

'3-5 Macedon Street, Sunbury'
Incorporated Document
Specific Controls Overlay Schedule 2

Hume Planning Scheme Amendment C208

March 2019

**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 1.0-8.0) and the *Sherwood Heights, Sunbury: Subdivision Layout Plan, Revision 13, by BPD, 18-09-2017, Dwg Ref. 7089_UD_SLP02-v13* (Clause 9.0).

2.0 Purpose

The purpose of the control in this document is to require a planning permit for the subdivision of the land and vary the Residential Design Controls on the seven lots marked on the plan *Sherwood Heights, Sunbury: Subdivision Layout Plan, Revision 13, by BPD, 18-09-2017, Dwg Ref. 7089_UD_SLP02-v13* submitted under letter of 24 April 2018, on the land specified in Clause 3 that is generally in accordance with the *Lancefield Road Precinct Structure Plan* and variation to Residential Design Controls on the seven lots marked on the plan *Sherwood Heights, Sunbury: Subdivision Layout Plan, Revision 13, by BPD, 18-09-2017, Dwg Ref. 7089_UD_SLP02-v13* submitted under letter of 24 April 2018, on the land 3-5 at Macedon Street, Sunbury (Lots 1 and 2 on Title Plan 871434R).

3.0 Land

The subject site, 3-5 Macedon Street, Sunbury (Lots 1 and 2 on Title Plan 871434R) is as identified in Clause 9.0 of this document and mapped SCO2 by Clause 45.12 Specific Controls Overlay within the Hume Planning Scheme.

4.0 Control

4.1 Permit requirement

A planning permit is required, under this document, to subdivide the land and vary the Residential Design Controls on the seven lots marked on the plan *Sherwood Heights, Sunbury: Subdivision Layout Plan, Revision 13, by BPD, 18-09-2017, Dwg Ref. 7089_UD_SLP02-v13* submitted under letter of 24 April 2018, on the land 3-5 at Macedon Street, Sunbury (Lots 1 and 2 on Title Plan 871434R). A permit granted must be in accordance with this incorporated document and include any conditions or requirements specified in this document

4.2 Exemption from planning scheme requirements

Despite any provision to the contrary or any inconsistent provision in the Hume Planning Scheme, nothing in the planning scheme operates to prohibit or restrict the issue of a planning permit for the subdivision of the land and vary the Residential Design Controls on the seven lots marked on the plan *Sherwood Heights, Sunbury: Subdivision Layout Plan, Revision 13, by BPD, 18-09-2017, Dwg Ref. 7089_UD_SLP02-v13* submitted under letter of 24 April 2018, on the land in accordance with this incorporated 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.

5.0 Requirements for permits

A planning permit issued for this site must allow for the for the subdivision of the land and variation to Residential Design Controls on the seven lots marked on the plan *Sherwood Heights, Sunbury: Subdivision Layout Plan, Revision 13*, by BPD, 18-09-2017, Dwg Ref. 7089_UD_SLP02-v13 submitted under letter of 24 April 2018, on the land 3-5 at Macedon Street, Sunbury (Lots 1 and 2 on Title Plan 871434R), Sunbury, and include:

- a. All conditions specified in Clause 8 of this document; and
- b. Any conditions required by the responsible authority for infrastructure contributions, as required by any Infrastructure Contributions Plan which applies to the land at 3-5 at Macedon Street, Sunbury (Lots 1 and 2 on Title Plan 871434R).

6.0 Exemption from notice and review

An application under any provision of this incorporated document which is generally in accordance with Clause 9.0 of this document is exempt from the notice requirements of section 52(1)(a), and (b) and (d), the referral requirements of section 55, the decision requirements of section 64(1), (2) and (3) and section 82(1) of the Act.

7.0 Expiry of document

This incorporated document expires on the date of issue of any planning permit for the subdivision of the land and variation to Residential Design Controls on the seven lots marked on the plan *Sherwood Heights, Sunbury: Subdivision Layout Plan, Revision 13*, by BPD, 18-09-2017, Dwg Ref. 7089_UD_SLP02-v13 submitted under letter of 24 April 2018, on the land 3-5 at Macedon Street, Sunbury (Lots 1 and 2 on Title Plan 871434R), granted subject to the provisions of this document.

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

Amended plans and secondary consents

8.1 Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans and cross sections to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans and cross section will be endorsed and then form part of the permit. The plans and cross sections 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 *Sherwood Heights, Sunbury: Subdivision Layout Plan, Revision 13*, by BPD, 18-09-2017, Dwg Ref. 7089_UD_SLP02-v13 but modified to show:

- a) All of the lot to be subdivided including all of the lot east of Jacksons Creek;
- b) The boundary of the conservation area along Jacksons Creek in accordance with the conservation area approved, and as amended from time to time, for the land pursuant to the 5 September 2013 approval for urban development in Melbourne's west and north growth corridors under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning;
- c) Cross sections of proposed roadworks and any bridge works on land around the base of the planned bridge across Jacksons Creek as shown in the incorporated *Lancefield Road Precinct Structure Plan*.
- d) A cross section of the Elizabeth Drive extension illustrating the grade of the road.
- e) Trees to be retained and removed within the residential subdivision (shown as 'development area' on the submitted plan) having regard to a report on the health, structure, longevity and suitability for retention of those trees prepared by a suitably qualified arborist, and submitted to the responsible authority.

- f) The boundaries of any open space areas within the residential subdivision that are not described in the *Lancefield Road Precinct Structure Plan*, designed to the satisfaction of Hume City Council.
- g) Any changes resulting from plans approved under this permit:
 - i. for drainage and waterways by Melbourne Water;
 - ii. to accommodate the footings or approach to the future bridge across Jacksons Creek.

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

8.3 Any plan forming part of this permit must be generally in accordance with the incorporated *Lancefield Road Precinct Structure Plan*.

8.4 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.

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

8.5 Before any plan of subdivision is lodged for certification under the *Subdivision Act 1988*:

- a) Cross sections demonstrating the typical and maximum earthworks, grading, cut, fill and retaining walls for the subdivision must be submitted for the approval of the responsible authority.
- b) 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 prepared for the approval of the responsible authority.
- c) Subdivision & Housing Design Guidelines, consistent with the Sherwood Heights Design Guidelines submitted with the application and dated March 2018, must be submitted for the approval of the responsible authority. The guidelines must be amended to:
 - i. be consistent with the residential design controls in the incorporated *Lancefield Road Precinct Structure Plan*;
 - ii. describe any variations allowed under this permit to the residential design controls in the incorporated *Lancefield Road Precinct Structure Plan*;
 - iii. Provide specific requirements that fences on lots with a rear or side abuttal to the Jacksons Creek valley, waterways and Racecourse Road e.g. the lots near Correa Way and some siding onto the waterway within the subdivision, provide for fencing that is predominantly open, low or otherwise designed to avoid long stretches of high solid fence interface to the relevant open space to the satisfaction of the responsible authority;
 - iv. address any other relevant matter to the satisfaction of the responsible authority.

8.6 Before any plan of subdivision is lodged for certification 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 *Lancefield Road Precinct Structure Plan*;

- 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.
- 8.7 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*.
- 8.8 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.
- 8.9 The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority.
- 8.10 A plan showing the staging of the subdivision must be prepared to the satisfaction of the responsible authority.

Plans for certification

- 8.11 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
- 8.12 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.
- 8.13 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
- 8.14 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.
- 8.15 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) 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 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) 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.
- 8.16 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 *Lancefield Road Precinct Structure Plan*.
- 8.17 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.
- 8.18 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 facilitate construction of works

- 8.19 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.

8.20 Before the commencement of works 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 Areas 20 (nature conservation/open space) and 21 (Growling Grass Frog) described in the incorporated *Lancefield Road 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) for the approval 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 must be submitted 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.
- 8.21 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 *Lancefield Road 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 local 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) Vehicle cross overs 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).
 - 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.
- 8.22 Unless the Council agrees under section 21(1)(b)(ii) of the *Subdivision Act 1988*, or the relevant public authority or Minister requiring the works agrees in writing, 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.
- 8.23 The works undertaken must be consistent with any works required under the relevant consent required for road works in a road reserve under the Road Management Act 2004.
- 8.24 Any works required to be to the satisfaction of the Roads Corporation or Public Transport Victoria must be provided at no cost to the Roads Corporation or Public Transport Victoria.

Construction of works and provision of contributions

- 8.25 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

- 8.26 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;
 - 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.
- 8.27 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.

- 8.28 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.
- 8.29 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.
- 8.30 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 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.
- c) on any open space reserve or tree reserve, excepting land shown as 'landscape values' in the incorporated *Lancefield Road 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 barbeques, 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 *Lancefield Road 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.
- d) 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 condition has been complied with.
- e) 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.

- f) Street number markers must be provided on the kerb in front of each lot to the satisfaction of the responsible authority.
- g) 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.
- h) 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.
- i) Any temporary drainage works required under this permit must be installed.
- j) 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.

8.31 A permit to subdivide land shown in the incorporated *Lancefield Road 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 *Lancefield Road 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 *Lancefield Road 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.

8.32 A permit to subdivide land shown in the incorporated Lancefield Road Precinct Structure Plan as including the conservation areas shown in these precinct structure plans as conservation areas 18, 19 or 20 must ensure that, before the issue of a statement of compliance for the last stage of the subdivision, the owner of the land:

- a) Entered 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) May provide for the conservation and management of that part of the land shown as a conservation area in the *Lancefield Road Precinct Structure Plan*;
 - ii) May include any matter that such an agreement may contain under the *Conservation Forests and Lands Act 1987*;
 - iii) Makes application to the Registrar of Titles to register the agreement on the title to the land; and
 - iv) 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 the conservation areas 18, 19 or 20 shown in the *Lancefield Road Precinct Structure Plan* that:

- a) is identified in the 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 the Precinct Structure Plan as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation 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

8.33 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.
- 8.34 Any plan required by condition 34 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.

Referral authority conditions

Melbourne Water - drainage

- 8.35 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.
- 8.36 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
- 8.37 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.
- 8.38 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.
- 8.39 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.
- 8.40 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.
- 8.41 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.

- 8.42 All new lots must achieve appropriate freeboard in relation to local overland flow paths to the satisfaction of the responsible authority.
- 8.43 Any temporary outfall must be arranged to the satisfaction of Melbourne Water and the responsible authority.

Western Water - Water, sewer & recycled water

- 8.44 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.
- 8.45 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.
- 8.46 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

- 8.47 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 as required by JEN including payment of monies to JEN to cover the cost of such work;
 - b) Provision of easements, lots and reserves for substations within and outside the subdivision as required by JEN.

Ausnet Services - gas

- 8.48 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

- 8.49 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.
- Provided the conditions of the *EPBC Act* approval are satisfied individual assessment and approval under the *EPBC Act* is not required.

9.0 Sherwood Heights, Sunbury: Subdivision Layout Plan, Revision 13, by BPD, 18-09-2017, Dwg Ref. 7089_UD_SLP02-v13

