



# PLANNING PERMIT

**Application No:** P/2019/7069  
**Planning Scheme:** Knox  
**Responsible Authority:** Knox City Council

## **ADDRESS OF THE LAND:**

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Quarry, 1140 Wellington Road, ROWVILLE VIC 3178

## **THE PERMIT ALLOWS:**

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Earthworks in the north-east corner of the land, to include the placement of fill material, surface water drainage works, internal haul road construction and native vegetation removal

**in accordance with the endorsed Plan(s)**

## **THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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### **Amended Plans**

1. Prior to the commencement of the development approved under this Permit, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The development plans must be approved prior to other plans required by this permit. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - 1.1 A geotechnical framework document that sets out key geotechnical design issues/earthworks methodology considerations including those items identified at Section 3.3 of the Proposed Earthworks at Hanson Lysterfield Quarry Report prepared by Golder Associates Pty Ltd dated March 2019 Ref: 1544229-010-R Rev 0, with the addition of any potential future use/development of the land which would include active open space and community buildings on the completed fill area.
  - 1.2 Geotechnical specification for the earthworks setting out measurable requirements to address the key geotechnical issues/earthworks methodology considerations including those items identified at Section 3.3 of the Proposed Earthworks at Hanson Lysterfield Quarry Report prepared by Golder Associates Pty Ltd dated March 2019 Ref: 1544229-010-R Rev 0, with the addition of any potential future use/development of the land which would include active open space and community buildings on the completed fill area.
  - 1.3 Tree Protection Zone and Structural Root Zone areas for retained vegetation shown correctly.
  - 1.4 Location of tree protection fencing, which must be installed prior to the commencement of any works and maintained during construction.

To the satisfaction of the Responsible Authority.

### **Endorsed Plans**

2. The layout and contours as shown on the endorsed plans must not be altered or modified without the consent of the Responsible Authority.

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3. All works must be carried out in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

## Engineering Plans

4. Prior to the commencement of the development approved under this Permit, engineering plans must be submitted to and approved by the Responsible Authority. Construction of the stormwater and civil works must be in accordance with these plans. The plans must show the following:
- 4.1 A suitable overland flow path for the works area to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.
  - 4.2 All retained vegetation including TPZ/SRZ areas.
  - 4.3 Storm water drainage and civil works.
  - 4.4 Temporary drainage during construction.
  - 4.5 Trenching for the installation of any and all underground services must be designed to avoid encroaching the TPZ of any retained trees. If this cannot be avoided, the underground service must be installed via directional boring with a minimum depth of 750mm to the top of the bore head.
  - 4.6 The use of water quality improvement systems is required to be provided for this development. The use of bioretention systems and vegetated swales can be used and these are to be incorporated in the stormwater drainage design plans.
  - 4.7 All levels to be to AHD (Australian Height Datum).

To the satisfaction of the Responsible Authority.

## Landscaping

5. Prior to the commencement of the development approved under this Permit, a landscape plan prepared by a suitably qualified Landscape architect or a suitably qualified landscape designer 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 show:
- 5.1 Identification of noxious weed species and a schedule/plan for removal.
  - 5.2 Identification of dead trees that can be used to create hollows/habitat for fauna, and the re-location of the dead trees.
  - 5.3 The plans must show the provision of at least 70 additional indigenous canopy trees comprising of 40 Eucalyptus melliodora (Yellow Box) and 30 Eucalyptus gonicalyx (Long Leaf Box). The trees are to be planted as tubestock and the stock must be of local provenance (seed sourced from the Knox Council district). The new canopy trees are to be located in the area south east of the proposed works.
  - 5.4 Any relevant Water Sensitive Urban Design techniques in accordance with Condition 4.4.

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To the satisfaction of the Responsible Authority.

6. Within 6 months of completion of approved works, the tree planting works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced.

## Land Fill

8. No fill is to be placed beyond the areas as shown on the endorsed plans.
9. All earthworks must be stabilised to minimise erosion, prevent mass land movements and the destabilisation of any public asset or adjoining property all to the satisfaction of the Responsible Authority.
10. Only fill material within the overburden stockpile sourced from the existing quarry may be permitted to be used in accordance with this permit unless with the prior written consent of the Responsible Authority.
11. Upon completion of the filling works, a Completion Report prepared by a qualified geotechnical Engineer must be submitted to the Responsible Authority to confirm the earthworks comply with the requirements of the Geotechnical specification endorsed as part of the Planning Permit.
12. Upon completion of the earthworks, the permit applicant must submit a Survey Plan by a qualified licensed surveyor confirming the finished levels on the site are compliant with the endorsed plans to the satisfaction of the responsible authority.

## General Conditions

13. Once the earthworks works have commenced, earthworks must be continued and completed to the satisfaction of the Responsible Authority.

## Amenity Conditions

14. There must be no discharge of sediment-laden runoff beyond the boundary of the site or directly or indirectly into the existing drainage network, to the satisfaction of the Responsible Authority.
15. Trucks associated with the earthworks approved by this permit must not enter or exit the site via Wellington Road, and must only use the internal haul road to access the development site.
16. The amenity of the area must not be detrimentally affected by the use or development through the:
  - 16.1 transport of materials, goods or commodities to and from the land;
  - 16.2 appearance of any building, works or materials;
  - 16.3 emission of noise, artificial light, vibration, smell, fumes, smoke, or waste water;
  - 16.4 or in any other way.

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## Work Hours

17. Except with the prior written consent of the Responsible Authority, the works approved by this permit shall only be undertaken between the following hours:
- |      |                           |                   |
|------|---------------------------|-------------------|
| 17.1 | Monday to Friday:         | 7.00 am – 4.00 pm |
| 17.2 | Saturday:                 | 7.00 am – 1.00 pm |
| 17.3 | Sunday & Public Holidays: | No works          |

## Tree Removal

18. Prior to the commencement of any removal, destroying or lopping of vegetation, all trees to be retained must be clearly marked to the satisfaction of the Responsible Authority.
19. Only the vegetation identified for removal on the approved plans may be removed and all care must be taken during this removal not to damage other vegetation on the site to the satisfaction of the Responsible Authority.

## Tree Protection

20. Prior to the commencement of any works, all tree protection measures/construction guidelines outlined in the Arboricultural Assessment Report 1140 Wellington Road, Rowville dated 2 July 2019 prepared by Tree Logic Ref: 010031 must be carried out to the satisfaction of the Responsible Authority.
21. Once the earthworks works have commenced, all tree protection measures/construction guidelines outlined in the Arboricultural Assessment Report 1140 Wellington Road, Rowville dated 2 July 2019 prepared by Tree Logic Ref: 010031 must be continued and completed to the satisfaction of the Responsible Authority.
22. Prior to the commencement of any works, native vegetation protection fencing must be erected around all patches of native vegetation and scattered trees to be retained on site. This fencing must be erected around the patches at a minimum distance of 2 metres from retained native vegetation and at a radius of 12 x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the scattered trees.
23. The protection fencing must be constructed to the satisfaction of the Responsible Authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the Responsible Authority, within this area;
- |      |  |
|------|--|
| 23.1 | no vehicular or pedestrian access, trenching or soil excavation is to occur, |
| 23.2 | no storage or dumping of tools, equipment or waste is to occur,              |
| 23.3 | no entry and exit pits for underground services are to be constructed.       |

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24. No earthworks, compaction or modification of existing drainage patterns may be undertaken which present a risk to any remnant trees, understorey, or revegetation areas without the written consent of the responsible authority.

## Construction Environmental Management Plan

25. Prior to the commencement of any works on the land, a Construction Environmental Management Plan (CEMP) must be prepared, to the satisfaction of the Responsible Authority. When approved, the CEMP will be endorsed by the Responsible Authority and will then form part of this permit. The CEMP must include, without, being limited to:
- 25.1 Comply with the provisions and obligations set out in the Act (Environment Protection Act 1970), including any relevant Policy or Regulation made under the Act;
  - 25.2 Safeguards proposed to be implemented to protect the environment and human health and amenity during the filling works;
  - 25.3 Timetable, of works, to minimise impacts on wetlands, local fauna, flora and sediment mobilisation;
  - 25.4 A contact that is available for residents and the Responsible Authority in the event of relevant queries or problems experienced.
  - 25.5 Nominate a construction zone. Access, storage of materials and machinery, site facilities, and construction activities during the construction period are to be confined to the zone/s.
  - 25.6 Prior to the commencement of any works the construction zone must be fenced to the satisfaction of the responsible authority must be erected around the construction zone. The fence must be maintained in a good condition until the completion of the construction works on the site, to the satisfaction of the responsible authority. Areas outside of the construction zone/s must be marked and signed as 'no access' areas for machinery, equipment, materials and construction activity, to the satisfaction of the responsible authority.
  - 25.7 Construction times, noise and vibration controls;
  - 25.8 The location for the parking of all construction vehicles and construction worker vehicles during construction.
  - 25.9 Dust control measures to ensure that dust from the operation does not unreasonably impact on the amenity of the area. Dust controls should consider the following matters and dust control measures:
    - 25.9.1 Identify all potential dust sources;
    - 25.9.2 Identify all relevant EPA dust standards and targets;

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- 25.9.3 Detail all dust management procedures for the works, including excavation, vegetation clearing and earthworks;
- 25.9.4 Details procedures for managing incidents, including identifying conditions for when the works should cease to prevent dust emissions;
- 25.9.5 The management of the site is proactive and anticipates adverse operating conditions; and
- 25.9.6 The operations of the site must have regard to predicted climatic conditions and the operations at site must be adjusted or where reasonably necessary halted during extreme climatic conditions which have a propensity to lead to any significant increase in the levels of visible raised dust. Dust mitigation measures must continue on days when the site is not in operation, as far as practicable.
- 25.9.7 There is an adequate supply of water available at all times for the purpose of dust suppression. The facilities should not operate without a water truck being available and fully functional (except during wet weather).
- 25.9.8 Stockpile working faces are wet down before commencement of work, as required and managed to minimise dust during operations.
- 25.10 Land disturbances confined to a minimum practical working area;
- 25.11 Procedures to ensure that construction vehicles and equipment use designated tracks and works areas to avoid impacts on native vegetation;
- 25.12 Identification of all construction and operational processes that could potentially lead to water contamination and incorporation of appropriate soil erosion and sediment control procedures and mitigation measures;
- 25.13 Stockpiles must be suitably separated from environmentally sensitive areas.
- 25.14 Pollution management measures for stored and stockpiled materials including ensuring storage and stockpiling of materials does not occur in environmentally sensitive areas, waste materials, litter, contaminated run-off and any other potential source of pollution to ground or surface waters.
26. The approved Construction Environmental Management Plan (CEMP) must be implemented to the satisfaction of the Responsible Authority.
27. All contractors associated with the works hereby approved must be made aware of the requirements of the Construction Environmental Management Plan (CEMP).
28. All works on the site shall cease immediately upon the direction of an Authorised Officer of the Responsible Authority where there is identified breaches of the conditions of this Planning Permit.

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Works must not recommence until actions or works are undertaken, as directed by the Responsible Authority, so as to address any breaches of conditions identified by the Responsible Authority.

## Department of Environment, Land, Water and Planning (DELWP) Conditions (No.s 29-37)

29. 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.
30. The total area of native vegetation proposed to be removed totals 0.790 hectares, comprised of:
  - 30.1 3 patches of native vegetation with a total area of 0.072,
  - 30.2 7 large scattered trees,
  - 30.3 18 small scattered trees.
31. To offset the permitted clearing in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), the permit holder must secure general offset of 0.186 general habitat units:
  - 31.1 located within the Port Phillip and Westernport Catchment Management boundary or Knox City Council municipal area,
  - 31.2 with a minimum strategic biodiversity score of at least 0.430, and
  - 31.3 The offset(s) secured must also protect 7 large trees.
32. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of Knox City Council. This evidence must be one or both of the following:
  - 32.1 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, and/or
  - 32.2 credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
33. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.
34. 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.
35. 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.

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36. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
37. 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:
- 37.1 Any vehicle or pedestrian access, trenching or soil excavation, and
- 37.2 Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
- 37.3 Entry or exit pits for underground services, and
- 37.4 Any other actions or activities that may result in adverse impacts to retained native vegetation.

## Time Limits

38. This permit will expire if one of the following circumstances applies:
- 38.1 The development is not started within two (2) years of the date of this permit.
- 38.2 The development is not completed within four (4) years of the date of this permit.

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

## Notes:

- Unless otherwise permitted by the Knox Planning Scheme, no native vegetation, other than that shown on the endorsed plan shall be removed/destroyed/lopped without the permission of the Responsible Authority.
- Trucks and machinery must not be warmed up prior to commencement times.

## DELWP Note:

- There are records of the *Environment Protection Biodiversity Conservation Act 1999 (EPBC)*, listed species, Growling Grass frog (*Litoria raniformis*), within 5km of the works area and a likelihood that they occur onsite within the waterbodies. DELWP recommends a targeted survey be conducted for this species prior to works to meet EPBC legislation requirements. Should survey efforts detect no presence of Growling Grass frogs, the waterbodies should be drained prior to filling to allow for any frog species utilising these waterbodies to disperse.

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

### WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

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

### WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant 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.
- A copy of 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 the Victorian Civil and Administrative Tribunal.