

PLANNING PERMIT

GRANTED UNDER SECTION
96I OF THE PLANNING AND
ENVIRONMENT ACT 1987

Permit No: PLN21/0713
Planning Scheme: Greater Dandenong
Planning Scheme
Responsible Authority: Greater Dandenong
City Council

ADDRESS OF THE LAND: 51A Douglas Street NOBLE PARK VIC 3174
(Lot 1 TP679381H and Lot 3 PS214150D)

THE PERMIT ALLOWS: Subdivision, use of land for retail premises,
construction of a residential building with
commercial uses at ground floor, removal of native
vegetation, creation of an easement, and a reduction
in car parking requirements

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Endorsed Plans

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority, in consultation with the Head, Transport for Victoria as appropriate, must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the approved plans, prepared by DKO Architects, dated 28 September 2022, but modified to show:
 - a. Treatment details for the throw protection screen
 - b. Location and scale of solar panels on rooftop
 - c. Location and size of rainwater tank
 - d. Location of electrical sockets in bicycle storage room and car park for charging of e-bikes, scooters and vehicles
 - e. Location of convex mirrors at the top and bottom of the car park ramp
 - f. Response to amended alignment of Djerring Trail to avoid conflict with development entries and cyclists
 - g. Tree protection zones
 - h. Noise sources and noise influence areas under Clause 58.04 as well as details of glazing treatments for habitable rooms facing rail corridor
 - i. An amended Acoustic Report in accordance with Condition 5
 - j. An amended Sustainability Management Plan in accordance with Condition 7
 - k. A Storm Water Management Report in accordance with Condition 13.

Continued...

Conditions continued

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Once the development permitted has started, it must be continued and completed to the satisfaction of the Responsible Authority.

Landscape Plan

3. The landscaping works must be carried out and completed in accordance with the endorsed Landscaping Plan to the satisfaction of the responsible authority within the timeframe indicated in that plan.
4. Once the landscaping is carried out, it must be maintained in good health for the operational life of the development, including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.

Acoustic Report

5. Concurrent with the endorsement of plans, an amended acoustic report must be submitted to and approved by the Responsible Authority. The acoustic report must be generally in accordance with the acoustic report prepared by Stantec Australia Pty Ltd, dated 2 December 2021, but modified to show:
 - a. The final glazing treatments for all windows; and
 - b. Plant specifications.
6. Noise attenuation measures for the development must be in accordance with the endorsed acoustic report, to the satisfaction of the Responsible Authority.

Sustainability Management Plan

7. Prior to the endorsement of plans, the applicant must prepare a revised Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority. The revised SMP must be constructed in accordance with the sustainability commitments, specifications and performance outcomes included in the SMP (prepared by Stantec) but modified to include revisions to:
 - a. Energy performance
 - b. Water resources
 - c. Indoor environmental quality
 - d. Stormwater management
 - e. Transport

Continued...

Conditions continued

- f. Waste management
 - g. Urban ecology
8. The commitments, initiatives and requirements included in the revised SMP must be implemented and complied with to the satisfaction of the responsible authority. No alterations to the revised SMP can occur without prior written consent of the responsible authority.

Contamination

9. Prior to the commencement of the development (excluding any works necessary to undertake the assessment), a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the Responsible Authority in accordance with section 205 of the Environment Protection Act 2017 and respond to the matters contained in Part 8.3, Division 2 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority.
10. If the PRSA requires an Environmental Audit to be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority. The EAS must either:
- a. State the site is suitable for the use and development allowed by this permit; or
 - b. State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.
11. All the recommendations of the EAS must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development hereby approved and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.
12. If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1988, the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

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Conditions continued

Stormwater Management

13. Prior to the endorsement of plans under Condition 1 of this permit, a Water Sensitive Urban Design (Stormwater Management) Report that outlines proposed stormwater treatment measures must be submitted to and be to the satisfaction of the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended. This can be demonstrated by providing;
- a. A STORM report with a score of 100% or greater (or MUSIC modelling for large scale developments);
 - b. A plan showing the catchment area in square metres; and
 - c. The stormwater device included on the relevant floor plans (devices are to include raingarden(s), rainwater tank(s), permeable paving etc. or a combination of one or more);
 - d. The report must demonstrate how the stormwater device will be maintained on an on-going basis. This can be demonstrated by providing a maintenance manual including the following information:
 - i. A full list of maintenance tasks;
 - ii. The required frequency of each maintenance task (monthly, annually etc.);
 - iii. Person responsible for each maintenance task.

Construction Management Plan

14. Before the development permitted by this permit commences, including demolition, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the Construction Management Plan will be endorsed and will form part of this permit. The Construction Management Plan must provide for (but not be limited to):
- a. Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;
 - b. All Traffic Management Plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;
 - c. The location of all areas on-site and off-site to be used for construction staff parking;
 - d. A Parking Management Plan for all associated construction vehicles;
 - e. All site sheds, portable toilets, storage and materials etc must be confined to the land;
 - f. The covering and maintenance of all roads/storage areas/external stockpiles/vacant areas to avoid dust nuisance to any residential and commercial premises;

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Conditions continued

- g. No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the land;
 - h. All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - i. The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimized when vehicles on the abutting roads is minimized when vehicles are leaving the land; and
 - j. No mud, dirt, soil, sand, clay or stones are washed into or are allowed to enter the stormwater drainage system.
15. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Department of Transport

16. Prior to the commencement of works on site, detailed construction / engineering plans and structural computations for any construction abutting railway infrastructure or railway land must be submitted and approved by Victorian Rail Track, the Head, Transport for Victoria and the Rail Operator. The plans must detail all basement excavation design, retention works and controls of the site adjacent to the railway corridor having any impact on railway land. The design plans must ensure compliance with:
- a. The relevant Rail Transport Operator's engineering standard for minimum structural gauge clearances
 - b. Minimum clearances to all electrical assets and procedures for works adjacent to such assets, including:
 - i. Energy Safe Victoria requirements for minimum clearances to electrical assets and works adjacent.
 - ii. Australian Standards AS2067, AS7000 and Electricity Safety (General Regulations 2019, Part 6) for clearances to electrical assets. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding, and electrolysis mitigation design.
 - c. Any other reasonable safety requirements required by the Rail Operator.
 - d. The required rail collision loadings and collision protection measures for the building supports adjacent the rail tracks in accordance with AS5100 Part 1 – 'Bridge Design, Scope and General Principals'.
 - e. Earthquake design loadings for structure designated as a minimum Importance Level 2, by AS1170.4 – 'Structural Design Actions, Earthquake Actions in Australia'.

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Conditions continued

17. Before the development commences, plans must be submitted to the Head, Transport for Victoria demonstrating:
- a. How the design prevents items from being thrown or falling onto railway land from any part of the building development
 - b. Unless otherwise agreed in writing with the Head, Transport for Victoria, Victorian Rail Track and the Rail Operator, how the development is designed to ensure routine cleaning, replacement, inspection, maintenance and repair of any part of the building or development can be undertaken without access to the railway land being required and so electrical safety requirements of the Rail Operator are met
 - c. Passive surveillance provisions for existing and proposed pedestrian and cycling pathways (such as: appropriate lighting and way finding/signage) to ensure the safety of users of the development as is reasonably practicable
 - d. Any windows, doors and balconies permitted on the title boundary with railway land shall:
 - i. Be designed to prevent illegal trespass of people onto railway land
 - ii. Be designed to prevent items from being thrown or falling onto railway land
 - iii. Not open beyond the railway land title boundary
 - iv. Not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals
 - v. Not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
18. Before the development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to, and approved by, the Head, Transport for Victoria. The Traffic Management Plan must provide for:
- a. How public transport operations, traffic, walking and cycling movements will be managed during demolition and construction; and
 - b. How any traffic impact to railway land and associated infrastructure assets will be mitigated during construction;
 - c. How car parking will be managed to ensure development traffic associated with demolition and construction will not use Noble Park Station commuter parking during any stage of demolition and construction unless otherwise agreed in writing with the Head, Transport for Victoria and the Rail Operator.
19. The Traffic Management Plan must be implemented and complied with to the satisfaction of the Head, Transport for Victoria. All costs associated with the preparation and implementation of the Traffic Management Plan will be borne by the permit holder. The endorsed plan must not be modified without the prior written consent of the Head, Transport for Victoria.

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Conditions continued

20. Before the development starts (including demolition and bulk excavation), a separate Demolition and/or Construction Management Plan must be submitted to and approved by the Head, Transport for Victoria. When approved, the Demolition and Construction Management Plan will form a part of this permit. The Demolition and Construction Management Plan must include (but not be limited to) details of:
- a. The buildings, works and other measures necessary to:
 - i. Protect railway land, track, overhead power and associated infrastructure;
 - ii. Prevent/minimise disruption to the operation of the railway.
 - b. The remediation of any damage to railway land, track, overhead and underground power and communication assets, and associated infrastructure;
 - c. Details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules;
 - d. Arrangements for:
 - i. Any hoarding associated with the construction of the development at the railway boundary or that encroaches onto or overhangs railway land;
 - ii. Piling, excavation, shoring, stabilising, anchoring, filling, earthworks or construction associated with the development occurring on or next to the boundary of the railway land;
 - iii. The deposit or store of waste, fill or other materials associated with the development on the railway land;
 - iv. Air and dust management;
 - v. Operating hours;
 - vi. Noise and vibration controls;
 - vii. The management of site drainage, effluent, and waste;
 - viii. The security of the railway land and associated infrastructure.
21. All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented and monitored at no cost to the Head, Transport for Victoria.
22. The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.

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Conditions continued

23. Prior to the commencement of any demolition or construction works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land which must be complied with by the permit applicant during the construction of the development. The permit applicant must enter into a construction control indemnity agreement with the Rail Operator, or as otherwise advised in writing by the Rail Operator and agreed to by Victorian Rail Track, on terms that are to the satisfaction of the Rail Operator and Victorian Rail Track in respect of the development prior to the construction commencing (including demolition and bulk excavation).
24. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the commencement of works, the permit holder must prepare a report, to the satisfaction of the Head, Transport for Victoria and the Rail Operator, by a suitable qualified consultant, which demonstrates that all building materials (including glass/window treatments) visible from the rail corridor are non-reflective such that it will not adversely impact on rail operations and driver safety. The development must avoid using red, green or yellow colour schemes that may interfere with driver operations.
25. The permit holder must ensure that the operating of lights is directed away from the rail corridor to ensure no disruption to the operation of trains and visibility of train drivers to the satisfaction of the Head, Transport for Victoria.
26. Unless otherwise agreed in writing with the Head, Transport for Victoria and Victorian Rail Track, prior to demolition and construction commencing on site, the permit holder must demonstrate to the satisfaction of the Head, Transport for Victoria and VicTrack that use of railway land or air space over railway land is not required for fire, light and ventilation, in excess of granted easement.
27. Access to railway assets by rail staff for the purposes of inspection, cleaning, maintenance and repair shall be maintained at all times. Existing access routes to railway land shall not be closed, diverted or modified without prior agreement by the Head, Transport for Victoria and the relevant Rail Operator.
28. The permit holder must ensure that the common boundary with railway land is fenced during construction of the development to prohibit unauthorised access to the rail corridor. Any walls or fences on the common boundary with railway land must be designed and constructed with the agreement of the Head, Transport for Victoria, and be cleaned and finished using a graffiti proof finish or alternative measures used to prevent or reduce the potential of graffiti as approved by the Head, Transport for Victoria.
29. No drainage, effluent, waste soil or other materials must enter or be directed to railway land from the development site or be stored or deposited on railway land by the proponent and must be connected to a legal point of discharge.
30. The demolition and construction of the development must not disrupt bus operations on Douglas Street, Leonard Avenue and/or Mons Parade without the prior written consent of the Head, Transport for Victoria. Any request for written consent to disrupt bus operations on Douglas Street, Leonard Avenue and/or Mons Parade during the demolition and/or construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

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Conditions continued

31. The Head, Transport for Victoria, Victorian Rail Track and/or the Rail Operator must not be prevented or delayed from carrying out future rail project works (such as viaduct/track construction) at any time to the satisfaction of the Head, Transport for Victoria, Victorian Rail Track and/or the Rail Operator.
32. Prior to the occupation of the development all buildings and/or works on railway land, adjacent to railway land or associated with transport operations and/or infrastructure outlined on the endorsed plans must be completed to the satisfaction of the Head, Transport for Victoria, Victorian Rail Track and the Rail Operator at the full cost of the permit holder.
33. Prior to the commencement of development (excluding demolition, bulk excavation and site preparation), a detailed landscape plan prepared by a suitably qualified landscape architect must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The plan must be fully dimensioned, drawn to scale and include:
 - a. A schedule of all soft and hard landscaping treatments.
 - b. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant, and all hard landscaping treatments, based on the City of Greater Dandenong's tree selection and planting guidelines.
 - c. A timetable for implementation of landscape works.
 - d. How the stage of landscape being proposed will integrate with the remainder of the landscaping on the site.
 - e. Details of the ongoing maintenance and monitoring procedures to ensure the ongoing health of landscaping.
 - f. Evidence that the development's landscaping and planting will not:
 - i. Interfere with train driver visibility or interpretation of rail signals upon completion or in the future;
 - ii. Facilitate illegal access to railway land over boundary fence or wall via tree climbing upon completion or in the future cause damage to any rail assets or infrastructure, via root or branch ingress, upon completion or in the future.

Waste Management Plan

34. Waste storage and collection must be undertaken in accordance with the endorsed Waste Management Plan prepared by Leigh Design Pty Ltd 13 July 2021 Waste storage and collection arrangements must not be altered without the written consent of the Responsible Authority.

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Conditions continued

Engineering

35. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all weather seal coat.
36. Areas set aside for the parking and movement of vehicles as shown on the endorsed plans must be made available for such use and must not be used for any other purpose.
37. Vehicular access or egress to the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s).
38. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and nature strip to the satisfaction of the Responsible Authority prior to occupation of the building.

Car Parking Management

39. Before the development commences, a car parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:
 - a. Allocation and management of car parking spaces within the development
 - b. Any signs and/or line marking of car parking spaces within the development
 - c. Opportunities for electric vehicles and/or car share
 - d. Inclusion of visitor bike parking

Native Vegetation Removal

40. Before development starts, including the removal of native vegetation, the permit holder must advise all persons undertaking the native vegetation removal and associated works on site of all relevant permit conditions and associated statutory requirements or approvals.
41. To offset the removal of Trees numbered 2 and 3 (as identified by the Arboricultural report prepared by Galbraith and Associates, dated 29 September 2021), the permit holder must secure a native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure the following offsets:
 - a. A general offset of 0.011 general habitat units:
 - b. Located within the Port Phillip and Westernport Catchment Management Authority boundary or Greater Dandenong City Council.

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Conditions continued

- c. With a minimum strategic biodiversity value of at least 0.096.
42. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at Department of Energy, Environment and Climate Action via email ppr.planning@delwp.vic.gov.au.

Tree Protection

43. Before the development commences, arrangements must be made with the Responsible Authority for the removal and replacement of the existing street tree to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement of the street tree must be borne by the permit holder. As a result of the removal of the street tree:
- a. Footpath and civil assets reinstated at the cost of the developer;
 - b. Upon inspection by the council arborist, if the timber is deemed suitable for repurposing then the developer is to remove as per the arborist's advice and arrange for the timber to be transported to the council timber yard;
 - c. Costs and number of replacement or offset trees to be agreed with and paid to council by the developer with council to replant in the local area.
44. Existing tree/s shown as retained on the endorsed plans must not be removed or damaged, without the written consent of the Responsible Authority.
45. Before the approved development commences, all existing vegetation shown on the endorsed plans to be retained (including street trees and trees on abutting land) must be suitably marked in a Tree Protection Zone with a Tree Protection Fence. The Tree Protection Fence must be erected around the tree at a radius of 12 x the trunk diameter at 1.3 metre height, but not less than 2 metres from the base of the trunk. The Tree Protection Fence must:
- a. Be constructed of cyclone wire, orange safety mesh or similar construction;
 - b. Be erected to a height of at least 1.8 metres;
 - c. Be anchored using star pickets driven at least 60cm into the soil;
 - d. Remain in place until construction is completed;
 - e. Provide for access by a single gate that should be locked at all times except when required for tree inspection or maintenance
- To the satisfaction of the Responsible Authority.
46. Tree Protection measures outlined in Condition 44 must be established prior to the commencement of any works on the site.
47. No works are to be undertaken within a Tree Protection Zone unless:

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Conditions continued

- a. Council determines that the works proposed within the Tree Protection Zone will not adversely impact on the tree/s or damage any part of the tree/s including its canopy, branches, trunk and roots; or
 - b. Council determines that the variation is required to minimise risk to the public and/or property; or
 - c. Council otherwise consents.
48. All works located in or in close proximity to a Tree Protection Zone must be supervised by a suitably qualified and experienced consulting arborist.
49. With Council consent, works may encroach into a Tree Protection Zone, including (where appropriate):
- a. 'No dig' footpaths, mulching and limited soft landscaping provided all footpaths are first pegged on site and confirmed by the Responsible Authority prior to construction and all works are undertaken by hand to minimise disturbance to surface roots; and
 - b. Boring for services where all other alternative alignments have been investigated and determined unfeasible to the satisfaction of Council.

Section 173 Agreement – Affordable Housing

50. Unless otherwise agreed in writing by the Responsible Authority, prior to the Certificate of Occupancy being issued, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to:
- a. Covenant, acknowledge and agree with Council to either:
 - i. Allocate no less than ten dwellings (or 10% of the total number of dwellings approved on the site) to Key Workers, being those employed in health, child and aged care, education, emergency services including police and fire services, defence forces, and related occupations and that are typically to be employed within 25 km of the development; OR
 - ii. Provide unencumbered ownership of up to ten dwellings (or 10% of the total number of dwellings approved on the site) to parties requiring Specialised Disability Accommodation; OR
 - iii. Provide unencumbered ownership of up to ten dwellings (or 10% of the total number of dwellings approved on the site), to be transferred to a Registered Housing Agency; OR
 - iv. Provide for management of up to ten dwellings (or 10% of the total number of dwellings approved on the site) to be assumed by a Registered Housing Agency or a provider of Specialist Disability Accommodation at the provider's absolute discretion.

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Conditions continued

- b. Ensure the housing provided by any of the above options is made available to households who meet the Governor in Council Order specification of income ranges as defined under the Planning and Environment Act 1987 and updated annually in the Victorian Government Gazette.
 - c. Construct the housing on the subject land in a continuous, proper and workmanlike manner, strictly in accordance with:
 - i. The plans and specifications;
 - ii. All applicable laws; the terms of applicable permits and approvals; and
 - iii. Using all due care and skill.
 - d. Complete delivery of its housing commitments under this agreement by:
 - i. Providing titles including all necessary title documents in registerable form pursuant to Clause (a) (i-iii); or
 - ii. Vesting management rights pursuant to Clause (a) (iv).
51. The owner must comply with one of Clause (a) (i-iv) within three months of the last to occur of:
- e. Registration of the plan of subdivision which creates the Affordable Housing lots; or
 - f. Completion of construction of the Affordable Housing, as signified by the issuing of an occupancy permit by a licensed building surveyor for each of the Lots comprising the Affordable Housing.

Development Permit Expiry Condition

52. This permit will expire if one of the following applies:
- a. The development and removal of vegetation is not commenced within four (4) years of the gazettal date of Amendment C233gdan;
 - b. The development and removal of vegetation is not completed within six (6) years of the gazettal date of Amendment C233gdan;
 - c. The use has not commenced within two (2) years after the completion of the development.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend:

- d. The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

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Conditions continued

- e. The completion date referred to if a request is made in writing within twelve (12) months after the permit expires and the development started lawfully before the permit expired.

SUBDIVISION

53. Prior to the issue of the Statement of Compliance for subdivision, the permit holder must pay, or agree to pay, to the Council a percentage of the site value of all the land in the subdivision intended to be used for residential, industrial or commercial purposes. The percentage set by the Council must not exceed 5 per cent, in accordance with Section 18 of the Subdivision Act 1988.
54. Before the development permitted by this permit commences a Statement of Compliance must be issued for PS844109U.

Endorsed Plan

55. The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
56. The formal plan of subdivision lodged for certification must be generally in accordance with the approved plan and must not be modified except to comply with statutory requirements or with the further written consent of the Responsible Authority.

Prior to Certification

57. Prior to the certification of the plan of subdivision, engineer designed road and drainage plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

Easements

58. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

Provision of Services

59. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the approved plan in accordance with the authority's requirements and relevant legislation at the time.

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Conditions continued

60. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
61. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Telecommunications

62. 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.
63. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Subdivision Expiry

64. This permit will expire if one of the following circumstances applies:
 - a. The Plan of Subdivision is not certified within three (3) years of the date of this permit;
or
 - b. The Statement of Compliance is not issued within five (5) years of the certification of the plan of subdivision under the Subdivision Act 1988.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

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Conditions continued

End of Permit Conditions

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

Date issued: 8 June 2023

Date permit comes into operation: 8 June 2023

Signature for the responsible authority: _____



IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. The permit was granted by the Minister for Planning under section 96I of the **Planning and Environment Act 1987** on approval of Amendment C233gdan to the Greater Dandenong Planning Scheme.

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the Planning and Environment Act 1987.

WHEN DOES THE PERMIT BEGIN?

A permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.