
PLANNING PERMIT

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

Permit No.: WYP7759/14
Planning Scheme: Wyndham Planning Scheme
Responsible Authority: Wyndham City Council

ADDRESS OF THE LAND:

360-438 Point Cook Road POINT COOK VIC 3030
V 10790 F 827 L T PS 521564V

THE PERMIT ALLOWS:

Subdivision of the land in accordance with the endorsed plans, creation and development of lots less than 300sqm and access to 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 ***Lincoln Heath South – Density Plan (Stages 1 to 4), Version J, Ref: M10736 dated 19 March 2015*** as submitted with the application but modified to show:
 - a) Include all of the land within a stage of subdivision;
 - b) Show a 2 metre widening of Point Cook Road extended to the northern boundary of the land;
 - c) Show all road reserve widths, including a 20.1 metre width for the Fongeo Drive extension west of the western most proposed roundabout;
 - d) Annotate the area of reserve 5 on the plan; and
 - e) Show a 5 metre wide council reserve between the lot described as future urban development in the north east corner of the site and Point Cook Road.

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General modified plans

2. Prior to the endorsement of the Subdivision Plan by Council, the following modified plans must be submitted to and approved by the responsible authority:
 - a) The **Cross Section A – Fongeo Drive and Local Access Street** submitted with the application in March 2015 but modified to show:
 - i. A minimum 3.0m wide nature strip either side of any carriageway.
 - ii. The off-road bike path located 5 metres from the property boundary in accordance with the PSP cross section.
 - b) The **cross section D – Lots siding onto Point Cook Road** submitted with the application in March 2015 but modified to show:
 - i. A 2 metre widening for Point Cook Road and the 5 metre Point Cook Road Council Reserve.

Section 173 Agreement (PIP)

3. 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.
4. 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.
5. Once approved, the PIP must be implemented to the satisfaction of the responsible authority.
6. 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 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 to the satisfaction of the responsible authority:
 - 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.
7. The PIP must specifically address the following to the satisfaction of the responsible authority:
 - f) Timing and construction of full length of Fongeo Drive.
 - g) Timing and delivery of the intersection of Fongeo Drive with Point Cook Road.
 - h) Timing and delivery of the shared path network within the development and along the west side of Point Cook Road and linking it to existing shared path adjoining the development.
 - i) Delivery of stormwater treatment assets.
 - j) Timing and delivery of Open space.

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8. 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:
 - k) The implementation of the Public Infrastructure Plan approved under this permit.
 - l) 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
 - m) 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, and with any priorities in the DCP.

Building envelopes, restrictions on title and Section 173 agreements

Small lot housing code

9. The Small Lot Housing Code incorporated into the Wyndham Planning Scheme is endorsed under this planning permit.
10. Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the Small Lot Housing Code incorporated pursuant to Clause 81 of the Wyndham Planning Scheme; and
11. The plan of subdivision submitted for certification must identify whether type A or type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

Design requirements

12. Prior to the Certification of the Plan of Subdivision, a Memorandum of Common Provisions must be placed on the Plan of Subdivision for all lots within the 13-20 ANEF to the satisfaction of the responsible authority. The restriction must include reference to design guidelines which address:
 - a) Information to future landowners that the site is located in proximity to the Point Cook RAAF air base and may be affected by associated noise;
 - b) No up-lighting on the property;
 - c) Non-reflective roof materials; and
 - d) Restricts the height of development to 15 metres.

Density and yield schedule

13. 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 Lincoln Heath South Precinct Structure Plan; and
 - b) the housing densities in that stage and earlier stages of the subdivision.

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- c) 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.

Development contributions

14. Prior to the Certification of the Plan of Subdivision 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, in accordance with the approved Public Infrastructure Plan.
- b) The agreement to expire upon payment of the relevant contribution(s).
- c) Any works-in-kind the owner wishes to undertake, including any sharing arrangements between developers, if applicable.

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.

Stormwater management strategy

15. A Stormwater Management Strategy prepared by a suitably qualified expert must be provided to the satisfaction of the relevant waterway, drainage and floodplain manager prior to the certification of plans.

Agreement with relevant authorities for utility services

16. The owner of the land must enter into agreements with the relevant authorities for the provision of potable 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 in accordance with that authority's requirements and relevant legislation at the time.

Provision of Telecommunications services

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

- (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance
- (c) 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.

Easements to be set aside

18. 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.

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19. Easements will not be permitted on areas set aside as unencumbered open space. Where there is no alternative available, compensation will be payable at a value of \$101, 5616.00 per hectare (2015) indexed annually by CPI.

Staging of subdivision

20. 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.

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

21. 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 and Clause 66 of the Wyndham Planning Scheme.

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

Provision of finished levels for lots abutting drainage reserve

22. Detailed design plans must show finished levels (including cross sections), demonstrating that lots with an abuttal to the drainage reserve are separated from the reserve levels.

Functional layout plan

23. 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, bus stops as approved by PTV 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, 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 telecommunications, 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 dimensioning individual elements including all underground services, overhead services, street trees and bus capable carriageways demonstrating how the minimum level of streetscape diversity required by the Precinct Structure Plan will be achieved;
 - j) identification of all trees to be removed from the site;

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- k) topography, including contours of the land and affected adjacent land;
- l) Internal intersections, roundabouts traffic management devices, bends, courts, etc;
- m) Road hierarchy plan including internal and external roads;
- n) Streetscape and street trees concept landscaping to ensure adequate road reserve width is provided for all hard and soft infrastructure;
- o) Detailed design of the fencing and landscaping treatment where properties have a side boundary to Fongeo Drive;
- p) A plan showing the location of all proposed Local Area Traffic Management devices;
- q) Shared paths generally in accordance with the Lincoln Heath South Precinct Structure Plan;
- r) Intersection of Fongeo Drive with Point Cook Road to satisfaction of Vicroads and responsible authority;
- s) Detail a roundabout or appropriate traffic management treatment at the intersection of Fongeo Drive and Road 8;
- t) Detail a roundabout or appropriate traffic management treatment at the intersection of Road 2 and Road 3 in Stage 2;
- u) Detail a roundabout or appropriate traffic management treatment at the intersection of Road 5 and Road 8 in Stage 3.
- v) Detail a roundabout or appropriate traffic management treatment at the intersection of Road 6 and Festival Drive in Stage 4.

Residential stormwater drainage

- 24. 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
- 25. 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

- 26. 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;

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- d) design for full construction of pavements with kerb and channel and vehicular crossings where appropriate;
- 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) Detail the location of cycle paths / shared paths along Fongeo Drive in accordance with Plan 7 (Public transport and path network shown in the Lincoln Heath South Precinct Structure Plan ensuring that they provide the following:
 - i. Safe and convenient crossing points of connector roads and local streets at all intersections; and
 - ii. Safe and convenient transition between on and off-road bicycle networks.

All to the satisfaction of Public Transport Victoria and the responsible authority.
- 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 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.

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

Construction Management Plan

27. At least 7 days prior to the commencement of works a Construction Management Plan (CMP) must be submitted to and approved by the responsible authority and where relevant other affected authorities (such as Melbourne Water and the CFA). When approved, the plan will be endorsed and then form part of the planning permit. The CMP must describe:
- a) Relevant matters of occupational health and safety;
 - b) A Construction Traffic Management Plan including:
 - i) the proposed route for construction vehicle access to the site and a program for the upgrade and maintenance works required along this route while any works are in progress;

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- ii) Recommendations that are consistent with the Code of Practice for Worksite Safety – Traffic Management published in Government Gazette nS351, Tuesday 31 August 2010.

28. All drawing(s) in the CMP must be drawn to an appropriate scale.
29. The developer must keep the responsible authority informed in writing of any changes to the CMP. If in the opinion of the responsible authority the changes represent a significant departure from the approved Construction Management Plan then an amended Construction 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.
30. Before the commencement of works the CMP must be made available to any authorised representatives of the construction contractor and project superintendent as appointed by the developer.
31. The approved CMP must be implemented at all times to the satisfaction of the responsible authority.

Truck Routes and Site Access

32. Prior to any works commencing on the approved subdivision/development, a plan showing truck routes including the delivery of and disposal of surplus materials from the site of the development must be submitted to and approved by Council's Engineering Services Department. The construction access must not be off existing internal residential streets. A safe construction access must be built off Point Cook Road. This plan must include the following:
 - (a) Anticipated vehicle movements per day.
 - (b) Types of vehicles and hours between which this route is required for vehicles associated with the subdivision.
 - (c) Restrictions on travel within local residential streets (speed, hours etc).
 - (d) Any required works to the entrance of the site.
 - (e) Methods and timing of response to rectify spilt debris and mud from construction vehicles, including appropriate contact details if required. This includes debris and mud that occurs along any part of an approved Truck Route.
33. During construction of works under this permit, access to and egress from the subject land must only be via a route as shown on an approved, stamped Truck Route Plan. Once approved a sign/plan no greater than 2 square metres indicating the approved truck route must be displayed at all exits of the subdivision.

Site Environment Management Plan

34. Prior to the commencement of any works, a Site Environment Management Plan for the relevant stage must be submitted to and approved by the responsible authority and any other relevant external referral authorities. When approved, the Site Environment Management Plan will be endorsed and will then form part of the permit.
35. The SEMP must be in accordance with Council's SEMP template and guidelines. The approved SEMP must be implemented at all times on site to the satisfaction of the responsible authority. Any non-compliance may be enforced under the Planning and Environment Act and other related legislation.
36. Access to the site must be available at all times for Council representatives to monitor implementation of SEMP compliance.

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37. The SEMP applies for all works approved in this Permit up to where public land is handed over (and accepted) by the relevant authority and the remainder is completely in private ownership. The SEMP must also include a detailed monitoring program undertaken by a suitable qualified independent expert of the drainage regime and the vegetation quality, condition, composition, extent and coverage within the area defined as seasonal herbaceous wetlands, environmental based recreation and retarding basin/stormwater quality treatment areas of the Lincoln Heath South PSP to the satisfaction of the responsible authority.

Site Management Plan (SMP)

38. The SMP must:

- a) Address occupational health and safety, traffic management, environmental controls and cultural protection measures to the satisfaction of the responsible authority;
- b) 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 works are in progress;
- c) Include measures to reduce the impact of noise, dust and other emissions created during the construction process;
- d) Demonstrate all environmental and cultural protection measures identified on a drawing(s) drawn to scale and prepared in accordance with Melbourne Water standards for such drawings;
- e) Measures to provide temporary fencing to ensure the protection of the seasonal herbaceous wetlands during construction;
- f) Measures to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system;
- g) Include means by which foreign material will be restricted from being deposited on public roads by vehicles associated with the building and works on the land to the satisfaction of the responsible authority;
- h) Address any recommendations of any approved Cultural Heritage Management Plan applying to the land;

39. The SMP must ensure:

- a) All machinery bought on the site must be weed and pathogen free;
- b) All machinery wash down, lay down and personnel rest areas must be clearly fenced and located in disturbed areas;
- c) Contractors working on the site must be inducted into an environmental management program for construction works;
- d) Best practice erosion and sediment control techniques must be used to protect any native flora and fauna; and
- e) Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of subdivision.

40. All works must be carried out generally in accordance with the measures set out in the Site Management Plan approved by the responsible authority.

41. An approved site management plan may be amended with the written consent of the responsible authority or in the case of matters under Condition 24)i), with the written consent of the CFA.

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Landscaping plans

42. Before the commencement of civil roadworks, 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) Entrance treatments;
 - e) The principles and graphical concepts of the proposed treatment of the open space and drainage reserves;
 - f) How the subdivision will achieve the minimum level of streetscape diversity required by the Precinct Structure Plan; and
 - g) How any landscape requirements or guidelines within the Precinct Structure Plan are proposed to be implemented.
43. 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

No subdivision layout alteration

44. The subdivision permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.

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Filling of land

45. 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.
46. 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.
47. 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

48. During construction works under this permit, access to and egress from the subject land must be via Point Cook Road, and a route approved by the responsible authority.

Removal of excavated material

49. Approval for the removal and disposal of any excavated material or top soil from the subject land is required from the Council.

Weed Control

50. 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.

Nuisance control

51. All construction activities associated with the subdivision must be carried out in such a manner so as to not create nuisance to the satisfaction of the responsible authority.
52. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:
 - a) Transport of materials, goods or commodities to and from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes smoke, vapour, steam, soot, ash, dust, waste, water, was products, grit or oil.

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53. All green waste generated from the clearing of land during the construction phase must be mulched or transported from the site or used on site as appropriate, to the satisfaction of the responsible authority. Green waste must not be burnt on site.

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

54. 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 and must include:
- (a) fully sealed pavement with kerb and channel and vehicular crossings where appropriate;
 - (b) footpaths and/or shared pedestrian/bicycle paths where appropriate;
 - (c) underground drainage;
 - (d) indented car parking and/or bus parking bays where appropriate;
 - (e) underground conduits for water, gas, electricity and telephone;
 - (f) appropriate intersection and traffic measures;
 - (g) appropriate street lighting and signage;
 - (h) school crossing(s) where appropriate;
 - (i) high stability permanent survey marks.
55. Works must not commence prior to the issue of the certified Plan of Subdivision and approval of the construction plans.
56. Any footpath, kerb or other asset damaged during the three (3) month defect liability period by the builders or others must be made good to the satisfaction of the Responsible Authority prior to the work being taken off maintenance.

Telecommunications services prior to SoC

57. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- (a) 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 that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Construction of works

58. Before a Statement of Compliance is issued for a stage of the subdivision, the developer must complete all construction works and/or bonding 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

59. Prior to the Statement of Compliance for each stage, domestic standard services for reticulated water, provision for reticulated drainage, sewerage and electricity reticulation underground must be available to each lot, including reserves.
60. 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.

Open Space Contribution

61. 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.
62. 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.
63. Prior to the issue of a Statement of Compliance for any plan of subdivision under this permit that creates any public open space reserve the owner must re-grade, top dress, landscape and otherwise embellish the land to the satisfaction of the responsible authority including as appropriate the following works:
 - 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 conservation reserve requirements dictate otherwise);
 - c) Provision of water tapping potable and recycled water connection points suitable for reserves. Sewer and gas connection points must also be provided to land identified as an active reserve;
 - d) Drought tolerant plants;
 - e) Vehicle exclusion devices (fence, bollard or other suitable method) and maintenance access points unless an alternative solution is agreed with the responsible authority;
 - f) Point Cook Road 3 metre shared path (ss shown in the applicable cross section) to connect and link into the existing path within the Lincoln Heath Estate reserve to the north of the PSP area; and
 - g) Installation of park furniture including BBQs, shelters, tables, local scale play spaces and equipment for children and teenagers, rubbish bins and appropriate paving to support these facilities.

All works are to be completed to the satisfaction of Council.

Fire hydrant requirements

64. 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 relevant fire authority.

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Vehicle Access via crossing

65. Prior to the issue of a Statement of Compliance, vehicular access to the subject land from any roadway, 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.
66. Access to each lot created must be provided by a sealed and fully constructed road or other pavement to the satisfaction of the responsible authority.

Public transport infrastructure

67. Unless otherwise agreed in writing by Public Transport Victoria:
- a) A road nominated on the "Public Transport" plan in the Lincoln Heath South 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 Lincoln Heath South 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 relevant subdivision stage bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed unless otherwise agreed by Public Transport Victoria:
 - 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 Public Transport Victoria, at no cost to Public Transport Victoria and to the satisfaction of Public Transport Victoria.

Part 5 – Conditions required to be satisfied following construction works

Landscape Handover

68. The landscaping maintenance period will be for a minimum two (2) summers prior to Handover to the Responsible Authority. During this period, the developer must maintain the landscaping works to the satisfaction of, and at no cost to, the Responsible Authority. Detailed 'as constructed' plans, in a format agreed with Council, must be provided prior to the issue of the Practical Completion Certificate.

O-Spec Drawing Requirement

69. Prior to the issue of a Practical Completion for any stage of the subdivision, the following must be submitted to the satisfaction of the responsible authority:

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- (a) An electronic copy of all 'as constructed' landscape drawings, and relevant files in both Autocad DWG and Adobe PDF file formats on Compact Disk. The minimum resolution of the PDF required is 300dpi.
- (b) 'As-constructed' open space/landscape asset information for open space/landscape and related assets in digital format in accordance with O-Spec (the Consultant/Developer Specifications for the delivery of the digital data to Local Government).

As constructed plans

- 70. 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.
- 71. 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.
- 72. 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

- 73. 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.

Landscape works

- 74. 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.
- 75. 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.
- 76. 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

- 77. 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.

Reserves

- 78. Land required for public open space as set out in the Lincoln Heath South Structure Plan must be transferred to or vested in Council at no cost to Council.

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79. In accordance with plans approved for public parks under this permit, 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 3 metre concrete shared path around, connecting and linking into any other shared path networks as identified in the Lincoln Heath South Precinct Structure Plan; and
 - g) Installation of park furniture including BBQs, shelters, tables, playgrounds and rubbish bins.

Fences abutting open space reserves

80. 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

81. 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.
82. No polluted and / or sediment laden runoff may be discharged directly or indirectly into Melbourne Water's drains or watercourses.
83. 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.
84. All new lots must achieve an appropriate freeboard in relation to local overland flow paths to the satisfaction of the responsible authority.
85. Unless with the consent of Melbourne Water, before a Statement of Compliance is issued, a certified Survey Plan verifying the specified fill levels, must be submitted for approval by Melbourne Water after the completion of filling.
86. Unless with the written consent of Melbourne Water, before a Statement of Compliance is issued, a Flood Extent Plan and Overland Flow-path Plan for the subdivision and any assets such as waterways, wetlands and retarding basins, including 1-in-100 year ARI flood levels, and lot levels based on the certified survey plan, must be submitted to Melbourne Water for approval. These plans must be submitted in PDF format and one of the additional electronic formats:

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- tab (mapinfo)
 - mif/mid (mapinfo interchange)
 - dxf (autocad)
 - gml (OS mastermap)
87. 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.
 88. Before a Statement of Compliance is issued, a certified survey plan of completed works must be supplied to the satisfaction of the responsible authority and Melbourne Water.
 89. The subdivision must include provision for overland flows from the upstream catchment utilising roads and/ or reserves to the satisfaction of the responsible authority.
 90. 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.
 91. Prior to the Certification of the Plan of Subdivision, a drainage strategy for the entire subdivision must be submitted in an electronic format to Melbourne Water for acceptance. The drainage strategy should include the following:
 - the proposed alignments and flows of the minor (1 in 5 year ARI) and major (1 in 100 year ARI) drainage systems and any proposed stormwater quality treatment systems.
 - Functional designs for any retarding basins, wetlands or constructed waterways within or adjoining the subdivision confirming adequate areas are being set aside for these areas.
 92. Before the completion of road and drainage plans, a separate application, direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. The application must be accompanied by material demonstrating that the local municipal council for local government area considers that it is not feasible to connect to the local drainage system.
 93. Any proposed permanent and temporary (interim) outfall arrangements within and downstream of the subdivision.
 - Any staging of drainage works within the subdivision required to provide interim servicing.
 - Written approvals from affected landowners for any proposed works in neighbouring properties.
 - The subdivision layout must be in accordance with the approved drainage strategy.
 94. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows to the satisfaction of the responsible authority and Melbourne Water.
 95. All new lots are to be filled to a minimum of either 300mm above the 1 in 100 year flood level associated with an existing or proposed Melbourne Water waterway, wetland or retarding basin.
 96. Prior to the Certification, the Plan of subdivision must show sufficiently sized easements and/or reserves to be created over any proposed Melbourne Water assets to Melbourne Waters satisfaction.
 97. Prior to Certification, a free draining outfall is to be arranged to the satisfaction of Melbourne Water, the responsible authority and the affected downstream landowners owner(s). Written acceptance from downstream landowners and the responsible authority is forwarded to Melbourne Water for their records.

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98. Prior to the issue of a Statement of Compliance, as-constructed plans of any Melbourne Water assets must be submitted to the satisfaction of Melbourne Water.

VICROADS

99. Before the certification of a plan of subdivision, a plan of subdivision must show:

- a) The land affected by the widening of the road reserve which is required to provide road widening and/or right-of-way flaring for the ultimate design of any adjacent intersection.
- b) Any land set aside as Road must be labelled "ROAD" on the plan of subdivision.
- c) All land to be vested as road or reserve, for which VicRoads is to be responsible, must be vested in the name of the ROADS CORPORATION.
- d) Any land to be set aside as Reserve for which VicRoads is to be responsible must be labelled "RESERVE FOR USE OF THE ROADS CORPORATION" on plan of subdivision.

100. Before the commencement of any works, a Construction Traffic Management Plan must be prepared to the satisfaction of VicRoads.

101. Any recommendations set out in the Construction Traffic Management Plan must be consistent with the Code of Practice for Worksite Safety – Traffic Management published in Government Gazette nS351, Tuesday 31 August 2010.

102. During any works associated with the subdivision of the land traffic management measures must be implemented in accordance with the approved Construction Traffic Management Plan to the satisfaction of VicRoads and the responsible authority.

103. Before the use of the permitted development and/or commencement of any works required by VicRoads under this permit a detailed engineering design must be prepared generally in accordance with the accepted functional layout plan CG120299 prepared by Cardno and to the satisfaction of VicRoads.

104. No work may be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

105. Before the issue of a Statement of Compliance for any relevant stage of the subdivision, all works required by VicRoads under this permit must be completed to the satisfaction of VicRoads and at no cost to VicRoads.

AUSNET SERVICES (gas distribution)

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

POWERCOR (electricity distribution)

107. 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.

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Signature for the Responsible Authority

CITY WEST WATER (water supply and sewer)

108. 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.
109. 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.
110. 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.

CFA

111. 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, fire hydrants must be provided to the satisfaction of the relevant fire authority.
112. Fire hydrants must be clearly identified as specified in the Fire Services Guideline "Identification of Street Hydrants for Fire Fighting Purposes".
113. Three copies of water reticulation drawings must be provided to the CFA for its comment before the approval of any engineering plans by Council or another referral authority.
114. Emergency vehicle access must be provided to each of the allotments meeting the design requirements of the October 2006 version of the CFA Guideline "Requirements for Water Supplies and Access, for subdivisions in Residential 1 and 2 and Township Zones".
115. The layout of any proposed car parking spaces on near a road or emergency access way must be designed so as to not impede access of emergency vehicles.

Part 7 – Permit expiry

Completion of subdivision

116. This permit will expire if (any of the following apply):
- a) The Plan of Subdivision for the first stage is not certified within two (2) years of the date of this permit; or
 - b) The Plan of Subdivision for the last stage of the subdivision is not certified within five (5) years of the date of this permit; or
 - c) The registration of the last stage of the subdivision is not completed within five (5) years of the certification of that Plan of Subdivision.
117. The Responsible Authority may extend the periods referred to if a request is made in writing whereby either of the following instances apply:
- a) before or within six (6) months after the permit expiry date, where the use or development allowed by the permit has not yet started; or
 - b) within twelve (12) months after the permit expiry date, where the proposal allowed by the permit has lawfully started before the permit expires.

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Expiry of Permit

FOOTNOTE: In the event that this permit expires or the subject land is proposed to be used or developed for purposes different from those for which this permit is granted, there is no guarantee that a new permit will be granted. If a new permit is granted then the permit conditions may vary from those included on this permit having regard to changes that might occur to circumstances, the planning scheme or policy.

Protection of Aboriginal Heritage Places

FOOTNOTE: All Aboriginal places and objects in Victoria are protected under the Aboriginal Heritage Act 2006. It is an offence to wilfully or negligently disturb or destroy an Aboriginal place or object under the Aboriginal Heritage Act 2006.

Crossover/s

FOOTNOTE: Any new or modified crossovers require separate approval from Council's Roads Development Section. Town Planning stamped approved plans must be presented when applying for Road Opening Permits.

Date Issued:

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Signature for the Responsible Authority

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.
-