

66 REFERRAL AND NOTICE PROVISIONS

Scope

These provisions set out the types of applications which must be referred under section 55 of the Act or for which notice must be given under Section 52(1)(c) of the Act. The provisions do not apply to the seeking of advice about an application or where a responsible authority may choose to give notice under another sub-section of Section 52(1) of the Act.

Referrals

Applications of the kind listed below in Clauses 66.01 and 66.02 must be referred to the person or body specified as a referral authority in accordance with Section 55 of the Act. This does not apply if in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the referral authority, or the referral authority has considered the proposal for which the application is made within the past three months and has stated in writing that it does not object to the granting of the permit for the proposal.

66.01 Subdivision

	Kind of application	Referral authority
66.01-1	To subdivide land other than: <ul style="list-style-type: none">• Boundary realignments.• Subdivisions of existing buildings already connected to services.• Two lot subdivisions.• Subdivisions for the creation of lots to correspond with existing flats and car parking spaces.	The relevant water, drainage or sewerage authority The relevant telecommunication authority The relevant electricity supply or distribution authority The relevant gas supply authority
66.01-2	To subdivide land outside the metropolitan fire district which creates a road.	Country Fire Authority
66.01-3	To subdivide land if the only access to a lot is over Crown land which has not been reserved or proclaimed as a road.	Minister administering the Land Act 1958
66.01-4	To subdivide land crossed by a gas transmission pipeline or a gas transmission pipeline easement.	The relevant gas supply authority
66.01-5	To subdivide land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.	The relevant electricity transmission authority

Note: A subdivision which does not require referral under Clause 66.01 must be referred if it is listed as a requirement under any other provision of Clause 66.

66.01-6 Conditions on subdivisions not requiring referral

Permits for subdivisions listed above as not requiring referral (other than for the creation of lots to correspond with existing flats and car parking spaces) must contain the following conditions:

- 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 endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- The plan 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.

66.01-7 Referrals under the Subdivision Act

For the purpose of Section 8 of the Subdivision Act 1988 referral of a plan is only required if:

- A referral is required by a permit issued under this scheme. The plan must be referred to the relevant authority listed above.
- A plan creates, varies or removes an easement or restriction likely to be of interest to a referral authority. The plan must be referred to the relevant referral authority above.
- The only access to a lot on a plan is over Crown land and the Minister administering the Land Act 1958 has not consented or provision has not been made for a road to be reserved or proclaimed. The plan must be referred to that Minister.
- In the opinion of the Council the plan may affect existing sewerage, water, drainage or other works. The plan must be referred to the referral authority responsible for those works.

66.02 Use and development

Kind of application	Referral authority
Works approval or licence	
66.02-1 For a use or development requiring any of the following: <ul style="list-style-type: none"> • Works approval in accordance with Section 19A of the Environment Protection Act 1970. • A licence to discharge or emit waste in accordance with Section 20 of the Environment Protection Act 1970. • Amendment of a licence under Section 20A of the Environment Protection Act 1970. 	Environment Protection Authority
Mining	
66.02-2 To use or develop land for mining.	Secretary to the Department administering the Mineral Resources Development Act 1990
Native vegetation	
66.02-3 To remove or destroy native vegetation if the area to be cleared is 10 hectares or greater.	Secretary to the Department administering the Flora and Fauna Guarantee Act 1988
66.02-4 To remove or destroy native vegetation if the area to be cleared combined with any area to be cleared under a concurrent or	Secretary to the Department administering the Flora and Fauna Guarantee Act 1988

Kind of application	Referral authority
previous application on the same or contiguous land, which was in the same ownership on the 30 June 1989, and the combined area is 10 hectares or greater.	
66.02-5 To remove, destroy or lop native vegetation if a land management plan or works program is submitted.	Secretary to the Department administering the Flora and Fauna Guarantee Act 1988
66.02-6 To remove, destroy or lop native vegetation on Crown land which is occupied or managed by the responsible authority.	Secretary to the Department administering the Flora and Fauna Guarantee Act 1988
66.02-7 To remove, destroy or lop native vegetation on a road.	Secretary to the Department administering the Flora and Fauna Guarantee Act 1988
Cattle feedlot	
66.02-8 To use or develop land for a cattle feedlot.	Minister for Agriculture If the site is located within a special water supply catchment area under the Catchment and Land Protection Act 1994, the relevant water authority under the Water Act 1989 and the Secretary to the Department administering the Catchment and Land Protection Act 1994 If the number of cattle is 5000 or more, the Environment Protection Authority
Major electricity line or easement	
66.02-9 To construct a building or construct or carry out works on land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.	The relevant electricity transmission authority
Special Water Supply Catchment	
66.02-10 To use, subdivide or consolidate land, to construct a building or construct or carry out works, or to demolish a building or works that are within a Special Water Supply Catchment Area listed in Schedule 5 of the Catchment and Land Protection Act 1994 and which provides water to a domestic supply. This does not apply to an application for a sign, fence, roadworks or unenclosed building or works ancillary to a dwelling.	The relevant water board or water supply authority
Timber production	
66.02-11 To use or develop land for timber production by establishing a plantation.	The Secretary to the Department of Sustainability and Environment

Kind of application	Referral authority
66.02-12 To use or develop land for timber production by harvesting timber from native forest, including thinning, if the area of native forest to be subjected to timber production operations is 10 hectares or greater.	The Secretary to the Department of Sustainability and Environment
Industry or warehouse	
66.02-13 To use land for an industry or warehouse for a purpose listed in the table to Clause 52.10 shown with a Note 1 or if the threshold distance is not to be met.	Environment Protection Authority
66.02-14 To use land for an industry or warehouse for a purpose listed in the table to Clause 52.10 shown with a Note 2 and if a licence is required under the Dangerous Goods (Storage and Handling) Regulations or the Dangerous Goods (Explosives) Regulations.	The Minister administering the Dangerous Goods Act 1985
66.02-15 To construct a building or construct or carry out works on land used for an industry or warehouse for a purpose listed in the table to Clause 52.10 and shown with a Note 2 if both: <ul style="list-style-type: none"> • The premises are licensed under the Dangerous Goods (Storage and Handling) Regulations or the Dangerous Goods (Explosives) Regulations. • The area of the buildings and works will increase by more than 25 percent. 	The Minister administering the Dangerous Goods Act 1985
Extractive industry	
66.02-16 To use or develop land for extractive industry.	Secretary to the Department administering the Extractive Industries Development Act 1995
66.02-17 To use or develop land for extractive industry on Crown land or land abutting Crown land, other than a government road.	Secretary to the Department administering the Archaeological and Aboriginal Relics Preservation Act 1972 and Part IIA of the Aboriginal and Torres Strait Islander Heritage Protection Act (Commonwealth) 1984
66.02-18 To use or develop land for extractive industry In Special Areas declared under Section 27 of the Catchment and Land	Secretary to the Department administering the Heritage Act 1995
66.02-17 To use or develop land for extractive industry on Crown land or land abutting Crown land, other than a government road.	Secretary to the Department administering the Land Act 1958, Crown Land (Reserves) Act 1978, National Parks Act 1975 and Forests Act 1958.

Kind of application	Referral authority
Protection Act 1994.	1994
66.02-19 To use or develop land for extractive industry on land where the use or development involves the removal or destruction of native vegetation if the total area to be cleared is 10 hectares or greater	Secretary to the Department administering the Catchment and Land Protection Act 1994
66.02-20 To use or develop land for extractive industry on land which has been identified in this scheme as being subject to high erosion risk or areas identified as being subject to salinity management.	Secretary to the Department administering the Catchment and Land Protection Act 1994
66.02-21 To use or develop land for extractive industry in areas with communities or taxa listed or critical habitat determined under the Flora and Fauna Guarantee Act 1988.	Secretary to the Department administering the Flora and Fauna Guarantee Act 1988
66.02-22 To use or develop land for extractive industry on land which has been identified in this scheme as containing sites of flora or fauna significance.	Secretary to the Department administering the Flora and Fauna Guarantee Act 1988
66.02-23 To use or develop land for extractive industry on land which has been identified in this scheme as flood prone	Secretary to the Department administering Section 201 of the Water Act 1989
66.02-24 To use or develop land for extractive industry if the land is intended to be used for land fill at a future date.	Environment Protection Authority
66.02-25 To use or develop land for extractive industry: <ul style="list-style-type: none"> • On land which abuts a local road which intersects with a road declared as a freeway or an arterial road under the Road Management Act 2004 and if the development is expected to increase traffic movement at the intersection of the local road and the declared road by ten percent or more. • On land which abuts a road declared as a freeway or an arterial road under the Road Management Act 2004. This does not apply to a development which generates less than one hundred commercial trips per day, with roadworks at the entrance to the site built in accordance with the requirements of the Roads Corporation and the declared road is not a freeway. 	Roads Corporation

66.03 Referral of permit applications under other State standard provisions

An application of the kind listed below, where the planning scheme includes the specified clause, must be referred in accordance with Section 55 of the Act to the referral authority specified. This does not apply if in the opinion of the responsible authority, the proposal

satisfies requirements or conditions previously agreed in writing between the responsible authority and the referral authority, or the referral authority has considered the proposal for which the application is made within the past three months and has stated in writing that it does not object to the granting of the permit for the proposal.

Clause	Kind of application	Referral authority
Clause 37.03-5 (UFZ)	An application under the zone	Relevant floodplain management authority
Clause 44.02-3 (SMO)	An application under the overlay and any site capability report	Department of Sustainability and Environment
Clause 44.03-4 (FO)	An application under the overlay	Relevant floodplain management authority
Clause 44.04-4 (LSIO)	An application under the overlay	Relevant floodplain management authority
Clause 44.05-4 (SBO)	An application under the overlay	Relevant floodplain management authority
Clause 44.06-3 (WMO)	An application under the overlay	Relevant fire authority
Clause 44.07-4 (SRO)	An application of the kind specified in a schedule to the overlay	Referral authority specified in a schedule to the overlay
Clause 45.01-2 (PAO)	An application under the overlay	Authority responsible for acquiring the land
Clause 45.07-5 (CLPO)	An application under the overlay	Roads Corporation
Clause 52.29	An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a PAO if the Roads Corporation is the authority responsible for acquiring the land, subject to exemptions specified in the clause Any other application under the Clause	Roads Corporation Owner of, or the authority responsible for acquiring the adjacent land in the Road Zone, Category 1 or the PAO
Clause 52.30-1	An application to use or develop land for a Freeway service centre.	Roads Corporation

66.04 Referral of permit applications under local provisions

In addition to the referral requirements of Clause 66.01, 66.02 and 66.03, an application of the kind listed in the schedule to this clause must be referred in accordance with Section 55 of the Act to the referral authority specified in the schedule. This does not apply if in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the referral authority, or the referral authority has considered the proposal for which the application is made within the past three months and has stated in writing that it does not object to the granting of the permit for the proposal.

If a local provision of the scheme specifies a person or body as a referral authority for a kind of application or contains a referral requirement, and that specification or requirement is not included in the schedule to this clause, it is not a referral requirement under section 55 of the Act.

66.05 Notice of permit applications under State standard provisions

Notice of an application of the kind listed below must be given in accordance with Section 52(1)(c) of the Act to the person or body specified as a person or body to be notified. This does not apply if, in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the person or body to be notified.

Clause	Kind of application	Person or body to be notified
Clause 52.09-3	<p>An application which, if a permit were granted, would allow residential land use, rural residential land use or a land use with a substantial residential or rural residential component within an extractive industry interest area.</p> <p>An application which, in the opinion of the responsible authority, may materially affect an extractive industry site approved under the Extractive Industries Development Act 1995 or an extractive industry site in respect of which an application was made under the Extractive Industries Development Act 1995.</p>	The Secretary of the Department administering the Extractive Industries Development Act 1995
Clause 52.21	An application under the clause to construct, use or illuminate a private tennis court.	The owners and occupiers of adjoining and opposite properties
Clause 67.02	An application for a permit which, except for the provisions of Clause 67, would be made to the Minister in accordance with Section 96 of the Act. This does not apply to an application for a sign or advertisement, or to remove, destroy or lop native vegetation under Clause 52.17 of this scheme	<p>The owners and occupiers of adjoining land</p> <p>The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust</p>

Clause	Kind of application	Person or body to be notified
Clause 67.03	An application for a permit to remove, destroy or lop native vegetation under Clause 52.17, which, except for the provisions of Clause 67, would be made to the Minister in accordance with Section 96 of the Act. This does not apply if the application is of a kind which must be referred to the Secretary under Section 55 of the Act.	The Secretary to the Department administering the Flora and Fauna Guarantee Act 1988

66.06 Notice of permit applications under local provisions

In addition to the notice requirements of Clause 66.05, notice of an application of the kind specified in the schedule to this clause must be given in accordance with Section 52(1)(c) of the Act to the person or body specified in the schedule. This does not apply if in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the person or body to be notified.

If a local provision of the scheme specifies a notice requirement and that requirement is not included in the schedule to this clause, it is not a notice requirement under Section 52(1)(c) of the Act.