

<p>PLANNING PERMIT GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987</p>
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Permit No.: CP22/002

Planning Scheme: Mornington Peninsula

Responsible authority: Mornington Peninsula Shire Council

ADDRESS OF THE LAND: 4 Bundara Crescent, Mount Eliza
Lot 1 PS539660 (VOLUME 10092 FOLIO 609)

THE PERMIT ALLOWS:

Clause 32.08-3 (General residential zone – Subdivision)	The subdivision of the land into two lots
Clause 43.02-3 (Design and development overlay – Subdivision)	The subdivision of the land into two lots
Clause 52.02 (Easements, restrictions and reserves)	The creation of a restriction under Section 24A of the <i>Subdivision Act 1988</i>

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

AMENDED PLANS

1. Prior to the certification of a plan of subdivision by the Responsible Authority, an amended subdivision plan and restrictive building envelope plan must be submitted to and approved by the Responsible Authority. The amended plans must be to the satisfaction of 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. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The removal of the words 'Development Plan Overlay – Schedule 23 Proposed Development Plan' and replacement with the words 'Subdivision plan', on the sheet dated May 2022.
 - b. For the restrictive building envelope plan:
 - i. Updated wording to the restriction so that:

- Outbuildings must not be allowed to be constructed outside of the building envelope;
- The restriction does not apply to pergolas and decks.

ii. The provision of a definition of:

- A 'small outbuilding', that is generally in accordance with the type of outbuilding that would not require a building permit under the Building Act 1993;
- A 'small second dwelling', that is in accordance with the existing definition of a small second dwelling as in the Mornington Peninsula Planning Scheme.

LAYOUT NOT ALTERED

2. The layout of the subdivision as shown on the endorsed plans, must not be altered or modified without the prior written consent of the Responsible Authority.

PRIOR TO CERTIFICATION

3. Prior to the certification of a plan of subdivision by the Responsible Authority, an amended plan must be prepared generally in accordance with the plan submitted, but modified to show:
 - a. A notation on Sheet 1 that Section 12(2) easements apply to the lots or create a carriage easement.
 - b. A restriction under the Subdivision Act 1988 that prevents discharge from Lot 2 once developed, exceeding the expected discharge from the pre-developed condition based on a 0.5 Exceedances per Year storm event for rainfall events up to and including a 1% Annual Exceedance Probability storm event without the further written consent of the Mornington Peninsula Shire.
4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be prepared by a suitably qualified land surveyor showing all bearings, distances, levels, street names, lot numbers, lot sizes, reserves, and easements.
5. All existing and proposed easements and sites for existing or required utility services and roads on the subject 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.

ENGINEERING CONDITIONS

6. Prior to the issue of a Statement of Compliance, works must be completed in accordance with engineering plans and specifications approved by the Responsible Authority as part of planning permit CP22/002.

7. Prior to the issue of a Statement of Compliance, the applicant must provide to Council the schedule of quantities and rates for the construction of works.
8. Prior to the issue of a Statement of Compliance, the applicant must pay to the Responsible Authority appropriate fees for plan checking and supervision.
9. Prior to the issue of a Statement of Compliance the applicant must:
 - a. Demonstrate to the Responsible Authority that water quality features will be implemented in accordance with clause 56.07-4 of the planning scheme;

And / or
 - b. Subject to the approval of the Responsible Authority, pay Mornington Peninsula Shire the monetary contribution.
10. Prior to the issue of a Statement of Compliance, property drainage connections to each lot, outfall drainage to the Council pit at the intersection of Wooralla Drive and Bundara Crescent and vehicle crossing works must be completed in accordance with engineering plans approved by the Responsible Authority.
11. Prior to the commencement of any works, a project-specific Minor Construction Management Plan (CMP) must be endorsed by the Responsible Authority. This CMP is to be based on the standard Minor CMP template found on the Mornington Peninsula Shire's website. When approved, the CMP will be endorsed and form part of the Planning Permit. The endorsed CMP must be implemented to the satisfaction of the Responsible Authority prior to, and during the works.

SECTION 173 AGREEMENT – DRAINAGE AND RESTRICTIVE BUILDING ENVELOPE

12. Prior to the issue of a Statement of Compliance for any stage, 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. This agreement must be registered by the Responsible Authority pursuant to Section 181 of the Planning and Environment Act 1987 on the title of the subject land prior to approval of the subdivision.
 - a. This agreement must provide for drainage detention being constructed in accordance with engineering plans approved by the Responsible Authority prior to the transfer of any lot created by the subdivision or occupation of lot 2, whichever occurs first. This does not apply if the drainage detention has been completed in accordance with engineering plans approved by the Responsible Authority as part of planning permit CP22/002.
 - b. This agreement must incorporate the requirements of the amended restrictive building envelope plan, as required by condition 1 of this permit.
 - c. The costs in preparation and registration of such agreement are to be met by the subdivider and must be paid prior to the registration of the agreement.

MANDATORY CLAUSE 66.01-1 CONDITIONS

13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
14. All existing and proposed easements and sites for existing or 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.
15. 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.

TELECOMMUNICATIONS

16. The owner of the land must enter into an agreement with:
 - a. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
17. 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 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.

REMOVAL OF STRUCTURES

18. Prior to the issue of a Statement of Compliance, the subdivider must remove the outbuilding (shed) on Lot 2 to the satisfaction of the Responsible Authority.

EXPIRY

19. This permit will expire if a Plan of Subdivision has not been certified within two (2) years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

FORM 9

Section 96J

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C256morn to the Mornington Peninsula Planning Scheme.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of 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 five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.