
PLANNING PERMIT

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

Permit No.: 15/0372

Planning scheme: Surf Coast

Responsible authority: Surf Coast Shire Council

ADDRESS OF THE LAND: 69B HARVEY STREET, ANGLESEA. LOT: 120 LP: 20002

THE PERMIT ALLOWS: RESUBDIVISION OF THE LAND INTO 10 LOTS AND REMOVAL OF NATIVE VEGETATION IN ACCORDANCE WITH THE ENDORSED PLAN/S.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Plans for Approval

1. 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) A subdivision layout generally in accordance with the plan submitted to the responsible authority dated 20th April 2016 but including dimensioned building envelopes for each lot (lot 1 – 10) and lot sizes;
 - b) [Finished surface levels for each lot, generally in accordance with ground levels that existed prior to construction of the water basin, but modified to minimize loss of native vegetation and not exceeding 94.6m Australian Height Datum.](#)
 - c) Amend the rear boundaries of lots 3-10 to provide for easements;
 - d) Dimensioned side and rear setbacks from building envelopes to property boundaries for each lot (lot 1 – 10);
 - e) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements;
 - f) Easements in favour of the responsible authority to the satisfaction of the responsible authority;
 - g) A 1.5m exposed aggregate concrete footpath on the northern side of Harvey Street, located to avoid removal of native vegetation within the street verge (including the road reservation located at the intersection of Parker and Harvey Street). The path design is to 'meander' to meet town character objectives;
 - h) A 1.5m exposed aggregate concrete footpath through the Sparrow Avenue open space reserve.
 - i) Driveway locations for each lot, situated to avoid and minimise native vegetation removal within the street reserve (except where the native vegetation is listed as an 'environmental weed').
 - j) All native vegetation to be removed and retained' (including the reserve located at the intersection of Harvey and Parker Street, if vegetation removal is proposed to facilitate the required footpath).
 - k) The Otway Grey gum located on Harvey Street marked 'to be retained'.

Landscaping Works

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:

2. Before landscape works commence, a detailed 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 form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
- a) Street tree planting on Harvey and Parker Street adjacent to the site,
 - b) A planting schedule of all proposed street trees including botanical names, common names, pot sizes at maturity and quantities of each plant. ;
 - c) Species are to be indigenous to Anglesea with a height and spread at maturity appropriate to the street setting. A single species should be selected, although a larger tree may be more appropriate in Parker Street, to the satisfaction of the responsible authority. Trees must be offset accordingly from all existing or proposed infrastructure and services.
 - d) A planting schedule of all proposed trees and landscaping within the Sparrow Ave open space reserve, including botanical names, common names, pot sizes at maturity and quantities of each plant.
 - e) Specifications and location of park bench seat.
 - f) Location of proposed pathways (1.5m in width and constructed of exposed aggregate concrete).
 - g) Details of how native vegetation offsets will be secured and the estimated timeframe when this will occur. The offsets are to be in accordance with the 'Vegetation Assessment' dated April 2016 and must;
 - Contribute a gain of 0.005 general biodiversity equivalence units.
 - Be located within the Corangamite Catchment (if practical).
 - Have a strategic biodiversity score of at least 0.080.

Public open space contribution

3. At least 3% of the site is to be vested unto Council as a public open space reserve in accordance with the endorsed plans.

Construction Management Plan

4. Before the development starts a construction management plan (three copies) 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:
- a) Measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
 - b) Measures to accommodate the private vehicles of workers/ tradespersons;
 - c) Details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;
 - d) 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;
 - e) Measures to minimise the generation and dispersal of dust;
 - f) Details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP;
 - g) Arrangements for waste collection and other services to be provided during construction;
 - h) Measures to control dust, water and sediment laden runoff;
 - i) The location of stockpiles;
 - j) Details of the haul route for transport of excess materials removed from the site and delivery of materials to the site;
 - k) Inspection and documentation of haul route with a representative of the Responsible Authority to audit condition of haul route prior to the commencement of construction works and post construction works with any damage identified to be rectified by the contractor at their expense.

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:
---------------------	---	---

Stormwater Management Plan

5. Before the development starts, an amended stormwater management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The amended plan is to modify the mitigation requirements presented in the original report dated August 2015 through the removal of option 1. When approved, the plan will be endorsed and will then form part of the permit. The plan must ensure that stormwater and drainage discharge from the development site meets current best practice performance objectives for stormwater (Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999).

Road, Footpath and Drainage Plans

6. Before any road and drainage works associated with the subdivision start, detailed construction plans must be submitted to and approved by Council. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must include:
- Vehicle crossing to all lots;
 - 1.5m wide exposed aggregate concrete footpath on Harvey Street;
 - 1.5m exposed aggregate concrete footpath through the Sparrow Avenue open space reserve;
 - Underground drains and stormwater infrastructure as required under the endorsed Stormwater Management Plan;
 - [Finished surface levels consistent with the endorsed plans.](#)

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

Endorsed Plans

7. 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.

Section 173 Agreement

8. Before a statement of compliance is issued under the Subdivision Act 1988 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:
- All costs associated with the removal of the carriageway within Sparrow Avenue and rehabilitation of the site including installation of a 1.5m wide exposed aggregate concrete footpath, bench seat and landscaping of the site with a mixture of shade indigenous trees and landscaping.

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Requirements to be satisfied before Statement of Compliance

9. Before a statement of compliance is issued under the Subdivisions Act 1988, the applicant must provide:
- footpaths;
 - Drainage;
 - Landscaping;
 - Street lighting;
 - Park furniture;
 - All vehicle crossings where shown on the endorsed plans to be constructed;
 - [grading of the site to finished surface levels in accordance with the endorsed plans.](#)
 - Asset information in digital format to include drainage data as per "D-Spec" the Consultant/Developer Specifications for the delivery of drainage data to Local Government;

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:

- j) Compaction of all compacted fill material to a minimum of 95% Standard Compaction. Testing shall be undertaken by a NATA registered laboratory with results provided to the responsible authority as soon as they become available

Commencement of landscaping works

- 10. The Shires Parks and Open Space Coordinator is to be contacted prior to commencement of any:
 - a) Street tree planting (for confirmation of and approval of set out of the location of the street trees);
 - b) Planting within the proposed reserve and
 - c) Planting of the first street tree within the streetscape (for inspection of the installation hole). A minimum of 48 hours' notice is required prior to all meetings listed above.

Landscape Maintenance

- 11. All hard and soft landscape works forming part of the endorsed landscaping plans must be maintained for a minimum of 24 months (two summers), to the satisfaction of the Responsible Authority. A log book is to be kept during the maintenance period of what maintenance work has been done, what materials including toxic materials that have been used. This log book should be available upon request by the Responsible authority unless otherwise agreed in writing by the Responsible Authority. The maintenance period will commence from for a minimum period of 2 summers from the agreed date of practical completion by Council's Parks and Open Space Coordinator.
- 12. Prior to handover of the works following completion of the 2 summers maintenance period Council's Parks and Open Space Coordinator is to be contacted for an inspection 3 months prior to the expected handover date. Defects are to be agreed and documented. Defects are to be rectified and a minimum 48 hours' notice given to the Parks and Open Space Coordinator for attendance at the final handover meeting following the 2 summers maintenance period.

Compliance with plans

- 13. The layout and site dimensions of the proposed subdivision, development of works and content of restrictions as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Conditions required by referral authorities

- 14. The plan of subdivision submitted for certification under the subdivision Act 1988 shall be referred to the following authorities in accordance with Section 8 of the Act:
 - a) Barwon Water Authority;
 - b) Powercor Australia Limited
- 15. 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.
- 16. 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:

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:
---------------------	---	---

- 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.

Conditions required by Barwon Water

General

- 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 2.0 metres.

Water

- 18. The payment of New Customer Contributions for 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 water supply.
- 19. Additional tapings are to be supplied to service the propose development. A dimensioned plan showing location of all new tapings relative to allotment boundaries is to be submitted, where a meter is not being fitted. Note that tapings and services are not to be located under existing or proposed driveways.

Sewer

- 20. 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 owner(s).
- 21. 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).
- 22. 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 Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.

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 L006741.

Conditions required by Powercor

- 23. The applicant shall:-
 - a) 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 (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
 - b) 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

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:
---------------------	---	---

Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.

- c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.
Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
- f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- i) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- j) 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.

Note: It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Expiry of Permit

24. This permit 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 before the permit expires or within six months afterwards.

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:

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. C108 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.