

BAW BAW SHIRE COUNCIL

PLANNING

PERMIT

Permit No:

PLA026/21

Planning Scheme:

Baw Baw Planning Scheme

Responsible Authority:

Baw Baw Shire Council

ADDRESS OF THE LAND:

63 Yarragon-Leongatha Road, Yarragon 3823

Lot 3 PS429755C,

Lot 2 PS308336A,

Lot 1 TP365740G

THE PERMIT ALLOWS:

A staged, multi-lot subdivision and removal of native vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Plans Required

1. Before the first stage of the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans must be submitted and approved by the Responsible Authority. When approved, the plans will be endorsed and form a part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with Proposed Subdivision Plan 2189P3 dated 19 January 2021 but modified to show:
 - a. An accurate outline of the Tree Protection Zone of the lone Strzelecki Eucalyptus tree in the reserve abutting Lot 807.
 - b. A reconfiguration of the reserve abutting Lot 807 to allow impediment of no more than 10% of the Tree Protection Zone of the lone Strzelecki Eucalyptus tree.
 - c. Road width dimensions on all streets and roads.

Layout Not Altered

2. The subdivision layout as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Staging Plan

3. The subdivision of the land must proceed in the order of stages shown on the

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endorsed plans or as otherwise agreed with the written consent of the Responsible Authority.

Housing Design Guidelines

4. Prior to the certification of the plan of subdivision for the first stage under the *Subdivision Act 1988*, Housing Design Guidelines must be submitted to and approved by the responsible authority. When approved, the guidelines will be endorsed and form part of this permit. The guidelines must be generally in accordance with the document *Waterloo 3823* submitted to Council 27 November 2020 but modified to show:
 - a. A date and/or revision number for the purpose of document identification.
5. The Housing and Design Guidelines endorsed as part of this permit must not be amended without the written consent of the Responsible Authority.
6. Prior to the statement of compliance of each stage, the endorsed housing design guidelines must be registered on the certificate of title for each new lot as a Memorandum of Common Provisions.

Development Contributions Levy Applicable for Subdivision

7. Prior to the issue of a Statement of Compliance of each stage of the subdivision, a Development Contribution Levy must be paid to the Responsible Authority in accordance with the Baw Baw Shire Development Contributions Plan (DCPO1). Payment of the levy must be made after certification of the relevant plan of subdivision but not more than 21 days before Statement of Compliance is issued in respect of that plan of subdivision under the *Subdivision Act 1988*.

Community Infrastructure Levy

8. Prior to the issue of a Building Permit for the construction of any dwelling on a lot, a lot owner must pay the Community Infrastructure Levy to the Responsible Authority in accordance with the Development Contributions Plan Overlay – Schedule 1; and

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- a. A Building Permit must not be issued by a building surveyor in respect of the building work unless he or she is satisfied that the amount of the levy has been paid to the Responsible Authority in accordance with Section 24(5)(a) of the *Building Act 1993*.
- b. For the construction of any other type of building (ex: Aged Care / Life-Style Village) approval must be obtained from Council's DCP Advisor on the Community Infrastructure Levy that is applicable.

Public Open Space

9. All local level neighbourhood parks and public open space areas must be finished to a standard that satisfies the requirements of the Responsible Authority prior to the transfer of public open space, including:
 - a. Removal of all existing and disused structures, foundations, pipelines and stockpiles.
 - b. Clearing of rubbish and weeds, levelled, topsoiled and grassed with warm climate grass (unless conservation reserve requirements dictate otherwise).
 - c. Provision of water tapping, potable and recycled water connection points. Sewer and gas connection points must also be provided to land identified as sporting reserve.
 - d. Planting of trees and shrubs.
 - e. Provision of vehicular exclusion devices (fence, bollards, or other suitable method) and maintenance access points.
 - f. Installation of park furniture including barbeques, shelters, furniture, rubbish bins, local scale playground equipment, local scale play areas, and appropriate paving to support these facilities consistent with the type of open space listed in the open space delivery guide.
 - g. Removal of tree protection zones and assessment for optimal health of any native vegetation to be retained must be completed by a suitably qualified person.

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10. Before a Statement of Compliance is issued under the Subdivision Act 1988 for a plan of subdivision for any stage of the subdivision, a Public Open Space contribution must be made in accordance with section 18(1) of the Subdivision Act 1988 equivalent to the value of 5% of the land by either a payment to Council or setting aside of land within the subdivision or a combination of both, to the satisfaction of the Responsible Authority. Any land being set aside as Public Open Space must be unencumbered and transferred at no cost to Council.

Mandatory Conditions

11. The owner of the land must enter into an agreement 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 will not be provided by optical fibre.

12. 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
- b. a suitably qualified person that fibre ready telecommunication 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.

BBSC Landscaping

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Streetscape Masterplan

13. Prior to the certification of the first stage of the plan of subdivision, a streetscape and passive open space landscape master plan for the entire subdivision (excluding the wetland reserves) must be approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the planning permit. The plans must be drawn to scale and dimensioned with an electronic copy provided. The plan must include:

- a. the landscaping theme and graphical concepts to be developed for the subdivision;
- b. the type of species to be used for street tree planting in various stages of the subdivision.
- c. the areas which will be available for landscaping;
- d. entrance treatments;

Detailed Landscape Plans

14. Prior to the certification of each stage of the subdivision, a detailed Landscape Plan generally in accordance with the endorsed Landscape Masterplan Concept prepared by a person suitably qualified in landscape design must be submitted and approved by the Responsible Authority. When approved, the plan will form part of the permit. The Landscape Plan must be drawn to scale with dimensions and an electronic copy must be provided. The plan must be consistent with any endorsed Landscape Master Plan and must show:

- a. new plantings including their layout to be provided in any road reserves and municipal reserves;
- b. detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
- c. Layout and landscaping of reserves, planting lists and street furniture;

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- d. detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls which must be no more than 1.0 metres in height;
- e. all proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.

Landscape Maintenance

15. The landscaping works shown on the approved Landscape Plan for any stage must be carried out and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for that stage or at any other time agreed in writing by the Responsible Authority.
16. The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority for a period of two years from the practical completion of the landscaping, unless alternative arrangements have been made in writing by the Responsible Authority. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.
17. Once the subdivision is commenced the permit-holder must maintain the land so that undeveloped areas and areas under construction do not become weed-infested, vulnerable to erosion, a potential fire risk or cause other nuisance to the satisfaction of the Responsible Authority.
18. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified level 5 arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007. Any pruning of the root system of any tree to be retained is to be done by hand by the qualified arborist.

BBSC Engineering

Subsurface Water Report

19. Prior to commencement of works, a subsurface water report containing an investigation into any existing or potential subsurface flows within the proposed

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development must be carried out by a qualified hydrogeologist and the report submitted to Council for review and approval.

Functional Layout Plans

20. Prior to certification of a plan of subdivision, or any other time agreed between Council and the owner, a functional layout plan for the subdivision or the stage of subdivision must be submitted to and approved by the Responsible Authority. When approved the functional layout plan will then form part of the permit. The functional layout plan must be drawn at a scale of 1:500 or other scale as agreed by the Responsible Authority with all leading dimensions clearly shown. Three hard copies and an electronic copy (.pdf) must be provided. The functional layout plan must be generally in accordance with the application plans but incorporate the following:

- a. A subdivision layout drawn to scale, including proposed street names, lot areas, lot numbers and widths of street reservations.
- b. Topography and existing features, including contours for the subject land and any affected adjacent land.
- c. Proposed speed limits on all roads, proposed location of speed limit signs and Local Area Traffic Management devices incorporated into road designs to ensure slow speed environments as required by the Responsible Authority.
- d. Typical cross-sections for each street type
- e. Typical cross-sections in areas of cut and fill involving retaining walls.
- f. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls including traffic calming devices.
- g. A table of offsets for all utility services and street trees.
- h. Preliminary location of reserves for electrical kiosks.
- i. Upgrade works on Rollo Street

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- j. Upgrade works on Yarragon – Leongatha Road
- k. The location of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.
- l. Details of tree protection zones for all trees to be retained on site.
- m. Any trees proposed for removal from the site clearly designated.
- n. Drainage outfall system (both interim and ultimate), indicating legal point of discharge.
- o. The proposed minor drainage network and any land required for maintenance access.
- p. The major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing and any access requirements for construction and maintenance.
- q. All works within waterways in accordance with the requirements of the Responsible Authority.
- r. Overland flow paths (1% AEP) to indicate how excess runoff will be safely conveyed through the subdivision.

Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows to the satisfaction of the Responsible Authority.

Detailed Engineering Plans

21. Prior to commencement of any earthworks, road and/ or drainage works associated with the subdivision (or staged subdivision), detailed Engineering plans must be submitted to and approved by the Responsible Authority, unless otherwise agreed. If a Functional Layout Plan has been approved the Engineering plans must be generally in accordance with the approved Functional Layout Plan. When approved the Engineering plans will then form part of the permit. The plans must be drawn to scale with dimensions and three hard copies and an electronic copy (.pdf) must be provided. The detailed plans must include:

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- a. Engineering plans and specifications of the proposed works that are to become public assets such as roads, paths, intersections, drains, bridges and the like.
- b. Location of Permanent Survey Marks.
- c. Details of any cut and fill including retaining walls.
- d. All road dimensions and cross sections generally to IDM requirements
- e. Pavement design using a recognised engineering methodology including consideration of the in-situ soil conditions and available road making materials.
- f. SM2 modified kerb on all roads except where there is a frontage to a park or reserve, where B2 barrier kerb must be used unless otherwise agreed by the Responsible Authority.
- g. Location of speed limit signs and traffic management devices.
- h. A driveway crossing for each lot designed for the standard vehicle with regard to horizontal and vertical clearances in accordance with IDM Standard Drawings.
- i. Temporary turnaround areas within or outside the site (sealed or unsealed as directed by the Responsible Authority) for waste collection vehicles (8.8 metres in length) at the temporary dead end of any road.
- j. Location of street lighting.
- k. Major and minor drainage generally in accordance with the approved Storm Water Management Plan.
- l. Details of the retarding basin and wetland including evidence that the retarding basin design complies with ANCOLD requirements and has been approved by the relevant authorities.
- m. Details of waterway works in accordance with the approved Landscaping Plan.
- n. Underground drains incorporating features to prevent litter, sediments, and oils from entering the drainage system (in particular waterways) and/or cut-off drains to intercept storm water run-off from adjoining properties as appropriate and to the satisfaction of the Responsible Authority.

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- o. Drainage infrastructure that caters for the future development of any unit sites identified on the subdivision concept plan

22. Before the commencement of works or any subdivision on land within or adjacent to the heritage place, the heritage place must be appropriately secured against damage as a result of works, deterioration, and the effects of weather, trespassing or vandalism, to the satisfaction of the responsible authority.

Site Management Plan and Notification of Works

23. At least 20 days prior to the commencement of works, a Site Management Plan must be submitted to and approved by the Responsible Authority. When approved by the Responsible Authority, the Site Management Plan will then form part of the permit. The Site Management Plan must identify, address and document as appropriate:

- a. A construction program in bar chart form (major time interval in weeks, minor time interval in days) clearly indicating the pre-start meeting, all tasks, all stages and all hold points.
- b. A program for notification (initial notification and updates as required) of all residents and businesses who will be directly affected by the construction works, including a phone number of a representative of the contractor that can be contacted at any time should there be any complaints or concerns in connection with the works.
- c. Any recommendations of any approved Cultural Heritage Management Plan applying to the land.
- d. Occupational health and safety, environmental controls, safety of the public, site security and cultural protection measures to the satisfaction of the Responsible Authority.
- e. Any specific measures required to protect Council assets during construction.
- f. A traffic management plan including the proposed route on Council roads for construction vehicle access to the site.
- g. Measures to reduce the impact of noise, dust and other emissions created during the construction process including measures to prevent earth being

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tracked onto surrounding roads by vehicles such as tyre washing area & utilisation of rumble grid.

- h. Measures for control of storm water during construction, including preventing erosion and any storm water runoff onto adjoining properties.
 - i. Measures to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system.
 - j. Estimated quantities of soil to be imported or removed from the site.
 - k. Control and management of any soil stockpiles and any soil to be imported or removed from the site.
 - l. Measures to ensure that any soil brought onto the site is weed and pathogen free. (Certification is required).
 - m. Measures to ensure that all machinery brought onto the site is weed and pathogen free.
 - n. Waste management during construction.
 - o. A suitable location for machinery wash-down, lay down and personnel rest areas, clearly fenced and located in disturbed areas.
 - p. Details of an environmental management program for contractors and other on-site personnel.
 - q. Any contamination assessments and or mitigation requirements directed by the Responsible Authority regarding any stage which contains a known or suspected contamination area.
24. The approved Site Management Plan must be implemented throughout the construction period by the Owner of the land to the satisfaction of the Responsible Authority and all works must be carried out in accordance with the measures contained within unless otherwise agreed in writing by the Responsible Authority.
25. At least 5 days prior to commencement of works, the Owner of the land must notify any residents, businesses or education facilities operating in the vicinity of the subject land of the pending commencement of construction works including

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(as a minimum) permit details, the hours of works, type of works being performed, impacts to road networks and primary site contacts..

Dust Management

26. All roads/storage areas/external stockpiles/vacant or grazed areas must be covered and maintained to avoid dust nuisance to any residential area to the satisfaction of the Responsible Authority.

Construction

27. Prior to the issue of a Statement of Compliance for any stage, and if deemed required by Council as a result of the subsurface water report, actions must be taken to mitigate subsurface flow and any infrastructure plan required to manage the flow must be submitted to Council for review and approval.
28. Prior to the issue of a Statement of Compliance for any stage, any nature strip, park or reserve created in that stage must be cleared of all noxious weeds, graded, filled and compacted with approved material free of rock, stone and other contamination, landscaped, shaped and formed as necessary, scarified, top dressed with a minimum 100 mm depth of approved topsoil and sown with an approved turf mixture of 80% perennial rye and 20% kikuyu at a rate of 300 kg per hectare to ensure the land is free draining and able to be mown by a rotary mower to the satisfaction of the Responsible Authority.
29. Prior to the issue of a Statement of Compliance for any stage, reinforced concrete footpaths including pram crossings must be provided throughout that stage in accordance with IDM requirements.
30. Prior to the issue of a Statement of Compliance for any stage, vehicle crossings for corner lots at each intersection in that stage must be constructed as part of that stage.
31. Prior to the issue of a Statement of Compliance for any stage, the developer must purchase and plant advanced trees of an approved variety in line with the specification in Council's Tree Selection, Planting and Maintenance Policy in accordance with the approved landscaping plan. Appropriate planting techniques and tree guards must be provided to the satisfaction of the Responsible Authority. The developer must maintain all new trees for a minimum period of two (2) years after practical completion and must also immediately replace any dead or damaged trees during the two-year maintenance period.

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Temporary Vehicle Turning Areas

32. Prior to the issue of a Statement of Compliance for any stage, temporary turning areas provided on roads which are intended to be continued at a future time must be constructed in accordance with engineering construction plans approved by the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
33. Unless with the written consent of the Responsible Authority, once the temporary vehicle turning areas are no longer required, they must be removed at the Developer's cost and the area, together with all nature strips, footpaths and the like, finished to the satisfaction of the Responsible Authority.
34. If the Responsible Authority agrees to a temporary turning area being retained after issue of a Statement of Compliance for any stage, an agreement providing for a bond of sufficient value to cover all reinstatement costs plus any contingency amount must be reached with the Responsible Authority prior to the issue of a Statement of Compliance for that stage.
35. A sign of at least one (1) square metre in area must be displayed in a prominent position near the temporary vehicle turning area while a temporary turning area is in operation advising that it is a temporary turning area only. The sign must be removed after the temporary vehicle turning area is removed.

Construction of Drainage System

36. Prior to the issue of Statement of Compliance of any stage of the subdivision, all components of the stormwater drainage system relevant to that stage must:
 - a. Be constructed in accordance with the stormwater drainage design approved by the Responsible Authority; and
 - b. Provide a legal point of stormwater discharge for each allotment all to the satisfaction of the Responsible Authority.
37. Prior to the issue of Statement of Compliance of stage 1 of the subdivision, the Southern Wetlands / retardation Basin must be completed to the satisfaction of the Responsible Authority.

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38. Prior to the issue of Statement of Compliance for any stage of the subdivision, East of Yarragon – Leongatha Road the northern Wetlands / retardation basin must be completed to the satisfaction of the Responsible Authority.

Stormwater management

39. The Developer is wholly responsible for ongoing maintenance of any interim on-site sediment, retarding and treatment basins and any other associated works until the permanent sediment, retarding basin and wetland are completed and are operational unless otherwise agreed by the Responsible Authority.
40. Unless otherwise agreed by the Responsible Authority, when the permanent sediment, retarding basin and wetland works have been completed, or at any other time if requested by the Responsible Authority, the Developer must, at its cost, remove and rehabilitate the interim on-site sediment, retarding and treatment basin and any other associated Waterway Works all to the satisfaction of the Responsible Authority. An agreement providing for a bond of sufficient value to cover all ongoing maintenance requirements and reinstatement works plus any contingency amount must be reached with the Responsible Authority before a Statement of Compliance is issued for the stage containing construction of an interim on-site sediment, retarding and treatment basin.

Public Lighting

41. Prior to the issue of a Statement of Compliance for any stage of the development, street lighting must be provided to a residential standard on all roads. Lighting must also be provided within reserves and along pathways. Lighting design must be in accordance with the relevant Australian Standards, including the current issue of AS/ANZ 1158 – Lighting for Roads and Public Spaces and must utilise LED lighting heads and standardised street lighting poles approved by the network distributor (Ausnet Services) and the installation must be signed off by the network distributor.

CCTV

42. Prior to the issue of a Statement of Compliance for any stage of the subdivision, CCTV results for the full length of all stormwater drainage pipes shown on the approved drawings for that stage where Council is the Responsible Authority, must be submitted for assessment. The CCTV work is to be performed by an independent specialist contractor at the Developer's cost. The submitted

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information is to be to the satisfaction of the Responsible Authority. Pipe joints which exceed the manufacturer's installation tolerances and other significant defects must be rectified at the developer's expense within the maintenance period or other period agreed in writing by the Responsible Authority.

Making Good

43. Prior to the issue of a Statement of Compliance for any stage of the development, the Developer must repair any damage to Council infrastructure as directed by the Responsible Authority which can reasonably be determined to have occurred as a result of the Developer's works unless such damage was identified by the Developer and reported to Council in writing prior to commencement of works on that stage.

"As Constructed" Drawings

44. Prior to the issue of a Statement of Compliance for any stage of the development, "As Constructed" drawings in PDF and AutoCAD format must be submitted through Council's certification portal for receiving A-SPEC "As Constructed" data. Drawings must include digital road and drainage information in AutoCAD format for all works where Council is the Responsible Authority with all X-refs bound into the drawings and showing any amendments during construction and location of any permanent survey marks in accordance with the current version of D-SPEC, O-SPEC and R-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55. The submitted information is to be to the satisfaction of the Responsible Authority and provided at the Developer's cost. (Refer to the A-SPEC website www.a-specstandards.com.au for minimum Council requirements). The various road and drainage works must be maintained by the owner until this condition has been complied with.

Location of Utilities Conditions

45. Utilities must be placed outside of Tree Protection Zone of trees to be retained on site and trees to be retained along the road frontage (subject to further assessment) to the satisfaction of the Responsible Authority.

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46. Utility easements to the rear of lots should only be provided where there is no practical alternative.

Certification

47. The plan(s) of subdivision submitted for certification must be in accordance with the endorsed plans.

48. The plan(s) of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act and Clause 66 of the Scheme.

Easements on Certified Plans

49. All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*. Drainage assets within easements must all be constructed to the satisfaction of the Responsible Authority.

BBSC Environmental Services

Native vegetation offsets

50. To offset the removal of 0.452 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), the permit holder must secure the following offset:

- a. A general offset of 0.095 general habitat units:
- b. Be located within the West Gippsland Catchment Management Authority boundary or Baw Baw Shire Council municipal area
- c. With a minimum strategic biodiversity value of at least 0.314
- d. Protect 7 large trees

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51. 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.

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, copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Traralgon regional office via Gippsland.planning@delwp.vic.gov.au.

Protection and maintenance of retained native vegetation

52. Prior to the commencement of any construction for each stage, a native vegetation protection fence must be established around all retained vegetation and be in accordance with the endorsed Vegetation Retention Plan. The fence must be established at a minimum of 2.0 metres from retained vegetation or, if there are trees present, be based on the Tree Protection Zone (12 x diameter at breast height) as identified in the Australian Standard for the protection of trees (AS 4970-2009). The fence must be constructed to the satisfaction of the responsible authority and must be highly visible and durable and include a sign detailing the purpose of the fenced zone. The fence must remain in place until the completion of all works to the satisfaction of the responsible authority.

The fence must be constructed of star pickets and wire mesh to the satisfaction of the responsible authority. The fence must remain in place at least until all works are completed to the satisfaction of the responsible authority.

Except with the written consent of the responsible authority, within the TPZ,

- a. no vehicular or pedestrian access, trenching or soil excavation is to occur
- b. no storage or dumping of tools, equipment or waste is to occur
- c. no cutting of roots
- d. no entry and exit pits for underground services are to be constructed

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WESTERN GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY

53. Prior to the commencement of any works related to the subdivision, an amended Stormwater Management Plan (SMP) which addresses the following criteria must be submitted to the satisfaction of West Gippsland Catchment Management Authority:

- a. The Stormwater Management Plan must include appropriate planting and maintenance routines, and the parties responsible for each action to best practice for the proposed wetlands and retarding basins.
- b. There is some inconsistency as to whether the stormwater from the development at 71 Rollo Street has been included in the design of the southern retarding basin, The *Yarragon Leongatha Rd Development Stormwater Assessment March 2020 V1261_001* must be updated to demonstrate that the Stormwater Assessment has included these flows to the satisfaction of the West Gippsland Catchment Management Authority.
- c. The Authority notes that the sizes recommended in Table 6.1 of the *Yarragon Flood Modelling & Drainage Strategy (2013)* are larger than what has been specified for this development. The *Yarragon-Leongatha Rd Development Stormwater Assessment March 2020 V1261_001* must be updated to justify why this is the case to the satisfaction of the West Gippsland Catchment Management Authority.

54. Prior to the commencement of any works related to the subdivision, a Waterway Management Plan for the areas 30 metres either side of the constructed waterway must be endorsed in writing by the West Gippsland Catchment Management Authority. The Waterway Management Plan must include:

- a. Details of the existing environmental values;
- b. Details of any initial stabilisation and vegetation works;
- c. A landscape plan for revegetation of the waterway, drainage corridor and all water quality works, including a species list and proposed density of the

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plantings. The vegetation must be representative of the Ecological Vegetation Class for the site; and

- d. A maintenance plan detailing the sequencing and periods of short, medium and long term actions, including inspections, and the parties responsible for each action.

AUSNET

55. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.

56. The applicant must –

- a. Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
- b. Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
- c. Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
- d. Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- e. Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.

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- f. Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- g. Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.
- h. Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- i. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- j. Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

CFA

Bushfire Management Plan

57. Before the certification of the plan of subdivision, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following information, unless otherwise agreed in writing by the CFA and the Responsible Authority:

- a. The design and layout of the subdivision, including lot layout, road design and access points, both pedestrian and vehicular.
- b. The location of nearby hazards within 150m of the subdivision boundary.
- c. The location of any bushfire hazards that will be retained or created on the land within the subdivision.

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- d. The location of any areas of vegetation within the subdivision not located on private land that will be managed to a low threat condition, including reserves and floodway areas.
- e. The setback distance of any development from the bushfire hazard for defensible space purposes where vegetation will be managed. A minimum setback of 19m is required from the east and south site boundary and from the north boundary of Lots 100, 500 and 501.
- f. Notations of vegetation management standards and when vegetation management will occur i.e. annually, quarterly, during the fire danger period.
- g. Vegetation must be managed within any area of defensible space to the following standard:
- i. Grass must be short cropped and maintained during the declared fire danger period.
 - ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - iv. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - v. Shrubs must not be located under the canopy of trees.
 - vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - vii. Trees must not overhang or touch any elements of the building.
 - viii. The canopy of trees must be separated by at least 5 metres.
 - ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- h. Details of any other bushfire protection measures that are to be adopted at the site.

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- i. Nominate that any building on a new lot will be required to be designed and constructed to a minimum standard of Bushfire Attack Level (BAL) 12.5.

Building Envelopes

58. Any lot that contains defensible space must include a building envelop that ensures development will not be allowed within the area of defensible space.

Construction and Site Management

59. Before commencement of works, A Bushfire Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted and approved by the responsible authority. The plan must specify, at minimum:
 - a. The staging of development and the likely bushfire risks from surrounding hazards at each stage;
 - b. An area of land between the development edge and bushfire hazard consistent with the separation distances specified in AS3959-2018, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 construction standard in accordance with AS3959-2018;
 - c. The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape to protect residents and property from the threat of grassfire and bushfire;
 - d. Provision of adequate access and egress for early subdivisions to minimise grass and bushfire risks to new residents prior to the full completion of the subdivision.

Hydrants

60. 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:

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- 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.

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)

Road

61. 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. 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.
 - b. Curves must have a minimum inner radius of 10 metres.
 - c. 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.
 - d. 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.

Maintenance of Defendable Space

62. Before the Statement of Compliance is issued under the Subdivision Act 1988, the defendable space on every lot in the subdivision must be implemented and maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

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GIPPSLAND WATER

63. The owner of the land must enter into a formal Minor Works Agreement with Gippsland Water, under the Corporation's Land Development system, for the complete construction of works necessary for the provision of water supply and sewerage services to all lots of the subdivision. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned deed. Please refer to our website:
<https://www.gippswater.com.au/developers/information/developer-works>
64. Design plans must be submitted outlining the size and the location of the works to determine where easements will be required. These plans must be endorsed by Gippsland Water prior to Gippsland Water consenting to certification of the relevant plan of subdivision.
65. Install water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
66. Carry out works necessary to ensure all existing water services supplying the land are contained solely within the boundary of the individual lot(s), to the satisfaction of Gippsland Water. On completion of these works the owner must sign and return the Water Servicing Declaration provided by Gippsland Water.
67. Install sewer services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
68. Create Reserves and/or Easements in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision. Easements are to be for Pipeline or Ancillary Purposes.
69. Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.
70. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.
71. There will also be a condition of capping the existing metered water services. The Proposed Plan of Subdivision would suggest that these works would be required to be undertaken in Stage 9 and 10 of the development. A Property Services quote request form for these works to be undertaken, must be

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completed and forwarded to our Property Connections Team to arrange a quote.
Please refer to our website:

<https://www.gippswater.com.au/developers/property-connections/connections>

- a. Lot 2 PS308336 – existing meter i.d. 06AF020923
- b. Lot 3 PS429755 - existing meter i.d. 13BF000045

DEPARTMENT OF TRANSPORT

72. The existing Rollo Street approach lanes to the Princes Highway must be widened to 3.5m to accommodate dual right turns.
73. The existing left turn slip lane from Rollo Street to the Princes Highway must be modified to the satisfaction of the Head Transport for Victoria.
74. The existing signal phasing must be modified to provide for the dual right turns.
75. Prior to the Statement of compliance for stage 1, detailed functional layout plans in accordance with Gippsland Regions developer funded checklist for the intersection improvements at Rollo Street and the Princes Highway must be submitted and approved by the Head, Transport for Victoria.
76. Prior to the Statement of compliance for stage 2, detailed design plans in accordance with Gippsland Regions developer funded checklist for the intersection improvements at Rollo Street and the Princes Highway must be submitted and approved by the Head, Transport for Victoria.
77. Prior to the statement of compliance for stage 3, the intersection improvement works must be completed at no cost and to the satisfaction of the Head, Transport for Victoria.

Permit Expiry

78. The permit will expire if one of the following circumstances applies:

- a. The first stage of the Plan of Subdivision is not certified within two years of the issue of this permit; or

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- b. All stages of all of the land to which this permit relates are not certified within 10 years of the issue date of this permit; or
- c. The subdivision of the last certified stage is not completed within 5 years of the date of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months of expiry of permit.

NOTES

- An application to amend the permit under section 72 of the Planning and Environment Act 1987 must be submitted to and approved by Baw Baw Shire Council to address any requirement to create, remove or vary an easement prior to the issue of Statement of Compliance in accordance with clause 52.02 of the Baw Baw Planning Scheme. For further information please contact Council's Planning Department on 5624 2411 or planning@bawbawshire.vic.gov.au

BBSC Infrastructure Planning

- Prior to carrying out any works within the road reserve the Developer must obtain a "Works Within Road Reserve Permit" from Council
- All works must be designed and constructed in accordance with Council's Infrastructure Design Manual (IDM) requirements
- Lots must be graded either to fall to the street or, where this is not possible, and if directed by Council, must be provided with minor temporary earthworks in the form of a low levee bank or similar to contain storm water runoff on each lot and to direct it into the storm water property connection, complete with a surface grate, to take runoff into the underground drainage network being constructed as part of the development.
- Unless the Responsible Authority agrees under section 21(1)(b)(ii) of the Subdivision Act 1988, all works shown on the endorsed Engineering plans must be constructed or carried out in accordance with the plans before the issue of a Statement of Compliance for the relevant stage under the Subdivision Act 1988 all to the satisfaction of the Responsible Authority.

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- Unless otherwise agreed by the Responsible Authority, all road works must be constructed in accordance with the relevant IDM, VicRoads and AustRoads requirements, procedures and guidelines as applicable to urban developments including:
 - a. Compaction testing and proof rolling of subgrade, sub-base and base course layers and proof rolling in preparation for asphalt must be undertaken at developer's cost in accordance with IDM clauses 12.7.10 to 12.7.16 (IDM Version 5.20 or later) and results submitted to Council for approval and records purposes.
 - b. A wearing course of asphalt unless otherwise approved by the Responsible Authority.
 - c. Any road works abutting an existing carriageway must ensure adequate surface drainage to the kerb and channel or road shoulder and provide a smooth watertight seal without discontinuity to the existing carriageway, generally in accordance with IDM Standard Drawing SD130.
 - The design, construction, and handover of wetland and stormwater retardation systems must follow the "Water Sensitive Urban Design Guidelines, South Eastern Councils" and "Water Sensitive Urban Design Guidelines Addendum, Baw Baw Shire Council".
 - Works pertaining to the approved Site Management Plan will be monitored by the Responsible Authority. Any failure to adhere to the conditions of the approved Site Management Plan will be addressed during site inspections and may be subject to further action by the Responsible Authority's Planning Compliance department.
 - Provide evidence of consent from VICROADS & VICTRACK for proposed pipe outlet from Northern Wetland / Retardation basin.

Gippsland Water

- The owner/developer/design consultant of the subject land is recommended to arrange a meeting with Gippsland Water due to large infrastructure requirements associated with the servicing of the development. Please contact the Developer Works Team on 5177 5966 to co-ordinate a meeting

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- Prior to any works beginning in the road or rail reserves, the applicant must obtain the relevant consents and permissions from the relevant Authority.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

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 was 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 five 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?

- The person who applied 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, 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 the relevant 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.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.