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# PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE  
PLANNING AND ENVIRONMENT ACT 1987

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**Permit No.:** 15/0410

**Planning scheme:** Surf Coast

**Responsible authority:** Surf Coast Shire Council

**ADDRESS OF THE LAND:** 36 BELL STREET, TORQUAY (LOT 3: LP 211532E)

**THE PERMIT ALLOWS:** Subdivision of the land into two lots; construct buildings and works associated with the rearrangement of car parking and waive 43 car parking spaces currently required by Planning Permit 00/0263

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

1. Before the development starts:

- a. A Landscape Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Landscape Plan will be endorsed and will then form part of the permit. The Landscape Plan must show:
  - i. site and building boundaries (at ground level) and any existing or proposed services or easements;
  - ii. details of all existing and proposed fencing;
  - iii. details of all non-plantable areas whether permeable or non-permeable;
  - iv. details of proposed planting and landscaping works, including the type and depth of mulch, type of edge material and whether an irrigation system will be provided.
  - v. a plant schedule that includes the 1) botanical name; 2) common name; 3) height and spread; 4) quantity; 5) size at planting (e.g. container size, advanced tree to nominated height) and 6) key/legend.

All landscaping, including plant species, must be to the satisfaction of the responsible authority and the plan must reflect the mature spread of the selected planting at an appropriate scale.

**Car parking and Access**

2. Before the operation of the supermarket, areas set aside for parked vehicles and access lanes shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority by being:
  - a. Properly formed to such levels that they can be used in accordance with the plans;
  - b. Surfaced an all-weather seal;
  - c. Drained;
  - d. Line-marked to indicate each car space and all access lane.

Such areas shall be maintained to the satisfaction of the Responsible Authority.

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<b>Date issued:</b>	<b>Date permit comes into operation:</b> (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	<b>Signature for the responsible authority:</b>
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3. Redundant existing vehicle crossings must be removed and replaced with kerb and channel of the same or similar profile to the satisfaction of the Responsible Authority.
4. A minimum of 93 car spaces must at all times be provided on the subject site and made available for the use by patrons of the use to the satisfaction of the Responsible Authority, unless written agreement is reached with the Responsible Authority for alternative provision of these spaces. The number, design, layout and construction of the spaces must be to the satisfaction of the Responsible Authority. Car parking provided in the accordance with this condition must be shown on the endorsed plans for the development.

**Landscaping**

5. Within three months of the completion of development, or as otherwise agreed in writing by the Responsible Authority, landscaping as shown on the endorsed landscape plan must be completed to the satisfaction of the Responsible Authority.
6. All landscaping within the site must thereafter be maintained to the satisfaction of the Responsible Authority.

**Endorsed plans**

7. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
8. Once commenced the development must be completed in accordance with the endorsed plans to the satisfaction of the responsible authority.

**Subdivision**

9. Before the plan of subdivision is certified under the Subdivision Act 1988, amended 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 then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.
10. 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 to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
11. 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.
12. 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.
13. 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 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.
14. 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:

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- 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.
15. The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
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### Expiry

16. This permit will expire if one of the following circumstances applies:

- The development is not started within three years of the date of this permit
- The development is not completed within four years of the date of this permit.
- The plan of subdivision is not certified under the *Subdivision Act 1988* within three 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 period for commencement of the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which the development must be completed if the request for an extension of time is made in writing within twelve months after the permit expires and the development or stage started lawfully before the permit expired.

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**Date issued:**

**Date permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

**Signature for the responsible authority:**

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C107 to the Surf Coast Planning Scheme.

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### WHEN DOES THE PERMIT BEGIN?

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The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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### WHEN DOES A PERMIT EXPIRE?

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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 a 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 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—
  - 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.

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### WHAT ABOUT REVIEWS?

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- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.