

**Baw Baw Planning Scheme Amendment C145bawb
Permit PLA026/21 to the Baw Baw Planning Scheme
Yarragon expansion**

Panel Report

Planning and Environment Act 1987

24 January 2023

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority may also recommend to the Minister that a permit that applies to the adopted Amendment be granted. The Minister may grant or refuse the permit subject to certain restrictions. [sections 96G and 96I of the PE Act]

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Baw Baw Planning Scheme Amendment C145bawb

Permit PLA026/21 to the Baw Baw Planning Scheme

Yarragon expansion

24 January 2023



Lester Townsend, Chair



John Hartigan, Member

Contents

	Page
Executive summary	6
1 Introduction	8
1.1 The Amendment and permit application	8
1.2 Procedural issues.....	10
1.3 The Panel’s approach	11
2 Planning Considerations	13
2.1 Yarragon Framework Plan	13
2.2 Land Supply	14
2.3 Policy issues.....	14
3 Native vegetation removal	16
4 Flooding and Water Management	17
4.1 The extend of flooding and the impact of the development	17
4.2 Stormwater permit conditions at issue.....	20
5 Access and Movement	23
5.1 The Road Network and Traffic Impacts.....	23
5.2 Pedestrian and cycling connectivity	32
6 Other issues	34
6.1 Other issues raised in submissions	34
6.2 Other planning permit issues	35
Appendix A Submitters to the Amendment	38
Appendix B Document list	39
Appendix C Council preferred version of the proposed permit noting Proponent’s views	40
Appendix D Panel preferred version of the proposed permit	60

List of Tables

	Page
Table 1	
Timing issue on the Rollo Street/Princess Highway intersection upgrade.....	27

List of Figures

	Page
Figure 1	
The subject land.....	8
Figure 2	
Homestead and proposed Heritage Overlay boundary.....	10
Figure 3	
Yarragon Framework Plan.....	13
Figure 4	
Scattered Strzelecki Gums on site.....	16
Figure 5	
1 per cent AEP Flood Map – Change in flood depth.....	19
Figure 6	
General location of specific movement network issues.....	23

Glossary and abbreviations

AEP	Annual Exceedance Probability
ANCOLD	Australian National Committee on Large Dams
BBSC	Baw Baw Shire Council
CFA	Country Fire Authority
Council	Baw Baw Shire Council
DDO12	Design and Development Overlay Schedule 12
DELWP	Department of Environment, Land, Water and Planning
IDM	Council’s Infrastructure Design Manual
NRZ1	Neighbourhood Residential Zone, Schedule 1
PE Act	<i>Planning and Environment Act 1987</i>
PIP	Public Infrastructure Plan
Planning Scheme	Baw Baw Planning Scheme
SMP	Site Management Plan
SWMP	Stormwater Management Plan
TPZ	Tree Protection Zone
YDCA	Yarragon and District Community Association

Overview

Amendment summary

The Amendment	Baw Baw Planning Scheme Amendment C145bawb Permit PLA026/21 to the Baw Baw Planning Scheme
Common name	Yarragon expansion
Brief description	The Amendment proposes to rezone land on the east side of Yarragon for residential development. The permit proposes a staged, 304 lot subdivision and removal of native vegetation.
Subject land	The land is known as: <ul style="list-style-type: none"> - Lot 3 on PS429755C (Vol 10526 Fol 303) - Lot 1 on PS308336A (Vol 10130 Fol 553) - Lot 2 on PS308336A (Vol 10130 Fol 554) - Lot 1 on TP365740G (Vol 04672 Fol 365)
The Proponent	Millar Merrigan on behalf of the landowners
Planning Authority	Baw Baw Shire Council
Authorisation	29 April 2022
Exhibition	7 June to 11 July 2022
Submissions	22 submissions have been received: 14 objecting submissions, 6 submissions with conditional support and two with no objection

Panel process

The Panel	Lester Townsend, chair and John Hartigan, member
Directions Hearing	Video conference, 6 October 2022
Panel Hearing	Warragul, 9 and 10 November 2022
Site inspections	Accompanied, 9 November 2022
Parties to the Hearing	Council represented by David Bergin of Eighth Street Planning Proponent, represented by Hubert Algie of Norton Rose Fulbright Australia and Christopher Constantine of Millar Merrigan calling the following expert evidence: <ul style="list-style-type: none"> - Traffic Engineering from Deborah Donald of O'Brien Traffic - Stormwater Modelling from Chris Beardshaw of Afflux Consulting Inge Mitchell Greg Dyer Baw Baw Sustainability Network represented by Malcolm McKelvie Yarragon and District Community Association Represented by Peter Kingwill
Citation	Baw Baw PSA C145bawb [2023] PPV
Date of this report	24 January 2023

Executive summary

Baw Baw Planning Scheme Amendment C145bawb (the Amendment) and Permit PLA026/21 (the Permit) propose to facilitate the residential expansion of Yarragon by:

- changing the Baw Baw Planning Scheme (Planning Scheme) by:
 - rezoning land from Farming Zone to Neighbourhood Residential Zone, Schedule 1
 - applying the Heritage Overlay (HO356) to protect Deloraine Homestead on part of the land and 'Deloraine Homestead Statement of Significance'
- issuing a permit to subdivide the land under Section 96A of the Planning and Environment Act 1987 (PE Act).

Yarragon is the fourth largest town in the Shire of Baw Baw; the town centre offers a small service centre.

The subject land is located directly east of the existing Yarragon Township – a township on the Princes Freeway approximately 120 kilometres east of Melbourne and 12 kilometres east of the Warragul town centre.

The Baw Baw Settlement Management Plan identifies Yarragon as one of the main growth areas and expects the township to accommodate a medium level of growth, with recent approvals data indicating that an increase in residential development is rapidly exhausting available residential land supply, leaving a shortage in residential land. The site is identified in the Yarragon Framework Plan for 'Future residential Zone – subject to further investigation'.

Key issues raised in submissions related to:

- Stormwater management and flooding
- Traffic impacts.

The proposed permit was revised several times during the Hearing.

On the expert evidence before it, the Panel is satisfied that the proposed stormwater infrastructure plan will appropriately manage flooding risks to the proposed development and, most importantly, will ensure that the development does not exacerbate the risk of flooding of the existing Yarragon township. The proposed stormwater management plan for the development is fit for purpose and will effectively manage the flood risk to the subject land, and the stormwater infrastructure proposed to be constructed as part of the development will reduce the flooding impacts on the existing Yarragon township.

In terms of traffic, the traffic generated by the proposed development can be accommodated on the existing surrounding road network particularly given the permit requirement for an upgrade to the signalised intersection of Rollo Street and the Princes Highway.

The road layout shown in the amended subdivision plans (Version 5) is appropriate.

Most traffic issues related to the specification, timing and cost apportionment of proposed intersections. The Panel considers that the inclusion of a condition for a consolidated Traffic Management Plan is appropriate, with detailed intersection treatment being considered under that plan.

The Panel considers it would be unreasonable to impose the full cost of a roundabout or other agreed treatment at Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection on the Proponent, but considers that some apportionment of the cost to the Proponent could be

considered when a detailed design and costing has been prepared. The planning permit condition requiring the Proponent to fully fund a roundabout or other agreed treatment at the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection should be deleted, as it does not meet the basic test for including such condition on permits for reasons of fairness, nexus, need and accountability.

In the Panel’s view, it would be demonstrably unfair to impose the full cost, or even part of the cost, on the Proponent without a detailed design and costing. Even with a detailed costing, the Panel considers for the reasons set out above that it would be unreasonable to expect the Proponent to fully fund a roundabout at the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that:

- 1. Baw Baw Planning Scheme Amendment C145bawb be adopted as exhibited.**
- 2. Permit PLA026/21 pursuant to the Baw Baw Planning Scheme be issued subject to revised conditions as set out in Appendix D.**

1 Introduction

1.1 The Amendment and permit application

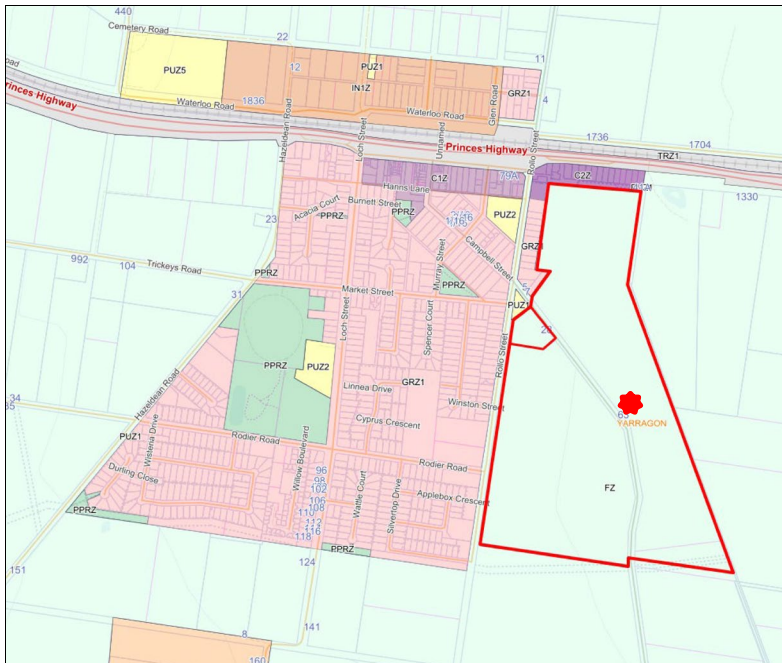
(i) The land

The subject land is located directly east of the existing Yarragon Township – a township on the Princes Freeway approximately 120 kilometres east of Melbourne and 12 kilometres east of the Warragul town centre.

Yarragon is the fourth largest town in the Shire of Baw Baw; the town centre offers a small service centre.

The subject land (shown as in Figure 1) is south of the Princes Highway and east of Rollo Street. The Yarragon–Leongatha Road dissects the land in a north south direction. It contains the Deloraine Homestead, ✳, identified for heritage protection.

Figure 1 The subject land



The land is known as:

- Lot 3 on PS429755C (Vol 10526 Fol 303)
- Lot 1 on PS308336A (Vol 10130 Fol 553)
- Lot 2 on PS308336A (Vol 10130 Fol 554)
- Lot 1 on TP365740G (Vol 04672 Fol 365)

The land is:

- in the Farming Zone
- covered by the Development Contributions Plan Overlay (Schedule 1).

The land is within the township boundary of Yarragon and identified as a 'Future Residential Zone' in the Yarragon Framework Plan at Clause 11.01-1L-03 of the Planning Scheme.

(ii) Amendment and permit description

The combined Amendment and permit application propose to:

- change the Planning Scheme by:
 - rezoning land from Farming Zone to Neighbourhood Residential Zone, Schedule 1 (NRZ1)
 - applying the Heritage Overlay (HO356) to protect Deloraine Homestead on part of the land and 'Deloraine Homestead Statement of Significance'
- issue a permit to subdivide the land under Section 96A of the PE Act.

Section 96A allows Council to consider a planning permit application concurrently with a planning scheme amendment, even though the proposed subdivision would otherwise be prohibited under the current planning controls.

Permit

The proposed Planning Permit is for:

A staged, multi-lot subdivision and removal of native vegetation.

The proposed subdivision is proposed to deliver 304 residential lots with an average size of 792 square metres plus one superlot. The future purpose for the superlot has not been confirmed, only potential uses identified, such as an aged care facility or a lifestyle village.

The proposed subdivision proposes:

- 15 stages as part of the planning permit
- application of estate design guidelines
- a new local road network with reservations ranging between 14 metres and 16 metres wide
- open space
 - 6.05 hectares of unencumbered public open space
 - 2.31 hectares of open space encumbered by retarding basins and flood areas for drainage reserves
- one large superlot of 3.21 hectares for a future development
- the removal of three Strzelecki Gum trees
- new pedestrian pathways and landscaping works.

Council submitted in its part A that:

19. The draft Planning Permit conditions proposed for the subdivision are all standard type conditions for such a large scale staged subdivision.

(iii) Background

Council submitted a chronology of events:

- 9 April 2020
Council formerly received the current application for a combined planning scheme amendment and planning permit.
- 4 June 2020
Council sent its initial assessment of the Amendment to the Proponent together with an explanation about the process and resourcing constraints within the Strategic Planning team.

- 2 September 2020
The subdivision officer from Council sent a request for further information.
- 8 September 2021
Council resolved to seek authorisation from the Minister for Planning to prepare the Amendment.
- 25 October 2021
Council submitted the Authorisation Application on-line.

On 29 April 2022 the Department of Environment, Land, Water and Planning (DELWP) advised that it would grant authorisation to prepare the Amendment subject to conditions for both the Permit and the Amendment including:

- the draft Design and Development Overlay, Schedule 12 (DDO12) and NRZ1 be revised to transfer as many provisions as possible from the DDO12 to NRZ1.
- the Explanatory Report include a map generally showing the area of land affected by the Amendment in relation to the existing Yarragon township and a map showing the proposed HO356 curtilage against an aerial image of the property.
- the Statement of Significance to be amended to include a map showing the proposed HO356 curtilage against an aerial image of the property.

Council advised that these changes were undertaken to the satisfaction of DELWP, including the transfer of provisions from the Design and Development Overlay schedule to the Neighbourhood Residential Zone schedule and into the 'Estate Design Guidelines'. The Amendment was not exhibited with a Design and Development Overlay schedule.

Figure 2 Homestead and proposed Heritage Overlay boundary



1.2 Procedural issues

Council's closing submission introduced new material to which the Proponent objected. The Panel heard the new material.

Part of the new material sought to justify a condition that the Proponent construct (or potentially contribute funds to the construction of) the Rollo Street/Campbell Street/Yarragon–Leongatha

Road intersection. Natural justice demanded that the Proponent have an opportunity to make submissions in respect of this material before the Panel formed a definitive view. However, such further submissions are only required if the Panel was not persuaded by the Proponent's earlier submissions and formed a preliminary view that it may be appropriate for the Proponent to construct (or potentially contribute funds to the construction of) the intersection. To avoid the need for unnecessary submissions the Panel directed on 14 November 2022:

In respect of the proposed permit condition that the Proponent construct (or as discussed at the Hearing potentially contribute funds to the construction of the [Rollo Street/Campbell Street/Yarragon–Leongatha Road] intersection:

- The Panel will form a view on this issue by 4:00 pm, 18 November 2022. The Panel will form either:
 - a preliminary view that it may be appropriate for the Proponent to construct (or contribute funds to the construction of) the intersection, or
 - a definitive view that it is not appropriate.
- If the Panel forms a preliminary view that it may be appropriate then it will invite the Proponent to make any further submissions or present any further evidence that the Proponent deems appropriate with the timing of such submissions to be determined by the Proponent by 25 November 2022.
- The Panel will not advise parties if it forms a definitive view that it is not appropriate.

The Panel did not seek further submissions.

The Panel also directed that it would assist the Panel and Council to have a succinct statement from the Proponent on the issues raised by the new material. This was provided on 1 December 2022 and included (among other objections):

- 1.1 The Proponent objects specifically to the following matters raised in Council's Submission:
 - (1) New traffic evidence and information, intended to contradict or oppose Ms Deborah Donald's evidence. These matters were not raised in Council's primary submission and were not put to Ms Donald during Council's cross examination of her. They raise fundamental issues of procedural fairness, having regard to the rule in *Browne v Dunn*.

The Panel agrees with these submissions and had it formed a preliminary view supporting Council's position there would have been a need for a further Panel process.

1.3 The Panel's approach

Key issues raised in submissions related to:

- Stormwater management and flooding
- Traffic impacts.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework

- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel also considers that proposed Permit should be issued subject to revised conditions and recommends that:

- 1 Baw Baw Planning Scheme Amendment C145bawb be adopted as exhibited.**
- 2 Permit PLA026/21 pursuant to the Baw Baw Planning Scheme be issued subject to revised conditions as set out in Appendix D**

This Report deals with the issues under the following headings:

- Planning consideration
- Native vegetation removal
- Flooding and storm water management
- Access and movement
- Other issues.

2 Planning Considerations

2.1 Yarragon Framework Plan

The site is identified in the Yarragon Framework Plan for ‘Future residential Zone – subject to further investigation’.

The Planning Policy Framework supports providing land to cater for population growth.

- Clause 11.02-1S (Supply of urban land)**
 seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses
- Clause 11.02-2S (Structure planning)**
 seeks to facilitate the orderly development of urban areas
- Clause 11.03-2S (Growth areas)**
 seeks to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

The Baw Baw Settlement Management Plan identifies Yarragon as one of the main growth areas and expects the township to accommodate a medium level of growth, with recent approvals data indicating that an increase in residential development is rapidly exhausting available residential land supply, leaving a shortage in residential land. This is supported by the data collected and provided in the 2018 Residential Assessment the report prepared by Essential Economics.

The Amendment supports Clause 11.01-1L-01 (Growth in Baw Baw) by directing growth into towns with regards to their servicing, environmental and heritage constraints and Clause 11.01-1L-03 (Secondary towns – Moderate growth) which supports the Yarragon Framework Plan.

Figure 3 Yarragon Framework Plan



2.2 Land Supply

The proposed rezoning considers supply and demand in Yarragon and this has been based on the residential assessment by Essential Economics. Its report identifies population trends throughout the municipality, with particular focus on Yarragon township.

Over the past decade, the population of the Yarragon urban area has increased on average by approximately 36 persons per year. This as a growth rate can be described as high, particularly in regional terms. Population forecasts have been carried out by DELWP and indicate that population growth will continue to be consistent with recent years.

The residential assessment (identified that the total number of residential lots available within Yarragon as at 2018 is between approximately 195 and 215. When looking at the figures for new building approvals, the number of approvals in recent years is approximately 18 dwellings per annum. Based on the figures for population growth, available residential lots and new building approvals an adequate land supply is available for a period of 9.3 years.

2.3 Policy issues

A number of other policies are relevant.

Clause 12 Environmental and Landscape Values

The Amendment is consistent with Clause 12 Environmental and Landscape Values including the objectives of ensuring no net loss to biodiversity through the rezoning of generally modified land (site cleared of most native remnant vegetation) that supports little environmental significance. Remnant trees are retained where possible and appropriate offsets will be arranged to ensure no net loss.

Clause 13 Environmental Risks and Amenity

The Amendment is consistent with Clause 13 Environmental Risks and Amenity particularly Clause 13.02-1S (Bushfire planning), and Clause 13.02-1L (Bushfire planning in Baw Baw) by directing growth and development to a low risk location where the risk to life and property can be managed to an acceptable level.

Clause 14 Natural Resource Management

The Amendment is consistent with Clause 14 Natural Resource Management particularly Clause 14.02-1S (Catchment planning and management), Clause 14.02-1L (Protecting Baw Baw's water catchment) and Clause 14.02-2S (Water quality) which assists in the protection of water bodies, with an identified stream running north south through the site the proposal has been designed to ensure its protection with a large reserve designed to protect and provide appropriate clearances from the stream.

Clause 15 Built Environment and Heritage

The Amendment has considered Clause 15 Built Environment and Heritage with particular reference to Clause 15.01-3S (Subdivision design) which requires the design of subdivisions to achieve, attractive, safe, accessible, diverse and sustainable neighbourhoods. Clause 15.014S (Healthy neighbourhoods) aims to achieve neighbourhoods that foster healthy and active living and community wellbeing. Clause 15.01-5S (Neighbourhood character) which supports and protects neighbourhood character, cultural identity and a sense of place. The subdivision has been

designed with the above in mind and provides a safe, practical layout while achieving large useable areas of open space and links with neighbouring residential land.

The Proponent proposed design guidelines which will be registered as a Memorandum of common provisions on each title. These Guidelines are a practical method to protect the rural aspect of the township. They include minimum setbacks, maximum site coverage and minimum eave requirements. A copy of these guidelines formed part of the exhibited material.

Clause 16 Housing

The Amendment is supported by Clause 16 Housing, particularly Clauses 16.01-1S (Housing supply), Clause 16.01-2S (Housing affordability) both of which aim to provide zoned and serviceable land ready for residential development to increase housing opportunities within Baw Baw Shire.

Clause 18 Transport

The Amendment has considered Clause 18 Transport, with particular reference to Clauses 18.02-2S (Walking), Clause 18.02-2S (Cycling), Clause 18.02-3S (Public transport) and Clause 18.02-4S (Roads) all of which aim to provide an efficient and safe movement network within the Baw Baw Shire.

Clause 19 Infrastructure

The Amendment will be required to financially facilitate infrastructure inclusive of water and sewer main infrastructure as well as drainage and electrical infrastructure to service the total site. The Amendment is in accordance with Clause 19 Infrastructure, particularly Clause 19.03-1S (Development and infrastructure contributions plans) which encourages the timely provision of infrastructure to meet the needs of the community.

3 Native vegetation removal

The permit provides for the removal of native vegetation. Conditions deal with native vegetation offsets.

The subject land has a long history of farming uses and as such supports limited environmental values. A Biodiversity Assessment Report was prepared by ETHOS NRM Pty Ltd to identify any significant flora and fauna on site.

The assessment found that the subject land has been historically cleared of most native vegetation except for nine Large Old Trees, two of which are dead. There were also very small patches of native understory trees found along Yarragon–Leongatha Road however these areas are considered to be regrowth. The seven living trees are Strzelecki Gums which are a vulnerable threatened flora species and considered scattered trees. No threatened fauna species were recorded on site.

An addendum to the original Biodiversity Assessment was prepared by Indigenous Design and it confirmed the details of the ETHOS NRM Pty Ltd were still consistent. A separate report prepared by Invert Eco was prepared on behalf of Indigenous Design to assess the subject land to identify any presence of Warragul Burrowing Crayfish. No evidence of the crayfish was found and it was determined the site did not support any suitable habitat.

As a result of each of the studies undertaken the following native vegetation to be removed is:

- 1 native patch
- 1 planted patch
- 7 large trees (1 canopy and 6 scattered)
- 1 small scattered tree.

The permit appropriately deals with the removal native vegetation identified to be removed.

Figure 4 Scattered Strzelecki Gums on site



4 Flooding and Water Management

4.1 The extend of flooding and the impact of the development

(i) The issues

The issues are whether the proposed drainage scheme for the development is adequate:

- to manage the flood risk to the subject land
- to mitigate any potential additional flooding risks from the proposed development to the existing Yarragon township.

(ii) Background

Yarragon Flood Study

The Yarragon Flood Study was completed by Engeny in conjunction with Baw Baw Shire Council and the West Gippsland Catchment Authority. It was adopted 2013.

This strategy called for structural control measures to provide flood attenuation for the existing township. This included three basins, and no augmentation of existing drainage across the Princes Highway/VicTrack rail reserve.

The outcomes of this report had not been implemented at the time of this application.

Engeny Stormwater Assessment

As part of the proposal, Engeny was requested to provide an updated flood study to include the subject site under developed conditions. Furthermore, additional redundancy was added to the drainage system with the incorporation of an additional outlet across the Princes Highway/VicTrack rail reserve.

(iii) Evidence and submissions

A number of submitters raised concerns with the potential for increased flooding of the Yarragon township as a result of the proposed development of the subject land.

Mr Greg Dyer submitted that based on his analysis, the exiting Yarragon pipe drainage system is currently under capacity for a 1 in 5 years rainfall event and the main restriction is the pipe culverts under the railway line. He submitted that no further stormwater should be added to the existing drainage system and all stormwater from the proposed development should be directed around the town to the east of the service station on the Princes Highway. He believed that the Engeny analysis which depicts the level of flooding between Market and Campbell Streets diminishing after development of the site to be erroneous because the development will put more water into the existing drainage system than is currently the case.

Mr Dyer also expressed concern with the vulnerability of the site to be impacted by extreme rainfall events in the large catchments to the south of the site which comprises mainly steep land with high runoff potential. He noted that most of this catchment was not included in the 2013 Yarragon Flood Modelling and Drainage Strategy and in his view, there is the potential for large volumes of stormwater to head directly to the subject site should a landslip, which he considered highly possible in this area, fill the creek flowing from the escarpment.

He noted that approval from the relevant authorities to construct a new culvert under Princes Street and the railway line as proposed by the developer had not been established and the developer should show proof of permission to construct a new culvert which is essential to any development of the subject land.

Council submitted that the proposed stormwater drainage design for the development includes significant flood mitigation measures and the design aligns with the overarching *Yarragon Flood Modelling and Drainage Strategy (2013)*.

Council noted that the 2013 Strategy found that:

... development of the three proposed residential areas is feasible, as the retarding basins proposed as part of this study will allow development without making downstream flooding worst.¹

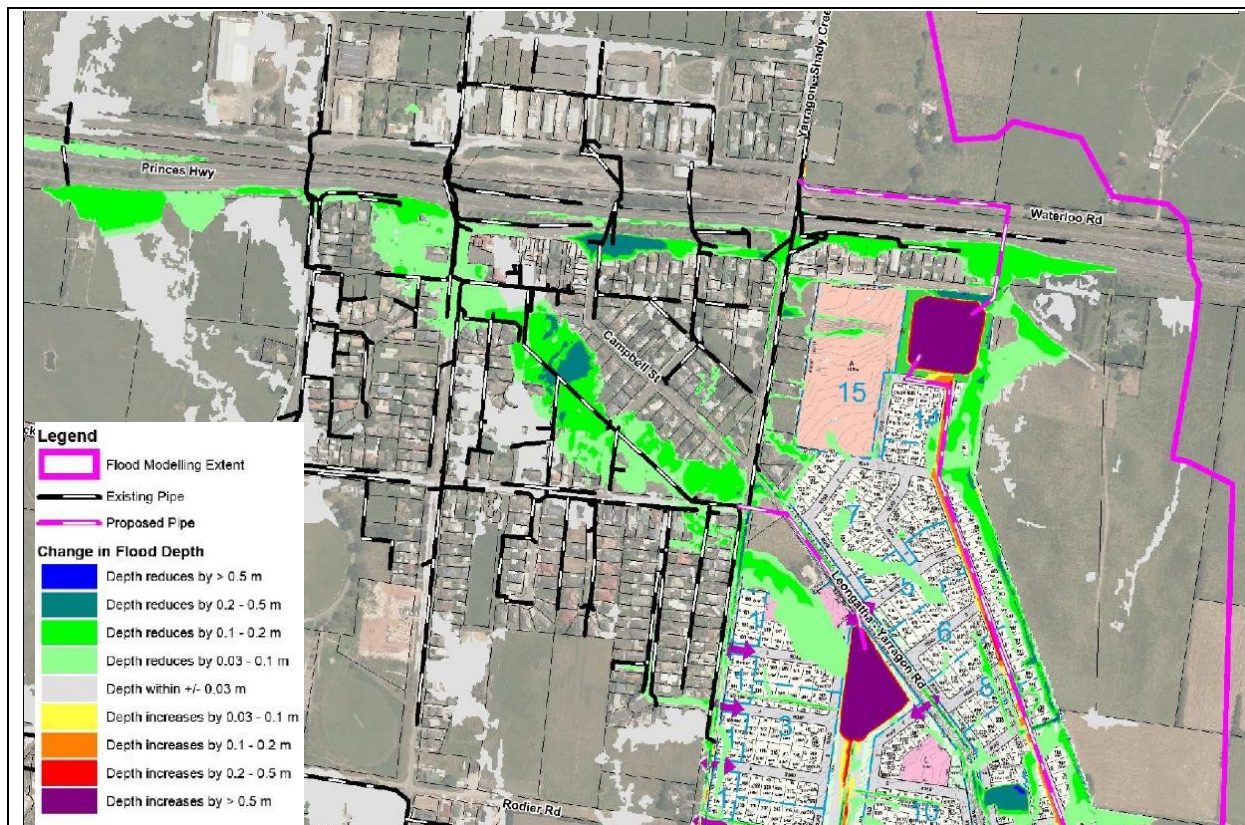
It submitted that specific details on the drainage solution for the Amendment and development are included in the Proponent's drainage report (Yarragon–Leongatha Road Development – Stormwater Assessment, March 2020) which includes two new retarding basins, additional new drainage pipes and ultimate connection to the stormwater system to the north of the Princess Highway. Council advised that the proposed stormwater design had been referred to Council's drainage engineers and, subject to appropriate conditions, there is no objection to the stormwater design.

The Proponent submitted that the updated flood modelling done by Engeny which included the subject site "*under development conditions*" demonstrated an approximately 60 per cent reduction in flooding within the existing township (see Figure 5 below). Millar Merrigan noted additional redundancy was added to the drainage system with the incorporation of an additional outlet across the Princes Highway/VicTrack rail reserve.

Millar Merrigan added that the peer review done by Afflux Consulting concluded that:

- the studies are fit for purpose for the area and mitigate the 1 per cent Annual Exceedance Probability (AEP) flood risk as it is known today
- the basins are within industry expectations for volume and water quality parameters
- the additional crossing under the Princes Highway will reduce flood risk for properties up stream
- final detailed design should be sought including Australian National Committee on Large Dams (ANCOLD) assessments and improved design of the wetland system.

¹ Council Part B Submission, para 18

Figure 5 1 per cent AEP Flood Map – Change in flood depth

Source: Figure 5 From Millar Merrigan Submission (Page 11 Of13)

In addition to aspects from the Afflux Consulting review outlined in submissions by Millar Merrigan, Mr Beardshaw (Afflux Consulting) stated in his expert evidence that:

- the Yarragon Flood and Drainage Study is based on ARR87 methodologies and data and while these have been updated in line with the Bureau of Meteorology 2016 rainfall review and ARR19 advice, these changes are unlikely to have a major impact on this stormwater study
- based on the Yarragon Flood and Drainage Study data, it is likely to be conservative in its applications, in particular the rainfall intensities
- the 1934 flood and associated rainfall data are not an appropriate design standard for the area
- the catchment parameters are appropriate in his view
- the basin sizes are appropriate and the flood risk has been managed.

In oral evidence, Mr Beardshaw added that there is an existing flood risk now to the Yarragon township but in his view, the infrastructure included in the development will provide more storage than required for the development catchment and, combined with the additional crossing to the Princes Highway, will reduce the flood risk to the township.

(iv) Discussion

The existing Yarragon township is subject to flooding during significant rainfall events; that is not in dispute. It was put to the Panel that the existing town drainage system is under capacity now to manage stormwater flows and that situation should not be exacerbated by further development in the area.

The existing drainage system may well be inadequate and poorly maintained – the Panel was shown evidence of poor maintenance during the site visit – but that is a matter to be resolved by the Council. Rectification of any deficiencies in the existing drainage system cannot be a requirement placed on the Proponent nor should it be a reason for the proposed development not to proceed provided that the development does not exacerbate the flood risk to the Yarragon township.

While some submitters suggested that the subject land is vulnerable to flooding and questioned some aspects of the flood modelling drainage analysis submitted by the Proponent, the expert evidence was that the *Yarragon Flood and Drainage Study* provided a sound basis for an assessment of the flooding risks to the subject land, the stormwater infrastructure included in the development would provide more storage capacity than needed to manage water flows from the development catchment and this excess capacity, when combined with the proposed new culvert under the Princes Highway and railway line, will reduce flooding in the existing Yarragon township.

On the expert evidence before it, the Panel is satisfied that the proposed stormwater infrastructure plan will manage to an appropriate level the flooding risks to the development and, most importantly, will ensure that the development does not exacerbate the risk of flooding of the existing Yarragon township. The Engeny flood modelling (see Figure 5 above) indicates that there will be no increase in flood depth in any part of the existing township under a 1 per cent AEP flood event.

(v) Conclusions

The Panel concludes:

- the proposed stormwater management plan for the development is fit for purpose and will effectively manage the flood risk to the subject land
- the stormwater infrastructure proposed to be constructed as part of the development of the subject site will reduce the flooding impacts on the existing Yarragon township.

4.2 Stormwater permit conditions at issue

(i) The issues

The issue is whether the permit conditions appropriately address stormwater issues.

(ii) Proposed conditions

Council's final preferred conditions for the design and management of stormwater and construction of the drainage system are:

Stormwater Management Plan

21. Prior to the certification of the first stage of the plan of subdivision an amended Stormwater Management Plan (SWMP) for the development must be submitted to and approved by the Responsible Authority. The SWMP is to outline details of underground pipes and safe overland flow paths, functional design for the retarding basins and stormwater treatment to comply with Yarragon Drainage Strategy. Post development 1% AEP flood levels are to be provided as part of the SWMP, and the stormwater treatment proposal is to meet Council's guidelines with respect to the design and maintenance requirements.

ANCOLD Assessment

22. Prior to the certification of the first stage of the plan of subdivision an ANCOLD assessment report on the proposed retarding basins must be submitted to the satisfaction of Responsible Authority.

Detailed Engineering Plans

24. Before any road and/ or drainage works associated with the subdivision (or staged subdivision) start, detailed Engineering Plans must be submitted to and approved by the Responsible Authority ... The detailed Plans must include:
- ...
- n. Major and minor drainage generally in accordance with the approved Stormwater Management Plan.
 - o. Details of the retarding basin and wetland including evidence that the retarding basin design complies with ANCOLD requirements and has been approved by the relevant authorities.
 - p. Details of waterway works in accordance with the approved Landscaping Plan.
 - q. Underground drains incorporating features to prevent litter, sediments, and oils from entering the drainage system (in particular waterways) and/or cut-off drains to intercept stormwater run-off from adjoining properties as appropriate and to the satisfaction of the Responsible Authority.
 - r. Lot levels designed to a minimum of 300mm above the 1% AEP flood levels.
25. Drainage infrastructure that caters for the future development of any unit sites identified on the subdivision concept plan (Note 2 of Table 10 in IDM).

Construction of Drainage System

- 45. Prior to the issue of Statement of Compliance of any Stage of the subdivision, all components of the stormwater drainage system relevant to that stage must be constructed in accordance with the stormwater drainage design approved by the Responsible Authority
- 46. Prior to the issue of Statement of Compliance of Stage 1 of the subdivision, the Southern Wetlands / retardation basin must be completed in accordance with the approved plans.
- 47. Prior to the issue of Statement of Compliance for any Stage of the subdivision, which is on the eastern side of Yarragon–Leongatha Road the northern Wetlands / retardation basin must be completed in accordance with the approved plans.
- 48. Prior to the issue of a Statement of Compliance for any stage of the subdivision, CCTV results for the full length of all stormwater drainage pipes shown on the approved drawings for that stage where Council is the Responsible Authority, must be submitted for assessment. The CCTV work is to be performed by an independent specialist contractor at no cost to Council. The submitted information is to be to the satisfaction of the Responsible Authority. Pipe joints which exceed the manufacturer's installation tolerances and any other significant defects must be rectified at no cost to Council prior to the issue of Statement of Compliance for the stage or other period agreed in writing by the Responsible Authority.

(iii) Submissions

Submissions were made about the drafting of the drainage and stormwater conditions. The Council's final position on conditions generally responds to these submissions.

In respect of Condition 21

- The proponent recommended the final sentence be changed to:
 - "... and the stormwater treatment proposal 'to the satisfaction of the responsible authority'."
- Mr Dyer thought there needed an additional line added that prevents rubbish from streets and piped drainage system collecting in retardation basins. This could be in the form of a rubbish trap where pipes enter the basin. He said that this had become an issue in other retardation basins throughout the state.

There are potentially two other unresolved issues. The first the concern is that the requirement for lots to be at least 300 mm above the 1 per cent AEP may not be achieved in practice, or may be undone by requirements to deliver step-free access to dwellings. The second is that overland flows may inundate properties, particularly properties at T intersections.

(iv) Discussion and conclusion

The Panel considers the proposed permit conditions appropriately address stormwater issues and that the submissions predominantly relate to matters of detailed design, and enforcement, and that the permit conditions adequately address these issues. The Panel agrees that the permit conditions, as a general principle, should be to the satisfaction of the Responsible Authority.

5 Access and Movement

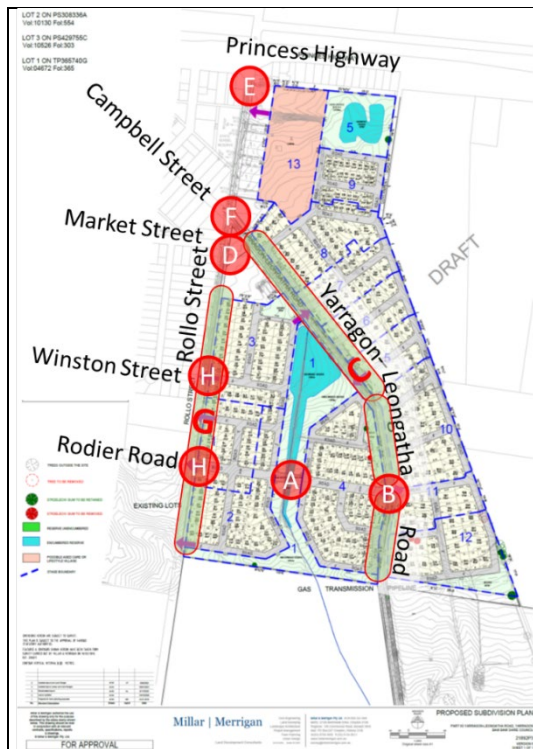
5.1 The Road Network and Traffic Impacts

(i) The Issues

The issues are:

- general issues being whether:
 - the traffic generated by the proposed development can be accommodated on the local road network
 - the subdivision street layout is appropriate
- the need for a 'Traffic Management Plan'
- specific design and cost apportionment issues broadly identified in Figure 6:
 - issue A: East-west road connection
 - issue B: Yarragon-Leongatha Road intersections
 - issue C: Yarragon-Leongatha Road upgrade
 - issue D: Future direct extension of Market Street
 - issue E: Princess Highway intersection
 - issue F: Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection
 - issue G: Rollo Street civil works
 - issue H: Rollo Street intersections.

Figure 6 General location of specific movement network issues



Source: prepared by the Panel

(ii) Background

The proposed subdivision aims to create a safe and convenient neighbourhood that includes a clear and legible street network that provides access through the development and links with the surrounding road networks. Details on the proposed road network and anticipated traffic generation are contained within the Traffic Impact Assessment prepared by O'Brien Traffic.

The subdivision proposes a functional street network that incorporates varying sized road reserves to accommodate the proposed traffic generation.

The layout offers perimeter roads along open space areas and along Yarragon–Leongatha Road to provide active interfaces along these abuttals.

As a result of community consultation, a significant network of shared paths has been provided within the site. This will provide convenient access to the parklands from within the site and also externally, with multiple connections to Rollo Street.

(iii) Evidence and submissions**General issues**

Several submissions from local residents highlighted traffic impacts as an issue with the proposed rezoning and development.

Council noted that the traffic report submitted with the planning permit application indicated that an additional 3,000 trips per day would be generated by the proposed development (excluding traffic generated by the proposed superlot set aside for future development).

With respect to the subdivision street layout, Ms Donald stated that the current design preference is to provide for the forward movement of waste collection vehicles with no court bowls which, by definition, results in a grid network. Ms Donald noted that the location and layout of the subdivision is unlikely to encourage high volumes of through traffic and, if needed, speed management devices could be installed in accordance with the draft permit conditions with this issue resolved at the detailed design stage of the development.

Council submitted that the application was referred to the Department of Transport which has approved the development subject to several permit conditions requiring an upgrade to the traffic signals at the Princess Highway. It also noted that Council's traffic engineers did not raise any fundamental issues subject to a number of permit conditions.

The Yarragon and District Community Association (YDCA) raised some traffic and street network concerns including:

- the potential impact on tourist traffic of the additional traffic generated by the development at the Rollo Street/Princes highway and Loch Street/Princes highway intersections
- the need for additional east-west linkages through the proposed subdivision
- the operation of the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection
- the subdivision street grid layout which it considers will encourage high volumes of traffic.

The need for a traffic management plan

The functional layout plans permit conditions call for the plans to show:

- c. proposed speed limits on all roads, proposed location of speed limit signs and Local Area Traffic Management devices incorporated into road designs to ensure slow speed environments as required by the Responsible Authority;
- d. typical cross-sections for each street type;
- f. location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls including traffic calming devices;
- i. upgrading works on Rollo Street including a roundabout, or other treatment agreed to in writing by the Responsible Authority, at the Rodier Road intersection;
- j. upgrade works on Yarragon–Leongatha Road including a roundabout, or other treatment agreed to in writing by the Responsible Authority, at the Rodier Road intersection;

The Proponent considered these separate conditions are unclear and repetitive. It favoured a new consolidated traffic condition with Conditions 23c, d, f, i, j, to be consolidated and amended as follows:

23A A traffic management plan including:

- a. Proposed speed limits on all roads, proposed location of speed limit signs and Local Area Traffic Management devices incorporated into road designs to ensure slow speed environments;
- b. Typical cross-sections for each street type generally in accordance with Millar Merrigan 'Cross-Sections' Ref 21892P6 Version 1 dated 11 October 2022;
- c. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls including traffic calming devices;
- d. Plan detailing proposed road upgrades associated and immediately connected with the Plan of Subdivision 21892P3 Version 5, including proposed traffic management treatment (for example roundabout) at:
 - i. The intersection of Rollo Street and Rodier Road;
 - ii. The intersection of Winston Street and Rollo Street
 - iii. The intersection, at the proposed continuation of Rodier Road and Yarragon-Leongatha Road;
 - iv. Upgrades to road surface for only the part of Yarragon – Leongatha Road running the length and immediately abutting the subdivision area.

Issue A: East-west road connection

Council also expressed a strong preference that the proposed east–west road reservation connection (being an extension of Rodier Road) should only be provided initially for pedestrians and bicycles and not be made trafficable until the vehicular link is needed.

YDCA submitted that the connection across the wetland is the responsibility of the Proponent and should be constructed with stage 4. This is to allow stage 4 and future stages to enter the town without using the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection.

Issue B: Yarragon–Leongatha Road intersections

Council submitted that with the Version 5 subdivision plans which propose a number of cross intersections along Yarragon–Leongatha Road, rather than 'T' intersections as originally proposed, additional roundabouts are required for a number of intersections. The permit conditions reflect this.

It supported the construction of roundabouts in accordance with the expert traffic evidence at Rodier Street/Yarragon–Leongatha Road.

Ms Donald gave evidence:

It is intended that a roundabout be constructed at the cross-road of Yarragon Leongatha Road with the internal roadway, with all other intersections of internal streets with Rollo Street and Yarragon Leongatha Road being T-intersections.

The proposed conditions are:

36. Prior to the issue of a Statement of Compliance for Stage 4, a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of the Rodier Road extension and Yarragon Leongatha Road as drawn on the Proposed Subdivision Plan 21892P3 Ver 5.

The Proponent opposed Condition 36 and wanted the conditions to refer to the works the proposed in the Traffic Management Plan it proposed.

39. Prior to the issue of a Statement of Compliance for Stage 7, a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of Yarragon Leongatha Road, the entry road to Stage 7 and the subdivisional north-south road as drawn on the Proposed Subdivision Plan 21892P3 Ver 5.

The Proponent opposed Condition 39 saying Council and the Proponent had agreed that no additional intersection was to be proposed into Stage 7.

Issue C: Yarragon–Leongatha Road upgrade

Council proposed a condition:

37. Prior to the issue of a Statement of Compliance for Stage 5, Yarragon Leongatha Road must be upgraded to IDM Collector Street Level 1 standard including carriageway width 11.7 meters from Rollo Street to the southern boundary of the development site.

The Proponent opposed Condition 37 seeking that the upgrade of the existing road be limited to upgrades to road surface for only the part of Yarragon–Leongatha Road, running the length and immediately abutting the subdivision area, in the Traffic Management Plan be constructed.

Issue D: Future direct extension of Market Street

YDCA submitted that provision should be made for a future direct extension of Market Street through the proposed subdivision. It argued that by extending Market Street to Yarragon–Leongatha Road and giving it priority, Campbell Street would become a ‘T’ intersection which would change priorities at the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection. YDCA noted that this intersection is a dangerous intersection and the proposed development will substantially increase traffic flows through it. It stated that it was not seeking for the developer to make ‘good’ this intersection but wants the developer “...to not make long term resolution of this intersection impossible.”²

Ms Donald noted that an extension to Rodier Street is now proposed but considered an extension to Market Street was not necessary or appropriate given the proximity to the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection.

Submissions also sought wider road reservations to the east of Yarragon-Leongatha Road to allow for future expansion of Yarragon.

Issue E: Princess Highway intersections

Ms Donald noted that the subdivision is unlikely to generate any significant trips to the Loch Street/Princes Highway intersection as the Rollo Street/Princes Highway intersection would be quicker and more convenient. Ms Donald remained of the opinion that:

² Presentation by YDCA to Panel Hearing, page 13 of 18

- the Rollo Street/Princes Highway intersection could cater for additional traffic volumes
- no mitigating works are required at that intersection
- it was not clear to her why the Proponent should be required to bring the existing Rollo Street approach lanes up standard.

Ms Donald noted, however, that she has been advised the Proponent would accept the Department of Transport permit conditions requiring changes to the intersection including widening of the Rollo Street approach lanes to accommodate dual right turn lanes and modification of the existing left turn slip lane from Rollo Street into the Princes Highway.

The proposed permit conditions are:

87. The existing Rollo Street approach lanes to the Princes Highway must be widened to 3.5 meters to accommodate dual right turns.
88. The existing left turn slip lane from Rollo Street to the Princes Highway must be modified to the satisfaction of the Head Transport for Victoria.
89. The existing signal phasing must be modified to provide for the dual right turns.

The Proponent is opposed Condition 89 because the Proponent does not have to the power to alter the signals.

Conditions 90, 91, and 92 set out the timing for works for the intersection. Council and the Proponent do not agree on this timing, as set out in Table 1.

Table 1 Timing issue on the Rollo Street/Princess Highway intersection upgrade

Condition	Requirement	Council preferred timing	Proponent preferred timing
90	detailed functional layout plans	Stage 1	Stage 2
91	detailed design plans	Stage 2	Stage 3
92	works completed	Stage 3	Stage 5

Issue F: Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection

Council noted that although the Proponent has not suggested an upgrade to the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection, it considered that an upgrade of this intersection needed to be investigated. It submitted that:

Although the evidence states that this is not required and that this development should not be responsible for an upgrade to the existing intersection, no numerical justification is provided to suggest that this development will not have a detrimental impact on what is already a dangerous intersection.³

In closing submissions, Council said that it expected that the developer would be responsible for the upgrade of the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection. It noted that while it had not done any detailed work on possible design options, a roundabout looks like the most reasonable solution to reduce the likelihood and severity of crashes at this intersection which may be associated with the increase in traffic volumes at this locality.

Council proposed a condition:

40. Prior to the issue of a Statement of Compliance for Stage 8, a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of Yarragon Leongatha Road, Rollo Street and Campbell Street.

³ Council Part B Submission, para 78

Council stated that it had combined funding of \$130,000 to \$150,000 per budget to treat all of the Council's road network. It submitted that it recognised that developer contributions should be based on 'need, nexus and apportionment' but added that there is also the 'agent of change' principle and based on the relevant planning principles and the local examples which it cited of developers undertaking intersection upgrades, Council sought to require the Proponent to fund the upgrade of the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection. It requested that the Panel support the Amendment and draft planning permit including permit conditions requiring the construction of a roundabout at the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection prior to the issue of a Statement of Compliance for stage 8 of the subdivision.

In closing submissions, the Proponent submitted that no nexus has been established with respect to the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection upgrade. It argued that:

- the intersection is a pre-existing problem which cannot be “lumped” onto this development
- the problem will continue irrespective of the development
- the layout/design has not been considered and a permit condition should not be imposed that leaves open that work
- the cost of the upgrade would be substantial and it would be inappropriate to impose a condition without detailed design and costing
- the development includes substantial infrastructure which needs to be considered when considering the reasonableness of the proposed permit condition
- the development can proceed without an upgrade of the intersection
- the design of the intersection upgrade is best left to another process in which the Proponent is prepared to participate and help facilitate.

The Proponent objected to Council's submission and submitted that the 'agent of change' principle is inappropriate and the submission failed to provide legal justification for the permit condition which may be beyond powers. It requested that the Panel recommend that the condition with respect to the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection upgrade be removed from the permit.

In her expert evidence statement, Ms Donald concluded that based on her investigations, there are no traffic related grounds that should prevent the proposed rezoning and subdivision of the subject site from proceeding.

Ms Donald noted that the operation of the Rollo Street/Market Street/Yarragon–Leongatha Road intersection was an existing issue and, in her opinion, it should not be the responsibility of the Proponent to resolve this existing issue.

Issue G: Rollo Street upgrades

Council proposed condition:

33. Prior to the issue of a Statement of Compliance for Stage 2, Rollo Street must be upgraded to a road standard matching the road width of Rollo Street between the Princes Highway Service Road and Campbell Street including indented parking lanes, kerb and channel and underground drainage on both sides, footpath on both sides and nature strip and street trees on both sides, along the entire boundary of the development site.

The Proponent opposed constructing indented parking lanes, kerb and channel and underground drainage on both sides when the development only abutted to east side and considered the

condition should be limited to the east side. The Proponent opposed the requirement to ‘plant street trees on both sides, along the entire boundary of the development site’.

Issue H: Rollo Street intersections

Council proposed conditions:

34. Prior to the issue of a Statement of Compliance for Stage 2, a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of Rodier Road and Rollo Street as drawn on the Proposed Subdivision Plan 21892P3 Ver 5.
35. Prior to the issue of a Statement of Compliance for Stage 2, a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of Winston Street, Rollo Street and the subdivisional east-west road as drawn on the Proposed Subdivision Plan 21892P3 Ver 5.

The Proponent sought changes for these to refer to works identified in the approved Functional Layout Plans.

(iv) Discussion

General issues

From a road network perspective, the Panel has no concerns with the road layout shown on the amended subdivision plans. It agrees with the evidence of Ms Donald; the road sections are relatively short and excessive vehicle speed is unlikely to occur. If necessary, traffic calming measures could be installed should speeding become an issue.

The need for a Traffic management plan

The Panel supports the Proponent’s approach for a traffic management plan. A consolidated traffic management plan will allow for a comprehensive approach to addressing traffic management issues. The Panel supports the Proponent’s wording as set above.

Issue A: East-west road connection

The Panel notes that a road reservation aligned with Rodier Street has been included in the amended subdivision plans to provide for a connection across southern end of the encumbered reserve of the east–west street. It agrees with Council that the proposed east–west connection using this road reservation should be initially a pedestrian/cycling link with a vehicular link constructed when needed.

Issue B: Yarragon–Leongatha Road intersections

The Panel’s understanding is that there is only one cross intersection proposed on the Yarragon–Leongatha Road in the Version 5 subdivision plans. As a general principle the Panel supports determining the intersection treatments as part of a traffic assessment/functional layout design process. This will provide appropriate flexibility as the development proceeds.

Issue C: Yarragon–Leongatha Road upgrade

The proposed cross section shows the proposal is to construct new service lanes separate to the existing Yarragon–Leongatha Road for sections of Yarragon–Leongatha Road where the plan of subdivision includes an abutting road within the development. The proposed cross section shows that the existing carriageway width of 6.15 metres of Yarragon–Leongatha Road is to be retained.

The Traffic Management Plan condition proposed by the Proponent included a requirement that the road surface be upgraded for only the part of Yarragon – Leongatha Road running the length

and immediately abutting the subdivision area. The Panel considers that to be a reasonable outcome.

Issue D: Future direct extension of Market Street

The extension of Market Street is problematic. The Panel agrees with Ms Donald that an extension of Market Street across to Yarragon–Leongatha Road is not appropriate given the proximity of the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection. In any event, the land for the extension of Market Street is not part of the development and is not controlled by the Proponent. It may be that consideration of an extension of Market Street is included in a future process to examine the reconfiguration of the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection although it is not clear to the Panel what would be the purpose of extending Market Street into the proposed development as requested by YDCA.

The Panel does not see the need to widen any road reserves to the east of the Yarragon–Leongatha Road to cater for a potential future expansion of Yarragon. The road network would give pedestrian and cycling access to the area if expansion were to eventuate.

Issue E: Princess Highway intersections

The Panel notes that the Proponent has accepted the upgrades to the Rollo Street approach lanes to the Princes Highway as required by the Department of Transport as permit conditions. It agrees with the evidence of Ms Donald that any impact of traffic generated by the development on the Loch Street/Princes Highway intersection will be minimal.

Because the impact on the intersection will be minimal the later timing proposed by the Proponent is appropriate. The Panel agrees the Proponent does not have the power to alter the timing of the traffic signals.

Issue F: Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection

While traffic generated by the development will add significantly to the volume of vehicles passing through the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection, the safety concern with this intersection is an existing issue. The current layout of the intersection is problematic given the existing traffic volumes on each leg of the intersection as set out in the Traffic Impact Assessment.⁴ Although traffic volumes are relatively low on each leg, the predominant movements are along the Rollo Street/Yarragon–Leongatha Road route not along Campbell Street.

At the Hearing, Council advised that an assessment and design of options to improve the operation of the intersection still needs to be done. It is likely, in the Panel's view, that the construction of a roundabout at the intersection would be the best option in terms of safety but a roundabout would be costly and other options may be satisfactory, for example cheaper minor works and changes in traffic controls to give priority to traffic travelling to or from Rollo Street north of the intersection to the Yarragon–Leongatha Road may be feasible.

The issue is whether the Proponent should, as sought by Council, be required under a permit condition to fund the construction of a roundabout (or other treatment agreed to by the Council) at the intersection. Council claimed to have insufficient funds available to meet the costs of a roundabout and argued that, based on the agent of change principle, the additional traffic

⁴ Traffic Impact Assessment, O'Brien Traffic (19 March 2021)

generated by the development that would pass through the intersection was sufficient to justify imposing an obligation on the Proponent to meet the cost of the roundabout.

Yes, the development will result in more traffic through the intersection but, in the Panel's view, that in itself is insufficient grounds to require the Proponent to fully fund the roundabout or other agreed treatment. There must be consideration of need, nexus and apportionment. The Panel is not satisfied that need and nexus have been established. A roundabout is not 'needed' for the development to proceed as the intersection will continue to operate under satisfactory conditions with the additional traffic generated by the development. Nor is 'nexus' apparent; the intersection is a pre-existing problem not caused fundamentally by the traffic generated by the development. It should also be noted that the location of the intersection is not within the development land controlled by the Proponent.

This brings the discussion to the issue of 'apportionment'. It is not uncommon for developers to make a contribution to infrastructure works such as roads and intersection upgrades which are located in proximity but outside the area being developed. The Panel considers that a case could be made for some apportionment to the developer for the cost of a roundabout (or other agreed treatment). The difficulty, however, in this instance is that there is no design and costing available on which to determine an equitable apportionment.

In the Panel's view, it would be demonstrably unfair to impose the full cost, or even part of the cost, on the Proponent without a detailed design and costing. Even with a detailed costing, the Panel considers for the reasons set out above that it would be unreasonable to expect the Proponent to fully fund a roundabout at the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection.

Having said that, an upgrade of the intersection is desirable. The Council should initiate a process to develop design options and costings to deal with the existing situation at the intersection. The Panel notes that the Proponent has expressed a willingness to be involved and make a contribution to examining options to improve the intersection. As part of that process, an appropriate funding apportionment could be explored and agreed by Council and the Proponent.

Issue G: Rollo Street upgrades

The Panel agrees with the Proponent that its works to Rollo Street should be confined to the frontage to its land. There no justification for asking the developer to undertake upgrades that are not required as a result of the development.

Issue H: Rollo Street intersections

As a general principle the Panel supports determining the intersection treatments as part of a traffic assessment/functional layout design process. This will provide appropriate flexibility as the development proceeds.

(v) Conclusions

The Panel concludes:

- traffic generated by the proposed development can be accommodated on the existing surrounding road network particularly give the permit requirement for an upgrade to the signalised intersection of Rollo Street and the Princes Highway
- the road layout shown in the amended subdivision plans Version 5 is appropriate

- provision for an east-west link (extension of Rodier Street) across the southern part of the encumbered land in the development has been made in the amended subdivision plans and this link can be constructed for vehicular use when needed
- the inclusion of a condition for a consolidated Traffic Management Plan is appropriate
- determining the treatments for the intersections along Yarragon–Leongatha Road as part of a traffic assessment/functional layout design process will provide appropriate flexibility as the development proceeds
- a requirement that the road surface be upgraded for that part of Yarragon–Leongatha Road running the length and immediately abutting the subdivision area is a reasonable outcome.
- an extension of Market Street to Yarragon–Leongatha Road is not desirable nor feasible at this time
- the impact on the Princess Highway/Rollo Street intersection will be minimal and the later timing for the intersection works proposed by the Proponent is appropriate
- it would be unreasonable to impose the full cost of a roundabout or other agreed treatment at Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection but some apportionment of the cost to the Proponent could be considered when a detailed design and costing has been prepared
- the planning permit condition requiring the Proponent to fully fund a roundabout or other agreed treatment at the Rollo Street/Campbell Street/Yarragon–Leongatha Road intersection should be deleted
- Rollo Street civil works should be confined the frontage of the development site
- determining the treatments for the intersections along Rollo Street as part of a traffic assessment/functional layout design process will provide appropriate flexibility as the development proceeds.

5.2 Pedestrian and cycling connectivity

(i) The issue

The issue is whether the subdivisional layout of the proposed development provides for sufficient internal circulation for pedestrians and cyclists and connections to the existing commercial and shopping area of the Yarragon township and other services.

(ii) Evidence and submissions

In response to a direction made by the Panel that the Proponent provided a revised subdivision plan responding to submissions, the Version 5 plans, which included a public open space plan showing a 2.5 metre wide shared path network with connections to adjoining streets.

Council noted that the amended subdivision plans have improved pedestrian and cycling connections within the proposed development and back to facilities within the township including the primary school and Dowton Park Reserve. It added that the proposed shared pathways will link into the existing ‘intertown’ shared path that runs along Yarragon–Leongatha Road.

It submitted that the amended plans satisfy the connectivity required for the development “...and will enhance the pedestrian and cycle access into the existing town.”⁵

⁵ Council Part B Submission, para 44

The Proponent submitted that as a result of community consultation, a significant network of shared paths has been provided within the site which will provide convenient access to the parklands from within the site and externally and multiple connections to Rollo Street.

The Yarragon and District Community Association noted that the proposed northern shared path onto Rollo Street, as shown on the amended subdivision plans, is in a high traffic area and suggested that it be placed further south for maximum sight distance and pedestrian safety.

(iii) Discussion

At the Directions Hearing, the Panel raised the issue of pedestrian and cycling connectivity within the proposed subdivision and to the existing Yarragon township facilities and asked that the Proponent provide further information on this matter.

The Panel notes the public open space plan circulated by the Proponent. It is satisfied that the network of shared paths shown on that plan will provide improved internal circulation for pedestrians and cyclists and connectivity to existing pedestrian and cycling links to the Yarragon shopping area and other facilities. The Panel considers that a 2.5 metre wide shared path network is appropriate given the nature of the proposed development and separate pedestrian and cycle paths are not necessary.

The issue raised by the YDCA regarding the location of the northern shared path link onto Rollo Street should be dealt with through consultation between Council and the Proponent during the assessment and approval of the subdivision.

(iv) Conclusions

The Panel concludes:

- the proposed shared path network (as depicted on the subdivision public open space plan) will provide an appropriate level of pedestrian and cycling connectivity within the subdivision and links to existing routes to the Yarragon shops and other facilities
- the specific location of the northern shared path link onto Rollo Street should be resolved by Council and the Proponent during the assessment and approval of the subdivision application.

6 Other issues

6.1 Other issues raised in submissions

(i) Loss of agricultural land

Submissions raised concerns about the loss of agricultural land fearing that farming land is being developed for housing and that this approach is likely to lead to food shortages and food import.

Agricultural land is protected by planning policy, but some loss is inevitable to cater for population growth. The site has been identified as suitable for urban development in planning frameworks.

(ii) Lack of suitable public open space

Concern was expressed about the usability of the open space.

The Panel has reviewed the open space plan and considers that the proposed layout of open space is an appropriate response to the site conditions. The Panel has previously noted the proposed shared path network.

(iii) Land use

Submitters advised that a concurrently running Yarragon Township Plan has identified limited commercial land available, and that part of the site had previously been identified as a potential area for commercial expansion and that it should be rezoned accordingly.

Commercial zoning of the part of the site is not part of the Amendment and any such rezoning would require a separate process. Development of the superlot will require a separate planning permit in the future.

(iv) Environmentally Sustainable Development

Submissions raised concerns about Environmentally Sustainable Development, including that the development should:

- include all electric dwellings and 8 star energy rating, with solar PV systems and heat pump hot water systems.
- mandate light coloured roofs
- ban evaporative air-conditioning and not require double garage
- consider co-housing development with smaller private open space but large common space and car sharing.

The Panel considers the Environmentally Sustainable Development is best addressed with a state or municipality wide approach, noting that there are current state requirements for the energy efficiency of dwellings.

(v) Lot size and built form

Submitters were concerned that the development would not be able to provide a “*rural feel*” with small lot sizes that do not cater for large trees. In contrast, one submission that considered the proposed subdivision as a good mix of lot sizes.

The inspection included currently developing areas of Yarragon, with the anticipation that the development will have a broadly similar character to these areas.

The proposed subdivision has an average size of 792 square. This is relatively large by modern standards. The Panel is satisfied that the character of the new subdivision is appropriate considering the policy settings of the Planning Scheme.

6.2 Other planning permit issues

(i) Background

Clause 71.02-3 of the Planning Scheme requires a responsible authority considering a permit application to take an integrated approach, and to balance competing objectives in favour of net community benefit and sustainable development.

Clause 65 of the Planning Scheme states:

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01 requires the Responsible Authority to consider, as appropriate:

- the Planning Policy Framework
- the purpose of the zone, overlay or other provision
- the orderly planning of the area
- the extent and character of native vegetation, the likelihood of its destruction, and whether it can be protected, planted or allowed to regenerate
- the degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Other matters to be taken into account include:

- objections
- comments and decisions of referral authorities
- other matters a Responsible Authority must and may take into account under section 60 of the PE Act, including the Victorian planning objectives and the economic, social and environmental impacts of the proposed use and development
- adopted government policy.

(ii) Layout not altered

Council's final preferred version of conditions included:

Compliance with plans and secondary consent

2. The subdivision and development works must be undertaken in accordance with the plans and/or documents endorsed under this permit and the plans and/or documents endorsed under this permit must not be altered or modified without the prior written consent of the Responsible Authority.

The Panel prefers the original wording noting that this more closely follows drafting conventions and published advice for such conditions.

(iii) Design guidelines

Council's final preferred version of conditions included:

Housing Design Guidelines

4. Prior to the certification of the plan of subdivision for the first stage under the Subdivision Act 1988, Housing Design Guidelines must be submitted to and approved by the Responsible Authority. When approved, the Guidelines will be endorsed and form part of this permit. The Guidelines must be generally in accordance with the document Waterloo 3823 submitted to Council 23 February 2022 but modified to show:
 - a. A date and/or revision number for the purpose of document identification.

Mr Dyer was concerned that the guidelines do not meet the Building Regulations 2018, and must meet the construction standards for fire separation.

The Panel considers that the guidelines will work in parallel with the regulations and adding this to the permit conditions is not necessary.

(iv) Agreement that dwellings be 300 mm above flood level

Council's final preferred version of conditions included:

9. Prior to the issue of certification for stage 1 of the subdivision, the landowner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide that:
 - a. Prior to the issue of a Building Permit for the construction of any dwelling on a lot, the lot owner must pay the Community Infrastructure Levy to the Responsible Authority in accordance with the Development Contributions Plan Overlay – Schedule 1.
 - b. All dwellings must be constructed a minimum of 300mm above the 1% Annual Exceedance Probability flood levels.

The Proponent is opposed to Condition 9b, saying the condition duplicates other conditions provided for later in permit and that it was confusing to include this condition under the development contributions condition.

Mr Dyer considered that this condition should remain as it is the only protection against probable flooding. To ensure future owners have proper knowledge of the amount of fill is likely to be on the site Mr Dyer proposed:

- c. a current soil report for each lot shall be provided that clearly states the degree of filling on each lot and the site classification in accordance with the building act and AS2870 Residential Slabs and Footings.

The development will deliver lots 300 mm above the 1 per cent Annual Exceedance Probability flood levels as a requirement from other conditions. This requirement is aimed at ensuring that subsequent owners do not excavate the filled lots. The Panel supports the sentiment of informing future purchasers of the need to avoid lowering the level of lots by excavation, but considers it would be better to address this through the estate development guidelines. Condition 9b should be deleted as requested by the Proponent, and there is no need to include requirement proposed by Mr Dyer.

(v) Open space

Council's final preferred version of conditions included:

Public Open Space

10. All local level neighbourhood parks and public open space areas must be finished to a standard that satisfies the requirements of the Responsible Authority prior to the transfer of public open space, including:
 - ...
 - c. provision of water tapping, potable and connection points. Sewer and gas connection points must also be provided to land identified as sporting reserve

The term ‘water tapping’ is potentially confusing. The Proponent proposed “Provision of water ‘service’ tapping ...”

The Panel accepts that ‘water tapping’ is a clearly understood term in the water industry and the change suggested are not warranted.

(vi) Streetscape and Landscape Masterplan

The Proponent raised two concerns with Condition 14: streetscape and landscape masterplan:

- that the requirement for tree protection zones duplicated other conditions
- that the following requirement was vague and uncertain and that no threaten species habitat has been identified on the site:
 - f. the principles and graphical concepts of the proposed treatment of the drainage/wetland reserve including the feasibility of incorporating threatened species habitat requirements into the retardation basin design.

The Panel agrees with the Proponent on these issues. The Condition 14(f) is too open ended and uncertain as to what it requires.

(vii) Detailed engineering plans

Council’s final preferred version of conditions included:

- 24k. A driveway crossing for each lot designed for the standard vehicle with regard to horizontal and vertical clearances in accordance with Council’s Infrastructure Design Manual (IDM) Standard Drawings.

The Proponent submitted that driveways are not currently required by Baw Baw Shire and not required due to roll-over type kerbs. The Panel agrees with the Proponent.

Appendix A Submitters to the Amendment

No	Submitter
1	Susan Carpenter
2	Kevin McLaren
3	Pete Smythe
4	Avon Ballantyne
5	West Gippsland Catchment Management Authority
6	Gippsland Water
7	Alana Speir
8	Department of Environment, Land, Water and Planning
9	John and Fiona Bradley
10	David Evans
11	Greg Dyer
12	Yarragon Business Association Inc
13	Collin and Judy Lackman
14	Baw Baw Shire Ratepayers And Citizens Association
15	Inge Mitchell
16	Tony Stewart
17	Baw Baw Sustainability Network
18	Darold Klindworth
19	Yarragon and District Community Association (YDCA)
20	Yarragon Ale House
21	Yarragon Bowls Club
22	Country Fire Authority

Appendix B Document list

No.	Date	Description	Provided by
1	19 Oct 22	Updated (Version 5) subdivision plans	Proponent
2	19 Oct 22	Public Open Space plan	Proponent
3	19 Oct 22	Cross-sections	Proponent
4	26 Oct 22	Council Part A Submission.pdf	Council
5	28 Oct 22	Deborah Donald – Traffic evidence	Proponent
6	31 Oct 22	Christopher Mitchell Beardshaw – Stormwater evidence	Proponent
7	8 Nov 22	Council's Part B Submission and Preferred Conditions	Council
8	8 Nov 22	Panel Submission	Proponent
9	8 Nov 22	YDCA Presentation	YDCA
10	9 Nov 22	Presentation for Panel	Greg Dyer
11	9 Nov 22	Example of how the future open space could be designed	Council
12	9 Nov 22	Draft Permit Conditions Tracked Version	Council
13	10 Nov 22	Presentation to planning panel.docx	Malcolm McKelvie
14	10 Nov 22	Submission Presentation	YDCA
15	10 Nov 22	Submission from Murray Cook	Murray Cook
16	14 Nov 22	Post-hearing directions	Panel
17	14 Nov 22	Post Panel – Permit tracked version	Council
18	21 Nov 22	Council Final Proposed Conditions – Proponent comments	Proponent
19	25 Nov 22	Council Final Proposed Conditions – Greg Dyer comments	Greg Dyer
20	28 Nov 22	Council Final Proposed Conditions – YDCA comments	YDCA
21	29 Nov 22	Closing Submission	Proponent
22	1 Dec 22	Letter in response to directions	Proponent

Appendix C Council preferred version of the proposed permit noting Proponent's views

Council post-Panel preferred version—Document 17

ADDRESS OF THE LAND: 63 Yarragon—Leongatha Road, Yarragon 3823

Lot 3 PS429755C,

Lot 2 PS308336A,

Lot 1 TP365740G

THE PERMIT ALLOWS: A staged, multi-lot subdivision and removal of native vegetation

Amended Plans ~~Required~~

1. Before the first stage of the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans must be submitted and approved by the Responsible Authority. When approved, the plans will be endorsed and form a part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with Proposed Subdivision Plan 21892P3 Version 5 dated ~~19 January 2021~~ September 2022 but modified to show:
 - a. ~~An accurate outline of the Tree Protection Zone of the lone Strzelecki Eucalyptus tree in the reserve abutting Lot 807.~~
 - b. ~~A reconfiguration of the reserve abutting Lot 807 to allow impediment of no more than 10% of the Tree Protection Zone of the lone Strzelecki Eucalyptus tree.~~
 - c. Notation on the plans that the 'road reserve provided for connection' across the wetland area is not to be constructed through this development but provided for future connection if required.
 - d. A cross section for the road located along the eastern boundary. The cross section must show landscaping along the boundary interface with the Farming Zone area.
 - e. Road width dimensions on all streets and roads.

~~Layout Not Altered~~

Compliance with plans and secondary consent

2. The subdivision ~~layout as shown on~~ and development works must be undertaken in accordance with the plans and/or documents endorsed ~~plans under this permit and the plans and/or documents endorsed under this permit~~ must not be altered or modified without the prior written consent of the Responsible Authority.

Staging Plan

3. The subdivision of the land must proceed in the order of stages shown on the endorsed plans or as otherwise agreed with the written consent of the Responsible Authority.

Housing Design Guidelines

4. Prior to the certification of the plan of subdivision for the first stage under the *Subdivision Act*

1988, Housing Design Guidelines must be submitted to and approved by the ~~responsible authority~~. Responsible Authority. When approved, the ~~g~~Guidelines will be endorsed and form part of this permit. The ~~g~~Guidelines must be generally in accordance with the document *Waterloo 3823* submitted to Council ~~27 November 2020~~ 23 February 2022 but modified to show:

- a. A date and/or revision number for the purpose of document identification.
5. The Housing and Design Guidelines endorsed as part of this permit must not be amended without the written consent of the Responsible Authority.
6. Prior to the ~~s~~Statement of ~~e~~Compliance of each stage, the endorsed ~~housing design guidelines~~ Housing Design Guidelines must be registered on the certificate of title for each new lot as a Memorandum of Common Provisions.

Heritage

7. Before the commencement of works or any subdivision on land within or adjacent to the heritage place, the heritage place must be appropriately secured against damage as a result of works, deterioration, and the effects of weather, trespassing or vandalism, to the satisfaction of the Responsible Authority.

Development Contributions Levy Applicable for Subdivision

8. Prior to the issue of a Statement of Compliance of each stage of the subdivision, a Development Contribution Plan Levy must be paid to the Responsible Authority in accordance with the Baw Baw Shire Development Contributions Plan (~~DCPO1~~). ~~Payment~~ Schedule 1 of Baw Baw Planning Scheme. Where required, payment of the levy must be made after certification of the ~~relevant~~ plan of subdivision but not more than 21 days ~~before~~ prior to issuance of a Statement of Compliance ~~is issued~~ in respect of that ~~e~~ plan of subdivision ~~under the Subdivision Act 1988~~.

Community Infrastructure Levy

9. Prior to the issue of certification for stage 1 of the subdivision, the landowner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide that:
 - a. Prior to the issue of a Building Permit for the construction of any dwelling on a lot, ~~a~~ the lot owner must pay the Community Infrastructure Levy to the Responsible Authority in accordance with the Development Contributions Plan Overlay – Schedule 1; ~~and~~.
 - b. ~~A Building Permit~~ All dwellings must ~~not~~ be ~~issued by~~ constructed a ~~building surveyor in respect~~ minimum of 300mm above the ~~building work unless he or she is satisfied that~~ 1% Annual Exceedance Probability flood levels.

The landowner must pay all costs associated with the ~~amount~~ preparation, execution and registration of the ~~levy has been paid to the Responsible Authority~~ Section 173 Agreement. The Section 173 Agreement must be registered in accordance with the provisions of Section 24(5)(a) 181 of the ~~Building~~ Planning and Environment Act 1993 ~~1987~~ and must be registered on individual residential lots. The Section 173 Agreement must be registered prior to the issue of certification for stage 1 of the subdivision.

~~c. For the construction of any other type of building (ex: Aged Care / Life Style Village) approval must be obtained from Council's DCP Advisor on the Community Infrastructure Levy that is applicable.~~

Public Open Space

10. All local level neighbourhood parks and public open space areas must be finished to a standard

that satisfies the requirements of the Responsible Authority prior to the transfer of public open space, including:

- a. ~~R~~removal of all existing and disused structures, foundations, pipelines and stockpiles;
 - b. ~~C~~clearing of rubbish and weeds, levelled, topsoiled and grassed with warm climate grass (unless conservation reserve requirements dictate otherwise);
 - c. ~~P~~provision of water tapping, potable and ~~recycled water~~ connection points. Sewer and gas connection points must also be provided to land identified as sporting reserve;
 - d. ~~P~~planting of trees and shrubs;
 - e. ~~P~~provision of vehicular exclusion devices (fence, bollards, or other suitable method) and maintenance access points;
 - f. ~~I~~installation of park furniture including barbecues, shelters, furniture, rubbish bins, local scale playground equipment, local scale play areas, and appropriate paving to support these facilities consistent with the type of open space listed in the open space delivery guide;
 - g. ~~R~~removal of tree protection zones and assessment for optimal health of any native vegetation to be retained must be completed by a suitably qualified person;
11. Before a Statement of Compliance is issued under the Subdivision Act 1988 for a plan of subdivision for any stage of the subdivision, a Public Open Space contribution must be made in accordance with section 18(1) of the Subdivision Act 1988 equivalent to the value of 5% of the land by either a payment to Council or setting aside of land within the subdivision or a combination of both, to the satisfaction of the Responsible Authority. Any land being set aside as Public Open Space must be unencumbered and transferred at no cost to Council.

~~Mandatory~~ Telecommunications Conditions

12. 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.
13. 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.

BBSC Landscaping

Streetscape and Landscape Masterplan

14. Prior to the certification of the first stage of the plan of subdivision, a ~~streetscape and passive open space landscape master plan~~ Streetscape and Landscape Masterplan for the entire subdivision ~~(excluding the wetland reserves)~~ must be approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the planning permit. The ~~p~~Plans must be drawn to scale and dimensioned with an electronic copy provided. The ~~p~~Plan must include:
- the landscaping theme and graphical concepts to be developed for the subdivision;
 - the type of species to be used for street tree planting in various stages of the subdivision;
 - retained vegetation including the Tree Protection Zone (TPZ);
 - the areas which will be available for landscaping;
 - entrance treatments; into the proposed development;
 - the principles and graphical concepts of the proposed treatment of the drainage/wetland reserve including the feasibility of incorporating threatened species habitat requirements into the retardation basin design.

Detailed Landscape Plans

15. Prior to the certification of each stage of the subdivision, a detailed Landscape Plan generally in accordance with the endorsed Streetscape and Landscape Masterplan ~~Concept~~ prepared by a person suitably qualified in landscape design must be submitted and approved by the Responsible Authority. When approved, the ~~p~~Plan will form part of the permit. The Detailed Landscape Plan must be drawn to scale with dimensions and an electronic copy must be provided. The ~~p~~Plan must be consistent with any endorsed Landscape ~~Master Plan~~ Masterplan and must show:
- new plantings including their layout to be provided in any road reserves and municipal reserves;
 - detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
 - ~~Layout~~ retained vegetation including TPZ;
 - details of all infrastructure including bridges, park furniture, footpaths and shared paths;
 - layout and landscaping of reserves, planting lists and street furniture;
 - detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls which must be no more than 1.0 metres in height;
 - all proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.

The Responsible Authority must be notified a minimum of 7 days prior to commencing street tree planting and landscaping so that surveillance of the works can be undertaken.

Landscape Maintenance

16. The landscaping works shown on the approved Landscape Plan for any stage must be carried out and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for that stage or at any other time agreed in writing by the

Responsible Authority.

17. The landscaping shown on the endorsed [Detailed](#) Landscape Plan must be maintained to the satisfaction of the Responsible Authority for a period of two years from the practical completion of the landscaping, unless alternative arrangements have been made in writing by the Responsible Authority. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.
18. Once the subdivision is commenced the permit-holder must maintain the land so that undeveloped areas and areas under construction do not become weed-infested, vulnerable to erosion, a potential fire risk or cause other nuisance to the satisfaction of the Responsible Authority.
19. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified level 5 arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007. Any pruning of the root system of any tree to be retained is to be done by hand by the qualified arborist.

BBSC Engineering

ENGINEERING CONDITIONS

Subsurface Water Report

20. Prior to commencement of works, a subsurface water report containing an investigation into any existing or potential subsurface flows within the proposed development must be carried out by a qualified hydrogeologist and the report submitted to Council for review and approval.

Storm Water Management Plan

21. [Prior to the certification of the first stage of the plan of subdivision an amended Storm Water Management Plan \(SWMP\) for the development must be submitted to and approved by the Responsible Authority. The SWMP is to outline details of underground pipes and safe overland flow paths, functional design for the retarding basins and storm water treatment to comply with Yarragon Drainage Strategy. Post development 1% AEP flood levels are to be provided as part of the SWMP, and the storm water treatment proposal is to meet Council's guidelines with respect to the design and maintenance requirements.](#)

ANCOLD Assessment

22. [Prior to the certification of the first stage of the plan of subdivision an ANCOLD assessment report on the proposed retarding basins must be submitted to the satisfaction of Responsible Authority.](#)

Functional Layout Plans

23. Prior to certification of a plan of subdivision, or any other time agreed ~~between~~ **by** Council ~~and the owner~~, a functional layout plan for the subdivision or the stage of subdivision must be submitted to and approved by the Responsible Authority. When approved the functional layout plan will then form part of the permit. The functional layout plan must be drawn at a scale of 1:500 or other scale as agreed by the Responsible Authority with all leading dimensions clearly shown. ~~Three hard copies and an~~ **An** electronic copy (.pdf) [of the plans](#) must be provided **plus additional hard copies if requested by the Responsible Authority**. The functional layout plan must be generally in accordance with the application plans but incorporate the following:

- a. ~~A~~ subdivision layout drawn to scale, including proposed street names, lot areas, lot numbers and widths of street reservations;
- b. ~~T~~opography and existing features, including contours for the subject land and any affected adjacent land;
- c. ~~P~~roposed speed limits on all roads, proposed location of speed limit signs and Local Area Traffic Management devices incorporated into road designs to ensure slow speed environments as required by the Responsible Authority;
- d. ~~T~~ypical cross-sections for each street type;
- e. ~~T~~ypical cross-sections in areas of cut and fill involving retaining walls;
- f. ~~L~~ocation and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls including traffic calming devices;
- g. ~~A~~ table of offsets for all utility services and street trees;
- h. ~~P~~reliminary location of reserves for electrical kiosks;
- ~~a. Upgrade works on Rollo Street~~
- i. ~~Upgrade~~upgrading works on Rollo Street including a roundabout, or other treatment agreed to in writing by the Responsible Authority, at the Rodier Road intersection;
- j. upgrade works on Yarragon – Leongatha Road including a roundabout, or other treatment agreed to in writing by the Responsible Authority, at the Rodier Road intersection;
- k. ~~The~~a roundabout, or other treatment agreed to in writing by the Responsible Authority, at Rollo Street/ Campbell Street/ Yarragon Leongatha Road intersection;
- l. the location of all trees (or group of trees) existing on the site and external to the site in close proximity to the area of proposed works, including dead trees and those that overhang the site from adjoining land;
- m. ~~D~~etails of tree protection zones for all trees to be retained on site, and external to the site in close proximity to the area of proposed works;
- n. ~~A~~ny trees ~~ap~~proposed for removal from the site clearly designated;
- o. ~~D~~rainage outfall system (both interim and ultimate), indicating legal point of discharge;
- p. ~~T~~he proposed minor drainage network and any land required for maintenance access;
- q. ~~T~~he major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing and any access requirements for construction and maintenance;
- r. ~~A~~ll works within waterways in accordance with the requirements of the Responsible Authority;
- ~~b. Overland flow paths (1% AEP) to indicate how excess runoff will be safely conveyed through the subdivision.~~
- s. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows to the satisfaction of the Responsible Authority;
- t. details of each public open space reserve, including dimensions, internal path design, play equipment, park furniture and any other relevant detail.

Detailed Engineering Plans

24. ~~Prior to commencement of any earthworks, Before any~~ road and/ or drainage works associated with the subdivision (or staged subdivision), start, detailed Engineering ~~p~~Plans must be submitted to and approved by the Responsible Authority, unless otherwise agreed. If a

Functional Layout Plan has been approved the Engineering ~~p~~Plans must be generally in accordance with the approved Functional Layout Plan. When approved the Engineering ~~p~~Plans will then form part of the permit. The ~~p~~Plans must be drawn to scale with dimensions ~~and three hard copies and an~~ An electronic copy (.pdf) of the plans must be provided, plus additional hard copies if requested by the Responsible Authority. The detailed ~~p~~Plans must include:

- a. Engineering ~~p~~Plans and specifications of the proposed works that are to become public assets such as roads, paths, intersections, drains, bridges and the like.
 - b. Location of Permanent Survey Marks.
 - c. Details of any cut and fill including retaining walls.
 - d. The location of all trees (or group of trees) existing on the site and external to the site in close proximity to the area of proposed works, including dead trees and those that overhang the site from adjoining land.
 - e. Details of tree protection zones for all trees to be retained on site and external to the site in close proximity to the area of proposed works.
 - f. Any trees approved for removal from the site clearly designated
 - g. All road dimensions and cross sections generally to IDM requirements
 - h. Pavement design using a recognised engineering methodology including consideration of the in-situ soil conditions and available road making materials. Pavement design must be accompanied by a recent geotechnical report.
 - i. SM2 modified kerb on all roads except where there is a frontage to a park or reserve, where B2 barrier kerb must be used unless otherwise agreed by the Responsible Authority.
 - j. Location of speed limit signs and traffic management devices.
 - k. A driveway crossing for each lot designed for the standard vehicle with regard to horizontal and vertical clearances in accordance with IDM Standard Drawings.
 - l. Temporary turnaround areas within or outside the site (sealed or unsealed as directed by the Responsible Authority) for waste collection vehicles (8.8 metres in length) at the temporary dead end of any road.
 - m. Location of street lighting.
 - n. Major and minor drainage generally in accordance with the approved Storm Water Management Plan.
 - o. Details of the retarding basin and wetland including evidence that the retarding basin design complies with ANCOLD requirements and has been approved by the relevant authorities.
 - p. Details of waterway works in accordance with the approved Landscaping Plan.
 - q. Underground drains incorporating features to prevent litter, sediments, and oils from entering the drainage system (in particular waterways) and/or cut-off drains to intercept storm water run-off from adjoining properties as appropriate and to the satisfaction of the Responsible Authority.
 - r. Lot levels designed to a minimum of 300mm above the 1% AEP flood levels.
25. Drainage infrastructure that caters for the future development of any unit sites identified on the subdivision concept plan (Note 2 of Table 10 in IDM).
- ~~25. Before the commencement of works or any subdivision on land within or adjacent to the heritage place, the heritage place must be appropriately secured against damage as a result of works, deterioration, and the effects of weather, trespassing or vandalism, to the satisfaction of the responsible authority.~~

Site Management and Environmental Plan ~~and Notification of Works~~

26. At least ~~20~~fifteen days ~~prior to the commencement of works,~~before a pre-start meeting a Site Management Plan for the relevant stage must be submitted to ~~and~~the Responsible Authority. Works may only commence once the Site Management Plan has been approved by the Responsible Authority. When approved ~~by the Responsible Authority~~, the Site Management Plan will then form part of the permit. An electronic copy (.pdf) of the plan must be provided plus additional hard copies if requested by the Responsible Authority.

The Site Management Plan (SMP) must be submitted in typed in A4 format, with attachments as necessary and must identify, address and document ~~as appropriate~~every item listed below in order:

- a. A construction program in bar chart form (major time interval in ~~weeks~~months, minor time interval in ~~days~~weeks) clearly indicating the ~~pre-start-up~~ meeting, all tasks, ~~all stages~~ and all hold points including submission of "As Constructed" plans and CCTV inspections.
- b. A site plan clearly indicating the location of all public noticeboards, site access, security fencing, site office and rest rooms, plant depot, rumble strips, vehicle wash bays, soil stockpiles, tree protection zones, temporary drainage protection measures and any other relevant operational or construction features.
- c. A program for notification (initial notification and updates as required) of all residents and businesses who will be directly affected by the construction works, including a phone number of a representative of the contractor that can be contacted at any time should there be any complaints or concerns in connection with the works.
- d. ~~Any recommendations of~~Occupational Health and Safety arrangements.
- e. A site-specific Environmental Management Program for all on-site personnel including contractors and procedures for working within the waterway reserve.
- f. Appropriate cultural protection measures in accordance with any approved Cultural Heritage Management Plan applying to the land.
- ~~a. Occupational health and safety, environmental controls, safety of the public, site security and cultural protection measures to the satisfaction of the Responsible Authority.~~
- g. Any specific measures required to protect Council assets during construction, including prevention of earth being tracked onto surrounding roads by vehicles and cleaning of roads if necessary.
- h. ~~A traffic management plan~~A Traffic Management Plan including the proposed route ~~on Council roads~~ for construction vehicle access to the site, arrangements for any road closures etc.
- i. Measures to reduce the impact of noise, dust and other emissions created during the construction process ~~including measures to prevent earth being tracked onto surrounding roads by vehicles such as tyre washing area & utilisation of rumble grid.~~
- ~~b. Measures for control of storm water during construction, including preventing erosion and any storm water runoff onto adjoining properties.~~
- j. ~~Measures to ensure~~ and ensuring that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system.
- ~~c. Estimated quantities of soil to be imported or removed from the site.~~
- ~~d. Control and management of any soil stockpiles and any soil to be imported or removed from the site.~~
- ~~e. Measures to ensure that any soil brought onto the site is weed and pathogen free. (Certification is required).~~

- k. Measures to ensure that all machinery brought onto the site is weed and pathogen free.
 - l. Control and management of any soil to be imported or removed from the site and any soil stockpiles.
 - m. Waste management during construction.
 - ~~f. A suitable location for machinery wash-down, lay down and personnel rest areas, clearly fenced and located in disturbed areas.~~
 - ~~g. Details of an environmental management program for contractors and other on-site personnel.~~
 - n. Any contamination assessments and or mitigation requirements directed by the Responsible Authority regarding any stage which contains a known or suspected contamination area.
26. ~~The approved Site Management Plan must be implemented throughout the construction period by the Owner of the land to the satisfaction of the Responsible Authority and all works must be carried out in accordance with the measures contained within unless otherwise agreed in writing by the Responsible Authority.~~

NOTE: It is expected that the SMP will comprise no more than two paragraphs of information in response to each of the items numbered a) to o) plus explanatory plans as required. Any additional background documents must be referenced in the SMP and provided as separate pdf files.

27. At least 5 days prior to the commencement of works, ~~the Owner of the land must notify~~ any residents, businesses or education facilities operating in the vicinity of the subject land must be notified of the pending commencement of construction works including (as a minimum) permit details, the hours of works, type of works being performed, impacts to road networks and primary site contacts. Notification must include erection of a signboard at the main entrance to the works, letter drops and any other means as may be directed by the Responsible Authority.

Dust Management

27. ~~All roads/storage areas/external stockpiles/vacant or grazed areas must be covered and maintained to avoid dust nuisance to any residential area to the satisfaction of the Responsible Authority.~~

Construction

28. Prior to the issue of a Statement of Compliance for any stage, and if deemed required by Council as a result of the subsurface water report, actions must be taken at no cost to Council to mitigate subsurface flow and any infrastructure plan required to manage the flow must be submitted to Council for review and approval.
29. Prior to the issue of a Statement of Compliance for any stage, any nature strip, park or reserve created in that stage must be cleared of all noxious weeds, graded, filled and compacted with approved material free of rock, stone and other contamination, landscaped, shaped and formed as necessary, scarified, top dressed with a minimum 100 mm depth of approved topsoil and sown with an approved turf mixture of 80% perennial rye and 20% kikuyu at a rate of 300 kg per hectare to ensure the land is free draining and able to be mown by a rotary mower ~~to the satisfaction of the Responsible Authority.~~
30. Prior to the issue of a Statement of Compliance for any stage, reinforced concrete footpaths including pram crossings must be provided throughout that stage in accordance with IDM requirements.

31. Prior to the issue of a Statement of Compliance for any stage, vehicle crossings for corner lots at each intersection in that stage must be constructed as part of that stage.
32. Prior to the issue of a Statement of Compliance for any stage, ~~the developer must purchase and plant~~ advanced trees of an approved variety in line with the specification in Council's Tree Selection, Planting and Maintenance Policy must be planted in accordance with the approved ~~landscaping plan~~ Landscaping Plan. Appropriate planting techniques and tree guards must be provided to the satisfaction of the Responsible Authority. ~~The developer must maintain all~~ All new trees must be maintained for a minimum period of two (2) years after practical completion and ~~must also immediately replace~~ any dead or damaged trees ~~during~~ within the two-year maintenance period must be immediately replaced.
33. Prior to the issue of a Statement of Compliance for Stage 2, Rollo Street must be upgraded to a road standard matching the road width of Rollo Street between the Princes Highway Service Road and Campbell Street including indented parking lanes, kerb and channel and underground drainage on both sides, footpath on both sides and nature strip and street trees on both sides, along the entire boundary of the development site.
34. Prior to the issue of a Statement of Compliance for Stage 2, a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of Rodier Road and Rollo Street as drawn on the Proposed Subdivision Plan 21892P3 Ver 5.
35. Prior to the issue of a Statement of Compliance for Stage 2, a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of Winston Street, Rollo Street and the subdivisional east-west road as drawn on the Proposed Subdivision Plan 21892P3 Ver 5.
36. Prior to the issue of a Statement of Compliance for Stage 4, a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of the Rodier Road extension and Yarragon Leongatha Road as drawn on the Proposed Subdivision Plan 21892P3 Ver 5.
37. Prior to the issue of a Statement of Compliance for Stage 5, Yarragon Leongatha Road must be upgraded to IDM Collector Street Level 1 standard including carriageway width 11.7 meters from Rollo Street to the southern boundary of the development site.
39. Prior to the issue of a Statement of Compliance for Stage 7, a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of Yarragon Leongatha Road, the entry road to Stage 7 and the subdivisional north-south road as drawn on the Proposed Subdivision Plan 21892P3 Ver 5.
40. Prior to the issue of a Statement of Compliance for Stage 8, a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of Yarragon Leongatha Road, Rollo Street and Campbell Street.

Temporary Vehicle Turning Areas

41. Prior to the issue of a Statement of Compliance for any stage, temporary turning areas provided on roads which are intended to be continued at a future time must be constructed in accordance with engineering construction plans approved by the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
42. Unless with the written consent of the Responsible Authority, once the temporary vehicle turning areas are no longer required, they must be removed at ~~the Developer's~~ no cost to

Council and the area, together with all nature strips, footpaths and the like, ~~finished~~ must be restored to the satisfaction of the Responsible Authority.

43. If the Responsible Authority agrees to a temporary turning area being retained after issue of a Statement of Compliance for any stage, an agreement providing for a bond of sufficient value to cover all reinstatement costs plus any contingency amount must be reached with the Responsible Authority prior to the issue of a Statement of Compliance for that stage.
44. A sign of at least one (1) square metre in area must be displayed in a prominent position near the temporary vehicle turning area while a temporary turning area is in operation advising that it is a temporary turning area only. The sign must be removed after the temporary vehicle turning area is removed.

Construction of Drainage System

28. ~~Prior to the issue of Statement of Compliance of any sStage of the subdivision, all components of the stormwater drainage system relevant to that stage must:~~
45. ~~Be be~~ constructed in accordance with the stormwater drainage design approved by the Responsible Authority; ~~and~~
 - a. ~~Provide a legal point of stormwater discharge for each allotment all to the satisfaction of the Responsible Authority.~~
46. Prior to the issue of Statement of Compliance of sStage 1 of the subdivision, the Southern Wetlands / retardation ~~B~~basin must be completed ~~to in accordance with the satisfaction of the Responsible Authority.~~ approved plans.
47. Prior to the issue of Statement of Compliance for any sStage of the subdivision, ~~East~~ which is on the eastern side of Yarragon – Leongatha Road the northern Wetlands / retardation basin must be completed ~~to the satisfaction of the Responsible Authority~~ in accordance with the approved plans.
48. #

Stormwater management

29. ~~The Developer is wholly responsible for ongoing maintenance of any interim on-site sediment, retarding and treatment basins and any other associated works until the permanent sediment, retarding basin and wetland are completed and are operational unless otherwise agreed by the Responsible Authority.~~
30. ~~Unless otherwise agreed by the Responsible Authority, when the permanent sediment, retarding basin and wetland works have been completed, or at any other time if requested by the Responsible Authority, the Developer must, at its cost, remove and rehabilitate the interim on-site sediment, retarding and treatment basin and any other associated Waterway Works all to the satisfaction of the Responsible Authority. An agreement providing for a bond of sufficient value to cover all ongoing maintenance requirements and reinstatement works plus any contingency amount must be reached with the Responsible Authority before a Statement of Compliance is issued for the stage containing construction of an interim on-site sediment, retarding and treatment basin.~~
49. The design, construction, and handover of wetland and stormwater retardation systems must follow the “Water Sensitive Urban Design Guidelines, South Eastern Councils” and “Water Sensitive Urban Design Guidelines Addendum, Baw Baw Shire Council”

Public Lighting

50. Prior to the issue of a Statement of Compliance for any stage of the development, street lighting must be provided to a residential standard on all subdivisional roads. Lighting must also be provided within reserves and along pathways. Lighting design must be in accordance with the relevant Australian Standards, including the current issue of AS/ANZ 1158 – Lighting for Roads and Public Spaces and must utilise LED lighting heads and standardised street lighting poles approved by the network distributor (~~Ausnet Services~~) and the installation must be signed off by the network distributor.
51. Prior to the issue of a Statement of Compliance for Stage 2, street lighting must be provided along Rollo Street from Winston Street to Silvertop Drive.
52. Prior to the issue of a Statement of Compliance for Stage 5, street lighting must be provided along Yarragon Leongatha Road from Rollo Street to the southern boundary of the development site.

CCTV of drainage system

53. Prior to the issue of a Statement of Compliance for any stage of the subdivision, CCTV results for the full length of all stormwater drainage pipes shown on the approved drawings for that stage where Council is the Responsible Authority, must be submitted for assessment. The CCTV work is to be performed by an independent specialist contractor at ~~the Developer's~~ no cost to Council. The submitted information is to be to the satisfaction of the Responsible Authority. Pipe joints which exceed the manufacturer's installation tolerances and any other significant defects must be rectified at no cost to Council prior to the developer's expense within issue of Statement of Compliance for the maintenance period stage or other period agreed in writing by the Responsible Authority.

Public Infrastructure Plan (PIP)

54. Prior to certification of Stage 1 of the subdivision, a Public Infrastructure Plan (PIP) must be prepared to the satisfaction of the Responsible Authority. The PIP must set out all infrastructure items being delivered as part of the overall development of the property. The PIP must also indicate the stage at which each infrastructure item is being delivered. Once the PIP is endorsed and approved by the Responsible Authority it will form part of this permit. The PIP must address the following:
 - a. Consistency with the approved staging plan;
 - b. What land (if any) may be affected or required for the provision of infrastructure works and the timing of when such land will be provided;
 - c. The provision, staging and timing of stormwater drainage works;
 - d. The provision, staging and timing of road works internal and external to the land; and
 - e. The provision of public open space and tree reserves.
55. The Public Infrastructure Plan as shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.

Making Good

56. Prior to the issue of a Statement of Compliance for any sStage of the development, ~~the Developer must repair~~ any damage to Council infrastructure as directed by the Responsible Authority which can reasonably be determined to have occurred as a result of the ~~Developer's~~ subdivision works must be reinstated at no cost to Council unless such damage was identified by the ~~Developer~~ and reported to Council in writing prior to commencement of works

on that stage.

“As Constructed” Drawings

57. Prior to the issue of a Statement of Compliance for ~~any~~each stage of the development, “As Constructed” drawings” for road, drainage and landscape works must be submitted to the satisfaction of the responsible authority, the plans must be drawn in PDF and AutoCAD format and must be submitted through Council’s certification portal for receiving A-SPEC “As Constructed” data-~~Drawings~~ and must include-:
- a. digital road and drainage information in AutoCAD format for all works where Council is the Responsible Authority with all X-refs bound into the drawings and showing any amendments during construction and location of any permanent survey marks in accordance with the current version of D-SPEC, O-SPEC and R-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55.

The submitted information is to be to the satisfaction of the Responsible Authority and provided at ~~the Developer’s~~no cost to Council. (Refer to the A-SPEC website www.a-specstandards.com.au for minimum Council requirements). The various road and drainage works must be maintained ~~by the owner~~at no cost to Council until this condition has been complied with.

Location of Utilities ~~Conditions~~

58. Utilities must be placed outside of Tree Protection Zone of trees to be retained on site and trees to be retained along the road frontage (subject to further assessment) to the satisfaction of the Responsible Authority.
59. Utility easements to the rear of lots should only be provided where there is no practical alternative.

Certification

60. The plan(s) of subdivision submitted for certification must be in accordance with the endorsed plans.
61. The plan(s) 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 and Clause 66 of the Scheme.

Easements on Certified Plans

62. All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*. Drainage assets within easements must all be constructed to the satisfaction of the Responsible Authority.

~~BBSC Environmental Services~~

ENVIRONMENTAL SERVICES CONDITIONS

Native vegetation offsets

63. To offset the removal of 0.452 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping*

of native vegetation (DELWP 2017), the permit holder must secure the following offset:

- a. A general offset of 0.095 general habitat units:
 - b. Be located within the West Gippsland Catchment Management Authority boundary or Baw Baw Shire Council municipal area
 - c. With a minimum strategic biodiversity value of at least 0.314
 - d. Protect 7 large trees
64. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the ~~responsible authority~~ Responsible Authority. This evidence must be one or both of the following:
- a. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site, and/or
 - b. Credit extract(s) allocated to the permit from the Native vegetation Credit Register.

A copy of the offset evidence will be endorsed by the ~~responsible authority~~ Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence, copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Traralgon regional office via Gippsland.planning@delwp.vic.gov.au.

Protection and maintenance of retained native vegetation

65. Prior to the commencement of any construction for each stage, a native vegetation protection fence must be established around all retained vegetation and be in accordance with the endorsed ~~Vegetation Retention Plan~~ Streetscape and Landscape Masterplan. The fence must be established at a minimum of 2.0 metres from retained vegetation or, if there are trees present, be based of the Tree Protection Zone (12 x diameter at breast height) as identified in the Australian Standard for the protection of trees (AS 4970-2009). The fence must be constructed to the satisfaction of the responsible authority and must be highly visible and durable and include a sign detailing the purpose of the fenced zone. The fence must remain in place until the completion of all works to the satisfaction of the responsible authority.

The fence must be constructed of star pickets and wire mesh to the satisfaction of the responsible authority. The fence must remain in place at least until all works are completed to the satisfaction of the responsible authority.

Except with the written consent of the responsible authority, within the TPZ, the following are prohibited:

- a. ~~No~~ vehicular or pedestrian access, trenching or soil excavation is to occur.
- b. ~~No~~ storage or dumping of tools, equipment or waste is to occur.
- c. ~~No~~ cutting of roots.
- d. ~~No~~ entry and exit pits for underground services are to be constructed.
- e. Any other actions or activities that may result in adverse impacts to retained native vegetation.

~~WESTERN~~ WEST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY CONDITIONS

66. Prior to the commencement of any works related to the subdivision, an amended Stormwater Management Plan (SMP) which addresses the following criteria must be submitted to the satisfaction of West Gippsland Catchment Management Authority:

- a. The Stormwater Management Plan must include appropriate planting and maintenance routines, and the parties responsible for each action ~~to best practice~~ for the proposed wetlands and retarding basins.
~~There is some inconsistency as to whether the stormwater from the development at 71 Rollo Street has been included in the design of the southern retarding basin,~~
 - b. The Yarragon Leongatha Rd Development Stormwater Assessment March 2020 V1261_001 must be updated to ~~demonstrate~~ that ~~the Stormwater Assessment has included these flows~~ proposed Southern and Northern Wetlands achieve equivalent treatment as the wetlands documented in Table 6.1 of the Yarragon Flood Modelling & Drainage Strategy (2013) to the satisfaction of the West Gippsland Catchment Management Authority.
 - ~~a. The Authority notes that the sizes recommended in Table 6.1 of the Yarragon Flood Modelling & Drainage Strategy (2013) are larger than what has been specified for this development. The Yarragon-Leongatha Rd Development Stormwater Assessment March 2020 V1261_001 must be updated to justify why this is the case to the satisfaction of the West Gippsland Catchment Management Authority.~~
67. Prior to the commencement of any works related to the subdivision, a Waterway Management Plan for the areas 30 metres either side of the constructed waterway must be endorsed in writing by the West Gippsland Catchment Management Authority. The Waterway Management Plan must include:
- a. Details of the existing environmental values;
 - b. ~~D~~details of any initial stabilisation and vegetation works;
 - c. A landscape plan for revegetation of the waterway, drainage corridor and all water quality works, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site; and
 - d. A maintenance plan detailing the sequencing and periods of short, medium and long term actions, including inspections, and the parties responsible for each action.
68. Prior to the issue of a Statement of Compliance for Stage 1 of the subdivision, the applicant must demonstrate that the water quality treatment works outlined in the Stormwater Management Plan have been completed to the satisfaction of the West Gippsland Catchment Management Authority.
69. Prior to the issue of a Statement of Compliance for the subdivision, the applicant must demonstrate that the works outlined in the Waterway Management Plan have been undertaken to the satisfaction of the West Gippsland Catchment Management Authority.

AUSNET CONDITIONS

70. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the ~~s~~Subdivision Act 1988.
71. The applicant must –
 - a. Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - b. Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
 - c. Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.

- d. Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- e. Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
- f. Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- g. Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.
- h. Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- i. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- j. Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

CFA CONDITIONS

Bushfire Management Plan (CFA condition)

72. Before the certification of the plan of subdivision, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following information, unless otherwise agreed in writing by the CFA and the Responsible Authority:
 - a. The design and layout of the subdivision, including lot layout, road design and access points, both pedestrian and vehicular.
 - b. The location of nearby hazards within 150m of the subdivision boundary.
 - c. The location of any bushfire hazards that will be retained or created on the land within the subdivision.
 - d. The location of any areas of vegetation within the subdivision not located on private land that will be managed to a low threat condition, including reserves and floodway areas.
 - e. The setback distance of any development from the bushfire hazard for defensible space purposes where vegetation will be managed. A minimum setback of ~~19m~~ 19 meters is required from the east and south site boundary and from the north boundary of Lots 100, 500 and 501.
 - f. Notations of vegetation management standards and when vegetation management will occur i.e. annually, quarterly, during the fire danger period.
 - g. Details of any other bushfire protection measures that are to be adopted at the site.
 - h. Nominate that any building on a new lot will be required to be designed and constructed to a minimum standard of Bushfire Attack Level (BAL) 12.5.
 - i. Vegetation must be managed within any area of defensible space to the following standard:
 - i. Grass must be short cropped and maintained during the declared fire danger period.

- ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- iv. Plants greater than 10 centimetres in height must not be placed within ~~3m~~ [3 meters](#) of a window or glass feature of the building.
- v. Shrubs must not be located under the canopy of trees.
- vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- vii. Trees must not overhang or touch any elements of the building.
- viii. The canopy of trees must be separated by at least 5 metres.
- ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Building Envelopes [\(CFA condition\)](#)

73. Any lot that contains defensible space must include a building envelope that ensures development will not be allowed within the area of defensible space.

Construction and Site Management [\(CFA condition\)](#)

74. Before commencement of works, [Aa](#) Bushfire Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted and approved by the responsible authority. The plan must specify, at minimum:
 - a. The staging of development and the likely bushfire risks from surrounding hazards at each stage;
 - b. An area of land between the development edge and bushfire hazard consistent with the separation distances specified in AS3959-2018, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 construction standard in accordance with AS3959-2018;
 - c. The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape to protect residents and property from the threat of grassfire and bushfire;
 - d. Provision of adequate access and egress for early subdivisions to minimise grass and bushfire risks to new residents prior to the full completion of the subdivision.

Hydrants [\(CFA condition\)](#)

75. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:
 - a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note –CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site (www.cfa.vic.gov.au)

Road [\(CFA condition\)](#)

76. Roads must be constructed to a standard so that they are accessible in all weather conditions

and capable of accommodating a vehicle of 15 tonnes for the trafficable road width:

- a. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- b. Curves must have a minimum inner radius of 10 metres.
- c. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- d. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of ~~8m~~ 8 meters (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Maintenance of Defendable Space (CFA condition)

77. Before the Statement of Compliance is issued under the Subdivision Act 1988, the defendable space on every lot in the subdivision must be implemented and maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

GIPPSLAND WATER CONDITIONS

78. ~~The~~ Prior to the commencement of any water, sewer or ancillary works that will be vested in Gippsland Water, the owner of the land the developer and the design consultant must enter into and execute a ~~formal Minor~~ Developer Works Deed of Agreement with Gippsland Water, under ~~the Corporation's~~ Gippsland Water's Land Development system, for the complete construction of works necessary for the provision of water supply and sewerage services, in accordance with Gippsland Water's standards, to all lots of the subdivision. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned deed. Please refer to our website:
<https://www.gippswater.com.au/developers/information/information-design-consultants> and download Form 1 to apply for a Developer Works deed of agreement.
79. Design plans must be submitted outlining the size and the location of the works to determine where easements will be required. These plans must be endorsed by Gippsland Water prior to Gippsland Water consenting to certification of the relevant plan of subdivision.
80. Install water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
81. Carry out works necessary to ensure all existing water services supplying the land are contained solely within the boundary of the individual lot(s), to the satisfaction of Gippsland Water. On completion of these works the owner must sign and return the Water Servicing Declaration provided by Gippsland Water.
82. Install sewer services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
83. Create Reserves and/or Easements in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision. Easements are to be for Pipeline or Ancillary Purposes.
84. Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.
85. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

86. There will also be a condition of capping the existing metered water services. The Proposed Plan of Subdivision would suggest that these works would be required to be undertaken in Stage 9 and 10 of the development. A Property Services quote request form for these works to be undertaken, must be completed and forwarded to our Property Connections Team to arrange a quote. Please refer to our website:
<https://www.gippswater.com.au/developers/property-connections/connections>
- a. Lot 2 PS308336 – existing meter i.d. 06AF020923
 - b. Lot 3 PS429755 - existing meter i.d. 13BF000045

DEPARTMENT OF TRANSPORT CONDITIONS

87. The existing Rollo Street approach lanes to the Princes Highway must be widened to ~~3.5m~~5 meters to accommodate dual right turns.
88. The existing left turn slip lane from Rollo Street to the Princes Highway must be modified to the satisfaction of the Head Transport for Victoria.
89. The existing signal phasing must be modified to provide for the dual right turns.
90. Prior to the Statement of compliance for ~~s~~SStage 1, detailed functional layout plans in accordance with Gippsland Regions developer funded checklist for the intersection improvements at Rollo Street and the Princes Highway must be submitted and approved by the Head, Transport for Victoria.
91. Prior to the Statement of compliance for ~~s~~SStage 2, detailed design plans in accordance with Gippsland Regions developer funded checklist for the intersection improvements at Rollo Street and the Princes Highway must be submitted and approved by the Head, Transport for Victoria.
92. Prior to the statement of compliance for ~~s~~SStage 3, the intersection improvement works must be completed at no cost and to the satisfaction of the Head, Transport for Victoria.

Permit Expiry

93. The permit will expire if one of the following circumstances applies:
- a. The first stage of the Plan of Subdivision is not certified within two years of the issue of this permit; or
 - b. All stages of all of the land to which this permit relates are not certified within 10 years of the issue date of this permit; or
 - c. The subdivision of the last certified stage is not completed within 5 years of the date of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months of expiry of permit.

NOTES

- An application to amend the permit under section 72 of the Planning and Environment Act 1987 must be submitted to and approved by Baw Baw Shire Council to address any requirement to create, remove or vary an easement prior to the issue of Statement of Compliance in accordance with clause 52.02 of the Baw Baw Planning Scheme. For further information please contact Council's Planning Department on 5624 2411 or planning@bawbawshire.vic.gov.au

BBSC Infrastructure Planning

- Prior to carrying out any works within the road reserve the Developer must obtain a “Works Within Road Reserve Permit” from Council
- All works must be designed and constructed in accordance with Council’s Infrastructure Design Manual (IDM) requirements
- Lots must be graded either to fall to the street or, where this is not possible, and if directed by Council, must be provided with minor temporary earthworks in the form of a low levee bank or similar to contain storm water runoff on each lot and to direct it into the storm water property connection, complete with a surface grate, to take runoff into the underground drainage network being constructed as part of the development.
- Unless the Responsible Authority agrees under section 21(1)(b)(ii) of the Subdivision Act 1988, all works shown on the endorsed Engineering plans must be constructed or carried out in accordance with the plans before the issue of a Statement of Compliance for the relevant stage under the Subdivision Act 1988 all to the satisfaction of the Responsible Authority.
- Unless otherwise agreed by the Responsible Authority, all road works must be constructed in accordance with the relevant IDM, VicRoads and AustRoads requirements, procedures and guidelines as applicable to urban developments including:
 - Compaction testing and proof rolling of subgrade, sub-base and base course layers and proof rolling in preparation for asphalt must be undertaken at ~~developer’s~~[no cost to Council](#) in accordance with IDM clauses 12.7.10 to 12.7.16 (IDM Version 5.20 or later) and results submitted to Council for approval and records purposes.
 - A wearing course of asphalt unless otherwise approved by the Responsible Authority.
 - Any road works abutting an existing carriageway must ensure adequate surface drainage to the kerb and channel or road shoulder and provide a smooth watertight seal without discontinuity to the existing carriageway, generally in accordance with IDM Standard Drawing SD130.
- The design, construction, and handover of wetland and stormwater retardation systems must follow the “Water Sensitive Urban Design Guidelines, South Eastern Councils” and “Water Sensitive Urban Design Guidelines Addendum, Baw Baw Shire Council”.
- Works pertaining to the approved Site Management Plan will be monitored by the Responsible Authority. Any failure to adhere to the conditions of the approved Site Management Plan will be addressed during site inspections and may be subject to further action by the Responsible Authority’s Planning Compliance department.
- Provide evidence of consent from VICROADS & VICTRACK for proposed pipe outlet from Northern Wetland / Retardation basin.

Gippsland Water

- The owner/developer/design consultant of the subject land is recommended to arrange a meeting with Gippsland Water due to large infrastructure requirements associated with the servicing of the development. Please contact the Developer Works Team on 5177 5966 to co-ordinate a meeting

Department of Transport

- Prior to any works beginning in the road or rail reserves, the applicant must obtain the relevant consents and permissions from the relevant Authority.

Appendix D Panel preferred version of the proposed permit

This version of the Permit is tracked against Council's final preferred version. For ease of reference condition numbers have not been updated.

ADDRESS OF THE LAND: 63 Yarragon–Leongatha Road, Yarragon 3823

Lot 3 PS429755C,

Lot 2 PS308336A,

Lot 1 TP365740G

THE PERMIT ALLOWS: A staged, multi-lot subdivision and removal of native vegetation

Amended Plans

1. Before the first stage of the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans must be submitted and approved by the Responsible Authority. When approved, the plans will be endorsed and form a part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with Proposed Subdivision Plan 21892P3 Version 5 dated 1 September 2022 but modified to show:
 - c. Notation on the plans that the 'road reserve provided for connection' across the wetland area is not to be constructed through this development but provided for future connection if required.
 - d. A cross section for the road located along the eastern boundary. The cross section must show landscaping along the boundary interface with the Farming Zone area.
 - e. Road width dimensions on all streets and roads.

Compliance with plans and secondary consent

2. The subdivision [layout shown on the endorsed plans](#) ~~and development works must be undertaken in accordance with the plans and/or documents endorsed under this permit and the plans and/or documents endorsed under this permit~~ must not be altered or modified without the prior written consent of the Responsible Authority.

Staging Plan

3. The subdivision of the land must proceed in the order of stages shown on the endorsed plans or as otherwise agreed with the written consent of the Responsible Authority.

Housing Design Guidelines

4. Prior to the certification of the plan of subdivision for the first stage under the *Subdivision Act 1988*, Housing Design Guidelines must be submitted to and approved by the Responsible Authority. When approved, the Guidelines will be endorsed and form part of this permit. The Guidelines must be generally in accordance with the document *Waterloo 3823* submitted to Council 23 February 2022 but modified to show:
 - a. A date and/or revision number for the purpose of document identification.

5. The Housing and Design Guidelines endorsed as part of this permit must not be amended without the written consent of the Responsible Authority.
6. Prior to the Statement of Compliance of each stage, the endorsed Housing Design Guidelines must be registered on the certificate of title for each new lot as a Memorandum of Common Provisions.

Heritage

7. Before the commencement of works or any subdivision on land within or adjacent to the heritage place, the heritage place must be appropriately secured against damage as a result of works, deterioration, and the effects of weather, trespassing or vandalism, to the satisfaction of the Responsible Authority.

Development Contributions Levy Applicable for Subdivision

8. Prior to the issue of a Statement of Compliance of each stage of the subdivision, a Development Contribution Plan Levy must be paid to the Responsible Authority in accordance with the Baw Baw Shire Development Contributions Plan Schedule 1 of Baw Baw Planning Scheme. Where required, payment of the levy must be made after certification of the plan of subdivision but not more than 21 days prior to issuance of a Statement of Compliance in respect of the plan of subdivision.
9. Prior to the issue of certification for stage 1 of the subdivision, the landowner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide that:
 - a. Prior to the issue of a Building Permit for the construction of any dwelling on a lot, the lot owner must pay the Community Infrastructure Levy to the Responsible Authority in accordance with the Development Contributions Plan Overlay – Schedule 1.

~~b. All dwellings must be constructed a minimum of 300mm above the 1% Annual Exceedance Probability flood levels.~~

The landowner must pay all costs associated with the preparation, execution and registration of the Section 173 Agreement. The Section 173 Agreement must be registered in accordance with the provisions of Section 181 of the Planning and Environment Act 1987 and must be registered on individual residential lots. The Section 173 Agreement must be registered prior to the issue of certification for stage 1 of the subdivision.

Public Open Space

10. All local level neighbourhood parks and public open space areas must be finished to a standard that satisfies the requirements of the Responsible Authority prior to the transfer of public open space, including:
 - a. removal of all existing and disused structures, foundations, pipelines and stockpiles;
 - b. clearing of rubbish and weeds, levelled, topsoiled and grassed with warm climate grass (unless conservation reserve requirements dictate otherwise);
 - c. provision of water tapping, and potable ~~and water~~ connection points. Sewer and gas connection points must also be provided to land identified as sporting reserve;
 - d. planting of trees and shrubs;
 - e. provision of vehicular exclusion devises (fence, bollards, or other suitable method) and maintenance access points;
 - f. installation of park furniture including barbeques, shelters, furniture, rubbish bins, local scale playground equipment, local scale play areas, and appropriate paving to support

these facilities consistent with the type of open space listed in the open space delivery guide;

- g. removal of tree protection zones and assessment for optimal health of any native vegetation to be retained must be completed by a suitably qualified person;
11. Before a Statement of Compliance is issued under the Subdivision Act 1988 for a plan of subdivision for any stage of the subdivision, a Public Open Space contribution must be made in accordance with section 18(1) of the Subdivision Act 1988 equivalent to the value of 5% of the land by either a payment to Council or setting aside of land within the subdivision or a combination of both, to the satisfaction of the Responsible Authority. Any land being set aside as Public Open Space must be unencumbered and transferred at no cost to Council.

Telecommunications Conditions

12. 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.
13. 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.

Streetscape and Landscape Masterplan

14. Prior to the certification of the first stage of the plan of subdivision, a Streetscape and Landscape Masterplan for the entire subdivision must be approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the planning permit. The Plans must be drawn to scale and dimensioned with an electronic copy provided. The Plan must include:
- a. the landscaping theme and graphical concepts to be developed for the subdivision;
 - b. the type of species to be used for street tree planting in various stages of the subdivision;
 - ~~c. retained vegetation including the Tree Protection Zone (TPZ);~~
 - d. the areas which will be available for landscaping;
 - e. entrance treatments into the proposed development;
 - ~~f. the principles and graphical concepts of the proposed treatment of the drainage/wetland reserve including the feasibility of incorporating threatened species habitat requirements into the retardation basin design.~~

Detailed Landscape Plans

15. Prior to the certification of each stage of the subdivision, a detailed Landscape Plan generally in accordance with the endorsed Streetscape and Landscape Masterplan prepared by a person suitably qualified in landscape design must be submitted and approved by the Responsible Authority. When approved, the Plan will form part of the permit. The Detailed Landscape Plan must be drawn to scale with dimensions and an electronic copy must be provided. The Plan must be consistent with any endorsed Landscape Masterplan and must show:
- a. new plantings including their layout to be provided in any road reserves and municipal reserves;
 - b. detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
 - c. retained vegetation including TPZ;
 - d. details of all infrastructure including bridges, park furniture, footpaths and shared paths;
 - e. layout and landscaping of reserves, planting lists and street furniture;
 - f. detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls which must be no more than 1.0 metres in height;
 - g. all proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.

The Responsible Authority must be notified a minimum of 7 days prior to commencing street tree planting and landscaping so that surveillance of the works can be undertaken.

Landscape Maintenance

16. The landscaping works shown on the approved Landscape Plan for any stage must be carried out and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for that stage or at any other time agreed in writing by the Responsible Authority.
17. The landscaping shown on the endorsed Detailed Landscape Plan must be maintained to the satisfaction of the Responsible Authority for a period of two years from the practical completion of the landscaping, unless alternative arrangements have been made in writing by the Responsible Authority. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.
18. Once the subdivision is commenced the permit-holder must maintain the land so that undeveloped areas and areas under construction do not become weed-infested, vulnerable to erosion, a potential fire risk or cause other nuisance to the satisfaction of the Responsible Authority.
19. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified level 5 arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007. Any pruning of the root system of any tree to be retained is to be done by hand by the qualified arborist.

ENGINEERING CONDITIONS

Subsurface Water Report

20. Prior to commencement of works, a subsurface water report containing an investigation into

any existing or potential subsurface flows within the proposed development must be carried out by a qualified hydrogeologist and the report submitted to Council for review and approval.

Storm ~~w~~Water Management Plan

21. Prior to the certification of the first stage of the plan of subdivision an amended Storm~~w~~Water Management Plan (SWMP) for the development must be submitted to and approved by the Responsible Authority. The SWMP is to outline details of underground pipes and safe overland flow paths, functional design for the retarding basins and storm-water treatment to comply with Yarragon Drainage Strategy. Post development 1% AEP flood levels are to be provided as part of the SWMP, and the storm-water treatment proposal ~~is to meet Council's guidelines with respect to the design and maintenance requirements~~ to the satisfaction of the Responsible Authority.

ANCOLD Assessment

22. Prior to the certification of the first stage of the plan of subdivision an ANCOLD assessment report on the proposed retarding basins must be submitted to the satisfaction of Responsible Authority.

Traffic management plan

22A A traffic management plan including:

- a. Proposed speed limits on all roads, proposed location of speed limit signs and Local Area Traffic Management devices incorporated into road designs to ensure slow speed environments;
- b. Typical cross-sections for each street type generally in accordance with Millar Merrigan 'Cross-Sections' Ref 21892P6 Version1 dated 11 October 2022;
- c. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls including traffic calming devices;
- d. Plan detailing proposed road upgrades associated and immediately connected with the Plan of Subdivision 21892P3 Version 5, including proposed traffic management treatment (for example roundabout) at:
 - i. The intersection of Rollo Street and Rodier Road;
 - ii. The intersection of Winston Street and Rollo Street
 - iii. The intersection, at the proposed continuation of Rodier Road and Yarragon-Leongatha Road;
 - iv. Upgrades to road surface for only the part of Yarragon – Leongatha Road running the length and immediately abutting the subdivision area;

Functional Layout Plans

23. Prior to certification of a plan of subdivision, or any other time agreed by Council, a functional layout plan for the subdivision or the stage of subdivision must be submitted to and approved by the Responsible Authority. When approved the functional layout plan will then form part of the permit. The functional layout plan must be drawn at a scale of 1:500 or other scale as agreed by the Responsible Authority with all leading dimensions clearly shown. An electronic copy (.pdf) of the plans must be provided plus additional hard copies if requested by the Responsible Authority. The functional layout plan must be generally in accordance with the application plans but incorporate the following:
- a. a subdivision layout drawn to scale, including proposed street names, lot areas, lot numbers and widths of street reservations;

- b. topography and existing features, including contours for the subject land and any affected adjacent land;
- ~~c. proposed speed limits on all roads, proposed location of speed limit signs and Local Area Traffic Management devices incorporated into road designs to ensure slow speed environments as required by the Responsible Authority;~~
- ~~d. typical cross-sections for each street type;~~
- e. typical cross-sections in areas of cut and fill involving retaining walls;
- ~~f. location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls including traffic calming devices;~~
- g. a table of offsets for all utility services and street trees;
- h. preliminary location of reserves for electrical kiosks;
- ~~i. upgrading works on Rollo Street including a roundabout, or other treatment agreed to in writing by the Responsible Authority, at the Rodier Road intersection;~~
- ~~j. upgrade works on Yarragon-Leongatha Road including a roundabout, or other treatment agreed to in writing by the Responsible Authority, at the Rodier Road intersection;~~
- ~~k. a roundabout, or other treatment agreed to in writing by the Responsible Authority, at Rollo Street/ Campbell Street/ Yarragon-Leongatha Road intersection;~~
- l. the location of all trees (or group of trees) existing on the site and external to the site in close proximity to the area of proposed works, including dead trees and those that overhang the site from adjoining land;
- m. details of tree protection zones for all trees to be retained on site and external to the site in close proximity to the area of proposed works;
- n. any trees approved for removal from the site clearly designated;
- o. drainage outfall system (both interim and ultimate), indicating legal point of discharge;
- p. the proposed minor drainage network and any land required for maintenance access;
- q. the major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing and any access requirements for construction and maintenance;
- r. all works within waterways in accordance with the requirements of the Responsible Authority;
- s. overland flow paths (1% AEP) to indicate how excess runoff will be safely conveyed through the subdivision. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows;
- t. details of each public open space reserve, including dimensions, internal path design, play equipment, park furniture and any other relevant detail.

Detailed Engineering Plans

24. Before any road and/ or drainage works associated with the subdivision (or staged subdivision) start, detailed Engineering Plans must be submitted to and approved by the Responsible Authority, unless otherwise agreed. If a Functional Layout Plan has been approved the Engineering Plans must be generally in accordance with the approved Functional Layout Plan. When approved the Engineering Plans will then form part of the permit. The Plans must be drawn to scale with dimensions. An electronic copy (.pdf) of the plans must be provided plus additional hard copies if requested by the Responsible Authority. The detailed Plans must include:
- a. Engineering Plans and specifications of the proposed works that are to become public

- assets such as roads, paths, intersections, drains, bridges and the like.
- b. Location of Permanent Survey Marks.
 - c. Details of any cut and fill including retaining walls.
 - d. The location of all trees (or group of trees) existing on the site and external to the site in close proximity to the area of proposed works, including dead trees and those that overhang the site from adjoining land.
 - e. Details of tree protection zones for all trees to be retained on site and external to the site in close proximity to the area of proposed works.
 - f. Any trees approved for removal from the site clearly designated
 - g. All road dimensions and cross sections generally to IDM requirements
 - h. Pavement design using a recognised engineering methodology including consideration of the in-situ soil conditions and available road making materials. Pavement design must be accompanied by a recent geotechnical report.
 - i. SM2 modified kerb on all roads except where there is a frontage to a park or reserve, where B2 barrier kerb must be used unless otherwise agreed by the Responsible Authority.
 - j. Location of speed limit signs and traffic management devices.
 - ~~k. A driveway crossing for each lot designed for the standard vehicle with regard to horizontal and vertical clearances in accordance with IDM Standard Drawings.~~
 - l. Temporary turnaround areas within or outside the site (sealed or unsealed as directed by the Responsible Authority) for waste collection vehicles (8.8 metres in length) at the temporary dead end of any road.
 - m. Location of street lighting.
 - n. Major and minor drainage generally in accordance with the approved Storm~~w~~-Water Management Plan.
 - o. Details of the retarding basin and wetland including evidence that the retarding basin design complies with ANCOLD requirements and has been approved by the relevant authorities.
 - p. Details of waterway works in accordance with the approved Landscaping Plan.
 - q. Underground drains incorporating features to prevent litter, sediments, and oils from entering the drainage system (in particular waterways) and/or cut-off drains to intercept storm~~-~~water run-off from adjoining properties as appropriate and to the satisfaction of the Responsible Authority.
 - r. Lot levels designed to a minimum of 300mm above the 1% AEP flood levels.
25. Drainage infrastructure that caters for the future development of any unit sites identified on the subdivision concept plan (Note 2 of Table 10 in IDM).

Site Management and Environmental Plan

26. At least fifteen days before a pre-start meeting a Site Management Plan for the relevant stage must be submitted to the Responsible Authority. Works may only commence once the Site Management Plan has been approved by the Responsible Authority. When approved, the Site Management Plan will then form part of the permit. An electronic copy (.pdf) of the plan must be provided plus additional hard copies if requested by the Responsible Authority.

The Site Management Plan (SMP) must be submitted in typed in A4 format, with attachments as necessary and must identify, address and document every item listed below in order:

- a. A construction program in bar chart form (major time interval in months, minor time interval in weeks) clearly indicating the start-up meeting, all tasks and all hold points including submission of "As Constructed" plans and CCTV inspections.
- b. A site plan clearly indicating the location of all public noticeboards, site access, security fencing, site office and rest rooms, plant depot, rumble strips, vehicle wash bays, soil stockpiles, tree protection zones, temporary drainage protection measures and any other relevant operational or construction features.
- c. A program for notification (initial notification and updates as required) of all residents and businesses who will be directly affected by the construction works, including a phone number of a representative of the contractor that can be contacted at any time should there be any complaints or concerns in connection with the works.
- d. Occupational Health and Safety arrangements.
- e. A site-specific Environmental Management Program for all on-site personnel including contractors and procedures for working within the waterway reserve.
- f. Appropriate cultural protection measures in accordance with any approved Cultural Heritage Management Plan applying to the land.
- g. Any specific measures required to protect Council assets during construction, including prevention of earth being tracked onto surrounding roads by vehicles and cleaning of roads if necessary.
- h. A Traffic Management Plan including the proposed route for construction vehicle access to the site, arrangements for any road closures etc.
- i. Measures to reduce the impact of noise, dust and other emissions created during the construction process.
- j. Measures for control of storm-water during construction, including preventing erosion and any storm-water runoff onto adjoining properties and ensuring that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm-water drainage system.
- k. Measures to ensure that all machinery brought onto the site is weed and pathogen free.
- l. Control and management of any soil to be imported or removed from the site and any soil stockpiles.
- m. Waste management during construction.
- n. Any contamination assessments and or mitigation requirements directed by the Responsible Authority regarding any stage which contains a known or suspected contamination area

NOTE: It is expected that the SMP will comprise no more than two paragraphs of information in response to each of the items numbered a) to o) plus explanatory plans as required. Any additional background documents must be referenced in the SMP and provided as separate pdf files.

27. At least 5 days prior to the commencement of works, any residents, businesses or education facilities operating in the vicinity of the subject land must be notified of the pending commencement of construction works including (as a minimum) permit details, the hours of works, type of works being performed, impacts to road networks and primary site contacts. Notification must include erection of a signboard at the main entrance to the works, letter drops and any other means as may be directed by the Responsible Authority.

Construction

28. Prior to the issue of a Statement of Compliance for any stage, and if deemed required by

Council as a result of the subsurface water report, actions must be taken at no cost to Council to mitigate subsurface flow and any infrastructure plan required to manage the flow must be submitted to Council for review and approval.

29. Prior to the issue of a Statement of Compliance for any stage, any nature strip, park or reserve created in that stage must be cleared of all noxious weeds, graded, filled and compacted with approved material free of rock, stone and other contamination, landscaped, shaped and formed as necessary, scarified, top dressed with a minimum 100 mm depth of approved topsoil and sown with an approved turf mixture of 80% perennial rye and 20% kikuyu at a rate of 300 kg per hectare to ensure the land is free draining and able to be mown by a rotary mower.
30. Prior to the issue of a Statement of Compliance for any stage, reinforced concrete footpaths including pram crossings must be provided throughout that stage in accordance with IDM requirements.
31. Prior to the issue of a Statement of Compliance for any stage, vehicle crossings for corner lots at each intersection in that stage must be constructed as part of that stage.
32. Prior to the issue of a Statement of Compliance for any stage, advanced trees of an approved variety in line with the specification in Council's Tree Selection, Planting and Maintenance Policy must be planted in accordance with the approved Landscaping Plan. Appropriate planting techniques and tree guards must be provided to the satisfaction of the Responsible Authority. All new trees must be maintained for a minimum period of two (2) years after practical completion and any dead or damaged trees within the two-year maintenance period must be immediately replaced.
33. Prior to the issue of a Statement of Compliance for Stage 2, Rollo Street must be upgraded to a road standard matching the road width of Rollo Street between the Princes Highway Service Road and Campbell Street including indented parking lanes, kerb and channel and underground drainage on ~~both the east sides~~, footpath on both sides and nature strip ~~and street trees on both sides, along the entire boundary of the development site~~.
34. Prior to the issue of a Statement of Compliance for Stage 2, the works at the intersection of Rodier and Rollo Street, in the Traffic Management Plan in condition 23A must be constructed ~~a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of Rodier Road and Rollo Street as drawn on the Proposed Subdivision Plan 21892P3 Ver 5.~~
35. Prior to the issue of a Statement of Compliance for Stage 2, the works at the intersection of Winston and Rollo Street, in the Traffic Management Plan in condition 23A must be constructed ~~a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of Winston Street, Rollo Street and the subdivisional east-west road as drawn on the Proposed Subdivision Plan 21892P3 Ver 5.~~
36. Prior to the issue of a Statement of Compliance for Stage 4, the works at the proposed continuation of Rodier Road and Yarragon-Leongatha Road, in the Traffic Management Plan in condition ## must be constructed ~~a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of the Rodier Road extension and Yarragon-Leongatha Road as drawn on the Proposed Subdivision Plan 21892P3 Ver 5.~~
37. Prior to the issue of a Statement of Compliance for Stage 5, upgrades to road surface for only that part of Yarragon-Leongatha Road, running the length and immediately abutting the subdivision area, in the Traffic Management Plan in condition ## must be constructed ~~Yarragon-Leongatha Road must be upgraded to IDM Collector Street Level 1 standard including carriageway width 11.7 meters from Rollo Street to the southern boundary of the development~~

site.

- ~~39. Prior to the issue of a Statement of Compliance for Stage 7, a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of Yarragon Leongatha Road, the entry road to Stage 7 and the subdivisional north-south road as drawn on the Proposed Subdivision Plan 21892P3 Ver 5.~~
- ~~40. Prior to the issue of a Statement of Compliance for Stage 8, a roundabout or other treatment agreed to in writing by the Responsible Authority must be constructed at the intersection of Yarragon Leongatha Road, Rollo Street and Campbell Street.~~

Temporary Vehicle Turning Areas

41. Prior to the issue of a Statement of Compliance for any stage, temporary turning areas provided on roads which are intended to be continued at a future time must be constructed in accordance with engineering construction plans approved by the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
42. Unless with the written consent of the Responsible Authority, once the temporary vehicle turning areas are no longer required, they must be removed at no cost to Council and the area, together with all nature strips, footpaths and the like, must be restored to the satisfaction of the Responsible Authority.
43. If the Responsible Authority agrees to a temporary turning area being retained after issue of a Statement of Compliance for any stage, an agreement providing for a bond of sufficient value to cover all reinstatement costs plus any contingency amount must be reached with the Responsible Authority prior to the issue of a Statement of Compliance for that stage.
44. A sign of at least one (1) square metre in area must be displayed in a prominent position near the temporary vehicle turning area while a temporary turning area is in operation advising that it is a temporary turning area only. The sign must be removed after the temporary vehicle turning area is removed.

Construction of Drainage System

45. Prior to the issue of Statement of Compliance of any Stage of the subdivision, all components of the stormwater drainage system relevant to that stage must be constructed in accordance with the stormwater drainage design approved by the Responsible Authority, [this includes:](#)
46. ~~Prior to the issue of Statement of Compliance of~~for Stage 1 of the subdivision, the Southern Wetlands / retardation basin must be completed in accordance with the approved plans.
47. ~~Prior to the issue of Statement of Compliance~~for any Stage of the subdivision, which is on the eastern side of Yarragon–Leongatha Road the northern Wetlands / retardation basin must be completed in accordance with the approved plans.
48. [Prior to the issue of a Statement of Compliance for any stage of the subdivision, CCTV results for the full length of all stormwater drainage pipes shown on the approved drawings for that stage where Council is the Responsible Authority, must be submitted for assessment. The CCTV work is to be performed by an independent specialist contractor at no cost to Council The submitted information is to be to the satisfaction of the Responsible Authority. Pipe joints which exceed the manufacturer’s installation tolerances and any other significant defects must be rectified at no cost to Council prior to the issue of Statement of Compliance for the stage or other period agreed in writing by the Responsible Authority.](#)

Relocated condition 53

49. The design, construction, and handover of wetland and stormwater retardation systems must

follow the “Water Sensitive Urban Design Guidelines, South Eastern Councils” and “Water Sensitive Urban Design Guidelines Addendum, Baw Baw Shire Council”

Public Lighting

50. Prior to the issue of a Statement of Compliance for any stage of the development, street lighting must be provided to a residential standard on all subdivisional roads. Lighting must also be provided within reserves and along pathways. Lighting design must be in accordance with the relevant Australian Standards, including the current issue of AS/ANZ 1158 – Lighting for Roads and Public Spaces and must utilise LED lighting heads and standardised street lighting poles approved by the network distributor and the installation must be signed off by the network distributor.
51. Prior to the issue of a Statement of Compliance for Stage 2, street lighting must be provided along Rollo Street from Winston Street to Silvertop Drive.
52. Prior to the issue of a Statement of Compliance for Stage 5, street lighting must be provided along Yarragon Leongatha Road from Rollo Street to the southern boundary of the development site.

CCTV

~~53. Prior to the issue of a Statement of Compliance for any stage of the subdivision, CCTV results for the full length of all stormwater drainage pipes shown on the approved drawings for that stage where Council is the Responsible Authority, must be submitted for assessment. The CCTV work is to be performed by an independent specialist contractor at no cost to Council. The submitted information is to be to the satisfaction of the Responsible Authority. Pipe joints which exceed the manufacturer’s installation tolerances and any other significant defects must be rectified at no cost to Council prior to the issue of Statement of Compliance for the stage or other period agreed in writing by the Responsible Authority.~~

Proponent proposes moving this condition in response to community submission to new condition 47 Public Infrastructure Plan (PIP)

54. Prior to certification of Stage 1 of the subdivision, a Public Infrastructure Plan (PIP) must be prepared to the satisfaction of the Responsible Authority. The PIP must set out all infrastructure items being delivered as part of the overall development of the property. The PIP must also indicate the stage at which each infrastructure item is being delivered. Once the PIP is endorsed and approved by the Responsible Authority it will form part of this permit. The PIP must address the following:
 - a. Consistency with the approved staging plan;
 - b. What land (if any) may be affected or required for the provision of infrastructure works and the timing of when such land will be provided;
 - c. The provision, staging and timing of stormwater drainage works;
 - d. The provision, staging and timing of road works internal and external to the land; and
 - e. The provision of public open space and tree reserves.
55. The Public Infrastructure Plan as shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.

Making Good

56. Prior to the issue of a Statement of Compliance for any Stage of the development, any damage to Council infrastructure as directed by the Responsible Authority which can reasonably be

determined to have occurred as a result of the subdivision works must be reinstated at no cost to Council unless such damage was identified ~~by the~~ and reported to Council in writing prior to commencement of works on that stage.

“As Constructed” Drawings

57. Prior to the issue of a Statement of Compliance for each stage of the development, “As Constructed” drawings” for road, drainage and landscape works must be submitted to the satisfaction of the responsible authority, the plans must be drawn in PDF and AutoCAD format and must be submitted through Council’s certification portal for receiving A-SPEC “As Constructed” data and must include:

- a. digital road and drainage information in AutoCAD format for all works where Council is the Responsible Authority with all X-refs bound into the drawings and showing any amendments during construction and location of any permanent survey marks in accordance with the current version of D-SPEC, O-SPEC and R-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55.

The submitted information is to be to the satisfaction of the Responsible Authority and provided at no cost to Council. (Refer to the A-SPEC website www.a-specstandards.com.au for minimum Council requirements). The various road and drainage works must be maintained at no cost to Council until this condition has been complied with.

Location of Utilities

58. Utilities must be placed outside of Tree Protection Zone of trees to be retained on site and trees to be retained along the road frontage (subject to further assessment) to the satisfaction of the Responsible Authority.

59. Utility easements to the rear of lots should only be provided where there is no practical alternative.

Certification

60. The plan(s) of subdivision submitted for certification must be in accordance with the endorsed plans.

61. The plan(s) 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 and Clause 66 of the Scheme.

Easements on Certified Plans

62. All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*. Drainage assets within easements must all be constructed to the satisfaction of the Responsible Authority.

ENVIRONMENTAL SERVICES CONDITIONS

Native vegetation offsets

63. To offset the removal of 0.452 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), the permit holder must secure the following offset:

- a. A general offset of 0.095 general habitat units:
 - b. Be located within the West Gippsland Catchment Management Authority boundary or Baw Baw Shire Council municipal area
 - c. With a minimum strategic biodiversity value of at least 0.314
 - d. Protect 7 large trees
64. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:
- a. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site, and/or
 - b. Credit extract(s) allocated to the permit from the Native vegetation Credit Register.

A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence, copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Traralgon regional office via Gippsland.planning@delwp.vic.gov.au.

Protection and maintenance of retained native vegetation

65. Prior to the commencement of any construction for each stage, a native vegetation protection fence must be established around all retained vegetation and be in accordance with the endorsed Streetscape and Landscape Masterplan. The fence must be established at a minimum of 2.0 metres from retained vegetation or, if there are trees present, be based on the Tree Protection Zone (12 x diameter at breast height) as identified in the Australian Standard for the protection of trees (AS 4970-2009). The fence must be constructed to the satisfaction of the responsible authority and must be highly visible and durable and include a sign detailing the purpose of the fenced zone. The fence must remain in place until the completion of all works to the satisfaction of the responsible authority.

The fence must be constructed of star pickets and wire mesh to the satisfaction of the responsible authority. The fence must remain in place at least until all works are completed to the satisfaction of the responsible authority.

Except with the written consent of the responsible authority, within the TPZ, the following are prohibited:

- a. No vehicular or pedestrian access, trenching or soil excavation is to occur.
- b. No storage or dumping of tools, equipment or waste is to occur.
- c. No cutting of roots.
- d. No entry and exit pits for underground services are to be constructed.
- e. Any other actions or activities that may result in adverse impacts to retained native vegetation.

WEST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY CONDITIONS

66. Prior to the commencement of any works related to the subdivision, an amended Stormwater Management Plan (SMP) which addresses the following criteria must be submitted to the satisfaction of West Gippsland Catchment Management Authority:
- a. The Stormwater Management Plan must include appropriate planting and maintenance routines, and the parties responsible for each action for the proposed wetlands and

- retarding basins.
- b. The Yarragon Leongatha Rd Development Stormwater Assessment March 2020 V1261_001 must be updated to ensure that proposed Southern and Northern Wetlands achieve equivalent treatment as the wetlands documented in Table 6.1 of the Yarragon Flood Modelling & Drainage Strategy (2013) to the satisfaction of the West Gippsland Catchment Management Authority.
67. Prior to the commencement of any works related to the subdivision, a Waterway Management Plan for the areas 30 metres either side of the constructed waterway must be endorsed in writing by the West Gippsland Catchment Management Authority. The Waterway Management Plan must include:
- a. Details of the existing environmental values;
 - b. details of any initial stabilisation and vegetation works;
 - c. a landscape plan for revegetation of the waterway, drainage corridor and all water quality works, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site; and
 - d. a maintenance plan detailing the sequencing and periods of short, medium and long term actions, including inspections, and the parties responsible for each action.
68. Prior to the issue of a Statement of Compliance for Stage 1 of the subdivision, the applicant must demonstrate that the water quality treatment works outlined in the Stormwater Management Plan have been completed to the satisfaction of the West Gippsland Catchment Management Authority.
69. Prior to the issue of a Statement of Compliance for the subdivision, the applicant must demonstrate that the works outlined in the Waterway Management Plan have been undertaken to the satisfaction of the West Gippsland Catchment Management Authority.

AUSNET CONDITIONS

70. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
71. The applicant must –
- a. Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - b. Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
 - c. Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
 - d. Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - e. Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
 - f. Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.

- g. Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.
- h. Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- i. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- j. Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

CFA CONDITIONS

Bushfire Management Plan (CFA condition)

72. Before the certification of the plan of subdivision, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following information, unless otherwise agreed in writing by the CFA and the Responsible Authority:
- a. The design and layout of the subdivision, including lot layout, road design and access points, both pedestrian and vehicular.
 - b. The location of nearby hazards within 150m of the subdivision boundary.
 - c. The location of any bushfire hazards that will be retained or created on the land within the subdivision.
 - d. The location of any areas of vegetation within the subdivision not located on private land that will be managed to a low threat condition, including reserves and floodway areas.
 - e. The setback distance of any development from the bushfire hazard for defendable space purposes where vegetation will be managed. A minimum setback of 19 meters is required from the east and south site boundary and from the north boundary of Lots 100, 500 and 501.
 - f. Notations of vegetation management standards and when vegetation management will occur i.e. annually, quarterly, during the fire danger period.
 - g. Details of any other bushfire protection measures that are to be adopted at the site.
 - h. Nominate that any building on a new lot will be required to be designed and constructed to a minimum standard of Bushfire Attack Level (BAL) 12.5.
 - i. Vegetation must be managed within any area of defendable space to the following standard:
 - i. Grass must be short cropped and maintained during the declared fire danger period.
 - ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - iv. Plants greater than 10 centimetres in height must not be placed within 3 meters of a window or glass feature of the building.
 - v. Shrubs must not be located under the canopy of trees.
 - vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - vii. Trees must not overhang or touch any elements of the building.
 - viii. The canopy of trees must be separated by at least 5 metres.

- ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Building Envelopes (CFA condition)

- 73. Any lot that contains defendable space must include a building envelope that ensures development will not be allowed within the area of defendable space.

Construction and Site Management (CFA condition)

- 74. Before commencement of works, a Bushfire Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted and approved by the responsible authority. The plan must specify, at minimum:
 - a. The staging of development and the likely bushfire risks from surrounding hazards at each stage;
 - b. An area of land between the development edge and bushfire hazard consistent with the separation distances specified in AS3959-2018, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 construction standard in accordance with AS3959-2018;
 - c. The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape to protect residents and property from the threat of grassfire and bushfire;
 - d. Provision of adequate access and egress for early subdivisions to minimise grass and bushfire risks to new residents prior to the full completion of the subdivision.

Hydrants (CFA condition)

- 75. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:
 - a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note –CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site (www.cfa.vic.gov.au)

Road (CFA condition)

- 76. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width:
 - a. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - b. Curves must have a minimum inner radius of 10 metres.
 - c. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
 - d. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8 meters (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Maintenance of Defendable Space (CFA condition)

77. Before the Statement of Compliance is issued under the Subdivision Act 1988, the defendable space on every lot in the subdivision must be implemented and maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

GIPPSLAND WATER CONDITIONS

78. Prior to the commencement of any water, sewer or ancillary works that will be vested in Gippsland Water, the owner of the land the developer and the design consultant must enter into and execute a Developer Works Deed of Agreement with Gippsland Water, under Gippsland Water's Land Development system, for the complete construction of works necessary for the provision of water supply and sewerage services, in accordance with Gippsland Water's standards, to all lots of the subdivision. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned deed. Please refer to our website: <https://www.gippswater.com.au/developers/information/information-design-consultants> and download Form 1 to apply for a Developer Works deed of agreement.
79. Design plans must be submitted outlining the size and the location of the works to determine where easements will be required. These plans must be endorsed by Gippsland Water prior to Gippsland Water consenting to certification of the relevant plan of subdivision.
80. Install water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
81. Carry out works necessary to ensure all existing water services supplying the land are contained solely within the boundary of the individual lot(s), to the satisfaction of Gippsland Water. On completion of these works the owner must sign and return the Water Servicing Declaration provided by Gippsland Water.
82. Install sewer services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
83. Create Reserves and/or Easements in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision. Easements are to be for Pipeline or Ancillary Purposes.
84. Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.
85. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.
86. There will also be a condition of capping the existing metered water services. The Proposed Plan of Subdivision would suggest that these works would be required to be undertaken in Stage 9 and 10 of the development. A Property Services quote request form for these works to be undertaken, must be completed and forwarded to our Property Connections Team to arrange a quote. Please refer to our website:
<https://www.gippswater.com.au/developers/property-connections/connections>
- a. Lot 2 PS308336 – existing meter i.d. 06AF020923
 - b. Lot 3 PS429755 - existing meter i.d. 13BF000045

DEPARTMENT OF TRANSPORT CONDITIONS

87. The existing Rollo Street approach lanes to the Princes Highway must be widened to 3.5 meters to accommodate dual right turns.

88. The existing left turn slip lane from Rollo Street to the Princes Highway must be modified to the satisfaction of the Head Transport for Victoria.

~~89. The existing signal phasing must be modified to provide for the dual right turns.~~

90. Prior to the Statement of compliance for Stage ~~21~~, detailed functional layout plans in accordance with Gippsland Regions developer funded checklist for the intersection improvements at Rollo Street and the Princes Highway must be submitted and approved by the Head, Transport for Victoria.

91. Prior to the Statement of compliance for Stage ~~32~~, detailed design plans in accordance with Gippsland Regions developer funded checklist for the intersection improvements at Rollo Street and the Princes Highway must be submitted and approved by the Head, Transport for Victoria.

92. Prior to the statement of compliance for Stage ~~53~~, the intersection improvement works must be completed at no cost and to the satisfaction of the Head, Transport for Victoria.

Permit Expiry

93. The permit will expire if one of the following circumstances applies:

- a. The first stage of the Plan of Subdivision is not certified within two years of the issue of this permit; or
- b. All stages of all of the land to which this permit relates are not certified within 10 years of the issue date of this permit; or
- c. The subdivision of the last certified stage is not completed within 5 years of the date of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months of expiry of permit.

NOTES

- An application to amend the permit under section 72 of the Planning and Environment Act 1987 must be submitted to and approved by Baw Baw Shire Council to address any requirement to create, remove or vary an easement prior to the issue of Statement of Compliance in accordance with clause 52.02 of the Baw Baw Planning Scheme. For further information please contact Council's Planning Department on 5624 2411 or planning@bawbawshire.vic.gov.au

BBSC Infrastructure Planning

- Prior to carrying out any works within the road reserve the Developer must obtain a "Works Within Road Reserve Permit" from Council
- All works must be designed and constructed in accordance with Council's Infrastructure Design Manual (IDM) requirements
- Lots must be graded either to fall to the street or, where this is not possible, and if directed by Council, must be provided with minor temporary earthworks in the form of a low levee bank or similar to contain storm-water runoff on each lot and to direct it into the storm-water property connection, complete with a surface grate, to take runoff into the underground drainage network being constructed as part of the development.
- Unless the Responsible Authority agrees under section 21(1)(b)(ii) of the Subdivision Act 1988, all works shown on the endorsed Engineering plans must be constructed or carried out in

accordance with the plans before the issue of a Statement of Compliance for the relevant stage under the Subdivision Act 1988 all to the satisfaction of the Responsible Authority.

- Unless otherwise agreed by the Responsible Authority, all road works must be constructed in accordance with the relevant IDM, VicRoads and AustRoads requirements, procedures and guidelines as applicable to urban developments including:
 - Compaction testing and proof rolling of subgrade, sub-base and base course layers and proof rolling in preparation for asphalt must be undertaken at no cost to Council in accordance with IDM clauses 12.7.10 to 12.7.16 (IDM Version 5.20 or later) and results submitted to Council for approval and records purposes.
 - A wearing course of asphalt unless otherwise approved by the Responsible Authority.
 - Any road works abutting an existing carriageway must ensure adequate surface drainage to the kerb and channel or road shoulder and provide a smooth watertight seal without discontinuity to the existing carriageway, generally in accordance with IDM Standard Drawing SD130.
- The design, construction, and handover of wetland and stormwater retardation systems must follow the “Water Sensitive Urban Design Guidelines, South Eastern Councils” and “Water Sensitive Urban Design Guidelines Addendum, Baw Baw Shire Council”.
- Works pertaining to the approved Site Management Plan will be monitored by the Responsible Authority. Any failure to adhere to the conditions of the approved Site Management Plan will be addressed during site inspections and may be subject to further action by the Responsible Authority’s Planning Compliance department.
- Provide evidence of consent from VICROADS & VICTRACK for proposed pipe outlet from Northern Wetland / Retardation basin.

Gippsland Water

- The owner/developer/design consultant of the subject land is recommended to arrange a meeting with Gippsland Water due to large infrastructure requirements associated with the servicing of the development. Please contact the Developer Works Team on 5177 5966 to co-ordinate a meeting

Department of Transport

- Prior to any works beginning in the road or rail reserves, the applicant must obtain the relevant consents and permissions from the relevant Authority.