
PLANNING PERMIT

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

Permit No.: 15/0356

Planning scheme: Surf Coast

Responsible authority: Surf Coast Shire Council

ADDRESS OF THE LAND: 2-4 GEELONG ROAD, TORQUAY AND PART 36 BELL STREET,
TORQUAY (LOT 4: LP 211532E, LOT 1: LP 030103, PART LOT 3: LP 211532E)

THE PERMIT ALLOWS: Building and works associated with a supermarket; display of business identification signage; use of land to sell packaged liquor; and alterations to access to a road in a Road Zone Category 1 in accordance with the endorsed documents.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. This permit shall have no force and effect until the subdivision and development approved by Planning Permit 15/0410 have been completed to the satisfaction of the responsible authority.
2. Before the development starts:
 - a. A Waste Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must:
 - i. Include details of the anticipated volumes of wastes and recycling that will be generated and how this is determined. Such determination should be consistent with the State Government's Waste and Resource Recovery Strategy to divert 65% of waste from land fill;
 - ii. Include precise details of the quantity, size and type of bins that will be provided for waste and recycling;
 - iii. Include a plan detailing adequate bin storage for the prescribed number of bins;
 - iv. Include a plan detailing adequate bin collection space for the prescribed number of bins, with both suitable space for placement and access/egress for collection vehicles.
 - v. Include the times of collection and the name/s of contractor who will be responsible for collection of the waste in accordance with the approved waste management plan including ensuring that collection does not adversely affect the amenity of the adjoining residential area.

All to the satisfaction of the responsible authority.

The approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.

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(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:

- b. A Services Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority for approval. When approved, the report will be endorsed and will then form part of the permit. The report must:
- i. Assess the requirements of the proposed development for the supply of electricity and water and the disposal of sewage and stormwater;
 - ii. Identify augmentation of existing services necessary to service the development.
- c. 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.

- d. A construction management 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 the permit. The plan must address the following matters:
- i. full work schedule/construction management plan to ascertain impacts on surrounding properties, including consideration of construction hours;
 - ii. details as to how traffic and pedestrian safety and amenity will be controlled within the vicinity of the land and its surrounds;
 - iii. measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
 - iv. measures to accommodate the private vehicles of workers/ tradespersons;
 - v. details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;
 - vi. noise attenuation measures to be put in place to protect the amenity of nearby residents during construction having regard to the EPA Guidelines on Construction and Demolition Noise;
 - vii. measures to minimise the generation and dispersal of dust;
 - viii. details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP;
 - ix. arrangements for waste collection and other services to be provided during construction.

The approved Construction Management Plan must be implemented to the satisfaction of the Responsible Authority.

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- e. Where off site works are required as set out in the approved Traffic Impact Assessment, the owner must enter into an agreement with the responsible authority made pursuant to section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the agreement registered on title to the land under section 181 of the Act, which provides for the following
- i. the owner will carry out all off site works as set out in the approved Traffic Impact Assessment at their own cost.

The owner/operator under this permit must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

- f. The owner must enter into an agreement with the responsible authority made pursuant to section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the agreement registered on title to the land under section 181 of the Act, which provides for the following:
- i. The owner must make a monetary contribution to Surf Coast Shire Council in the amount of \$6,000 for the purpose of carrying out landscaping works within the median bounded by the Geelong Road and the Geelong Road Service Road; and
 - ii. That Surf Coast Shire Council shall use that contribution for the purpose of landscaping works within the median bounded by the Geelong Road and the Geelong Road Service Road within the timeframe specified within the Agreement.

The owner/operator under this permit must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Consolidation of Lots

3. Before the development starts LOT 4: LP211532 Vol 09822 Fol 189 and LOT 1: LP30103 Vol 08076 Fol 611 and that part of LOT 3: LP211532 Vol 098822 Fol 188 west of Rudd Avenue must be consolidated under the Subdivision Act 1988.

Payment of Infrastructure Levy

4. A Development 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. The payment must be made prior to the commencement of development.

Road Works

5. Before any road/drainage works associated with the development start, detailed construction 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. The outcomes recommended by the approved Traffic Impact Assessment.
 - b. Stormwater infrastructure identified in the approved Stormwater Management Plan.

All works constructed or carried out must be in accordance with the approved plans.

6. Before the operation of the proposed supermarket, the recommendations of the Traffic Impact Assessment and as set out in the plans endorsed under condition 4) shall be completed to the satisfaction of the Responsible Authority.

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7. Unless otherwise agreed to in writing by the responsible authority, all works required by condition 5) of this permit are to be completed at the full cost of the developer.

Car parking and Access

8. 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.

9. Access to the basement car parking of the supermarket will be prevented outside the trading hours of the supermarket.
10. 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.
11. A minimum of 129 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

12. Prior to the commencement of operation of the supermarket, landscaping as shown on the endorsed landscape plan must be completed to the satisfaction of the Responsible Authority.
13. All landscaping within the site must thereafter be maintained to the satisfaction of the Responsible Authority.

Loading and unloading of vehicles

14. The operator of the supermarket shall ensure that signs are erected to the satisfaction of the Responsible Authority on the site to publicise restrictions on times for delivery of goods and rubbish collection, and that companies making deliveries or collecting waste are aware of the requirements of this permit, to the satisfaction of the Responsible Authority.
15. Deliveries to and from the Supermarket premises (including waste collection) must not take place outside of the hours of:
- a. 7:00 am and 10:00 pm Monday to Saturday;
 - b. 9:00 am to 10:00 pm Sundays or public holidays

The use is to adhere to the Environment Protection Authority Publication 1254 Noise Control Guidelines October 2008, Section 9 'Deliveries to Shops, Supermarkets and Service Stations'.

16. The loading and unloading of goods from vehicles for the supermarket must only be carried out on the land, within the loading bay designated on the endorsed plans.

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Waste

- 17. Trade bins or other receptacles for any form of rubbish or refuse associated with the Supermarket must not be placed or allowed to remain in the view of the public, and no adverse odour shall be emitted from any such receptacle. The land occupied by the Supermarket shall be kept in a neat and tidy condition at all times, to the satisfaction of the Responsible Authority.
- 18. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.

Utilities and Plant

- 19. Any relocation of services/utilities affected by this development must be relocated/modified to the satisfaction of the relevant servicing authority and the Responsible Authority, entirely at the cost of the owner/developer.
- 20. All plant and equipment shall be located and/or screened so that it is not visible from any public road or residential property.

Noise

- 21. The maximum noise level emitted from the premises including loading bay and mechanical plant shall not exceed levels specified in the Guidelines: Noise From Industry in Regional Victoria, EPA Publication 1411.
- 22. All plant and equipment associated with the Supermarket must be installed and located so that it does not adversely affect the amenity of the area due to the emission of noise, to the satisfaction of the Responsible Authority.
- 23. No permanently fixed sound amplification equipment, jukeboxes or loud speakers shall be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or similar purposes so as to be audible on adjoining public or private land, except with the prior written permission of the Responsible Authority.
- 24. The operation of the loading bay and position and operation of plant shall be consistent with the recommendations in the Endorsed Environmental Noise Assessment.

Lighting and Signage

- 25. Outdoor lighting and illuminated signage must be designed, located and where practicable, baffled to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land and must not contain flashing lights.
- 26. The intensity of the light in the signage associated with the Supermarket must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area, to the satisfaction of the Responsible Authority.
- 27. The signage hereby approved may only be illuminated between the opening hours of the supermarket premises. The lighting must be automatically time switched to turn off each night. The time switch for sign illumination must be installed by a Licensed Electrician and adjusted for Daylight Savings Times at the commencement and completion of each Daylight Saving period.
- 28. The signage must not be animated and no flashing or intermittent light/s shall be displayed.
- 29. The signage must be wholly located within the land. That is, no part of the sign may encroach into the declared road reserve.
- 30. The signage must be constructed and thereafter maintained to the satisfaction of the Responsible Authority.
- 31. The location, details and structure of the sign(s) as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

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Endorsed plans

- 32. The use and the development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 33. Except with the written consent of the responsible authority, the layout of the land occupied by the Supermarket and size, design and location of the buildings and works permitted, including signage must accord with the endorsed plans.

Expiry

- 34. 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 five years of the date of this permit.

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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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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.

WHEN DOES THE PERMIT BEGIN?

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.

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 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.

WHAT ABOUT REVIEWS?

- 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.