

'675 Sunbury Road Sunbury and 80 Redstone Hill
Road, Sunbury'

Incorporated Document
Specific Control Overlay Schedule 1

Hume Planning Scheme Amendment C207

December 2018

**This document is an incorporated document pursuant to Section 6(2)(j) of the
*Planning and Environment Act (1987).***

1.0 Introduction

This document is an incorporated document in the Hume Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

It consists of the written provisions of this document (Clauses 1-7) and the *Redstone Hill, Sunbury South: Subdivision Layout Plan*, Revision 37, dated 17-05-18, by BPD, Dwg Ref. 8727_UD_SLP01_V37 (Clause 8).

2.0 Purpose

The purpose of the control in this document is to specify conditions to be required on a planning permit to be issued for the subdivision of the land specified in Clause 3 in accordance with this document.

3.0 Land

The subject site, 675 Sunbury Road (Crown Allotment 1C Section 25 Parish of Bulla Bulla); and 80 Redstone Hill Road (Plan of Consolidation 157019), Sunbury, as identified in Clause 7 of this document and mapped SCO1 by Clause 45.12 Specific Controls Overlay within the Hume Planning Scheme.

4.0 Control

4.1 Permit requirement

A permit is required, under this document, to subdivide land at 675 Sunbury Road (Crown Allotment 1C Section 25 Parish of Bulla Bulla); and 80 Redstone Hill Road (Plan of Consolidation 157019), Sunbury. A permit must be in accordance with this document and include any conditions or requirements specified in this document.

A permit cannot be granted until an infrastructure contributions plan is incorporated into the Hume planning scheme and applies to the land.

4.2 Exemption from planning scheme requirements

- i. Despite any provision to the contrary or any inconsistent provision in the Hume Planning Scheme, no planning permit is required for, and nothing in the Hume Planning Scheme operates to prohibit or restrict the subdivision of the land in accordance with Clause 7 of this document, except for the following which continue to apply:
 - a. Clause 45.11 Infrastructure Contribution Overlay (ICO) and any applicable schedule applying to the land; and
 - b. An Infrastructure Contributions Plan, incorporated in the schedule to Clause 72.04 applying to the land.
- ii. Any use or development not requiring a permit as specified in the Hume Planning Scheme is not affected by this document.

5.0 Requirements for permits

- i. A planning permit issued for this site must allow for the staged subdivision of the land, creation and alteration of access to, and subdivision of land adjacent to, land in the Road Zone Category 1 (Sunbury Road), and demolition of buildings under Heritage Overlay

358, on the land at 675 Sunbury Road (Crown Allotment 1C Section 25 Parish of Bulla Bulla); and 80 Redstone Hill Road (Plan of Consolidation 157019), Sunbury, and include:

- a. all conditions specified in Clause 7 of this document; and
- b. Any conditions required by the responsible authority for infrastructure contributions, in accordance with any Infrastructure Contributions Plan which applies to the land at 675 Sunbury Road (Crown Allotment 1C Section 25 Parish of Bulla Bulla); and 80 Redstone Hill Road (Plan of Consolidation 157019), Sunbury.

6.0 Expiry of document

This incorporated document expires on the date of issue of any planning permit for the staged subdivision of the land, creation and alteration of access to, and subdivision of land adjacent to, land in the Road Zone Category 1 (Sunbury Road), and demolition of buildings under Heritage Overlay 358, on the land at 675 Sunbury Road (Crown Allotment 1C Section 25 Parish of Bulla Bulla); and 80 Redstone Hill Road (Plan of Consolidation 157019), Sunbury.

7.0 The following conditions are to be included on a permit:

Amended plans and secondary consents

- 7.1 Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans 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 then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plan submitted with the application and named *Redstone Hill, Sunbury South: Subdivision Layout Plan, Revision 37*, dated 17-05-18, by BPD, Dwg Ref. 8727_UD_SLP01_V37 but modified to show:
 - a) The inclusion in Stage 305 of a local park on Redstone Hill generally in accordance with the park described as 'SS-LP-22' in the incorporated *Sunbury South Precinct Structure Plan*;
 - b) Increase the width of the 18 metre wide road reserve on the south side of the school site to 20 metres;
 - c) Extension of the frontage road to the north-western wetland to allow its extension through the adjacent property;
 - d) Any changes resulting from plans approved under this permit for drainage and waterways by Melbourne Water.
- 7.2 The layout of the subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
- 7.3 The staging of the subdivision as shown on the endorsed plan must not be altered without the written consent of the responsible authority; and, where relating to a stage on 675 Sunbury Road, the Roads Corporation.
- 7.4 Any plan forming part of this permit must be generally in accordance with the incorporated *Sunbury South Precinct Structure Plan*.
- 7.5 Any buildings or works described on a plan forming part of this permit must be constructed or carried out to the satisfaction of the responsible authority and any relevant public body or Minister as nominated in this permit.

Other plans and documents required before lodgment of a plan for certification

- 7.6 Before the development associated with the subdivision starts, (this requirement does not apply to bore holes and excavation associated with an environmental site assessment), the recommendations in relation to further environmental site assessment contained in the *Phase I Environmental Site Assessment: Redstone Hill, Sunbury; Rep No 147613021-001-R-Rev1, dated 28 April 2014* (submitted with the application), must be undertaken by a suitably qualified environmental professional as they apply to the land in the permit area.
- 7.7 A report of the results of the further environmental site assessment must be submitted to the satisfaction of the responsible authority including:
- a) The nature of the previous and existing land use/activities on the land.
 - b) An assessment of the potential level and nature of contamination on the land.
 - c) Any remediation works undertaken or required to be undertaken to make the land suitable for its intended use.
 - d) Advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all or part of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.
- 7.8 If an environmental site assessment recommends an environmental audit of all or part of the land, then:
- a) before the commencement of any use for a sensitive purpose; or before any buildings or works; or before the certification of a plan of subdivision, whichever is the earlier in respect of all or that part of the land as the case may, the following must be provided to the responsible authority, either:
 - i) A Certificate of Environmental Audit issued for the relevant land in accordance with Part 1XD of the *Environment Protection Act 1970*, or
 - ii) A Statement of Environmental Audit issued for the relevant land in accordance with Part 1XD of the *Environment Protection Act 1970* stating that the environmental conditions of the relevant land are suitable for a sensitive use (with or without conditions on the use of the site).
- 7.9 If a Statement of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* before the construction of any building on the relevant land proving for the:
- a) implementation and on-going compliance with all conditions in the Statement of Environmental Audit; and
 - b) the payment of the responsible authority's legal costs and expenses of drafting/reviewing and registering the agreement by the owner of the relevant land.
- 7.10 Before any plan of subdivision is lodged for certification under the *Subdivision Act 1988*:
- a) A report on the health, structure, longevity and suitability for retention of all trees proposed to be retained on the land, prepared by a suitably qualified arborist, must be submitted for the approval of the responsible authority.
 - b) Cross sections demonstrating the typical and maximum earthworks, grading, cut, fill and retaining walls for the subdivision on slopes greater than 5% must be submitted for the approval of the responsible authority.
 - c) Materials and colours schedule for subdivisional retaining walls including provision for wall materials at street boundaries and within the front building setback to be stone or concrete with stone veneer or other similar material to the satisfaction of the responsible authority.

- d) Subdivision & Housing Design Guidelines must be submitted for the approval of the responsible authority. The guidelines must be amended to be consistent with relevant design provisions in the incorporated *Sunbury South Precinct Structure Plan* including:
 - i) details of cut and fill for lots on the slopes of Redstone Hill.
 - ii) Provide specific requirements that fences on lots with a rear or side abuttal to the open land atop Redstone Hill, provide for fencing that is predominantly open, low or otherwise designed to avoid a high solid fence interface to the relevant open space.
- 7.11 Before any plan of subdivision is certified under the *Subdivision Act 1988*, for any stage, a schedule identifying the range of lots sizes created and extent of the housing densities must be submitted to the responsible authority. The schedule must identify:
 - a) the number and lot size of lots created in that stage together with the cumulative total of any lots created in previous stages having regard to the provisions of the incorporated *Sunbury South Precinct Structure Plan*; and
 - b) the housing densities in that stage and earlier stages of the subdivision.
 - c) If the permit is for a single stage of a larger subdivision of the owner's land and the owner is relying upon the provision of a higher yield in other parts of the owner's land which do not form part of the permit in order to reach the required yield across the owner's land, then the schedule must identify the anticipated yields in the balance of the owner's land.
- 7.12 Before the plan of subdivision is certified under the *Subdivision Act 1988* for any stage is issued, a building envelope plan for that stage 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*.
- 7.13 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.
- 7.14 The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority.

Plans for certification

- 7.15 Prior to the certification of a plan of subdivision, the plan of subdivision must show the land which is required to provide road widening and /or right of way flaring for the ultimate design of any adjacent intersection
- 7.16 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 funded by the relevant Infrastructure Contributions Plan.
- 7.17 Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the Small Lot Housing Code incorporated pursuant to Clause 81 of the Hume Planning Scheme; and
- 7.18 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.

- 7.19 The plan(s) of subdivision submitted for certification must be in accordance with the endorsed plans but modified to show, or append, the following to the satisfaction of the responsible authority:
- a) Splays at road intersections.
 - b) For lots not identified as using the provisions of the Small Lot Housing Code, an enforceable covenant, by the lot owner and running with the land, that buildings conform to the building envelopes must provide for:
 - i) buildings to be constructed only in conformity with the approved building envelope plan unless with the written consent of either the estate developer or the municipal council;
 - ii) a building envelope plan to be amended to the satisfaction of Council and any criteria or matters that must be considered by Council in deciding on an amendment to a building envelope;
 - iii) 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;
 - iv) the endorsement by the developer of all building plans as a prerequisite to a building permit for a lot specified as requiring such endorsement in the building envelope plan;
 - v) the requirement for endorsement of building plans by the developer 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.
 - c) An enforceable covenant, by the lot owner and running with the land, that owner will comply with the approved design guidelines unless otherwise agreed in writing by Hume City Council.
 - d) A restriction on all lots to the effect that no dwelling or commercial building may be constructed on any allotment unless the building incorporates dual plumbing for alternative water supply for toilet flushing and garden watering use should an alternative water supply become available.
 - e) A restriction or other enforceable mechanism that runs with the land in perpetuity, on any lot where the natural ground level is above AHD 242, that:
 - i) ensures the height of any building or domestic services normal to a dwelling on that lot does not exceed AHD 253;
 - ii) Enforces design guidelines for the lots submitted to and approved by the responsible authority that particularly address earthworks and building on the lot with regard to sensitive development of sloping land and take account of guidance in the incorporated *Sunbury South Precinct Structure Plan* as incorporated into the Hume Planning Scheme.
 - f) Easements or reserves in favour of Melbourne Water over existing and proposed Melbourne Water assets to the satisfaction of Melbourne Water and the responsible authority.
 - g) Land to be transferred to the Roads Corporation for the widening of Sunbury Road including any land required for the ultimate configuration of intersections with that road.
 - h) All land to be vested as road or reserve, for which the Roads Corporation is to be responsible, must be vested in the name of the ROADS CORPORATION (not VicRoads).
 - i) Any land to be set aside as Reserve for which the Roads Corporation is to be responsible must be labelled "RESERVE FOR USE OF THE ROADS CORPORATION".

- 7.20 In accordance with section 8 of the *Subdivision Act 1988* and clause 66 of the Hume Planning Scheme, the plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to:
- a) The relevant water, drainage authority being Melbourne Water
 - b) The relevant sewerage and water supply authority being Western Water;
 - c) The relevant electricity supply or distribution authority being Jemena Electricity Networks;
 - d) The relevant gas supply authority being Ausnet Services - Gas;
 - e) Public Transport Victoria where the plan contains any part of or abuts a 'potential bus route' in the incorporated *Sunbury South Precinct Structure Plan*;
 - f) the Roads Corporation.
- 7.21 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.
- 7.22 Easements on or across land shown as a conservation area in the precinct structure plan applying to the land must be created to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning (Environment division). This condition applies to both the location and the rights granted by easement.

Plans to be submitted prior to demolition facilitate construction of works

- 7.23 Before the commencement of works for any stage of subdivision a Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted to and approved by the responsible authority. The plan must specify, amongst other things:
- a) The staging of development and the likely bushfire risks at each stage;
 - b) An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 rating under AS3959-2009;
 - c) The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire;
 - d) How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.
- The plan must be carried out to the satisfaction of the responsible authority.
- 7.24 Before the demolition of the buildings and associated work within Heritage Overlay 358 as shown on the Hume Planning Scheme maps starts, an archival quality annotated photographic study prepared to the satisfaction of the responsible authority by a suitably qualified person must be submitted to the responsible authority as a record of the buildings and site. The survey must include:
- a) each elevation of each building

- b) the interior of each building
- c) architectural design detailing of the building
- d) a statement prepared by an architectural historian describing and explaining both the design and construction of the building and the photographs.

7.25 Before the commencement of works, including demolition within Heritage Overlay 358 as shown on the Hume Planning Scheme maps, the developer must submit the following to the responsible authority:

- a) a landscape master plan for the entire estate must be approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show and include:
 - i) The landscaping theme and graphical concepts to be developed for the subdivision.
 - ii) The type of species to be used for street tree planting in various stages of the subdivision.
 - iii) The areas which will be available for landscaping.
 - iv) The principles and graphical concepts of the proposed treatment of the open space and drainage reserves.
 - v) How the plan will achieve continuous tree canopy cover in parks and streets where space allows.
 - vi) The indigenous fauna likely to use the landscaped areas and planted species.
- b) a Wildfire Management Plan to Council's Municipal Fire Prevention Officer for approval by the Hume City Council prior to October each year, for the duration of the subdivision construction.
- c) an Environmental Management Plan for Conservation Area 21 (Growling Grass Frog) described in the incorporated *Sunbury South Precinct Structure Plan* and occurring on the land as approved to the satisfaction of the Department of Environment, Land, Water and Planning, unless otherwise agreed by the Department of Environment, Land, Water and Planning.
- d) a Construction Site Environmental Management Plan (CSEMP), must be submitted to and approved by the Responsible Authority to address the potential impacts of construction works. The CSEMP must be generally in accordance with 'doing it right on subdivision EPA 2004' and address methods for noise, dust, erosion and sediment control, waste and chemical management, flora/fauna protection, weed control, and archaeological/heritage impacts. Pollution and sediment control measures must also be to the satisfaction of Melbourne Water.
 Prior to commencement of works, all personnel on site must be inducted into the CSEMP and all flora and fauna conservation requirements.
 The approved CSEMP must be implemented to the satisfaction of the Responsible Authority.
- e) a soil and fill recovery plan to the satisfaction of the responsible authority. This plan must detail the quantity of soil and/or fill to be generated during construction, the reuse options for any excess soil and/or fill generated within the site and the quantity of soil and/or fill to be removed offsite. The contractor is to nominate in writing at the pre-commencement meeting the legal/approved location where the soil and fill will be disposed. Evidence of legal/approved disposal will be required to be submitted to the satisfaction of the responsible authority.

- 7.26 Except with the written consent of the responsible authority, before any road and/ or drainage works associated with the subdivision (or staged subdivision) start, detailed construction plans must be submitted to and approved by the responsible authority. When approved the construction plans 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) Engineering plans and specifications of the proposed works that are to become public assets such as roads, intersections drains, bridges and the like
 - b) Fully sealed pavements with kerb and channel (or rollover kerbs where appropriate) to dimensions generally in accordance with the relevant road cross sections in the incorporated *Sunbury South Precinct Structure Plan*, including traffic management devices where appropriate.
 - c) Where appropriate, concrete footpaths on both sides of every road with the exception of any access lane and any other circumstance as agreed with the responsible authority.
 - d) Identify all aspects of the stormwater drainage system including drainage reserves and retarding basins, wetlands, stormwater connections and outfalls and any Water Sensitive Urban Design measures (if relevant) and:
 - i) Incorporate features to prevent litter, sediment and oils from entering the drainage system. Such features may be suitably sized litter traps for surface rubbish, oil and sediment. These devices must be constructed within the works upstream of the outfall drain for the subdivision; and
 - ii) Satisfy the objectives of “Best Practice Environmental Management Guidelines” (CSIRO 1999) to reduce or retain in total 80% of suspended solids, 45% phosphorus, 45% nitrogen; and 70% litter/ gross pollutants larger than 5mm” and meet the intended outcomes of Clause 56 of the Hume Planning Scheme to the satisfaction of the responsible authority.
 - e) Temporary turnaround areas within the site for waste collection vehicles (8.8 metres in length) at the temporary dead end of any road.
 - f) Location of street lighting.
 - g) A vehicular crossing to each lot. Unless an alternative treatment is approved by the responsible authority, crossovers on lots with frontages of 10 metres or less must abut a crossover on an abutting lot to create a combined crossover of no more than 3 metres in width (excluding splays) at the kerb.
 - h) Permanent survey marks, levelled to the Australian Height Datum and coordinated to the Australian Map Grid. (MGA Zone 55 GDA94)
 - i) Details of any cut and fill.
 - j) Details of any traffic control.
 - k) Details of any Tree Protection Zones
 - l) Vehicle crossovers which should be
 - i) designed in accordance with Hume City Council Standard Drawings.
 - ii) located a minimum of 1 metre from any service facilities.
 - iii) offset a minimum of 6 metres from the tangent point of any side streets (refer to Australian Standards, Parking Facilities, Part 1: Off-street car parking).
 - m) Roundabouts at cross intersections which must be designed to accommodate an ultra-low floor bus (ULFB, 12.5 metres) and service vehicles through and turning movement.
 - n) Splays (minimum of 3 metre x 3 metre) at all intersections of the local road network and 2 metre x 2 metre at the intersection with any laneway.

- o) Where works are proposed on or abutting a 'potential bus route' in the incorporated *Sunbury South Precinct Structure Plan*, the following to the satisfaction of Public Transport Victoria:
 - i) Roundabouts designed to accommodate ultra-low floor buses;
 - ii) Intersections, slow points, splitter islands and the like designed in accordance with the Public Transport Guidelines for Land use and Development, State of Victoria 2008;
 - iii) No speed humps, raised platforms, one-way road narrowing or weave points on the 'potential bus route';
- p) Intersections with Sunbury Road and associated works to the satisfaction of the Roads Corporation.

7.27 Unless the Council agrees under section 21(1)(b)(ii) of the *Subdivision Act 1988*, all works shown on the endorsed construction plans must be constructed or carried out in accordance with the plans before the issue of a Statement of Compliance for the relevant stage under the *Subdivision Act 1988* all to the satisfaction of the responsible authority.

Construction of works and provision of contributions

7.28 Before the start of construction or carrying out of works in or around a conservation area, scattered native tree or patch of native vegetation the developer of the land must erect a vegetation protection fence that is:

- a) highly visible
- b) at least 2 metres in height
- c) sturdy and strong enough to withstand knocks from construction vehicles
- d) in place for the whole period of construction
- e) located the following minimum distance from the element to be protected:

ELEMENT	MINIMUM DISTANCE FROM ELEMENT
Conservation area	2 metres
Scattered tree	Twice the distance between the tree trunk and the edge of the canopy
Patch of native vegetation	2 metres

7.29 Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:

- a) be located not less than 15 metres from a waterway in a Growling Grass Frog Conservation Area shown in the incorporated *Sunbury South Precinct Structure Plan*;
- b) be located outside the vegetation protection fence;
- c) be constructed and designed to ensure that the conservation area, scattered tree or patches of native vegetation are protected from adverse impacts during construction;
- d) not be undertaken if it presents a risk to any vegetation within a conservation area; and
- e) be carried out under the supervision of a suitable qualified ecologist or arborist.

7.30 Salvage and Translocation of threatened flora and fauna species and ecological communities must be undertaken in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning

7.31 The subdivision, buildings or works must not commence until an Environmental Management Plan for the relevant works has been approved to the satisfaction of the Department of Environment, Land, Water and Planning, unless otherwise agreed by the Department of Environment, Land, Water and Planning.

- 7.32 During the carrying out of works associated with the subdivision the recommendation in relation to 'general soil management protocol' contained in the *Phase I Environmental Site Assessment: Redstone Hill, Sunbury; Rep No 147613021-001-R-Rev1, dated 28 April 2014*, as submitted with the application, must be undertaken by a suitably qualified environmental professional
- 7.33 Before the completion of civil works for any stage of the subdivision, a detailed landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the responsible authority. Where landscaping is proposed within a Melbourne Water reserve the plan so far as it affects that reserve must also be submitted to and approved by Melbourne Water. When approved, the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies must be provided. The plan must be consistent with any endorsed landscape master plan and must show:
- a) New plantings including their layout to be provided in any road reserves and municipal reserves including:
 - i) headlight glare planting is required to be approved by Council for all road reserves between parallel roads in this development.
 - b) The location of infrastructure and reticulated services in any road reserves where planting is proposed.
 - c) Street trees must be provided on both sides of all roads and streets (excluding laneways) at no less than the following interval spacing unless otherwise agreed by the responsible authority:
 - i) 8 – 10 metre intervals for trees with a canopy width of less than 10 metres in diameter; or
 - ii) 10 – 12 metre intervals for trees with a canopy width of between 10 and 15 metres in diameter; or
 - iii) 12 – 15 metre intervals for trees with a canopy width greater than 15 metres in diameter.
 - d) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - e) The proposed layout, materials and finishes paths, areas of pavement, playgrounds, play items, bicycle parking, structures and street furniture including:
 - i) for playgrounds all fall zones for all play equipment in colour in accordance with Australian Standards for playgrounds and a completed Playspace Design Checklist.
 - f) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls.
 - g) Additional supporting information, such as certified structural designs or building forms.
 - h) The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
 - i) All proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.
 - j) Proposed soil and establishment treatments for each street or park tree species.
 - k) The type and frequency of maintenance commonly associated with the proposed works.
- 7.34 Before the issue of a Statement of Compliance under the *Subdivision Act 1988*:

- a) the stormwater drainage must be:
 - i) constructed in accordance with the stormwater drainage design approved by Council; and
 - ii) provide a legal point of stormwater discharge for each allotment; all to the satisfaction of the responsible authority and any relevant other drainage authority.
- b) the proposed signalised intersection at Sunbury Road/Main Street (as designated in the incorporated *Sunbury South Precinct Structure Plan*) must be constructed to the satisfaction of the Roads Corporation.
- c) the proposed left-in/left out vehicular access to Sunbury Road (immediately north-west of Main Street) must be constructed to inhibit all right turn movements to the satisfaction of the Roads Corporation.
- d) the owner of the land must provide written confirmation from:
 - i) 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
 - ii) 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.
- e) on any open space reserve or tree reserve, excepting land shown as 'landscape values' in the incorporated *Sunbury South Precinct Structure Plan*, proposed for vesting or transfer to the municipal council the developer must complete the following unless otherwise agreed by the municipal council:
 - i) Removal of all existing and disused structures, foundations, pipelines, and stockpiles.
 - ii) Clearing of rubbish and weeds, levelled, topsoiled and grassed with warm climate grass;
 - iii) Provision of water tapping, potable and recycled water connection points;
 - iv) Planting of trees and shrubs;
 - v) Provision of vehicular exclusion devices (fence, bollards, or other suitable method) and maintenance access points.
 - vi) Installation of park furniture including barbecues, shelters, furniture, rubbish bins, local scale playground equipment, local scale play areas, drinking fountains and kick about spaces and appropriate paving to support these facilities, consistent with the type of public open space listed in the open space delivery guide in the incorporated *Sunbury South Precinct Structure Plan*.
 - vii) Boundary fencing where the public open space abuts private land, or as required by the municipal council.
 - viii) Remediation of any contamination.
- f) or any other time which the responsible authority agrees, the following must be provided to the responsible authority:
 - i) Copies of the "as constructed" engineering roads and drainage drawings in the format of one A1 tracing per drawing. The responsible authority may determine to accept digital data as an alternative.
 - ii) As constructed measurements as digital data in a GIS ready format of the information component of the subdivision relating to drainage assets and assets with the road reserve in accordance with the current version of D-SPEC and R-SPEC.

iii) as constructed electronic files in DWG and PDF format for all landscape development works (including approved irrigation systems) to Council at the beginning of the maintenance period.

iv) Location of any permanent survey marks.

The various road works must be maintained by the owner until this sub-condition has been complied with.

- g) unless otherwise agreed by Public Transport Victoria, bus stops must be constructed, at full cost to the permit holder, as follows:
- i) Generally in the location identified by Public Transport Victoria;
 - ii) In accordance with the Public Transport Guidelines for Land Use and Development with a concrete hard stand area, and in activity centres a shelter must also be constructed;
 - iii) Be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002; and
 - iv) Be provided with direct and safe pedestrian access to a pedestrian path. All to the satisfaction of Public Transport Victoria and the responsible authority.
- h) Street number markers must be provided on the kerb in front of each lot to the satisfaction of the responsible authority.
- i) Lighting of roads and pedestrian/cycle paths must be designed and provided before the issue of a Statement of Compliance for the relevant stage in accordance with Australian Standard 1158.1 to the satisfaction of the responsible authority.
- j) Access to each lot created must be provided by a sealed and fully constructed road or other pavement to the satisfaction of the responsible authority.
- k) Any temporary drainage works required under this permit must be installed.
- l) Any fencing on the boundary between a lot and a public reserve must be constructed at no cost to the Crown or the public manager or authority responsible for the reserve and to the satisfaction of the responsible authority and where relevant the authority or Minister responsible, or intended to be responsible, for the reserve.

7.35 A permit to subdivide land shown in the incorporated *Sunbury South Precinct Structure Plan* as including the conservation area shown on the precinct structure plan as conservation area 21 must ensure that, before the issue of a statement of compliance for the last stage of the residential subdivision, the owner of the land must:

- a) Enters into an agreement with the Secretary to the Department of Environment, Land, Water and Planning under section 69 of the *Conservation Forests and Lands Act 1987*, which:
 - i) Must provide for the conservation and management of that part of the land shown as Conservation Area 21 in the *Sunbury South Precinct Structure Plan*;
 - ii) May include any matter that such an agreement may contain under the *Conservation Forests and Lands Act 1987*;
- b) Makes application to the Registrar of Titles to register the agreement on the title to the land; and
- c) Pays the reasonable costs of the Secretary to the Department of Environment, Land, Water and Planning in the preparation, execution and registration of the agreement.

The requirement for a Land Management Co-operative Agreement in this condition does not apply to land or any lot or part of a lot within conservation areas 21 shown in the *Sunbury South Precinct Structure Plan* that:

- a) is identified in a Precinct Structure Plan as public open space and is vested, or will be vested, in the council as a reserve for the purposes of public open space; or
- b) is identified in a Precinct Structure Plan as a drainage reserve and is vested, or will be vested, in Melbourne Water or the council as a drainage reserve; or
- c) is the subject of an agreement with the Secretary to the Environment, Land, Water and Planning to transfer or gift that land to:
 - i) the Secretary to the Environment, Land, Water and Planning;
 - ii) the Minister for Environment and Climate Change; or
 - iii) another statutory authority.

to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

Requirements of Section 46GV of the Planning and Environment Act 1987

- 7.36 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:
 - i. 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
 - ii. setting aside on a plan under the *Subdivision Act* 1988 any other Inner Public Purpose Land so as to vest in the Collecting Agency.
- 7.37 Any plan required by condition 41 of this permit 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 any agreement entered into by the Collecting Agency, the applicant and/or the owner of the land.

Gas Pipeline

- 7.38 Prior to the construction of a building or the carrying out of works, including demolition, on land within 50 metres of the *gas transmission pipeline easement* shown on *Plan 3 – Future Urban Structure* in the incorporated *Sunbury South Precinct Structure Plan*, 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, crossing or in close proximity to 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.

The construction management plan may be amended to the satisfaction of the responsible authority.

Referral authority conditions

Roads Corporation (see also condition under plans for certification, works and statement of compliance)

7.39 No compensation payable under Part 5 of the *Planning and Environment Act 1987* in respect of anything done under this permit.

Melbourne Water - drainage

7.40 Prior to the endorsement of subdivision plans under this permit, the waterway located on the southern side of the property must be approved to functional design standard to the satisfaction of Melbourne Water.

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

- a) The proposed alignment for any 1 in 5 year Average Recurrence Interval (ARI) drainage infrastructure and any associated overland flow paths directions for the 1 in 100 year ARI flood event;
- b) 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

7.42 Prior to Certification, provision for alternative water must be addressed, in accordance with any approved integrated water management plan to satisfaction of Melbourne Water and Western Water.

7.43 Prior to the issue of a Statement of Compliance, the Owner must 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.

7.44 Prior to the issue of a Statement of Compliance for each stage of the subdivision, a Certified Survey Plan (CSP) 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 the satisfaction of Melbourne Water. The CSP must clearly show the 1 in 100 year flood levels (ARI) and contain a table which demonstrates that each lot has achieved the required freeboard.

7.45 Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. Engineering plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event.

7.46 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.

7.47 The following overall performance requirements must be met:

- a) 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'.
- b) All new lots must achieve a minimum of 300mm freeboard above the 1 in 100 year (ARI) flood levels associated with any existing or proposed Melbourne Water pipeline.

- c) All new lots must achieve a minimum of 600mm freeboard above the 1 in 100 year (ARI) flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.
 - d) No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
 - e) Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
 - f) The subdivision must make provision for overland flows from the upstream catchment utilising roads and/or reserves to the satisfaction of Melbourne Water.
 - g) 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.
- 7.48 Local drainage must be to the satisfaction of the responsible authority.
- 7.49 All new lots must achieve appropriate freeboard in relation to local overland flow paths to the satisfaction of the responsible authority.
- 7.50 Any temporary outfall must be arranged to the satisfaction of Melbourne Water and the responsible authority.

Western Water - Water, sewer & recycled water

- 7.51 Unless an alternative time is agreed by Western Water, before the issue of a Statement of Compliance the owner of the land must enter into an agreement with Western Water for the provision of water supply, recycled water supply (if available) and provisions of sewerage.
- 7.52 The construction of the subdivision must comply with the provisions of any agreement between the owner and Western Water relating to the supply of water, the provision of recycled water or the provision of sewerage as appropriate.
- 7.53 All works in relation to the supply of water, recycled water or sewerage must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement.

Jemena - electricity

- 7.54 The owner of the land must enter into an agreement for the:
- a) Extension, upgrading or re-arrangement of electricity supply to lots on the plan;
 - b) Payment of monies to JEN to cover the cost of such work;
 - c) Provision of easements, lots and reserves for substations within and outside the subdivision as required by JEN.

Ausnet Services - gas

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

Permit expiry

- 7.56 This permit will expire if:
- a) The plan of subdivision for the first stage is not certified within two years of the date of this permit; or,
 - b) The plan of subdivision for the last stage of the subdivision is not certified within ten years of the date of this permit, or
 - c) The registration of the last stage of the subdivision is not completed within five years of the certification of that plan of subdivision.

If a plan of subdivision is not certified within the dates specified under this permit, the responsible authority may extend the time for certification if a request is made in writing prior to expiry of the permit or within 6 months after the expiry date.

NOTE: If a request for an extension of commencement is made out of time allowed by the permit condition, the responsible authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

Permit Note: Operation of Commonwealth Environmental Laws

- On 5 September 2013 an approval under the *Environment 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 Conservation 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.

