

Appendix 6 – Notice of Decision to Grant a Permit conditions

A Notice of Decision to Grant a Planning Permit is recommended to be issued subject to the following conditions:

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 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 be generally in accordance with the plans submitted with the application but modified to show:
 - a. Land set aside along the northern boundary and north east corner of the subject site to accommodate a 34 metre road reserve for Brooklyn Road, a suitable intersection treatment adjacent to the Future Neighbourhood Activity Centre site and the ultimate intersection treatment at the intersection of Brooklyn Road and Clarkes Road to the satisfaction of the Responsible Authority.
 - b. The location, orientation and boundaries of the Future Neighbourhood Activity Centre site modified to align with the area of the subject land zoned Commercial 1 under the Melton Planning Scheme.
 - c. A redesign of all residential lots with direct frontage to Brooklyn Road to ensure that no direct vehicle access is provided from these lots to Brooklyn Road.
 - d. The major east-west connector road extended to the western and northern boundary of the subject land to provide a connection to the future Precinct Structure Plan area to the west and Brooklyn Road respectively.
 - e. The active open space area adjacent to the linear reserve on the western side of the subject land changed to passive open space.
 - f. Detailed staging boundaries including when areas identified for active and passive open space purposes will be vested in Council.
2. The layout of the subdivision as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule or Local Law, or for any other reason) without the prior written consent of the Responsible Authority.
3. Before the plan of subdivision is certified under the *Subdivision Act 1988*, the permit holder must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* or any alternative restriction deemed satisfactory by the Responsible Authority for all lots between 300m² and 500m² which requires the preparation of building envelope plans. These building envelope plans must:
 - a. Be in accordance with Standard C8 and any other relevant Standard under Clause 56 of the Melton Planning Scheme,
 - b. Incorporate plans and a written statement to address each of the relevant objectives and performance measures of Clause 54 of the Melton Planning Scheme to the satisfaction of the Responsible Authority,
 - c. Require the construction of all dwellings and associated development be contained within the nominated building envelope for each of the lots hereby approved except with the prior written consent of the Responsible Authority.

The agreement must also require that the future maintenance and repair of all fences (excluding the removal of graffiti) abutting open space or tree reserves be the

responsibility of the owner of each lot abutting the reserve (except where damage to the fence is caused by the Council or its representatives whilst undertaking maintenance works to the reserve).

The costs for preparation and execution of the Agreement shall be borne by the permit holder.

4. Prior to the issue of a Statement of Compliance for Stage 1 of the proposed subdivision, amended Housing Design Guidelines must be submitted to and approved by the Responsible Authority. The guidelines must be generally in accordance with the 'Scenic Botanica Design Guidelines 2016 but modified to address the following:
 - Page 2 - Orientate Figure 1 with north facing the top of the page so that it is easy to understand.
 - Page 7 (Introduction) - Assign a colour to identify Gorge Lots as the text explains that these lots should adhere to Part B of the Guidelines. It will also be clearer to have all different lots identified on the one plan.
 - Page 13 (Standard 5D) - Add the following - Where facing the secondary street frontage, the garage must be setback a minimum of 5m from the secondary street frontage.
 - Page 22 (Standard 7A) - Demonstrate that a 500mm planted buffer will allow for the plants to grow and be maintained.
 - Page 23 (Standard 7G) - Standard should read: Garage width must not exceed 40% of lot width.
 - Page 44 (Standard 13E) - The figure on the left hand side showing 100% impermeable surfaces should be marked with a red cross indicating it is not permitted, while the figure on the right hand side showing a 30% impermeable surface should have a green tick indicating it is acceptable.
 - Page 45 (Standard 13H) - The figure on the left hand side showing 100% impermeable surfaces should be marked with a red cross indicating it is not permitted, while the figure on the right showing a 50% impermeable surface should have a green tick indicating it is acceptable.
 - Page 64 (Standard 19B) - There appears to be text missing from this section that should be added accordingly.
 - Page 65 (Standard 19F) - The text and diagrams should make it clear that solid fences along lot boundaries should end where the secondary fence/screen starts and at the same point, 50% transparent fence starts.
5. Prior to the issue of a Statement of Compliance for each stage of the subdivision, a monetary contribution for the purposes of Community Infrastructure must be paid to Council for each residential lot in accordance with Clause 3.1 of the Section 173 (Instrument No. AD579658M) dated 21 April 2005.
6. Prior to the issue of a Statement of Compliance for each stage of the subdivision, a monetary contribution for the purposes of Future Road Infrastructure must be paid to Council for each residential lot in accordance with Clause 3.2 of the Section 173 (Instrument No. AD579658M) dated 21 April 2005.
7. Prior to the Certification of Plan of Subdivision under the *Subdivisions Act 1988* for the first stage of the subdivision, an amended landscape master plan for the subdivision must be submitted to the Responsible Authority. When it is to the satisfaction the Responsible Authority, the amended landscape master plan will be endorsed and form

part of the permit. The amended plan must be drawn to scale with dimensions and three copies must be provided. The amended plan must show the following:

- a. Landscape Master Plan showing streets, tree species and street tree allocation.
- b. Concept plans for reserves to Council's satisfaction.
- c. Sections of streets corresponding with the relevant PSP and to Council's satisfaction.
- d. Existing vegetation to be retained or removed.
- e. Entrance treatments.
- f. Planting palette.
- g. Furniture palette.

All species selected must be to the satisfaction of the Responsible Authority.

8. For landscape plans associated with streetscape works, 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 prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* for each stage of the subdivision. 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. Location of landscape works.
- b. Location and identification of all proposed plants.
- c. 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.
- d. Any existing street trees to be removed.

The landscape stage plans must be consistent with the most current staging plan for the development.

9. For landscape plans associated with works in reserves or other open space areas, a detailed landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to the Responsible Authority prior to the Engineering Plans being approved. Approval of the landscape plans by the Responsible Authority must be done prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* for each stage of the subdivision.

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. Location of any reserve.
- b. The provision of pedestrian paths and landscaping within all passive and active open space reserves including all linear reserves and the open space reserve along the southern boundary of the subject land adjacent to Melton Reservoir.
- c. Location and identification of all proposed plants.

- d. 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.
- e. Any existing trees or infrastructure assets to be retained.
- f. Any existing trees to be removed.
- g. Details of shelters, barbecues, play equipment and other structures.
- h. Details of surface finishes of pathways, details of paths to be DDA compliant and to Council standards and standard drawings.
- i. Details of boundary fencing to be provided.

The landscape stage plans must be consistent with the most current staging plan for the development.

- 10. Prior to the commencement of each stage of subdivision, detailed landscape plans must be prepared by a person suitably qualified or experienced in landscape design. These plans must be submitted to, and approved by the Responsible Authority.
- 11. All areas identified for active and passive open space purposes and the area(s) identified for road widening shall be invested in Council at no cost to in accordance with the approved staging plan.
- 12. All areas identified for public open space purposes must be provided weed free to the satisfaction of and at no cost to Council.
- 13. A Certification of Compliance Design must be provided to the Responsible Authority by a suitably qualified practitioner for all structural works to verify they have been designed in accordance with relevant Australian Standards.
- 14. A Certification of Compliance (Construction) must be provided to the Responsible Authority by a suitably qualified practitioner for all structural works to verify they have been completed in accordance with relevant Australian Standards.
- 15. Prior to the issuance of practical completion or at a time specified by the Responsible Authority, the following must be submitted to the satisfaction of the Responsible Authority:
 - a). A complete set of 'as constructed plans' of landscape works in hardcopy (2 x A3 size), softcopy (.pdf) and AutoCAD (.dwg) format. The digital files must have naming conventions to enable identification of Council assets listed.
 - b). Asset information in digital format to include data as per "A-Spec".
- 16. Prior to the issue of a Statement of Compliance for each stage of subdivision, the landscaping works shown on the approved landscape plan for the stage must be carried out and completed to the satisfaction of the Responsible Authority, or bonded (if agreed to in writing by the Responsible Authority).

If the Responsible Authority agrees to bond the outstanding works, the works must be completed by the date specified on the letter of agreement. Where it is not completed by that date, the developer shall waive any rights to obstruct Council's claim on the bond to undertake the works and bill the developer for any above costs unless an extension of time is consented to by the Responsible Authority in writing.
- 17. Prior to the issue of Statement of Compliance for each stage of subdivision, a bond for maintenance of landscape works must be provided to and be to the satisfaction of the Responsible Authority.

18. Maintenance of landscape works, including but not limited to planting, park furniture, paths, lighting and payment of utilities must be undertaken by the developer for a period of 2 years plus additional time up to the next quarterly inspections for handover to Council (quarterly handover inspections conducted on 1 March, 1 June, 1 September, 1 December). The maintenance period must commence only after the issue of Practical Completion and end when the Final Completion (handover) letter is issued. Landscape maintenance works must be done to the satisfaction of the Responsible Authority. Otherwise rectification works must be undertaken by the developer and the maintenance period extended until it is to the satisfaction of the Responsible Authority.

Any maintenance works must be done on a regular basis or greater frequency as directed by the Responsible Authority.

19. As directed by and to the satisfaction of the Responsible Authority, utility meters including but not limited water meters for the purpose of irrigation, must be decommissioned and removed prior to the final inspection of landscape works. All costs associated with these works must be borne by the developer.
20. Transfer of billing from the developer name to the Responsible Authority must be done just prior to the Final Completion letter being issued. All costs associated with transferring the bills to the Responsible Authority must be borne by the developer.
21. Locks and associated keys used for landscape works must be handed over to the Responsible Authority prior to the off-maintenance letter being issued. The locks and associated keys must be to the satisfaction of the Responsible Authority and fully paid for by the developer.
22. Prior to the transfer of the Active Open Space reserve to Council, the following must be undertaken to the satisfaction of the Responsible Authority:
- a). Bulk earthworks are to be undertaken at the Active Open Space Reserve to provide a surface of no greater than a 1:100 fall.
 - b). The Active Open Space Reserve is to be fully grassed.
 - c). Vehicle exclusion fencing is to be provided around the Active Open Space Reserve.
 - d). An environmental weed management plan is to be developed for all open space reserves. The environmental weed management plan is to be implemented for a minimum of five years.
 - e). All open space is to be provided in a weed free state.
23. Prior to the issue of a Statement of Compliance for each stage of subdivision, the landscaping works shown on the approved landscape plan for the stage must be carried out and completed to the satisfaction of the Responsible Authority, or bonded (if agreed to in writing by the Responsible Authority).

If the Responsible Authority agrees to bond the outstanding works, the works must be completed by the date specified on the letter of agreement. Where it is not completed by that date, the developer shall waive any rights to obstruct Council's claim on the bond to undertake the works and bill the developer for any above costs unless an extension of time is consented to by the Responsible Authority in writing.

24. The landscaping shown on the approved landscape plans must be maintained to the satisfaction of the Responsible Authority for a period of two years from the issue of a Certificate of Practical Completion of landscaping. Any dead, diseased or damaged plants are to be replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.
25. No later than 21 days after issue of certificate of practical completion for landscaping the following must be submitted to the satisfaction of the Responsible Authority:
 - a) A complete set of 'as constructed plans' (which will be the landscape plan amended if necessary to show any changes that may have occurred during construction);
 - b) An 'as constructed landscape plan', in digital file format to the satisfaction of the responsible authority.
26. All Filling works shall be undertaken in accordance with Australian Standard AS 3798 and to the satisfaction of Responsible Authority. All works shall be done under "Level 1 inspection and testing" conditions, as per Australian Standard AS3798.
27. Prior to the issue of a Statement of Compliance for Stage 1 of the subdivision, land must be set aside for a signalised intersection at Brooklyn Road and Clarkes Road to the satisfaction of the Responsible Authority.
28. Prior to issue of Statement of Compliance for the Stage 1 of the development, Brooklyn Road and ancillaries, fronting the development must be designed and constructed to the urban standards and to match with the existing section east of Botanica Springs Boulevard to the satisfaction of Responsible Authority. The road must include a 1.5m wide concrete footpath along the site frontage.
29. Prior to issue of Statement of Compliance for the relevant stage of the development or as directed by Responsible Authority, Clarkes Road and ancillaries fronting the site and up to the extent of the stage frontage, must be designed and constructed to the satisfaction of Responsible Authority.
30. Public lighting along Clarkes Road, fronting the site and up to the extent of the stage frontage must be removed and replaced to match with the lighting provided for state internal roads.
31. All aerial services must be undergrounded with the exception of high voltage aerial services (greater than 66Kv), which must be relocated to the verge of the ultimate road reserve.
32. Prior to the issue of a statement of compliance of any stage within an existing road reserve, a bond equivalent to 150% of the cost of works must be provided to the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority. When the works have been completed and Practical Completion has been reached, a return of the bond can be requested, as required.
33. Prior to the commencement of works within an existing road reserve, a construction schedule must be submitted and approved to the satisfaction of the Responsible Authority.
34. Without the prior written consent of the Responsible Authority, all works within an existing road reserve must be constructed within the approved time period, to the satisfaction of the Responsible Authority.

For construction works that extend beyond the construction period, the Responsible Authority can require a bond, or part thereof to complete the works prior to the issue of a statement of compliance for any stage. Where the works done by the Responsible Authority is in excess of the bonded amount, the Responsible Authority can recoup these

funds at the construction rates current at the time of claim against the land owner or a future land owner.

35. Prior to any construction works commencing on existing Council roads where access to bins cannot be achieved directly outside the resident's property, the applicant/developer must, for the duration of the works, provide private and separate collection of the three types of waste (i.e. general, recycled, green) to the satisfaction of the Responsible Authority. The affected residents and Council's Waste Management Services Department must be informed of the bin collection arrangement prior to the construction works commencing.
36. Prior to the plan of subdivision being certified, a functional layout plan for the subdivision or stage of the subdivision must be submitted to and approved by the Responsible Authority. The plan must incorporate the following:
 - A traffic management strategy and traffic engineering report identifying street classification, design traffic volumes, intersection treatments and any associated SIDRA electronic files, and traffic management devices to be incorporated into the development.
 - A suitable intersection treatment adjacent to the Future Neighbourhood Activity Centre site and the ultimate intersection treatment at the intersection of Brooklyn Road and Clarkes Road.
 - An integrated water management plan detailing drainage catchments both internal and external to the development, 1% AEP flow paths and flow volumes for the entire development. This strategy must include on-site stormwater quality improvement, and any stormwater and rainwater harvesting measures.
 - A Services Infrastructure report identifying how the development will be serviced by all utility services including but not limited to water reticulation (potable and recycled), electrical, sewer, gas, telecommunications and gas.
 - A mobility plan detailing pedestrian access, bike & hike paths, public transport routes within the development and all interconnections to adjacent existing and future developments.
 - Identification by survey of all trees or groups of trees existing on the site, including dead trees and those that overhang the site from adjoining land.
 - Details of tree protection zones (TPZs) for all trees to be retained.
 - All proposed works, and services (except pedestrian paths) must be clear of all TPZs.
 - Identification of all trees to be removed from the site.
37. Road works and drainage works must be provided, in accordance with construction plans and specifications as approved by the Responsible Authority, prior to the issue of Statement of Compliance. Before any roads / drainage works associated with the subdivision start, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

The construction plans will not be approved until the functional layout plan(s) has been approved by the Responsible Authority and landscape plans submitted, the plan of subdivision has been certified and the locations of other authorities' services have been provided to the satisfaction of the Responsible Authority.

The construction plans must be drawn to scale with dimensions and one copy must be provided in the initial submission and subsequent resubmissions. For the final submission, a set of A1 sized plans, two A3 sized plans and a CD/DVD set of plans in pdf and AutoCAD format shall be provided.

The construction plans must include:

- a) All necessary computations and supporting documentation, including a Form 13 for any structure, traffic data, road safety audit and geotechnical investigation report.
- b) All details of works consistent with the approved functional layout plan, submitted landscape plan and certified plan of subdivision.
- c) Design for full construction of streets and underground drainage, including measures to control / capture pollutants and silt.
- d) Provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan.
- e) All road reserve and pavement widths to be in accordance with the current Clause 56 of the Melton Planning Scheme, relevant Precinct Structure Plan or to the satisfaction of the Responsible Authority.
- f) All intersection treatments to comply with all turning movements of Council's waste collection vehicles. Turning templates will need to be submitted for verification.
- g) Where an intersection, bend or junction is part of a designated bus route or one proposed in the Precinct Structure Plan, the design shall allow for the movement of a Design Ultra Low Floor Bus (12.5m) [Austroads Design Vehicles and Turning Path Templates, 1995 (AP34-95/HB 72-1995)].
- h) Verge widths around all bends, intersections and in court heads to be a minimum of that provided at the mid-block.
- i) Priority treatments shall be provided at intersections of Access Streets, Access Places and Access Lanes unless specified by the Responsible Authority. The priority treatment at intersections shall comprise of an open invert channel across the entrance to the minor street and a low profile splitter island, line-markings and raised reflective pavement markers (RRPMs) on the minor street.
- j) Low profile splitter islands, line-markings and raised reflective pavement markers (RRPM's) on all 90-degree bends on through roads.
- k) Vehicle crossings shall be provided to each lot in accordance with Council's Residential Standards.
- l) Provision of concrete footpaths in all streets and reserves. All footpaths shall be a minimum 1.5 metres in width and be in accordance with Council Standards.
- m) Shared hike & bike paths as required within streets and reserves. All shared paths and hike & bike paths to be a minimum 2.5m in width and be in accordance with Council Standards.
- n) Car parking layout for each auto court and extended driveway. Turning templates are to be provided to verify vehicular parking and access can be achieved.
- o) All permanent court heads to allow Council's waste collection vehicles to access and egress from the courts via a three-point turn.
- p) Provision of a temporary turning area with sufficient size in locations where the road terminates at stage boundaries to allow waste collection vehicles to complete a three-point turn.
- q) Provision of pits and conduits associated with the National Broadband Network.
- r) Provision of public lighting and underground electricity supply to all streets, footpaths, bus stops and to major pedestrian and bicycle links likely to be well used at night.

- s) The public lighting shall be designed in accordance with the current AS 1158 and Council's current Public Lighting policy. The lighting category shall be sought from Council.
- t) Access to all public properties, pathways and road crossings shall comply with the Disability Discrimination Act.
- u) A hike & bike path shall be provided along the length of the gorge and be located above the 10% AEP water levels.
- v) Provision of street name plates to the Council standard design including a schedule of individual signs and associated street numbers.
- w) The location and provision of vehicle exclusion mechanisms abutting reserves.
- x) Details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves.
- y) Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of the subdivision.
- z) Provision for the utilisation of any surplus topsoil from this stage.
- aa) Permanent survey marks.
- bb) Survey details of the canopy trunk location and size of trees to be retained and associated tree protection zones.
- cc) Details in relation to all filling on the site that must be compacted to specifications approved by the Responsible Authority.
- dd) The relocation underground of all existing aerial services, on the services layout plan.
- ee) The location of any earthworks (cut or fill) or service provision in a location outside the designated tree protection zone which does not adversely impact on the health and integrity of any trees to be retained.

Drainage

- ff) The drainage system of the proposed development shall be designed to ensure that flows downstream of the site are restricted to pre-development levels unless increased flows are approved by the Responsible Authority
- gg) Underground drainage shall be provided and any other drainage works necessary for the transmission of drainage as required to the outfall
- hh) All drainage works shall be designed to meet the following current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (1999):
 - 80% retention of the typical annual load of total suspended solids
 - 45% retention of the typical annual load of total phosphorus; and
 - 45% retention of the typical annual load of total nitrogen.
- ii) Provision of underground drains of sufficient capacity to serve all lots being created to a legal point of discharge and the provision of an inlet on each such lot.
- jj) All lots within the proposed development abutting or adjoining a watercourse or water body shall have a minimum 600mm freeboard above the 1 in 100 year flood levels of the water course or water body.
- kk) Roads and allotments are to be designed such that the allotments are protected with a minimum 150mm freeboard against the 1 in 100 year flood levels.

- ll) Melbourne Water approval shall be required for the connection of drainage discharge from this development into the current outfall.
- mm) Bridges within the development shall be proof checked by an independent engineer qualified to VicRoads – Bridge Design: Proof Engineering (PE) standards, at the cost of the applicant. Thereafter, their report, three sets of bridge plans; one in A1 sized and two in A3 sized paper; and certification of compliance letter, referencing the bridge plans, shall be submitted to Council.
- nn) Prior to the statement of compliance being issued for (specify subdivision stage name), construction of all bridges shall be completed and functional.
38. Prior to the issuance of the Statement of Compliance or at a time specified by the Responsible Authority the following must be submitted to the satisfaction of the Responsible Authority:
- a) A complete set of 'as constructed plans' of site works, in hard copy and digital file format AutoCAD. The digital files must have a naming convention to enable identification of Council assets listed.
- b) Asset information in digital format to include data as per "D-Spec" and "R-Spec".
39. Prior to the commencement of onsite works, a Construction Management Plan must be prepared and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The Construction Management Plan must include, but not limited to the following:
- a. Proposed working hours;
- b. Haulage routes to the site;
- c. Methods of dust suppression;
- d. Sediment control and gross pollutant management;
- e. Procedures to ensure that no significant adverse environmental impacts occur as a result of the development;
- f. Earthworks (Consistent with Construction Techniques for Sediment Pollution Control (EPA, 1991);
- g. Showing where stockpiling, machinery wash down, lay down, storage and personnel rest areas occur;
- h. Vehicle exclusion areas; and
- i. Weed management measures to be undertaken during and post construction.
- In addition, the construction management plan must ensure:
- All machinery brought on site to be weed and pathogen free
 - All machinery wash down, lay down and personnel rest areas to be clearly fenced and located in disturbed areas
 - Contractors working on the site to be inducted into an environmental management program for construction work
 - Best practice erosion and sediment control techniques to be used to protect any native flora and fauna.
40. Prior to the Certification of any stage and approval of engineering plans for any stage of works on an existing road, a Traffic Management Strategy must be submitted to and approved to the satisfaction of the Responsible Authority, showing the following:
- a. Works program to be provided to demonstrate when and how each portion of works will be undertaken;

- b. How traffic will be conveyed through or around the works;\Draft notification letter to stakeholders (residents, PTV, Emergency
 - c. Services including extent of letter box drop with map of proposed detour (if required);
 - d. VMS sign(s) placement including proposed message and locations (consent from the relevant road authority may be required); and
 - e. Arrangements for collection of waste bins from resident properties where access by Waste vehicles is restricted
41. Construction works must not be undertaken outside the development boundaries unless consent is given by the adjoining land owner and/or an easement is located over the works in favour of the service authority. A copy of the consent letter from the adjoining land owner must be provided to the Responsible Authority before any works commences on that land. Also any ensuing requirement for a creation of an easement must be undertaken and completed to the satisfaction of the Responsible Authority before any works commences on that land.
42. Unless there is written consent from the Responsible Authority, all existing infrastructure and assets affected by the development must be reinstated at no cost to and to the satisfaction of the Responsible Authority. Omission of existing infrastructure or assets on a plan cannot be taken as consent from the Responsible Authority.
43. At their discretion, the Responsible Authority may allow bulk earthworks to commence prior to approval of detailed engineering (road, drainage and ancillary) plans. The following requirements must be complied with to the satisfaction of the Responsible Authority for any stage of subdivision:
- a. Functional Layout Plans and Bulk Earthwork Plans must be submitted and approved by the Responsible Authority before any earthworks commence.
 - b. Bulk Earthworks must be contained to stage boundaries. No batter slope overruns shall be allowed without relevant plans.
 - c. No structures, including but not limited to retaining walls, shall be permitted with early Bulk Earthworks.
 - d. Bulk Earthworks must not commence prior to the approval of a Construction Management Plan for the works. Once approved the Construction Management Plan will form part of the endorsed set of planning documents.
 - e. A Geotechnical Report completed by a suitably qualified geotechnical engineer must be submitted to and be to the satisfaction of the Responsible Authority. Civil (road, drainage and ancillary) works shall not commence until the Report is to the satisfaction of the Responsible Authority. All Bulk Earthworks shall be done under "Level 1 inspection and testing" conditions, as per Australian Standard AS3798.
44. Any proposed vehicle crossings must have clearance from other services, public light poles, street sign poles, other street furniture, trees and any traffic management devices.
45. All vehicle pathways contained within the allotment, other than stated in this permit, must remain the property of the landowners and must not be taken over by Council for future maintenance.
46. All roads must be designed to allow all vehicles to drive in a forward direction.
47. Prior to the issue of a Statement of Compliance for the stage containing the Public Park and Recreation Zoned land along the southern boundary of the subject land, a weed management plan for this land must be submitted to the satisfaction of the Responsible Authority. The weed management plan must make provision for the continued implementation of the plan if transferred prior to the completion of management activities

being either through the provision of sufficient funds to Council to complete the implementation of the approved plan to completion or access arrangements for the land owner to complete implementation of the approved management plan at the Responsible Authority's election as outlined under Clause 3.11 of the Section 173 Agreement (Instrument No. AK805954R) dated 16 December 2013.

48. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
49. Before works start, a native vegetation protection fence must be erected around all patches of native vegetation and trees to be retained on site. This fence must be erected around the patch of native vegetation at a minimum distance of 2 metres from retained native vegetation and/or at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of tree. The fence must be constructed of star pickets/chain mesh/or similar to the satisfaction of the Responsible Authority. The fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.
50. Except with the written consent of the Responsible Authority, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a. Vehicular or pedestrian access
 - b. Trenching or soil excavation
 - c. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d. Entry and exit pits for underground services
 - e. All other actions or activities that may result in adverse impacts to retained native vegetation.
51. To offset the removal of 1.968 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (September 2013) as specified below:

A general offset of 0.528 general habitat units:

 - Located within the Port Philip and Westernport Catchment Management boundary or Melton City Council municipal district
 - With a minimum strategic biodiversity score of at least 0.716.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
52. Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
53. Before works start, an Environmental Management Plan (EMP) must be prepared and implemented to the satisfaction of the Responsible Authority. The EMP must include:
 - Contractors working on the site must be inducted into an environmental management program for construction work;
 - Any native vegetation permitted to be removed must be clearly marked on site;
 - A Vegetation Protection Plan (Condition 45);

- Proposed working hours;
 - Haulage routes to the site;
 - Methods of dust suppression;
 - Sediment control and gross pollutant management;
 - Procedures to ensure that no significant adverse environmental impacts occur as a result of the development;
 - Location of stockpiling, machinery wash down, lay down, storage and personnel rest areas and vehicle exclusion areas;
 - A Weed Management Plan, which outlines measures to manage weeds before, during and post works to the satisfaction of the Responsible Authority. The Weed Management Plan must be implemented to the satisfaction of the Responsible Authority. This plan must include (not limited to):
 - Protocols for management of weeds before, during and post works
 - All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.
 - Location of a designated washdown area to achieve the above.
 - All declared noxious weeds must be controlled.
 - All weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled.
 - All construction stockpiles and machinery must be placed away from areas supporting native vegetation to be retained and watercourses/drainage lines to the satisfaction of the Responsible Authority;
 - Measures must be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the works (including the removal of native vegetation);
 - All earthworks must be undertaken in a manner that will minimise soil erosion and adhere to Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995);
 - Water run-off must be designed to ensure that native vegetation to be protected on adjacent sites and watercourses are not compromised;
 - Non-compliance identified by the Responsible Authority must be rectified immediately at no cost to Council.
54. No environmental weeds are to be planted (refer to Melton City Council's *Gardens for Wildlife Booklet* (2018) and the Department of Environment, Land, Water and Planning's *Advisory list of Environmental Weeds in Victoria* (DELWP 2018; Arthur Rylah Institute for Environmental Research technical Series Report Number 287).
55. Prior to felling any tree which is to be removed, the tree must be examined by a suitably qualified zoologist for the presence of fauna in hollows or external nests. If native fauna species are located, they must be salvaged and translocated to the closest suitable vegetation in consultation with the Department of Environment, Land, Water and Planning.
56. If any of the trees are subsequently considered lost/removed/destroyed, then the tree(s) must be offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation September 2013*) to the satisfaction of the Responsible Authority.

57. Removal of trees, including pruning, must be undertaken by a suitably qualified arborist (Level 5) and be carried out in accordance with Australian Standard 4373 – 2007 Pruning of Amenity Trees to the satisfaction of the Responsible Authority. The use of an excavator, backhoe, bulldozer blade or loader to trim branches of trees is not permitted.
58. A suitably qualified arborist (Level 5) must be on-site during all works within the Tree Protection Zones of trees to be retained to ensure all efforts are taken to avoid impact on the root zones, to monitor root damage and carry out any amelioration to disturbed roots;
59. Public lighting must be provided within any area of public open space in accordance with the relevant Australian Standard and to the satisfaction of the Responsible Authority.
60. Any fencing abutting a Council reserve is to be provided at no cost to the Responsible Authority.
61. Reticulated water supply, drainage, sewerage facilities and underground electricity, gas and telecommunication services and fibre optic cable conduits must be provided to each lot shown on the endorsed plan.
62. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
63. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authorities in accordance with Section 8 of that Act.
64. All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.
65. The owner of the land must enter into an agreement with:
 - 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
 - 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.
66. 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 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
 - 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.

DELWP (Conditions 67 to 72)

67. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
68. The total area of native vegetation proposed to be removed totals 1.968 hectares, comprised of:
- a. 28 scattered trees
69. To offset the permitted clearing in accordance with *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (DELWP 2013), the permit holder must secure general offset of 0.490 general biodiversity equivalence units:
- a. located within the Port Phillip and Westernport Catchment Management boundary or Melton municipal area
 - b. with a minimum strategic biodiversity score of at least 0.715.
70. Before the issue of the Statement of Compliance evidence that the offset(s) required by this permit has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:
- a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
- A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
71. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
72. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land Water and Planning.

Transport for Victoria (Conditions 73 to 78)

73. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the Certification of the Plan of Subdivision, which contains a bus stop nominated in writing by the Head, Public Transport Victoria, construction engineering plans relevant to that stage of the subdivision must be submitted to the Head, Transport for Victoria. The plan must be to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and show the following:
- a. Concrete hard stand area for passengers (development side) and barrier kerb, (based upon PTV standard drawings STD_0064), STD_0065, STD_066 or STD_067 where applicable) in accordance with the 'Botanica Springs Estate Bus Stop Location Plan'.
 - b. A design compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002 (not including the construction of tactile)
 - c. Direct and safe pedestrian access to a shared/pedestrian path.

74. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the issue of a Statement of Compliance for any subdivision stage which contains a bus stop(s) nominated in writing by the Head, Transport for Victoria, concrete hard stand pads for passengers must be constructed in accordance with the endorsed plans at the full cost to the permit holder.
75. Any roundabouts constructed on roads designated a future public transport route within the subdivision, must be designed to accommodate ultra-low floor buses to the satisfaction of Transport for Victoria.
76. Intersections, slow points, splitter islands and any other local area traffic management treatments must be designed and constructed in accordance with the *Public Transport Guidelines for Land Use and Development*. The use of speed humps, raised platforms, one-way road narrowing and 'weave points' must not be constructed on any portion of a road identified as a potential bus route.
77. Cross sections for roads identified as potential bus routes must be in accordance with the approved cross sections within the 'Scenic Botanica Site Masterplan' and the *Public Transport Guidelines for Land Use and Development*. Any alteration to the approved cross sections must be referred to the Head, Transport for Victoria for approval.
78. Pursuant to Section 8 (a) (1) of the Subdivision Act 1988, only Plans of Subdivision which contain a bus stop must be referred to the Head, Transport for Victoria.

Downer (Condition 79)

79. The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the Subdivision Act 1988.

Melbourne Water (Conditions 80 to 100)

80. Prior to Certification of any stage of the estate, an appropriate Stormwater Management Strategy (inclusive of modelling) for the subdivision (in electronic format) must be submitted for Melbourne Water's review and endorsement. This strategy should align with previous advice from Melbourne Water and generally be in accordance with any relevant Precinct Structure Plan or development frameworks (if applicable), it must also demonstrate the proposed alignments of drainage infrastructure, relevant flow path directions for the 1 in 5 year ARI and 1 in 100 year flood events. The drainage strategy also must include a free draining outfall arrangement for within the subdivision and details relating to any proposed major drainage assets passing through the site. An appropriate retarding basin and stormwater quality treatment asset will required to manage this catchment. If the development it to proceed out of sequence, Melbourne Water will require additional information relating to any temporary works proposed (retardation and sediment control). All major drainage works will be at the developers cost, unless previously agreed in writing.

When a Stormwater Management Strategy is available for review and endorsement, an application can be made online:
<https://www.melbournewater.com.au/Planningandbuilding/Applications/Pages/Stormwatermanagement-strategy-review.aspx>

81. Prior to the Certification of any stage of this subdivision, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
82. Prior to Certification of any stage of this subdivision, the Plan of Subdivision must show sufficiently sized easements and/or reserves to be created over any proposed Melbourne Water asset to our satisfaction.
83. Prior to the Certification of any stage of the estate associated with works that is to be constructed in conjunction with Melbourne Water's Development Services

Scheme/Strategy; a sequencing arrangement confirming the timing of the delivery of those works is to have been agreed between Melbourne Water and the Owner.

84. Prior to Certification of any stage of this subdivision, a detailed landscape plan must be submitted to Melbourne Water for approval which includes botanical names/common names of species targeted for planting or removal. This plan must address the outcomes of any flora and fauna reports on the proposed works site and all areas potentially affected, both upstream and downstream, and must show:
 - A survey of all existing vegetation to be retained and/or removed.
 - The survey should include a weed management program, including the following information: location; method of control and timing of control.
 - Buildings and trees on neighbouring properties within three metres of the boundary.
 - Details of surface finishes located on recreational pathways, maintenance access or any other pathways near waterways.
 - A planting schedule of all proposed trees, shrubs and ground covers, including: pot sizes; quantities of each plant; planting density (plants per square metre); planting zones/locations (in plan and cross-section form in colour). Note that planting zones must match with those in the planting schedule and that local indigenous plants should only be used
 - Landscape treatments with specifications of products such as mulching, erosion control matting, and rock beaching.
85. The Developer/Owner must arrange and fully fund fencing along the common boundary with any future Melbourne Water reserve to the satisfaction of Melbourne Water.
86. Prior to the issue of a Statement of Compliance, the Owner shall 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.
87. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways. Prior to the issue of a Statement of Compliance, a council approved Site Management Plan detailing pollution and sediment control measures is to be submitted to Melbourne Water for our records.
88. Prior to the issue of a Statement of Compliance, Melbourne Water requires evidence demonstrating that appropriate interim drainage solutions (retardation and sediment control) have been implemented to mitigate the risk to downstream landowners. Council acceptance of any temporary drainage infrastructure should be forwarded to Melbourne Water; and for any works proposed around our mains, drains and waterways, a separate application must be made direct to Melbourne Water's Asset Services team.
86. Prior to the issue of a Statement of Compliance, a free draining outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s). Written acceptance from downstream landowner(s) and Council is to be forwarded to Melbourne Water for our records. Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).
87. Prior to the issue of a Statement of Compliance, a separate application direct to Melbourne Water's Asset Services team, must be made for any works around our mains, drains and waterways. Applications shall be made online via the Melbourne Water

website. Prior to the issue of a Statement of Compliance, copies of all relevant Asset Services signed practical completion forms must be submitted.

88. A separate application must be made to Melbourne Water's Asset Services Team for approval of any new shared paths or boardwalks in proximity of the creek. Detailed drawings will need to be submitted which indicate:
 - Survey plans (to AHD)
 - Overland Flow Paths
 - Flood levels/extents in relation to the paths
 - Path offset from top of waterway bank
89. Prior to the issue of a Statement of Compliance, council approved engineering plans of the subdivision (in electronic format) are to be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event. A Certified Survey Plan (CSP) may be required following our comments on the engineering plans.
90. All new lots are to be filled to a minimum of either; 300mm above the 1% Annual Exceedance Probability AEP flood level associated with an existing or proposed Melbourne Water asset or 600mm above the 1% AEP flood level associated with an existing or proposed Melbourne Water waterway, wetland or retarding basin, whichever is the greater.
91. Prior to the issue of a Statement of Compliance for 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 Melbourne Water for our records. The CSP must show the 1% AEP flood levels associated with an existing or proposed major drainage or stormwater quality assets.
92. Prior to the issue of a Statement of Compliance, Melbourne Water requires flood mapping of the major overland flow paths for the subdivision. Melbourne Water requires the submission of these plans to be submitted in one of the following electronic formats:
 - .tab (mapinfo)
 - .mif/mid (mapinfo interchange)
 - .dxf (autocad)
 - .gml (OS mastermap)
93. The section of the Design Guidelines relating to the interface of the escarpment lots with the Brookfield Creek and gorge environs must be amended to specify a maximum fence height of 1.2 metres at the escarpment interface and remove references to 1.8 metres high fencing, to the satisfaction of Melbourne Water.
94. 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'.
95. Prior to the issue of a Statement of Compliance, Melbourne Water requires a copy of the as-constructed MUSIC Model for any stormwater quality assets constructed, detailed designs for the stormwater quality works & written confirmation from the Responsible Authority accepting ownership and maintenance of the stormwater quality works.
96. Prior to the issue of a Statement of Compliance, Melbourne Water requires the submission of an appropriate agreement with Council, which confirms their ownership

and maintenance for the required on-site storm-water quality treatment assets. Melbourne Water will not be party to the ownership and maintenance of these assets.

97. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
98. Local drainage must be to the satisfaction of Council.
99. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
100. 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 Planning and Building website.
101. Operable hydrants, above or below ground must be provided to the satisfaction of the CFA.
102. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
103. Hydrants must be identified as specified in 'Identification of Street Hydrants for Fire Fighting purposes' available under publications on the Country Fire Authority website (www.cfa.vic.gov.au).
104. Construction activities must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) Transport of materials, goods or commodities to or from the land.
 - (b) Inappropriate storage of any works or construction materials.
 - (a) Hours of construction activity.
 - (b) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
 - (e) Presence of vermin.
105. This permit will expire unless:
 - All stages of the proposed subdivision have been certified within ten years of the date of this permit; or
 - Any stage of the approved subdivision is not completed within five years of the certification of the plan of subdivision under the Subdivision Act 1988.

The Responsible Authority may extend the time for certification of a plan of any stage of the subdivision if a request is made in writing before the permit expires, or thereafter, within the period allowed by Section 69 of the Planning and Environment Act 1987

Notes:

Engineering

- At their discretion, the Responsible Authority may request further testing by test holes. The cost of any additional testing shall be borne by the Developer.
- A pre-commencement meeting must be done prior to any Bulk Earthworks starting. A separate and subsequent pre-commencement meeting for civil (road, drainage and ancillary) works must be done prior to these works commencing.
- Any changes to the surface level as a result of Bulk Earthworks that impacts on subsequent engineering (road, drainage and ancillary) or landscape approval remain

the responsibility of the Developer until the latter of Practical Completion or issue of Statement of Compliance.

- The Developer of the subject land must ensure that wherever the approved engineering (road, drainage and ancillary) plans show filling exceeding 200mm compacted depth (finished level) within any lot created by the subdivision, the existence of such filling must be made known to any prospective purchaser of such lot. Information on the engineering plans relating to the filling of any lot must be referred to when completing a statement pursuant to Section 32 of the Sale of Land Act Relevant Council consents, including but not limited to a 'Consent to Work within a Road Reserve' will be required from Council prior to commencement of the subdivision.

DELWP

- Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a. Any vehicle or pedestrian access, trenching or soil excavation, and
 - b. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
 - c. Entry or exit pits for underground services, and
 - d. Any other actions or activities that may result in adverse impacts to retained native vegetation.
- Before any works on public land start, a permit to take protected flora under the *Flora and Fauna Guarantee (FFG) Act 1988* may be required. To obtain an FFG permit or further information, please contact a Natural Environment Program officer at the Heidelberg (Port Phillip) regional office of the Department of Environment, Land, Water and Planning.

Transport for Victoria

- TFV request only the referral of the relevant stages of the subdivision which contain, or abut, a portion of road nominated a bus route or bus stops.

Environmental Services

- The applicant should note that Melton City Council does not enter into section 173 agreements under the *Planning and Environment Act 1987* with landholders to secure offset sites. The offset site must be secured through an agreement with Trust for Nature or the Department of Environment, Land, Water and Planning (DELWP).

General

- Prior to the issuing of Statement of Compliance for each stage, the following fees must be paid to the Responsible Authority:
 - Plan Checking fee equating to 0.75% of the value of works.
 - Supervision fee equating to 2.5% of the value of works.
 - Lighting fee in accordance with Council current lighting policy.