PERMIT NUMBER: 717158

City of Whittlesea

PLANNING PERMIT

WHITTLESEA PLANNING SCHEME

ADDRESS OF THE LAND:

1025 DONNYBROOK ROAD DONNYBROOK
LOT: 1 TP: 843230S

THE PERMIT ALLOWS:

STAGED, MULTI-LOT SUBDIVISION, CREATION/ALTERATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1 AND CREATION OF RESTRICTIONS IN ACCORDANCE WITH THE ENDORSED PLANS

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

CONDITIONS TO BE SATISFIED PRIOR TO CERTIFICATION OF THE PLAN OF SUBDIVISION

1. Subdivision Layout Plan

Before the submission and approval of Functional Layout Plans, an amended subdivision layout plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be generally in accordance with the Concept Masterplan – Precinct 2, prepared by Tract, Drawing No 0314-0688-02, Rev 09, dated 31 July 2018 but modified to show the following:

a. Roundabouts at the following locations:
   i. At the intersection of the key north-south and east-west local access streets.
   ii. On Cameron Street, at the intersection with the key north-south local access street.

b. A notation indicating future signalised intersections at the following locations:
   i. At the intersection of Cameron Street and Patterson Drive.

c. A notation indicating the following intersections are to be limited to left in/left out movements:

Date issued: 16 November 2018

Signature for the Responsible Authority:

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

* The Responsible Authority has issued a permit.

WHEN DOES A PERMIT BEGIN?

A permit operates:

* from the date specified in the permit, or
* if no date is specified, from
  (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
  (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of the land expires if –
   * the development or any stage of it does not start within the time specified in the permit, or
   * the development requires the certification of a Plan of Subdivision or consolidation under the *Subdivision Act* 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision, or
   * the development or any stage is not completed within the time specified in the permit or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the Plan of Subdivision or consolidation under the *Subdivision Act* 1988.

2. A permit for the use of the 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 the 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 the land or the development and use of the 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 of Subdivision 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?

* The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of appeal exists.
* An appeal must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
* An appeal is lodged with the Victorian Civil and Administrative Tribunal.
* An appeal must be made on a Notice of Appeal form, which can be obtained from the Victorian Civil and Administrative Tribunal, and must be accompanied by the prescribed fee.
* An appeal must state the grounds upon which it is based.
* An appeal must also be served on the Responsible Authority.
* Details about appeals and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.
* The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne 3000. The telephone number is (03) 9628 9777.

Date issued: 16 November 2018

Signature for the Responsible Authority: _____

i. Cameron Street and the perimeter road on the north-west side of the linear open space.

ii. Patterson Drive and the east-west road on the north side of the Local Town Centre.

2. Public Infrastructure and Staging Plan

Prior to the submission and approval of Functional Layout Plans, a Public Infrastructure Plan must be prepared to the satisfaction of the Responsible Authority. The Public Infrastructure Plan must be generally in accordance with the Precinct Infrastructure Plan prepared by Echelon Planning, dated 30 July 2018, Revision 2, but amended to show the following:

a. The provision of Net Developable Area, lot yield and anticipated timing by stage;

b. Table Changes

i. All public purpose land items should be shown as 'Developer' in the "Delivery Responsibility" column;

ii. Add a new column "ICP Land Contribution Y/N" to the Public Infrastructure Plan Table and all public purpose land must be shown as "Yes" under this new column;

iii. Amend the delivery timing to 'TBC' for construction of CI-02;

iv. Remove reference to 'is creditable under the ICP' or 'total creditable local open space as per PSP' in the Public Infrastructure Plan Table for LP-49, LP-14 and LP-13;

v. Amend the provision trigger to 'Precinct 2, Stage to be determined unless triggered as per Permit Condition 4 of permit 717121' under the 'Associated Precinct and Stage' column for IN-03, IN-06 and RD-03 (south of Hayes Hill Boulevard);

vi. Amend the provision trigger to 'to be delivered as part of a future planning permit' under the 'Associated Precinct and Stage' column for IN-10; and

vii. Add the following caveat as a table footnote: "*The quantum and extent of projects provided in this PIP has been identified through the subdivision concept plan process, and may be subject to change through the detailed design process. Extent and timing of the ICP credits or public land equalisation amount, where relevant, will be determined separately through Section 173 Agreement negotiations*".

c. Amended staging boundary to ensure that any lot directly fronting Cameron Street is identified within Stage 18.

3. Development Sequencing

Development sequencing must be in accordance with the endorsed precinct infrastructure and staging plan (unless otherwise agreed in writing by the Responsible Authority).

4. Functional layout plan - Subdivision

Before the submission and approval of construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a functional layout plan for the subdivision or stage of subdivision, to the satisfaction of the Responsible Authority 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. Three copies of the functional layout plan must be drawn at a scale of 1:500 to acceptable drafting standards and an electronic copy (PDF) must be provided. The functional layout plan must be generally in accordance with the endorsed Subdivision Layout Plan, but amended to show:

a. a fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers, open space areas, and widths of street reservations,

b. topography and existing features, including contours for the subject land and any affected adjacent land,

c. identification by survey of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land,

d. details of tree protection zones (TPZs), for all trees to be retained on site,

e. all trees proposed for removal from the site (including dead native trees) clearly designated,

f. typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Donnybrook Woodstock Precinct Structure Plan and Councils Guidelines for Urban Development,

g. a table of offsets for all utility services and street trees,

h. location and alignment of kerbs, indented parking spaces, footpaths on the subject land and between the subject land and the nearest other subdivision, shared paths on the subject land and between the subject land and the nearest other existing subdivision, bus stops and traffic controls,

i. the proposed minor drainage network and any land required for maintenance access,

j. the major drainage system, including any watercourse, lake, wetland, silt pond and/or piped elements showing preliminary sizing,

k. overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,

l. drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance,

m. the functional design of drainage assets SB1A, SB1B and channel, in accordance with the relevant Melbourne Water Drainage Scheme,

n. preliminary location of reserves for electrical kiosks,

o. any retaining wall located along a front title boundary (street edge) to be no greater than 1m in height,

p. traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays,

q. any roundabouts required along Connector Streets designed to accommodate ultra-low-floor buses in accordance with the Austroads guidelines as well as Public Transport Guidelines for Land Use and Development,

r. plan indicating the relationship between the subject subdivision stage and surrounding land,

s. proposed linkages to future streets, open space, regional path network and upstream drainage,

t. works external to the subdivision, including both interim and ultimate access requirements,

u. the functional design of Cameron Street to provide for separated pedestrian and bicycle paths within a 31m cross section as a part of Stage 18 submission,

v. the functional design of the interim and ultimate Donnybrook Road and Patterson Drive intersection to the satisfaction of Council and the Roads Corporation;

w. the functional design of the ultimate intersection between Donnybrook Road and the north bound access road into Stage 1 providing an un-signalised, left-in left-out intersection to the satisfaction of Council and the Roads Corporation;

x. the functional design of Patterson Drive (between Donnybrook Road and Hayes Hill Boulevard), including both interim and ultimate cross sections, and the signalised pedestrian crossing, directly adjacent to any stage of development;

y. the functional design of the intersection of Patterson Drive and the local access street in stage 7, designed to the satisfaction of Council; and

z. the functional design of the interim and ultimate Patterson Drive and Hayes Hill Boulevard intersection.

5. Certification plan requirements

Before a plan of subdivision is certified under the *Subdivision Act 1988*, six copies of the plan including two signed heavyweight copies must be submitted to the Council, unless lodged electronically via SPEAR. The plan must show all bearings, distances, street names, lot numbers and any necessary easements and reserves, in accordance with the approved Functional Layout Plan.

6. Restriction on Plan of Subdivision - Lots less than 300 square metres in area

Prior to 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 provision of the Incorporated Document Small Lot Housing Code, August 2014.

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.

7. Precinct Infrastructure Plan

Prior to 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:

a. The implementation of the Public Infrastructure Plan approved under this permit.

8. S173 Agreement requirement – Condition to give effect to the requirement at Section 46GV(3) of the *Planning and Environment Act 1987*

Prior to the certification of a plan or at such time agreed by Council, the owner of the land must enter into an agreement under section 173 of the *Planning and Environment Act 1987* with Council in its capacity as the Development Agency which makes provision for the following

- The payment of the Monetary Component and the Land Equalisation Amount of the infrastructure contribution required by the incorporated *Donnybrook-Woodstock Infrastructure Contributions Plan* to the Collecting Agency in the manner specified by the Collecting Agency before the earliest of the following:

- If the development of the land involves a plan under the *Subdivision Act 1988*, then not more than 21 days prior to the issue of a statement of compliance in relation to the first plan of subdivision;

- If the development of the land requires a building permit, then not more than 21 days prior to the issue of the building permit -

or at such other time which is set out in the agreement

- The payment by the permit holder of an additional (top up) amount for each net developable hectare which is equal to the difference between:
  - the supplementary levy at the date of the agreement, and
  - the supplementary levy which is introduced in any subsequently amended or new Donnybrook - Woodstock Infrastructure Contributions Plan that is incorporated into the Whittlesea Planning Scheme within 3 years of the date of the agreement; or

- The payment by Council to the owner of an amount, by way of a refund for each net developable hectare which is equal to the which is equal to the difference between:
  - the supplementary levy at the date of the agreement and
  - the supplementary levy which is introduced in any subsequently amended or new Donnybrook - Woodstock Infrastructure Contributions Plan that is incorporated into the Whittlesea Planning Scheme within 3 years of the date of the agreement;

- The timing of that additional top up or refund payment, as the case may be.

9. Restriction on Plan of Subdivision – Lots greater than 300m square metres in area

Prior to the certification of the Plan of Subdivision, a restriction must be registered on the Plan of Subdivision for lots greater than 300m^2 in area, requiring that:

a. the side wall of the first level of any dwelling on a corner lot must not be constructed:
   i. less than 900mm from the ground level wall that faces a side street; or
   ii. with less than 30% glazing for the area of the wall and the remainder of the wall must be constructed in contrasting material finishes.
b. any garage on a burdened lot must not be constructed less than 5 metres from the road alignment at the front of the lot; and
c. development of lots with a width of 10 metres or less at the lot frontage (unless the lot is greater than 10 metres in width at the applicable street setback), must not contain any garage other than a single garage where access is proposed from the lot frontage.
d. any dwelling constructed on a lot that presents a direct side interface to the gas easement must not contain any dwelling other than a two or three storey dwelling that incorporates passive surveillance features such as windows or balconies at the first storey on the east elevation.

10. Land Required for Community Facilities and Public Open Space

Land required for community facilities and public open space for use as a local or district park, as set out in the *Donnybrook/Woodstock Precinct Structure Plan, October* 2017 or the *Donnybrook/Woodstock Infrastructure Contributions Plan,* must be transferred to or vested in Council at no cost to Council unless the land is funded by the incorporated *Donnybrook-Woodstock Infrastructure Contributions Plan.*

11.* Condition to give effect to the requirement at Section 46GV(4) of the *Planning and Environment Act 1987

If the land to which this planning permit applies includes any Inner Public Purpose Land, that Inner Public Purpose Land must be provided to:

a. in the case of Inner Public Purpose Land required for a road, the Development Agency responsible for the use and development of the land for the road;
b. in any other case, to the Collecting Agency; by
c. setting aside on a plan under the *Subdivision Act 1988* the Inner Public Purpose Land required for a road so as to vest in the Development Agency responsible for the use and development of that land as a road; and
d. setting aside on a plan under the *Subdivision Act 1988* any other Inner Public Purpose Land so as to vest in the Collecting Agency.

12. Condition to give effect to Section 46GV(6) of the *Planning and Environment Act 1987*

The plan referred to in Condition No. 10 must be lodged for registration under Section 22 of the *Subdivision Act 1988* within the time specified in any other

condition of this permit or if no condition is specified in this permit then by the time set out in an agreement to be entered into by the Collecting Agency, the applicant and/ or the owner of the land.

13. Kangaroo Management Plan

Before the certification of the plan of subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment, Land, Water and Planning. Once approved the plan will be endorsed by the responsible authority and form part of the permit.

The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority.

14. Road Network

Prior to the certification of a plan of subdivision, the plan of subdivision must show 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.

Land required for road widening 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 at no cost to the acquiring agency unless affected by the Public Acquisition Overlay or funded by the *Donnybrook Woodstock Infrastructure Contributions Plan.*

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS

15. Landscape Masterplan

Prior to the approval of any construction plans (engineering plans), a landscape masterplan to the satisfaction of the responsible authority for the subject land must be submitted to and approved by the Responsible Authority. When approved, the landscape masterplan will be endorsed and will then form part of the permit. The landscape masterplan must be drawn to scale with dimensions and three copies must be provided. The landscape masterplan must show:

a. the overall landscaping theme to be developed for the subdivision;

b. the type or types of species to be used for street tree planting in the subdivision;

c. the type or types of species to be used for street tree planting in the subdivision, to incorporate a mix of exotic, native and indigenous plantings and locally appropriate species and where applicable integrate with landscaping/natural vegetation within adjoining open space;

d. the principles of the proposed treatment of the open space and drainage reserves;

e. a management plan for the Red Gums proposed for retention to ensure their integrity during the site development and landscape maintenance period must be submitted with the landscape masterplan; and

f. how local open space abutting the drainage reserve has appropriately integrated any relevant environmental/drainage constraints and associated features into the design of the park.

16. Telecommunication Services Agreement

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 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.

17. Engineering Plans

Pursuant to sections 15 and 17(1) (b) of the *Subdivision Act 1988*, the applicant must submit engineering plans including specifications for works required under this permit to the Responsible Authority for approval. The engineering plans submitted for approval must be to the satisfaction of the Responsible Authority and must incorporate details of all public works within and outside the subdivision as required by this permit.

If the subdivision is to be staged, engineering plans for each stage must be generally in accordance with the approved functional layout plans for each stage.

17.1 Civil Works Plans

Works must be provided, in accordance with civil works plans and specifications as approved by the Responsible Authority, prior to the issue of Statement of Compliance. Before any works associated with the subdivision commence, detailed civil works plans for the relevant stage of works to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The civil works plans will not be considered until the functional layout plan(s) for the relevant stage has been approved by the responsible authority and landscape works plans submitted, the plan of subdivision has been lodged for certification with the Responsible Authority and the locations of other authorities' services have been provided to the satisfaction of the Responsible Authority. When approved, the civil works plans will be endorsed and will then form part of the permit. The civil works plans must be drawn to scale with dimensions and three copies must be provided.

The civil works plans must include:

a. all necessary computations and supporting documentation, including a Certificate of Compliance (design) for any structure, traffic data, road safety audit and geotechnical investigation report,

b. all details of works consistent with the approved functional layout plan, submitted landscape plan and lodged plan of subdivision,

c. design for full construction of streets and underground drainage, including measures to control / capture pollutants and silt,

d. provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan,

e. provision of public lighting and underground electricity supply within all streets,

f. traffic control measures,

g. any roundabouts located on Cameron Street designed to accommodate ultra-low floor buses in accordance with Austroads Guidelines

h. provision of street name plates to the Council standard design including a schedule of individual signs and associated street numbers,

i. provision of footpaths in all streets and reserves and between the subject land and the nearest other existing subdivision in accordance with the approved functional layout plan,

j. shared paths in accordance with the approved Precinct Structure Plan within streets and reserves,

k. provision of 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,

l. the location and provision of vehicle exclusion mechanisms abutting reserves,

m. details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves,

n. appropriate mechanisms for protecting environmental and heritage assets during the construction phase of the subdivision,

o. provision for the utilisation of any surplus top soil from this stage,

p. permanent survey marks,

q. unless an alternative empty conduit network is being installed that is suitable for fibre optic infrastructure and the applicant has evidence of an access agreement between the carrier putting in the conduit and the National Broadband Network Company, the provision of conduits, including pits and ancillary works for optical fibre telecommunications services or any equivalent alternative approved by the Responsible Authority and the conduit shall be designed in accordance with clause 22.13 Telecommunications Conduit Policy of the Whittlesea Planning Scheme and Planning Guidelines for Conduits for Optic Fibre Services, 2001

r. survey details of the canopy trunk location and size of trees to be retained and associated tree protection zones,

s. details in relation to all filling on the site which must be compacted to specifications approved by the Responsible Authority,

t. the relocation underground of all existing aerial services, including electricity and telecommunications assets, within streets abutting the subdivision,

u. the location of any earthworks (cut or fill) or service provision in a location outside the designated tree protection zone which does not adversely impact on the health and integrity of any trees to be retained,

v. a separate signage and line marking plan identifying the road layout, proposed signs, line marking, RRPMs and a sign schedule,

w. drainage assets SB1A, SB1B and channel as per Melbourne Water Drainage Scheme,

x. the construction of Cameron Street between Patterson Drive and the eastern boundary of Precinct 2 as part of Stage 18 of the development,

y. the ultimate Olivine Boulevard intersection providing an un-signalised, left-in left-out intersection with Donnybrook Road upon the delivery of Patterson Drive,

z. the interim Donnybrook Road and Patterson Drive intersection to the satisfaction of Council,

aa. the intersection of Patterson Drive and the local access street, designed to the satisfaction of the Responsible Authority,

bb. the interim intersection of Patterson Drive and Hayes Hill Boulevard to the satisfaction of the Responsible Authority.

17.2 Landscape Works Plans

Prior to the approval of civil works plans for each stage, a draft landscape works plan for that stage must be submitted to the Responsible Authority for comparison against the civil works plans. Once approved to the satisfaction of the Responsible Authority, the landscape works plan will be endorsed and will then form part of the permit. The landscape works plan must be drawn to scale with dimensions and three copies of the final plan must be provided. The landscape works plan must show:

a. the removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds;

b. all proposed street-tree planting using semi - advanced trees; with maximum container size of 45 litres or equivalent (larger sizes will incur additional establishment and extended maintenance obligations);

c. Trees in parks and streets must be suitable for local conditions and planted in modified and improved soil as required to support tree longevity;

d. earth shaping including the supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve if applicable);

e. mechanisms for the exclusion of vehicles,

f. the location and design of any way finding signage along all proposed shared paths within open space;

g. all proposed open space and streetscape embellishments such as installation of pathways, park lighting, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including within the drainage reserve if applicable);

h. where lawns are utilised for embankments in public areas, the gradient must be in accordance with Council standards;

i. any proposed fencing if open space to be low scale and visually permeable; and

j. hazard reduction pruning of trees to be retained, to the satisfaction of the responsible authority.

Where sufficient detail is shown on the endorsed landscape masterplan, to the satisfaction of the Responsible Authority, stage landscape plans may not be required.

18. Tree Protection Zones

No works are to be undertaken within a Tree Protection Zone unless:

a. Council determines that the works proposed within the Tree Protection Zone will not adversely impact on the tree or damage any part of the tree including its canopy, branches, trunk and roots; or
b. Council determines that the variation is required to minimise risk to the public and/or property; or
c. Council otherwise consents.

All works located in or in close proximity to a Tree Protection Zone must be supervised by a suitably qualified and experienced consulting arborist.

19. Works within Tree Protection Zones

With Council consent, works may encroach into a Tree Protection Zone, including (where appropriate):

a. "no dig" footpaths, mulching and limited soft landscaping provided all footpaths are first pegged on site and confirmed by the responsible authority prior to construction and all works are undertaken by hand to minimise disturbance to surface roots; and
b. boring for services where all other alternative alignments have been investigated and determined unfeasible to the satisfaction of Council.

20. Documentation of works within Tree Protection Zones

All works proposed to occur within a Tree Protection Zone must be documented in the civil infrastructure drawings and landscape plans, or otherwise approved in writing, to the satisfaction of the responsible authority.

21. Tree Protection Zone Fencing

The Tree Protection Zone as calculated by the consulting arborist must be clearly identified on site by an appropriately qualified person.

Temporary Tree Protection Zone fencing (refer to SDL.2.02) must be erected around the perimeter of all Tree Protection Zones and must be inspected by and approved by Council prior to the commencement of any buildings, works or demolition.

Tree Protection Zone fencing must be to the satisfaction of the responsible authority and should comprise:

a. Treated pine posts with a minimum height of 1.8 metres (total post length) at every corner or at a maximum interval of 9.0 metres. These posts shall be sunk 450mm into the ground. Concrete may affect the soil pH level and shall not be used to secure posts;
b. Treated pine stays shall be fixed to all corner posts;
c. Steel star pickets with a minimum height of 1.8 metres (total picket length) shall be installed between the treated pine posts at a maximum interval of 3.0 metres. These pickets shall be sunk 450mm into the ground and shall include high visibility safety caps;

d. Ring lock wire mesh fencing with a minimum height of 1.2 metres shall be securely fixed at each post with wire ties. The fence shall completely enclose the tree protection zone;
e. High visibility hazard marker tape shall be securely fixed to the top of the ring lock mesh fencing with wire ties;
f. Signage must be attached to the fence at regular intervals. Signage must read "TREE PROTECTION ZONE. NO ENTRY EXCEPT TO AUTHORISED PERSONNEL. FINES SHALL BE IMPOSED FOR REMOVAL OR DAMAGE OF FENCING AND/OR TREES" (refer to SDL.2.03).

Tree Protection Zone fencing must be regularly maintained and may only be removed after the landscape pre-commencement meeting has occurred or until such date as is approved by the responsible authority in writing.

With the agreement of the responsible authority, Tree Protection Zone fencing may not be required where permanent fencing is introduced prior to construction. The specification of the permanent fencing must be to the satisfaction of Council.

Prior to the removal of Tree Protection Zone fencing, any required landscape planting below existing tress must be completed. The landscape planning must be designed to act as a deterrent to pedestrian access into the Tree Protection Zone, to minimise weed establishment, encourage habitat values and generally improve the visual amenity, to the satisfaction of the responsible authority. Alternative permeable mulching (e.g. oversized gravel) below existing trees may be considered where appropriate.

22. Enhanced Growing Environments within Tree Protection Zones

The area within the Tree Protection Zone must be modified to enhance the growing conditions of the tree to help reduce stress or damage to the tree as a direct result of adjacent construction works to the satisfaction of the responsible authority.

Specific improvements may include one or a combination of the following:

a. Ground surfaces within tree protection zones must be left intact and a Glyphosate based herbicide mixed in accordance with the manufacturer's recommendations used to remove any weeds or unwanted vegetation;
b. The area within the exclusion zone must be mulched with wood chips to a depth of 150mm;
c. If required or as directed by the responsible authority, trees are to receive supplementary water. The amount of water is to be determined by the consulting arborist and will be determined by the amount of disturbance the tree has sustained and/or climatic conditions; and
d. Where severing of roots (greater than 50mm in diameter) is required directly adjacent to tree protection zones, the roots must be cleanly cut. Where possible this is to be completed at the beginning of the development of the site. Roots are not to be left exposed, they are to be back filled or covered with damp hessian.

The health of retained trees will be recorded prior to the commencement of works and periodically monitored by the consulting arborist and the responsible authority.

23. Tree Protection Zone Induction

Prior to any works commencing in proximity to Tree Protection Zone, a consulting arborist must induct all personnel involved in construction in close proximity to and/or involved in works that may impact tree protection zone.

Construction Personnel must be advised:

a. Unless authorised by the consulting arborist or as directed by the responsible authority, no party must enter into a tree protection zone or modify the tree protection zone fencing in any way;
b. No buildings or works (including loading and unloading, storage of materials, dumping of waste, vehicle access and parking or other construction activity) are to occur in the tree protection zone without the written consent of and to the satisfaction of the responsible authority;
c. The storing or disposal of chemicals or toxic material must not be untaken within 10 metres of any exclusion zone. Where the slope of the land suggests that these materials may drain towards an exclusion zone, the storing or disposal of these materials is strictly forbidden; and
d. Any trees that are to be removed next to exclusion zones are to be done so manually under the direct supervision of the consulting arborist (ie. cut not pushed). Stumps are to be ground and not excavated to prevent damage to trees in close proximity.

24. Tree Protection Bonding

Prior to commencement of the subdivision, a bank guarantee or other security to the satisfaction of the responsible authority for the total amount of $100,000.00 (or otherwise determined by the responsible authority) must be submitted to the responsible authority as security for the satisfactory observance of the conditions in relation to Tree Protection Zones within that subdivision.

Upon completion of any buildings or subdivision works to the satisfaction of the responsible authority, the bank guarantee or other security will be returned to the person providing the bank guarantee or security.

Where the responsible authority determines that the tree covered by the Tree Protection Zone has been damaged as a result of buildings and works by the applicant or its contractors to an extent that it affects detrimentally the life, health and appearance of the tree or its contribution to the landscape, an amount from the security is to be paid by the developer for the purchase of trees for planting on the land or the pruning or other arboricultural works to rehabilitate and improve existing trees, all to the satisfaction of the responsible authority.

25. Hazard Reduction Pruning

Prior to the issue of Practical Completion of the landscaping works, all trees that are to be retained must have hazard reduction pruning undertaken by a suitably qualified and experienced arborist to ensure the tree does not present an unreasonable risk. If necessary, pruning works shall include:

a. Removal of all dead and diseased branches. Specifically, dead branches greater than 40mm in diameter (measured at the base of the branch) shall be removed from the canopy unless they contain hollows that are clearly being used for habitat. Due care shall be given to ensure the integrity of the tree as habitat for native fauna is not compromised (larger material shall be left on site for its habitat value);
b. Weight reduction and canopy thinning (especially for branches overhanging trafficable areas and fixed infrastructure). No live branches greater than 200mm in diameter shall be removed from the tree without authorisation from the responsible authority. Remove no more than 20% of live foliage from any tree; and
c. Removal of epiphytic plant material, wire and any attached debris/rubbish.

Prior to any pruning works being undertaken, the arborist engaged to undertake the works shall arrange a site meeting with a representative from Council's Parks and Open Space Department.

All pruning works shall be to approved arboricultural practices and have regard to AS4373–2007.

26. Tree Removal

Where a tree is permitted to be removed:

a. Each tree nominated for removal shall be suitably marked prior to its removal and an inspection arranged with an appropriate Council Officer to verify that the tree marked accords with the permit and/or endorsed plans;
b. Prior to removal, the tree to be removed shall be inspected by an appropriately qualified and experienced zoologist to determine the presence of any native animals living or nesting in the tree. Should any native animals be detected they must be caught and relocated to a site deemed appropriate by the zoologist;
c. Tree removal is to be undertaken in a safe manner;
d. All services either above or below ground are to be located prior to the commencement of any works;
e. Stumps and any surface roots are to be ground down below ground level. Ground and chipped material to a depth of 50mm is to be removed from site at the direction of the project manager. The project manager must supply and place suitable topsoil and seed the area making certain that the reinstated ground surface is level, even and safe;
f. Stumps shall be removed within 14 days of removal of the tree. All stumps not removed immediately after removal of the tree are to be paint marked with a suitable bright yellow reflective marking paint;
g. Where ever possible and appropriate, native trees to be removed should be retained for use in core conservation areas for habitat purposes or reused in open space as urban art, park furniture and/or other use determined appropriate by the responsible authority;

h. After a tree has been fallen, the tree must be protected from firewood harvesting via temporary fencing and signage to the satisfaction of Council until such time as the tree has been relocated for habitat or mulched;

i. All timber greater than 300mm in diameter that cannot be reused as habitat, furniture or another use determined appropriate by the responsible authority shall be hammer milled and shredded for reuse as mulch within the site; and

j. All timber less than 300mm in diameter and branch/leaf material shall be shredded for reuse as mulch within the subject site.

27. Site Management Plan

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

a. Four copies of 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.

   v. Include measures to reduce the impact of noise, dust and other emissions created during the construction process.

b. All environmental and cultural protection measures identified shall be described on a drawing(s) drawn to scale and prepared in accordance with Melbourne Water standards for such drawings.

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.

28. Stormwater Drainage

Any stormwater drain, temporary drainage out falls and ancillary works, required as a condition of a Melbourne Water Drainage Scheme, or that are designated to become

the responsibility of the Council for maintenance, must be designed and constructed to the satisfaction of the Responsible Authority.

Before the approval of construction plans for roadworks and drainage, the designs for such works and the details of maintenance requirements (asset management and maintenance schedule) must be submitted to and approved by the Responsible Authority.

29. Gas Pipeline Construction Management Plan

Prior to the construction of a building or the carrying out of works, including demolition, on land within 50 metres of the gas pipeline easement shown on Plan 16 – Utilities in the incorporated Donnybrook-Woodstock Precinct Structure Plan, October 2017, a Construction Management Plan must be submitted to and approved by the responsible authority. The plan must:

a. Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
b. Be endorsed by the operator of the gas transmission pipeline where the works are within or crossing the relevant gas transmission easement.
c. Include any other relevant matter to the satisfaction of the responsible authority. The Responsible Authority must be satisfied that the gas transmission pipeline licensee has reviewed and approved the Construction Management Plan.

The Construction Management Plan must be implemented to the satisfaction of the responsible authority.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION WORKS

30. Layout not altered

The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

31. Trees to be Removed

a. Wherever possible and appropriate, native trees to be removed should be retained for use in core conservation areas for habitat purposes or in open space as urban art, park furniture etc. to the satisfaction of the responsible authority. All timber less than 300mm diameter and branch/leaf material should be shredded for reuse as mulch.
b. Each native tree nominated for removal or pruning works shall be suitably marked prior to its removal or works commencing and an inspection arranged with an appropriate Council officer to verify that the tree marked accords with this permit.
c. Prior to any removal or pruning works of native trees commencing, the subject tree must be inspected by an appropriate zoologist to determine the presence of any native animals living or nesting in the tree. Should any native animals be detected they must be caught and relocated to a site deemed appropriate by the zoologist.

32. Development and works in tree protection zones

No buildings or works, including loading and unloading, storage of materials, dumping of waste, vehicle access, parking or other construction activity is to occur within a tree protection zone without the written consent of and to the satisfaction of the Responsible Authority.

33. Filling of land

All filling on the site must be carried out, supervised, completed and recorded in accordance with AS 3798 (Guidelines on earthworks for commercial and residential developments) to specifications to the satisfaction of the Responsible Authority. 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.

34. Bushfire Management Plan

The development at all times must comply with the Bushfire Management Plan prepared by Terramatrix dated 5 October 2017 (v. 1), to the satisfaction of the Responsible Authority.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF A STATEMENT OF COMPLIANCE

35. Functional and Civil Design of Patterson Drive

Prior to the issue of Statement of Compliance for Stage 9 (unless otherwise agreed upon in writing by Council and the Roads corporation), the following functional layout plans and civil detailed design plans must be submitted and approved by the Roads Corporation and Council:

a. The interim (3-leg) signalised intersection of Donnybrook Road and Patterson Drive.
b. The interim Patterson Drive divided carriageway between Donnybrook Road and Hayes Hill Boulevard.
c. The pre-interim (right in and left out) intersection of Patterson Drive and Hayes Hill Boulevard.

36. Delivery of Patterson Drive

Prior to the issue of Statement of Compliance for Stage 11 (unless deferred to a subsequent stage as agreed in writing by Council), the following infrastructure items must be delivered:

a. The interim (3-leg) signalised intersection of Donnybrook and Patterson Drive (unless deferred to a subsequent stage as agreed in writing by the Roads Corporation in addition to Council).
b. The interim Patterson Drive divided carriageway between Donnybrook Road and Hayes Hill Boulevard.
c. The pre-interim (right in and left out) intersection of Patterson Drive and Hayes Hill Boulevard.

37. Trigger for Patterson Drive Delivery

Prior to the issue of Statement of Compliance of Stage 11 (and any subsequent stage or time as nominated in writing by Council and the Roads Corporation), an updated traffic assessment of the volumes and operational conditions of Olivine Boulevard must be prepared and submitted to the satisfaction of Council and the Roads Authority in order to determine the most appropriate trigger for the construction of infrastructure outlined in Condition 36.

38. Decommissioning of Olivine Boulevard Temporary Signals

Within 6 months of the delivery of infrastructure items outlined in Condition 36, or prior to the issue of Statement of Compliance for Stage 16 (whichever comes first) the temporary traffic signals associated with the intersection of Olivine Boulevard and Donnybrook Road must be decommissioned and the ultimate Olivine Boulevard and Donnybrook Road un-signalised left in-left out intersection must be delivered (unless otherwise agreed upon in writing by Council and the Roads Corporation).

39. Connection to Telecommunication Services

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.

c.

40. Infrastructure contributions and Public Land Equalisation Amount

Prior to the issue of a Statement of Compliance for any stage of the subdivision the Monetary Component and any Land Equalisation amount of the infrastructure contribution must be paid to the Responsible Authority in accordance with the Section 173 Agreement entered into as per Condition No. 11, unless otherwise agreed to in writing by the Responsible Authority.

41. Statement of compliance with deferment of engineering works

Prior to the issue of a Statement of Compliance for any stage or by such later date as is approved by the responsible authority in writing, the applicant may seek, to the satisfaction of the Responsible Authority, the issue of the Statement of Compliance but with deferment of completion of specified civil construction works shown on the endorsed construction plans and all or part of landscape construction works shown on the endorsed plans, provided the following requirements have been met:

41.1 Civil Works

a. all relevant referral authorities have consented to the issue of a Statement of Compliance,

b. civil construction works have been completed except for the wearing course asphalt works, the landscaping component of the works and any other minor works as agreed with the responsible authority,

c. an amount equivalent to 150% the agreed estimated cost of outstanding civil construction works will be required by the responsible authority as security deposit,

d. a works program is provided setting out the proposed timing of all outstanding construction works,

e. a site safety plan that ensures continuous public safety measures are maintained until completion of the deferred works.

Upon completion of the deferred civil construction works the applicant must notify the responsible authority to enable its inspection. If the works have been completed to its satisfaction, the Responsible Authority must refund fully the security deposit.

41.2 Landscape Works

a. An amount equivalent to 150% of the agreed estimated cost of outstanding streetscape / landscape construction plus an agreed amount for the maintenance works will be required by the Responsible Authority as security deposit.

b. A works program is provided setting out the proposed timing of all outstanding landscape construction works. Works must commence within 12 months of issue of Statement of Compliance for the given stage of the subdivision and must be completed prior to occupancy of any new dwelling within the given stage.

Upon completion of the deferred landscaping construction works, the applicant must notify the Responsible Authority to enable its inspection. Subject to satisfactory completion of the deferred landscaping, a Certificate of Practical Completion for landscaping will be issued, triggering the commencement of the maintenance period. If the works have been completed to its satisfaction, the responsible authority must refund fully the security deposit.

42. Fences adjoining reserves

Before Statement of Compliance is issued for any given stage, all fences adjoining all reserves (including walkway extensions of road reserves but otherwise excluding road reserves) are to be erected by the developer (or owner) at no cost to Council.

43. Foreign Resident Capital Gains Withholding Certificate

Prior to the issue of a Statement of Compliance for any stage of the subdivision, the permit holder must provide a valid Foreign Resident Capital Gains Withholding Certificate and a current copy of Title for the entire land. The name on the Foreign Resident Capital Gains Withholding Certificate must match the name on Title.

CONDITIONS TO BE SATISFIED FOLLOWING CONSTRUCTION WORKS

44. Notification of commencement of street tree planting and landscaping works

The developer must notify the Responsible Authority a minimum of 7 days prior to commencing street tree planting and landscaping so that surveillance of the works can be undertaken. At this time, the developer must provide written advice to Council from a suitably qualified and experienced arborist confirming that the tree stock to be installed within the stage has been inspected and is healthy, free of root girding, fit for purpose and meets all standards and benchmarks contained within AS 2303:2005 – Tree Stock for Landscape Use.

45. Completion of landscape works

Before occupation of the development commences or by such later date as is approved by the Responsible Authority in writing, the landscape works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Upon completion of the landscape construction works, the applicant must notify the Responsible Authority to enable its inspection. Subject to satisfactory completion of the landscaping in accordance with the endorsed plan, a Certificate of Practical Completion for landscaping will be issued, triggering the commencement of the maintenance period.

46. Landscape Maintenance

a. All landscaping (except for grass in nature strips of streets abutting private property) shown on the approved stage landscape plans, must be maintained to the satisfaction of the responsible authority for a minimum period of 18 months ending on 31 May of the given year from the date of issue of a Certificate of Practical Completion of landscaping, including that any dead, diseased or damaged plants are to be replaced, bare areas of grass are re-established, mulched surfaces reinstated, damaged or faulty infrastructure repaired or replaced etc. Rectification works must not be deferred until the completion of the maintenance period.

b. To ensure all assets as identified in the approved stage landscape plans are retained in a safe and functional state and to prolong functional life of the asset, landscape works shall be maintained in accordance with Council's Minimum Landscape Maintenance Specification of Services and Works (May 2010).

c. Upon the completion of maintenance of the street tree planting and landscaping works, the developer must notify the responsible authority to undertake an inspection prior to the issue of the Certificate of Final Completion.

47. As Constructed Engineering Plans

City of Whittlesea requires As Constructed data from Consultants/Developers for newly built assets as per A-Spec (specifications to maintain Asset Registers).

Asset information must be projected to GDA94 in digital format to include D-Spec (drainage data), R-Spec (road data) and O-Spec (open space data) as per "A-Spec" specifications.

47.1 Civil Works

Prior to Council's consent to Practical Completion, the following must be submitted to the satisfaction of the Responsible Authority:

a. a complete set of 'as constructed plans' of site works (amended if necessary to show any changes that may have occurred during construction), which include Civil, electrical and telecommunication works, in digital file format AutoCAD (recent version) and PDF. The digital files must have a naming convention (Subdivision name_Stage) to enable identification of Council assets listed and should be projected to GDA94-MGA Zone 55.

b. a list of asset quantities which include the following Council assets:

   i. total length of Roads, Footpath, Kerb and Channel,

   ii. total number of Bridges, WSUD features, Traffic calming devices,

   iii. total length of pipe and number of pits for Drainage and Telecommunications,

   iv. total number of streetlights, and

   v. Total number of road reserve assets.

c. asset information must include D-Spec (drainage data) and R-Spec (road data) as per "A-Spec" specifications (the Consultant/Developer Specifications for the delivery of digital data to Local Governments) in ESRI Shape Files (preferred format) or MapInfo with attributions. All GIS and CAD data submitted must be in Map Grid Australia Zone 55 projection and referenced to Geocentric Datum of Australia (GDA) 1994.

   Please refer to website for detailed A-Spec Standards:

   http://www.a-specstandards.com.au/

   Bonds will not be released until such time the drawings are delivered in the correct format to Council.

47.2 Landscape Works

Within 21 days of the issue of Certificate of Practical Completion for landscaping, the following "As Constructed" drawings and digital information must be submitted to Council by the Developer/Consultant:

a. Landscape Architectural Drawings in the following format:

   i. One (1x) PDF images of "As-Constructed" plans, and

   ii. One (1x) DXF (preferred format) or DWG files (recent version) including attribution, at 1:1 scale, on MGA94 Zone 55 Grid Co-ordinates, stored on compact disk(s) or sent by email (preferred).

b "As Constructed detail" of the works as digital data for the Open Space assets information component of the subdivision, in accordance with the current version of O-SPEC. The preferred format is:

   i. GIS Format (refer to O-SPEC for further information). – ESRI Shape files (preferred format) with attributions.

   ii. Horizontal Datum – GDA94 on MGA94 Zone 55 Grid Co-ordinates Vertical Datum – AHD.

   iii. Referenced to existing PSM Survey marks where available.

Please refer to the following website for detailed O-Spec Standards:

http://www.a-specstandards.com.au/o-spec

Bonds will not be released until such time the drawings are delivered in the correct format to Council.

48. Removal of top soil

No top soil is to be removed from land covered by the subdivision without the written consent of the Responsible Authority.

49. Amenity

The amenity of the area must not be detrimentally affected as part of any development works by the use or development through the:

a. Transport of materials, goods or commodities to and from the land;
b. Appearance of any building, works or materials; or
c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

50. Reticulated Services

Reticulated water, drainage, sewerage and electricity reticulation underground must be available to each lot shown on the endorsed plans before any lot can be used for houses.

51. Time Limit

This permit will expire if:

a. The plan of subdivision for the first stage is not certified within 2 years of the date of this permit; or
b. The plan of subdivision for any subsequent stage of the subdivision is not certified within 2 years of the date of the certification of the previous stage of the subdivision.
c. The registration of any stage of the subdivision is not completed within 5 years of the date of certification of the plans of subdivision.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

REFERRAL AUTHORITY CONDITIONS

APT O&M Services (Gas) Conditions

52. Easements in favor of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT.

53. The plan of subdivision submitted for certification must be referred to APT O&M Services Pty Ltd, in accordance with Section 8 of the Subdivision Act 1988.

Date issued: 16 November 2018

Signature for the Responsible Authority:

VicRoads Conditions

54. Prior to the issue of Statement of Compliance of Stage 11 (or any subsequent stage or time as nominated in writing by Council and the Roads Corporation), a construction plan recommending how the signals at Patterson Drive are activated and the temporary signals at Olivine Boulevard are decommissioned must be submitted to the Roads Corporation for approval. Suggested methods are blocking off one intersection, linking two intersections or traffic management until the roadworks at Olivine Boulevard is completed.

Melbourne Water Conditions

55. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

56. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

57. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

58. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.

59. If treatment measures are implemented, prior to the issue of our consent to Statement of Compliance for the subdivision, documentation supporting the approved ongoing maintenance of the treatment measures by the relevant authority must be submitted.

60. Landscape/planting plans, waterway, include a detailed species list, with plant numbers and planting densities/spacing and show appropriate zonation.

61. Prior to the issue of a Statement of Compliance for the subdivision, council approved 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 any overland flow paths for the 100 year ARI storm event.

62. All new lots are to be filled to a minimum of 300mm above the 1 in 100 year flood levels associated with any existing or proposed Melbourne Water pipeline and/or all new lots are to be filled to a minimum of 600mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.

63. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.

64. Stormwater drainage shall be to the Council's satisfaction.

65. Prior to the issue of a Statement of Compliance for the subdivision, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to Melbourne Water for our records.

66. Prior to the commencement of works, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.

67. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.

68. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.

69. Any road or 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.

70. Easements or reserves shall be created over existing and proposed Melbourne Water assets on the Plan of Subdivision to the satisfaction of Melbourne Water.

71. The developer is to negotiate with the downstream landowners to obtain a free draining outfall through their property. Approval is to be forwarded to Melbourne Water for our records prior to construction commencing.

72. All temporary assets are to be owned and maintained by the Developer until such time that the ultimate assets are delivered. Melbourne Water is not responsible for temporary assets including any failures and/or damages resulting from the embankment. A written commitment will be required from the Developer to confirm this. It is advised that the appropriate structural design certification (e.g. ANCOLD) is sought by the Developer and any relevant downstream landowner acceptance.

73. Prior to commencement of works, a free draining outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s). Written acceptance from downstream landowners and Council is to be forwarded to Melbourne Water for our records.

74. Prior to the issue of a Statement of Compliance for the subdivision, 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.

75. Prior to Certification of any Plan of Subdivision associated with the application, a stormwater management strategy must be submitted and approved by Melbourne Water and Whittlesea City Council. The strategy must demonstrate the following:

- The proposed alignment for any 1 in 5 year drainage infrastructure and an associated overland flow paths directions for the 1 in 100 year ARI flood event with catchment plans;
- That the lot layout adequately accommodates the overland flows and the current layout and/or number of lots may need to change.
- The details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 100-year ARI storm event within the property;
- Relevant hydraulic models with catchment plans, i.e. MUSIC, RORB models.

Public Transport Victoria Conditions

76. Pursuant to Section 8(1)(a) of the Subdivision Act 1988 only subdivision stages which contain a bus stop nominated in writing by the Head, Transport for

Victoria, must be referred to Transport for Victoria.

77. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the issue of a Statement of Compliance for any subdivision stage which contains a bus stop nominated in writing by Transport for Victoria, construction engineering plans relevant to that stage of the subdivision must be submitted to the Head, Transport for Victoria. The plan must be to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and show the following:

a. The road cross section to be constructed, and a concrete hard stand area for passengers on both sides of the road (where applicable);

b. A barrier kerb in accordance with PTV requirements;

c. A design compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002;

d. Direct and safe pedestrian access to a shared/pedestrian path.

78. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the issue of a Statement of Compliance for any subdivision stage which contains a bus stop(s) nominated in writing by the Head, Transport for Victoria, concrete hard stand pads for passengers must be constructed in accordance with the endorsed plans at the full cost of the permit holder.

79. Signalised intersections must be designed and constructed to accommodate public transport access in accordance with the *Public Transport Guidelines for Land Use and Development,* and include bus priority measures so as to mitigate any delays to bus travel times to the satisfaction of Transport for Victoria.

Yarra Valley Water Conditions

80. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.

81. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of recycled water services.

82. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

83. The Plan of Subdivision must be referred to Yarra Valley Water prior to certification.

AusNet Electricity Services Conditions

84. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the Subdivision Act 1988. The applicant must:

a. Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.

b. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.

c. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would

cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.

d. Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.

e. Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.

f. Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.

g. Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.

h. Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.

i. Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

j. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.

k. Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

APA VTS (Transmissions) Conditions

85. Buildings, structures, roadway, pavement, pipeline, cable, fence or any other improvement on or under the land within the gas transmission pipeline easement must not be constructed without prior consent in writing from the pipeline licensee/operator (APA VTS Australia (Operations Pty Ltd). No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.

86. Prior to the development commencing for any stage which includes the gas transmission pipeline easement, landscape plans depicting any planned landscaping, including the planting of vegetation, species details, surface treatments, furniture, structures or improvements on or immediately abutting the gas transmission pipeline easement, must be submitted to and approved by the Responsible Authority. A three metre minimum clearance between the

pipeline and any vegetation with a mature height greater than 0.5 metres must be maintained. The Responsible Authority will seek the view of the pipeline licensee / operator, APA VTS Australia (Operations) Pty Ltd in this matter.

87. No civil infrastructure providing for water, sewer, electric, telecommunications and other like services will be accepted within the gas pipeline easement, other than service crossings to the satisfaction of the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd).

88. Any lots directly abutting the gas transmission pipeline easement must not rely upon the gas transmission pipeline easement as their accessway to the lot. Any carriageway or road required to provide direct access to lots must be located off the gas transmission pipeline easement.

89. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to APA VTS Australia (Operations) Pty Ltd in accordance with section 8 of that Act.

90. The "Construction management plan works in vicinity of gas transmission main – Olivine Estate, 1025 Donnybrook Road, Donnybrook" Project No 30041700E.00 Rev 1, dated 19th April 2017 must be implemented to the satisfaction of the Responsible Authority. The Construction Management Plan may be amended to the satisfaction of the Responsible Authority, with the approval of the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd).

Notes:

Public Lighting Note

Before the preparation of construction plans for street lighting can be completed Council approval to the type and colour of poles and lanterns will be required.

Tree protection zone requirements

A consulting arborist must be employed to supervise works which may impact upon trees marked for retention on the approved plan.

The consulting arborist must conduct an induction of all personnel involved in construction that may impact on tree protection zones.

Any works within the tree protection zone should be completed or supervised by the consulting arborist.

The area inside the tree protection zone should, where considered relevant by the consulting arborist, be modified in the following manner to enhance the growing environment of the tree and to help reduce stress or damage to the tree:

- the area within the tree protection zone may require mulch with wood chips or compost matter to a depth of 150 millimetres.

- trees may require supplementary watering, with the amount to be assessed by the consulting arborist and determined by the extent of disturbance to the trees roots and climatic conditions.

Date issued: 16 November 2018

Signature for the Responsible Authority:

- where severing of roots (greater than 50 millimetres in diameter) is required directly adjacent to the exclusion zone they must be cut cleanly. Where possible this is to be completed at the beginning of development of the site. Roots are not to be left exposed, but back-filled or covered with damp hessian.

The storing or disposing of chemicals or toxic materials must not be undertaken within 10 metres of any tree protection zone. Where the slope of the land suggests these materials may drain towards a tree protection zone, the storing or disposing of these materials is strictly forbidden.

Tree protection envelope fencing is to be constructed to the following requirements:

- Ring lock wire mesh (or equivalent) no less than 1.2 metres high.
- Main posts 100mm treated pine (TP).
- Intermediate posts steel star pickets (SP).
- The corner posts are to be TP with TP stays.
- Every third post is to be TP.
- SP to be placed intermediately between the TP at 3m intervals.
- The ring lock mesh to encircle the structure and be firmly secured at each post.
- Posts must be sunk into the ground by 450mm (there is to be no concrete to secure posts as this may affect p.H. levels).
- The tree protection zone is to be clearly sign posted in accordance with the condition titled Tree Protection Zone fencing.

With the agreement of the responsible authority, tree protection zone fencing may not be provided where permanent reserve fencing is introduced prior to construction. The specification of the permanent fencing must be to the satisfaction of the Responsible Authority.

Street Numbering Note:

Property Numbers will be allocated by the City of Whittlesea in accordance with Council's Street Numbering Policy. Please do not give potential buyers any interim numbering as this often leads to confusion and problems once the correct number is issued. Please check with Council's Subdivision Department or GIS Department to verify all street numberings before commencement of any advertising for sale or lease.

Cultural Heritage Management Plan Note:

Development must at all times comply with the recommendations of the Cultural Heritage Management Plan 12653 (prepared by Archaeological and Heritage Management Solutions dated 12 November 2014) and approved by the Wurundjeri Tribe Land and Compensation Cultural Heritage Council.

Date issued: 16 November 2018

Signature for the Responsible Authority:

Operation of Commonwealth Environmental Laws Note:

On 5 September 2013 an approval under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) was issued by the Commonwealth Minister for Environment, Heritage and Water. The approval applies to all actions associated with urban development in growth corridors in the expanded Melbourne 2010 Urban Growth Boundary as described in page 4 in the Biodiversity Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2013). The Commonwealth approval has effect until 31 December 2060. The approval is subject to conditions specified at Annexure 1 of the approval. Provided the conditions of the EPBC Act approval are satisfied individual assessment and approval under the EPBC Act is not required.

Date issued: 16 November 2018

Signature for the Responsible Authority: