



Application to AMEND a Planning Permit

Planning Enquiries
Phone:
Web:

If you need help to complete this form, read *How to Complete the Application to Amend a Planning Permit form*.

- ⚠** Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.
- ⚠** This form cannot be used to amend a permit issued at the direction of VCAT.
- ⚠** Questions marked with an asterisk (*) are mandatory and must be completed.

The Land

① Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title.

A Lot No.: Z Lodged Plan Title Plan Plan of Subdivision No.: 548891D

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

Street Address *

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title.

A Lot No.: J Lodged Plan Title Plan Plan of Subdivision No.: 630768U

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

Street Address *

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title.

A Lot No.: K Lodged Plan Title Plan Plan of Subdivision No.: 630768U

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

Planning Permit Details

② What permit is being amended? *

Planning Permit No.: STA / 2001 / 00714

11) 1845346

8 June 2011

Minister for Planning
C/- Department of Planning and Community Development
Attention: Mr Lorenz Periera / Mr Jason Close
Level 14
1 Spring Street
MELBOURNE VICTORIA 3000



WAVERLEY PARK, MULGRAVE
Application to Amend Planning Permit STA / 2001 / 00714

Dear Mr Periera / Mr Close,

We write on behalf of our client, Mirvac Victoria Pty Ltd (the applicant), in relation to Waverley Park, Mulgrave (the subject site).

High voltage power lines that are owned and operated by SP AusNet traverse the subject site from Jacksons Road to the Monash Freeway.

In 2000 or thereabouts, Mirvac proposed the undergrounding of the power lines in the subject site based on knowledge of the requirements at that time. As a result, condition 50 was included in Planning Permit STA / 2001 / 00714 (the Permit) allowing the subdivision (1500 lots) and development of the subject site, requiring the removal of the existing power line easement and the undergrounding of the power lines in a location and via a route to the satisfaction of SP Powernet (now SP AusNet) or the relevant electricity authority.

To date, the Waverley Park Subdivision Master Plan as endorsed under the Permit has reflected the undergrounding of the power lines, with the currently endorsed Master Plan including the extent of the associated transition enclosures required to be constructed on the subject site adjacent to Jacksons Road and the Monash Freeway.

Over the past eight years, Mirvac has completed a rigorous review of possible options associated with undergrounding the power lines, including lengthy negotiations with SP AusNet. A previous application to amend the Permit was submitted in 2009 and subsequently withdrawn to allow for the completion of further investigations.

It is evident that providing the power lines under ground is not the most beneficial or viable outcome for the subject site. The enclosed planning report and supporting information discusses in detail why maintaining the power lines above ground is the most beneficial and viable outcome for the subject site however, the key reasons are summarised below.

- Retaining the power lines above ground will provide an improved aesthetic outcome for the subject site and adjacent neighbourhoods and a better response to the Waverley Park Concept Plan. An increase of around 20,000 square metres of usable public open space will result from retention of the power lines above ground and importantly, this additional amenity can be delivered much sooner (up to 18 months) than if the power lines are to be placed below ground.
- SP AusNet do not support the undergrounding of the power lines on the basis that it will introduce "*unacceptable safety hazards*" for the general public outside the transition enclosures that SP AusNet is "*not willing to accept*". In addition, undergrounding the power lines will also create increased and "*unnecessary*" operational and maintenance obligations for SP AusNet when compared to overhead power lines.
- Costs associated with undergrounding the power lines have risen from around \$12,000,000 (as presented to the Waverley Park Panel Hearing in 2002) to in the order of \$35,000,000, possibly more. In addition to the significant cost increase, commercial terms have not been able to be reached between Mirvac and SP AusNet. Mirvac propose to spend in the order of \$15,000,000 on the above ground power lines option with redistribution of some funds otherwise allocated to the undergrounding of the powerlines into superior public open space and associated amenity in Waverley Park.

It is proposed therefore, to retain the power lines above ground, with works required to realign the power lines to better respond to the subdivision layout within Waverley Park. In order to retain the power lines above ground, various amendments to the Permit and plans endorsed under the Permit are sought. The following provides a summary of the amendments to the Permit sought by this application.

1. Amend Condition 50 of the Permit as outlined in the enclosed planning report to reflect the retention of the power lines above ground.
2. Include a new condition in respect of timing of the works associated with the realigned power lines.
3. Seek approval of plans and elevations of the proposed works to construct replacement structures under a new condition to be added to the Permit.
4. Amend the Waverley Park Subdivision Master Plan and the Landscape Concept Plan - Waverley Park, as endorsed under Condition 1 of the Permit.

Condition 12 of the Permit adequately addresses matters in relation to the submission of detailed landscape plans for each stage Waverley Park (including the public open space corridor adjacent to the power lines) and the timing for implementing the approved landscape works. Amendments to the Permit are therefore not sought in relation to landscaping works.

The schedule to Clause 61.01 of the Monash Planning Scheme states that the Minister for Planning is the responsible authority for the subject site. We enclose therefore an application under Section 72 of the Planning and Environment Act 1987 (the Act) to amend the Permit.

In order to assist you in the consideration of this application, please find enclosed the following information.

- A completed Application to Amend a Planning Permit form.
- The title details relevant to land over which the power lines are located.
- In payment of the application fee, a cheque for \$502.00.
- Two hard copies and one digital (CD) copy of a Planning Report, including:
 - the Waverley Park Subdivision Master Plan as approved by the Minister for Planning on 29 June 2010;
 - plans indicating the location and extent of works associated with providing the power lines below ground;
 - landscape concept plans associated with providing the power lines below ground;
 - images representing the likely appearance of the transition enclosures and comparing the above and below ground power lines options;
 - plans indicating the location and extent of works associated with providing the power lines above ground;
 - plans and elevations of the proposed towers associated with providing the power lines above ground;
 - an amended Waverley Park Subdivision Master Plan;
 - a report prepared by AECOM Australia Pty Ltd regarding the proposed power lines;
 - landscape concept plans associated with providing the power lines above ground;
 - images of power lines in public open space areas throughout Melbourne;
 - a letter dated 3 July 2009 from SP AusNet regarding the below ground powerlines option;
 - a letter dated 28 March 2011 from SP AusNet regarding the below ground power lines option;
 - a plan indicating the anticipated location of the transition enclosure adjacent to Jacksons Road and existing dwellings to the east of Jacksons Road;
 - a summary of public open space associated with each power lines option;
 - a report prepared by Safearth Consulting examining potential safety hazards associated the below ground power lines option;
 - an amended Landscape Master Plan - Waverley Park.
- For approval by the Minister for Planning, three full size (A1) copies of the site layout plan (TL-TP1000 rev. B) indicating the location of the existing towers to be removed, the location of the proposed power lines alignment and associated supporting structures, the relationship between the power lines and Waverley Park generally.
- For approval by the Minister for Planning, three (A3) copies of elevations and sections indicating the size and span of the proposed towers.
- For approval by the Minister for Planning under Condition 1 of the Permit, three (A3) copies of the amended Subdivision Master Plan (dated 1 June 2011).
- For approval by the Minister for Planning under Condition 1 of the Permit, three (A1) copies of the amended Landscape Concept Plan - Waverley Park Development (dated 1 June 2011).

The enclosed Planning Report provides a full and detailed description of the proposed amendments to the Permit, support for submitting this application under Section 72 of the Act and general discussions of the appropriateness of the proposal.

In addition to public consultation already completed, Mirvac intends on undertaking further information sessions with Waverley Park residents at the time of formal exhibition of the application. At these information sessions Mirvac will present a number of additional potential amenity options for Waverley Park, one of which will be provided by Mirvac should the power lines be retained above ground. The Waverley Park residents will be responsible for selecting the additional amenity option for their estate via survey feedback obtained at the information sessions. Based on experience from the initial information sessions and the ability for residents to participate in nominating a further amenity outcome a high participation rate is expected. Accordingly, we would like to coordinate timing of the sessions with the Department of Planning and Community Development (DPCD) to ensure that this coincides with formal notification and exhibition of the application.

It is anticipated that further amendments to the Permit may be required to address the 'additional amenity option' chosen via survey feedback at the information sessions. Depending on the nature of the 'additional amenity option' that is chosen, this may result in amendments to existing conditions of the Permit or the addition of new amendments.

We note that approximately 250 dwellings, the public open space corridor along the alignment of the power lines and the acoustic wall along the Monash Freeway adjacent to the developed Stages 2 and 7 cannot be developed until resolution of the power lines. The implications therefore are that resolution of this matter is imperative to ensure that development can continue to progress on the subject site and that the acoustic wall and public open space can be delivered for Waverley Park. There is a real risk of delay to the completion of the project and potential loss of jobs should this matter be delayed further.

We trust that the enclosed information is to your satisfaction and look forward to your consideration of this application. Please contact Michael Collie or Jay Hollerich of this office should you have any queries.

Yours sincerely,



Collie Pty Ltd

Copy

Mr Toby Lyng, Mirvac Victoria Pty Ltd

Enclosure

As listed above

The Amended Proposal

▲ You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application.

3 What is the amendment being applied for? *

- Indicate the type of changes proposed to the permit.
- List details of the proposed changes.

If the space provided is insufficient, attach a separate sheet.

This application seeks to amend:

- what the permit allows
 plans endorsed under the permit
 current conditions of the permit
 other documents endorsed under the permit

Details: Refer attached

✎ Provide plans clearly identifying all proposed changes to the endorsed plans, together with; any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.

Development Cost

4 Estimate cost of development *

If the permit allows *development*, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.

Cost of proposed amended development

\$ 15000000

Cost of the permitted development

\$ 35000000

Cost difference (+ or -):

\$ -20000000

Insert 'NA' if no development is proposed by the permit (eg. change of use, subdivision, removal of covenant)

▲ You may be required to verify this estimate.

Existing Conditions

5 Describe how the land is used and developed now *

eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Have the conditions of the land changed since the time of the original permit application? Yes No

If yes, please provide details of the existing conditions.

Partial completion of approved development. Refer attached letter and enclosed Planning Report for further details.

✎ Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.

Title Information

6 Encumbrances on title *

If you need help about the title, read:
[How to Complete the Application to Amend a Planning Permit Form](#)

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
 No
 Not applicable (no such encumbrance applies).

✎ Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)

Applicant and Owner Details

7 Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:

Title:

First Name:

Surname:

Organisation (if applicable): Mirvac Victoria Pty Ltd

Postal Address:

Unit No.: 6

St. No.: 380

If it is a P.O. Box, enter the details here:

St. Name: St Kilda Road

Suburb/Locality: MELBOURNE

State: VIC

Postcode: 3004

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Please provide at least one contact phone number *

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Contact person's details *

Same as applicant (if so, go to 'contact information')

Name:
Title: Mr First Name: Jay Surname: Hollerich
Organisation (if applicable): Collie Pty Ltd
Postal Address: Unit No.: St. No.: 29 St. Name: Coventry Street
Suburb/Locality: SOUTHBANK State: VIC Postcode: 3006

Contact information

Business Phone: 8698 9300 Email: jjh@colliepl.com.au
Mobile Phone: Fax: 8698 9399

Name:

Same as applicant

Title: First Name: Surname:
Organisation (if applicable): Mirvac Victoria Pty Ltd
Postal Address: Unit No.: 6 St. No.: 380 St. Name: St Kilda Road
Suburb/Locality: MELBOURNE State: VIC Postcode: 3004
Owner's Signature (Optional): Date: dd / mm / yyyy

Declaration

8 This form must be signed by the applicant *

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; that all the information in this application is true and correct; that all changes to the permit and plan have been listed as part of the amendment proposal at Question 3 of this form; and that the owner (if not myself) has been notified of the permit application.

Signature: [Handwritten Signature] (AC AGENT) Date: 08/06/2011 dd / mm / yyyy

Need help with the Application?

If you need help to complete this form, read *How to complete the Application to Amend a Planning Permit Form* or contact Council's planning department. General information about the planning process is available at <http://www.dpcd.vic.gov.au/planning>

Contact Council's planning department to discuss the specific requirements for this application and obtain a checklist. Insufficient or unclear information may delay your application.

9 Has there been a pre-application meeting with a council planning officer?

No Yes If 'yes', with whom?: Mr Lorenz Periera and Mr Jason Close
Date: 03/06/2011 dd / mm / yyyy

Checklist

10 Have you:

Filled in the form completely?
 Paid or included the application fee? Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
 Attached all necessary supporting information and documents?
 Completed the relevant council planning permit checklist?
 Signed the declaration (section 8)?

Lodgement

Lodge the completed and signed form, the fee payment and all documents with:

Department of Planning and Community Development

To obtain the address details for the relevant planning office, go to the DPCD Planning Contacts webpage at www.dpcd.vic.gov.au/planning/contacts

Contact information:

Form 3

19 AUG 2013

**NOTICE OF AN APPLICATION FOR AN
AMENDMENT TO A PLANNING PERMIT**Pursuant to Section 52 (1) of the *Planning and Environment Act 1987*

The land affected by the application is located at:	WAVERLEY PARK, MULGRAVE
The application is to amend permit number:	STA/2001/000714
The application is to amend permit number STA/2001/000714 by:	AMENDING CONDITION 50 OF THE PLANNING PERMIT TO ENABLE THE RETENTION OF THE ELECTRICITY TRANSMISSION LINES ABOVE GROUND
The applicant for the amendment to the permit is:	MIRVAC VICTORIA PTY LTD
The application reference number is:	STA/2001/000714B
You may look at the application and any documents that support the application at the office of the Responsible Authority. This can be done during office hours and is free of charge.	MINISTER FOR PLANNING DEPARTMENT OF TRANSPORT, PLANNING AND LOCAL INFRASTRUCTURE LEVEL 11, 1 SPRING STREET MELBOURNE VIC 3000
You may also inspect the application at:	MONASH CITY COUNCIL OFFICES 293 SPRINGVALE ROAD GLEN WAVERLEY VIC 3150

Any person who may be affected by the proposed amendment to the permit may object or make other submissions to the responsible authority, care of:

The Planning Manager, Alpine Resorts and East Sector
Planning Statutory Services
Department of Transport, Planning and Local Infrastructure
GPO Box 2392
Melbourne VIC 3001

An objection must be sent to the responsible authority in writing, include the reasons for the objection and state how the objector would be affected.

The responsible authority will not decide on the application before:	4 SEPTEMBER 2013
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If you object, the responsible authority will tell you its decision.