

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.

These provisions also specify when a plan must be referred under Section 8(1)(a) of the Subdivision Act 1988.

Referrals

Applications of the kind listed in Clauses 66.01, 66.02, 66.03 and 66.04 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.

Notice

Notice of an application of the kind listed below in Clauses 66.05 and 66.06 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.

66.01

15/09/2008
VC49

Subdivision referrals

An application of the kind listed in the table below must be referred to the person or body specified as the referral authority.

| Kind of application | Referral authority |
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| 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 |
| To subdivide land outside the metropolitan fire district which creates a road, where the requirements of Clause 56.09-3 are not met. | Country Fire Authority |

| Kind of application | Referral authority |
|--|---|
| 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 |
| To subdivide land crossed by a gas transmission pipeline or a gas transmission pipeline easement. | The relevant gas supply authority |
| 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.*

66.01-1
15/09/2008
VC49

Conditions on subdivisions not requiring referral

Permits for subdivisions listed in the table to Clause 66.01 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.

66.01-2
15/09/2008
VC49

Referrals under the Subdivision Act – certification of plans

For the purpose of Section 8(1)(a) of the Subdivision Act 1988 referral of a plan is required if:

- A referral is required by a permit issued under this scheme. The plan must be referred to the relevant referral authority.
- 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.
- 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

18/06/2010
VC62

Use and development referrals

An application of the kind listed in the table below must be referred to the person or body specified as the referral authority.

66.02-1

09/10/2006
VC42

| Kind of application | Referral authority |
|--|----------------------------------|
| Works approval or licence | |
| 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 |

66.02-2

17/09/2007
VC45

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| Mining | |
| To use or develop land for mining. | Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990 |

66.02-3

18/06/2010
VC62

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| Native vegetation | |
| <ul style="list-style-type: none">▪ To remove or destroy more than 15 native trees if each tree has a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.▪ To remove or destroy more than 5 native trees if each tree has a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.▪ To remove or destroy native vegetation which is in an Ecological Vegetation Class that has a Bioregional Conservation Status of Endangered, Vulnerable or Rare if the area to be cleared is more than 0.5 hectare.▪ To remove or destroy native vegetation which is in an Ecological Vegetation Class that has a Bioregional Conservation Status of Depleted or Least Concern if the area to be cleared is more than 1 hectare.▪ To remove, destroy or lop native vegetation if a property vegetation plan applies to the site.▪ To remove, destroy or lop native vegetation on Crown land which is occupied or managed by the responsible authority. | Secretary to the Department of Sustainability and Environment (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987) |

| | Kind of application | Referral authority |
|--------------------------------------|--|---|
| 66.02-4 09/10/2006 VC42 | Cattle feedlot 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 |
| 66.02-5 09/10/2006 VC42 | Major electricity line or easement 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 |
| 66.02-6 09/10/2006 VC42 | Special water supply catchment 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 |
| 66.02-7 18/06/2010 VC62 | Timber production <ul style="list-style-type: none"> ▪ To use or develop land for timber production by establishing a plantation. ▪ 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. | Secretary to the Department of Sustainability and Environment (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987) |
| 66.02-8 09/10/2006 VC42 | Industry or warehouse <ul style="list-style-type: none"> ▪ 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. ▪ 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 any of the following apply: <ul style="list-style-type: none"> • A fire protection quantity is exceeded | Environment Protection Authority The Victorian WorkCover Authority |

| Kind of application | Referral authority |
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| <p>under the Dangerous Goods (Storage and Handling) Regulations 2000.</p> <ul style="list-style-type: none"> • A notification is required under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000. • A licence is required under the Dangerous Goods (Explosives) Regulations 2000. • A licence is required under the Dangerous Goods (HCDG) Regulations 2000 and the use is not associated with agriculture. | |
| <ul style="list-style-type: none"> ▪ 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 the area of the buildings and works will increase by more than 25 per cent and any of the following apply: <ul style="list-style-type: none"> • A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2000. • A notification is required under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000. • A licence is required under the Dangerous Goods (Explosives) Regulations 2000. • A licence is required under the Dangerous Goods (HCDG) Regulations 2000 and the use is not associated with agriculture. | <p>The Victorian WorkCover Authority</p> |
| <p>66.02-9</p> <p>21/09/2009 VC60</p> <p>Extractive industry</p> <ul style="list-style-type: none"> ▪ To use or develop land for extractive industry. ▪ To use or develop land for extractive industry on Crown land or land abutting Crown land, other than a government road. ▪ To use or develop land for extractive industry: <ul style="list-style-type: none"> • In Special Areas declared under Section 27 of the Catchment and Land Protection Act 1994. • On land where the use or development involves the removal or destruction of native vegetation if the | <p>Secretary to the Department administering the Extractive Industries Development Act 1995</p> <p>Secretary to the Department administering the Heritage Act 1995</p> <p>Secretary to the Department administering the Land Act 1958, Crown Land (Reserves) Act 1978, National Parks Act 1975 and Forests Act 1958.</p> <p>Secretary to the Department administering the Catchment and Land Protection Act 1994</p> |

| Kind of application | Referral authority |
|--|--|
| <p>total area to be cleared is 10 hectares or greater.</p> <ul style="list-style-type: none"> • 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. | |
| <ul style="list-style-type: none"> ▪ To use or develop land for extractive industry: <ul style="list-style-type: none"> • In areas with communities or taxa listed or critical habitat determined under the Flora and Fauna Guarantee Act 1988. • On land which has been identified in this scheme as containing sites of flora or fauna significance. | <p>Secretary to the Department administering the Flora and Fauna Guarantee Act 1988</p> |
| <ul style="list-style-type: none"> ▪ To use or develop land for extractive industry on land which has been identified in this scheme as flood prone. | <p>Secretary to the Department administering Section 201 of the Water Act 1989</p> |
| <ul style="list-style-type: none"> ▪ To use or develop land for extractive industry if the land is intended to be used for land fill at a future date. | <p>Environment Protection Authority</p> |
| <ul style="list-style-type: none"> ▪ 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. | <p>Roads Corporation</p> |
| <p>66.02-10 09/10/2006 VC42</p> | <p>Geothermal energy extraction</p> <p>To use or develop land for geothermal energy extraction.</p> <p>Secretary to the Department administering the Geothermal Energy Resources Act 2005</p> |
| <p>66.02-11 18/06/2010 VC62</p> | <p>Greenhouse gas sequestration</p> <p>To use or develop land for greenhouse gas sequestration.</p> <p>Secretary to the Department administering the Greenhouse Gas Geological Sequestration Act 2008</p> |

66.03

Referral of permit applications under other State standard provisions

18/06/2010
VC62

An application of the kind listed in the table below, where the planning scheme includes the specified clause, must be referred to the person or body specified as the referral authority.

| Clause | Kind of application | Referral authority |
|-----------------------|---|---|
| Clause 36.03-4 (PCRZ) | An application for the use or development of an emergency services facility. | Department of Sustainability and Environment |
| Clause 37.03-5 (UFZ) | An application under the zone | Relevant floodplain management authority |
| Clause 37.07-5 (UGZ) | An application under the zone within Metropolitan Melbourne | Growth Areas Authority |
| | An application under the zone outside Metropolitan Melbourne | Department of Planning and Community Development |
| 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 52.05 | An application to display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004. | 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 | Roads Corporation |

| Clause | Kind of application | Referral authority |
|-----------------|---|--|
| | specified in the clause | |
| | Any other application under the Clause | 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 |
| Clause 52.36-01 | An application of the kind listed in the Clause. | Director of Public Transport |

66.04

15/09/2008
VC49

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 to the referral authority specified in the schedule.

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

21/09/2009
VC60

Notice of permit applications under State standard provisions

Notice of an application of the kind listed in the table below must be given to the person or body specified as a person or body to be notified.

| Clause | Kind of application | Person or body to be notified |
|----------------|--|---|
| Clause 45.08-6 | An application to use or subdivide land, or to construct a building or construct or carry out works. | The airport lessee company of Melbourne Airport in accordance with the Commonwealth Airports Act 1996 |
| Clause 52.09-4 | <p>An application to use or subdivide land or construct a building for Accommodation, Child care centre, Education centre or Hospital:</p> <ul style="list-style-type: none"> ▪ Within an Extractive Industry Interest Area. ▪ On land which is within 500 metres of land on which a work authority has been applied for or granted under the Extractive Industries Development Act 1995. <p>An application to construct a building or construct or carry out works on land for which a work authority has been applied for or granted under the Extractive Industries Development Act 1995.</p> <p>These requirements do not apply to an extension to buildings or works.</p> | The Secretary of the Department administering the Extractive Industries Development Act 1995 |

| Clause | Kind of application | Person or body to be notified |
|--------------|---|---|
| Clause 52.21 | An application to construct, use or illuminate a private tennis court under any provision of this scheme. | The owners and occupiers of adjoining and opposite properties |
| Clause 52.31 | An application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the Victorian Code for Broiler Farms 2009. | Environment Protection Authority |
| 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 | The owners and occupiers of adjoining land The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust |
| 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

15/09/2008
VC49

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 to the person or body specified in the schedule. 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.