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# PLANNING PERMIT

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Permit No: 15/0485

Planning scheme: Surf Coast Shire  
Responsible authority: Surf Coast Shire

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

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**ADDRESS OF THE LAND: 85 GROSSMANS ROAD AND 14 SEA BREEZE DRIVE TORQUAY**

**THE PERMIT ALLOWS: STAGED MULTI-LOT SUBDIVISION, VEGETATION REMOVAL AND ASSOCIATED WORKS**

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

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## Overall Plan

1. Before the plan of subdivision for the first stage 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 the three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) Staging of the subdivision, including the staging of the vesting of reserves and the delivery of stormwater management works (i.e. retarding basins). Any reserves must not be vested prior to the completion of all stormwater management works, in accordance with the endorsed stormwater management plan, within that area
  - b) Functional layout of carriageway, parking bays, footpaths, cycle paths/shared paths, crossovers and traffic control devices
  - c) Typical cross-sections for each street type
  - d) ~~Identify potential m-~~Multi-dwelling lots
  - e) ~~Identify t-~~The location for bin collection from lots with an abuttal to a rear laneway
  - f) ~~Identify t-~~The location of existing native vegetation to be retained and removed.

### **Amended Plans**

2. Before the plan of subdivision for each stage 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 ~~the~~ 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
  - b) Easements in favour of Surf Coast Shire to the satisfaction of the responsible authority
  - c) Naming of the streets shall be in accordance with Surf Coast Shire Place Naming Policy (SCS-004, 2011) and Place Naming Guidelines (MPP-003, 2011) (or superseding documents)

### **Endorsed Plans**

3. 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.

### **Staging**

4. The subdivision must generally proceed in the order of stages as shown on the endorsed plans unless otherwise agreed in writing by the Responsible Authority.

### **Stormwater Management Plan**

5. Before the plan of subdivision, for the first stage containing a lot which cannot be drained to an existing Council reticulated stormwater system, is certified under the Subdivision Act 1988, a stormwater 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 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)) and must include:
  - a) A construction site plan that incorporates the stormwater management measures to be implemented during the construction phase of the development and outlines in detail how stormwater is to be managed, including sediment controls, during both the land development phase and the building phase. The plan should have regard to the Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995). The management controls are to be regularly monitored and maintained
  - b) Maintenance responsibilities, requirements and costs for the stormwater infrastructure installed

- c) Staging of the delivery of stormwater management infrastructure, including temporary infrastructure
- d) The temporary treatment or protection of final treatment facilities for stormwater during the construction phase of the development with the final wetland construction and landscaping completed prior to the issue of the Statement of Compliance for the last stage of the development
- e) Maintenance of the stormwater treatment facilities for 2 years after the Certificate of Practical Completion is issued for the final stage of the development, excluding hard Civil Works (i.e. concrete works, pipes and structures) that will otherwise have a maintenance period of 3 months.

### **Drainage**

- 6. Each lot shown on the endorsed plans must be drained to the satisfaction of the responsible authority.

### **Landscape Plans**

- 7. Before the commencement of works a Landscape Master Plan for the estate 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 include:
  - a) Street tree planting themes
  - b) Location of pathways within areas of open space
  - c) Identification of equipment/facilities to be provided within each area of public open space
- 8. Before the commencement of landscape works for each stage Detailed Landscape Plans for that stage 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 endorsed Landscape Master Plan and must include, as appropriate:
  - a) 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.
  - b) Species are to be to the satisfaction of the responsible authority.
  - c) Where the plan includes the planting of species from the family Myrtaceae, the plan must specify appropriate measures to control the introduction and spread of the disease Myrtle Rust (*Uredo rangelii*), such as quarantining of plants and inspections prior to planting.
  - d) Shade trees to be provided within open space areas.

- e) Site works specification and method of preparing, draining, watering and maintaining the landscaping.
- f) Fencing details for any lot boundary abutting a public open space reserve. The fencing style should predominantly be visually permeable.
- g) For all hard landscape elements the use of suitable sustainable materials (ie recycled, reusable and recyclable, low embodied energy).
- h) A schedule of arboricultural works to be undertaken on existing trees to be retained.
- i) For any swale drain, a typical cross section.
- j) For a stage including public open space, the location and design details of all landscape features including circulation paths, park furniture, including a shelter, access points and linkages.
- k) ~~For a stage including a~~ [A](#) drainage reserve.
- ~~i~~) Concept design of the wetland and detention basins.
- ~~i~~m) Species to be planted within the wetland to discourage people from entering the wetland and for proper functioning. This should be in accordance with Melbourne Water Guidelines.

#### **Landscape Maintenance**

9. The landscape plantings for each stage must be maintained for a period of 2 years after the issue of the Statement of Compliance for the relevant stage of the subdivision to the satisfaction of the Responsible Authority. Any damage to landscaping works during this time, including diseased plants and vandalism, must be rectified at the cost of the developer to the satisfaction of the Responsible Authority.
10. Declared noxious weeds and pest animals are to be controlled across the development site and during the 2 year maintenance period as per the responsibilities of the land owner under Section 20 of the Catchment and Land Protection Act 1994, namely that the land owner must take all reasonable steps to: prevent the spread of, and as far as possible, eradicate established pest animals; eradicate regionally prohibited weeds, and prevent the growth and spread of regionally controlled weeds.

#### **Construction Management Plan**

11. Prior to the commencement of works 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 on site away from existing dwellings. ~~with t~~The surface of any such car park area is to be treated to prevent dust causing loss of amenity to the neighbourhood
- c) Details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities
- d) ~~To comply with~~ EPA requirements in terms of noise management
- 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. All waste and debris collected on site during the period of construction is to be removed off site. Waste, including vegetation, must not be burnt on site
- h) Bulk earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent, mitigate and minimise soil erosion as much as practically possible.
- i) Measures to control dust and sediment laden run-off.
- j) Measures to limit the importation of weeds and Cinnamon Fungus onto the site through appropriate cleaning of machinery and other vehicles prior to entering the site.
- k) Details of the haul route for transport of excess materials from the site and delivery of materials to the site.
- l) Inspection and documentation of haul route with a representative of the Responsible Authority to audit condition of haul route prior to and post construction with any damage identified to be rectified by the contractor at their expense.
- m) Protection of Council assets, including roads.
- n) Details of tree protection zones around vegetation nominated to be retained.

#### ~~Design Guidelines~~

~~12. Prior to Certification of the Plan of Subdivision, Design Guidelines for the development of the estate to the satisfaction of the Responsible Authority shall be submitted to and approved by the Responsible Authority. When approved, the guidelines will be incorporated into a Memorandum of Common Provisions on the title. The guidelines must include, but not be limited to, identification of:~~

- ~~a) Maximum height restrictions~~
- ~~b) Minimum boundary setbacks~~
- ~~c) Maximum boundary setbacks~~
- ~~c) Boundary fence treatments~~
- ~~d) Landscape treatments for lots abutting exterior site boundaries, open space areas, reserves.~~

~~The guidelines, at a minimum, must specify the following:~~

- ~~1) Any element of a proposed building within 9 metres of the estate's southern boundary must not exceed a single storey (to a maximum height of 4 metres above finished site levels) at that location.~~
- ~~2) Dwellings on the estate's eastern boundary are to be designed to limit overlooking existing neighbouring dwellings at Eaton Road, Torquay.~~
- ~~3) Maximum building height limit of 6.5 metres above finished site levels for dwellings on the estate's southern boundary and 7.5m limit for all other dwellings on the balance of the estates.~~
- ~~4) Medium density developments will be assessed against Clause 55 – ResCode~~

### **Construction Plans**

~~12~~13. Before any construction works associated with the subdivision start, detailed construction plans to the satisfaction of the Council must be submitted to and approved by the Council. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must include:

- a) Fully sealed road pavements and concrete footpaths to widths set out on the approved typical cross sections and functional layout plans
- b) Intersection treatments as determined through a Road Design Safety Audit
- c) Underground drains and stormwater treatment infrastructure (as required under the endorsed Stormwater Management Plan)
- d) Street lighting including energy efficient street lamps
- e) Street signs
- f) Fire hydrants

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

### **Site Fencing**

~~13~~14. Prior to the commencement of works the developer shall remove the existing boundary fencing and provide a replacement 1.8m high timber fence at ~~their~~ the developer's cost.

### **Site Levels**

~~14~~15. Before the commencement of works a plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority detailing the finished site levels. The plan must be generally in accordance with the Spiire plans 302257G1-1 (Rev. A) and 302257G1-2 (Rev. A) and dated 11/05/2016.

### **Fill material**

~~15~~16. The filling of the land using imported material must be undertaken using only clean fill that is free from contaminants at levels above standards for residential use. At the reasonable request of the responsible authority, the owner shall provide test evidence that certifies that the fill material is not contaminated to the satisfaction of the responsible authority.

### **Prior to Statement of Compliance**

1617. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 for each stage of the subdivision, the applicant must provide:

- a) Road works, including footpaths
- b) Drainage
- c) Landscaping in accordance with the endorsed landscape plans
- d) Boundary fencing to all lots with a side or rear boundary to an open space reserve
- e) Street lighting and street signs
- f) All vehicle crossings where shown on the endorsed plans to be constructed
- g) Re-compaction of all uncompacted 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
- h) 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

### **Haul Route**

1718. Prior to the issue of the Statement of Compliance for the final stage is issued the applicant must rectify any damage to the haul route to the satisfaction of the responsible authority.

### **Section 173 Agreement**

1819. 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:

- a) Any lot created by the approved subdivision shall not be further subdivided to create additional lots or developed by more than one dwelling, other than a lot identified on the endorsed plan as a potential multi-dwelling site (i.e. Super lot).
- b) Boundary fences adjoining a municipal reserve must be maintained by the owners of the said lot in good condition and without alteration to their design and/or visual appearance.
- c) Vehicle access to a lot through a municipal reserve is prohibited unless with the prior written consent of the Responsible Authority.
- d) Any lot with an abuttal to a rear laneway, in addition to any front or side street, must obtain vehicle access from the rear laneway and must not obtain vehicle access from the front street.

- e) Any lot with an abuttal to a rear laneway, on the designated collection day must place bins in the location identified on the plans endorsed under Condition 3. On any other day the bins must be stored screened from view from any street.

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

### **Open Space Contributions**

~~19~~<sup>20</sup>. Prior to the issue of a Statement of Compliance the owner of the subject land must provide a public open space contribution equivalent to ten (10) per cent comprising a combination of land and cash contribution to the satisfaction of the responsible authority.

### **Development Contributions**

~~20~~<sup>21</sup>. 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 after certification of the relevant plan of subdivision but not more than 21 days before a Statement of Compliance is issued under the Subdivision Act 1988.

### **Telecommunication Services**

~~21~~<sup>22</sup>. 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 (NBN) will not be provided by optical fibre.

~~22~~<sup>23</sup>. 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 telecommunications 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."

### **CFA Conditions**

~~23~~<sup>24</sup>. Operable hydrants, above or below ground, must be provided to the satisfaction of CFA.



- ~~24~~~~25~~. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- ~~25~~~~26~~. Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority website ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).
- ~~26~~~~27~~. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- ~~27~~~~28~~. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than 1 in 8 (12%) (7.1 degree) entry and exit angle.
- ~~28~~~~29~~. Roads must have a minimum trafficable width of:
- a) 5.5m if parking is prohibited on one or both sides of the road;
  - b) 7.3m where parking is allowable on both sides of the road.
- ~~29~~~~30~~. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.
- ~~30~~~~31~~. Any road with a trafficable width (Kerb to Kerb) less than 7.3 metres, must have 'no Standing' signage and/or appropriate on-road line markings installed to clearly identify that parking is only allowed on one side of the roadway.

#### **Powercor Conditions**

- ~~31~~~~32~~. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act
- ~~32~~~~33~~. 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. (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.
- ~~33~~~~34~~. The applicant shall, 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.
- ~~34~~~~35~~. The applicant shall 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.

3536. The applicant shall 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 Powerline Purpose & pursuant to Section 88 of the Electricity Industry Act 2000.

3637. The applicant shall obtain Powercor Australia Ltd approval for a lot boundary within any area affected by an easement for a powerline and for the construction of any works in such an area.

3738. The applicant shall 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.

#### **Barwon Water Condition**

3839. 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.

3940. The payment of New Customer Contributions for each additional lot created and/of each additional metered connection for water supply within the subdivision.

4041. Reticulated water mains are required to service the proposed development. New water mains are to connect to existing water mains in Grossmans Road.

4142. The provision and Installation of Individual water services to all lots in the subdivision in accordance with Barwon Water requirements and Victorian Plumbing Regulations.

Note that tappings and services are not to be located under existing or proposed driveways.

4243. The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for recycled water supply within the subdivision.

4344. The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.

#### **Expiry of Permit**

4445. This permit will expire if one of the following circumstance applies:

- a) The plan of subdivision for the first stage is not certified under the Subdivision Act 1988 within two years of the date of this permit.
- b) The subdivision is not completed within five years after the certification of the plan of subdivision for the first stage 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 three months afterwards.