

# PLANNING PERMIT

**GRANTED UNDER DIVISION 5 OF PART 4 OF  
THE PLANNING AND ENVIRONMENT ACT 1987**

**Permit no.:** WYP5436/11

**Planning scheme:** Wyndham Planning Scheme

**Responsible authority:** Wyndham City Council

**ADDRESS OF THE LAND:**

Lot 3 Alfred Road, Werribee

**THE PERMIT ALLOWS:**

Subdivision of land & alter access to a road in a Road Zone  
Category 1

## **THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

### **Part 1 – Conditions required to be satisfied before Certification of the Plan of Subdivision**

#### **General modified subdivision plan**

- 1) A plan of subdivision must not be lodged with the Council for certification under the *Subdivision Act 1988* until a modified plan has been submitted to and approved by the responsible authority. When approved the plan will be endorsed and will then form part of this permit. The plan must be generally in accordance with the plan submitted with the application but modified to show in particular:
  - a) Provide a greater diversity of lot sizes and/or multi-unit development sites particularly in proximity to the local convenience centre and open space.
  - b) Remove the double ended arrow symbols between the two east-west streets and Geelong Road.
  - c) Show the service road within the Geelong Road reserve including a 3 metre wide shared path within the Geelong Road reserve for the entire residential frontage to Geelong Road in accordance with the Alfred Road Precinct Structure Plan, November 2011.
  - d) Show the shared path within the Geelong Road reserve extending along the length of the shared boundary of the site with Geelong Road.
  - e) Front lots abutting Geelong Road to Geelong Road.
  - f) Front lots abutting Alfred Road to Alfred Road.
  - g) Reconfigure the local convenience centre lot and the drainage reserves to make the primary orientation of the local convenience centre towards Alfred Road.
  - h) Ensure the design of the town centre lot is likely to result in the maximum use of on-street parking.
- 2) Before Certification of the Plan of Subdivision, each lot less than 300 square metres in area must contain a building envelope (in accordance with Part 4 of the Building Regulations 2006) to the satisfaction of the responsible authority. The building envelopes must be in accordance with the "Small Lot Housing Code" to the satisfaction of the responsible authority.
- 3) The approved building envelopes must be applied as a restriction on the plan of subdivision or through an agreement under section 173 of the Planning and Environment Act 1987 that is registered on the title to the land. The restriction or the agreement must provide for:
  - the building envelope plan to apply to each relevant lot
  - all buildings to conform to the building envelope on the relevant lot

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authority**

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- a building envelope to cease to apply to any building on the lot affected by the envelope after the issue of a certificate of occupancy for the whole of a dwelling on the land.

**Density and yield schedule**

- 4) Before any plan of subdivision is certified under the Subdivision Act 1988, for any stage, a schedule identifying the range of lots sizes created and extent of the housing densities must be submitted to the responsible authority. The schedule must identify:
- a) the number and lot size of lots created in that stage together with the cumulative total of any lots created in previous stages having regard to the provisions of the Precinct Structure Plan; and
  - b) the housing densities in that stage and earlier stages of the subdivision.

If the permit is for a single stage of a larger subdivision of the owner's land and the owner is relying upon the provision of a higher yield in other parts of the owner's land which do not form part of the permit in order to reach the required yield across the owner's land, then the schedule must identify the anticipated yields in the balance of the owner's land.

**Rear Loaded Product**

- 5) Prior to the Certification of the Plan of Subdivision for each stage that contains rear loaded lots, the permit holder must include a Notice of Restriction on the intended Plan of Subdivision for all lots proposed to be accessed by a rear access way. The restriction must include reference to design guidelines which must be approved by the Council. The design guidelines must include:
- a) A material schedule detailing garage finishes, including building materials, mechanical doors, colours, paving treatments and landscaping treatments to the rear of the subject lots;
  - b) Corner allotments are to provide two storey building envelopes on rear garages to allow the development of studios or decks above the rear garage; and,
  - c) The rear garages shall use alternative roof lines, including pitched rooflines and reversed angled rooflines.

**Stage Plan**

- 6) Prior to the Certification of the first Plan of Subdivision, a sequential staging plan must be submitted to and approved by the responsible authority.
- 7) Prior written consent from the responsible authority is required if more than one stage is proposed to be developed concurrently, or if the development staging varies from the approved staging plan.

**Easements to be set aside**

- 8) 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. Easements will only be permitted on areas set aside as unencumbered open space if the easement is shown to have no detrimental impact on the use for which the reserve has been set aside.

**Referral of subdivision plan submitted for certification**

- 9) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred in accordance with section 8 of that Act to:
- Melbourne Water,
  - City West Water,
  - Powercor,

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- VicRoads,
- Telstra, and
- any other relevant authority specified for the subdivision under Clause 66 of the Scheme.

## Part 2 - Conditions required to be satisfied prior to commencement of works

### Landscaping plans

- 10) Before the commencement of works, a landscape master plan for the entire estate must be approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show and include:
- a) The landscaping theme and graphical concepts to be developed for the subdivision.
  - b) The type of species to be used for street tree planting in various stages of the subdivision.
  - c) The areas which will be available for landscaping.
  - d) Entrance treatments.
  - e) The principles and graphical concepts of the proposed treatment of the open space and drainage reserves; and
  - f) How any landscape requirements or guidelines within the incorporated *Alfred Road Precinct Structure Plan* are proposed to be implemented.
- 11) Before the commencement of works for any stage of the subdivision, a detailed landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies must be provided. The plan must be consistent with any endorsed landscape master plan and must show:
- a) New plantings including their layout to be provided in any road reserves and municipal reserves.
  - b) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
  - c) The proposed layout, materials and finishes paths, areas of pavement, playgrounds, play items, structures and street furniture.
  - 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) The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
  - g) All proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.
  - h) The implementation of any landscape principles and guidelines contained in the incorporated *Alfred Road Precinct Structure Plan*.

### Developer Contributions

- 12) Prior to the commencement of works, or such other time which is agreed in writing by the responsible authority, the owner must enter into an agreement under section 173 of *the Act* with the responsible authority to provide for:
- a) Contributions to Wyndham City Council for community and development infrastructure.
  - b) Those contributions to be no less than any liability assigned to the land by a future development contributions plan applying to the land under Development Contributions Plan Overlay 10 of the Wyndham Planning Scheme.

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- c) Reimbursement of any contributions in excess of the amount specified in a future development contributions plan applying to the land under Development Contributions Plan Overlay 10 of the Wyndham Planning Scheme.
- 13) The agreement must be registered on the title to every lot created by the subdivision. The preparation, execution and registration of the agreement must be at no cost to the responsible authority.

**Functional layout plan**

- 14) Prior to the submission and approval of construction plans (engineering plans) for each stage, a functional layout plan for the relevant stage of subdivision, must be submitted to and approved by the responsible authority. When approved, the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn to scale, with dimensions, and must show as relevant to the stage:
- a) the subdivision layout, including preliminary street names, lot numbers and lot areas;
  - b) the width of each road reserve;
  - c) location of carriageway, parking bays, kerbs, footpaths, cycle paths/shared paths, vehicle entrances and traffic control devices;
  - d) provision for above ground infrastructure (such as electrical kiosks) necessary to service the subdivision in dedicated reserves;
  - e) the proposed drainage network including, Melbourne Water Main drains, drainage line crossings, special features (overland flow paths, outfall drains, wetlands and/or waterways);
  - f) the drainage outfall for all allotments in the subdivision;
  - g) location and offsets for utility services, including any major Telstra , electrical , Gas, major potable water and recycled water assets or Sewer trunk mains;
  - h) identification by survey of all trees or groups of trees existing on the site, including dead trees and those that overhang the site from adjoining land;
  - i) identification of all trees to be removed from the site;
  - j) typical cross sections for each road including all underground and overhead services;
  - k) topography, including contours of the land and affected adjacent land; and
  - l) provision of notional on-street parking for all lots at a rate of one car space per dwelling.
  - m) Interim designs for external intersections along Ison Road / Ballan Road. In particular the major intersections of Eureka Drive / Ison Road and Ison Road / Ballan Road to ensure adequate road reserve is provided and safe access to lots created in Area F development are achieved.
  - n) Internal intersections, roundabouts TM devices , bends , courts , etc
  - o) Streetscape , street trees concept landscaping to ensure adequate road reserve width is provided for all hard and soft infrastructure; and
  - p) a plan showing the location of all proposed Local Area Traffic Management devices.

**Vehicle Access – to Alfred Road**

- 15) Vehicle access to and egress from the subdivision permitted by this permit must be designed and constructed to the satisfaction of the responsible authority. Such road works must be designed and constructed at no cost to Council or VicRoads.

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### Residential stormwater drainage

- 16) Provision must be made for the drainage of each allotment shown on the endorsed plan(s) to the requirements and satisfaction of the responsible drainage authority. Drainage of the subject land for residential purposes must be provided by underground drainage systems catering for up to 1 in 5 year storm return periods. Flows in excess of 1 in 5 year storm return periods, up to and including 1 in 100 year storm return periods must be accommodated in separate channels and/or within the road reserves and/or within the provided drainage system
- 17) All urban storm water systems must incorporate measures to satisfy the objectives of “Best Practice Environmental Management Guidelines” (CSIRO 1999) or later publication if relevant.

### Construction plans

- 18) Road works, drainage and other civil works must be provided, in accordance with construction plans and specifications as approved by the responsible authority, prior to the issue of Statement of Compliance. Before any roads or drainage works associated with the subdivision commence, detailed construction plans for the stage of works must be submitted to and approved by the responsible authority. The construction plans will not be approved until the functional layout plan(s) for the relevant stage has been approved and the plan of subdivision has been lodged for certification with the responsible authority. When approved, the construction plans will be endorsed and will then form part of the permit. The construction plans must be drawn to scale, with dimensions, and must include as appropriate:
  - a) all necessary computations and supporting documentation for any structure, traffic data, drainage infrastructure and geotechnical investigation report;
  - b) all details of works consistent with the approved functional layout plan and lodged plan of subdivision;
  - c) design for full construction of pavements with kerb and channel and vehicular crossings where appropriate;
  - d) underground drainage;
  - e) indented car parking bays where appropriate;
  - f) provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan.
  - g) public lighting and underground electricity supply within all streets, access ways and reserves where appropriate;
  - h) traffic control measures;
  - i) street signs in accordance with Council’s standard design;
  - j) concrete footpaths in all streets and reserves as appropriate;
  - k) shared paths;
  - l) underground easement drains of sufficient capacity to serve all lots being created to a legal point of discharge and the provision of an inlet on each such lot;
  - m) the location and provision of vehicle exclusion devices abutting reserves;
  - n) details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves;
  - o) appropriate methods for protecting environmental and heritage assets during the construction phase of the subdivision;
  - p) high stability permanent survey marks;
  - q) details in relation to all filling on the site which must be compacted to specifications approved by the responsible authority; and
  - r) appropriate signage.

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Works must not commence prior to the issue of a certified plan of subdivision and approval of engineering construction plans.

**Environmental Management Plan (along a waterway)**

19) Prior to the commencement of any works directly abutting a waterway, an Environmental Management Plan (EMP) must be submitted to the satisfaction of the responsible authority. When approved, the plan will be endorsed and then form part of the permit. This EMP must include:

- a) Pest management methods;
- b) Details of the proposed landscape, rehabilitation and revegetation of open space areas;
- c) Details of the weed management program for the site;
- d) A monitoring schedule showing the proposed monitoring procedures to mitigate environmental harm or nuisance and corrective actions outlining the procedures to be followed in the event of non-compliance with the monitoring schedule.

**Striped Legless Lizard – salvage, translocation and offsets**

20) Except where authorised in writing by the Department of Sustainability and Environment, prior to the commencement of works in respect of any plan of subdivision:

- a) Striped Legless Lizard offsets for removal of Striped Legless Lizard habitat and the means to achieve these offsets, must be provide to or agreed to with the Secretary of the Department of Sustainability and Environment.
- b) A fully costed Striped Legless Lizard translocation / salvage plan must be prepared to the satisfaction of the Department of Sustainability and Environment.

21) Except where authorised in writing by the Department of Sustainability and Environment, the Striped Legless Lizard translocation / salvage plan must be implemented to the satisfaction of the responsible authority.

**Part 3 – Conditions required to be satisfied during construction works**

**Layout not altered**

22) The subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

**Site Management Plan**

23) Before any works, including works required by other authorities, commence:

- a) A site management plan for the relevant stage must be submitted to and approved by the responsible authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit. The Site Management Plan must:
  - i. Include separate parts describing relevant matters of occupational health and safety, traffic management, environmental controls and cultural protection measures,
  - ii. Be submitted to the responsible authority a minimum of seven days before a required pre-commencement meeting (attended by authorised representatives of the construction contractor and project superintendent as appointed by the developer) on the site of the works,
  - iii. Include the proposed route for construction vehicle access to the site including a program for the upgrade and maintenance works required along this route while any works are in progress,
  - iv. Include means by which foreign material will be restricted from being deposited on public roads by vehicles associated with building and works on the land to the satisfaction of the responsible authority.

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- b) All environmental and cultural protection measures identified shall be described on a drawing(s) drawn to scale and prepared to the satisfaction of the responsible authority.
- 24) The developer must keep the responsible authority informed in writing of any changes to the Site Management Plan. If in the opinion of the responsible authority the changes represent a significant departure from the approved Site Management Plan then an amended Site Management Plan must be submitted to and approved by the responsible authority. The approved measures must be carried out continually and completed to the satisfaction of the responsible authority.

**Filling of land**

- 25) All filling on the site must be carried out, supervised, completed and recorded in accordance with AS 3798 - 1996 (Guidelines on earthworks for commercial and residential developments) to specifications to the satisfaction of the responsible authority.
- 26) The geotechnical authority responsible for supervision and testing under this condition must be independently engaged by the applicant and not be engaged by the contractor carrying out the works. Before the issue of a Statement of Compliance unless otherwise agreed in writing by the responsible authority, compaction test results and a report shall be provided to the satisfaction of the responsible authority.
- 27) The owner or developer of the subject land must ensure that wherever the approved construction plans for road works and drainage show filling exceeding 300mm compacted depth (finished surface level) within any lot created by the subdivision, the existence of such filling must be made known to any prospective purchaser of such lot. Information on the construction plans relating to the filling of any lot must be referred to when completing a statement pursuant to Section 32 of the *Sale of Land Act*.

**Construction vehicle Access**

- 28) During construction works under this permit, access to and egress from the subject land must be via a route approved by the responsible authority.

**Removal of top soil**

- 29) No top soil must be removed from land covered by the subdivision without the written consent of the responsible authority.

**Weed Control**

- 30) Weed control of the identified serious threat environmental weeds and all noxious weed species must occur prior to any development and removal/relocation of soils. Such weeds (and any colonies in the event of soil disturbance or importation of soils and other actions) as well as any regrowth of previously controlled weeds are to be controlled throughout the development process and maintenance period. Weed control must be at no cost to and to the satisfaction of the responsible authority before the site is transferred to Council for future management/maintenance. Weed control must not impact or destroy any remnant native vegetation or landscaping works.

**Dust from material stockpiles**

- 31) Adequate measures must be undertaken to ensure dust from materials stockpiled does not affect adjoining properties or surrounding area, to the satisfaction of the responsible authority. Adequate measures to control dust must be in place at all times whilst works are being undertaken to the satisfaction of the responsible authority.

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## Part 4 – Conditions required to be satisfied before the issue of Statement of Compliance

### Reticulated Services

- 32) Prior to the Statement of Compliance for each stage, reticulated water, provision for reticulated recycled water, drainage, sewerage and electricity reticulation underground must be available to each lot, including reserves.

### Provision of open space reserves

- 33) Before the Statement of Compliance is issued under the *Subdivision Act 1988*:

- a) A public open space contribution as specified in the schedule to clause 52.01 of the Scheme must be made to the responsible authority in a manner which is consistent with the Precinct Structure Plan applying to the land.
- b) Any reserve or land set aside for public open space or any tree reserve or the like must be graded, top dressed and sown to grass.
- c) A schedule of public open space must be submitted to Council showing the amount of public open space provided for each stage together with cumulative totals of any credit/ balance in the amounts provided..
- d) Open space reserves shown on the endorsed plan(s) and nominated by the responsible authority must be provided with reticulated electricity, water and recycled water at no cost to the responsible authority.
- e) Or at any other time which the responsible authority agrees, all fencing along a common boundary with land which is or intended to become public open space must be provided

All to the satisfaction of the responsible authority.

### Public transport infrastructure

- 34) Before the Statement of Compliance is issued under the *Subdivision Act 1988*:

- a) Any part of Alfred Road, constructed under this permit must be constructed in accordance with its corresponding cross section in the *Alfred Road Precinct Structure Plan*; and
- b) Any roundabouts or other road management devices on Alfred Road must be constructed to accommodate ultra low floor buses in accordance with the Public Transport Guidelines for Land Use and Development; and
- c) Any bus stops required by the Director of Public Transport must be constructed with hard stands with direct and safe pedestrian access to a pedestrian path (all in accordance with the Public Transport Guidelines for Land Use and Development and compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002).

All at no cost to the Director of Public Transport and to the satisfaction of the Director of Public Transport.

### Fire hydrant requirements

- 35) Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29 (Clause 56 - ResCode), fire hydrants must be provided to the satisfaction of the CFA.

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### Vehicle Access via crossing

- 36) Prior to the issue of a Statement of Compliance, vehicular access to the subject land from any roadway or service lane (and vice versa), other than an access way must be by way of a vehicle crossing(s) constructed at right angles to the road, to suit the proposed driveway(s) and vehicles that will use the crossing. The location, design and construction of the vehicle crossing(s) must be approved by the responsible authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb and channel and any services or infrastructure, including street trees, that require relocation or modification as a result of proposed crossovers must be relocated or modified at the permit holders cost and to the satisfaction of the responsible authority or relevant service authority.

### Part 5 – Conditions required to be satisfied following construction works

#### As constructed plans

- 37) Within three (3) months of completion of all works within a road reserve, and prior to the release of the Statement of Compliance, the owner must provide asset information for assets within the road reserve in digital format in accordance with “R-Spec” (the consultant/Developer Specifications for the delivery of digital data to Local Governments).
- 38) Within three (3) months of completion of all drainage works, and prior to the release of the Statement of Compliance, the owner must provide asset information for drainage and related assets in digital format in accordance with “D-Spec” (the consultant/Developer Specifications for the delivery of digital data to Local Governments).
- 39) Prior to the release of the Statement of Compliance an electronic copy of all ‘as constructed’ drawings, and relevant files in both AutoCAD DWG and Adobe PDF file formats, on CD. The minimum resolution of PDF required is 300dpi.

#### Landscape works

- 40) The landscaping works shown on the approved landscape plan for any stage must be carried out and completed to the satisfaction of the responsible authority.
- 41) The soft landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the responsible authority for a period of two summers from the practical completion of the landscaping including that any dead, diseased or damaged plants are to be replaced.
- 42) The hard landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the responsible authority for a period of three months from the practical completion of the landscaping works.

#### Land for road widening

- 43) Land required for road widening to the satisfaction of the responsible authority including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in Council.

### Part 6 – Conditions required to satisfy referral agencies requirements

#### Melbourne Water

- 44) Before the issue of a Statement of Compliance, the Owner must enter into an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the land directly or indirectly into Melbourne Water’s drainage systems and waterways, the provision of drainage works in accordance with the statutory powers of Melbourne Water Corporation.

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- 45) No polluted and / or sediment laden runoff may be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- 46) At least 21 days before the commencement of any works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water for its approval. The works must be carried out in accordance with the recommendations of the Site Management Plan approved by Melbourne Water.
- 47) All new lots must be filled to a minimum 300mm above the 1 in 100 year flood level associated with an existing or proposed Melbourne Water pipeline and 600mm above the 1 in 100 year flood level associated with an existing or proposed waterway, wetland or retarding basin.
- 48) Unless with the consent of Melbourne Water, before a Statement of Compliance is issued:
  - a) A Certified Survey Plan verifying the specified fill levels, must be submitted for approval after the completion of filling.
  - b) A Flood Extent Plan and Overland Flow-path Plan, including flood levels and based on the certified survey plan, must be submitted to Melbourne Water for approval.
- 49) Before the Plan of Subdivision is certified, engineering plans of the subdivision in an electronic format must be forwarded to Melbourne Water for approval and a certified survey plan if required.
- 50) The subdivision must include provision for overland flows from the upstream catchment utilising roads and/or reserves to the satisfaction of the responsible authority.
- 51) Any road access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual to the satisfaction of the responsible authority.

**City West Water**

- 52) Unless an alternative time is agreed by City West Water, before the issue of a Statement of Compliance the owner of the land must enter into an agreement with City West Water for the provision of water supply.
- 53) Unless an alternative time is agreed by City West Water, before the issue of a Statement of Compliance the owner of the subject land must enter into an agreement with City West Water for the provision of sewerage to the satisfaction of City West Water.
- 54) The construction of the subdivision must comply with the provisions of any agreement between the owner and City West Water relating to the supply of water, the provision of recycled water or the provision of sewerage as appropriate. All works in relation to the supply of water, recycled water or sewerage must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement.

**Powercor**

- 55) Unless an alternative time is agreed by Powercor, before the issue of a Statement of Compliance the owner of the land must enter into an agreement with Powercor for supply of electricity, including provision of any associated works by the owner, to each lot on the endorsed plan.

**Part 7 – Permit expiry**

- 56) This permit will expire if:
  - The plan of subdivision for the first stage is not certified within two years of the date of this permit; or

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- The plan of subdivision for the last stage of the subdivision is not certified within ten years of the date of this permit, or
- The registration of the last stage of the subdivision is not completed within five years of the certification of that plan of subdivision.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The responsible authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

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### WHEN DOES THE PERMIT BEGIN?

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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.

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### WHEN DOES A PERMIT EXPIRE?

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1. A permit for the development of land expires if -
  - \* the development or any stage of it does not start within the time specified in the permit; or
  - \* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a 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 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
  - \* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - \* the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
  - \* the development or any stage of it does not start within the time specified in the permit; or
  - \* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development: or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
  - \* the use or development of any stage is to be taken to have started when the plan is certified; and
  - \* the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

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### WHAT ABOUT APPEALS?

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- \* Any person affected may apply for a review of -
    - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or.
    - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or.
    - the failure of the responsible authority to extend the time within one month after the request for extension is made.
  - \* An application for review is lodged with the Victorian Civil and Administrative Tribunal.
  - \* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
  - \* An application for review must state the grounds upon which it is based.
  - \* An application for review must also be served on the responsible authority.
  - \* Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.
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