



Planning PERMIT

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Planning scheme: **SURF COAST PLANNING SCHEME**
Responsible authority: **SURF COAST SHIRE COUNCIL**

Permit number:
16/0511

Address of the land: **1-19 Bright Street Torquay**
LOT: B PS: 747682D

Property number: **91260**

The permit allows: **Construction of 11 Dwellings, including two dwellings which are more than 7.5 metres in height above natural ground level, 11 Lot Staged Subdivision and Waiving of Visitor Parking in accordance with the endorsed plan/s.**

The following conditions apply to this permit:

Amended Plans

1. Before the development starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans identified at TP1100-TP3100, TP4100, TP5100, TP5101 and TP6100 (Revision A) but modified to show:
 - a) The rear laneway to be noted on the subdivision plan as common property;
 - b) The rear laneway to be configured as a one way road, with the road designed to allow vehicles to enter and exit the site in a forward motion. Swept path diagrams must be provided;
 - c) Details of materials and colours;
 - d) A reduction in height for the fencing in front of Dwelling X1-B and Z1-A, with the fence to be reduced to 1.5 metres in height along the Bright Street frontage;
 - e) Deletion of the bin collection areas in the common property.

Endorsed Plans

2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the responsible authority.

Landscaping

3. Before the development starts, three copies of a landscape plan 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 this permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan submitted with the application. The plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;

Date Issued: 2 May 2018

Signature of the responsible authority:

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.

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What has been decided?

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- (ii) the date on which it was issued, in any other case.

When does a permit expire?

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 - (a) the development or any stage of it does not start within the time specified in the permit; or
 - (b) 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 permit, unless the permit contains a different provision; or
 - (c) 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 in the case of 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 –
 - (a) the use does not start within the time specified in the permit, or if no time is specified, within two years of the issue of the permit; or
 - (b) the use is discontinued for a period of two years.
3. a permit for the **development and use** of land expires if –
 - (a) the development or any stage of it does not start within the time specified in the permit; or
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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 any combination of use, development, or any of those circumstances, requires certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
 - (a) the use or development of any stage is to be taken to have started when the plan is certified; and
 - (b) the permit expires if the plan is not certified within two years of the issue of a permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before expiry.

What about reviews?

- The person who applies 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 & Administrative Tribunal where, 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 appeal must be lodged within 60 days after giving of that notice.
- An application for review is lodged with the Victorian Civil & Administrative Tribunal.
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- b) details of surface finishes of pathways and driveways;
- c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;

All specie of selected must be to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

- 4. Unless with the prior written consent of the responsible authority, before the occupation of the development the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the responsible authority.

Community Infrastructure Levy

- 5. Prior to the commencement of each stage of the development, a Community Infrastructure Levy must be paid to the Collecting Agency (Surf Coast Shire Council) based on the net change in demand units in accordance with the provisions of the incorporated Torquay-Jan Juc Development Contributions Plan applying to the land.

Vehicle Access and Parking

- 6. Before the occupation of the development, except for the purposes of a display suites permitted by Permit Number 16/0109 and a temporary land sales office, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) constructed;
- b) properly formed to such levels that they can be used in accordance with the plans;
- c) surfaced with an all-weather-seal coat
- d) drained

to the satisfaction of the responsible authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Rooftop Appurtenances

- 7. No equipment, services, architectural features or structures of any kind, including telecommunications facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the responsible authority.

No Force or Effect until Title Issued

- 8. Prior to the occupation of the dwellings a copy of the title issued for Lot B PS733270G must be provided to Council for Council to re-issue this permit with reference to that title and any relevant address.

Subdivision

- 9. The Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the responsible authority.
- 10. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) shall not be altered or modified without the written consent of the responsible authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.

Date Issued: 2 May 2018

Signature of the responsible authority:

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 - (a) the use does not start within the time specified in the permit, or if no time is specified, within two years of the issue of the permit; or
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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 any combination of use, development, or any of those circumstances, requires certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
 - (a) the use or development of any stage is to be taken to have started when the plan is certified; and
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11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
12. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
13. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
14. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plans in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Prior to the issue of a Statement of Compliance

15. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
16. Before a statement of compliance is issued under the Subdivision Act 1988 for a stage of the permitted development, the applicant must:
 - a) provide drainage to each lot within the stage;
 - b) complete the construction of all dwellings within the stage;
 - c) pay the development infrastructure levy for the dwellings in the stage to the satisfaction of the responsible authority.

Conditions required by Barwon Water

17. The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation over all existing and proposed sewers located within the subdivision. The width of these easements shall be 2.0m centrally located over the proposed sewer main.
18. The certified plan must create implied easements under Section 12(2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.
19. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.

Date Issued: 2 May 2018

Signature of the responsible authority:

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20. The creation of an Owners Corporation to encumber all lots within the subdivision.
21. The payment of new customer contributions for dual water for each additional connection which includes any new lot on a plan of subdivision and/or any apartment, unit or premises within the development that is or can be separately metered for a water supply.
22. The provision and installation of individual dual water services including metres to all lots in the subdivision. A dimensioned plan showing location of all meters relative to the allotment boundaries, and its number(s), is to be submitted.
23. The recycled water service is to be for toilet flushing and garden watering purposes in accordance with the existing Agreement lodged on title and created under Section 173 of the Planning and Environment Act (1987).
24. Reticulated dual water mains are required to service the proposed development. This work must be designed by a Barwon Water accredited Contractor following the 'developer works' process.
25. Additional tappings are required to be supplied to service the proposed development. Note that tappings and services are not to be located under existing or proposed driveways.
26. The payment of New Customer Contributions for sewer for each additional connection which includes any new lot on a plan of subdivision and/or any apartment, unit, or premises within the development that is or can be separately metered (for water supply).
27. Reticulated sewer mains or a sewer main extension are required to service the proposed development. This work must be designed by a Barwon Water accredited contractor following the 'Developer Works' process.
28. The provision of a separate sewer connection branch to all lots within the subdivision. Note that the sewer connection branch is to be constructed by a certified/licensed plumber. A list of certified/licensed plumbers can be provided on request.
29. For the economical and efficient servicing of this development, Barwon Water may require the owner or permit holder to acquire an easement through other land in the vicinity of this development not owned by the applicant to connect this development to Barwon Water sewerage system. This clause empowers the permit holder to acquire these easements compulsorily on behalf of Barwon Region Water Corporation in accordance with Section 36 of the Subdivision Act 1988. These easements shall be for Pipelines or Ancillary Purposes and shall be made in favour of and without cost to Barwon Region Water Corporation; that is, the owner or permit holder shall pay all costs associated with creating these easements including payment of any compensation to other land owners for the easements.

Note: the developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L013743.

Conditions Required by Powercor Australia Limited

30. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd (Powercor) in accordance with Section 8 of that Act.
31. The applicant shall:
 - Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
 - Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service

Date Issued: 2 May 2018

Signature of the responsible authority:

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 - (a) the use does not start within the time specified in the permit, or if no time is specified, within two years of the issue of the permit; or
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and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.

- The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
- Any buildings must comply with the clearances required by the Electricity Safety (installation) Regulations.
- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

Conditions Required by AusNet Services (Gas)

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

Expiry

33. The approval granted by this permit for the construction of buildings and/or works will expire if one of the following circumstances applies:

- The development (buildings and/or works) is not started within two years of the date of this permit
- The development (buildings and/or works) is not completed within four years of the date of this permit.

The approval granted by this permit for the subdivision of the land will expire if one of the following circumstances applies:

- The plan of subdivision is not certified under the Subdivision Act 1988 within two years of the date of this permit
- Five years after the certification of the plan of subdivision under the Subdivision Act 1988.

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.

This permit has been issued in accordance with Victorian Civil and Administration Tribunal order dated 1 May 2018 (VCAT Reference: P78/2018)

Date Issued: 2 May 2018

Signature of the responsible authority:

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