

PLANNING PERMIT

Permit No.: PA1900661

Boroondara Planning Scheme

Responsible Authority: Minister for Planning

ADDRESS OF THE LAND:

115 Main Drive, Kew VIC 3101

THE PERMIT ALLOWS:

Subdivision of land into 2 lots and creation of
reserve and associated easements

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

Amended plan required

1. Prior to the endorsement of the plan of subdivision, an amended plan must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plan of subdivision must generally be in accordance with the plan PS733220X, version 5, prepared by TGM Group (Ref No. 3330-52) and dated 23 September 2019, but modified to show the following:
 - (a) Section 12(2) added to the plan for the purpose of boundary maintenance for Lot 8;
 - (b) Easements for drainage over assets required in accordance with the conditions for storm water connection within this permit.

Endorsed plans not to be altered

2. The size, layout and location of the lots as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Telecommunication services

3. 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.

4. 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.

Servicing authorities

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.
6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
7. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Drainage Inspection - works prior to a statement of compliance

8. Prior to the issue of a Statement of Compliance, the owner must demonstrate the provision of drainage and the acceptance of surface and stormwater from the subject land directly or indirectly into the Boroondara City Council's drainage system and a final inspection must be carried out by Council to determine the completion of drainage connection in accordance with the Council's Drainage requirements, to the satisfaction of the Responsible Authority in consultation with Council.

Reserve No. 1

9. Prior to the issue of a Statement of Compliance, the owner/ developer shall make the following arrangement for Reserve No. 1 on PS 733220X:
 - (a) Organise an inspection with Council to determine final completion and any outstanding matters to be attended to as required by the endorsed "Spine Park" Landscape Plan approved under Permit: 2011006316.
 - (b) Provide to Council any relevant "As constructed" plans relating to drains and infrastructure and any plans of fill relating to Reserve No. 1.

Temporary vehicle access

10. Prior to the issue of a Statement of Compliance, a temporary vehicle crossing (including Council Permit and Supervision) must be installed. This temporary crossing is to facilitate any demolition or construction works for proposed Lot 8. The temporary crossing shall be removed, and all street assets reinstated, once a final crossover for Lot 8 is completed.

Permit to expire

11. This permit will expire if one of the following circumstances applies:
- (a) The plan of subdivision is not certified within two (2) years of the issue date of this permit.
 - (b) The plan of subdivision is not registered within five (5) years of the date of certification.

The Responsible Authority may extend the certification period referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

There is no provision to grant an extension of time for a Certified Plan.

Date Issued: 5 March 2020

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



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**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A 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 a plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage 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 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 land expires if -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years of 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 REVIEWS?

- * 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 the relevant 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.
- * A copy of 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.