

PLANNING PERMIT

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

Permit no.: WYP6216/12

Planning scheme: Wyndham Planning Scheme

Responsible authority: City of Wyndham

ADDRESS OF THE LAND:

Leakes Road, Truganina
Lot 1, 4 & 5 on TP 839227M
Lot 1, 2, 3 and 5 on PS 541880W

THE PERMIT ALLOWS:

Subdivision of land in accordance with the plan endorsed under this permit and subject to the conditions set out in this permit.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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

Regional Rail Link buffer

- 1) Before the plan of subdivision is certified under the Subdivision Act 1988 on land within the boundary described as ‘Year 2026 80dBLAmax’ in Appendix D1.2 (pages 1-11 inclusive) of *Regional Rail Link Authority Regional Rail Link Update to Noise Impact Management Report RRL-2000-EAC-REP-0006 A / 15 February 2013*, a rail noise management plan, prepared by a suitably qualified professional (e.g. an acoustic engineer), to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and then form part of the permit. The plan must describe:

- The land within the predicted noise criteria contours for year 2026 – ‘Year 2026 80dBLAmax’ in the report described above
- Whether and how the design of the subdivision will attenuate rail operation noise impacts on bedrooms to less than 65 dB Lmax
- Whether and how the design of buildings will attenuate rail operation noise impacts on bedrooms to less than 65 dB Lmax
- Any other measure proposed to attenuate noise impacts on bedrooms to less than 65 dB Lmax
- How each noise attenuation will be implemented including that any attenuation measure applying to dwelling construction must be registered as a restriction on the title to the relevant land
- The likely effective lifespan of each attenuation measure
- The responsible person or body (during construction and ongoing) for each attenuation measure
- A maintenance regime for any proposed noise attenuation works to be transferred to a public body.

Any subdivision, construction of a building or carrying out of works under this permit must comply with the approved rail noise management plan to the satisfaction of the Responsible Authority.

Date Issued:

Date Permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as Amendment C175 to the Wyndham Planning Scheme comes into operation)

Signature for the responsible authority

General modified subdivision plan

- 17) 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 (*Spire, Leakes Pty Ltd, Southern 96A Planning Permit Application Plan, Derrimut Road Tarneit, Drawing No: 136345P32, Version 11, date 06/06/2013 by Spiire*) submitted with the application but modified to show:
- a) Re-orientate lots at the western intersection of Morris Road and Leakes Road to create four lots east-west orientated lots with vehicle access from the rear.
 - b) Re-orientate lots north of the future development site at the eastern intersection of Morris Road and Leakes Road to create four lots north-south with green space fronting the access road adjoining Morris Road.
 - c) Provide a left-in and left-out intersection with Morris Road at the first western local access road after the Leakes Road and Morris Road intersection and locate as far north from the Leakes Road and Morris Road intersection as possible.
 - d) Provide a left-in and left-out intersection with Morris Road at the first eastern local access road after the Leakes Road and Morris Road intersection and locate as far north from the Leakes Road and Morris Road intersection as possible.
 - e) Replace the proposed left-in/left-out intersection shown on Leakes Road to a Type C interim intersection, left-in/left-out as ultimate intersection.
 - f) Replace the 'fully directional, ultimately left-in/left-out vehicle access' intersection at the proposed intersection east of the Morris and Leakes Road intersection to a left-in/left-out for interim and ultimate treatment.
 - g) Re-orientate the lots in the second northern block from Leakes Road along Woods Road to create a frontage and presence along Woods Road resulting in four east-west orientate lots along Woods Road and two north-south lots accessed from the proposed local access roads.
 - h) Delete 'Metropolitan Trail Network' from the legend and replace with 'Off road shared trail (3m wide)'
- 18) The development as shown on the endorsed plan(s) must not be altered or modified without the prior written consent of the Responsible Authority

Additional plans

- 19) Functional Layout Plans are to be submitted for the Morris Road and Regional Rail Link overpass to the satisfaction of the responsible authority, VicRoads and Public Transport Victoria before the certification of the subdivision plan.

Public Infrastructure Plan

- 20) Before the plan of subdivision for the first stage is certified under the *Subdivision Act 1988* a Public Infrastructure Plan (PIP) must be submitted to and approved by the responsible authority.

If the permit is in respect of the first stage of what is a broader intended subdivision of land owned by the owner, the PIP must relate to the land in this permit and as far as reasonably practicable the balance of the owner's land as shown in the 'Precinct Structure Plan' (PSP) applying to the land which is identified for urban development.

Once approved, the PIP must be implemented to the satisfaction of the responsible authority.

The PIP must show the proposed location, type, staging and timing of delivery of all infrastructure on the land which is identified in the 'Precinct Structure Plan' (PSP) and 'Development Contributions

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Plan' (DCP) applying to the land, or which is otherwise reasonably required on or to the land or on any other land as a result of the subdivision of the land. Without limiting the extent of what must be shown on and in the PIP it must include the following:

- a) The extent of any storm water drainage works and road works proposed or required under this permit.
- b) The land which is required to be set aside for infrastructure identified in the DCP or the PSP including land required for public open space and community facilities and any proposed reconciliation payment in respect of the land having regard to its value set out in the DCP.
- c) An estimate of the extent of equalisation which is required in respect of public open space to be provided having regard to the PSP and the DCP.
- d) Subject to the consent of the Collecting Agency, any infrastructure works set out in the DCP which can be provided "in lieu" of development contributions in accordance with the DCP.
- e) Any other relevant matter related to the provision of infrastructure reasonably required by the responsible authority.

The PIP must specifically address the following to the satisfaction of the responsible authority:

- f) Construction of arterial road intersection works before a Statement of Compliance is issued under the Subdivision Act for any stage that relies on access to an arterial road, to the satisfaction of the Responsible Authority.
 - g) Provision of an appropriate number of access points from the subdivision to the surrounding road network, so as to not to exceed the safe capacity of any access points or surrounding road network, taking into consideration other development in the area.
 - h) Before a Statement of Compliance is issued under the Subdivision Act for a stage that relies on access to Woods Road, Woods Road is to be constructed to an urban standard between Leakes Road and the entry road of the stage, including land required for the ultimate Woods Road cross section, to the satisfaction of the Responsible Authority.
 - i) Co-ordination of access arrangements for Woods Road with any development which has direct vehicle access to Woods Road, between Leakes Road and the Regional Rail Link.
 - j) Delivery of the upgrade of the intersection of Leakes Road and Woods Road (including signalisation) to provide access to the subdivision.
 - k) Delivery of the upgrade of the intersection of Leakes Road and Morris Road (including signalisation) to provide access to the subdivision.
 - l) Construction of a single carriageway of Morris Road associated with development of the adjacent stages of the subdivision.
 - m) Provision of land to enable the construction of a future second carriageway of Morris Road associated with development of the adjacent stages of the subdivision.
 - n) Construction of the overpass over the Regional Rail Link, before a Statement of Compliance is issued under the Subdivision Act for the second last stage of the subdivision, provided that funding through the Wyndham North Development Contributions Plan is available at the time.
 - o) Co-ordination of the duplication of Leakes Road along the frontage of the land (including relevant waterway crossings) with any development which has direct vehicle access to Leakes Road, having regard to any strategy for duplication of the road by the road authority.
- 6) Before the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provides for:

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- a) The implementation of the Public Infrastructure Plan approved under this permit.
- b) The equalisation of open space having regard to the areas set aside in a plan of subdivision and the amount specified in the schedule to clause 52.01; and
- c) The timing of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the DCP or the public open space account.

Building envelopes, restrictions on title and Section 173 agreements

Small lot housing code

- 7) The Small Lot Housing Code incorporated into the Wyndham Planning Scheme is endorsed under this planning permit.
- 8) The Small Lot Housing Code must be shown as a restriction (on a plan of subdivision certified under the *Subdivision Act 1988*) that is recorded on the register under the *Transfer of Land Act 1958* in relation to an allotment that is less than 300 square metres in area.

Design of rear loaded lots

- 9) 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 Plan of Subdivision for all lots proposed to be accessed by a rear access way, and which are not identified to be developed under the Small Lot Housing Code. 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.

Stormwater management strategy

- 10) A Stormwater Management Strategy prepared by a suitably qualified expert must be provided to the satisfaction of the relevant floodplain manager prior to the certification of plans.

Agreement with relevant authorities for utility services

- 11) The owner of the land must enter into agreements with the relevant authorities for the provision of potable water supply, recycled water supply, drainage, sewerage facilities, electricity, gas and telecommunication services (including underground conduit infrastructure for optical fibre cables) to each lot shown on the endorsed plan.

Easements to be set aside

- 12) 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. Except with the consent of the responsible authority, 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.

Staging of subdivision

- 13) 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.

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Certified plans to be referred under Section 8 of the *Subdivision Act 1988*

- 14) 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.

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

Site Contamination

- 15) Before the development associated with the subdivision starts, (this requirement does not apply to bore holes and excavation associated with an environmental site assessment), an environmental site assessment of the land by a suitably qualified environmental professional must be undertaken which provides the following information:
- a) The nature of the previous and existing land use/activities on the land.
 - b) An assessment of the potential level and nature of contamination on the land.
 - c) Advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all or part of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.
- 16) If an environmental site assessment recommends an environmental audit of all or part of the land, then:
- a) before the commencement of any use for a sensitive purpose; or
 - b) before any buildings or works; or
 - c) before the certification of a plan of subdivision.

whichever is the earlier in respect of all or that part of the land as the case may, the following must be provided to the responsible authority, either:

A Certificate of Environmental Audit issued for the relevant land in accordance with Part 1XD of the *Environment Protection Act 1970*, or

A Statement of Environmental Audit issued for the relevant land in accordance with Part 1XD of the *Environment Protection Act 1970* stating that the environmental conditions of the relevant land are suitable for a sensitive use (with or without conditions on the use of the site).

- 17) If a Statement of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 before the construction of any building on the relevant land proving for the:
- a) implementation and on-going compliance with all conditions in the Statement of Environmental Audit; and
 - b) the payment of the responsible authority's legal costs and expenses of drafting/reviewing and registering the agreement by the owner of the relevant land.

Functional layout plan

- 18) 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;

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- 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, 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 NBN, 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) typical cross sections for each road including all underground services, overhead services and street trees, demonstrating how the minimum level of streetscape diversity required by the Precinct Structure Plan will be achieved;
- j) typical cross sections for each road including all underground services, overhead services and street trees, demonstrating how the minimum level of streetscape diversity required by the Precinct Structure Plan will be achieved;
- k) identification of all trees to be removed from the site;
- l) typical cross sections for each road including all underground and overhead services ;
- m) topography, including contours of the land and affected adjacent land;
- n) Internal intersections, roundabouts traffic management devices, bends, courts, etc;
- o) Road hierarchy plan including internal and external roads;
- p) Streetscape and street trees concept landscaping; and
- q) How the subdivision will retain existing dry stone walls.

Residential stormwater drainage

- 19) 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
- 20) All urban storm water systems must incorporate measures to satisfy the objectives of “Best Practice Environmental Management Guidelines” (CSIRO 1999) or later publication as relevant.

Construction plans

- 21) 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) the minimum level of streetscape diversity required by the Precinct Structure Plan;
 - b) all necessary computations and supporting documentation for any structure, traffic data, drainage infrastructure and geotechnical investigation report;
 - c) all details of works consistent with the approved functional layout plan and lodged plan of subdivision;
 - d) design for full construction of pavements with kerb and channel and vehicular crossings where appropriate;

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- e) underground drainage;
 - f) indented car parking bays where appropriate;
 - g) provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan. Each lot created by the subdivision permitted by this permit must be provided with all services to the satisfaction of the responsible authority;
 - h) public lighting and underground electricity supply within all streets, access ways and reserves where appropriate;
 - i) traffic control measures;
 - j) street signs in accordance with Council's standard design;
 - k) concrete footpaths in all streets and reserves as appropriate;
 - l) shared paths in accordance with the approved Development Plan within streets and reserves;
 - m) 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;
 - n) the location and provision of vehicle exclusion devices abutting reserves;
 - o) details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves;
 - p) appropriate methods for protecting environmental and heritage assets (including retained dry stone walls) during the construction phase of the subdivision;
 - q) high stability permanent survey marks;
 - r) details in relation to all filling on the site which must be compacted to specifications approved by the responsible authority;
 - s) appropriate signage; and
 - t) school crossing(s) where appropriate.
- 22) 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.

Environmental management plan (along a waterway)

- 23) 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) Remnant vegetation protection methods;
 - b) Pest management methods;
 - c) Details of the proposed landscape, rehabilitation and revegetation of open space areas;
 - d) Details of the weed management program for the site;
 - e) 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.

Kangaroo management plan

- 24) Prior to the commencement of any works in a stage of subdivision an Kangaroo Management Plan must be submitted for approval to the Department of Sustainability and Environment. The plan must include:
- a) Strategies (e.g. staging) to avoid land locking Kangaroos; and
 - b) Management solutions and action to respond to their containment in an area with no reasonable likelihood of their continued safe existence.

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Biodiversity

- 25) Prior to the commencement of any buildings or works or the removal of any vegetation, offsets for Growling Grass Frog Category 2 habitat on the land must be provided or agreed to the satisfaction of the Secretary of the Department of Sustainability and Environment.
- 26) Prior to the commencement of any buildings or works, a fully costed Growling Grass Frog translocation/ salvage plan must be prepared to the satisfaction of the Department of Sustainability and Environment and be submitted to and approved by the Responsible Authority. The approved Growling Grass Frog translocation / salvage plan must be implemented to the satisfaction of the Department of Sustainability and Environment and the Responsible Authority.

Site management plan

- 27) 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.
 - 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.

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.

Landscape plans

- 28) Before the commencement of works, a landscape master plan for the whole of the subdivision 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) Landscaping treatment in Stage 4a (the drainage corridor as shown on the application plan) consistent with the relevant conservation management plan approved under the *Environment Protection and Biodiversity Act 1999* unless otherwise agreed by the Department of Sustainability and Environment;
 - e) Entrance treatments;
 - f) The principles and graphical concepts of the proposed treatment of the open space and drainage reserves;

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- g) How the subdivision will achieve the minimum level of streetscape diversity required by the Precinct Structure Plan;
 - h) How the subdivision will retain the existing dry stone walls; and
 - i) How any landscape requirements or guidelines within the Precinct Structure Plan are proposed to be implemented.
- 29) 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 for that relevant stage. 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 relevant requirements and guidelines contained in the precinct structure plan applying to the land.
 - i) Soil quality and planting techniques in median or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees.

Part 3 – Conditions required to be satisfied during construction works

Layout not altered

- 30) Subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Biodiversity actions

- 31) The subdivision and associated works must implement the Eastern Grey Kangaroo Management Plan in the timeframes set out in the plan by:
 - a) Proceeding in the order of stages as shown on the plan; and
 - b) Implementing the management solutions and actions of the Plan.
 all to the satisfaction of the Department of Sustainability and Environment and the responsible authority.
- 32) The Salvage and Translocation of Striped Legless Lizard in the Urban Growth Areas of Melbourne: Strategic Approach (DSE 2011) and Salvage and Translocation of Striped Legless Lizard in the Urban Growth Areas of Melbourne: Operational Plan (DSE 2011) must be implemented to the satisfaction of the Secretary of the Department of Sustainability and Environment before, during and after the carrying out of any buildings or works or native vegetation removal and all specifications and requirements of the approved plan must be complied with.

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Filling of land

- 33) 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.
- 34) 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.
- 35) The owner or developer of the subject land must ensure that wherever the approved construction plans for road works and drainage show fill 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

- 36) 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

- 37) No top soil must be removed from land to be subdivided without the written consent of the responsible authority.

Weed Control

- 38) 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 any part of the land 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

- 39) 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.

Bushfire risk management

- 40) An appropriate fuel reduced managed area contiguous with the boundary of each relevant stage to the interface of any undeveloped area of the balance subdivision area must be provided at all times to the satisfaction of the responsible authority, following consultation with the CFA.

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

Construction of works

- 41) Before a Statement of Compliance is issued for a stage of the subdivision, the developer must complete all construction works associated with that stage as specified in the approved Precinct Infrastructure Plan to the satisfaction of the responsible authority.

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Reticulated services

- 42) Prior to the Statement of Compliance for each stage, domestic standard services for reticulated water, provision for reticulated recycled water, drainage, sewerage and electricity reticulation underground must be available to each lot, including reserves.
- 43) Those reserves shown on the endorsed plan(s) and nominated by the responsible authority must be provided with the following services and facilities to a domestic service standard to the satisfaction of and at no cost to the responsible authority. Generally, utilities such as power and water are required for neighbourhood parks, and power, water, gas and sewer are required for active recreation reserves and district open space.

Statement of compliance with deferment of landscaping

- 44) Landscaping bonds or such other form of security as is agreed, must be paid prior to the issue of Statement of Compliance. These bonds are to comprise 100% of the total value of the outstanding landscaping works to cover those works and a further 35% of the total value of the outstanding landscaping works to cover the relevant maintenance period. If the works have been completed to its satisfaction, the responsible authority must notify the Developer or Owner that the works maintenance period has commenced within 7 days of the date of inspection and refund the relevant deferred works component of the form of deposit within 14 days of the date of inspection.

Developer contributions (where no approved plan for the land)

- 45) Where a development contributions plan has not been approved for the land, 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:
 - 46) Contributions to Wyndham City Council for community and development infrastructure.
 - 47) 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 11 of the Wyndham Planning Scheme.
 - 48) 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 11 of the Wyndham Planning Scheme.
 - 49) 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.

Development Infrastructure Levy (where approved plan for the land)

- 50) Where a development contributions plan has been approved for the land:
 - a) A Development Infrastructure Levy must be paid to the Collecting Agency in accordance with the provisions of the approved Development Contributions Plan applying to the land. If there is no approved Public Infrastructure Plan or if the approved Public Infrastructure Plan does not specify a time when payments must be made, then the Development Infrastructure Levy must be paid to the Collecting Agency within the times specified in the Development Contributions Plan or if no time is specified then after certification of the relevant plan of subdivision but not more than 21 days before a Statement of Compliance is issued in respect of that plan under the Subdivision Act 1988.
 - b) Where there is no approved Public Infrastructure Plan a Schedule of Development Contributions must be submitted with each stage of the plan of subdivision. This Schedule of Development Contributions must show the amount of development contributions likely to be payable for each subsequent stage and the value of the development contributions in respect of prior stages to the satisfaction of the Collecting Agency.

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Open Space Contribution

- 51) Before the Statement of Compliance is issued under the Subdivision Act 1988, 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, unless otherwise agreed to in writing by the responsible authority.
- 52) Before the Statement of Compliance is issued under the Subdivision Act 1988, unless the information is shown in an approved Public Infrastructure Plan, 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, to the satisfaction of the responsible Authority.

Fire hydrant requirements

- 53) 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 Country Fire Authority.

Vehicle Access via crossing

- 54) 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.

Public transport infrastructure

- 55) Unless otherwise agreed in writing by the Director of Public Transport:
 - a) A road nominated on the 'Public Transport' plan in the Truganina Precinct Structure Plan as a potential bus route must be constructed (including any partial construction where relevant) in accordance with its corresponding cross section in the Truganina Precinct Structure Plan; and
 - b) Any roundabouts or other road management devices on potential bus routes are constructed to accommodate ultra low floor buses in accordance with the Public Transport Guidelines for Land Use and Development; and
 - c) Prior to the issue of a Statement of Compliance for any subdivision stage bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed unless otherwise agreed by the Director of Public Transport:
 - i) In accordance with the *Public Transport Guidelines for Land Use and Development*; and
 - ii) Compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*; and
 - iii) at locations approved by the Director of Public Transport, at no cost to the Director of Public Transport and to the satisfaction of the Director of Public Transport.

Part 5 – Conditions required to be satisfied following construction works

As constructed plans

- 56) 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) to the responsible authority.

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- 57) 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) to the responsible authority.
- 58) 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 to the responsible authority.

Street Trees

- 59) The owner or developer of the subject land must plant street trees within the subdivision permitted by this permit to the satisfaction of the responsible authority. Such street tree planting must be in accordance with the master plan approved by the responsible authority. Street tree planting on declared arterial roads must be established in accordance with the Truganina Precinct Structure Plan.

Landscape works

- 60) 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.
- 61) 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.
- 62) 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.

Reserves

- 63) Land required for public open space as set out in the Truganina Precinct Structure Plan or the Wyndham North Development Contributions Plan, must be transferred to or vested in Council at no cost to Council.
- 64) Land required for road widening as identified by the Truganina Precinct Structure Plan or the Wyndham North Development Contributions Plan, 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.
- 65) In accordance with plans approved for public parks under this permit, except where bonded or secured under condition 40, all parks must be finished to the following levels of development to the satisfaction of the responsible authority, prior to the transfer of land:
- a) Removal of all existing disused structures, foundations, pipelines or stockpiles;
 - b) Cleared of rubbish and environmental weeds, levelled, topsoiled and grassed with warm climate grass (unless a conservation reserve);
 - c) Provision of domestic standard services for water tapping, potable and recycled water connection points. Sewer and gas connection points must also be provided to land identified as an active reserve;
 - d) Planted in accordance with approved landscape plans;
 - e) Vehicles exclusion devices (fence, bollard or barrier kerb) and maintenance access points;
 - f) Construction of a 2.5 metre concrete shared path around, connecting and linking into any other shared path networks as identified in the Truganina Precinct Structure Plan; and
 - g) Installation of park furniture including BBQs, shelters, tables, playgrounds and rubbish bins.

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Fences abutting open space reserves

- 66) Except where bonded as permitted under this permit, where lots shown on the endorsed plan(s) have a common boundary with any municipal reserve, tree reserve, floodway reserve, or other such reserve, that boundary must be fenced to the satisfaction of and at no cost to the responsible authority prior to the issue of a Statement of Compliance under the Subdivision Act 1988.

Part 6 – Further conditions required to be satisfied by referral authorities

Melbourne Water

67) Overall requirements:

- a) No polluted and / or sediment laden runoff may be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- b) Engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and the 1 in 100 year flood levels for major overland flow paths.
- c) 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.
- d) All new lots are to 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.
- e) The creation of any Reserve or Easement over a Melbourne Water asset, shall be to Melbourne Water's satisfaction.

68) Prior to Certification of Plans of Subdivision:

- a) Prior to the Certification of the Plan of Subdivision, a drainage strategy for the subdivision must be submitted in electronic format to Melbourne Water for approval. The drainage strategy should demonstrate the proposed alignments and flows of the minor (1 in 5 year ARI) and major (1 in 100 year ARI) drainage systems, including any main drainage outlets to Skeleton Creek or Forsyth Drain. This strategy is also to include cross sections of Skeleton Creek and Forsyth Drain in representative locations, showing all batter slopes, dimensions and development extents.
- b) Prior to the Certification of the Plan of Subdivision, a water quality treatment strategy for the subdivision must be submitted in electronic format to Melbourne Water for approval. The strategy documentation is to include the proposed MUSIC model for the subdivision.

69) Prior to commencement of works:

- a) Prior to commencement of any works functional designs of stormwater quality assets are to be submitted to Melbourne Water for approval, and are to show location of access tracks and any adjacent pathways or recreation assets.
- b) Prior to commencement of any works a separate application, direct to Melbourne Water, must be made for any new or modified stormwater connection to a Melbourne Water asset. Prior to accepting an application, evidence must be provided to demonstrate that a connection to the Council drainage system is not feasible.
- c) Separate approvals from Melbourne Water are to be sought for any works within or in proximity to Skeleton Creek or Forsyth Drain, such as the installation of Stormwater quality treatment systems in the waterway corridor, road (bridge and culvert) crossings of the waterway, and other authority works including construction of sewer and water mains along and across the waterway, taking into account condition 67(a) above.

70) Prior to a Statement of Compliance:

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- a) Prior to 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 and the provision of drainage works in accordance with statutory powers of Melbourne Water Corporation.
- b) A Certified Survey Plan is to be submitted for approval after the completion of filling, verifying that the specified fill levels have been achieved. This will be required prior to an issue of a Statement of Compliance for the Subdivision.

City West Water - Water, sewer & recycled water

- 71) 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.
- 72) 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.
- 73) 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

- 74) 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

Completion of subdivision

- 75) This permit will expire if:
 - a) The plan of subdivision for the first stage is not certified within five years of the date of this permit; or,
 - b) The plan of subdivision for the last stage of the subdivision is not certified within ten years of the date of this permit, or
 - c) The registration of the last stage of the subdivision is not completed within five years of the certification of that plan of subdivision.

Part 8 - Notes

Native Vegetation – This permit does not allow native vegetation removal, destruction or lopping. Consult Clause 52.16 of the Wyndham Planning Scheme and the incorporated Truganina Native Vegetation Precinct Plan for the relevant native vegetation controls.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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.

WHEN DOES THE 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 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.

WHAT ABOUT APPEALS?

- * 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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