
PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1987

Permit No.: WH/2012/872

Planning Scheme: Whitehorse

Responsible Authority: Whitehorse

ADDRESS OF THE LAND:

15-31 Hay Street, Box Hill South

THE PERMIT ALLOWS:

Development of the land for two or more dwellings, development and use land for a retirement village, and use of land for a food and drink premises (café), shop and associated buildings and works on land subject to inundation.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the use and development starts, or any trees or vegetation are removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Redesign of the timber bridge between Building C and D to be a pedestrian bridge that meets accessibility standards and can accommodate motorised scooters.
 - b) Building A setback sufficiently from the northern boundary to provide for landscaping, including canopy trees where appropriate.
 - c) Details of the timber bridge including proposed width, ramp grades, footpath and connection to the internal road network.
 - d) Annotate setback of the timber bridge from retirement houses 37 and 38.
 - e) Elevations and longitudinal cross sections of the timber bridge with gradients.
 - f) Details of parapet and surface materials for the timber bridge, including specifications on surface grip.
 - g) Development plans to reflect the requirements of the Waste Management Plan to be annotated on the plans and changes made in accordance with requirements of Council's Waste Engineers.
 - h) Modification plans to demonstrate the following waste vehicle maneuverability:
 - i) Swept path diagrams to show movements by an 8.8 metre long service vehicle in areas identified on the proposed internal route.
 - j) Truck route on Drawing AT02-01P2 showing servicing Building A via the northernmost access road that runs parallel to the northern property boundary

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- k) Truck route on Drawing AT02-02P2 showing service vehicle movements in the vicinity of House 5, Townhouse 6 and Townhouse 11.
- l) No reversing of truck on Drawing AT02-02P2.
- m) Annotate no pedestrian access or vehicular access to Wembley Park from the site.
- n) Provision of screening measures in accordance with Standard B23 of Res Code where required.
- o) Further activation between Building A and B through design, use and/or landscaping treatment.
- p) Extend road treatment further south to Townhouse 26.
- q) Investigate feasibility of retaining the following high retention value trees: Trees 8, 20, 21, 26 and 27 and medium retention value trees: Trees 1, 6, 9, 10, 11, 16, 17, 18, 22, 23, 28, 29, 32, 33 and 34. Accompanying arborist report with construction impact assessment to demonstrate their retention and/or necessary removal.
- r) Provision of a 1.5m wide accessway for the westernmost resident bicycle space in the basement of Building D (closest to car space D29).
- s) Pedestrian sight triangles in accordance with the requirements of Clause 52.06-08 should be provided on each side of the accesses to Hay Street.
- t) Any car spaces proposed in a tandem arrangement must be allocated to a three bedroom apartment due to the dependent nature of these spaces.
- u) The proposed grade of the ramped section at the entry to the Building C ground level car park should be clearly indicated on the plans.
- v) Demonstrate a continuous pedestrian footpath connecting the retirement village dwellings and the proposed electric scooter parking location.
- w) Align the zebra crossing linemarking shown over the road pavement at the southern end of the retirement village access road with the pedestrian path on the east side.
- x) The proposed internal traffic route for 8.8m long service vehicles needs to be clarified.
- y) Notation listing all tree protection measures required by Condition 7 of this planning permit, with all nominated trees clearly identified and numbered on both site and landscape plan.
- z) Development plans to reflect all sustainability features indicated in the ESD Report (Condition 34). Where features cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc) and in accordance with the amended ESD report required under Condition 34.
- aa) An amended Landscape Plan showing the following:
 - i. Detailed landscape design for Hay Street interface and integration with surrounding streetscape.
 - ii. Landscaping along the northern boundary adjacent to Building A.
 - iii. Investigate the following options
 - An urban plaza/pocket park to service the townhouses west of Building B and C.
 - A community kitchen garden with associated infrastructure.
 - Green roof for the apartments.

All of the above must be to the satisfaction of the Responsible Authority.

Once approved these plans become the endorsed plans of the permit.

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2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. The ancillary uses within the retirement village may only be used by residents and guests.

Section 173 Agreement

4. Prior to commencing any buildings and works, the Owner must at its cost enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 in a form to the satisfaction of the Responsible Authority requiring the Owner to acknowledge and confirm the following:
 - a. The use of all retirement village apartments within the development shown on the endorsed plans, shall be occupied only by retirees as defined by the Australian Tax Office or persons who are the de facto partner or a spouse of a person defined as a retiree without the written further approval of the Responsible Authority. All retirement village apartments shall not be leased or otherwise occupied for any other form of occupation.
 - b. The subdivision of the land for sale of the independent living units is prohibited.

The agreement must be registered on the title to the land.

Landscaping

5. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show -
 - * A survey of all existing vegetation, abutting street trees, natural features and vegetation.
 - * Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.
 - * Planting within and around the perimeter of the site comprising trees and shrubs capable of:
 - providing a complete garden scheme,
 - softening the building bulk,
 - providing some upper canopy for landscape perspective.
 - * A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.
 - * The proposed design features such as paths, paving, lawn and mulch.
 - * A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.

Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.

Once approved these plans become the endorsed plans of this permit.

6. Landscaping in accordance with an approved Landscape Plan must be completed before the buildings are occupied. The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible

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Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.

7. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around the trees on the site in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:
- a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.
 - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
 - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.
8. The existing street trees must not be removed or damaged, without the prior written consent of Council.

Assets/Drainage

9. The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
10. Discharge of stormwater from the land will be required by means of an underground pipe drainage system designed on the basis of a 10 year average storm recurrence interval and discharging into an approved outlet in a street or an underground pipe drain to the requirements of the Responsible Authority. In this regard no water shall be discharged from any pipe or paved area onto the surface of any adjacent land.
11. All stormwater drains shall be connected to a legal point of discharge as determined by Council's Drainage Management Engineer.

Prior to the commencement of any works on the subject land a site development layout plan together with detailed design plans and specifications for outfall drainage external to the site shall be submitted

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for approval by the Responsible Authority. All outfall drainage works must be completed to the satisfaction of the Responsible Authority prior to the occupation of buildings.

12. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority prior to the occupation of the buildings hereby permitted.

Melbourne Water Conditions

13. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
14. Prior to the development plans being endorsed and the commencement of works, a detailed Drainage and Stormwater Management Strategy must be submitted to Melbourne Water for approval. This strategy must provide details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 100- year ARI storm event and demonstrates how stormwater runoff from the development will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy must also include, but not be limited to, the following:
- a. Details of any cut/fill volumes and locations;
 - b. Demonstration that the development will not increase flood levels and/or velocities;
 - c. Demonstration that the development will not impact upon flood storage;
 - d. Building envelopes with finished floor levels specified;
 - e. Details of any internal drainage paths.
15. Prior to the development plans being endorsed and the commencement of works, a detailed landscape plan to scale must be submitted to Melbourne Water for approval. The plan must show:
- a. Top of bank and provision of a visual and physical buffer from the waterway;
 - b. Existing vegetation to be retained and/or removed;
 - c. Details of surface finishes of pathways and/or boardwalks;
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including:
 - i. botanical names; common names; pot sizes; life-form; quantities of each plant;
 - ii. planting density (plants per square metre) planting zones/locations (in plan and crosssection form in colour).
 - e. A weed management plan, which must include the following information: botanical name of species targeted; location or percentage cover; method of control and timing of control.
 - f. Landscape treatment with specification of products such as mulching and erosion control matting, if required.
 - g. Note that planting zones must match with those in the planting schedule and that local indigenous plants should only be used. Weed control information should also be presented in tabular format.
16. The dwellings must be constructed with finished floor levels a minimum of 600mm above the applicable grading flood level.
17. The garages must be constructed with finished surface levels a minimum of 300mm above the applicable grading flood level.
18. The entry / exit driveway of the basement car park must incorporate a flood proof apex of a minimum of 600mm above the applicable grading flood level.

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19. All doors, windows, vents and openings to the basement car park must be a minimum of 600mm above the applicable grading flood level.
20. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
21. Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level. (A) Depth of flow does not exceed 0.35m; (B) Velocity of flow does not exceed 1.5m/s; (C) The Depth Velocity product does not exceed 0.35 m²/s.
22. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval. The SEMP must show the location and nature of environmental values identified through site environmental assessments, and includes details of measures to protect or mitigate risk to those values. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:
 - a. Silt fencing;
 - b. Access tracks;
 - c. Spoil stockpiling;
 - d. Trenching locations;
 - e. Machinery/ Plant locations; and
 - f. Exclusion fencing around native vegetation/ habitat.
23. 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'.
24. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses.
25. Any works or development (including vegetation removal) within the waterway corridor requires separate approval from Melbourne Water.
26. Prior to a building permit being issued, a separate buildover application must be made directly to Melbourne Water's for approval of works/structures over or near Melbourne Water's sewer main. Design plans must be submitted to include the following where applicable:
 - a. Footings;
 - b. Piling;
 - c. Filling;
 - d. Exact location of the sewer;
 - e. Excavation or placing of structures within 5 metres either side of the outside edge of the Melbourne Water sewer.
27. No additional loading is to be placed directly on Melbourne Water's sewer.

VicRoads Conditions

28. An audit map showing the community facilities the residents of the development will use, and how and what modes of transport that the residents are expected to use to access those facilities. This

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information was required for VicRoads to make an informed decision on whether any new pedestrian facilities are required on Canterbury Road.

29. A revised Transport Impact Assessment Report taking into consideration the traffic generated by the recently approved development at 988 Canterbury Road, Box Hill South.
30. Further traffic analysis including the following:
 - i. A review on the crash history along Canterbury Road between Kitchener Street and Hay Street is required, to identify whether there are existing operational issues involving right turn movements to and from Canterbury Road.
 - ii. The traffic analysis must identify what road upgrade works are required to mitigate the development impact on the operation of Canterbury Road.
 - iii. The traffic analysis must provide a balanced assessment of all potential mitigating road upgrade works against their impact on operation and safety of Canterbury Road.
 - iv. One of the potential road upgrade works must include the signalisation of Canterbury/Hay/Bedford intersection.

Cultural Heritage Management Plan

31. Prior to the activity commencing, durable temporary fencing must be erected five metres from the boundary of the Aboriginal archaeological site Gardiners Creek AS1 (7922-1252 [VAHR]) and IA1 (7922-1251 [VAHR]), as detailed in the Cultural Heritage Management Plan, so that no people, vehicles or machinery can impact the site during construction. This fencing must be removed upon completion of construction works.

Environmental Audit

32. Prior to the commencement of any buildings and works on the subject land (excluding works necessarily forming part of the environmental audit process), the permit holder must provide:
 - (a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
 - (b) An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Except for works necessarily forming part of the environmental audit process, all the conditions of the Statement of Environmental Audit must be to the satisfaction of the Responsible Authority, prior to the commencement of buildings and works.

Waste Management Plan

33. Prior to the commencement of building and works, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and then form part of this permit. It is noted that the collection of waste will be undertaken by a private contractor.
34. The approved Waste Management Plan must be implemented by the owners/occupiers of the site to the satisfaction of the Responsible Authority unless with the further written consent of the Responsible Authority.

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Environmentally Sustainable Development

35. Prior to the commencement of any buildings or works, an ESD Management Plan detailing Sustainable Design initiatives to be incorporated into the development must be submitted to and approved by the Responsible Authority. The ESD Management Plan must outline and quantify the proposed sustainable design initiatives to be incorporated throughout the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection, to the satisfaction of the Responsible Authority.

Acoustic

36. Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development is designed and constructed to ensure that noise measured in the proposed dwellings does not exceed the levels set out under the Australian Standard. Noise attenuation measures may be in the form of acoustic glass, as detailed in the ESD Management Plan.

Construction Management

37. Prior to the commencement of any development, a Construction Management Plan must be prepared and submitted to Council for approval. This Construction Management Plan must be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:
- a) Hours and days of construction;
 - b) Site contamination and disposal of contaminated matter;
 - c) Containment of dust, dirt, mud and litter within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site;
 - d) On-site facilities for vehicle washing;
 - e) Parking facilities for construction workers;
 - f) Delivery and unloading points and expected frequency;
 - g) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - h) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - i) A waste minimisation and recycling strategy;
 - j) Soil erosion control measures;
 - k) No access for construction across Council land.
 - l) Traffic Management Plan for the site and the surrounding road network to address the following:
 - Proposed parking and standing locations for construction vehicles and construction workers vehicles (including any proposed off site car parking);
 - Vehicle movements (including routes for construction vehicles), queuing, appropriate informational and directional signs;
 - Pedestrian Management;
 - Road and footpath closure details.

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- m) Identify and minimise the environmental risks associated with the various stages of clearing and construction. The plan should include measures to protect Gardiners Creek from sediment laden runoff, contaminated stormwater and spills of fuel or chemicals (Refer EPA publication 480 Environmental Guidelines for Major Construction Sites).

When approved, the Construction Management Plan will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority.

Equipment on roof

38. No equipment, services and architectural features other than those shown on the endorsed plan is permitted above the roof level of the buildings unless otherwise agreed to in writing by the Responsible Authority.
39. The plant and equipment proposed on the roof of the buildings must be screened in a manner to compliment the appearance of the building to the satisfaction of the Responsible Authority.

Food and Drink Premises

40. The use permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
41. The amenity of the area shall not be detrimentally affected by the use or development, through:
- a) Transportation of materials, goods or commodities to or from the land,
 - b) Appearance of any building, works or materials,
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil,
 - d) Presence of vermin
 - e) In any other way.
42. The site shall be so ordered and maintained so it will not prejudicially affect the amenity of the locality by reason of appearance.
43. All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.
44. The food and drink premises may operate only between the hours of 6am and 11pm daily except with the further written consent of the Responsible Authority.
45. The development and use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.
46. The premises shall be provided with a filter system to eliminate cooking odours, fumes and smoke to the satisfaction of the Responsible Authority.
47. The use approved shall comply with the requirements of the Health Act, the Food Act and Council Policy for Food Establishments to the satisfaction of the Environmental Health Officer.

Expiry

48. This permit will expire if one of the following circumstances applies:

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- a) The development is not commenced within two (2) years from the date of issue of this permit;
- b) The development is not completed within four (4) years from the date of this permit.
- c) This permit will expire if the use is not commenced within two (2) years from the completion of development.

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.

Permit Notes

Construction Management

Prior to any building and works on the subject land, approvals will be required from Council departments in relation to:

- Transport (Ph 9262 6177) – construction vehicles access routes, type of vehicles, peak delivery times, frequency and dates, any proposed partial/full road/footpath closures, nb. additional approvals may also be required from Department of Transport and VicRoads, closure of vehicle accessways (including Right of Ways), annexing /leasing of car spaces associated with construction workers street parking permits for construction worker vehicles, pedestrian management (during construction and after hours).
- Asset Management (Ph 9262 6177) – Asset Protection permits and bonds, consent to undertake works in the road reserve (including new/temporary crossovers), temporary drainage discharge pipes, works protection notices and bonds.
- Community Laws (Ph 9262 6394) – street parking permits for construction workers vehicles, leasing of car spaces, soiling and cleaning of roadways, hours of operation, emissions of noise, smoke vapours etc (also relevant to Environment Protection Authority and health Act legislation) storage of rubbish skips, building materials etc off site, cutting of grass re vermin and fire safety, Code of Practice for behaviour of contractors, tradespersons regarding dogs, radios, rubbish and public relations with local residents.
- Building (Ph 9262 6421) – hoarding permits for site fencing/barriers, lighting, location of site offices, material storage, spoil stock-piling, asset protection permits and bonds, review of Occupational health and Safety approvals.
- Parks, Planning and Recreation (9262 6389) – access over and storage of materials in public open space.
- Parkside (Ph 9262 6222) – protection/removal of street trees, new street tree planting.

Please ensure the landowner, permit applicant, project manager and/or site supervisor is aware of the above requirements. Please also note that relevant approval application forms are available on the Council web site.

Assets

The vehicle crossing must be reconstructed to comply with Council requirements and Local Laws.

Signage

No signage is approved under this permit.

Drainage

TBC

Melbourne Water

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The flood line for the property grades uniformly from 68.6 metres to Australian Height Datum (AHD) at the north eastern boundary down to 67.6 metres to AHD at the south eastern boundary. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference 199881.

Flood Level Information - Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to flooding from Gardiners Creek. For a storm event with a 1% chance of occurrence in any one year, the flood line for the property grades uniformly from 68.6 metres to Australian Height Datum (AHD) at the north eastern boundary down to 67.6 metres to AHD at the south eastern boundary.

Freeboard - Freeboard is the difference between the floor level of a building and the 100-year flood level. Freeboard requirements are designed to ensure that valuable buildings, their contents and the people in them are safely above the 100-year flood level. The plans submitted with the application indicate Melbourne Water's minimum floor level requirements have been complied with.

Waterway Amenity - It is important to ensure that any new development minimises its intrusion on the waterway corridor, as well as illustrates how landscaping can reinforce the natural character of the waterway and that development can be designed to optimise the benefits of its location. The visual impact of buildings can be made worse if bright colours and reflective surfaces are used. It is important that when development will inevitably be visible from the waterway, it does not dominate but rather it is landscaped so that planting becomes the dominant visual component and development is relatively unobtrusive.

Asset Protection - The property contains a Melbourne Water underground sewer. For operational reasons Melbourne Water can not relocate this asset. It is the developer's responsibility to avoid the inappropriate siting of a new / modified land use or development that would adversely impact upon the underground sewer. Such impacts may arise from the construction of below ground floor levels or construction activity that involves pile driving/ground anchors.

Parkswide

No street trees are to be removed without the prior written consent from Council's Parkswide Department.

(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment	Brief description of amendment

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

WHEN DOES THE PERMIT BEGIN?

The 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 a 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 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years 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 APPEALS?

- * Any person affected may apply for a review of -
 - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or.
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or.
 - the failure of the responsible authority to extend the time within one month after the request for extension is made.
 - * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
 - * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
 - * An application for review must state the grounds upon which it is based.
 - * An application for review must also be served on the Responsible Authority.
 - * Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.
-