

1. OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2. PRESENT

Cr Lyn Russell (Mayor)
Cr Brian Crook
Cr Stephen Hart
Cr Michael Delahunty
Cr Mick McCrickard
Cr Chris Smith

Rob Small, Chief Executive Officer
Jack Green, General Manager Sustainable Planning and Development
Colin Hayman, General Manager Corporate & Community Services
Neil Allen, General Manager Infrastructure & Service
Doug McNeill, Manager Planning & Building
Blaithin Butler, Statutory Planning Coordinator
Bron Keenan, Executive Officer Sustainable Planning & Development

3. APOLOGIES

Cr Terry Woodcroft

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

PC131206-1 *PLANNING & BUILDING STATISTICAL REPORT*

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2683

Recommendation(s)

That Council’s Planning Committee note the statistical reports for April and May 2013.

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**Resolution**

***MOVED Cr Brian Crook seconded Cr Michael Delahunty***

***That Council’s Planning Committee note the statistical reports for April and May 2013.***

***CARRIED 6 : 0***

**PC131206-2**      *COMMERCIAL REDEVELOPMENT AND SUBDIVISION OF LAND AT 111-117 GREAT OCEAN ROAD, APOLLO BAY (PP165/2012).*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/6537   |

**Recommendation(s)**

***That Council Planning Committee resolve to issue a Notice of Decision to Grant Planning Permit PP165/2012 for the an extension of the building to create two additional floors, use of part of the first floor as a tavern, use of land to sell or consume liquor including provision of a General Licence and a Restaurant/Cafe Licence, variation of easements to limit the height and allow construction on carriageway easement (easement E1 on Lot 2 on Plan of Subdivision 309031T) and to relocate drainage easement (easement E2 on Lot 2 on Plan of Subdivision 309031T), reduction in car parking and loading/unloading requirements, waiver of bicycle requirements, and seven (7) lot subdivision at 111-117 Great Ocean Road, Apollo Bay subject to the following conditions:***

**Amended Plans**

- 1. Prior to certification of the plan of subdivision 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 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 carriageway easement (shown as E1 on Lot 2 on Plan of Subdivision 309031T) and the relocated drainage easement (currently shown as E2 on Lot 2 on Plan of Subdivision 309031T) clearly depicted on the plan of subdivision.***
- 2. Prior to commencement of the development hereby permitted, 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) Details of the location, and operation, of lighting in the carriageway easement and rear parking area.***
  - (b) Details of waste management, including the location of bins towards the front of the site when awaiting collection from the***

**Great Ocean Road.**

- (c) **An on-street loading plan, which must nominate the maximum sized service vehicle required by the development.**
- (d) **A revised Noise and Amenity Plan, updating the proposed hours of operation of the tavern and including details of the operation of a noise limiter to restrict noise levels from amplified equipment in the tavern to the level specified in the Acoustic Assessment Report undertaken by Acoustic Advisory & Consulting Services Reference 13109 dated 25 March 2013.**

**DEVELOPMENT AND USE CONDITIONS****Endorsed Plans**

- 3. **The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.**
- 4. **The area in which liquor is allowed to be consumed or supplied under a licence hereby permitted must not be altered without the written consent of the Responsible Authority.**

**Tavern Use**

- 5. **Unless otherwise approved in writing by the Responsible Authority, the tavern hereby permitted must only be open to customers between the hours of 10:00am to 1:00am Monday to Sunday.**
- 6. **No more than 153 patrons may be present in the tavern at any one time unless otherwise approved in writing by the Responsible Authority.**

**Noise Mitigation**

- 7. **The tavern and restaurant must be constructed in accordance with the recommendations of the Acoustic Assessment Report undertaken by Acoustic Advisory & Consulting Services Reference 13109 dated 25 March 2013.**
- 8. **Unless otherwise agreed in writing by the Responsible Authority, the operator of the venue must adhere to the 'Code of Practice for Control of Noise in the Music Entertainment Industry 2003' and noise from music in the tavern must conform with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.**
- 9. **No external sound amplification equipment or loudspeakers shall be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
- 10. **Unless otherwise approved by the Responsible Authority, there must be no live music in the restaurant premises at any time.**

11. *The external first floor deck to the front of the restaurant and tavern hereby permitted must not be used by customers beyond 10pm on any given day, with the first floor front doors to the external deck closed by 10pm and customers prevented from using the deck, unless with the prior written consent of the Responsible Authority.*
12. *All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and must be connected to a security service.*
13. *All external plant and equipment must be acoustically treated or placed in soundproofed housing to reduce noise to a level satisfactory to the Responsible Authority.*
14. *The premises must operate in accordance with the endorsed Noise and Amenity Plan, to the satisfaction of the Responsible Authority.*

#### **General Amenity**

15. *The lighting of the carriageway easement and rear parking area must be carried out in accordance with the details shown on the endorsed plans, to the satisfaction of the Responsible Authority.*
16. *External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.*
17. *The amenity of the area must not be detrimentally affected by the use or development through the:*
  - a) *Transport of materials, goods or commodities to or from the land;*
  - b) *Appearance of any building, works or materials;*
  - c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
  - d) *Presence of vermin;*

*to the satisfaction of the Responsible Authority.*

#### **Drainage**

18. *All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
19. *Prior to the commencement of the development hereby permitted, a stormwater detention system designed by a qualified engineer must be submitted to and approved by the Responsible Authority. The design must provide for a maximum site discharge rate of 64 litres per second per hectare during the 10 year storm (10% AEP). Once approved, the plan will form part of the permit.*

20. *The footings within the drainage easement must be designed and built so that no damage is caused to existing infrastructure within the easement.*

**Parking, Loading/Unloading and Access**

21. *Prior to the commencement of the development hereby permitted, turning templates must be submitted to the Responsible Authority for review and endorsement. The turning templates must show how each car park space is to be accessed in both entering and exiting motions. The template must be the 85<sup>th</sup> percentile vehicle.*
22. *Prior to the initial occupation of any part of the development hereby permitted, the area/s set aside for the parking of vehicles, loading/unloading, access lanes and external storage as shown on the endorsed plans must be:*
- (a) Constructed;*
  - (b) Properly formed to such levels that they can be used in accordance with the plans;*
  - (c) Surfaced with asphalt;*
  - (d) Drained;*
  - (e) Line-marked to indicate each car space, the loading bay and all access lanes;*
- all to the satisfaction of the Responsible Authority.*
23. *The on-site loading bay must be available, without obstruction, for the purpose of loading and unloading at all times.*
24. *The loading and unloading of goods from service vehicles on site must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.*
25. *All on street loading must occur before 9:00am on any given day between March to November each year, and before 10:00pm on any day during the months of December, January and February unless with the written consent of the Responsible Authority.*

**VicRoads condition**

26. *The landowner must enter into a licence agreement with VicRoads for the proposed use of a stratum of the (Great Ocean Road) arterial road reserve (land) prior to the commencement of any works within the (Great Ocean Road) arterial road reserve.*

**SUBDIVISION CONDITIONS****Endorsed Plans**

27. *The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.*

**Easements**

28. *Prior to the certification of the plan of subdivision under the Subdivision Act 1988, all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge, must be created to the satisfaction of the Responsible Authority.*
29. *Plans lodged for certification pursuant to the provisions of the Subdivision Act 1988, as amended, must include a restriction on a separate sheet which nominates a minimum height clearance of 4.1m over the carriageway easement, to the satisfaction of the Responsible Authority.*

**Open Space Contribution**

30. *Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a cash contribution equivalent to five per cent of the site value of all land in the subdivision.*

**Telecommunications**

31. *The owner of the land must enter into an agreement with:*
- *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*
  - *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.*
32. *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 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*
- *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.*

### **Powercor Conditions**

- 33. *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.***
- 34. *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 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 (Network Assets) 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 as easement(s) in favour of 'Powercor Australia Ltd' for 'Powerline Purposes' 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.*

### **Barwon Water conditions**

#### **General**

- 35. 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 2.0m centrally located over existing 150mm VC sewer main.*
- 36. The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.*
- 37. 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.*
- 38. The creation of an Owners Corporation to encumber all lots within the subdivision.*

#### **Water**

- 39. The provision and installation of individual water services including meters to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all meters relative to the allotment boundaries, and their numbers is to be submitted.*

40. ***An additional tapping is to be supplied or the existing water service upgraded to service the proposed development. A dimensioned plan showing the location of all new and existing tapplings relative to the allotment boundaries, and their numbers is to be submitted. Note that tapplings and services are not to be located under existing or proposed driveways.***
41. ***The provision and installation of a master meter and sub meters are required to service to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. The applicant is to liaise with Barwon Water to ensure that all meters are located in an accessible and secure location. A dimensioned plan showing the location of all sub meters relative to the allotment boundaries and their numbers is to be submitted. Note that tapplings and services are not to be located under existing or proposed driveways.***
42. ***The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.***
43. ***Barwon Water's records indicate that an existing water service and meters are located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.***

#### **Sewer**

44. ***The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment.***
45. ***The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.***
46. ***The provision of a separate sewer connection branch to all lots within the subdivision and the replacement of the existing end of line with a Maintenance Shaft (MS)/Terminal Maintenance Shaft (TMS) in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations. Note that sewer connection branches are to be provided by a Barwon Water approved confined space plumber and the MS/TMS constructed by an approved Barwon Water plumbing services contractor. A list of approved plumbers/ contractors can be provided upon request.***
47. ***A new Maintenance Shaft is to be installed over the existing sewer main termination point outside the south east boundary as per Barwon Water's Consent to Build over or within 1.0 metre from a sewer main. This consent is dated 17/10/2011 for the proposed verandah in Great Ocean Road.***

**Expiry**

- 48. This permit will expire if one of the following circumstances applies:**
- a) The development has not commenced within two (2) years of the date of this permit;**
  - b) The plan of subdivision has not been certified within two (2) years of the date of this permit;**
  - c) The development is not completed within four (4) years of the date of this permit;**
  - d) The use has not commenced within four (4) years of the date of this permit;**
  - e) A statement of compliance is not issued within five years of the date of certification.**

**The Responsible Authority may extend the periods referred to if a request is made in writing within three (3) months of the date of expiry.**

**Notes**

- 1. VicRoads**  
**Prior to commencement of any works within the arterial road reserve, the landowner must obtain written consent from VicRoads for working in the road reserve, as required under the Road Management Act 2004.**
- 2. Liquor Licence**  
**The provision and or consumption of liquor within the development hereby permitted may not commence until such time as a Liquor Licence has been issued, pursuant to the Liquor Control Reform Act 1988, as amended. This planning permit does not purport to prejudge the decision of the Victorian Commission for Gambling and Liquor Regulation on any such application, or the conditions that may be imposed by the VCGLR.**
- 3. Barwon Water**  
**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 L007593.**
- 4. Powercor**  
**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).**

**Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.**

**5. Building Regulations**

***This permit does not authorise the commencement of any building construction works. Prior to commencement of the development, it will be necessary to apply for and obtain any building approval(s) required.***

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AMENDMENT - MOVED Cr Brian Crook seconded Cr Michael Delahunty that the following conditions be amended:

2. (c) An on-street loading plan.

- 10. *Unless otherwise approved by the Responsible Authority, there must be no amplified live music in the restaurant premises at any time.***
- 11. *There must be no live music after 11.00pm from Sunday to Thursday (inclusive), unless with the prior written consent of the Responsible Authority. On Fridays and Saturdays, live music must be within opening hours.***
- 19. *Prior to the commencement of the development hereby permitted, a stormwater from roofing detention system designed by a qualified engineer must be submitted to and approved by the Responsible Authority. The design must provide for a maximum site discharge rate of 64 litres per second per hectare during the 10 year storm (10% AEP). Once approved, the plan will form part of the permit.***
- 30. *Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a cash contribution equivalent to three per cent of the site value of all land in the subdivision.***

AMENDMENT - MOVED Cr Stephen Hart seconded Cr Mick McCrickard that a new condition be added as follows:

An additional \$117,000 be paid in lieu of car parking requirements.

VOTING 3 : 3

The MOTION upon being PUT to the meeting was declared LOST on the casting vote of the Mayor.

LOST 3 : 4

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Mick McCrickard

Against the Motion: Cr Chris Smith, Cr Michael Delahunty, Cr Lyn Russell (casting vote)

Resolution

MOTION - MOVED Cr Brian Crook seconded Cr Michael Delahunty that:

Council Planning Committee resolve to issue a Notice of Decision to Grant Planning Permit PP165/2012 for the an extension of the building to create two additional floors, use of part of the first floor as a tavern, use of land to sell or consume liquor including provision of a General Licence and a Restaurant/Cafe Licence, variation of easements to limit the height and allow construction on carriageway easement (easement E1 on Lot 2 on Plan of Subdivision 309031T) and to relocate drainage easement (easement E2 on Lot 2 on Plan of Subdivision 309031T), reduction in car parking and loading/unloading requirements, waiver of bicycle requirements, and seven (7) lot subdivision at 111-117 Great Ocean Road, Apollo Bay subject to the following conditions:

Amended Plans

- 1. Prior to certification of the plan of subdivision 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 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 carriageway easement (shown as E1 on Lot 2 on Plan of Subdivision 309031T) and the relocated drainage easement (currently shown as E2 on Lot 2 on Plan of Subdivision 309031T) clearly depicted on the plan of subdivision.****
- 2. Prior to commencement of the development hereby permitted, 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) Details of the location, and operation, of lighting in the carriageway easement and rear parking area.**
 - (b) Details of waste management, including the location of bins towards the front of the site when awaiting collection from the Great Ocean Road.**
 - (c) An on-street loading plan.**
 - (d) A revised Noise and Amenity Plan, updating the proposed hours of operation of the tavern and including details of the operation of a noise limiter to restrict noise levels from amplified equipment in the tavern to the level specified in the Acoustic Assessment Report undertaken by Acoustic Advisory & Consulting Services Reference 13109 dated 25 March 2013.****

DEVELOPMENT AND USE CONDITIONS**Endorsed Plans**

3. *The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.*
4. *The area in which liquor is allowed to be consumed or supplied under a licence hereby permitted must not be altered without the written consent of the Responsible Authority.*

Tavern Use

5. *Unless otherwise approved in writing by the Responsible Authority, the tavern hereby permitted must only be open to customers between the hours of 10:00am to 1:00am Monday to Sunday.*
6. *No more than 153 patrons may be present in the tavern at any one time unless otherwise approved in writing by the Responsible Authority.*

Noise Mitigation

7. *The tavern and restaurant must be constructed in accordance with the recommendations of the Acoustic Assessment Report undertaken by Acoustic Advisory & Consulting Services Reference 13109 dated 25 March 2013.*
8. *Unless otherwise agreed in writing by the Responsible Authority, the operator of the venue must adhere to the 'Code of Practice for Control of Noise in the Music Entertainment Industry 2003' and noise from music in the tavern must conform with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.*
9. *No external sound amplification equipment or loudspeakers shall be used for the purpose of announcement, broadcast, playing of music or similar purpose.*
10. *Unless otherwise approved by the Responsible Authority, there must be no amplified live music in the restaurant premises at any time.*
11. *There must be no live music after 11.00pm from Sunday to Thursday (inclusive), unless with the prior written consent of the Responsible Authority. On Fridays and Saturdays, live music must be within opening hours.*
12. *All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and must be connected to a security service.*
13. *All external plant and equipment must be acoustically treated or placed in soundproofed housing to reduce noise to a level satisfactory to the Responsible Authority.*

- 14. The premises must operate in accordance with the endorsed Noise and Amenity Plan, to the satisfaction of the Responsible Authority.**

General Amenity

- 15. The lighting of the carriageway easement and rear parking area must be carried out in accordance with the details shown on the endorsed plans, to the satisfaction of the Responsible Authority.**
- 16. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**
- 17. The amenity of the area must not be detrimentally affected by the use or development through the:**
- a) Transport of materials, goods or commodities to or from the land;**
 - b) Appearance of any building, works or materials;**
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d) Presence of vermin;**

to the satisfaction of the Responsible Authority.

Drainage

- 18. All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.**
- 19. Prior to the commencement of the development hereby permitted, a stormwater from roofing detention system designed by a qualified engineer must be submitted to and approved by the Responsible Authority. The design must provide for a maximum site discharge rate of 64 litres per second per hectare during the 10 year storm (10% AEP). Once approved, the plan will form part of the permit.**
- 20. The footings within the drainage easement must be designed and built so that no damage is caused to existing infrastructure within the easement.**

Parking, Loading/Unloading and Access

- 21. Prior to the commencement of the development hereby permitted, turning templates must be submitted to the Responsible Authority for review and endorsement. The turning templates must show how each car park space is to be accessed in both entering and exiting motions. The template must be the 85th percentile vehicle.**
- 22. Prior to the initial occupation of any part of the development hereby permitted, the area/s set aside for the parking of vehicles, loading/unloading, access lanes and external storage as shown on the endorsed plans must be:**

- (a) Constructed;*
- (b) Properly formed to such levels that they can be used in accordance with the plans;*
- (c) Surfaced with asphalt;*
- (d) Drained;*
- (e) Line-marked to indicate each car space, the loading bay and all access lanes;*

all to the satisfaction of the Responsible Authority.

- 23. The on-site loading bay must be available, without obstruction, for the purpose of loading and unloading at all times.*
- 24. The loading and unloading of goods from service vehicles on site must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.*
- 25. All on street loading must occur before 9:00am on any given day between March to November each year, and before 10:00pm on any day during the months of December, January and February unless with the written consent of the Responsible Authority.*

VicRoads condition

- 26. The landowner must enter into a licence agreement with VicRoads for the proposed use of a stratum of the (Great Ocean Road) arterial road reserve (land) prior to the commencement of any works within the (Great Ocean Road) arterial road reserve.*

SUBDIVISION CONDITIONS

Endorsed Plans

- 27. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.*

Easements

- 28. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge, must be created to the satisfaction of the Responsible Authority.*

- 29. Plans lodged for certification pursuant to the provisions of the Subdivision Act 1988, as amended, must include a restriction on a separate sheet which nominates a minimum height clearance of 4.1m over the carriageway easement, to the satisfaction of the Responsible Authority.**

Open Space Contribution

- 30. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a cash contribution equivalent to three (3) per cent of the site value of all land in the subdivision.**

Telecommunications

- 31. The owner of the land must enter into an agreement with:**

- **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**
- **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.**

- 32. 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 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**
- **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.**

Powercor Conditions

- 33. 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.**

34. 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 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 (Network Assets) 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 as easement(s) in favour of 'Powercor Australia Ltd' for 'Powerline Purposes' 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.*

Barwon Water conditions

General

35. *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 2.0m centrally located over existing 150mm VC sewer main.*
36. *The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.*
37. *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.*
38. *The creation of an Owners Corporation to encumber all lots within the subdivision.*

Water

39. *The provision and installation of individual water services including meters to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all meters relative to the allotment boundaries, and their numbers is to be submitted.*
40. *An additional tapping is to be supplied or the existing water service upgraded to service the proposed development. A dimensioned plan showing the location of all new and existing tappings relative to the allotment boundaries, and their numbers is to be submitted. Note that tappings and services are not to be located under existing or proposed driveways.*
41. *The provision and installation of a master meter and sub meters are required to service to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. The applicant is to liaise with Barwon Water to ensure that all meters are located in an accessible and secure location. A dimensioned plan showing the location of all sub meters relative to the allotment boundaries and their numbers is to be submitted. Note that tappings and services are not to be located under existing or proposed driveways.*

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

43. Barwon Water's records indicate that an existing water service and meters are located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.

Sewer

44. The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment.

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

46. The provision of a separate sewer connection branch to all lots within the subdivision and the replacement of the existing end of line with a Maintenance Shaft (MS)/Terminal Maintenance Shaft (TMS) in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations. Note that sewer connection branches are to be provided by a Barwon Water approved confined space plumber and the MS/TMS constructed by an approved Barwon Water plumbing services contractor. A list of approved plumbers/ contractors can be provided upon request.

47. A new Maintenance Shaft is to be installed over the existing sewer main termination point outside the south east boundary as per Barwon Water's Consent to Build over or within 1.0 metre from a sewer main. This consent is dated 17/10/2011 for the proposed verandah in Great Ocean Road.

Expiry

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

- a) The development has not commenced within two (2) years of the date of this permit;**
- b) The plan of subdivision has not been certified within two (2) years of the date of this permit;**
- c) The development is not completed within four (4) years of the date of this permit;**
- d) The use has not commenced within four (4) years of the date of this permit;**
- e) A statement of compliance is not issued within five years of the date of certification.**

The Responsible Authority may extend the periods referred to if a request is made in writing within three (3) months of the date of expiry.

Notes

1. **VicRoads**
Prior to commencement of any works within the arterial road reserve, the landowner must obtain written consent from VicRoads for working in the road reserve, as required under the Road Management Act 2004.
2. **Liquor Licence**
The provision and or consumption of liquor within the development hereby permitted may not commence until such time as a Liquor Licence has been issued, pursuant to the Liquor Control Reform Act 1988, as amended. This planning permit does not purport to prejudge the decision of the Victorian Commission for Gambling and Liquor Regulation on any such application, or the conditions that may be imposed by the VCGLR.
3. **Barwon Water**
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 L007593.
4. **Powercor**
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).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.
5. **Building Regulations**
This permit does not authorise the commencement of any building construction works. Prior to commencement of the development, it will be necessary to apply for and obtain any building approval(s) required.

CARRIED 5 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Michael Delahunty

Against the Motion: Cr Chris Smith