

## PLANNING PERMIT

<b>Permit No.:</b>	PA2403136
<b>Planning scheme:</b>	Greater Geelong Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	11 Lagoon Street, Armstrong Creek

### THE PERMIT ALLOWS:

<b>Planning scheme clause No.</b>	<b>Description of what is allowed</b>
37.07	Construct a building or construct or carry out works
45.09	Reduce the number of car parking spaces

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

#### Commencement

2. This permit will operate from the issued date of this permit.

#### Endorsed Plans

3. The development as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority.
4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
5. All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainability Management Plan may occur without the written consent of the Responsible Authority.

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6. The endorsed Tree Protection Management Plan must not be amended or altered without the consent of the Responsible Authority.
7. Waste management and collection must be carried out in accordance with the requirements of the approved and endorsed waste management plan to the satisfaction of the Responsible Authority.

**Prior to Works Commencing**

8. Unless otherwise approved by the Responsible Authority, prior to works commencing, CAD (MGA Zone 55) versions of any approved or endorsed plans must be submitted to the Responsible Authority. The provided 3D CAD model must satisfy the requirements of Council's acceptable 3D model formats document.
9. Unless otherwise approved by the Responsible Authority, prior to works commencing, evidence must be submitted showing that the development has been registered with the Green Building Council of Australia to achieve 4-star Green Star Buildings certification.
10. Unless otherwise approved by the Responsible Authority, prior to works commencing, A 4.5 Star NABERS for Shopping Centres Commitment Agreement must be submitted to and approved by the Responsible Authority.
11. Prior to works commencing, a Private Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must provide details of a regular private garbage collection service, including information regarding the type of refuse bins, type/size of trucks, means of accessing bins and frequency of refuse collection, to the satisfaction of the Responsible Authority. Once approved, the plan will be endorsed and form part of the permit.
12. Unless otherwise approved in writing by the Responsible Authority, prior to the submission and approval of detailed design construction plans (engineering plans) and commencement of any site works within the road reserve, a functional layout plan must be submitted to and approved by the Responsible Authority, in accordance with the design standards of the City of Greater Geelong and the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.

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 inclusive of the following except where not applicable:

- a) Construction of proposed crossovers to the site and associated drainage works.
  - b) Construction of roundabout within Lagoon Street and site access point including associated street lighting, drainage, landscaping, and road works.
  - c) The development of High Street/Exhibition Street as a 'pedestrian priority' street including removal of any vehicle access points from Main Street or High Street to any at grade car parking area.
13. Prior to works commencing within the road reserve, detailed engineer designed roadworks and drainage construction plans must be submitted to and approved by the Responsible Authority.

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The plans are to be in accordance with the design standards of the City of Greater Geelong and the Infrastructure Design Manual (IDM), to achieve an acceptable standard of aesthetics (including landscaping) which can be maintained in perpetuity to the satisfaction of the Responsible Authority.

- a) The proposed Lagoon Street roundabout redesigned to accord with the following:
  - i. Recommendations from a road safety audit report of the proposed roundabout design. The reports must be carried out for the proposed roundabout design and raised crossings at the detailed design stage by a suitably qualified auditor in accordance with Austroads, Guide to Road Safety Part 6 "Road Safety Audit" (2022) at developer's expense. The findings of the Independent Road Safety Audit formally responded to and implemented by the developer with the results submitted to the Responsible Authority for approval;
  - ii. Relocation of the proposed raised pedestrian crossing at the northern and southern leg of the roundabout to ensure minimum of 7m offset from the edge of the travel lane to store a medium size car (in accordance with the design requirement of VicRoads Road Design Note RDN 03-07 dated Dec 2019);
  - iii. Turning in/out of the site to be design for a service vehicle (8.8m long) rather than a B99 vehicle to ensure the design of the roundabout future proofs the road infrastructure proposed (generally, in accordance with the IDM requirement);
  - iv. Consideration to the provision of lighting at the roundabout meeting the relevant Australian Standards, including the current issue of AS/ANZ 1158 – Lighting for Roads and Public Spaces;
  - v. Demonstrate the compliance with the sight distance requirement of the proposed roundabout design in compliance with the Guide to Road Design Part 4A;
- b) The functional layout plan(s) has been approved by the Responsible Authority,
- c) The locations of other authorities' services have been provided to the satisfaction of the Responsible Authority.
- d) They are submitted with the completed Design Engineers Checklist – Request for Detailed Design Approval.

The construction plans must show all items defined in the checklist inclusive of the following except where not applicable:

- e) All details of works consistent with the approved functional layout plan, submitted landscape plan, including agreed location of services,
  - f) The findings of the Independent Road Safety Audit formally responded to and implemented by the developer with the results submitted to the Responsible Authority for approval.
14. Prior to works commencing, the developer must submit to the written satisfaction of City of Greater Geelong Council, a Construction Traffic Management Plan (CTMP) addressing traffic control measures to be utilised in the public road reserve during the construction phase.
- a) The required plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve. The plan is to be prepared in accordance with Australian Standard 1742.3 – 2019.

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- b) Plan to detail the frequency, route and timing of heavy vehicles trips anticipated to be generated during the construction stage.
15. Prior to works commencing, a Tree Protection Management Plan must be submitted to and approved by the Responsible Authority. The Tree Protection Management Plan must be prepared by a suitably qualified arborist and must include all:
- a) Council-owned trees.

When approved the Tree Protection Management Plan and its recommendations will be endorsed and will then form part of the permit.

16. Prior to works commencing, a letter of engagement must be provided to the Responsible Authority from the Project Arborist selected to oversee all relevant tree protection works. In accordance with Australian Standard 4970-2009 Protection of trees on developments sites the Project Arborist must be an appropriately experienced and qualified professional (minimum AQF Level 5 Arborist).
17. Prior to the works commencing (including any demolition works), Tree Protection Fencing must be installed and maintained until works are completed to the satisfaction of the Responsible Authority.

**Prior to Occupation**

18. Prior to the occupation of the development, A NABERS independent design review demonstrating the development has been designed to achieve a NABERS for Shopping Centres 4.5-star rating or greater.
19. An amended Sustainability Management Plan (SMP) prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The SMP must demonstrate that the building has:
- a) A rainwater tank capable to meet the Sustainability Management Plan and associated measures and be connected to toilets and irrigation
20. Prior to the occupation of the development, of any part of the development approved under this permit, a report from the author of the endorsed Sustainability Management Plan, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm through supporting evidence that all measures specified in the endorsed SMP have been implemented in accordance with the approved plan, including the requirement for a minimum 4 Star Green Star Building certification issued by the Green Building Council of Australia (GBCA).
21. The design and construction of stormwater drainage connections and any new Council infrastructure needs to be approved and supervised by the Responsible Authority. Unless otherwise approved in writing by the Responsible Authority, prior to the occupation of the development, a fee of 3.25% of the cost of the works must be paid to the Responsible Authority

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for the checking and supervision of these works. A maintenance bond of 5% of the cost of the works is to be paid to Council and will be returned after successful completion of a one (1) year maintenance period, all to the satisfaction of the Responsible Authority.

22. Prior to the occupation of the development, the developer must:
- a) Construct the site stormwater system including separate connection into the existing private lot connections, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings;
  - b) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong;
  - c) Construct roundabout within Lagoon Street and associated works;
  - d) Develop High Street/Exhibition Street as a 'pedestrian priority' street including removal of any vehicle access points from Main Street or High Street to any at grade car parking area;
  - e) Remove any redundant vehicular crossings with kerb and channel and the footpath/nature strip area reinstated to match existing construction in the street;
  - f) Construct and drain the access road within the development;
  - g) Construct and line mark the car park including accessways and surface with an all-weather sealed coat in accordance with the endorsed plans;
  - h) Construct and complete all buildings and works, including landscaping works, in accordance with the endorsed plans;

all to the satisfaction of the Responsible Authority.

23. Construction of the site stormwater connection/s is to be inspected by Council Representative prior to any backfilling. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.

24. Prior to the occupation of the development, a written statement from the Project Arborist must be submitted to the Responsible Authority that certifies that the following items have been addressed as part of the works:

- a) Installation and correct placement of tree protection fencing 2 weeks prior to works commencing and for the duration of works;
- b) Attendance during Tree Protection Zone incursions;
- c) Adherence to Australian Standard 4970–2009 Protection of trees on development sites.

25. The site must be drained to the satisfaction of the Responsible Authority and no concentrated storm water may drain or discharge from the land to adjoining properties.

### **Parks**

26. The development of the site requires the removal of the street trees. This is approved and must be offset in accordance with Council's Tree Management Policy. Tree planting will occur either

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on the nature strip of the site or another suitable location, to our satisfaction (as the Responsible Authority), and maintained for an establishment period of two years.

The applicant will be responsible for all costs associated with:

- a) Removing the existing tree and stump;
- b) The purchase of new replacement trees in minimum 40cm containers;
- c) The planting the replacement trees;
- d) The aftercare and maintenance of the replacement trees for a period of no less than two years.

As the street trees are Council assets located within a road reserve, all works associated with tree removal and replacement must be undertaken by Council or its approved contractors. The applicant is to contact Council's Parks Planning Arborist (5272 5272) to discuss the process for the removal and replacement of the street trees. A written quote will be prepared and provided to the applicant and acceptance of the quote must be provided in writing to Council prior to any works to the street tree commencing.

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

- a) Carried out in accordance with Australian Standard 4373–2007 Pruning of amenity trees and Australian Standard 4970–2009 Protection of trees on development sites;
- b) Overseen by a suitably qualified, level-5 arborist;
- c) Carried out to the satisfaction of the Responsible Authority by suitably trained and qualified arboricultural staff.

28. Works encroaching within the nominated Tree Protection Zones must not be undertaken without the written consent of the Responsible Authority.

### **Plant and Equipment**

29. Unless otherwise approved by the Responsible Authority, all plant and equipment must be contained within the envelope of the buildings and acoustically treated and concealed to the satisfaction of the Responsible Authority and in accordance with the endorsed plans.

### **Delivery, Loading and Waste Collection and Storage**

30. The loading bay areas must remain free and available for this purpose at all times to the satisfaction of the Responsible Authority. The loading and unloading of goods from vehicles must only be carried out on the land.

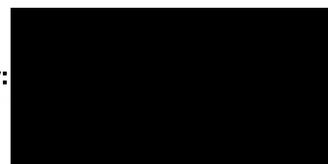
31. Waste and recycling must only be stored in accordance with the endorsed Waste Management/endorsed plans and to the satisfaction of the Responsible Authority.

### **General Amenity**

32. The amenity of the area must to the satisfaction of the Responsible Authority not be adversely affected by the use or development as a result of:

- a) transport of materials, goods or commodities to or from the land;

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- b) appearance of any building, works, stored goods or materials;
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products or oil; or
- d) the presence of vermin.

**Expiry**

33. This permit will expire if one of the following circumstances applies:

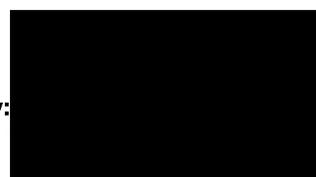
- a) The development is not commenced within two (2) years of the date of this permit.
- b) The development is not completed within five (5) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing within six (6) months of the date of expiry.

**Notes:**

1. A pre-commencement meeting with Council's Engineering Department is required to be undertaken prior to works starting. To organise this meeting please contact 5272 4426.
2. In the instance that minor pruning is anticipated the applicant must contact Council's Parks Planning Officers on 5272 5272 (treeplanning@geelongcity.vic.gov.au) to lodge a request and provide adequate notice.
3. Engineering design plans and specifications for the works being undertaken within the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field.
4. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
5. A Vehicle Crossing Permit must be obtained prior to commencement of works.
6. Any applicable Council and/ or Service Authority permit(s) must be taken out prior to the commencement of works within the road reserve.
7. The applicant or their nominated representatives are not authorised to remove or arrange the removal of the Council tree without our written consent (as the Responsible Authority).

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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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**.)

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### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

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### WHEN DOES A PERMIT BEGIN?

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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.

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### WHEN DOES A PERMIT EXPIRE?

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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.

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### WHAT ABOUT REVIEWS?

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- 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.

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