA ROAD LEOPOLD**

**THE PERMIT ALLOWS:** Staged Multi-lot subdivision and the removal of native vegetation

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

### Endorsed Plans

1. 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.

### Prior to Works Commencing

2. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works for each relevant stage of the Plan of Subdivision, a carriageway easement must be provided 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. The easement must be created and registered with Land Victoria, or there must be an agreement in writing to the satisfaction of the Responsible Authority.

### Road Names and Signs

3. 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

<p><b>Date issued:</b></p>	<p><b>Date permit comes into operation:</b> (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)</p>	<p><b>Signature for the responsible authority:</b></p>
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**Planning and Environment Regulations 2015 - Form 9, Section 96J**

with the road names shown on all approved plans, to the satisfaction of the Responsible Authority.

**Local Area Traffic Management Plan**

4. Unless otherwise approved in writing by the Responsible Authority, prior to the lodgement of the Stage 1 Functional Layout Plans:
  - a. A Local Area Traffic Management (LATM) Plan must be developed with Council’s Traffic Development Engineer and submitted to and Endorsed 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 Endorsed LATM Plan.
  - b. When the LATM plan has been finalised, a Road Naming Plan must be developed with Council’s Traffic Development Engineer and submitted to and Endorsed 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 Endorsed Road Naming Plan.

all to the satisfaction of the Responsible Authority.

**Functional Layout Plan**

5. Unless otherwise approved by the Responsible Authority. The plan is to be in accordance with the design requirements of the City of Greater Geelong and in the Infrastructure Design Manual. The Functional Layout Plan must be submitted with the Design Engineers Checklist - Request for Functional Layout approval. Plans should detail the construction of Melaluka Road adjacent to the subject land. Road reserve assets including east-side road shoulder, footpath, drainage infrastructure, kerb and channel, are to match with existing Melaluka Road assets to the south of the subject land. The Functional Layout Plan must include locations of the footpath on Melaluka Road frontage, street trees, substations reserves, property/National Broadband Network (NBN) services pits, all Local Area Traffic Management (LATM) items along with maintenance vehicle access points, maintenance vehicle access tracks, tree protection measures, all other footpaths, and utility installations on or adjacent to public reserves.

When approved, the Functional Layout Plan will be endorsed and will then form part of the permit. The Functional Layout Plan must be submitted with the completed Design Engineers Checklist – Request for functional layout approval; showing all items defined in the checklist.

<b>Date issued:</b>	<b>Date permit comes into operation:</b> (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)	<b>Signature for the responsible authority:</b>

Permit No.:

Planning and Environment Regulations 2015 - Form 9, Section 96J

**Road and Drainage Construction Plans**

6. Unless otherwise approved in writing by the Responsible Authority, Prior to the commencement of works the developer shall submit to Council for approval engineering construction plans for new Council assets, prepared by a suitably qualified and experienced professional and at the developers expense. The plans should detail the construction of Melaluka Road adjacent to the subject land Road reserve assets including east-side road shoulder (with exception of section traversing rail trail), footpath, drainage infrastructure, kerb and channel to match Melaluka Road to the north of the Bellarine Rail trail. The submitted plans must also show, but are not limited to:
- a) Typical sections for the road reserve, finished and existing surface levels, any required drainage construction and any other works required in respect to other services located within the roadway;
  - b) Pit and pipe long-sections, 1.5m footpath, existing assets;
  - c) The design and construction of the roadworks and any other new Council infrastructure which must be approved and supervised by Council.
  - d) Safe footpath linkage to the pram crossing point south of the site.
  - e) A Road Safety Audit must be completed with the design.

The plans are to be in accordance with the design standards of the City of Greater Geelong and the Infrastructure Design Manual, with no adverse external impacts, to achieve an acceptable standard of aesthetics (including landscaping) which can be maintained in perpetuity to the satisfaction of the Responsible Authority.

**Water Sensitive Urban Design (WSUD) Landscape Plans**

7. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works 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:
- a) 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;
  - b) 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;
  - c) Q10 and Q100 levels, and associated flow rates;
  - d) Details of existing and finished surface levels; and;
  - e) Construction and establishment methodology and associated staging of the WSUD works specific to the site, in accordance with relevant industry standards to the satisfaction of the Responsible Authority. (reference is made to Water By

<b>Date issued:</b>	<b>Date permit comes into operation:</b> (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)	<b>Signature for the responsible authority:</b>
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**Planning and Environment Regulations 2015 - Form 9, Section 96J**

Design – Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands, April 2010).

all to the satisfaction of the Responsible Authority.

**Construction Environmental Management Plan (CEMP)**

8. Unless otherwise approved in writing by the Responsible Authority, at least 14 days prior to the commencement of works for each relevant stage of the subdivision, an Construction Environmental Management Plan (CEMP) shall be submitted to and Endorsed by the Responsible Authority. When Endorsed, all conditions on the CEMP will form part of the permit. The plan must address, but not be limited to, the following:
  - a) Measures that are consistent with the following Environmental Protection Authority publications: ‘Environmental Management Guidelines for Major Construction Sites’, ‘Construction Techniques for Sediment and Pollution Control’ and ‘1834: Civil construction, building and demolition guide’ or later approved;
  - b) Hours of works, demolition or construction;
  - c) Methods to contain dirt and mud within the site, and the method and frequency of clean up procedures;
  - d) On site facilities for vehicle washing;
  - e) Methods used with regards to Dust suppression which may include but not limited to the following:
    - i. Water truck to be retained on site at all times;
    - ii. Soil stockpiles to be retained on site must be seeded or provide a treatment to provide a crusted surface;
    - iii. Cease all works on site during high wind incidences;
    - iv. Vehicle/truck movements to be limited to a reduced speed to prevent dust emissions;
    - v. Dust suppression measures including fencing in locations to existing dwelling;
  - f) The protection measures for site features to be retained (e.g. vegetation, retaining walls, buildings, other structures and pathways, etc.);
  - g) Delivery and unloading points and expected frequency;
  - h) A liaison personnel for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - i) The movement of construction vehicles to and from the site must be regulated to ensure that no traffic hazards are created in and around the site;
  - j) Parking facilities for construction workers;
  - k) Measures to minimise the impact of construction vehicles arriving at / departing from the land;

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- l) Haul routes used for fill carting must be shown on a separate plan within the ECMP and need to consider the scale of development and works, the construction access and any on-site haul road location, and the surrounding road network. Haul routes must avoid local roads in the vicinity of the site as far as practical, and link to the arterial road network via an approved route.
- m) An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
- n) Maps providing the location of the works zones including;
  - i. Site office and facilities;
  - ii. Stockpiles, Equipment and material management
  - iii. No Go zones;
  - iv. Location of bunded and lined Hydrocarbon filling area designated and spill kit available
  - v. Location of bunded and lined Concrete washout area
- o) Fencing of and establishing No Go Zones as required by Environmental or Cultural heritage management plans which are clearly designated on-site;
- p) The processes to be adopted for the separation, re-use and recycling of demolition materials;
- q) The measures for prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means;
- r) Handling, tracking and testing of all imported fill;
- s) 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; and;
- t) Methodology detailing how service vehicles (ie; Council Garbage Trucks) will be catered for during all stages of construction, including the removal of temporary turn around areas; and;
- u) Any other condition as required by the Responsible Authority that addresses any other issues i.e. location of earth mound / soil stockpiles, rumble grids, construction of and materials used for all whether access roads up to 30 meters on entry and exit to the site entry.

Once the Construction Environmental Management Plan (CEMP) has been Endorsed by the Responsible Authority under this permit it must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

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9. Prior to the works commencing, a landscape plan prepared by a suitably qualified or experienced, person to the satisfaction of the Responsible Authority, must be submitted to and approved before the statement of compliance is issued. The plan(s) must be drawn to scale and show:
  - a) A survey (including botanical names) of all existing vegetation to be retained and/ or removed;
  - b) Details of surface finishes of pathways and driveways;
  - c) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - d) Landscaping and planting within all open areas of the site;
  - e) The use of indigenous plants of the Geelong Region
  - f) A one-metre-wide landscaping strip along lot boundaries adjoining public reserves

When approved, the plan will be endorsed and form part of the permit, all to the satisfaction of the Responsible Authority.

10. Prior to certification of each relevant stage of the Plan of Subdivision, drainage and carriageway easements in favour of the City of Greater Geelong must be shown on the Plan on Subdivision to the satisfaction of the Responsible Authority.

**Prior to Statement of Compliance**

**Flood Mapping**

11. Unless otherwise approved in writing by the Responsible Authority, at the completion of earthworks for each relevant stage of Plan of subdivision, a declaration that the Stage is no longer subject to flooding and flood maps will need to be submitted to Council detailing the extent of flood affected land both prior to and after the subdivision of land in order to allow Council to revoke the flood prone status of the land. The submission of flood mapping documentation should be submitted to Council’s Engineering Department.
12. Prior to the issuing of a Statement of Compliance for Stage 1, the linear wetland system works identified in the Storm Water Management Plan within the subject site, must be constructed and operational.
13. Unless otherwise approved in writing by the Responsible Authority, 3 months prior to the issuing of Statement of Compliance for each relevant stage of the subdivision, flood maps will need to be submitted to Council detailing the extent of flood affected land both prior to and after the subdivision of land in order to allow Council to revoke the flood prone status of the land.
14. Prior to the issuing of a Statement of Compliance for Stage 1, the wetland and detention system works identified in the SWMS within the subject site must be constructed and operational.

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15. Prior to the issuing of a Statement of Compliance for each relevant stage of 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.
16. Prior to the issuing of a Statement of Compliance for Stage 1, Melaluka Road including; kerb and channel, footpath and drainage must be constructed as per approved plans, to the satisfaction of the Responsible Authority.
17. Prior to the issuing of a Statement of Compliance for each relevant stage of the subdivision, roadworks and drainage including any basins, slope stabilization works and any retaining structures must be constructed in accordance with the approved plans and specifications to the satisfaction of the Responsible Authority.
18. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of a Statement of Compliance for each stage of the subdivision, a fee of 3.25% of the cost of the works must be paid to the Responsible Authority for the checking and supervision of these works.
19. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of a Statement of Compliance for each stage of the subdivision, a maintenance bond of 5% of the cost of the works must be paid to Council and will be returned after successful completion of a one (1) year maintenance period, all to the satisfaction of the Responsible Authority.
20. Prior to the issuing of a Statement of Compliance for each relevant stage of the subdivision, street lighting is to be provided within and abutting the subdivision to the satisfaction of the Responsible Authority and at the full cost of the subdivider.
21. 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 developer and to the satisfaction of the Responsible Authority.
22. Prior to the issuing of a Statement of Compliance for each relevant stage of the subdivision, the subdivider shall erect a standard fence on the boundaries of all Council Reserves abutting allotments and where otherwise determined, to the satisfaction of the Responsible Authority and at no cost to Council.
23. 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 developer's expense to the satisfaction of the Responsible Authority.

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**Telecommunications**

- 24. 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.
  
- 25. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the item; and,
  - b) a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**Public Open Space Contribution**

- 26. The owner of the subject land must pay to the Council a sum equivalent to five percent of the site value of the net developable land in the subdivision as a Public Open Space contribution pursuant to Section 18 of the Subdivision Act 1988 in land and cash payment. The land contribution cannot include land identified as encumbered land. The contribution will be payable prior to the issue of a Statement of Compliance. .

**Engineering Works**

- 27. The design and construction of stormwater drainage connections and any new Council infrastructure must be approved and supervised by the Responsible Authority.

**Corner Splay**

- 28. The Plan of Subdivision submitted for certification for each relevant stage of the subdivision must include a splay for road purposes at all internal and external intersections in accordance with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority.
  
- 29. Site runoff must be limited to equivalent pre-developed levels for rainfall events up to and including the critical 1% Annual Exceedance Probability event in accordance with the Drainage and Water Sensitive Urban Design Strategy. The stormwater drainage

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system on the site must be designed such that stormwater runoff exiting the land meets the current best practice performance objectives for stormwater quality as follows:

- a) 80% retention of the typical annual load of suspended solids;
  - b) 45% retention of the typical annual load of total phosphorous;
  - c) 45% retention of the typical annual load of total nitrogen; and;
  - d) 70% retention of the typical annual load of gross pollutants.
30. The minimum surface gradient on all lots to allow for appropriate drainage must be 1:150 (0.67 per cent);
31. The absolute minimum finished surface level (excluding access ways and paths) on all lots must be not less than 300 millimetres above the 1% AEP flood level.
32. The absolute minimum finished surface level of road pavement, kerb invert levels and paths within the development must be in accordance with relevant industry standards to the satisfaction of the Responsible Authority. (reference is made to Australian Rainfall and Runoff safety design criteria).

**Water Sensitive Urban Design (WSUD) Landscape Works**

33. Unless otherwise approved by the Responsible Authority, 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.
34. Practical Completion for the WSUD works can only be awarded when the ultimate landscape design is complete and subject to:
- a) Civil works within the treatment device being issued Practical Completion; and
  - b) Landscape works within the treatment device being completed; and
  - c) The final stage of the development draining to that treatment device is issued Statement of Compliance; and;
  - d) A relevant maintenance bond being in place for the planting works.
35. A Practical Completion inspection will be 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**

36. 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

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which may be adopted by the Council, to the satisfaction of the Responsible Authority until:

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

37. 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.

**Water Sensitive Urban Design Monitoring**

38. Unless otherwise approved by the Responsible Authority, Water quality outputs from the wetlands must be monitored by an independent environmental professional at the developers expense, to assesses compliance to Best Practice as per the Storm Water Management Plan and reported to Council annually until 2 years following Statement of Compliance of Stage 2 of the development, to the satisfaction of the Responsible Authority.

**Filling / Bulk Earthworks**

39. Excavated material, including topsoil, must not be carted off the site unless with the written approval of the Responsible Authority.

40. All areas to be filled shall be stripped of vegetation and any topsoil shall be removed and stockpiled for reuse over the filled areas. Only approved filling material shall be placed on the site. The filling shall be placed in maximum 150 mm layers, or as approved otherwise by the Responsible Authority, and compacted to the applicable level for filling on allotments and within future roadways in accordance with AS3798, to the satisfaction of the Responsible Authority.

41. At the completion of the earthworks, all disturbed areas shall be hydromulched with an approved seed and fertilizer mixture to the satisfaction of the Responsible Authority to suppress dust, and minimise erosion, unless approved otherwise by the Responsible Authority.

42. All works must be in accordance with the recommendations of any relevant geotechnical reports and previous advice for the site.

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**Construction of Roadworks / Drainage**

- 43. The underground site stormwater drainage system shall be 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.
  - a) Install the new drains in accordance with the approved plans:
  - b) Provide to Council 'as-built' Engineering plans in PDF, and GIS-ready AutoCAD (DXF) format plans, to the satisfaction of the Responsible Authority;
  - c) Submit a CCTV inspection report for all new Council underground drainage pipes and pits.
- 44. All temporary road connections to existing roads must be maintained by the developer until the ultimate alignment is constructed, to the satisfaction of the Responsible Authority.

**Council Reserves**

- 42. The subdivider shall construct a reinforced concrete footpath, loam and sow down, landscape, etc. to the satisfaction of the Responsible Authority.
- 43. Suitable vehicle barrier fencing shall be provided abutting all Council Reserves to the satisfaction of the Responsible Authority. Crossings with lockable swing gates shall be provided to allow access for Emergency and Council maintenance vehicles. The location of these crossings shall be determined by the Responsible Authority.

**Interim Works**

- 44. 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.

**Barwon Water Conditions**

**General**

- 45. The owner shall create easements for Pipelines or Ancillary Purposes and or reserves in favour of Barwon Region Water Corporation on the plan of subdivision in accordance with Barwon Water's Land Development Manual, without cost to Barwon Water, over existing and proposed water and sewerage infrastructure within the land. If further easements or reserves are required following design of water and sewerage

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infrastructure these must be added to the plan of subdivision prior to seeking Barwon Water's consent to the issue of a statement of compliance for the subdivision.

- 46. 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.

**Potable Water**

- 47. The provision and installation of individual water services to all lots in the subdivision. Note, that tappings and services are not to be located under existing or proposed driveways.
- 48. 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.
- 49. Reticulated water mains 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.
- 50. Barwon Water's records indicate that an existing drinking water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.

**Sewer**

- 51. The provision of sewerage services to all lots in the subdivision. Individual allotment house connection drains are to be provided for and extend into each allotment.
- 52. 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).
- 53. Reticulated sewer mains 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.
- 54. Barwon Water's records indicate that a sewerage service connection is located on this property.
- 55. Any existing sewer house connection point that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected by a licensed plumber and the 'CCTV Inspection Form' with the video footage submitted to Barwon

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Water. If the property connection point is not deemed satisfactory for use or is no longer required, it is to be decommissioned in accordance with Barwon Water's "Property connection decommissioning process". Details of this process are available on Barwon Water's website under the business -> property connections section. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development. If the existing sewer house connection point is deemed satisfactory for use by Barwon Water and where branching after the connection point is permitted to service an additional allotment then this work can also be undertaken by a licensed plumber. If the sewer connection point being replaced is greater than 4.0 metres deep, a new sewer manhole is to be constructed with the new property connection point connected to this structure.

**Powercor**

- 56. 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.
- 57. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
- 58. 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).
- 59. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.
- 60. 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.

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

**AusNet**

- 61. The plan of subdivision when submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the Subdivision Act 1988.

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**CFA Conditions**

- 62. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
  - a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
  - b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.
- 63. 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.
  - a) Curves must have a minimum inner radius of 10 metres and 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.

**DELWP – Native Vegetation**

- 64. To offset the removal of 0.003 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017):
  - a) A general offset of 0.002 general habitat units:
    - i) located within the Corangamite Catchment Management boundary or City of Greater Geelong municipal area
    - ii) with a minimum strategic biodiversity value of at least 0.192
- 65. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
  - a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site; and/or
  - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
- 66. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of

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Environment, Land, Water and Planning Barwon South West regional office via  
BSW.planning@delwp.vic.gov.au.

- 67. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

**Monitoring and reporting for onsite offset implementation**

- 68. 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 Protection**

- 69. Unless otherwise agreed in writing by the Responsible Authority, prior to the removal or lopping of any tree, the tree must be examined by a suitably qualified zoologist with relevant permits. If native fauna species are located, they must be salvaged and relocated to the closest suitable vegetation.

**Expiry of Permit**

- 70. 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 years of the date of this permit.
  - b) All stages of the plan of subdivision have not been certified within four years of the date of this permit.
  - c) A statement of compliance is not issued within five years of the date of certification of a particular stage of subdivision.

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

**Permit Notes**

- 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](http://www.cfa.vic.gov.au))
- The owner / developer of the land may need to enter into an agreement or request a quote from a local gas retailer for provision or altering of gas services for each lot of endorsed plan.

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

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

- RESERVES established by the applicant in favour of the Distributor.
  - 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.
- Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.
  - 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.
  - The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision.
  - All completed landscaping works within the street and/or reserve must be inspected by Council’s Parks Unit. To arrange an inspection please contact Ian Rogers on 5272 4827 prior to Certification.

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**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.C408ggee to the Greater Geelong Planning Scheme.

**WHEN DOES THE PERMIT BEGIN?**

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

**WHEN DOES A PERMIT EXPIRE?**

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

**WHAT ABOUT REVIEWS?**

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