



Department of Planning and Community Development

Ref. 10/006022-01

Mr Brad Evans
Manager, Planning
Kew Development Corporation
32 Pine Court
KEW VIC 3101

10 MAY 2010

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1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne Victoria 3001
Australia
Telephone: (03) 9208 3333
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Dear Mr Evans

**PLANNING PERMIT APPLICATION 2010006022
BOROONDARA PLANNING SCHEME
STAGE 3A - SUBDIVISION OF LAND (12 ALLOTMENTS)
115 PRINCESS STREET, KEW**

I refer to the application submitted for approval on 1 March 2010.

The application has been assessed by the Department, taking into consideration the comments from Boroondara City Council and it is determined that the proposal should be supported.

Please find attached an issued planning permit and endorsed plans which form part of the permit. Please ensure that they are placed on the permit file. I also draw your attention to all permit conditions and ask that you ensure compliance with all requirements.

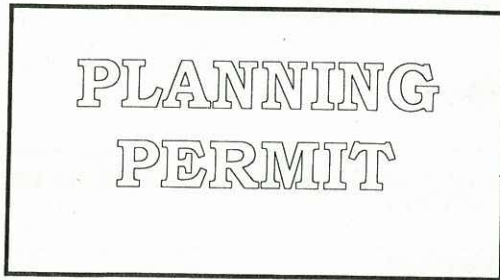
If you have any further inquiries regarding this matter, please contact Lorenz Pereira from this office on telephone 9637 9019.

Yours sincerely

DAVID HODGE
Executive Director
Planning Services & Development Facilitation

Cc: Ms Fiona Beard, Boroondara City Council

Encl.



Permit No.: 2010006022

Planning Scheme: Boroondara

Responsible Authority: Minister for Planning

ADDRESS OF THE LAND:

115 Princess Street (Kew Residential Services site),
Kew (The land is more particularly described in Lot
C on Plan of Subdivision PS603974U.)

THE PERMIT ALLOWS:

The subdivision of land in accordance with the
endorsed plans/documents.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

Layout Not Altered

1. Layout Not Altered

The subdivision and removal of vegetation as shown on the endorsed plans/document must not be altered without the written consent of the responsible authority:

Requirements Prior to Certification of Plan of Subdivision

2. Building Envelope Plan

Before a plan of subdivision is certified under the Subdivision Act 1988, a building envelope plan showing a building envelope for each relevant lot, to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The building envelopes endorsed as a result of the permit are approved building envelopes for the purposes of applying Part 4 of the Building Regulations 2006.

Unless the plan of the subdivision certified by the responsible authority under the Subdivision Act 1988 includes a restriction that buildings conform with the building envelopes, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to the effect that buildings must conform with the building envelopes, and such agreements must be lodged for registration on the title before a statement of compliance is issued under the Subdivision Act 1988.

The restriction or agreement must provide for:

- a. buildings to be constructed only in conformity with a building envelope;
- b. a building envelope to be amended to the satisfaction of the responsible authority and any criteria or matters that must be considered by the responsible authority in deciding on an amendment to a building envelope;
- c. a building envelope to cease to have effect on the relevant lot ten years after an occupancy permit under the Building Act 1993 is issued for the whole of the dwelling on the lot containing the envelope;
- d. the endorsement by Walker Corporation Pty Ltd of all building plans as a pre-requisite to a building permit for a lot specified as requiring such endorsement;
- e. the requirement for endorsement of building plans by Walker Corporation Pty Ltd to cease to have effect on a lot one year after an occupancy permit under the Building Act 1993 is issued for the whole of the dwelling on that lot.

3. Certification Plan

Before a plan of subdivision is certified under the Subdivision Act 1988, fourteen copies of the plan, including two signed heavyweight copies to the satisfaction of Boroondara City Council, must be submitted to and approved by Boroondara City Council. The plan must show all bearings, distances, street names, lot numbers and any necessary easements.

Requirements Prior to Approval of Construction (Engineering) Plans

4. Heritage Permits

Before any works associated with the subdivision start, including works required by other authorities, all heritage permits for the land must be issued by the relevant authorities.

5. Consultation with Boroondara City Council

Before construction (engineering) plans are approved, the responsible authority must consult the Boroondara City Council Engineering Department regarding the designs for roads / drainage works and the details of maintenance requirements.

Requirements Prior to Works Starting

6. Construction (Engineering) Plans

Before any drainage works associated with the subdivision start, detailed construction (engineering) plans for the subdivision or stage of subdivision, to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. The plans will not be approved until relevant plan of subdivision has been lodged for certification with Boroondara City Council and the locations of other authorities' services have been provided to the satisfaction of 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 include:

- a. consistency with the relevant endorsed landscape plan and the relevant lodged plan of subdivision;
- b. design for full underground drainage, including measures to control / capture pollutants and silt;
- c. provision for all services and conduits underground, including alignments and offsets on a separate services layout plan;
- d. provision of street name plates to the Boroondara City Council standard design, including a schedule of individual signs and associated street numbers;
- e. provision of underground easement drains to sufficient capacity to serve all lots being created to a legal point of discharge and the provision of an inlet on each such lot;
- f. provision of vehicle exclusion mechanisms abutting reserves as required;
- g. provision for the sustainable utilisation of top soil within public open space areas and other Boroondara City Council approved locations;
- h. permanent survey marks.

7. Site Specific Management Plan

Before any works associated with the subdivision start, including works required by other authorities, a site specific management plan for the subdivision or stage of subdivision, to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must include relevant matters of occupational health and safety and traffic management.

The developer must keep the responsible authority informed in writing of any changes to the plan. If, in the opinion of the responsible authority, the changes represent a significant departure from the endorsed plan, an amended plan must be prepared to the satisfaction of the responsible authority.

8. Arboricultural Management Plan

Before any demolition, buildings or works start on a lot, open space and / or road reserve, an arboricultural management plan for the subdivision or stage of subdivision, to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. Three copies must be provided. When approved, the plan will be endorsed and will then form part of the permit.

9. Tree Protection Temporary Fencing

Before any demolition, buildings or works start on a lot, open space and / or road reserve, each tree on that lot, open space and / or road reserve must be fenced with temporary fencing in accordance with the endorsed arboricultural management plan to the satisfaction of the responsible authority.

No buildings or works, including loading and unloading, storage of materials, dumping of waste, vehicle access and parking or any other construction activity, are to occur within the tree protection temporary fencing except in accordance with the endorsed arboricultural management plan or with the written consent of, and to the satisfaction of, the responsible authority.

The tree protection temporary fencing must be maintained until works are completed (including the construction of a dwelling if the land is a lot) to the satisfaction of the responsible authority, or by such earlier date approved by the responsible authority.

10. Detailed Landscape Plans

Before any landscape works associated with the subdivision start, detailed landscape plans for the streetscape and reserve between lots 131 and 132 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 include:

- a. the eradication of weeds;
- b. all proposed street tree planting using advanced trees;
- c. the supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and seeding of proposed grass areas, including any proposed grass areas to be hydro-seeded;
- d. provision of vehicle exclusion mechanisms abutting reserves as required (if not included in the submitted construction (engineering) plans);
- e. all proposed open space and streetscape embellishments such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies.

11. Consultation with Boroondara City Council

A minimum of seven days before street tree planting and landscaping for the subdivision or stage of subdivision start, the developer must notify the Boroondara City Council Parks and Gardens Department of the start date so that surveillance of the works can be carried out by Boroondara City Council.

Requirements Prior to Issue of Statement of Compliance

12. Completion of Civil Works

Prior to the issue of a statement of compliance being issued for the subdivision, the drainage works shown on the endorsed construction (engineering) plans must be provided to the satisfaction of the responsible authority.

Before a statement of compliance is issued, or by such later date as approved by the responsible authority in writing, the developer may seek, to the satisfaction of the responsible authority, the issue of a statement of compliance but with deferment of completion of specified civil construction works shown on the endorsed construction (engineering) plans provided the following requirements have been met:

- a. all relevant referral authorities have consented to the issue of a statement of compliance;
- b. an amount equivalent to the agreed estimated cost of outstanding civil construction works is provided to the responsible authority as security deposit;
- c. a works program is provided setting out the proposed timing of all outstanding construction works;
- d. a site safety plan is provided, which ensures continuous public safety measures are maintained until completion of the deferred works.

Upon completion of the deferred civil construction works, the developer must notify the responsible authority to enable an inspection. If the works have been completed to its satisfaction, the responsible authority must refund fully the security deposit.

13. Completion of Landscape Works

Before a statement of compliance is issued for the subdivision, the landscape works shown on the endorsed detailed landscape plans must be provided to the satisfaction of the responsible authority.

Before a statement of compliance is issued for any stage of subdivision, or by such later date as approved by the responsible authority in writing, the developer may seek, to the satisfaction of the responsible authority, the issue of a statement of compliance but with deferment of completion of all or part of the landscape works shown on the endorsed detailed landscape plans provided the following requirements have been met:

- a. an amount equivalent to the agreed estimated cost of outstanding landscape works is provided to the responsible authority as security deposit;
- b. a works program is provided setting out the proposed timing of all outstanding landscape works;

Upon completion of the deferred landscape works, the developer must notify the responsible authority to enable an inspection. If the works have been completed to its satisfaction, the responsible authority must refund fully the security deposit.

Requirements Prior to Issue of Occupancy Permit

14. Fences Adjoining Reserves

Before an occupancy permit under the Building Act 1993 is issued for the whole of the dwelling on a lot that adjoins a reserve, all boundary fencing adjoining the reserve, other than a road reserve, on that lot is to be erected by the developer (or owner) at no cost to Boroondara City Council.

Requirements after Issue of Certificate of Practical Completion of Landscaping

15. Landscape Maintenance

The landscaping (except for grass in the nature strips of streets) as shown on the endorsed detailed landscape plans must be maintained to the satisfaction of the responsible authority for a period of two full summers from the issue of a certificate of practical completion of landscaping, including that any dead, diseased or damaged plants are to be replaced.

Upon the completion of the maintenance of the street tree planting and landscape works (for a period of two full summers from the issue of a certificate of practical completion of landscaping), the developer must notify the responsible authority to arrange for an inspection to be undertaken.

General Requirements

16. Consultation with Boroondara City Council

Stormwater drainage and ancillary works that are required as a condition of a Melbourne Water Drainage Scheme and are designated to become the responsibility of Boroondara City Council for maintenance, must be designed and constructed to the satisfaction of the responsible authority after consultation with the Boroondara City Council Engineering Department.

Requirements of Referral Authorities

17. Multinet Gas

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

18. Yarra Valley Water

The owner of the land must enter into an agreement with Yarra Valley Water for the provision of water supply.

19. Expiry Date

This permit will expire if the subdivision and removal of vegetation hereby permitted is either not commenced within two years of the date of this permit or not completed within five years of the date of issue. An extension of time may be sought in writing up to three months after the expiry of the permit.

End of conditions

NOTE:

No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Waters drains or watercourses.

Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

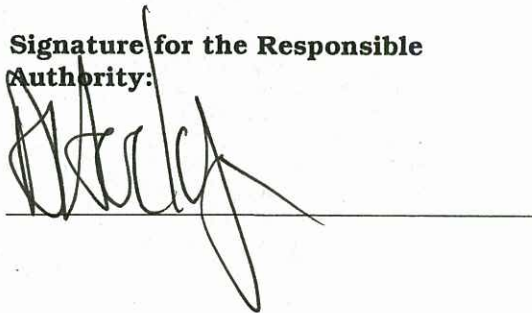
This permit is issued pursuant to the provisions of the Boroondara Planning Scheme and does not relieve the permit holder of the necessity to obtain a Heritage Permit or consent pursuant to the *Heritage Act 1995* prior to commencement of any construction or works on any part of the site.

10 MAY 2010

Date Issued:

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

**Signature for the Responsible
Authority:**

A handwritten signature in black ink, appearing to be 'M. Kelly', is written over a horizontal line. The signature is stylized and cursive.

PLAN OF SUBDIVISION	STAGE No.	LRS USE ONLY	PLAN NUMBER PS 630760 M
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LOCATION OF LAND PARISH: BOROONDARA TOWNSHIP: - SECTION: - CROWN ALLOTMENT: - CROWN PORTION: - TITLE REFERENCES: VOL. 11062 FOL. 158 LAST PLAN REFERENCE/S: PS 603974 U (LOT C) POSTAL ADDRESS: PRINCESS STREET (At time of subdivision) KEW 3101 MGA Co-ordinates (of approx centre of land in plan) E 326 243 N 5 814 999 ZONE: 55	COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: REF: 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6. / / 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage Council Delegate Council Seal Date / / Re-certified under Section 11(7) of the Subdivision Act 1988. Council Delegate Council Seal Date / /
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VESTING OF ROADS AND/OR RESERVES IDENTIFIER BOROONDARA COUNCIL BODY/PERSON NIL NIL ENDORSED PLAN	NOTATIONS STAGING This is not a staged subdivision. Planning permit No. _____
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Sheet..... of..... Signed..... MINISTER FOR PLANNING Date..... 10 MAY 2010	A DEPTH LIMITATION OF 15 METRES APPLIES TO ALL OF THE LAND. THE DEFINED ENDS OF EASEMENTS ARE PERPENDICULAR TO THE ADJOINING BOUNDARY UNLESS OTHERWISE SHOWN. LOTS 1 TO 124 AND LOTS A TO C (ALL INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN.
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KEW STAGE 3A 12 LOTS 5531m² & BALANCE LOT D	THIS PLAN IS BASED ON SURVEY IN OP 122453 THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARK No. 79 & 80 IN PROCLAIMED SURVEY AREA No. ____
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EASEMENT INFORMATION					LRS USE ONLY STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT RECEIVED <input type="checkbox"/> DATE: / / LRS USE ONLY PLAN REGISTERED TIME DATE / / Assistant Registrar of Titles SHEET 1 OF 5 SHEETS
LEGEND A- Appurtenant Easement E- Encumbering Easement R- Encumbering Easement(Road)					
SECT.12(2) SUBDIVISION ACT 1988 APPLIES TO ALL OF THE LOTS IN THIS PLAN EXCEPT LOT D					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favor Of	
E-1	DRAINAGE	SEE PLAN	PS 544837 G	BOROONDARA CITY COUNCIL	
E-1	SEWERAGE	SEE PLAN	PS 544837 G	YARRA VALLEY WATER LTD.	
E-2	DRAINAGE	SEE PLAN	PS 603974 U	BOROONDARA CITY COUNCIL	
E-2	SEWERAGE	SEE PLAN	PS 603974 U	YARRA VALLEY WATER LTD.	
E-3, E-4	DRAINAGE	SEE PLAN	THIS PLAN	BOROONDARA CITY COUNCIL	
	SEWERAGE			YARRA VALLEY WATER LTD.	
	TELEPHONE & TELECOMMUNICATIONS SUPPLY AND DISTRIBUTION OF GAS			LAND IN THIS PLAN	
	POWER LINE			VIC GAS DISTRIBUTION PTY. LTD.	
E-3	WAY	SEE PLAN	THIS PLAN	LOT 130	
E-4	WAY	SEE PLAN	THIS PLAN	LOT 131	

 TGM GROUP Pty Ltd Melbourne 765 Glenferrie Road Hawthorn, VIC 3122 Ph: (03) 8862 9333 Web: tgmgroup.com A.B.N. 11 125 568 461	 <small>BSI Quality ISO 9001 GB45 AS/NZS 4801 Endorsment AS/NZS 14001</small>	LICENSED SURVEYOR (PRINT) BRENT KEVIN O'GRADY SIGNATURE DATE / / REF 3330-31 VERSION 3 DWG: KEW\STAGE 3\STAGE 3A\3330-31 24/02/10	DATE / / COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3
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PLAN OF SUBDIVISION

STAGE No.

PLAN NUMBER

PS 630760 M

M.G.A 94
ZONE 55

SEE SHEET 2

D

132

SEE SHEET 4

384m²

131

390m²

130

129

420m²

128

450m²

127

780m²

126

455m²

125

AVENUE

PARK

PLANNING and ENVIRONMENT ACT 1987
BOROONDARA PLANNING SCHEME

PERMIT No. 2010006022

ENDORSED PLAN

Sheet 3 of 5

Signed: [Signature] for
MINISTER FOR PLANNING

Date: 10 MAY 2010

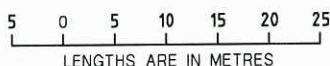


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A.B.N. 11 125 568 461



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OHAS AS/NZS 4801
Environment AS/NZS 14001

SCALE



ORIGINAL
SCALE SHEET
SIZE
1:500 A3

LICENSED SURVEYOR (PRINT) BRENT KEVIN O'GRADY

SIGNATURE DATE / /

REF 3330-31 VERSION 3

DWG: KEW\STAGE 3\STAGE 3A\3330-313

24/02/10 PS03V

SHEET 3

DATE / /

COUNCIL DELEGATE SIGNATURE

PLAN OF SUBDIVISION

STAGE No.

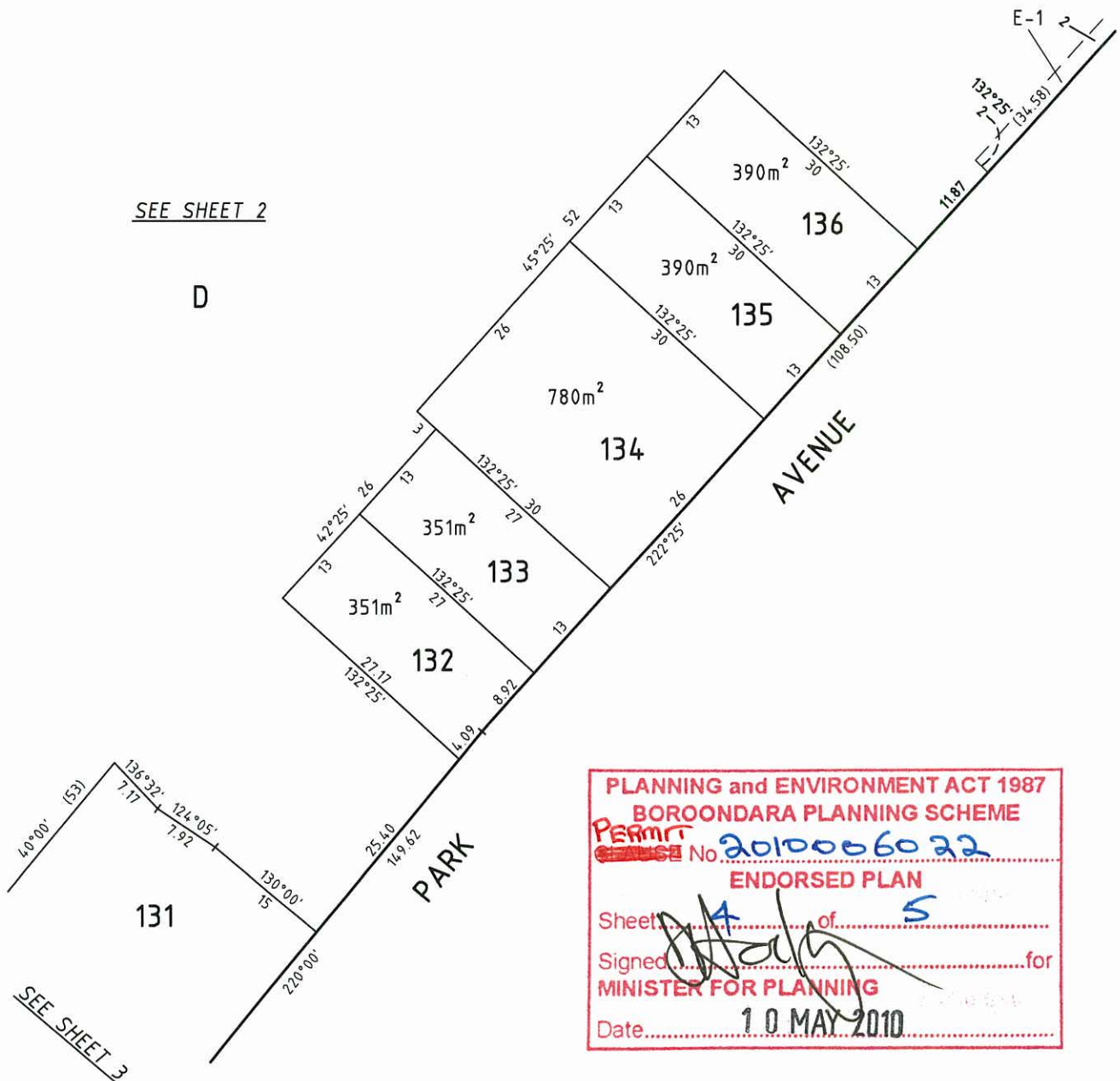
PLAN NUMBER

PS 630760 M

M.G.A.94
ZONE 55

SEE SHEET 2

D



SEE SHEET 3

PLANNING and ENVIRONMENT ACT 1987
BOROONDARA PLANNING SCHEME
PERMIT No. **2010006022**
ENDORSED PLAN
 Sheet **4** of **5**
 Signed *[Signature]* for
MINISTER FOR PLANNING
 Date **10 MAY 2010**

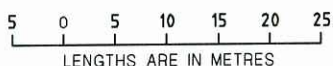


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SCALE



ORIGINAL

SCALE SHEET
 SIZE

1:500

A3

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SIGNATURE DATE / /

REF 3330-31 VERSION 3

DWG: KEW\STAGE 3\STAGE 3A\3330-314

24/02/10 PS03V

SHEET 4

DATE / /

COUNCIL DELEGATE SIGNATURE

PLAN OF SUBDIVISION

STAGE No.

PLAN NUMBER

PS 630760 M**CREATION OF RESTRICTION**

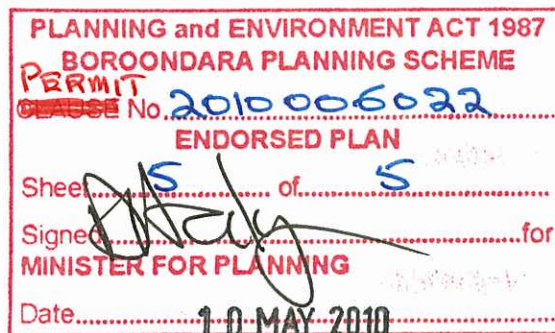
The following restriction is to be created upon registration of this plan of subdivision.

DESCRIPTION OF RESTRICTION

The land is burdened and benefited in accordance with the Table of Burdened and Benefited Land.

TABLE OF BURDENED AND BENEFITED LAND

BURDENED LOT(S)	BENEFITING LOT(S)
125	126 & D
126	125, 127 & D
127	126, 128 & D
128	127, 129 & D
129	128, 130, 131 & D
130	129, 131
131	129, 130 & D
132	133 & D
133	132, 134 & D
134	133, 135, 136 & D
135	134, 136
136	134, 135 & D



The registered proprietor or proprietors for the time being of any burdened lot on this plan to which any of the following restrictions apply:

- (1) Shall not develop a burdened lot other than in accordance with the approved building envelope provisions contained within the approved Walker Development Plan - Kew, Building Envelope Plan - Stage 2.
The approved building envelope is attached to the Memorandum of Common Provisions retained by the Registrar of Titles in dealing number ;
- (2) Shall not make or support an application to amend a building envelope unless the amendment is to the satisfaction of the Responsible Authority and any criteria or matters that must be considered by the Responsible Authority in deciding on an amendment to a building envelope;
- (3) The building envelopes shall cease to have effect on the lot containing the envelope ten (10) years after an occupancy permit under the Building Act 1993 is issued for the whole of the dwelling on the lot containing the envelope;
- (4) Shall not erect any buildings on the lot unless the plans for such buildings are endorsed by the Kew Development Corporation or its successor prior to the issue of the building permit;
- (5) The requirement for such endorsement shall cease to have effect on the lot five (5) years after an occupancy permit under the Building Act 1993 is issued for the whole of the dwelling on that lot.



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SIGNATURE DATE / /

REF 3330-31 VERSION 3

DWG: KEW\STAGE 3\STAGE 3A\3330-315 24/02/10 PS08

SHEET 5

DATE / /

COUNCIL DELEGATE SIGNATURE

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