66 REFERRAL AND NOTICE PROVISIONS

29/10/2015
VC101

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.

Any requirement for referral under this or another clause 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.

Any requirement for notice under this or another clause 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 Subdivision referrals

28/10/2013
VC102

An application of the kind listed in the table below must be referred to the person or body specified as the referral authority. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

Kind of application	Referral authority	Type of referral authority
To subdivide land other than: ▪ A boundary realignment. ▪ The subdivision of an existing building already connected to services. ▪ A two lot subdivision. ▪ The subdivision of land into lots each containing an existing dwelling or car parking space.	The relevant water, drainage or sewerage authority	Determining referral authority
	The relevant electricity supply or distribution authority	Determining referral authority
	The relevant gas supply authority	Determining referral authority

Kind of application	Referral authority	Type of referral 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	Determining 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	Determining referral authority
To subdivide land crossed by a gas transmission pipeline or a gas transmission pipeline easement.	The relevant gas supply authority	Determining referral 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	Determining referral 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 Mandatory conditions for subdivision permits

18/02/2013
VC81

A permit for subdivision must contain the following conditions:

The owner of the land must enter into an agreement with:

- 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
- 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.

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 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
- 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.

This requirement does not apply to a permit granted to:

- Subdivide land in a rural zone, public land zone, Urban Floodway Zone or Special Use Zone if the responsible authority is satisfied that connection to telecommunication services is not warranted.
- Realign the common boundary between two lots (boundary realignment).
- Subdivide an existing building already connected to telecommunication services.

A permit granted to subdivide land in a manner that does not require referral under Clause 66.01 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 and gas 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.

This requirement does not apply to a permit granted to subdivide land into lots each containing an existing dwelling or car parking space.

66.01-2 Referrals under the Subdivision Act – certification of plans

15/09/2008
VC49

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 Use and development referrals

22/08/2014
VC118

An application of the kind listed in the table below must be referred to the person or body specified as the referral authority. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

Kind of application	Referral authority	Type of referral authority
66.02-1 28/10/2013 VC102 **Works approval or licence**		
For a use or development requiring any of the following: ▪ 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	Determining referral authority

	Kind of application	Referral authority	Type of referral authority
66.02-2 29/10/2015 VC101	**Native vegetation**		
	▪ To remove, destroy or lop native vegetation if the area to be cleared is 0.5 hectare or more. ▪ To remove, destroy or lop native vegetation for the following class of application based on the risk-based pathway as defined in the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013): · high risk-based pathway. ▪ 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 Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987)	Recommending referral authority
66.02-3 28/10/2013 VC102	**Cattle feedlot**		
	To use or develop land for a cattle feedlot.	Minister for Agriculture	Determining referral authority
		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	Determining referral authority
		If the number of cattle is 5000 or more, the Environment Protection Authority	Determining referral authority
66.02-4 28/10/2013 VC102	**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	Determining referral authority
66.02-5 28/10/2013 VC102	**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	The relevant water board or water supply authority	Determining referral authority

	Kind of application	Referral authority	Type of referral authority
	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.		
66.02-6 29/10/2015 VC101	**Timber production**		
	▪ 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 Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987)	Determining referral authority
66.02-7 22/08/2014 VC118	**Industry or warehouse**		
	▪ 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	Determining referral authority
	▪ 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: · A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012. · A notification is required under the Occupational Health and Safety Regulations 2007. · A licence is required under the Dangerous Goods (Explosives) Regulations 2011. · A licence is required under the Dangerous Goods (HCDG) Regulations 2005 and the use is not associated with agriculture.	The Victorian WorkCover Authority	Determining referral authority
	▪ 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	The Victorian WorkCover Authority	Determining referral authority

Kind of application	Referral authority	Type of referral authority
2 if the area of the buildings and works will increase by more than 25 per cent and any of the following apply: · A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012. · A notification is required under the Occupational Health and Safety Regulations 2007. · A licence is required under the Dangerous Goods (Explosives) Regulations 2011. · A licence is required under the Dangerous Goods (HCDG) Regulations 2005 and the use is not associated with agriculture.		
66.02-8 28/10/2013 VC102 **Stone Extraction**		
▪ To use or develop land for stone extraction.	Secretary to the Department administering the Heritage Act 1995. Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990	Determining referral authority
▪ To use or develop land for stone extraction 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.	Determining referral authority
▪ To use or develop land for stone extraction : · 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 total area to be cleared is 10 hectares or greater. · 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	Determining referral authority
▪ To use or develop land for stone extraction:	Secretary to the Department administering the Flora and	Determining referral authority

Kind of application	Referral authority	Type of referral authority
· 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.	Fauna Guarantee Act 1988	
▪ To use or develop land for stone extraction on land which has been identified in this scheme as flood prone.	Secretary to the Department administering Section 201 of the Water Act 1989	Determining referral authority
▪ To use or develop land for stone extraction if the land is intended to be used for land fill at a future date.	Environment Protection Authority	Determining referral authority
▪ To use or develop land for stone extraction: · 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	Determining referral authority
66.02-9 **28/10/2013 VC102**	**Geothermal energy extraction**	
To use or develop land for geothermal energy extraction.	Secretary to the Department administering the Geothermal Energy Resources Act 2005	Determining referral authority
66.02-10 **28/10/2013 VC102**	**Greenhouse gas sequestration**	
To use or develop land for greenhouse gas sequestration.	Secretary to the Department administering the Greenhouse Gas Geological Sequestration Act 2008	Determining referral authority

66.03 Referral of permit applications under other State standard provisions

29/10/2015
VC101

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. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

Clause	Kind of application	Referral authority	Type of referral authority
Clause 36.03-5 (PCRZ)	An application for the use or development of an emergency services facility.	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority
Clause 37.03-5 (UFZ)	An application under the zone within the waterway management district of Melbourne Water Corporation.	Melbourne Water Corporation	Determining referral authority
	An application under the zone outside the waterway management district of Melbourne Water Corporation.	Relevant floodplain management authority	Recommending referral authority
Clause 37.07-5 (UGZ)	An application under the zone within Metropolitan Melbourne.	Metropolitan Planning Authority	Determining referral authority
	An application under the zone outside Metropolitan Melbourne.	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority
Clause 44.02-7 (SMO)	An application under the overlay and any site capability report.	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority
Clause 44.03-5 (FO)	An application under the overlay within the waterway management district of Melbourne Water Corporation.	Melbourne Water Corporation	Determining referral authority
	An application under the overlay outside the waterway management district of Melbourne Water Corporation.	Relevant floodplain management authority	Recommending referral authority
Clause 44.04-5(LSIO)	An application under the overlay within the waterway management district of Melbourne Water Corporation.	Melbourne Water Corporation	Determining referral authority
	An application under the overlay outside the waterway management district of Melbourne Water Corporation.	Relevant floodplain management authority	Recommending referral authority
Clause 44.05-5 (SBO)	An application under the overlay within the waterway management district of Melbourne Water Corporation.	Melbourne Water Corporation	Determining referral authority

Clause	Kind of application	Referral authority	Type of referral authority
	An application under the overlay outside the waterway management district of Melbourne Water Corporation.	Relevant floodplain management authority	Recommending referral authority
Clause 44.06-4 (BMO)	To develop land with a dwelling.	Relevant fire authority	Recommending referral authority
	To subdivide land.	Relevant fire authority	Recommending referral authority
	An application under the overlay other than an application to develop land with a dwelling or an application to subdivide land.	Relevant fire authority	Determining referral 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	Determining referral authority
Clause 45.01-3 (PAO)	An application under the overlay.	Acquiring authority specified in the schedule to the overlay	Determining referral authority
Clause 45.07-6 (CLPO)	An application under the overlay.	Roads Corporation	Determining referral authority
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	Determining referral authority
Clause 52.27	An application under the Clause in association with a hotel, tavern or nightclub that is to operate after 1am.	Victorian Commission for Gambling and Liquor Regulation	Determining referral authority
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 acquiring authority for the land, subject to exemptions specified in the clause.	Roads Corporation	Determining referral authority
	Any other application under the Clause.	Owner of, or the acquiring authority for, the adjacent land in the Road Zone, Category 1 or the PAO	Determining referral authority

Clause	Kind of application	Referral authority	Type of referral authority
Clause 52.30-1	An application to use or develop land for a Freeway service centre.	Roads Corporation	Determining referral authority
Clause 52.36-1	An application of the kind listed in the Clause.	Public Transport Development Authority	Determining referral authority

66.04 Referral of permit applications under local provisions

28/10/2013
VC102

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. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

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

28/10/2013
VC102

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 52.09-8	An application to use or subdivide land or construct a building for Accommodation, Child care centre, Education centre or Hospital: ▪ Within an Extractive Industry Interest Area. ▪ On land which is within 500 metres of land on which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990. An application to construct a building or construct or carry out works on land for which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990. These requirements do not apply to an extension to buildings or works.	The Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990
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 52.27	An application in association with a hotel, tavern or nightclub that is to operate after 1am.	Chief Commissioner of Victoria Police

Clause	Kind of application	Person or body to be notified
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 Notice of permit applications under local provisions

15/09/2008
VC49

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.