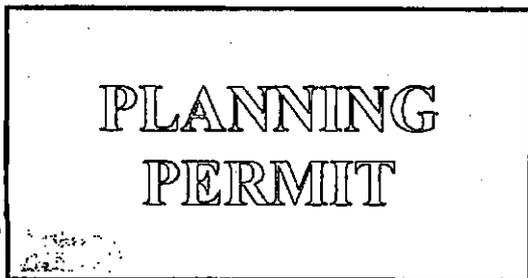


Planning and Environment Regulations 2005 Form 4



Permit No.: 20060395

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 59Q and Crown Allotment 59R.)

THE PERMIT ALLOWS: The subdivision of land in accordance with the attached endorsed plan.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1 Layout not altered

The subdivision as shown on the endorsed plan must not be altered without the written consent of the responsible authority.

2 Landscape masterplan

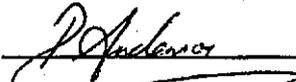
Before the approval by the responsible authority of any construction plans (engineering plans), a landscape masterplan must be submitted to and approved by the responsible authority. When approved, the landscape masterplan will be endorsed and will then form part of the permit. The landscape masterplan 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 Stage 1;
- (b) the type or types of species to be used for street tree planting in Stage 1;
- (c) the principles of the proposed treatment of reserves in Stage 1.

3 Stage 1 landscape plan

Within 6 months of the approval of the construction plans (engineering plans) and before the issue of the statement of compliance for Stage 1, a landscape plan must be submitted to and approved by the responsible authority. When approved, the Stage 1 landscape plan will be endorsed and will then form part of the permit. The Stage 1 landscape plan must be drawn to scale with dimensions and three copies must be provided. The Stage 1 landscape plan must show:

Date Issued 23 AUG 2005

Signature for the Responsible Authority 



**Department of
Sustainability and Environment**

Port Phillip Region

30 Prospect Street Locked Bag 3000 Box Hill Victoria 3128 Australia
Telephone (03) 9296 4480 Fax (03) 9890 0075

to Ian

Best wishes

WITH COMPLIMENTS



Boroondara City Council
 Action Officer: *Mr. Stuart Manning*
 Copies to:
28 AUG 2006
 Loose
 File No: On file

Lover

- (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) mechanisms for the exclusion of vehicles where proposed;
- (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.

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

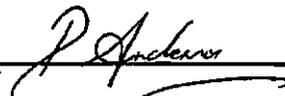
4 Functional layout plan

Before the approval of construction plans (engineering plans) and the certification of the relevant plan of subdivision, a functional layout plan for Stage 1 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. The functional layout plan must be drawn to scale with dimensions and three copies must be provided. The functional layout plan must show:

- (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.

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Signature for the
Responsible Authority



5 Stage 1 construction plans

Road works and drainage works must be provided, in accordance with construction plans and specifications as approved by the responsible authority, prior to the issue of a statement of compliance. Before any roads / drainage works associated with the subdivision of Stage 1 start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The construction plans will not be approved until the relevant landscape masterplan and functional layout plan have been approved by the responsible authority, 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 construction plans will be endorsed and will then form part of the permit. The construction plans must be drawn to scale with dimensions and three copies must be provided.

The construction plans must include:

- (a) consistency with the approved landscape masterplan, approved functional layout plan, submitted landscape plan and 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 Council standard design, including a schedule of individual signs and associated street numbers;
- (f) 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;
- (g) provision for 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 Council approved locations;
- (j) permanent survey marks.

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6 Completion of landscape works

Before occupation of the development starts in any sub-stage or by such later date as is approved by the responsible authority in writing, the landscape works in the sub-stage shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

7 Statement of compliance with deferment of landscape works

Before the issue of a statement of compliance for the development 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 all or part of the landscape construction works shown on the endorsed plans provided:

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

Upon completion of the deferred landscape construction works, the applicant 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.

8 Landscape maintenance

Landscape maintenance must include the following:

- (a) the landscaping (except for grass in the nature strips of streets) shown on the approved 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;
- (b) upon the maintenance of the street tree planting and landscaping works for a period of two full summers from the issue of a statement of compliance, the developer must notify the responsible authority to undertake an inspection.

9 Statement of compliance with deferment of civil works

Before 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 provided the following requirements have been met:

- (a) all relevant referral authorities have consented to the issue of a statement of compliance;

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Signature for the Responsible Authority *P. Andriano*

- (b) 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;
- (c) an amount equivalent to the agreed estimated cost of outstanding civil construction works is provided to 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 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 applicant 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.

10 Site specific management plan

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

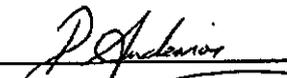
- (a) a site specific management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the site specific management plan will be endorsed and will then form part of the permit. The site specific management plan must be drawn to scale with dimensions and three copies must be provided. The site specific management plan must include relevant matters of occupational health and safety and traffic management;
- (b) the developer must provide a minimum of seven days notice to the Council Parks and Gardens Department of the commencement date of street tree planting and landscaping so that surveillance of the works can be carried out by the Council.

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

11 Certification plan requirements

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

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Signature for the Responsible Authority 

12 Approved building envelopes

Before a plan of subdivision is certified under the *Subdivision Act 1988*, an approved building envelope plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The approved building envelope plan must show a building envelope for each relevant lot to the satisfaction of the responsible authority. The building envelopes created as a result of this permit are approved building envelopes for the purposes of applying part 4 of the *Building Regulations 2006*.

Unless the plan of subdivision certified under the *Subdivision Act 1988* by the Council 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 envelope, and such agreements must be lodged for registration on title before the Council issues a statement of compliance under the *Subdivision Act 1988*.

The restriction or agreement must provide for:

- (a) buildings to be constructed only in conformity with the approved building envelope plan;
- (b) a building envelope plan 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 plan to cease to have effect on the lot containing the envelope ten years after an occupancy permit under the *Building Act 1993* is issued for the whole of the dwelling on the lot containing the building envelope;
- (d) the endorsement by Kew Development Corporation of all building plans as a pre-requisite to a building permit for a lot specified as requiring such endorsement in the building envelope plan;
- (e) the requirement for endorsement of building plans by Kew Development Corporation 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.

13 Stormwater drainage

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

Before the approval of construction plans for roadworks and drainage, the designs for such works and the details of maintenance requirements must be submitted to and approved by the responsible authority after consultation with the Council Engineering Department.

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Signature for the Responsible Authority 

14 Tree protection fencing

Before any buildings, works or demolition start on a lot, open space and / or road reservation, each tree on that lot, open space and / or road reservation must be fenced with a temporary tree protection fence in accordance with the Arboricultural Management Plan (10 May 2006 by Galbraith and Associates) specifications to the satisfaction of the responsible authority.

The tree protection 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 until such earlier date as is approved by the responsible authority in writing.

15 Development and works in the root protection zone and tree protection fence

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 root protection zone, except in accordance with the Arboricultural Management Plan (10 May 2006 by Galbraith and Associates) or otherwise with the written consent, and to the satisfaction, of the responsible authority.

16 Fences adjoining reserves

Before an occupancy permit is issued, all fences adjoining reserves, other than road reserves, are to be erected by the developer (or owner) at no cost to the Council.

17 Multinet Gas

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

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

18 Telstra or any other licensed telecommunications carrier

(a) The applicant must enter into an agreement with Telstra or other licensed telecommunications carrier for the satisfactory provision of telephone cable reticulation to one (1) metre into each allotment created.

(b) The applicant must pay to Telstra the reasonable cost of any works necessary, as a result of the subdivision, to remove or alter the position of any existing facility on the subdivision or on any adjacent land or Government Road, pursuant to Clause 53 of Schedule 3 of the *Telecommunications Act 1997*.

(c) The plan of subdivision submitted for certification must be referred to Telstra in accordance with Section 8 of the *Subdivision Act 1988*.

(d) The plan of subdivision must set aside a reserve/s satisfactory to Telstra for telecommunications substation/s, if required.

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19 Melbourne Water

- (a) Prior to the issue of a statement of compliance, the owner must enter into and comply with an agreement with Melbourne Water Corporation, under Section 269A of the *Melbourne and Metropolitan Board of Works Act 1958*, for the provision of drainage works and the acceptance of surface and stormwater from the subject land directly or indirectly into Melbourne Water's drainage system.
- (b) No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- (c) Prior to certification, the plan of subdivision must be referred to Melbourne Water, in accordance with Section 8 of the *Subdivision Act 1988*.
- (d) A detailed drainage strategy and computations detailing hydraulic flows, stormwater runoff and possible retardation and other onsite detention must be submitted to Melbourne Water for comment / approval.
- (e) 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'.
- (f) Prior to the commencement of works, a Stormwater Management Strategy must be submitted to the responsible authority and Melbourne Water for approval. The Strategy must show the inclusion of permanent on-site stormwater quality works to meet the above condition.

20 CitiPower

Before the issue of a statement of compliance, the applicant must:

- (a) enter into an agreement with CitiPower for supply of electricity to each lot on the endorsed plan;
- (b) enter into an agreement with CitiPower for the rearrangements of the existing electricity supply, if required;
- (c) obtain for the use of CitiPower any other easement required to service the lots;
- (d) set aside on the plan of subdivision reserves for the use of CitiPower for electricity substations, if required.

21 Yarra Valley Water

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

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Signature for the Responsible Authority 

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

22 Expiry date

This permit will expire if the subdivision hereby permitted is either not commenced within two (2) years of the date of this permit or not completed within five (5) years from the date of issue. An extension of time may be sought in writing up to 3 months after the expiry of the permit.

End of Conditions

Date Issued 23 AUG 2006

Signature for the Responsible Authority 

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED

The Responsible Authority has issued a permit. (Note: This is not a permit granted under Division 5 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 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 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 of the issue of the permit; or
 - the use is discontinued for a period of two years.
 4. If a permit for the use of land or the development 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 APPLICATIONS FOR REVIEW?

- The person who applied for the permit may apply for review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in such 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 a Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the prescribed 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, 7th Floor, 55 King Street, Melbourne.
-