

---

# PLANNING PERMIT

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

---

Permit No.: 17/0207

Planning scheme: Surf Coast Planning Scheme

Responsible authority: Surf Coast Shire

**ADDRESS OF THE LAND:** 3-5 LOCH ARD DRIVE, TORQUAY (LOT S2 ON PS410328D)

**THE PERMIT ALLOWS:** BUILDINGS AND WORKS ASSOCIATED WITH THE CONSTRUCTION OF FOUR COMMERCIAL PREMISES AND A DWELLING, REDUCTION OF THE NUMBER OF CAR PARKING SPACES REQUIRED UNDER CLAUSE 52.06-5 AND WAIVING OF THE LOADING REQUIREMENTS OF CLAUSE 52.07 IN ACCORDANCE WITH THE ENDORSED DOCUMENTS

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

---

## Amended plans

1. Before the development starts, 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 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 be generally in accordance with the plans submitted with the application but modified to show:
  - a) The location of external storage and waste disposal/collection areas;
  - b) Details of public litter bins to be installed including both general waste and recyclables;
  - c) The location of external plant and equipment, including but not limited to service units for heating, cooling and hot water, solar panels, service shafts, ventilation systems, which are to be located and designed so as not to be visually prominent from the public realm or neighbouring properties;
  - d) A schedule of all external materials, finishes and colours.

## Landscaping

2. Before the development starts, 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 the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Site and building boundaries (at ground level) and any existing or proposed services or easements;
  - b) Details of surface finishes of pathways, accessways and car parking areas;
  - c) Details of proposed planting and 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:**

---

- d) 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;
- e) The location of street trees that may be impacted by the proposed vehicle crossing and replacement of any tree removed with the same species;

All landscaping, including plant species selected, must be to the satisfaction of the responsible authority.

- 3. Prior to the occupation of the development, or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the responsible authority. All landscaping within the site must thereafter be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

**Acoustic Report**

- 4. Before the development starts, a qualified acoustic expert must prepare an acoustic report and a copy must be provided to the responsible authority, that details the noise attenuation measures required to all habitable rooms within the proposed dwelling to ensure minimal impacts from noise sources external to the dwelling. The recommendations of the acoustic report must be approved by Council in writing and once approved implemented to the satisfaction of the responsible authority prior to the completion of the development.
- 5. Within one (1) month of the occupation of the commercial premises, acoustic testing shall be undertaken by a suitably qualified professional to assess compliance with the requirements of the endorsed acoustic report required by condition 4, the Guidelines: Noise from Industry in Regional Victoria, EPA Publication 1411 and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2). The assessment shall be provided to the responsible authority within one (1) month of completion of testing and shall include recommendations, if required, to achieve compliance. Any rectification recommendations must be implemented to the satisfaction of the responsible authority within one (1) month of the responsible authority's approval of the acoustic testing, unless an alternative timeframe is agreed in writing with the responsible authority.

**Construction Management Plan**

- 6. Before the development starts, 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:
  - a) Details as to how traffic and pedestrian safety and amenity will be controlled within the vicinity of the land and its surrounds;
  - b) Measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
  - c) Measures to accommodate the private vehicles of workers/tradespersons;
  - d) Details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;

---

<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>
---------------------	---	---

---

- e) 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;
- f) Measures to minimise the generation and dispersal of dust;
- g) Details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with CMP;
- h) Arrangements for waste collection and other services to be provided during construction.

All works on the site must be carried out in accordance with the endorsed Construction Management Plan to the satisfaction of the responsible authority. The developer shall take all reasonable action necessary to protect adjoining residents and commercial tenants from dust, rubbish and undue noise during the construction stage.

### Waste Management

7. Before the development starts, a Waste 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:
- a) Details of the storage and collection of waste, including the location of bins and the method, timing and frequency of collection;
  - b) All bins and receptacles shall be maintained in a clean and tidy condition, kept free from offensive odour and adequately covered to minimise dispersal of material by wind or water and vermin and pest/insect access;
  - c) No garbage bin or waste materials generated by the commercial uses at the site shall be deposited or stored outside the site and bins must be returned to the waste storage area/s as soon as practicable after waste collection.

The storage and collection of waste from the property must thereafter be undertaken in accordance with the endorsed Waste Management Plan to the satisfaction of the Responsible Authority.

### Car parking and access

8. A minimum of 19 car spaces must be provided on the site at all times and made available for use by patrons and residents of the land to the satisfaction of the responsible authority.
9. Before the occupation of the development, the areas set-aside for the parking of vehicles and access lanes as 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 with an all-weather-seal coat
  - c) drained
  - d) line marked to indicate each car space and all access lanes
  - e) clearly marked to show the direction of traffic along access lanes and driveways
- to the satisfaction of the responsible authority.

---

<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>
---------------------	---	---

---

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

10. The following requirements shall apply to vehicle crossings and driveways that shall be constructed to the satisfaction of the responsible authority:
- a) Vehicle crossings shall be constructed in reinforced concrete or other approved material;
  - b) New vehicle crossings to suit the proposed driveways shall be constructed;
  - c) Pathways shall be replaced with a section capable of sustaining traffic loadings where vehicle crossings are constructed or relocated;
  - d) 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.

**Loading and unloading of vehicles**

11. The loading and unloading of goods from vehicles must only be carried out on the land or from designated public loading bays, unless otherwise approved by the responsible authority in writing.

**Plant**

12. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the responsible authority. All plant and equipment 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.

**Lighting**

13. All outdoor lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

**Security alarm**

14. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.

**Developer Contributions**

15. 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.

*Note: The Development Infrastructure Levy amount required to be paid will be adjusted annually on 1 July each year to cover inflation, by applying the Building Price Index June Quarter for Melbourne in Rawlinsons Australian Construction Handbook.*

**Endorsed plans**

16. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

---

<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>
---------------------	---	---

---

**Expiry of Permit**

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

- The development is not started within two years of the date of this permit
- The development is not completed within four 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.

---

---

**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. C123 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.