



Permit No.: 20070638

Planning Scheme: Boroondara

Responsible Authority: Minister for Planning

ADDRESS OF THE LAND:

115 Princess Street (Kew Residential Services site),
Kew (The land is more particularly described in
Crown Allotment 2028.)

THE PERMIT ALLOWS:

The subdivision of land and removal of vegetation in
accordance with the endorsed plans/documents.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

Layout Not Altered

1. Layout Not Altered

The subdivision and removal of vegetation as shown on the endorsed plans/document
must not be altered without the written consent of the responsible authority:

Requirements Prior to Certification of Plan of Subdivision

2. Functional Layout Plan

Before a plan of subdivision is certified under the Subdivision Act 1988 and the
construction (engineering) plans are endorsed, 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 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 include:

- a. the width of each street reserve;
- b. the location and material type of carriageway pavement, parking bays, kerbs,
footpaths, cycle paths, vehicle entrances and traffic control devices;
- c. the location and extent of existing vegetation to be retained;
- d. provision for above ground infrastructure (such as electrical kiosks) necessary to
service the subdivision in dedicated reserves;
- e. the proposed drainage network, including special features (overland flow paths,
outfall drains and / or waterways);
- f. a table of space allocation (offsets) for utility services;

- g. the estimated average daily traffic volumes at intersections catering for 250 or more vehicles per day.

3. Building Envelope Plan

Before a plan of subdivision is certified under the Subdivision Act 1988, a building envelope plan showing a building envelope for each relevant lot, to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The building envelopes endorsed as a result of the permit are approved building envelopes for the purposes of applying Part 4 of the Building Regulations 2006.

Unless the plan of the subdivision certified by the responsible authority under the Subdivision Act 1988 includes a restriction that buildings conform with the building envelopes, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to the effect that buildings must conform with the building envelopes, and such agreements must be lodged for registration on the title before a statement of compliance is issued under the Subdivision Act 1988.

The restriction or agreement must provide for:

- a. buildings to be constructed only in conformity with a building envelope;
- b. a building envelope to be amended to the satisfaction of the responsible authority and any criteria or matters that must be considered by the responsible authority in deciding on an amendment to a building envelope;
- c. a building envelope to cease to have effect on the relevant lot ten years after an occupancy permit under the Building Act 1993 is issued for the whole of the dwelling on the lot containing the envelope;
- d. the endorsement by Walker Corporation Pty Ltd of all building plans as a pre-requisite to a building permit for a lot specified as requiring such endorsement;
- e. the requirement for endorsement of building plans by Walker Corporation Pty Ltd to cease to have effect on a lot one year after an occupancy permit under the Building Act 1993 is issued for the whole of the dwelling on that lot.

4. Certification Plan

Before a plan of subdivision is certified under the Subdivision Act 1988, fourteen copies of the plan, including two signed heavyweight copies to the satisfaction of Boroondara City Council, must be submitted to and approved by Boroondara City Council. The plan must show all bearings, distances, street names, lot numbers and any necessary easements.

Requirements Prior to Approval of Construction (Engineering) Plans

5. Landscape Masterplan

Before construction (engineering) plans are approved, a landscape masterplan 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 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 include:

- a. the overall landscaping theme to be developed;
- b. the type or types of species to be used for street tree planting;
- c. the principles of the proposed treatment of reserves.

6. Consultation with Boroondara City Council

Before construction (engineering) plans are approved, the responsible authority must consult the Boroondara City Council Engineering Department regarding the designs for roads / drainage works and the details of maintenance requirements.

Requirements Prior to Works Starting

7. Heritage Permits

Before any works associated with the subdivision start, including works required by other authorities, all heritage permits for the land must be issued by the relevant authorities.

8. Construction (Engineering) Plans

Before any roads / drainage works associated with the subdivision start, detailed construction (engineering) plans for the subdivision or stage of subdivision, to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. The plans will not be approved until the relevant functional layout plan and landscape masterplan have been endorsed by the responsible authority, the relevant plan of subdivision has been lodged for certification with Boroondara City Council and the locations of other authorities' services have been provided to the satisfaction of the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must include:

- a. consistency with the relevant endorsed functional layout plan and landscape masterplan and the relevant lodged plan of subdivision;
- b. design for full construction of streets and underground drainage, including measures to control / capture pollutants and silt;

- c. provision for all services and conduits underground, including alignments and offsets on a separate services layout plan;
- d. traffic control measures;
- e. provision of street name plates to the Boroondara City Council standard design, including a schedule of individual signs and associated street numbers;
- f. provision of underground easement drains to sufficient capacity to serve all lots being created to a legal point of discharge and the provision of an inlet on each such lot;
- g. provision of vehicle exclusion mechanisms abutting reserves as required;
- h. provision for lot boundary fencing adjoining reserves other than road reserves where appropriate;
- i. provision for the sustainable utilisation of top soil within public open space areas and other Boroondara City Council approved locations;
- j. permanent survey marks.

The construction (engineering) plans may vary the endorsed functional layout plan to the satisfaction of the responsible authority and when endorsed, the construction (engineering) plans supersede the functional layout plan.

If variations to the endorsed functional layout plan are approved by the responsible authority through the endorsement of the construction (engineering) plans, the functional layout plan is not required to be amended.

9. Site Specific Management Plan

Before any works associated with the subdivision start, including works required by other authorities, a site specific management 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 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 include relevant matters of occupational health and safety and traffic management.

The developer must keep the responsible authority informed in writing of any changes to the plan. If, in the opinion of the responsible authority, the changes represent a significant departure from the endorsed plan, an amended plan must be prepared to the satisfaction of the responsible authority.

10. Arboricultural Management Plan

Before any demolition, buildings or works start on a lot, open space and / or road reserve, an arboricultural management 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. Three copies must be provided. When approved, the plan will be endorsed and will then form part of the permit.

11. Tree Protection Temporary Fencing

Before any demolition, buildings or works start on a lot, open space and / or road reserve, each tree on that lot, open space and / or road reserve must be fenced with temporary fencing in accordance with the endorsed arboricultural management plan to the satisfaction of the responsible authority.

No buildings or works, including loading and unloading, storage of materials, dumping of waste, vehicle access and parking or any other construction activity, are to occur within the tree protection temporary fencing except in accordance with the endorsed arboricultural management plan or with the written consent of, and to the satisfaction of, the responsible authority.

The tree protection temporary fencing must be maintained until works are completed (including the construction of a dwelling if the land is a lot) to the satisfaction of the responsible authority, or by such earlier date approved by the responsible authority.

12. Trees to be Removed

Prior to the removal of a native tree starting, the tree should be examined by a qualified ecologist to determine the presence of any native fauna living or nesting in the tree. Should any native fauna be detected, they should be salvaged and relocated as appropriate, in consultation with a qualified ecologist.

13. Detailed Landscape Plans

Before any landscape works associated with the subdivision start, detailed landscape plans 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 plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must include:

- a. the eradication of weeds;
- b. all proposed street tree planting using advanced trees;
- c. 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 seeding of proposed grass areas, including any proposed grass areas to be hydro-seeded;
- d. provision of vehicle exclusion mechanisms abutting reserves as required (if not included in the submitted construction (engineering) plans);
- e. all proposed open space and streetscape embellishments such as installation of pathways, 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.

The detailed landscape plans may vary the endorsed landscape masterplan to the satisfaction of the responsible authority and when endorsed, the detailed landscape plans supersede the landscape masterplan.

If variations to the endorsed landscape masterplan are approved by the responsible authority through the endorsement of the detailed landscape plans, the landscape masterplan is not required to be amended.

14. Consultation with Boroondara City Council

A minimum of seven days before street tree planting and landscaping for the subdivision or stage of subdivision start, the developer must notify the Boroondara City Council Parks and Gardens Department of the start date so that surveillance of the works can be carried out by Boroondara City Council.

Requirements Prior to Issue of Statement of Compliance

15. Completion of Civil Works

Before a statement of compliance is issued for any stage of subdivision, the road / drainage works shown on the endorsed construction (engineering) plans must be provided to the satisfaction of the responsible authority.

Before a statement of compliance is issued for any stage of subdivision, or by such later date as approved by the responsible authority in writing, the developer may seek, to the satisfaction of the responsible authority, the issue of a statement of compliance but with deferment of completion of specified civil construction works shown on the endorsed construction (engineering) plans provided the following requirements have been met:

- f. all relevant referral authorities have consented to the issue of a statement of compliance;
- g. civil construction works have been completed except one or more of concrete works (excluding kerb and channel), wearing course asphalt and top-soiling of nature strips and swale drains;
- h. an amount equivalent to the agreed estimated cost of outstanding civil construction works is provided to the responsible authority as security deposit;
- i. a works program is provided setting out the proposed timing of all outstanding construction works;
- j. a site safety plan is provided, which ensures continuous public safety measures are maintained until completion of the deferred works.

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

16. Completion of Landscape Works

Before a statement of compliance is issued for any stage of subdivision, the landscape works shown on the endorsed detailed landscape plans must be provided to the satisfaction of the responsible authority.

Before a statement of compliance is issued for any stage of subdivision, or by such later date as approved by the responsible authority in writing, the developer may seek, to the satisfaction of the responsible authority, the issue of a statement of compliance but with deferment of completion of all or part of the landscape works shown on the endorsed detailed landscape plans provided the following requirements have been met:

- a. an amount equivalent to the agreed estimated cost of outstanding landscape works is provided to the responsible authority as security deposit;
- b. a works program is provided setting out the proposed timing of all outstanding landscape works;

Upon completion of the deferred landscape works, the developer must notify the responsible authority to enable an inspection. If the works have been completed to its satisfaction, the responsible authority must refund fully the security deposit.

Requirements Prior to Issue of Occupancy Permit

17. Fences Adjoining Reserves

Before an occupancy permit under the Building Act 1993 is issued for the whole of the dwelling on a lot that adjoins a reserve, all boundary fencing adjoining the reserve, other than a road reserve, on that lot is to be erected by the developer (or owner) at no cost to Boroondara City Council.

Requirements After Issue of Certificate of Practical Completion of Landscaping

18. Landscape Maintenance

The landscaping (except for grass in the nature strips of streets) as shown on the endorsed detailed landscape plans must be maintained to the satisfaction of the responsible authority for a period of two full summers from the issue of a certificate of practical completion of landscaping, including that any dead, diseased or damaged plants are to be replaced.

Upon the completion of the maintenance of the street tree planting and landscape works (for a period of two full summers from the issue of a certificate of practical completion of landscaping), the developer must notify the responsible authority to arrange for an inspection to be undertaken.

General Requirements

19. Consultation with Boroondara City Council

Stormwater drainage and ancillary works that are required as a condition of a Melbourne Water Drainage Scheme and are designated to become the responsibility of Boroondara City Council for maintenance, must be designed and constructed to the satisfaction of the responsible authority after consultation with the Boroondara City Council Engineering Department.

20. Vehicle Access

Vehicle access to:

lot 77 must be from Collins Street only;
lot 105 must be from Linnaker Place only.

Requirements of Referral Authorities

21. Multinet Gas

Easements in favour of Multinet (Assets) Pty Ltd must be created on the plan of subdivision to the satisfaction of Multinet Gas.

The plan of subdivision submitted for certification must be referred to Multinet Gas in accordance with Section 8 of the Subdivision Act 1988.

22. Melbourne Water

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 stormwater 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.

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

Prior to certification, the plan of subdivision must be referred to Melbourne Water, in accordance with section 8 of the Subdivision Act 1988.

23. Yarra Valley Water

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

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

Expiry Date

24. Expiry Date

This permit will expire if the subdivision and removal of vegetation hereby permitted is either not commenced within two years of the date of this permit or not completed within five years of the date of issue. An extension of time may be sought in writing up to three months after the expiry of the permit.

End of conditions

Date Issued: **11 APR 2008**

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.

Signature for the Responsible Authority:


A handwritten signature in black ink is written over a horizontal line.

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. (Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)

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 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 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?

-
- * The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
 - * An application for review 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 application for review must be lodged within 60 days after the giving of that notice.
 - * 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 the Victorian Civil and Administrative Tribunal.