

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

Permit No.:	PA2020242
Planning scheme:	Moorabool Planning Scheme
Responsible authority:	Moorabool Shire Council
ADDRESS OF THE LAND:	Lot A Werribee Vale Road Maddingley 3340 (lot a PS821090T)

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
Clause 32.09-9	<i>Schedule 7 to the Neighbourhood Residential Zone</i> Subdivide land and associated works
Clause 42.04-2	<i>Schedule 2 to the Environmental Significance Overlay – Waterway Protection</i> Subdivide land and associated works
Clause 42.04-8	<i>Schedule 8 to the Environmental Significance Overlay - River Red Gums in the Bacchus Marsh Valley</i> Subdivide land and associated works
Clause 43.04-8	<i>Schedule 8 to the Development Plan Overlay</i> Subdivide land and associated works
Clause 44.04-1	<i>Schedule 1 to the Land Subject to Inundation Overlay</i> Subdivide land and associated works

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Endorsed Plans:

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1. Before the certification of the Plan of Subdivision under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application (dated 31.05.23 – Version 04, prepared by Beveridge Williams), but modified to show:
 - a. Maintenance vehicle and pedestrian access to Lot C & Lot E, in accordance with the Infrastructure Design Manual and Melbourne Water’s conditions contained in this Permit PA2020242.
 - b. Annotate that Lots C and E will be reserves to be vested in Moorabool Shire Council.
 - c. Remove any reference to car parking in the Land Subject to Inundation Overlay areas (i.e. lots C and E) in accordance with Melbourne Water’s conditions contained in this Permit PA2020242.
2. The formal plan of subdivision lodged for certification under the Subdivision Act 1988 must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.
3. 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.
4. This permit will operate from the issued date of this permit.

Subdivision:

5. 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.
6. Lots C and E will be shown as reserves to be vested in Moorabool Shire Council.
7. Prior to the issue of a Statement of Compliance for each stage of the subdivision under the Subdivision Act 1988:
 - a. Engineering details of all retaining walls located on lot boundaries must be provided to incorporate their extension for a standard 1.8 metre fence. These engineering plans are to be supplied to each initial future lot purchaser.
 - b. All existing buildings and structures must be removed to the satisfaction of the Responsible Authority.
 - c. The applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the total land area in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.
8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must include a creation of restriction. The wording of the creation of restriction shall be as follows:

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- Land to be Burdened: All lots on this plan.
- Land to Benefit: All lots on this plan.
- Creation of Restriction: Upon registration of this plan, the following restriction is created.
- Description of Restriction:
 - a. No development can occur unless in accordance with the building and vegetation setbacks and defensible space identified in Table 5 and Map 4 of the Bushfire Management Report updated in July 2023 compiled by Terramatrix, or a later Bushfire Management Report approved by Moorabool Shire Council, under the Development Plan Overlay – Schedule 8.

Landscaping:

9. Prior to Certification, prepare a Landscape Masterplan to the satisfaction of the Responsible Authority.
10. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, a detailed landscape plan and plant schedule for public land and reserves must be prepared to the satisfaction of the Responsible Authority by a person suitably qualified or experienced in landscape design. The plans must show the proposed landscape and plant schedule for all open space areas, including streetscapes, wetlands, parkland water retention areas, buffer zones, riparian core area, service corridors, areas adjacent to Halletts Way and the River and community uses and be generally in accordance with the Landscape Master Plan. The plan must be drawn to scale with dimensions, indicating all relevant details, sections/elevations and dimensions and all relevant specifications including but not limited to:
 - a. The details and locations of all landscaping works;
 - b. Sufficient setbacks for sustainable vegetated open spaces and canopy tree planting.
 - c. A detailed plant schedule including all proposed tree, shrub, groundcover and climbing plant species, botanical names, common names, pot sizes, sizes at maturity, plant densities and quantities of each plant with reference to the relevant Australian Standards and NATSPECS;
 - d. Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls;
 - e. Additional supporting information, such as certified structural designs or building forms;
 - f. Details and locations of the proposed pathways and driveways including surface finishes for slip resistance;
 - g. Existing vegetation that is approved to be retained (tree protection zones and fencing must be identified on the plans);
 - h. Plans must reference the relevant standards and details as per the Moorabool Landscape Design Manual (LDM).
 - i. All planted trees must be in accordance with the Landscape Design Manual. Plant species selection for the landscaping of the reserves must contribute to habitat for indigenous fauna species, animals and birds that use trees as habitat. The plant species selected must be in accordance with the appropriate indigenous Ecological Vegetation Class (EVC). All species selected must be to the satisfaction of the Responsible Authority.
 - j. Removal of the existing buildings and structures.

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- k. Nominate how public access would be achieved for access to Lot E from Lot D and to Lot C from Lot B consistent with the plans required under Condition 1 of this permit.
 - l. Detailed fencing treatments adjacent to Lot C and E.
 - m. An arborist report showing all tree and vegetation species covering the site, including the reserves (lots C and E).
 - n. Seating.
 - o. Shared paths linking open space areas to the Werribee River and residential land, water refill station, opportunities for an artist trail, cultural heritage significance or platypus species interpretation signage, linking the open space areas to the Werribee Vale River and connecting to the residential zones.
 - p. Attach the approved detailed landscape plan, weed management plan and biodiversity assessment to reflect all matters required by Melbourne Water in conditions. These plans are required to be approved by Melbourne Water, prior to submission to Moorabool Shire Council.
 - q. Identification of defendable space and vegetation setbacks in accordance with the Bushfire Management Report prepared by Terramatrix updated in July 2023 or any later Bushfire report approved by the responsible authority.
11. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority prior to the issue of a Statement of Compliance under the Subdivision Act 1988, or by such later date as is approved by the responsible authority in writing.

Site Environmental Management Plan

12. Prior to commencement of any works, a Site Environmental Management Plan (SEMP), in accordance with the Landscape Plans and Site Management Plan submitted with the application, must be approved by the Responsible Authority. The SEMP applies to all works allowed under this Permit. This SEMP must include but not be limited to the following:
- a. Access to the site must always be made available for Council representatives to monitor the implementation of the SEMP.
 - b. Prior to the commencement of works, contractors must be inducted into the SEMP and all flora and fauna conservation requirements.
 - c. Prior to commencement of works, the work zone must be enclosed by secure and obvious temporary fencing. The work zone fence must remain in place until works are completed. Fill machinery and building materials must not be placed outside of the works zone.
 - d. All litter and building waste must be contained on the site and must not be allowed to leave the site until the time it is correctly disposed of.
13. The SEMP must include the following requirements of the Schedule 8 to the Development Plan Overlay:
- a. Soil erosion and sediment control provisions to protect existing local stormwater infrastructure, surrounding escarpments and the Werribee River from erosion products and sediment, particularly measures to minimise erosion during work.
 - b. Hydraulics and hydrology provisions to protect and improve the floodplain, manage water quality and quantity, and protect the habitat value of the Werribee River (measures used should include the installation of a perimeter fence to protect the waterway prior to the commencement of works).

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- c. Protection measures to ensure that disturbance to native flora and fauna habitat is avoided in the first instance, or minimised where avoidance is not possible with appropriate contingencies incorporated.
- d. Dust suppression measures to be provided during works to minimise dust impact to the surrounding area.
- e. Measures to prevent construction fill encroaching on or being placed within the flood prone area on the site, or the Werribee River, and surrounding residential areas.
- f. A Traffic Management Plan for the site identifying the location of the proposed vehicle access point(s) and detailing the measures to ensure amenity of the adjoining areas is not impacted by the movement of vehicles (cars, trucks and construction machinery) associated with construction activities on the site.

14. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, trees that are being retained in public open space and reserves must have bollards placed around the Tree Protection Zone (as defined by Australian Standard AS4970). The area under the tree must be mulched and planted with appropriate ground cover species to the satisfaction of the Responsible Authority.

Weed Control

- 15. Any weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled during the construction period to ensure that there is no weed spread outside of the subject site to the satisfaction of the Responsible Authority.
- 16. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision under the Subdivision Act 1988, all noxious weeds on the land must be eradicated and mulch applied, to the satisfaction of the Responsible Authority.

Operational

- 17. Appropriate sediment controls to the satisfaction of the Responsible Authority must be in place during the entire construction phase to prevent sediment runoff into the creek.
- 18. All filling on the site must be carried out, supervised, completed and recorded in accordance with AS 3798 (Guidelines on earthworks for commercial and residential developments) to specifications to the satisfaction of the Responsible Authority.
- 19. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the rockfall fencing must be completed to the satisfaction of the Responsible Authority.

Open space delivery

- 20. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision under the Subdivision Act 1988, all landscape and open space works must be finished to a standard that satisfies the requirements of the Responsible Authority as per the adopted Landscape Design Manual prior to the transfer of Lots C and E, to Council.
- 21. Landscaping must be maintained for a minimum period of 24 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.

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22. A security deposit equal to 150% of the cost of landscaping must be lodged with the Council prior to the issue of a Statement of Compliance for the relevant stage of the subdivision under the *Subdivision Act 1988*. The deposit will be returned after the final inspection of street trees, 24 months after the completion of planting, only if Council requires no further maintenance to be undertaken.
23. All reserves (Lots C and E) must be vested in Moorabool Shire Council and handed over/transferred upon completion of all landscape works and after the completion of the maintenance period, to the satisfaction of the Responsible Authority.

Bushfire Management

24. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision under the Subdivision Act 1988, a Bushfire Management Plan must be approved by the responsible authority, to include the following (but not limited to):
 - a. A description of the fire risk for the area.
 - b. A road design that allows for appropriate emergency service vehicle access.
 - c. Notation that planting, landscape and vegetation management within landscape buffers, easements and areas of open space should not increase the risk of fire, including allowing for appropriate emergency service vehicle access.
 - a. The provision of reticulated and/or static water supply and hard stand access for fire fighting in strategically located areas, including in the reserves.
 - b. Vegetation management approaches for lots C and E to reduce bushfire risks from reserves.
 - d. The identification of setbacks for the purposes of defendable space to ensure future development is exposed to radiant heat of no greater than 12.5kW/m² in accordance with Table 5 and shown in Map 4 of the Bushfire Report i.e.:
 - 19 metres from the grassland vegetation to the north,
 - 27 metres from the scrub vegetation to the north east, and
 - 33 metres from the woodland vegetation to the south and south west.
 - e. Requirements for vegetation in setbacks required for the purposes of defendable space, including the landscaping within the proposed car parking at Lots A and D, to be managed and maintained.
 - f. Ongoing maintenance and management of the reserves within Lot C and Lot E that will be to a low threat state in perpetuity. To avoid bushfire risks, this should demonstrate how risk will not be increased over time (ie: vegetation management, defendable space, etc).
 - g. Requirements to ensure that the management of revegetation along the riparian corridor of the Werribee River won't result in an increase in bushfire risk over time.
25. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision under the Subdivision Act 1988, all landscape and open space works must be in accordance with the Bushfire Management Report prepared by Terramatrix updated in July 2023 or any later Bushfire report approved by the responsible authority.

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Infrastructure

- 26. Unless otherwise approved by the responsible authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.

- 27. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to, and to the satisfaction of the Responsible Authority.

- 28. Sediment discharges must be restricted from any construction activities within the property, in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991) and civil construction, building and demolition guide (EPA 2020).

- 29. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988:
 - a. An industrial vehicle crossing must be provided on Adelong Way to Lot A & Lot B to the satisfaction of the Responsible Authority.
 - b. An industrial vehicle crossing must be provided on Halletts Way to Lot D unless otherwise agreed by the Responsible Authority.
 - c. The industrial vehicle cross overs are to be generally in accordance with Standard Drawing 250 of the Infrastructure Design Manual unless an alternative approval has been approved through the vehicle cross over permit.
 - d. A vehicle crossing permit must be taken out for the construction of the vehicle crossings, with any redundant crossings being removed and restored to the satisfaction of the Responsible Authority.
 - e. The road treatment works on Adelong Way to gain safe access to Lot A & Lot B must be designed and constructed as per the submitted Traffic Report (dated 31/07/2023), to the standards detailed in the Infrastructure Design Manual (IDM) and to the satisfaction of the Responsible Authority.

- 30. Traffic management treatments must be provided in the form of linemarking, signage and pavement markers at intersections and vehicle turning areas on Adelong Way, to the satisfaction of the Responsible Authority and approved prior to construction commencing.

- 31. Prior to the submission of the detailed design for road treatment works on Adelong Way, Functional Layout plans are to be submitted and approved by the Responsible Authority. The proposed road treatment works must be generally in line with the Traffic Impact Assessment report prepared by Traffix Group dated 31/07/2023. Following the approval of the Functional Layout plan(s) by the Responsible authority, a submission can be made to Council for the Detailed Design. The submission is to include but not limited to all construction issued plans in line with the Infrastructure Design Manual, all appropriate reports and investigations, a completed checklist from the infrastructure design manual and any other.

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Melbourne Water

- 32. Prior to the endorsement of plans under this permit, amended plans to the satisfaction of Melbourne Water and Council must be submitted to and approved by Melbourne Water. The plans must be generally in accordance with the plans submitted with the application but modified to include:
 - a. The reference to Landscaping/Car parking located within areas affected by the Land Subject to Inundation Overlay (LSIO) must be removed from the Version 2 Concept Plan prepared by Beveridge Williams.
 - b. The Concept Plan must demonstrate how safe vehicle maintenance access will be provided to Lot E reserve.

- 33. Prior to the certification of any Plan of Subdivision under the Subdivision Act 1988, an agreement with Melbourne Water Corporation must be entered into and complied with for the acceptance of the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation, as required by Schedule 8 to the Development Plan Overlay.

- 34. Prior to the certification of any Plan of Subdivision under the Subdivision Act 1988, the Stormwater Management Strategy Plan (SWMSP) prepared by Engeny, Dated: 14/08/2023 must be updated to remove reference to any new connections into the Werribee River and provide details of connections to existing drainage infrastructure. The SWMSP must also provide further details regarding the access from the Halletts Way roundabout. The access must not result in a loss of flood plain storage or an increase in flood levels to surrounding land.

- 35. Prior to the certification of any Plan of Subdivision under the Subdivision Act 1988, a detailed landscape plan and weed management plan for the riparian corridor within lots C and E must be provided to Melbourne Water. The plan must be approved by Melbourne Water and Council and the landscaping and weed management works must be completed prior to the release of a Statement of Compliance. The plan must include a schedule of all proposed trees, local EVCs, shrubs and groundcover (including size at maturity and botanical names) along with the removal of non-native plant species. The Werribee River core riparian zone must be revegetated with indigenous vegetation corresponding to the relevant Ecological Vegetation Classes – Stream Bank Shrub land and Red Gum Swamp (Bioregion Central Victorian Uplands) to the satisfaction of Melbourne Water.

- 36. Prior to the certification of any Plan of Subdivision under the Subdivision Act 1988, a Biodiversity Assessment must be submitted to and approved by the responsible authority. The assessment must assess the fauna present in the area and the Werribee River and demonstrate that the future development of the land will not negatively impact these species, which will likely include platypus.

Department of Energy, Environment and Climate Action

- 37. No effluent, storm water or run-off is to be discharged directly or indirectly onto the adjoining Crown land, or into any drains or watercourses on the Crown land.

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38. Overland flows must be maintained at the same rate post-development as on the undeveloped land.

Greater Western Water

39. Easements in favour of Western Water must be provided over all existing sewer mains located within private property to the satisfaction of Western Water.

Powercor

40. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the Distributor in accordance with Section 8 of that Act.

41. The applicant must provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

42. The applicant must ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

Telecommunications

43. The owner of the land must enter into agreements with:

- a. A telecommunications network or service provider for the provision of telecommunication service to each lot 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 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.

44. Before the issue of 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. 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
- b. 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

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that the land is an area where the National Broadband Network will not be provided by optical fibre.

Permit Expiry:

45. This permit as it relates to subdivision will expire if one of the following circumstances applies:

- a) The plan of subdivision has not been certified under the Subdivision Act 1988 within two (2) years of the date of this permit.
- b) A statement of compliance is not issued within five (5) years of the date of certification.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of time.

USEFUL INFORMATION:

(the following information does not form part of this permit)

Powercor

- a. It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor’s web portal, “mySupply” which can be accessed via the following link:<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

Melbourne Water

- b. The proposed access within the LSIO may be landscaped however must not include the placement of any fill that may result in a loss of flood plain storage. This should also be addressed in the revised SWMS.
- c. The proposed Reserves adjacent the Werribee River (Lots C and E) are to be vested to Council consistent with the Werribee River corridor through Underbank and Bacchus Marsh.
- d. Any future development on Lots B and D must deliver an active frontage to the Werribee River.
- e. Melbourne Water welcomes opportunity to provide comments on the future Development Plan application and future development proposals.
- f. Information available at Melbourne Water indicates that the above property (subdivision) is subject to flooding from a Melbourne Water drain or waterway (Werribee River) from a storm event which has a 1% chance of occurrence in any given year. To find out more information in regards to building in flood prone areas please visit Melbourne Water website for more information. For general development enquiries contact our Customer Service Centre on 131722.

IMPORTANT INFORMATION ABOUT THIS PERMIT

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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. C099 to the Moorabool 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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