

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

Permit No.:	PP-635-2023
Planning scheme:	Greater Geelong Planning Scheme
Responsible authority:	City of Greater Geelong Council
ADDRESS OF THE LAND:	1 Henry Street, Belmont (Lot 1 on Title Plan 531517)

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
32.08-3	Pursuant to Clause 32.08-3 multi-lot subdivision of land
32.08-5	Pursuant to Clause 32.08-5 construction of a dwelling on a lot less than 300sqm.
43.02-2	Pursuant to Clause 52.29-2 subdivide land adjacent to a road in a Transport Zone 2.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

SUBDIVISION CONDITIONS:

Endorsed Plans

1. The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.
2. The staging of the subdivision must be generally in accordance with the staging plan prepared by Cardno, drawing No. 25135-200 (dated 21/12/2022) and endorsed as part of this planning permit except with the prior written consent of the Responsible Authority.

Formal Plan of Subdivision

3. Any formal plan of subdivision lodged for certification for each stage must be in accordance with the approved plan and staging and must not be modified except to comply with statutory requirements or with the further written consent of the Responsible Authority.
4. Before a plan of subdivision is lodged for certification for each stage, the owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the

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endorsed plan for that stage in accordance with the authority's requirements and relevant legislation at the time, to the satisfaction of the Responsible Authority.

5. All existing and proposed easements and sites for existing or required utility services and roads on the land to service the relevant stage must be set aside in the plan of subdivision submitted for certification for each stage in favour of the relevant authority for which the easement or site is to be created to the satisfaction of the Responsible Authority.
6. A plan of subdivision submitted for certification for any stage under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with section 8 of the *Subdivision Act 1988*.

Public Open Space Contribution

7. Unless otherwise approved by the Responsible Authority, the owner must:
 - a) Provide a Public Open Space Contribution equal to 10% of the developable residential land across the entire 1 Henry Street, Belmont (Volume 07067 Folio 272) consisting of a 0.5 hectare (approximate) park to be provided in a subsequent stage of the subdivision and land required for tree retention and the balance (being the equivalent site value of the balance land) to be paid to Council in cash.
 - b) Deliver the Public Open Space Contribution in accordance with Agreement AQ943357R made pursuant to Section 173 Agreement registered on the Title of 1 Henry Street, Belmont (Volume 07067 Folio 272).
 - c) Submit a land budget to determine compliance with this condition.

Community Infrastructure Contribution

8. Unless otherwise approved by the Responsible Authority, the owner must:
 - a) Pay to the City of Greater Geelong a Community Infrastructure Contribution in accordance with Agreement AQ943357R made pursuant to Section 173 Agreement registered on the Title of 1 Henry Street (Volume 07067 Folio 272), Belmont.

Telecommunications

9. Before a plan of subdivision is certified for any stage, the owner of land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot required to service the relevant stage 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 required to service the relevant stage 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.

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10. Before a Statement of Compliance is issued 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 in that particular stage are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunications facilities have been provided for that particular stage 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.

Landscaping Master Plan (Staged subdivision)

11. Before any works commence, a Landscaping Master Plan for the entire permit area (Stage 1) prepared by a suitably qualified or experienced person, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The master plan is broadly conceptual and must include:
- a) An accurate survey of the entire subdivision showing all existing vegetation, topography title boundaries, surrounding roads etc;
 - b) Proposed stages with road and lot layouts;
 - c) A detailed vegetation assessment survey showing all existing vegetation, vegetation to be retained and/or protected and vegetation to be removed;
 - d) Locations sizes, title designation of all public reserves (E.g. drainage, recreational, liner etc);
 - e) Proposed major features and concepts for reserves (E.g. playgrounds, water features, retention basis, footpaths, offset plantings etc);
 - f) Concepts and locations for street tree plantings and landscaping treatments within road reserves (including roundabouts, centre medians etc);
 - g) Proposed planting 'styles' and locations for all plantings in public reserves and streets.
 - h) Location of footpaths and pathway linkages through the subdivision and public reserves

Landscaping prior to statement of compliance

9. Prior to the issue of the Statement of Compliance for each stage under the *Subdivision Act 1988*, landscape works for that particular stage must be completed, or a bond lodged for that particular stage with the council for the value of 150% of uncompleted landscape works. The bond will be held until the landscaping has been satisfactorily completed. The landscaping and street trees as shown on the approved plans for that particular stage must be maintained for a period of twenty-four (24) months from the date when the Statement of Compliance was issued for that stage or from when the landscaping bond was refunded, whichever is the greater.

Endorsed Engineering Plans

10. Before a plan of subdivision is certified for any stage of the subdivision, detailed engineering plans for that particular stage to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then

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form part of the permit. The plans must be drawn to scale with dimensions and be in accordance with the requirements of the Infrastructure Development Manual and to the satisfaction of the Responsible Authority.

Detailed Construction Plans

11. Before a plan of subdivision is certified for any stage of the subdivision and before any construction works commence associated with the development or subdivision of that particular stage, detailed construction plans, drainage computations, specifications to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The construction plans must be to Council standards and specifications in the Infrastructure Design Manual (IDM). The plans must include:

- a) Earthworks;
- b) Detail of proposed filling;
- c) Fully sealed bituminous surface pavement with full-depth crushed rock shoulders (internal roads);
- d) Open, underground, and culvert drains;
- e) Specifications, notations, and schedules for all stormwater pit lids in the public realm to require the lightweight, composite, locking type of appropriate load rating;
- f) Concrete footpaths;
- g) Provision for shared /cyclist path
- h) Drive entries;
- i) Major Storm overland flow paths;
- j) Signage details;
- k) Pavement details;
- l) Line marking detail;
- m) Fencing details;
- n) Retarding basin details to be contained in Council reserves inclusive of pedestrian access and maintenance tracks with direct access from road reserve, easily accessible by maintenance vehicles including access to the inlet and outlet;
- o) Provision of circular all-weather trafficable turning area of minimum 10m radius (excluding shoulders) at road ends;
- p) Detailed construction notes.

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

12. Before a plan of subdivision is certified for each stage of the subdivision under the *Subdivision Act 1988*, provide piped underground drainage required to service that particular stage generally in accordance with the approved Site Stormwater Management Plan prepared by Stantec, dated 21 December 2022 and provide to each allotment in the subdivision a drainage discharge point. Drainage shall be constructed in accordance with the approved staging and in accordance with the requirements of City of Greater Geelong contained in Infrastructure Design Manual Version 5.30 and to the satisfaction of the Responsible Authority including:

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- a) Provide piped underground drainage discharging to the nominated legal point of discharge
 - b) Provide to each allotment in the subdivision a discharge point.
 - a) Provide drainage retardation to limit peak flow rates to pre-development levels, or as agreed, and generally in accordance with the endorsed Site Stormwater Management Plan J7556 – SWMP – REVB
 - b) Provide erosion control in the form of rock beaching where required.
 - c) Upgrade of existing downstream drainage where required.
 - d) Provide stormwater treatment in accordance with current best practice performance as contained in Urban Stormwater – Best Practice Environmental Management Guidelines.
13. Before a plan of subdivision is certified for any stage, detailed drainage plans for that particular stage to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. The drainage plans for any stage must be in accordance with the approved Stormwater Management Plan. Once approved, the drainage plans for each stage will be endorsed and will then form part of the permit. The plans must be in accordance with Council's Infrastructure Design Manual (IDM) and provide:
- a) a full drainage analysis and design of minor (5 year) and major storm (100 year) events considering all contributing external and internal catchment areas detailing how the site is to be drained.
 - b) a full drainage analysis of all contributing external and internal catchment areas and detailing how peak flow rates from the development are retarded to pre-development levels.
 - c) Flows can be safely and effectively managed within proposed easements and downstream drainage infrastructure.
 - d) Hazard classification is to not exceed H2 within any privately accessed easements.
 - e) an analysis and computations demonstrating storm water discharge quality from the development meets current best practice performance as contained in the Urban Stormwater – Best Practice Environmental Management guidelines.
 - f) independent Risk Assessment Report for drainage retardation and treatment infrastructure, e.g. basins, in accordance with principles of AS/NZS 31000.
14. Before the statement of compliance is issued for the relevant stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must enter into an agreement with the responsible authority made pursuant to section 173 of the Planning and Environment Act 1987, and make an application to the Registrar of Titles to have the agreement registered on title to the land for that particular stage under Section 181 of the Act, which provides for the following:
- a) The owner of the land must preserve and maintain in operational order, all drainage features, and structures, excluding underground drainage assets vested in City of Greater Geelong Council but including open drains and basins.
 - b) The owner of the land must, for any new dwelling to be erected on any lot created, provide a rainwater tank for the collection and re-use of roof-collected stormwater for toilet flushing and garden irrigation and for the dwelling to be plumbed accordingly.

All in accordance with the Site Stormwater Management Plan and Drainage Plans.

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15. Prior to the issue of the Statement of Compliance under the *Subdivision Act 1988* for the relevant stage of the subdivision, the application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land for that particular stage under section 181 of the Act. The owner/operator under this permit must pay the reasonable costs of the preparation, execution, and registration of the section 173 agreement.

DEVELOPMENT CONDITIONS:

Endorsed Plan

16. The development as shown on the endorsed plans prepared by Clarke Hopkins Clark, project No 190192, Sheet No. 01.02- 502, dated 12 December 2022, must not be altered without the written consent of the Responsible Authority.
17. Once the construction commenced, it must be continued and completed to the satisfaction of the Responsible Authority.

Landscaping plans

18. Before the commencement of works for each stage, a detailed landscaping plan for all land within that particular stage, to the satisfaction of the Responsible Authority and prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and with dimensions and must include:
- a) Appropriate street trees and appropriate landscaping of the proposed drainage reserve;
 - b) Species including botanical names;
 - c) Pot size;
 - d) Size at maturity;
 - e) Quantity of each plant;
 - f) Site preparation detail;
 - g) mulching and watering detail;
 - h) All existing vegetation, built structures and landscape features to be retained, protected and/or removed
 - i) All landscaping in public reserves, including lawn areas, street trees
 - j) Details of any playgrounds, paths, fencing, park furniture, boardwalks, etc.

All landscaping works must be carried out and completed in accordance with the approved landscaping plan.

Maintenance

19. The landscaping as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including replacing any dead, diseased or damaged plants.

Environmental Audit

20. Before a sensitive use commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either of the following must be undertaken to the satisfaction of the Responsible Authority:

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- a) A certificate of environmental audit for the land must be issued in accordance with Part IXD of the Environment Protection Act 2017, or
- b) An environmental auditor appointed under the Environment Protection Act 2017 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for residential use of the development hereby approved.

Where a Statement of Environmental Audit is issued for the land, the development hereby approved must comply with all the directions and conditions contained within the Statement. Where a Statement of Environmental Audit is issued for the land, prior to Statement of Compliance for any stage and prior to the issue of an Occupancy Permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 2017 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Construction Environment Management Plan

21. Before any construction works start for any stage, a Construction Environment Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the CEMP will be endorsed and will then form part of the permit. The plan must include, but is not limited to:
- a) An outline how issues such as runoff, mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction and post construction phase.
 - b) Details of a contact person/site manger must also be provided, so that this person can be easily contacted should any issues arise.

Management measures are to be in accordance with EPA guidelines for Environment Management, 'Doing It Right On Subdivisions' Publication 960, September 2004.

All works must be undertaken in accordance with the approved CEMP to the satisfaction of the Responsible Authority.

Prior to Occupation

22. Unless otherwise approved in writing by the Responsible Authority, prior to the occupation of each dwelling, the developer must:
- a) Construct the site stormwater system for that dwelling in accordance with the approved stormwater strategy, and connect into the drainage connection point as shown on the endorsed engineering plans required under the subdivision conditions of this permit, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with the Infrastructure Design Manual/ City of Greater Geelong Standard Drawings;
 - b) Construct any roads required to provide access to the dwellings in the relevant stage, including turning areas. The road must be constructed in accordance with the endorsed engineering plans required under the subdivision conditions of this permit. The roads must be constructed to the minimum construction standard requirement to service the relevant stage;

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- c) Construct vehicle crossings to that particular allotment containing the relevant dwelling in accordance with the endorsed plans and to the requirements and standards of the City of Greater Geelong;
- d) Remove any redundant kerb and channel, section of road pavement, vehicle crossing, and reinstate kerb and channel, the footpath/nature strip area and road pavement to match existing construction in the street;
- e) Clean and finish all external walls on or facing property boundaries;
- f) Complete landscaping within the particular allotment containing the relevant dwelling in accordance with the endorsed plans;
- g) Complete all buildings and works associated with the dwelling within the relevant allotment in accordance with the endorsed plans.

all to the satisfaction of the Responsible Authority.

Expiry

Development

23. This permit as it relates to the development of buildings will expire if one of the following circumstances applies:
- a) The development is not started within 2 years of the issued date of this permit; or
 - b) The development is not completed within 4 years of the issued date of this permit.

Subdivision

24. The permit as it relates to subdivision will expire if one of the following circumstances applies:
- a) The first stage of the plan of subdivision has not been certified within two (2) years of the date of this permit; or
 - b) All stages of the plan of subdivision have not been certified within four (4) years of the date of this permit; or
 - c) A statement of compliance is not issued within five (5) years of the date of certification of the relevant stage of subdivision.

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Notes

1. The staging of the subdivision must be generally in accordance with the staging plan endorsed as part of this planning permit except with the prior written consent of the Responsible Authority.
2. Unless otherwise approved by the Responsible Authority and prior to the issue of Statement of Compliance for the relevant stage, the land owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 for the provision of a minimum 25% garden area for all vacant lots less than 400sqm. All costs associated with setting up and reviewing the agreement must be borne by the land owner. The agreement is to be registered on each individual title, and run with the land.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. This permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C460ggee to the Greater Geelong Planning Scheme.

WHEN DOES A 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 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?

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

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