



Our Ref: 16/0564
App Ref:
Contact: Mich Watt - 5261-0518

25 January 2018

Hume Torquay Pty Ltd
580 St Kilda Road
MELBOURNE VIC 3000

Dear Sir/Madam,

Application No: 16/0564
Land At: 1535 Surf Coast Highway TORQUAY
Purpose: Construction of 10 Dwellings and 10 Lot Staged Subdivision and Waiving of Visitor Parking

I am pleased to advise that your application for Planning Permit has been approved.

Please find enclosed your copy of the Planning Permit which sets out the conditions under which the use and/or development is approved. The Planning Permit is a legal document that allows a certain use or development to proceed on a specified parcel of land. Please read the Planning Permit carefully as the proposal must satisfy all the conditions within the Planning Permit.

Please note that any plan endorsed under this permit forms part of this permit and cannot be amended without the responsible authority's consent. Development on the land, and hence any plan approved under the Building Act and Regulations, must conform to the endorsed plan(s). Any variation not approved by the responsible authority may necessitate enforcement procedures against the owner and/or builder to bring about compliance.

The granting of this permit does not absolve the person to whom it is granted, or any other person, from complying with any other by-law, statute or regulation.

Please note that this development has been assessed against the provisions of Clause 55 (Rescode) of the Surf Coast Planning Scheme.

Please do not hesitate to contact me with any questions you may have, I can be contacted by phone on 5261-0518 or by email at mwatt@surfcoast.vic.gov.au. Please cc any emails to planningapps@surfcoast.vic.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "Mich".

Mich Watt
Coordinator Statutory Planning

ABN 18 078 461 409

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Torquay, Victoria

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Planning PERMIT

P O Box 350, Torquay, Victoria 3228
1 Merrijig Drive, Torquay
Telephone (03) 5261 0600
Facsimile (03) 5261 0525

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

Permit number:
16/0564

Address of the land: **Lot G PS747684Y, Torquay**
Property number: **91240**

The permit allows: **Construction of 10 Dwellings and 10 Lot Staged Subdivision and Waiving of Visitor Parking.**

The following conditions apply to this permit:

Development

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 three copies must be provided. The plans must show:
 - (a) a minimum front setback of 2.5 metres, with no encroachments, and an average front setback of 3 metres across the frontage of the site along Marine Drive;
 - (b) A minimum side street setback of no less than 1 metre for walls up to 6 metres in height and up to 8 metres in length, with the remainder of the development setback a minimum of 2 metres from the side streets. Note: porches may be permitted to encroach no more than 500mm into the side setback;
 - (c) The rear laneway to be noted on the subdivision plan as common property;
 - (d) 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;
 - (e) Details of materials and colours;
 - (f) A reduction in height for the fencing in front of Dwelling G1 and Dwelling G9, with the fence to be reduced to 1.5 metres in height along the Marine Road frontage;
 - (g) 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;
 - 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;

Date Issued: 25 January 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.

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**.)

When does a permit begin?

A permit operates:

- a. from the date specified in the permit; or
- b. if no date is specified, from
- c. (i) the date of decision of the Victorian Civil & 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-
 - (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
 - (b) 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
 - (c) the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion date of the development; or
 - (d) 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 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.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil & 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 the application for review must also be served on the responsible authority.
- Details about applications for review and the fee payable can be obtained from the Victorian Civil & Administrative Tribunal.

All species 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.

Maximum Building Height - Metres

5. The maximum building height must not exceed 7.5 metres above natural ground level in accordance with the endorsed plans and to the satisfaction of the responsible authority.

Vehicle Access and Parking

6. Before the occupation of the development, 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 telecommunication 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. This permit has no force or effect until a separate title is issued for Lot G PS747684Y. A copy of the Title must be provided to Council, allowing Council to reissue this permit to the correct 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.
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:

Date Issued: 25 January 2018

Signature of the responsible authority:

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A permit operates:

- a. from the date specified in the permit; or
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- c. (i) the date of decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
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 - (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
 - (b) 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
 - (c) the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion date of the development; or
 - (d) 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 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.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil & 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 the application for review must also be served on the responsible authority.
- Details about applications for review and the fee payable can be obtained from the Victorian Civil & Administrative Tribunal.

- 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 plan 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 the applicant must:
 - a) provide access, with the common property accessway required to be provided as part of Stage 1;
 - b) provide drainage to each lot;
 - c) complete the construction of all dwellings forming part of each stage of development;

to the satisfaction of responsible authority.

Conditions required by Barwon Water

17. 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.
18. 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. Note that tappings and services are not to be located under existing or proposed driveways.
19. An additional tapping(s) is to be supplied to service the proposed development. A dimensioned plan showing location of all new tappings relative to the allotment boundaries is to be submitted, where a meter is not being fitted.
20. Reticulated dual water main extension is required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the 'Developer Works' process.
21. The provision of sewerage services to all lots in the subdivision. Individual allotment house connection drains are to be provided for and extend into each allotment. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a 'modification to consent' is to be obtained from the Victorian Building Association and presented to Barwon Water with the required drainage plan. It should be noted that the property service sewer drain remains the responsibility of the property owners.
22. 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).

Date Issued: 25 January 2018

Signature of the responsible authority:

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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**.)

When does a permit begin?

A permit operates:

- a. from the date specified in the permit; or
- b. if no date is specified, from
- c. (i) the date of decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
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When does a permit expire?

1. A permit for the **development** of land expires if-
 - (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
 - (b) 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
 - (c) the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion date of the development; or
 - (d) 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 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.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil & 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 the application for review must also be served on the responsible authority.
- Details about applications for review and the fee payable can be obtained from the Victorian Civil & Administrative Tribunal.

23. Reticulated sewer mains or a sewer main extension are/ is required to service the proposed development. This work must be designed by a Barwon Water accredited contractor following the 'Developer Works' process.
24. The provision of a separate sewer connection branch to all lots within the subdivision.
25. 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 L013846.

Conditions Required by Powercor Australia Limited

26. 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.
27. 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 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.
 - 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.

Condition Required by AusNet Services (Gas)

28. 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

29. The approval granted by this permit for the construction of buildings and/or works will expire if one of the following circumstances applies:
- a) The development (buildings and/or works) is not started within two years of the date of this permit
 - b) 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:

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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.



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**.)

When does a permit begin?

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- a. from the date specified in the permit; or
- b. if no date is specified, from
 - (i) the date of decision of the Victorian Civil & 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-
 - (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.
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- An application for review must be made on the relevant form which can be obtained from the Victorian Civil & Administrative Tribunal, and be accompanied by the applicable fee.
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- A copy of the application for review must also be served on the responsible authority.
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- a) The plan of subdivision is not certified under the Subdivision Act 1988 within two years of the date of this permit
- b) 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.

Notes

1. The following requirements apply to vehicle crossings and driveways:
 - Vehicle crossings shall be constructed in reinforced concrete or other approved material;
 - New vehicle crossings to suit the proposed driveways shall be constructed;
 - Redundant vehicle crossings shall be removed and kerb and channel or other approved road edgings reinstated to suit existing works;
 - Pathways shall be replaced with a section capable of sustaining traffic loadings where vehicle crossings are constructed or relocated;
 - Entrance culverts with endwalls and suitable pavement material must be constructed to suit the proposed driveways to the satisfaction of the responsible authority.
 - A "Non-Utility - Minor Works" permit shall be obtained from the Coordinating Road Authority defined in the Roads Management Act 2004 prior to any works being undertaken in road reserves.
-

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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.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil & 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 the application for review must also be served on the responsible authority.
- Details about applications for review and the fee payable can be obtained from the Victorian Civil & Administrative Tribunal.