

Planning and Environment Regulations 2015

S.R. No. 33/2015



PLANNING PERMIT

PERMIT No. : 210456
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PLANNING SCHEME : BASS COAST PLANNING SCHEME
RESPONSIBLE AUTHORITY : BASS COAST SHIRE COUNCIL

ADDRESS OF THE LAND

2 Blue Water Circle, Cape Paterson VIC 3995 Lot 2a PS641545

THE PERMIT ALLOWS

Subdivision of land into two lots in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

General Conditions:

- 1. The subdivision must be undertaken as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. No buildings or works shall be constructed on any existing easement (including implied sewer, drainage, telephone, gas, power and water easement) or proposed easement without the further approval in writing of the Responsible Authority and/or the relevant service provider.

Mandatory Subdivision conditions

- 3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Date Issued: 07 March 2022

Signature for the Responsible Authority:
Planning and Environment Regulations 2015 Sch. 1 Form 4

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6. 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.
7. 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.
8. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:
- *State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Bass Coast Planning Scheme.*
 - *Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*
 - *State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

The landowner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

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CFA Conditions

9. The Bushfire Management Plan, prepared by Euca Planning Pty Ltd, Version 1, dated 25/10/2021, must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-5 of the Bass Coast Planning Scheme

Site civil design plans

10. Before certification of the Plan of Subdivision, detailed civil construction plans 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. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing authorities. The plans must be drawn to scale with dimensions and an electronic copy (PDF) must be provided. The plans must show:

- a. Drainage of the subject land, including levels or contours of the land (including relevant external catchments) and all hydraulic computations. The drainage plan must be prepared in accordance with the requirements of the Infrastructure Design Manual (IDM) as amended and must provide for the following:
 - i. How the land including all buildings, open space and paved areas within each lot will be drained for a 20% AEP storm event to the legal point of discharge.
 - ii. An underground pipe drainage system conveying stormwater to the legal point of discharge and connecting into Bass Coast Shire Council’s stormwater drainage system by the existing underground drainage property connection.
 - iii. The provision of stormwater detention within the site and prior to the point of discharge into Bass Coast Shire Council’s drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using an allowable discharge rate for the site 37 l/sec/ha.
 - iv. Provision of over-land surcharge routes for all storm events up to the 1% AEP. This must include cut-off drains and associated infrastructure for the safe and effective passage of stormwater flows arising from areas upstream of the subject land discharging into Bass Coast Shire Council’s drainage system.
 - v. No part of any above ground stormwater detention system is to be located within a stormwater drainage easement or a sewerage easement unless with the Responsible Authority’s written approval.

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- vi. Any above ground detention tanks to be deferred via a Section 173 agreement must be noted on the plans.
- b. Vehicle and pedestrian access and car parking to the satisfaction of the Responsible Authority including:
 - i. A vehicle access to each lot in the subdivision, to be designed in accordance with IDM standards (SD 240). Clearance from obstructions including existing street trees, service authority assets, footpaths, kerb and channel, poles, rain gardens, pits, cables, pipes, bus shelters / stops, street furniture, signs, etc. must be shown on the plans.

Easements

11. The plan of subdivision submitted for certification under the Subdivision Act 1988, must show appropriate easements set aside for drainage purposes, to the satisfaction of the Responsible Authority.

Construction (minor subdivision)

12. Before the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:
- a. All civil construction works, must be constructed in accordance with the civil design plans for the property as endorsed by the Responsible Authority pursuant to this planning permit.
 - b. All drainage works (excluding any above ground detention tanks deferred via a Section 173 agreement) in accordance with the endorsed civil plans.
 - c. Photographic evidence of the legal point of connection to Council’s drainage system must be provided if Council inspection cannot be arranged prior to backfilling.
 - d. Areas for common property, vehicle access and car parking within the land must be constructed in accordance with the endorsed civil design plans.
 - e. All proposed vehicle crossings and footpaths must be constructed in accordance with the endorsed plans and IDM standards.
 - f. All redundant infrastructure (including vehicle crossings) abutting the site shall be removed and the kerb, channel, nature strip and footpath shall be reinstated.
 - g. Removal of any sheds or redundant buildings located on created land parcels not accommodating a dwelling.

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Mud on roads

13. No mud, dirt, sand, soil, clay, stones, oil, grease, scum, litter, chemicals, sediments, gross pollutants, animal waste or domestic waste shall be washed into, allowed to enter or discharged to the stormwater drainage system, receiving waters or surrounding land and road reserves, during the construction works hereby approved to the satisfaction of the Responsible Authority.

SI 73 agreement for drainage

14. Before the issue of a Statement of Compliance, the owner of the land must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The cost of the preparation, lodgement and registration and any subsequent removal of the Agreement shall be borne totally by the owner of the land. The Agreement must be registered on the certificate of title for the land. Evidence of the registration of the agreement must be provided to the Responsible Authority prior to the issue of a Statement of Compliance authorised by this permit. The Section 173 agreement must provide for the following:

- a. Before an Occupancy Permit is issued for a dwelling on each lot, a stormwater detention tank must be installed in accordance with the endorsed drainage plans;
- b. The owner will maintain and not modify the on-site storm water detention system without prior Council written approval, and will allow the system to be inspected by a duly appointed officer of the Council at mutually agreed times;
- c. The capacity of the on-site stormwater detention system cannot be reduced and must be maintained to the satisfaction of the Responsible Authority; and
- d. The owner will pay for all the costs associated with the operation, maintenance and Council inspection of the on-site storm water detention system.

Amenity

15. The development must be managed during construction so that the amenity of the area is not detrimentally affected 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, litter, dust, wastewater, waste products, grit or oil; and
- d) presence of vermin or animals.

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Permit Expiry – Subdivision

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

- a) The plan of subdivision is not certified under the Subdivision Act 1988 within two years of the date of this permit; or
- b) Registration of the plan of subdivision is not completed within five years of the certification of the plan of subdivision under the Subdivision Act 1988.

The Responsible Authority may extend the time for certification if a request is made in writing before the permit expires, or within six months afterwards.

PERMIT NOTES

Asset Protection Permit

- Unless exempted by the Bass Coast Shire, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Local Law No. 1 Neighbourhood Amenity 2012. Bass Coast Shire Council’s Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

Road Occupation Permit

- A Bass Coast Shire Road Occupation Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Road Occupation Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Bass Coast Shire Council’s Asset Protection Officer.

Stormwater Discharge Point

- A Bass Coast Stormwater Discharge Point must be obtained prior to the connection of all new stormwater drainage into Bass Coast Council’s stormwater drainage system. All new stormwater drainage connections must be inspected by Bass Coast Council’s Asset Protection Officer before any backfilling of the connection is undertaken.

CFA Note

- CFA consents under Section 9 of the Subdivision Act 1988 to the Certification of the Plan of Subdivision. CFA does not want the Plan of Subdivision for this planning permit application referred under Section 8 of the Subdivision Act 1988.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

Sch. I

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The Responsible Authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case.

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 the 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?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

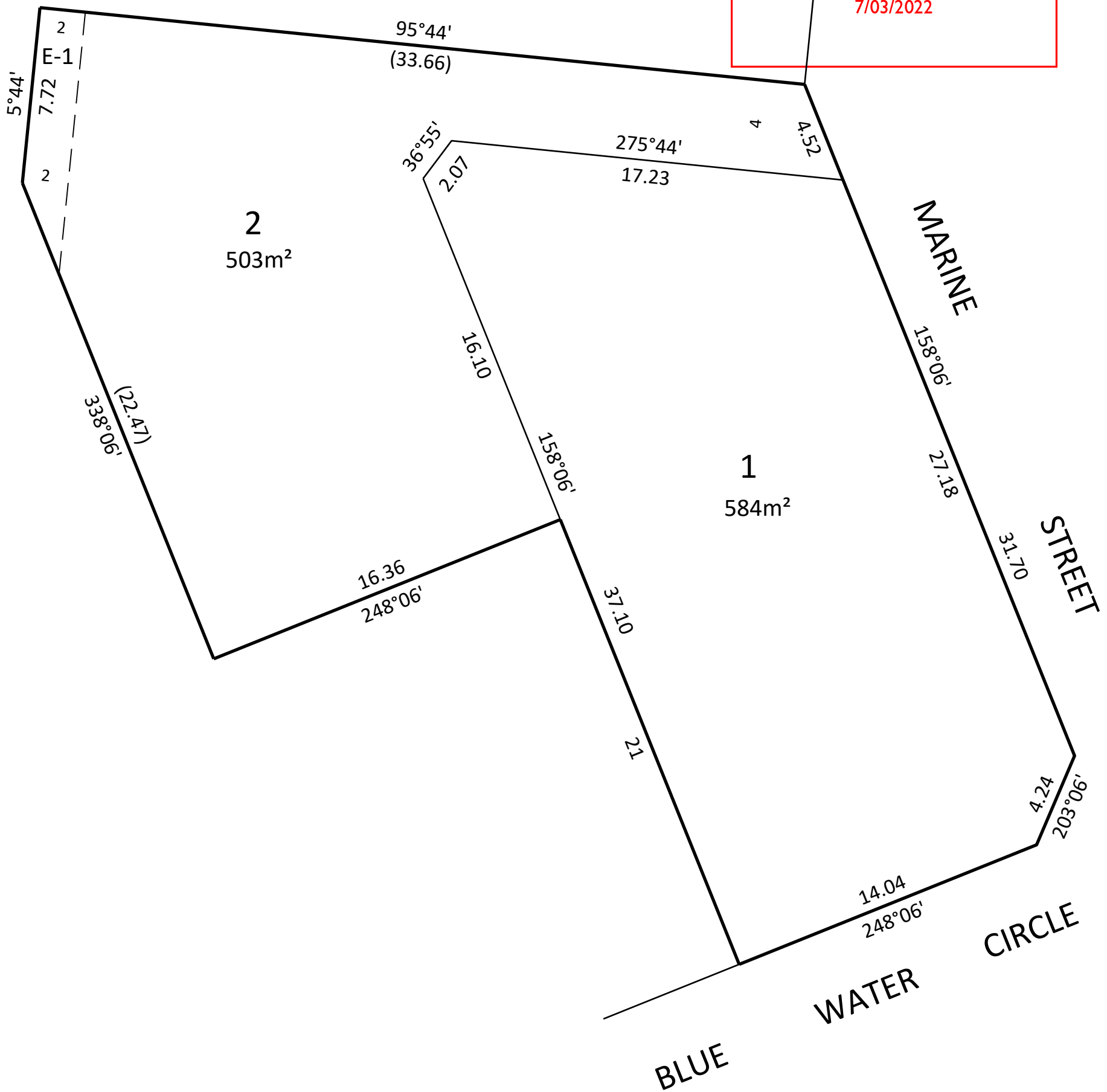
ENDORSED PLAN
 Planning Environment Act 1987
 Bass Coast Planning Scheme

Permit No. 210456

This plan is plan No. 1 of 3
 referred to in the above permit

Melanie Wright
 For and on behalf of the
 Responsible Authority

7/03/2022



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NOTE:
 ALL DIMENSIONS ARE APPROXIMATE AND
 SUBJECT TO FINAL SURVEY.
 LAND SUBJECT TO COVNANT - as to part PS641545E
 LAND SUBJECT TO EASEMENTS - E-1 SEWER

2 0 2 10

SCALE: 1:200
 SHEET SIZE: A3
 REFERENCE: 2102005
 VERSION: 1

Proposed Plan of Subdivision
 Lot 2A on PS641545E - Volume 11847 Folio 877
 2 Blue Water Circle, Cape Paterson



2 Blue Water Circle Cape Paterson 3995

Version 1.0, 25/10/2021 Euca Planning Pty Ltd

BUSHFIRE MITIGATION MEASURES

Bushfire Construction Level – Both Lot 1 and 2

At the time of building a new dwelling on a lot, all construction works need to comply with a minimum BAL of BAL12.5 from AS 3959.

Defendable space – Both Lot 1 and Lot 2

At the time of building a new dwelling on a lot, the entire lot will be managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 cm in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Firefighting water supply – Both Lot 1 and Lot 2

At the time of building a new dwelling on a lot, provide 5,000 litres of effective water supply for firefighting purposes which must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

ENDORSED PLAN
Planning Environment Act 1987
Bass Coast Planning Scheme

Permit No. 210456

This plan is plan No. 2 of 3
referred to in the above permit

Melanie Wright
For and on behalf of the
Responsible Authority

7/03/2022

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2 Blue Water Circle Cape Paterson 3995

Version 1.0, 25/10/2021 Euca Planning Pty Ltd

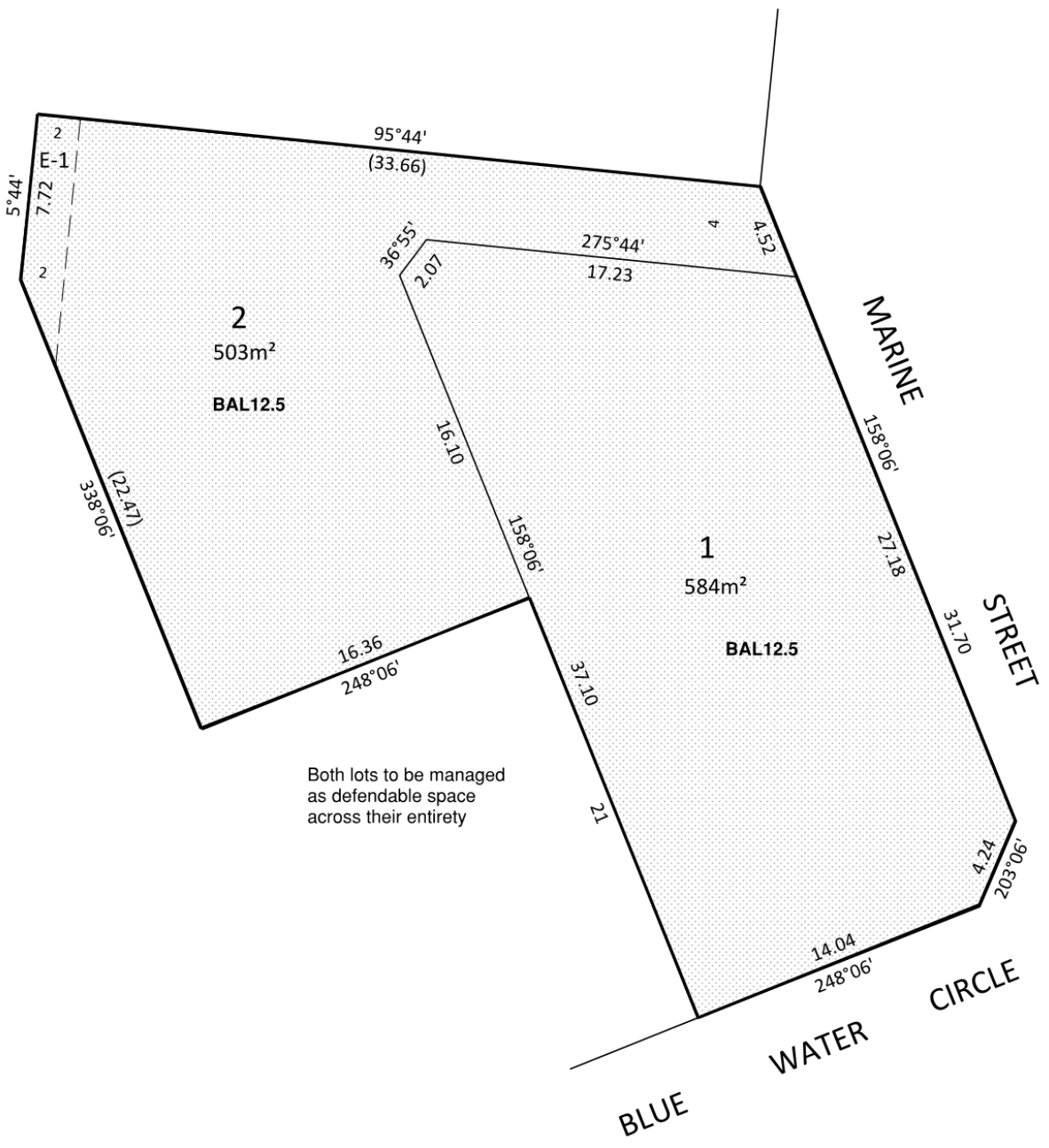
ENDORSED PLAN
 Planning Environment Act 1987
 Bass Coast Planning Scheme

Permit No. 210456

This plan is plan No. 3 of 3
 referred to in the above permit

Melanie Wright
 For and on behalf of the
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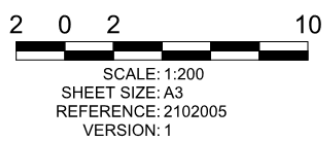
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Both lots to be managed
 as defensible space
 across their entirety

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 AND SUBJECT TO COVNANT - as to part PS641545E
 AND SUBJECT TO EASEMENTS - E-1 SEWER



Proposed Plan of Subdivision
 Lot 2A on PS641545E - Volume 11847 Folio 877
 2 Blue Water Circle, Cape Paterson

