

**ALTERNATIVE RESOLUTION 1**

**MOVED Cr Chris Smith seconded Cr Jason Schram**

**That Council:**

- 1. Notes that the authority to decide the merits of the proposed tourism resort at 275 Barham River Road, Apollo Bay rests with the Minister for Planning subject to advice from the Advisory Panel appointed by the Minister for Planning to consider the proposal.**
- 2. Having assessed the amended application on merit against the Colac Otway Planning Scheme decides to not support the use and development of the land for a residential hotel and associated leisure and recreation facility and removal of vegetation at 275 Barham River Road, Apollo Bay based on the following grounds:**
  - 2.1 The proposal is inconsistent with the purpose of the Rural Activity Zone by virtue of the scale of the development and its visual prominence in the surrounding landscape, and that it would detract from the environmental and agricultural aspects of the location.**
  - 2.2 The proposal will be visually obtrusive on the site and will detrimentally impact on the wider landscape which is nationally significant.**
  - 2.3 The proposal has not provided clear justification that the geotechnical and landslip risks have been adequately identified and appropriately responded to the requirements of the Erosion Management Overlay Schedule 1.**
  - 2.4 The anticipated vegetation removal along the central designated waterway on the site is contrary to the objectives of the Rural Activity Zone, Significant Landscape Overlay Schedule 3 and Clause 52.17.**
  - 2.5 The proposal has not provided appropriate parking to service the main hotel building.**
  - 2.6 The proposal will result in unreasonable traffic impacts on the Barham River Road without widening of the Barham River Road.**
  - 2.7 The additional traffic generated by the proposal will have unreasonable impacts on the amenity of residents along Barham River Road, Nelson Street and other local roads.**
  - 2.8 The access to the site along Barham River Road is affected by flooding of the Barham River from time to time, and it has not been adequately demonstrated how this will impact on accessibility to the site by patrons and staff.**
  - 2.9 The proposal will adversely impact the night sky of the location through lighting across the site associated with the use/development.**
  - 2.10 The opportunity for emergency evacuation is limited.**

3. *Requests the Panel to seek further information on the reference to a proposed telecommunications tower within the site, to ensure that any new facility is appropriately sited and designed to minimise amenity impacts.*
4. *Notes that reference is made within the amended application documentation to transfer of persons to the site via helicopter, and that this would require a specific authorisation to be given through a planning permit. No such authorisation has been sought for the current application, and Council notes that such a proposal would be contrary to the Rural Activity Zone.*
5. *Supports the above position being presented to the Advisory Panel hearing scheduled to commence on the 12 September 2018.*

**CARRIED 5 : 0**

#### **ALTERNATIVE RESOLUTION 2**

**MOVED Cr Chris Smith seconded Cr Stephen Hart**

*That Council supports the following “without prejudice” draft conditions being presented to the Advisory Panel related to the proposed use and development of the land for a residential hotel and associated leisure and recreation facility and removal of vegetation at 275 Barham River Road, Apollo Bay as required by the direction 8 of the Advisory Panel correspondence 20 March 2018 (noting that these may need to be revised in light of any evidence presented to the Panel and shall not be circulated to the parties until after the Ordinary Council Meeting to be held on 22 August 2018 to allow for the possibility of further amendment).*

#### **Amended plans**

1. *Prior to commencement of the development 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. *A total of at least 122 car parking spaces to the rear of the main hotel building to adequately service the hotel, restaurant, wellness centre and swimming pool uses. The parking is to be designed to allow for full circulation without requiring reversing out onto the main access driveway. Other parking areas identified on the plans, including the overflow parking area, in proximity to the maintenance area can remain.*
  - b. *Swept paths showing access to the loading bay for larger vehicles.*
  - c. *Vegetation removal consistent with the Biodiversity Assessment report by Ecology and Partners Pty Ltd dated May 2018.*

- d. *An Integrated landscaping plan for the site showing planting and landscaping outcomes consistent with the Bushfire Management report prepared by South Coast Bushfire Consultants dated 9 May 2018 and including:*
  - i. *A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant.*
  - ii. *Details of surface finishes of pathways and driveways.*
- e. *Detailed engineering plans of specific mitigation measures responding to the recommendations of the Landslide Risk Assessment report by Golder Associates 1 November 2017 and letter of 15 May 2018.*

*Alteration to endorsed plans*

- 2. *The endorsed plans must not be altered without the written consent of the responsible authority.*

*Geotechnical and Landslip risk assessment report*

- 3. *Prior to commencement of the development, an updated Geotechnical and Landslip Risk Assessment report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Geotechnical and Landslip Risk Assessment report will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Geotechnical Assessment and Landslip Risk Assessment by Golder Associates in its letter dated 15 May 2018 but modified to respond to the following:*
  - a. *Explanation of whether the identified geotechnical hazards can travel out of higher risk zones to lower risk zones and whether the zones been developed to allow buffers for such.*
  - b. *Confirmation that any minimum buffer distance has been applied from the boundary of high and very high risk zones if necessary.*
  - c. *Removal of the expansion to the hotel complex and upgrades to the old access road from the overall development indicates engineering measures are not now needed in these areas. Confirmation is sought on how the potential removal of such engineering measures impacts the areas immediately adjacent to these areas and whether there would be any increase in risk in these adjacent areas because these measures are potentially not implemented.*
  - d. *Reference to other geological structures such as the Apollo Bay Syncline and the Barham fault and their relevance to the site as part of a broader geological setting in the area.*
  - e. *Comment regarding potential seismicity in the Otways and any impact of slope stability at the site.*
  - f. *Provide further detail and explanation of what constitutes “engineering measures including drainage” and “engineering measures to improve drainage” and how feasible such measures may be.*
  - g. *Comment on what further targeted intrusive geotechnical investigation works (which are required to inform detailed design and confirm risks) may be.*

- h. Assessment to confirm that any stormwater drainage and waterway management proposed for the site is consistent with the identified geotechnical risks.*
- i. Allowance for detailed engineering plans to be submitted for approval under the Erosion Management Overlay.*

**Section 173 agreement**

**4. Prior to the commencement of the development, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:**

- a. Widen Barham River Road to 6.2 metres with minimum 1.5 metres shoulder where necessary and provide an auxiliary left turning lane into the entry to the site and any other traffic management upgrades which are considered necessary to support the development based on external expert advice received by Council prior to a hearing of the Panel or a decision by the Minister. Details of any road upgrade/improvements need to be submitted to Council for approval prior to commencement.*
- b. The provision of a sealed path along Barham River Road from the subject land to Nelson Street.*
- c. That the villas cannot be leased, sold or operated separately from the residential hotel use on the land.*
- d. The land must be managed in accordance with the Land Management Plan endorsed as part of planning permit PP169/2017, or in accordance with any amendment to that plan or any replacement Land Management Plan subsequently endorsed as part of a planning permit, to the satisfaction of the Responsible Authority.*

**The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.**

**Consolidation**

**5. Prior to commencement of the development, Lot 1 P757287 (Vol 04068 Fol 542) and Lot 2 PS515118 (Vol 10725 Fol 985) comprising the subject land, must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.**

**Emergency Management Plan**

**6. Prior to commencement of the development, an updated Emergency Management Plan, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Emergency Management Plan must be provided. When approved, the Emergency Management Plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Emergency Management Plan submitted with the amended application by Resource Management Consulting dated June 2018 but modified to remove reference to access along a new road to the site and access along the Old Harden Vale Road as these elements have not received formal approval.**

**Lighting Management Plan**

7. **Prior to the commencement of the development a lighting management plan for the site must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Lighting Management Plan must be provided. When approved, the Lighting Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):**
- a. **Outlining how appropriate but minimal lighting with low luminescence can be provided on the site to minimise lighting impacts associated with the development at night.**
  - b. **Measures to screen lighting impacts beyond the boundaries of the site (including use of topography, built form and landscaping).**
  - c. **Use of appropriate shrouding and low level lighting.**
  - d. **Use of automated measures to ensure lighting of roads, buildings and common areas is switched off, at appropriate times.**

**Land Management Plan**

8. **Prior to commencement of the development, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Land Management Plan must be provided. When approved, the Land Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):**
- a. **Site plan.**
  - b. **Site description.**
  - c. **List of the objectives for the property.**
  - d. **A description of native plants on site and in the area.**
  - e. **A description of the site outside the native vegetation areas.**
  - f. **Bushfire Management.**
  - g. **Identification of Land Management Issues.**
  - h. **Goal setting and specification of actions and implementation and monitoring of the identified actions.**

**The management of the land and the activities on the site must be conducted in accordance with the endorsed plan at all times to the satisfaction of the Responsible Authority.**

9. **An Annual Report against the requirements of the endorsed Land Management Plan must be prepared and submitted to the Responsible Authority for the first five years following completion of the development hereby permitted, and thereafter at the reasonable request of the responsible authority. Reports are to be submitted prior to the anniversary date of the endorsement of the Land Management Plan. The following must be included:**

- a. **Permit holder.**

- b. Planning permit number.*
- c. Reporting year (1-5).*
- d. Date report is submitted.*
- e. Who completed the report.*
- f. Condition of site against each management commitment.*
- g. Actions taken during the year to achieve the management commitment.*
- h. Photographs which clearly depict management actions undertaken for the previous year.*

**Service Infrastructure report**

- 10. Prior to commencement of the development, an updated Service Infrastructure Report, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Service Infrastructure Report must be provided. When approved, the Service Infrastructure Report will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Service Infrastructure Report submitted with the amended application by Irwin Consult dated 10 May 2018 but modified to commit to the provision of an appropriate solar panel system to service the site and detail a time frame for provision.**

**Construction Management Plan**

- 11. Before the development starts a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The plan must address the following matters:**
- a. Management of stormwater during construction to avoid pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA).*
  - b. Measures to minimise the impacts of construction vehicles arriving and departing from the land.*
  - c. Measures to accommodate private vehicles of workers/tradespersons.*
  - d. Details of the construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers facilities.*
  - e. Noise attenuation measures to be put in place to protect the amenity of the surrounding area during construction having regard to the EPA Guidelines on Construction and Demolition Noise.*
  - f. Measures to minimise the generation and dispersal of dust.*
  - g. Details of a 24 hour hotline for access to a project manager accountable for the project and compliance with the Construction Management Plan.*
  - h. Arrangements for waste collection and other services during construction.*

**Waste Management Plan**

**12. Before the development starts a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The plan must address the following matters:**

- a. Arrangement for the storage and collection of waste.**
- b. Collection times and frequency.**

**Native vegetation and Landscaping**

**13. Within 12 months of the occupation of the development, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**

**14. The removal of native vegetation must be in accordance with the endorsed plan and as identified in the Biodiversity Assessment report Ecology and Partners Pty Ltd May 18 to the satisfaction of the Responsible Authority.**

**15. In order to offset the removal of 2.95 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines and the Native Vegetation Gain Scoring Manual.**

**The offset must:**

- a. Contribute gain of 0.500 general biodiversity equivalence units.**
- b. Be located within the Corangamite Catchment Management Authority boundary or Colac Otway municipal district.**
- c. have a strategic biodiversity score of at least 0.661.**

**16. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines and the Native Vegetation Gain Scoring Manual. Offset evidence can be either:**

- a. A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.**
- b. A credit register extract from the Native Vegetation Credit Register.**

**17. In the event the offset is provided through a security agreement:**

- a. Prior to vegetation removal, an offset plan showing appropriate offsets to compensate for the losses must be submitted to and approved by the Responsible Authority. Three copies of the plan must be provided. When approved, the plan will be endorsed and will then form part of this permit.**

*b. Every year, for ten years, after the Responsible Authority has approved the offset management plan, the applicant must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.*

*18. Before any site works start, tree protection fencing must be erected for a distance of at least 2 metres (trunk) around the native trees to be retained at the site and in the road reserve. The tree protection fencing must be maintained in good order throughout the entire construction period and no soil or building materials is to be placed within the tree protection zone.*

*19. Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority.*

*20. Unless otherwise approved by the Responsible Authority, no earthworks or construction activity is permitted to take place within 30 metres of the waterway.*

***Landslip and Geotechnical***

*21. The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment and Landslip Risk Assessment by Golder & Associates or any Geotechnical Practitioner engaged to review those assessments submitted with the application.*

*22. All bored piers, site cuts and excavations must be inspected by a qualified geotechnical engineer during construction and the profiles documented. A copy of the profiles must be lodged with the Responsible Authority within thirty days of inspection.*

*23. Within three months of completion of the building, a Geotechnical Engineer must be engaged to inspect the site and confirm in writing to the Responsible Authority that the stability of the land under the conditions of its intended use is acceptable as defined in the Australian Geomechanics Society Landslide Risk Management Guidelines dated March 2000. In the event that the works are not acceptable as defined, details of corrective measures must be submitted to and approved in writing by the Responsible Authority. Any such measures must be implemented within 1 month of approval being given by the Responsible Authority, unless an alternative timeframe is agreed in writing by the Responsible Authority.*

***Maximum building height - RL***

*24. The maximum building height of the main hotel building must not exceed RL102.8 to the observatory in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.*

***Surveyor's certificate – set out and frame***

*25. Written statements from a licensed surveyor must be submitted for approval to the Responsible Authority confirming:*

*a. That the buildings have been set out in accordance with the endorsed plan; and*

*b. That the roof levels will not exceed the roof levels specified on the endorsed plan.*

*The statements shall be submitted to the responsible authority at completion of the set out of the building and at completion of the frame of the building.*



*Car parking and accessways*

26. *Before the occupation of the development internal road and accessways must be constructed in accordance with the endorsed plans.*
27. *Before the occupation of the development, the area(s) set-aside for the parking of vehicles and access lanes 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 an all-weather-seal coat or crushed rock surface as indicated on the endorsed plans.*
  - d. *Drained.*
  - e. *Clearly marked to show the direction of traffic along access lanes and driveways.*
  - f. *Properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.*

*Car spaces, access lanes and driveways must be kept available for these purposes at all times.*

*Loading and unloading*

28. *The loading and unloading of goods from service vehicles 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 to the satisfaction of the Responsible Authority.*
29. *The loading bay must remain free for the purpose of loading and unloading at all times.*

*Stormwater runoff*

30. *All runoff from stormwater, including overflow from water storage, must be undertaken in accordance with the Stormwater Drainage and Waterway Management report by Irwin Consulting dated 9 May 2018 to the satisfaction of the Responsible Authority.*
31. *The site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA) at any time during construction or operation, to the satisfaction of the Responsible Authority.*

*Public address system*

32. *No public address or sound system shall be used on the subject land except one which is audible only within the building on the land unless in an emergency.*

*Noise control*

33. *Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.*

*Hours of operation*

34. *The main restaurant and wellness centre available to guests and the public hereby permitted must operate only between the hours of:*

- *6am to 10pm from Monday to Sundays and public holidays*

*General Amenity*

35. *The use and development must be managed 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, dust, waste water, waste products, grit or oil.*
- d. *Presence of vermin.*

*Maximum seating*

36. *No more than 150 seats may be made available at any one time to patrons of the main restaurant on the premises that is available to guests and the public, unless otherwise approved in writing by the Responsible Authority.*

**CFA CONDITIONS:**

*Bushfire Management Plan amended*

37. *Before the approved development commences under this permit, an amended Bushfire Management Plan to the satisfaction of the responsible authority and the CFA must be submitted to and approved by the responsible authority. When approved, the Bushfire Management Plan 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 Bushfire Management Plan must be generally in accordance with the plan submitted with the application (Section 6, Page 23 of the Bushfire Management Statement prepared by South Coast Bushfire Consultants dated 25/06/2018) but modified to show:*

- a. *Any buildings and works required as a result of the Bushfire Emergency Management Plan required to be prepared as a condition of this permit.*
- b. *The buildings, works and vehicle & pedestrian roads/accesses for the firefighting systems required as a condition of this permit.*
- c. *Landscaping arrangements for all areas of the site that minimise the potential for a bushfire to spread into the site from surrounding land and from ember attack. This includes but is not limited to those areas close to buildings that require management as defensible space for the purpose of building protection.*

*Once endorsed, the Bushfire Management Plan must not be altered without the written consent of the CFA and the Responsible Authority.*

38. *A firefighting system for both structural and bushfire use (BMO) will be provided at the site and will include a water supply/supplies, fire pumps, ring main, sprinkler system, booster system, hydrants, fire hose reels etc. All systems will be installed and maintained at the subject site "to the satisfaction of CFA". This also includes fire fighter vehicular and pedestrian access to the equipment including booster point, fire pumps, hydrants, fire hose reels etc.*
39. *Access to, and around the complex including roads, bridges etc, shall provide fully complaint access for the full range of CFA appliances that would normally be expected to respond to a fire call at the facility from Slip on Units with a weight capacity of 3.9 Tonnes, Tanker at 15 Tonnes and Pumpers at 18 Tonnes +. Access arrangements for the site will be constructed and maintained to the satisfaction of CFA.*
40. *Before the approved development commences under this permit, a BUSHFIRE EMERGENCY PLAN to the satisfaction of the Responsible Authority and CFA must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of this permit. The plan must be generally in accordance with the submitted Bushfire Management Statement (Section 6, Page 23 of the Bushfire Management Statement prepared by South Coast Bushfire Consultants dated 25/06/2018) and satisfactorily address the following matters:*
- *The Fire Danger Rating triggers for the closure of the facility.*
  - *Monitoring and notifying staff and visitors of forecast Fire Danger Rating and any consequential actions.*
  - *Details of the location/s for emergency assembly, evacuation and shelter-in place (in the event that evacuation from the site is not practicable). Where shelter is required or proposed within a building or structure, the need for a bushfire attack level construction requirement to be applied must be assessed by a suitably qualified person and where deemed necessary, specified in the approved Bushfire Management Plan.*
  - *Transport arrangements for staff and visitors.*
  - *The need for any additional arrangements for persons with special needs.*
  - *Training of staff, visitors and overnight guests on emergency procedures.*
  - *The nature and frequency of emergency procedure exercises.*
  - *Emergency procedures (bushfire action statements) including the assignment of roles and responsibilities to staff. This must include assigning responsibility for the:*
    - *Management and oversight of emergency procedures.*
    - *Training of employees in emergency procedures.*
    - *Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements.*
    - *Accounting for all persons during the emergency procedures.*

- *Monitoring and review of the BEP at least annually.*

41. *CFA recommends that EMERGENCY MANAGEMENT PLANS are developed in line with AS 3745: Planning for emergencies in facilities, in relation but not limited to emergency prevention, emergency preparedness, and emergency mitigation. Emergency Plans will be developed for the site "to the satisfaction of CFA".*

**Mandatory condition**

42. *The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply, and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*

**BARWON WATER CONDITIONS**

**General**

43. *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.*
44. *The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation.*
45. *For the economical and efficient servicing of this development, Barwon Water may require the owner or permit holder to acquire an easement through other land in the vicinity of this development not owned by the applicant to connect this development to Barwon Water sewerage system. This clause empowers the permit holder to acquire these easements compulsorily on behalf of Barwon Region Water Corporation in accordance with section 36 of the Subdivision Act 1988.*
46. *These easements shall be for Pipelines or Ancillary Purposes and shall be made in favour of and without cost to Barwon Region Water Corporation; that is, the owner or permit holder shall pay all costs associated with creating these easements including payment of any compensation to other land owners for the easements.*

**Potable Water**

47. *The provision and installation of a potable water supply to the development.*
48. *Reticulated potable water mains are required external to the land. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.*
49. *Private internal water services are required. Provision of private services is subject to the land owner entering into a Water Supply by Separate Written Agreement with Barwon Water.*
50. *Metering of water supply to the development is required to the satisfaction of Barwon Water and to be determined at the time a Developer Deed is issued.*
51. *The payment of a standardised New Customer Contribution is required for any new connection or any upsize to an existing connection. The number of standardised charges*

*applied will be determined on the basis of an equivalent lot calculation and is based on potable domestic water meter size or water service size (where a meter is not being fitted). An equivalent lot is a measure of the additional demand a connection will place on the infrastructure in terms of the water consumption and sewage discharge for an average connection utilising a 20mm tapping and/ or meter. If there is more than one meter within a single meter assembly, the size of the largest meter (excluding the fire service meter) will determine the number of equivalent connections. If there is a combined fire and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.*

**Sewer**

**52. The provision and installation of a sewerage service to the development.**

**53. Reticulated sewer mains are required external to the land. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.**

**54. Private sewer services are required and subject to a Sewer Supply by Separate Written Agreement with Barwon Water. Private services are to comprise of a sewer pump-station within the land, and rising main to the reticulation sewer connection point, and internal sewer mains within the land.**

**Note: The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and where applicable, recycled water and/ or sewerage services to the subdivision.**

**Expiry of Permit**

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

- The development, including vegetation removal, and/or use is not started within four years of the date of this permit.**
- The development is not completed within six years of the date of this permit.**

**In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.**

**Notes:**

**Health Requirements**

**The premise is required to comply with all State Legislation, in particular the Health (Eating House and Food Premises) Regulations 1984. Trading must not commence until the prior approval of Council's Environmental Health Officer has been obtained and the registration of the property under the Food Act 1984 has been completed.**

**Liquor Licence required**

**The provision and or consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued, pursuant to the Liquor Control Reform Act 1988, as amended.**