



Application for a Planning Permit

Section 1: LAND DETAILS

Unit Number:	Street Number: 33-37	Street Name: Weebar Road
Town: Drouin	Postcode: 3818	

FORMAL LAND DESCRIPTION (Please complete either A or B – this information can be found on the Certificate of Title)

Option A:

Lot No:	Lots 1-3
Type of Plan: Please tick ✓	Lodge Plan <input type="checkbox"/> Title Plan <input type="checkbox"/> Plan of Subdivision <input checked="" type="checkbox"/>
Plan Number:	806753F

Option B:

Crown Allotment Number:	
Section Number:	
Parish/Township Name:	

Section 2: PERMIT APPLICANT

Name:	
Business:	
Postal Address:	
Telephone No. (H)	
Email Address:	

Section 3: OWNER DETAILS (If different to the Applicant)

Name(s):	
Postal Address:	
Telephone No. (H)	
Email Address:	

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Section 4: DEVELOPMENT COST - Estimated Cost of development for which the permit is required

\$2800000

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Section 5: PROPOSAL You must give full details of the proposal being applied for. Insufficient or unclear information will delay your application..

Advertised

For what use, development or other matter do you require a permit?

Development:

<input type="checkbox"/> Advertising Signage	<input type="checkbox"/> Development of 2 or more dwellings Qty: <input style="width: 50px;" type="text"/>
<input type="checkbox"/> Agricultural Outbuildings	<input type="checkbox"/> Mixed Use Development and Reduction of Carparking
<input type="checkbox"/> Buildings and Works and Reduction in Carparking	<input type="checkbox"/> Residential Outbuildings
<input type="checkbox"/> Commercial or Industrial Buildings and Works	<input type="checkbox"/> Single Dwelling
<input type="checkbox"/> Extension / Alteration to Dwelling	<input type="checkbox"/> Telecommunications

Use:

<input type="checkbox"/> Buildings and Works and Change of Use	<input type="checkbox"/> Home Based Business
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Sale and Consumption of Liquor
<input type="checkbox"/> Change of Use and Single Dwelling	

Subdivision:

<input type="checkbox"/> Boundary Realignment	<input type="checkbox"/> 3 or more Lot Subdivision Qty: <input style="width: 50px;" type="text"/>
<input type="checkbox"/> Variation/ Removal of Restriction	<input type="checkbox"/> Create an easement
<input type="checkbox"/> 2 Lot Subdivision	<input type="checkbox"/> 100 or more Lot Subdivision Qty: <input style="width: 50px;" type="text"/>

Subdivision / Vegetation Removal:

<input type="checkbox"/> Native Vegetation Removal or Lopping	<input type="checkbox"/> Non Native Vegetation Removal or Lopping (ESO4)
<input type="checkbox"/> Subdivision Qty: <input style="width: 50px;" type="text"/>	<input type="checkbox"/> Alteration of access RDZ1

Other:

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, Section 173 agreement or other obligation such as an easement or building envelope?

Yes No Not Applicable (no such covenant, section 173 agreement or restriction applies)

If yes, you should contact Council for advice as to how to proceed with the application.

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FURTHER DETAILS OF PROPOSAL (optional)

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Section 6: EXISTING CONDITIONS Describe how the land is used and developed now.

Advertised

Provide a plan of the existing conditions. Photos are also helpful.

Vacant

Section 7: PRE-APPLICATION MEETING Has there been a Pre-Application meeting with a Council Planning Officer?

No <input checked="" type="checkbox"/>	
Yes <input type="checkbox"/>	If yes, with whom?
Date of this meeting	

Section 8: DECLARATION This form must be signed. ** PLEASE COMPLETE EITHER box A or B

A. I declare that I am the Applicant and owner of this land and that all information given is true and correct.	Owner/ Applicant signature:	Date:
B. I/We the Applicant declare that I/We have notified the owner about this application and that all information given is true and correct.	Applicant Signature:	Date

CHECK LIST Please ensure you have included the following items with your application form. *Failure to provide all the information above may result in a delay in the processing of the application.*

- A fully completed and signed copy of this form.
- Most applications require a fee to be paid. *Please make payment at time of lodgement if submitting at Councils Customer Service Centre or submitting through our on-line portal. If emailing your application, a payment link will be sent to your nominated email once registered on the system.*
Contact Council to determine the appropriate fee.

- Full and current copy of title and title plan (no older than 60 days) for each individual parcel of land forming the subject site. The title includes: the covering register search statement, the title plan and the associated title documents (known as instruments).

- Provided plans showing the layout and details of the proposal

- Provided any information required by the planning scheme, requested by Council

- Provided a description of the likely effect of the proposal (if required)

- Completed the declaration in Section 8

- Provided a contact phone number and e-mail address

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PLEASE FORWARD THIS APPLICATION TO

Advertised

E-mail:	planning@bawbawshire.vic.gov.au	Mail:	Planning Department, Baw Baw Shire Council PO Box 304 Warragul VIC 3820
Phone:	5624 2411		
In Person:	Customer Service Centre: 33 Young Street Drouin		

The personal information requested on this form is being collected to enable council to consider the permit application. Council will use this information for this purpose or one closely related and may disclose this information to third parties for the purpose of their consideration and review of the application.

These third parties generally include, but are not limited to:

Transport Infrastructure Agencies such as VicRoads and VLine

Energy/Utilities Providers

Catchment Management Authorities and Water Corporations

The specific referral bodies will be dependent on factors such as the proposed activities and the location of the applicable property. Applicants are encouraged to familiarise themselves with potential referral bodies.

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review of the application as part of a planning process specified in the Planning and Environment Act 1987.

All information collected and held by Council is managed in accordance with Councils Privacy Policy which is available on our website. If you choose not to supply the requested information it may impair the ability of Council to consider your application or prevent Council from communicating with you in relation to your application.

If you have any concerns or require access to the information held by Council, please contact us on 5624 2411.

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

VOLUME 12322 FOLIO 438

Security no : 124130191232U
Produced 25/11/2025 10:03 AM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 806753F.
PARENT TITLE Volume 09555 Folio 267
Created by instrument PS806753F 03/08/2021

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

4

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AQ514268E 05/12/2017
RMBL INVESTMENTS LTD
VARIATION OF MORTGAGE AS764800A 02/12/2019
VARIATION OF MORTGAGE AT175072H 21/04/2020
VARIATION OF MORTGAGE AU257053X 21/04/2021
VARIATION OF MORTGAGE AY404764L 16/09/2024

COVENANT PS806753F 03/08/2021

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987
AX990694P 13/05/2024

AGREEMENT Section 173 Planning and Environment Act 1987
AY757532M 06/01/2025

DIAGRAM LOCATION

SEE PS806753F FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER STATUS
AZ604486P (E) REMOVAL OF AGREEMENT Registered

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 35 WEEBAR ROAD DROUIN VIC 3818

ADMINISTRATIVE NOTICES

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

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eCT Control 22187E MASON PROPERTY LAW
Effective from 17/09/2024

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

VOLUME 12322 FOLIO 437

Security no : 124130191133B
Produced 25/11/2025 10:01 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 806753F.
PARENT TITLE Volume 09555 Folio 267
Created by instrument PS806753F 03/08/2021

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AQ514268E 05/12/2017
RMBL INVESTMENTS LTD
VARIATION OF MORTGAGE AS764800A 02/12/2019
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COVENANT PS806753F 03/08/2021

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AX990694P 13/05/2024

AGREEMENT Section 173 Planning and Environment Act 1987
AY757532M 06/01/2025

DIAGRAM LOCATION

SEE PS806753F FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER STATUS
AZ604486P (E) REMOVAL OF AGREEMENT Registered

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 33 WEEBAR ROAD DROUIN VIC 3818

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VOLUME 12322 FOLIO 439

Security no : 124130191325T
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LAND DESCRIPTION

Lot 3 on Plan of Subdivision 806753F.
PARENT TITLE Volume 09555 Folio 267
Created by instrument PS806753F 03/08/2021

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AQ514268E 05/12/2017
RMBL INVESTMENTS LTD
VARIATION OF MORTGAGE AS764800A 02/12/2019
VARIATION OF MORTGAGE AT175072H 21/04/2020
VARIATION OF MORTGAGE AU257053X 21/04/2021
VARIATION OF MORTGAGE AY404764L 16/09/2024

COVENANT PS806753F 03/08/2021

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987
AX990694P 13/05/2024

AGREEMENT Section 173 Planning and Environment Act 1987
AY757532M 06/01/2025

DIAGRAM LOCATION

SEE PS806753F FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER STATUS
AZ604486P (E) REMOVAL OF AGREEMENT Registered

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 37 WEEBAR ROAD DROUIN VIC 3818

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Effective from 17/09/2024

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Document Identification	PS806753F
Number of Pages (excluding this cover sheet)	3
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<h1>PLAN OF SUBDIVISION</h1>	LV USE ONLY EDITION 1	PS806753F Advertised
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<p style="text-align: center;">LOCATION OF LAND</p> <p>PARISH: DROUIN WEST TOWNSHIP: - SECTION: - CROWN ALLOTMENT: 78 (PART) & 86 (PART) CROWN PORTION: - TITLE REFERENCES: VOL. 9555 FOL. 267 LAST PLAN REFERENCES: LOT 1 ON LPI44846 POSTAL ADDRESS: 39 WEEBAR ROAD (At time of subdivision) DROUIN, 3818 MGA Co-ordinates E 399550 ZONE: 55 (of approx centre of land in plan) N 5777390 GDA 94</p>	<p>Council Name: Baw Baw Shire Council Council Reference Number: PLA0126/17.01 Planning Permit Reference: PLA0126/17 SPEAR Reference Number: S109702H</p> <p>Certification This plan is certified under section 6 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made Digitally signed by: Marni Rotteveel for Baw Baw Shire Council on 14/05/2021 Statement of Compliance issued: 25/05/2021</p>
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VESTING OF ROADS AND/OR RESERVES	
IDENTIFIER	COUNCIL/BODY/PERSON

	NOTATIONS
	STAGING This is not a staged subdivision.
	<u>OTHER PURPOSE OF PLAN</u> Creation of Restriction, for Restriction details refer to sheet 3.
NOTATIONS	
DEPTH LIMITATION DOES NOT APPLY.	
<p>Survey: This plan is based on survey. This survey has been connected to permanent marks no.(s) 121 & 269 in Proclaimed Survey Area no.</p>	

EASEMENT INFORMATION
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1, E-2 E-2, E-3, E-6, E-7 E-1, E-2, E-4, E-7 E-2, E-3, E-5, E-6, E-7	SEWERAGE DRAINAGE PIPELINE OR ANCILLARY PURPOSES POWERLINE	3m SEE DIAG. SEE DIAG. SEE DIAG.	LPI44846 THIS PLAN THIS PLAN & SECTION 136 WATER ACT 1989 THIS PLAN & SECTION 88 ELECTRICITY INDUSTRY ACT 2000	LOTS IN LPI44846 BAW BAW SHIRE COUNCIL CENTRAL GIPPSLAND REGION WATER CORPORATION AUSNET ELECTRICITY SERVICES PTY LTD

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Department of Environment, Land, Water & Planning

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

Produced 10/09/2025 04:45:17 PM

Status	Registered	Dealing Number	AU129448P
Date and Time Lodged	12/03/2021 10:21:40 AM		

Lodger Details

Lodger Code	17223H
Name	MADDOCKS
Address	
Lodger Box	
Phone	
Email	
Reference	MYM:S173LC: 8309638

APPLICATION TO RECORD AN INSTRUMENT

Jurisdiction	VICTORIA
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Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Estate and/or Interest

FEE SIMPLE

Land Title Reference

9555/267

Instrument and/or legislation

RECORD - AGREEMENT - SECTION 173
Planning & Environment Act - section 173

Applicant(s)

Name	BAW BAW SHIRE COUNCIL
Address	
Street Number	1
Street Name	CIVIC
Street Type	PLACE
Locality	WARRAGUL
State	VIC
Postcode	3820

Additional Details

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Department of Environment, Land, Water & Planning

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Electronic Instrument Statement

Refer Image Instrument

The applicant requests the recording of this Instrument in the Register.

Execution

1. The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of

Signer Name

Signer Organisation

Signer Role

Execution Date

File Notes:

NIL

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

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Maddocks

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Melbourne VIC 3008
Australia

Telephone 61 3 9258 3555
Facsimile 61 3 9258 3666

info@maddocks.com.au
www.maddocks.com.au

DX 259 Melbourne

Agreement under section 173 of the Planning and Environment Act 1987

Subject Land: 39 Weebar Road, Drouin, Victoria 3818

Baw Baw Shire Council
and

AU12948P

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Affiliated offices around the world through the
Advoc network - www.advoc.com



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Agreement under section 173 of the Planning and Environment Act 1987

Dated

Parties

Name	Baw Baw Shire Council
Address	Civic Place, Warragul, Victoria 3820
Short name	Council

Name	
Address	
Short name	

Background

- A. Council is the responsible authority for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. Council issued the Planning Permit requiring the Owner to enter into this Agreement providing for the matters set out in condition 28 and 31 of the Planning Permit.
- D. As at the date of this Agreement, the Subject Land is encumbered by a mortgage and caveat in favour of the Mortgagee and Caveator. The Mortgagee and Caveator consent to the Owner entering into this Agreement.

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The Parties agree

1. Definitions

In this Agreement unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Agreement means this Agreement and includes this Agreement as amended from time to time.

Building Envelope means that part of the Subject Land that is identified and delineated as the Building Envelope or the like on the Plan of Subdivision.

Caveator means the person registered as caveator of the Subject Land.

CPI means the annual Consumer Price Index (All Groups-Melbourne) as published by the Australian Bureau of Statistics, or, if that index number is no longer published, its substitute as a cumulative indicator of the inflation rate in Australia, as determined by Council from time to time.

Current Address means:

- (a) for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and
- (b) for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

Current Email means:

- (a) for Council, bawbaw@bawbawshire.vic.gov.au or any other email address listed on Council's website; and
- (b) for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

Dwelling means a building intended to be used as a residential dwelling.

Endorsed Plan means the plan endorsed with the stamp of Council from time to time as the plan which forms part of the Planning Permit.

Estimated Cost means:

- (c) for the purpose of calculating the Plan Checking Fee, the estimated cost, as agreed by Council, of constructing the Public Works shown on the plans to be checked; and
- (d) for the purpose of calculating the Supervision Fee, the estimated cost, as agreed by Council, of constructing the Public Works to be supervised.

Garden Area Requirement has the same meaning as in the Planning Scheme.

Indexation means an annual adjustment to the Satisfaction Fee carried out in accordance with CPI.

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Lot means a lot created by a subdivision of the Subject Land whether in accordance with the Planning Permit or otherwise.

Mortgagee means the person registered or entitled from time to time to be registered as mortgagee of the Subject Land.

Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land and includes a mortgagee-in-possession.

Owner's obligations includes the Owner's specific obligations and the Owner's further obligations.

Party or **Parties** means the Parties to this Agreement but does not include a person who has transferred or otherwise disposed of all of their interests in the Subject Land.

Plan Checking Fee means a fee payable to Council by the Owner for checking plans for Public Works and which is payable at the rate of 0.75 per cent of the Estimated Cost.

Planning Permit means planning permit no. PLAO126/17, as amended from time to time, issued on 12 December 2017, authorising the staged 13 lot subdivision, removal of native vegetation and associated works on the Subject Land in accordance with the Endorsed Plan.

Plan of Subdivision means the plan showing the subdivision of the Subject Land, as approved from time to time by Council under the Planning Permit.

Planning Scheme means the Baw Baw Planning Scheme and any other planning scheme that applies to the Subject Land.

Public Works means works that are to be constructed by or on behalf of the Owner on land other than the Subject Land for the purpose of providing roads or public utility services to service or otherwise provide benefit to the Subject Land.

Satisfaction Fee means a fee payable by the Owner to Council for determining whether any obligation of the Owner set out in this Agreement has been undertaken to Council's satisfaction or deciding whether to give consent for anything this Agreement provides must not be done without the Council's consent.

Subject Land means the land situated at 39 Weebar Road, Drouin, Victoria 3818 being the land referred to in certificate of title volume 9555 folio 267 and any reference to the Subject Land includes any lot created by the subdivision of the Subject Land or any part of it.

Supervision Fee means a fee payable to Council by the Owner for supervision of Public Works and which is payable at the rate of 2.5 per cent of the Estimated Cost.

2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;

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page 3

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- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

3. Purposes of Agreement

The Parties acknowledge and agree that the purposes of this Agreement are to:

- 3.1 give effect to the Planning Permit; and
- 3.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

4. Reasons for Agreement

The Parties acknowledge and agree that Council has entered into this Agreement for the following reasons:

- 4.1 Council would not have issued the Planning Permit without the condition requiring this Agreement; and
- 4.2 the Owner has elected to enter into this Agreement in order to take the benefit of the Planning Permit.

5. Agreement required

The Parties agree that this Agreement will continue to be required until the Owner has complied with all of the Owner's obligations.

6. Owner's specific obligations

6.1 Provision of plan showing subsurface piping and natural springs

The Owner covenants and agrees that, in accordance with Condition 28(a) and (b) of the Planning Permit:

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- 6.1.1 surface and subsurface drainage must be installed as part of the subdivision to convey runoff from natural springs to the agreed discharge point(s) should such drainage be required; and
- 6.1.2 should natural spring runoff drainage be required, a plan showing the location of all subsurface drainage pipes installed on the Subject Land as part of the subdivision to convey runoff from natural springs to the appropriate points of discharge, will be provided to any and all future owners of the Subject Land.

6.2 Specific Stage 1 Obligations

The Owner covenants and agrees that:

- 6.2.1 On Lots 2, 3 and 4:
- (a) access to those lots must be via the shared vehicle crossing shown on the Endorsed Plans and no further vehicle crossings are allowed to Weebar Road; and
 - (b) there must not be more than two Dwellings developed on each Lot.
- 6.2.2 On Lots 1, 2, 3 and 4:
- (a) no building is to be constructed within 5 metres of the frontage of the lot to Weebar Road so as to ensure remnant native vegetation is protected; and
 - (b) any fence along the eastern boundary must be constructed in a manner, and using materials that will not cause harm to the trees.
- 6.2.3 On Lot 1, there must not be more than three Dwellings developed.
- 6.2.4 Any proposed Dwelling, other than outbuildings that accord with the restriction stated in Condition 16 of the Planning Permit, must be constructed within the Building Envelope as shown in the Plan of Subdivision.
- 6.2.5 The requirement in clause 6.2.4 will not apply if the Building Envelope has been formally removed from the Plan of Subdivision following the provision and availability of sewerage for the eastern part of Lots 1, 2, 3 and 4.

7. Owner's further obligations

7.1 Notice and registration

The Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

7.2 Further actions

The Owner:

- 7.2.1 must do all things necessary to give effect to this Agreement;
- 7.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with s 181 of the Act; and
- 7.2.3 agree to do all things necessary to enable Council to do so, including:

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- (a) sign any further agreement, acknowledgment or document; and
- (b) obtain all necessary consents to enable the recording to be made.

7.3 Fees

The Owner must pay to Council within 14 days after a written request for payment, any:

- 7.3.1 Plan Checking Fee;
- 7.3.2 Supervision Fee; and
- 7.3.3 Satisfaction Fee.

7.4 Council's costs to be paid

The Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:

- 7.4.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 7.4.2 preparing, drafting, finalising and recording any amendment to this Agreement;
- 7.4.3 determining whether any of the Owner's obligations have been undertaken to Council's satisfaction; and
- 7.4.4 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

7.5 Time for determining satisfaction

If Council makes a request for payment of:

- 7.5.1 a fee under clause 7.3.3; or
- 7.5.2 any costs or expenses under clause 7.4.3,

the Parties agree that Council will not decide whether the Owner's obligation has been undertaken to Council's satisfaction, or whether to grant the consent sought, until payment has been made to Council in accordance with the request.

7.6 Interest for overdue money

- 7.6.1 The Owner must pay to Council interest in accordance with s 227A of the *Local Government Act 1989* on any amount due under this Agreement that is not paid by the due date.
- 7.6.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

7.7 Notification of compliance with Owner's obligations

The Owner must notify Council of its compliance with all of the Owner's obligations.

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8. Agreement under s 173 of the Act

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with s 173 of the Act.

9. Owner's warranties

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

10. Successors in title

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

10.1 give effect to this Agreement; and

10.2 enter into a deed agreeing to be bound by the terms of this Agreement.

11. General matters

11.1 Notices

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

11.1.1 personally on the other Party;

11.1.2 by leaving it at the other Party's Current Address;

11.1.3 by posting it by priority prepaid post addressed to the other Party at the other Party's Current Address; or

11.1.4 by email to the other Party's Current Email.

11.2 Counterparts

This Agreement may be executed in counterparts, all of which taken together constitute one document.

11.3 No waiver

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

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11.4 Severability

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

11.5 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

11.6 Inspection of documents

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

11.7 Governing law

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

12. Commencement of Agreement

This Agreement commences on the date specified on page one or if no date is specified on page one, the date Council executes this Agreement.

13. Ending of Agreement

13.1 This Agreement ends when the Owner has complied with all of the Owner's obligations.

13.2 After this Agreement has ended, Council will, at the Owner's written request, apply to the Registrar of Titles under s 183(1) of the Act to cancel the record of this Agreement.

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Signing Page

Signed, sealed and delivered as a deed by the Parties.

SIGNED, SEALED AND DELIVERED by and)
on behalf of **Baw Baw Shire Council** by)
Director Planning and)
Development, pursuant to the Instrument of)
Delegation 26 August 2020)
in the presence of:)

.....
Witness Signa.....

.....
Witness

Executed as a deed by :
ACN 621 613 796 in accordance with s 127(1) and
s 127(3) of the *Corporations Act 2001*:

.....

Signature of Sole Director and Sole
Company Secretary

Print full name

Mortgagee's Consent

RMBL Investments Ltd as Mortgagee under instrument of mortgage no. AQ514268E consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

.....

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Caveator's Consent

I ACN 622 634 333 as Caveator of registered caveat no. AQ992343V consents to the Owner entering into this Agreement.

Executed as a deed by Weebar Enterprises Pty Ltd)



AU12943V

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as proprietor of Mortgage No. AQ514268E over Certificate of Title Volume 9555 Folio 267 hereby consents to the registration of the within Agreement.

Signed for and on behalf of Limited ACN 004 493 789 by two (2) of its attorneys: appointed by two (2) of its appointed attorneys:

1)

2)

Before me;

Power of Attorney dated 28th October 2013 certified copy of which is filed in Permanent order No 277 at page 036 Item 03.

.....
Signature of Witness

.....
Name of Witness

AU12944

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

Produced 25/11/2025 10:01:45 AM

Status	Registered	Dealing Number	AZ604486P
Date and Time Lodged	18/09/2025 09:30:46 AM		

Lodger Details

Lodger Code	19510T
Name	SJD LAW
Address	
Lodger Box	
Phone	
Email	
Reference	C10611 Removal of S1

APPLICATION TO REMOVE AN INSTRUMENT

Jurisdiction	VICTORIA
--------------	----------

Privacy Collection Statement

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Estate and/or Interest

AGREEMENT AU129448P

Land Title Reference

12322/437

12322/438

12322/439

Instrument and/or legislation

REMOVE - AGREEMENT - SECTION 173

Planning & Environment Act - section 177

Applicant(s)

Name	BAW BAW SHIRE COUNCIL
Address	
Street Number	1
Street Name	CIVIC
Street Type	PLACE
Locality	WARRAGUL
State	VIC

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Department of Environment, Land, Water & Planning

Advertised

Electronic Instrument Statement

Postcode 3820

Additional Details

None

The applicant/relinquishing party/receiving party requests the removal of this Instrument from the Register.

Execution

1. The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

Executed on behalf of

Signer Name

Signer Organisation

Signer Role

Execution Date

File Notes:

data

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Statement End.

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

Produced 10/09/2025 04:45:17 PM

Status	Registered	Dealing Number	AX990694P
Date and Time Lodged	13/05/2024 02:00:55 PM		

Lodger Details

Lodger Code	19510T
Name	SJD LAW
Address	
Lodger Box	
Phone	
Email	
Reference	C10611 Weebar S173

APPLICATION TO RECORD AN INSTRUMENT

Jurisdiction VICTORIA

Privacy Collection Statement

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Estate and/or Interest

FEE SIMPLE

Land Title Reference

12322/437
12322/438
12322/439

Instrument and/or legislation

RECORD - AGREEMENT - SECTION 173
Planning & Environment Act - section 173

Applicant(s)

Name	BAW BAW SHIRE COUNCIL
Address	
Street Number	1
Street Name	CIVIC
Street Type	PLACE
Locality	WARRAGUL
State	VIC

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Department of Environment, Land, Water & Planning

Advertised

Electronic Instrument Statement

Postcode

3820

Additional Details

Refer Image Instrument

The applicant requests the recording of this Instrument in the Register.

Execution

1. The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

Executed on behalf of

Signer Name

Signer Organisation

Signer Role

Execution Date

File Notes:

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Number of Pages (excluding this cover sheet)	8
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Agreement under section 173 of the Planning and Environment Act 1987

Between:

BAW BAW SHIRE COUNCIL

and

in relation to

**Land at 33, 35 & 37 Weebar Road, Drouin
VIC 3818**

sjdlaw

PROPERTY • COMMERCIAL • LITIGATION • ESTATE PLANNING

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Information table

Date of Agreement:

Parties:

Name Baw Baw Shire Council
 Short form name Responsible Authority
 Notice details 1 Civic Place, Warragul VIC 3820

Name
 Short form name
 Notice details

Background:

- A The Responsible Authority is the responsible authority for the administration and enforcement of the Planning Scheme pursuant to the Act.
- B The Land is subject to the Permit.
- C The Owner is the registered proprietor or is entitled to be registered as the proprietor of the Land.
- D The Responsible Authority on 27 February 2024 issued the Permit.
- E The Responsible Authority and the Owner have agreed that, without restricting or limiting their respective power to enter into this Agreement, and insofar as it can be treated, this Agreement is an agreement entered into pursuant to section 173 of the Act for the purpose of satisfying Condition Number 11 of the Permit.
- F The Responsible Authority and the Owner have entered into this Agreement in order to achieve or advance the objectives of planning in Victoria or the objectives of the Planning Scheme.

Agreed terms

1. Defined terms and interpretation

1.1 Defined terms

In this Agreement:

“**Act**” means the *Planning and Environment Act 1987 (Vic)*.

“**Agreement**” means this Agreement and any agreement executed by the parties varying or expressed to be supplemental to this Agreement.

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“**Endorsed Plans**” means the plan or plans approved by the Responsible Authority pursuant to the Permit, as amended from time to time.

“**Land**” means the land situate at 33, 35 & 37 Weebar Road, Drouin VIC 3818 and being the land comprised in Certificate of Title Vol 12322 Fol 437 also known as Lot 1 PS806753F Drouin West Parish, Vol 12322 Fol 438 also known as Lot 2 PS806753F Drouin West Parish, and Vol 12322 Fol 439 also known as Lot 3 PS806753F Drouin West Parish.

Any reference to the Land in this Agreement will include a reference to any lot created by the subdivision of the Land or any part of it.

“**Mortgagee**” means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Land or any part of it.

“**Notice**” means any notice, demand, consent, approval or communication under this Agreement.

“**Owner**” means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Land or any part of it, and includes a Mortgagee-in-possession.

“**Party**” or “**Parties**” means the Owner and the Responsible Authority.

“**Permit**” means planning permit number PLA0027/23 as amended from time to time, issued to the Owner on 27 February 2024 by the Responsible Authority.

“**Planning Scheme**” means the Baw Baw Planning Scheme.

“**Responsible Authority**” means the Baw Baw Shire Council as the Responsible Authority for the Planning Scheme and any subsequent person or body which is the Responsible Authority for the Planning Scheme.

“**Tribunal**” means the Victorian Civil and Administrative Tribunal, and any Tribunal or other person or body which supersedes it.

1.2 Interpretation

In this Agreement, except where the context otherwise requires:

- (a) The singular includes the plural and vice versa.
- (b) A reference to a gender includes a reference to each other gender.
- (c) A reference to a person includes a reference to a firm, corporation or other corporate body and that person’s successors in law.
- (d) If a Party consists of more than one person this Agreement binds them jointly and each of them severally.
- (e) A reference to an Act, regulation or the Planning Scheme includes any Acts, regulations or amendments amending, consolidating or replacing the Act, regulation or Planning Scheme.
- (f) A reference to an information table, a clause, paragraph, schedule or annexure to the information table, a clause or paragraph of, or schedule or annexure to, this

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Agreement, and a reference to this Agreement includes the information table and any schedule or annexure.

- (g) A reference to a document or instrument includes the document or instrument as novated, altered, supplemented or replaced from time to time.
- (h) A rule of construction does not apply to the disadvantage of a Party because the Party was responsible for the preparation of this Agreement or any part of it.
- (i) A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the same meaning as defined in the Act.

1.3 Headings

Headings are for ease of reference only and do not affect interpretation.

2. Section 173 Agreement

2.1 Purpose

This Agreement is made under section 173 of the Act. In entering into the Agreement, the parties intend to give effect to the Permit and achieve or advance the objectives of planning in Victoria and the objectives of the Planning Scheme.

2.2 Burden of covenants

The parties to this Agreement intend that the burden of the Owner's covenants run with the Land.

3. Commencement

This Agreement comes into force on the date of this Agreement.

4. Owner's Covenants

4.1 Obligations

The Owner covenants with the Responsible Authority that:

- (a) An on-site storm water detention and treatment system must be constructed prior to connection to Council's storm water system.
- (b) The Owner must maintain and not modify the on-site storm water detention and treatment system without prior Council written approval, and must allow the system to be inspected by a duly appointed officer of the Council at mutually agreed times.
- (c) The capacity of the on-site stormwater detention and treatment system cannot be reduced and must be maintained to Council's satisfaction.
- (d) The Owner must pay for all the costs associated with the operation, maintenance and Council inspection of the on-site water detention and treatment system.

4.2 Further Obligations

The Owner further covenants that:

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- (a) The Owner will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part of it without first disclosing to its successors the existence and nature of this Agreement.
- (b) The Owner will do all that is necessary to enable the Responsible Authority to make an application to the Registrar of Titles to make a recording of this Agreement on the title to the Land in accordance with Section 181 of the Act, including the signing of any further agreement, acknowledgement or other document.
- (c) The Owner shall immediately on demand pay the reasonable legal costs and fees incurred and incidental to the preparation and execution of this Agreement and the registration of this Agreement pursuant to Section 181 of the Act, together with all costs of enforcing this Agreement if deemed necessary by the Responsible Authority, as the case may be. The Owner agrees that any such costs are and remain a charge on the Land until paid, and consents to the Responsible Authority, as the case may be, registering a caveat on the title to the Land in respect of any such costs and acknowledges that any such costs shall be capable of being recovered by the Responsible Authority, as the case may be, in any court of competent jurisdiction as a civil debt recoverable.
- (d) That until such time as this Agreement is registered on the title to the Land, the Owner shall ensure that successors in title will give effect to this Agreement, and do all acts and sign all documents which will require those successors to give effect to this Agreement, including executing a deed agreeing to be bound by the terms of this Agreement.
- (e) The Owner agrees to indemnify and keep indemnified the Responsible Authority from and against all costs, expenses, losses or damages that they may sustain, incur, suffer or become liable for or in respect of any suit, action, proceeding, judgement or claim brought by any person arising from or referable to this Agreement and/or any non-compliance with this Agreement.
- (f) The Owner agrees to allow the Responsible Authority to enter the Land at any reasonable time to assess compliance with this Agreement.

4.3 Owner's Warranties and Acknowledgements

The Owner warrants that:

- (a) it is the registered proprietor (or entitled to be so) of the Land;
- (b) there are no mortgages, liens, charges or other encumbrances affecting the Land which are not disclosed by the usual searches; and
- (c) if the Land is affected by a mortgage, the Mortgagee of the Land consents to the Owner entering into this Agreement and the Agreement being registered on the title to the Land.

The Owner acknowledges that any obligations imposed on the Owner under this Agreement take effect as separate and several covenants which are annexed to the land and run at law and in equity with the Land and every part thereof and bind the Owner, its successors, assigns and transferees, and the registered proprietor for the time being of the whole or any part of the Land.

4.4 Further assurance

The Parties to this Agreement must do or cause to be done all things that are reasonably necessary to give effect to this Agreement.

This document has been copied and made available for the planning process as annexed to the Planning and Environment Act 1987. The information must not be used for any other purpose.

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5. General

5.1 Default

If the Owner defaults or fails to perform any of its obligations under this Agreement the Responsible Authority may, as the case may be, without prejudice to any other remedies, rectify and remedy such default and the costs of doing so shall be borne by the Owner. The Owner hereby consents to the Responsible Authority registering a caveat on the title to the Land in respect of any such costs, and acknowledges that any such costs shall be capable of being recovered by the Responsible Authority in any court of competent jurisdiction as a civil debt recoverable.

5.2 No waiver

Any time or other indulgence granted by the Responsible Authority to the Owner or any variation of the terms and conditions of this Agreement or any judgement or order obtained by the Responsible Authority against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Responsible Authority in relation to the terms of the Agreement.

5.3 No Fettering of Powers of Responsible Authority

The Owner expressly acknowledges and agrees that nothing in this Agreement nor the performance by the Owner or any of its obligations under this Agreement does or will restrain, limit, or otherwise fetter the exercise by the Responsible Authority of the powers, duties and discretions that the Responsible Authority has or may have (as planning authority, responsible authority or otherwise) under the Act or under the Planning Scheme to consider, approve, amend or to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification relating to any use or development, or in relation to the commencement or initiation of any enforcement action or proceeding whatsoever.

5.4 Entire Agreement

The Agreement constitutes the entire agreement between the Parties in connection with its subject matter and supersedes all previous agreements or understandings between the Parties in connection with its subject matter.

5.5 Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it shall be severed and the other provisions of this Agreement shall remain operative and be of full force and effect.

5.6 Disputes

- (a) If there is a dispute between the parties concerning the interpretation or implementation of this Agreement, that dispute must be referred to the Tribunal for resolution to the extent permitted by the Act.
- (b) If there is a dispute concerning any matter which is not referable to the Tribunal under the Act, that dispute must be referred for arbitration by an Arbitrator agreed upon in writing by the parties, or, in the absence of such agreement the Chair of the Victorian Chapter of the Institute of Arbitrators Australia or his or her nominee, for arbitration.
- (c) The parties shall each be entitled to legal representation for the purposes of any proceedings or arbitration referred to clause 5.6(a) or 5.6(b) of this Agreement unless each Party must bear its own costs.

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EXECUTED as an agreement under Division 2 of Part 9 of the Act and as a Deed between the parties

For the Responsible Authority:

SIGNED, SEALED AND DELIVERED)
by and on behalf of **Baw Baw Shire**)
Council by Director)
Planning and Development, pursuant to)
the Instrument of Delegation dated 11th)
October 2023 in the presence of:)

Witness Signature

Witness Name

SIGNED, SEALED and DELIVERED by

by

Name of Director

13/05/24

Date

AXIS 0594E

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Department of Environment, Land, Water & Planning

Advertised

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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Status	Registered	Dealing Number	AY757532M
Date and Time Lodged	06/01/2025 12:16:09 PM		

Lodger Details

Lodger Code	19510T
Name	SJD LAW
Address	
Lodger Box	
Phone	
Email	
Reference	C10611 Weebar Road S

APPLICATION TO RECORD AN INSTRUMENT

Jurisdiction VICTORIA

Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Estate and/or Interest

FEE SIMPLE

Land Title Reference

12322/437
12322/438
12322/439

Instrument and/or legislation

RECORD - AGREEMENT - SECTION 173
Planning & Environment Act - section 173

Applicant(s)

Name	BAW BAW SHIRE COUNCIL
Address	
Street Number	1
Street Name	CIVIC
Street Type	PLACE
Locality	WARRAGUL
State	VIC

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Department of Environment, Land, Water & Planning

Advertised

Electronic Instrument Statement

Postcode

3820

Additional Details

Refer Image Instrument

The applicant requests the recording of this Instrument in the Register.

Execution

1. The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

Executed on behalf of

Signer Name

Signer Organisation

Signer Role

Execution Date

File Notes:

NIL

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

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Agreement under section 173 of the Planning and Environment Act 1987

Between:

BAW BAW SHIRE COUNCIL

and

and

39 WEEBAR ROAD PTY LTD

in relation to

**Land at 33, 35 & 37 Weebar Road, Drouin
VIC 3818**

sjdlaw

PROPERTY • COMMERCIAL • LITIGATION • ESTATE PLANNING

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Information table

Date of Agreement:

Parties:

Name Baw Baw Shire Council
 Short form name Responsible Authority
 Notice details 1 Civic Place, Warragul VIC 3820

Name
 Short form name
 Notice details

Name
 Short form name
 Notice details

Background:

- A The Responsible Authority is the responsible authority for the administration and enforcement of the Planning Scheme pursuant to the Act.
- B The Land is subject to the Permit.
- C The Owner is the registered proprietor or is entitled to be registered as the proprietor of the Land.
- D The Responsible Authority on 27 February 2024 issued the Permit.
- E Gippsland Water is a referral authority responsible under the terms of the Water Act 1989 for the regulation of reticulated water and reticulated sewerage services including for the development under the Permit.
- F The Responsible Authority, the Owner and Gippsland Water have agreed that, without restricting or limiting their respective power to enter into this Agreement, and insofar as it can be treated, this Agreement is an agreement entered into pursuant to section 173 of the Act for the purpose of satisfying Condition Number 22 of the Permit.
- G The parties have entered into this Agreement in order to ~~achieve or advance the objectives of planning in Victoria or the objectives of the Planning Scheme.~~

Agreed terms

1. Defined terms and interpretation

1.1 Defined terms

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In this Agreement:

“**Act**” means the *Planning and Environment Act 1987* (Vic).

“**Agreement**” means this Agreement and any agreement executed by the parties varying or expressed to be supplemental to this Agreement.

“**Endorsed Plans**” means the plan or plans approved by the Responsible Authority pursuant to the Permit, as amended from time to time.

“**Gippsland Water**” means Central Gippsland Region Water Corporation.

“**Land**” means the land situate at 33, 35 & 37 Weebar Road, Drouin VIC 3818 and being the land comprised in Certificate of Title Vol 12322 Fol 437 also known as Lot 1 PS806753F Drouin West Parish, Vol 12322 Fol 438 also known as Lot 2 PS806753F Drouin West Parish, and Vol 12322 Fol 439 also known as Lot 3 PS806753F Drouin West Parish.

Any reference to the Land in this Agreement will include a reference to any lot created by the subdivision of the Land or any part of it.

“**Mortgagee**” means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Land or any part of it.

“**Notice**” means any notice, demand, consent, approval or communication under this Agreement.

“**Owner**” means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Land or any part of it, and includes a Mortgagee-in-possession.

“**Party**” or “**Parties**” means the Owner and the Responsible Authority and Gippsland Water.

“**Permit**” means planning permit number PLA0027/23 as amended from time to time, issued to the Owner on 27 February 2024 by the Responsible Authority.

“**Planning Scheme**” means the Baw Baw Planning Scheme.

“**Responsible Authority**” means the Baw Baw Shire Council as the Responsible Authority for the Planning Scheme and any subsequent person or body which is the Responsible Authority for the Planning Scheme.

“**Tribunal**” means the Victorian Civil and Administrative Tribunal, and any Tribunal or other person or body which supersedes it.

“**Water Act**” means the *Water Act 1989* (Vic).

1.2 Interpretation

In this Agreement, except where the context otherwise requires:

- (a) The singular includes the plural and vice versa.
- (b) A reference to a gender includes a reference to each other gender.

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- (c) A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- (d) If a Party consists of more than one person this Agreement binds them jointly and each of them severally.
- (e) A reference to an Act, regulation or the Planning Scheme includes any Acts, regulations or amendments amending, consolidating or replacing the Act, regulation or Planning Scheme.
- (f) A reference to an information table, a clause, paragraph, schedule or annexure is to the information table, a clause or paragraph of, or schedule or annexure to, this Agreement, and a reference to this Agreement includes the information table and any schedule or annexure.
- (g) A reference to a document or instrument includes the document or instrument as novated, altered, supplemented or replaced from time to time.
- (h) A rule of construction does not apply to the disadvantage of a Party because the Party was responsible for the preparation of this Agreement or any part of it.
- (i) A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the same meaning as defined in the Act.

1.3 Headings

Headings are for ease of reference only and do not affect interpretation.

1.4 Agreement Required

The Parties agree that this Agreement will continue to be required until Gippsland Water has confirmed in writing that it is no longer required.

2. Section 173 Agreement

2.1 Purpose

This Agreement is made under section 173 of the Act. In entering into the Agreement, the parties intend to give effect to the Permit and achieve or advance the objectives of planning in Victoria and the objectives of the Planning Scheme.

2.2 Burden of covenants

The parties to this Agreement intend that the burden of the Owner's covenants run with the Land.

3. Commencement

This Agreement comes into force on the date of this Agreement.

4. Owner's Covenants

4.1 Obligations

The Owner covenants with the Responsible Authority that:

- (a) Prior to an Occupancy Permit being issued for a dwelling on the Lot, the Owner shall prepare, at its own cost, a detailed plan for the design and installation of a temporary pumped discharge. Such plan shall be to Gippsland Water's satisfaction.

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- (b) The cost of installing, repairing, cleaning, removing, renewing, altering, or maintaining the temporary pumped discharge shall be the sole responsibility of the Owner.
- (c) The Owner shall be solely responsible for and indemnify Gippsland Water for any injury, loss or damage which may arise directly or indirectly or be occasioned to any person by reason of or incidental to the Owner operating the temporary pumped discharge or the carrying out of any construction, maintenance or repair works to the temporary pumped discharge. The Owner will indemnify Gippsland Water against any and all responsibility or liability for any damage or injury to any other person or property howsoever caused.
- (d) When gravity sewerage becomes available, and when requested to do so by Gippsland Water, the Owner shall, at its own cost, and within 3 months of Gippsland Water's request, prepare a detailed plan for the transition of the Lot from the temporary pumped discharge to gravity sewer. Such plan shall be to Gippsland Water's satisfaction.
- (e) When gravity sewerage becomes available, and when requested to do so by Gippsland Water, the Owner shall, at its own cost, and within 3 months of Gippsland Water's request, prepare a detailed plan for the remediation and removal of the temporary pumped discharge to gravity sewer. Such plan shall be to Gippsland Water's satisfaction.
- (f) When gravity sewerage becomes available, Gippsland Water will require the Owner, at their own cost and expense, to connect from the front of the Lot to the nearest existing Gippsland Water gravity sewer and realign their existing internal plumbing to the new point. The Owner agrees that when requested by Gippsland Water, the Owner will immediately carry out all necessary works to connect to the said Gippsland Water sewer, including engaging a Gippsland Water accredited pipelayer to install a property connection branch to allow connection.
- (g) Once the Lot is connected to gravity sewer at the front of the Lot, Gippsland Water will require the Owner, at their own cost and expense, to cap the existing sewer connection point at the main. This will need to be completed by a Gippsland Water accredited pipe layer and in accordance with Gippsland Water's termination policy.
- (h) The Owner will allow Gippsland Water, its officers, servants, agents, workmen, or contractors at any time (after such notice as is in the circumstances may be reasonable) to enter upon the said Lot to inspect the temporary pumped discharge as Gippsland Water may deem necessary.

4.2 Further Obligations

The Owner further covenants that:

- (a) The Owner will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part of it without first disclosing to its successors the existence and nature of this Agreement.
- (b) The Owner will do all that is necessary to enable the Responsible Authority to make an application to the Registrar of Titles to make a recording of this Agreement on the title to the Land in accordance with Section 181 of the Act, including the signing of any further agreement, acknowledgement or other document. Upon recording of this Agreement on the titles to the Land, a copy of the titles must be provided to Gippsland Water.

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- (c) The Owner shall immediately on demand pay the reasonable legal costs and fees incurred and incidental to the preparation and execution of this Agreement and the registration of this Agreement pursuant to Section 181 of the Act, together with all costs of enforcing this Agreement if deemed necessary by the Responsible Authority, as the case may be. The Owner agrees that any such costs are and remain a charge on the Land until paid, and consents to the Responsible Authority, as the case may be, registering a caveat on the title to the Land in respect of any such costs and acknowledges that any such costs shall be capable of being recovered by the Responsible Authority, as the case may be, in any court of competent jurisdiction as a civil debt recoverable.
- (d) That until such time as this Agreement is registered on the title to the Land, the Owner shall ensure that successors in title will give effect to this Agreement, and do all acts and sign all documents which will require those successors to give effect to this Agreement, including executing a deed agreeing to be bound by the terms of this Agreement.
- (e) The Owner agrees to indemnify and keep indemnified the Responsible Authority and Gippsland Water from and against all costs, expenses, losses or damages that they may sustain, incur, suffer or become liable for or in respect of any suit, action, proceeding, judgement or claim brought by any person arising from or referable to this Agreement and/or any non-compliance with this Agreement.
- (f) The Owner agrees to allow the Responsible Authority and Gippsland Water to enter the Land at any reasonable time to assess compliance with this Agreement.

4.3 Owner's Warranties and Acknowledgements

The Owner warrants that:

- (a) it is the registered proprietor (or entitled to be so) of the Land;
- (b) there are no mortgages, liens, charges or other encumbrances affecting the Land which are not disclosed by the usual searches; and
- (c) if the Land is affected by a mortgage, the Mortgagee of the Land consents to the Owner entering into this Agreement and the Agreement being registered on the title to the Land.

The Owner acknowledges that any obligations imposed on the Owner under this Agreement take effect as separate and several covenants which are annexed to the Land and run at law and in equity with the Land and every part thereof and bind the Owner, its successors, assigns and transferees, and the registered proprietor for the time being of the whole or any part of the Land.

4.4 Further assurance

The Parties to this Agreement must do or cause to be done all things that are reasonably necessary to give effect to this Agreement.

5. General

5.1 Default

If the Owner defaults or fails to perform any of its obligations under this Agreement the Responsible Authority or Gippsland Water may, as the case may be, without prejudice to any other remedies, rectify and remedy such default and the costs of doing so shall be borne by the Owner. The Owner hereby consents to the Responsible Authority or Gippsland Water registering a caveat on the title to the Land in respect of any such costs,

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and acknowledges that any such costs shall be capable of being recovered by the Responsible Authority in any court of competent jurisdiction as a civil debt recoverable.

5.2 No waiver

Any time or other indulgence granted by the Responsible Authority or Gippsland Water to the Owner or any variation of the terms and conditions of this Agreement or any judgement or order obtained by the Responsible Authority or Gippsland Water against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Responsible Authority or Gippsland Water in relation to the terms of the Agreement.

5.3 No Fettering of Powers of Responsible Authority

The Owner expressly acknowledges and agrees that nothing in this Agreement nor the performance by the Owner or any of its obligations under this Agreement does or will restrain, limit, or otherwise fetter the exercise by the Responsible Authority or Gippsland Water of the powers, duties and discretions that the Responsible Authority or Gippsland Water has or may have (as planning authority, responsible authority, referral authority or otherwise) under the Act or under the Planning Scheme to consider, approve, amend or to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification relating to any use or development, or in relation to the commencement or initiation of any enforcement action or proceeding whatsoever.

5.4 Entire Agreement

The Agreement constitutes the entire agreement between the Parties in connection with its subject matter and supersedes all previous agreements or understandings between the Parties in connection with its subject matter.

5.5 Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it shall be severed and the other provisions of this Agreement shall remain operative and be of full force and effect.

5.6 Disputes

- (a) If there is a dispute between the parties concerning the interpretation or implementation of this Agreement, that dispute must be referred to the Tribunal for resolution to the extent permitted by the Act.
- (b) If there is a dispute concerning any matter which is not referable to the Tribunal under the Act, that dispute must be referred for arbitration by an Arbitrator agreed upon in writing by the parties, or, in the absence of such agreement the Chair of the Victorian Chapter of the Institute of Arbitrators Australia or his or her nominee, for arbitration.
- (c) The parties shall each be entitled to legal representation for the purposes of any proceedings or arbitration referred to clause 5.6(a) or 5.6(b) of this Agreement unless the Tribunal or arbitrator otherwise directs, and each Party must bear its own costs.

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EXECUTED as an agreement under Division 2 of Part 9 of the Act and as a Deed between the parties

SIGNED, SEALED AND DELIVERED)
by and on behalf of **Baw Baw Shire**)
Council by Director)
Planning and Development, pursuant)
to the Instrument of Delegation dated 4)
December 2024 in the presence of:)

Signature of Director

Witness Name

SIGNED, SEALED AND DELIVERED)
by an Authorised Officer on behalf of)
CENTRAL GIPPSLAND REGION)
WATER CORPORATION in the)
presence of:)

Signature of Authorised Officer
02/01/2025

Witness Signature

Anthony Faltum 02/01/2025

Witness Name

EXECUTED by **ACN 621 613 796**
pursuant to section 127(1) of the *Corporations Act 2001* by being
signed by the authorised persons:

Signature of Director

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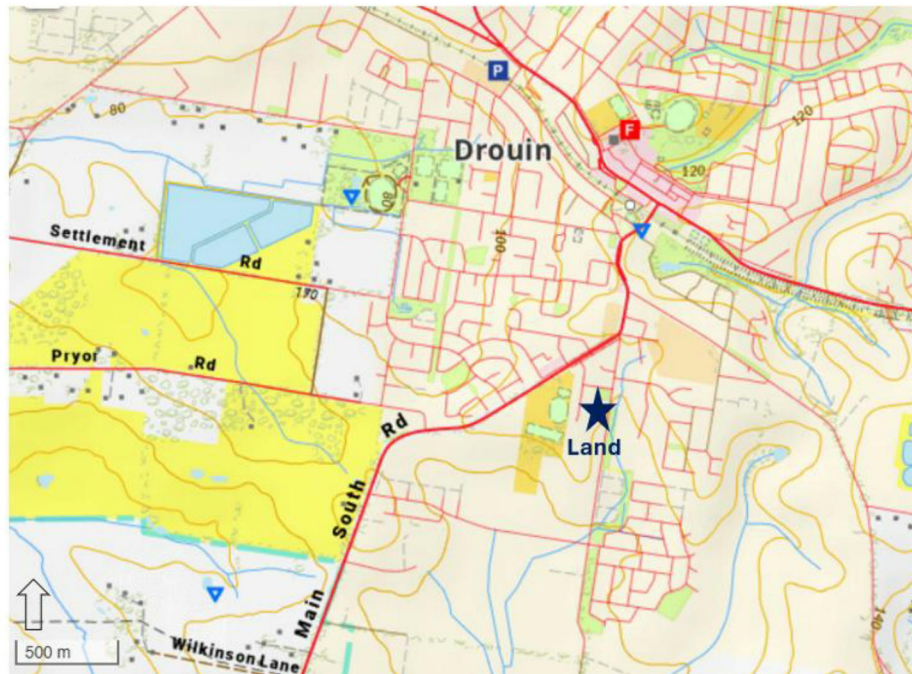
19/12/24

**Supporting submission
Planning permit application for a Childcare Centre.
33-37 Weebar Road Drouin
November 2025**

_____ has been engaged by _____ to prepare a planning permit application for the use and development of the land at 33-37 Weebar Road Drouin for the purpose of a childcare centre.

1. Land and locality

The land is located on the west side of Weebar Road approximately 300m south of Main South Road. The land comprises 3 lots being 33-37 Weebar Road with a frontage of 91.68m to Weebar Road and an area of 7043sqm. The location of the land and the land is shown on the locality plan and aerial photograph below:



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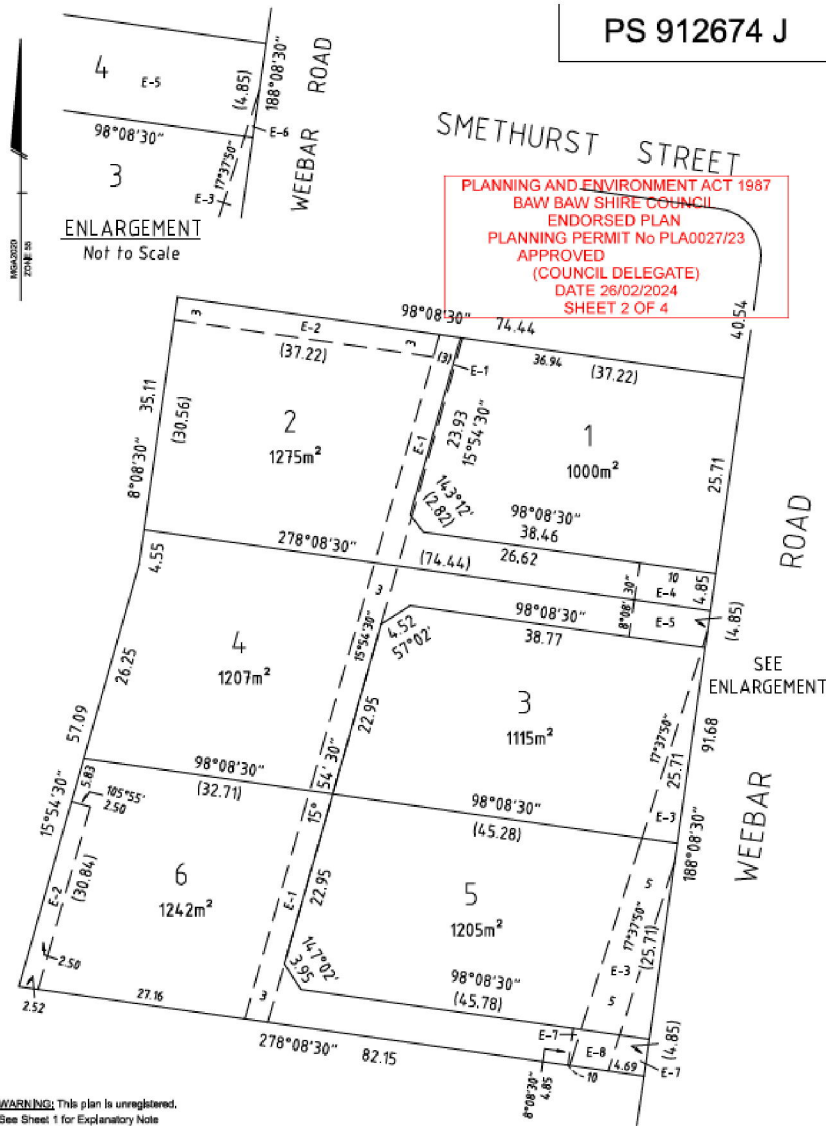
The land is currently vacant. A benched area has been created on the western section of the existing lots with retaining walls associated with a site cut along the western boundary. The land falls with a moderately steep slope towards Weebar Road to the east of the benched area. Weebar Road is an urban street with a sealed pavement and kerb and channel with a footpath along the eastern side of the street.

Planning permit PLA0027/23 has been issued for the subdivision of the land into 6 lots as shown on the plan below. The subdivision has not been completed and titles issued.

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The adjoining land to the north comprises an existing local park on the corner of Weebar Road and Smethurst Street. To the west are multi dwelling developments in McKindlay Street. To the south is a residential property which was created by the subdivision which created the lots at 33 – 37 Weebar Road. A dwelling is located in the north west corner of the lot. To the east are low density residential lots and a drainage reserve along Weebar Road.

The land is contained in Certificates of Title as set out in the table below, a copy of which has been submitted with the application.

Address	Lot details	Title details
33 Weebar Road	Lot 1 PS806753F	Vol 12322 Fol 437
35 Weebar Road	Lot 2 PS806753F	Vol 12322 Fol 438
37 Weebar Road	Lot 3 PS806753F	Vol 12322 Fol 439

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Each lot is affected by the following restrictive covenants and agreements under Section 173 of the Planning and Environment Act:

Encumbrance	Date	Details
Covenant PS806753F	3 Aug 2021	Building envelopes on the lots for Gippsland Water.
Agreement AX990694P	13 May 2024	On site stormwater detention and treatment system.
Agreement AY757532M	6 Jan 2025	Agreement with Gippsland water for a temporary sewerage pumping station.

The application is not in breach of the restrictive covenant and can comply with any requirements of the Section 173 agreements. Planning permit PLA0027/23 authorised the removal of the restrictive covenant with the agreement of Gippsland Water.

The stormwater management plan for the site is consistent with the stormwater management plan for the approved 6 lot subdivision. Drainage has been provided in Weebar Road with a 375mm diameter pipe with connection from the site to the existing drain. Stormwater detention can be provided on site as provided for in the 6 lot subdivision and as required by Agreement AX990694P.

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2. Proposal

The application proposes the use and development of the land for a childcare centre for 124 children. The childcare centre will operate from 6am to 6pm Monday to Friday and employ 23 staff.

The childcare centre is located on the eastern part of the land in proximity to Weebar Road. Allowance is made for future residential lots to the west of the childcare centre on the benched part of the allotment with access via a looping common property driveway around the childcare centre. The driveway is proposed to be constructed prior to or concurrently with the childcare centre.

The building is setback a minimum of 18.77m from Weebar Road and has a floor area (including verandahs) of 963sqm. Outdoor play areas are provided to the north, east and south of the building. The building is single storey with a pitched colourbond roof with a maximum height of 6.715m to the roof pitch. The building walls will comprise hebel blocks and weatherboard white in colour. The roof will be monument in colour.

27 carparking spaces will be provided on site to the north and east of the building. Access to the carpark will be provided from a two way crossover at the north east corner of the land. The carpark will allow for staff parking as well as the drop off / pick up of children. A waste bin area is provided at the western end of the northern carpark.

Significant earthworks are required to accommodate the childcare centre. A cut with a maximum depth of 4m is required to create a level pad for the building. The building is largely located at or below natural ground level. Fill is proposed to the east of the building to accommodate level areas for play spaces and carparking varying from no fill at the northern end to fill with a depth of 3.57m above natural ground level at the southern end. Tiered retaining walls are proposed to reduce the height of individual retaining walls to a maximum of 1.2m and allow for a landscaping treatment.

A resubdivision will be required to create the site for the childcare centre and a balance lot/s for the residential land to the west with access via the common property driveway. The subdivision does not form part of the current application, although the common driveway forms part of the childcare centre application.

An acoustic fence will be provided to the north, west and south to mitigate any amenity impacts associated with noise. Any music played on site would low level music in individual childcare rooms so as not to impact other rooms in the centre or persons beyond the site.

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3. Planning Provisions

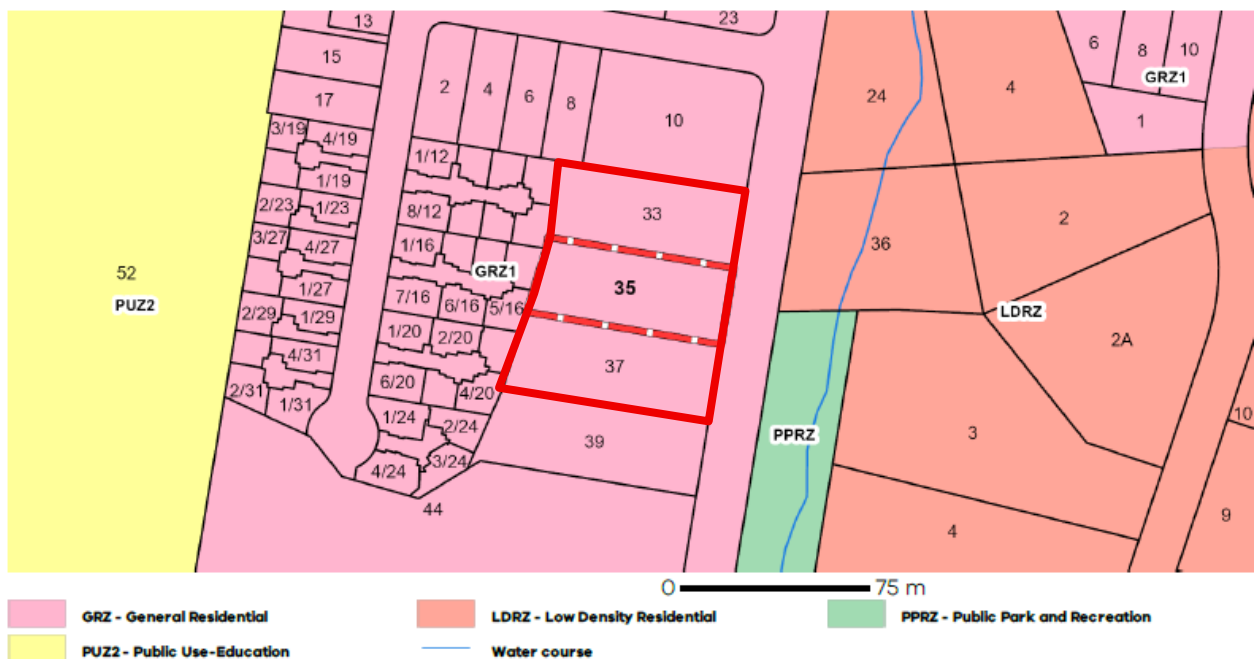
3.1 Planning Policy

The following planning policy provisions are relevant to the planning permit application:

- 02.03-1 Settlement and housing
- 11.01-1L-01 Growth in Baw Baw
- 11.01-1L-02 Main towns
- 11.02-2S Structure planning
- 13.02-1S Bushfire planning
- 13.05-1S Noise management
- 15.01-1S Urban design
- 19.02-2S Education facilities

3.2 Zone Provisions

The land is in a General Residential Zone Schedule 1 under the Baw Baw Planning Scheme as shown on the plan below:



The purpose of the General Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework
- To encourage development that is responsive to the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

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A planning permit is required to use the land for a childcare centre under Clause 32.08-2 of the General Residential Zone (Section 2 use). A planning permit is also required to construct a building or to construct or carry out works for a Section 2 use under Clause 32.08-10 of the General Residential Zone.

Decision guidelines are set out in Clause 32.08-14 of the General Residential Zone. Relevant decision guidelines include:

General

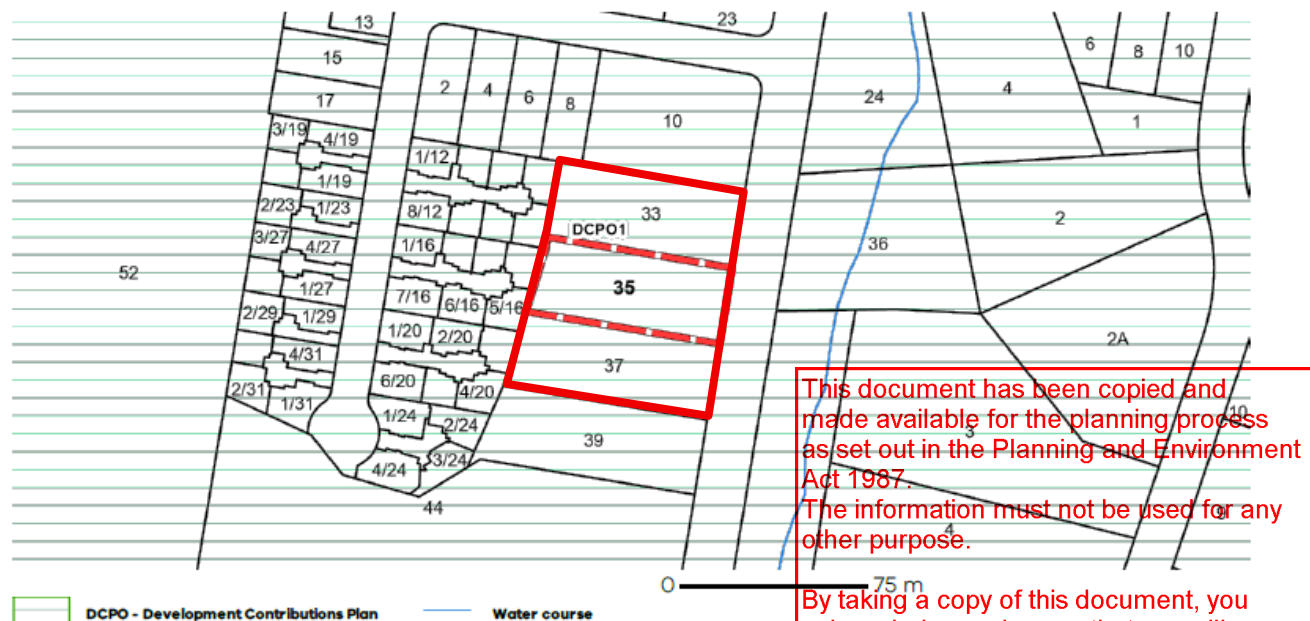
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

3.3 Overlay Provisions

The land is included in a Development Contributions Plan Overlay (Schedule 1) under the Baw Baw Planning Scheme as shown on the plan below:



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The purpose of the Development Contributions Plan Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

The Baw Baw Shire Development Contributions Plan applies to the land under the overlay and a contribution is required for commercial development based on the floor area of the development. The land is also included in a Specific Controls Overlay Schedule 5 under the Cardinia Planning Scheme as shown on the plan below:

3.5 Particular Provisions

The car parking provisions in the Baw Baw Planning Scheme are set out in Clause 52.06. The purpose of the provisions is to:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

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4 Consideration of proposal

The application has been considered in the context of the decision guidelines within the General Residential Zone given the permit triggers.

Planning Policy

Planning policy at Clause 11.01-1L-01 and Clause 11.01-1L-02 recognises Drouin as a main town within the Baw Baw Shire with a high level of growth. With growth there is a need to provide for commercial and community facilities to service the community. The Drouin Precinct Structure Plan identifies growth areas to the south with Weebar Road acting as a connector street to the Drouin Town Centre including as a potential bus route. The childcare centre is well sited to service a large catchment to the south of the Drouin Town Centre including new growth areas.

From an urban design perspective, the childcare centre design of reflective of the form of development within the surrounding area being single storey with a pitched roof. The building is located on a pad which is cut into the site so that the building is not obtrusive in the landscape.

Having regard to the Drouin Precinct Structure Plan, the site allows for the opportunity for access via public transport, cycling and walking. A footpath is provided on the east side of Weebar Road with a separated internal footpath from Weebar Road to minimise conflict with carpark traffic This approach is also consistent with state planning policy on education facilities at Clause 19.02-2S.

While the land is located within a bushfire prone area under the Building Regulations 2018, the land is a low risk location under state planning policy given the existing surrounding residential development which would mitigate any bushfire risk.

In terms of noise management, a childcare centre is defined as a sensitive use under state policy which is to be protected from noise impacts. The noise impacts associated with a childcare centre are minimal recognising that it is a compatible use within a residential zone which is confirmed by the acoustic report prepared by Renzo Tonin and Associates.

Purpose of this zone

The General Residential Zone includes purposes:

- To encourage development that is responsive to the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.

A childcare centre is considered to be an appropriate use providing a commercial / community service to the local community. The childcare centre design of reflective of the character of development within the surrounding area being single storey building with a pitched roof.

Objectives set out in a schedule to this zone

There are no objectives set out in the schedule to the zone.

Decision guidelines specified in a schedule to this zone.

There are no decision guidelines in the schedule to the zone.

The impact of overshadowing on existing rooftop solar energy systems

The proposed childcare centre will not overshadow any adjoining or nearby dwellings.

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Whether the use or development is compatible with residential use

It has been commonly accepted including at VCAT that a childcare centre use is a compatible use within a residential area.

Whether the use generally serves local community needs

The childcare centre is well located to service a large catchment to the south of the Drouin Town Centre including new growth areas to the south.

The scale and intensity of the use and development

The proposed childcare centre building is of a residential type form which occupies the area which would have been the front 3 lots of the 6 lot subdivision approved by Council. Potentially the development of these 3 lots with potentially large and/or double storey dwellings would have a greater scale of development on the site than the childcare building. The site coverage (building) is 29%, far less than allowed for as part of residential development on the site.

The design, height, setback and appearance of the proposed buildings and works

As indicated, the proposed childcare centre building is of a residential type form which is compatible with surrounding residential area. The building is setback 18.7m from Weebar Road and is well separated from nearby dwellings. To the north, the site adjoins an existing local park with a setback of approximately 25m to the building, 8m to the carpark and 0.5m to the common driveway to the future rear lots. To the west, the dwellings in McKindlay Steet are setback a minimum of 30m from the childcare centre site including future residential development between the dwellings and childcare site. To the south, the dwelling at 39 Weebar Road is located at the western end of the lot adjoining the future residential development rather than the childcare centre directly. The dwelling is setback 3m from the land and the childcare centre building is setback 9.5m from the boundary with 39m Weebar Road. To the east the childcare centre adjoins a dwelling at 36 Weebar Road and a drainage reserve to the east of Weebar Road. The dwelling at 36 Weebar Road is setback 17m from Weebar Road and is well separated from the childcare centre.

The childcare centre building will be sited on a pad cut into the site with the pad at or below natural ground level. The childcare centre building has a maximum height of 6.715m to the pitch of the roof. There will be minimal views of the building from the west and dwelling at 39 Weebar Road other than the roof due to the cut and colourbond fence on the boundary of the childcare site. While there will be significant cut and fill, the retaining walls are tiered to minimise the height of individual retaining walls and allow for a landscape treatment. The batter facing Weebar Road particularly at the southern end of the site will be landscaped presenting an attractive interface with Weebar Road.

The building will have hebel block and weatherboard walls in a white colour. The roof will be colourbond in a monument colour. The colour scheme is consistent with colours associated with dwellings within the surrounding residential area.

The proposed landscaping

Landscape plan has been prepared for the childcare centre site as set out in the Planning and Environment Act 1987. The landscape plan provides for:

- Intensive planting along Weebar Road particularly on the southern section of the site. Consideration is given to two existing large trees within the Weebar Road nature strip.
- Planting in and around the carpark.
- Planting along the rear retaining wall tiers.

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The landscaping plan provides an appropriate landscape treatment response for the childcare centre.

The provision of car and bicycle parking and associated accessways

A Traffic Impact Assessment has been prepared for the childcare centre proposal by One Mile Grid Consultants. The assessment concludes:

- The car parking layouts and accesses have been designed generally in accordance with the Planning Scheme requirements and/or Australian Standards and are considered appropriate.
- The proposed provision of car parking meets the statutory requirements generated by the development, therefore is considered acceptable.

Clause 52.34 of the Baw Baw Planning Scheme does not require the provision of bicycle facilities for a childcare centre.

Any proposed loading and refuse collection facilities

A Waste Management Plan has been prepared for the childcare centre proposal by One Mile Grid Consultants. The plan provides weekly waste collection by a private waste contractor with the following bins provided to meet the waste generation needs of the childcare centre:

- Garbage = 2 x 1100 litre bins.
- Organics = 3 x 240 litre bins.
- Comingled recycling = 3 x 1100 litre bins.
- Glass recycling = 1 x 240 litre bin.

The bins will be stored in a bin storage area at the western end of the northern carpark which will be accessible by a waste collection vehicle.

The safety, efficiency and amenity effects of traffic to be generated by the proposal

A Traffic Impact Assessment has been prepared for the childcare centre proposal by One Mile Grid Consultants. The assessment concludes the anticipated traffic volumes generated by the development are not expected to have a significant impact on the operation of Weebar Road or the surrounding road network.

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5 Conclusion

The application proposes a childcare centre at 33-37 Weebar Road Drouin. The childcare centre responds to the needs for community and commercial services within the growing Drouin community. The design of the childcare centre including the building is responsive to the surrounding character and is well separated from surrounding dwellings.

Carparking has been provided in accordance with the provisions of the Baw baw Planning Scheme and the traffic generation is not expected to have a significant impact on the operation of Weebar Road or the surrounding road network.

It is considered that a planning permit should be granted for the proposed dwelling subject to appropriate conditions.

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25 November 2025

Dear

**Re: Planning permit application PLA0168/25
33-37 Weebar Road Drouin**

I refer to Council's letter dated 17 October 2025 requesting further information in relation to the above application for a childcare centre. The following information is provided in response to Council's letter:

1 Planning report

Please find attached an updated planning report addressing the matters outlined in Council's letter. Clause 13.07-1S is not relevant to the application as it deals with commercial and industrial uses with offsite impacts. A childcare centre is not a listed use in the Separation Distance Guideline (Environment Protection Authority, August 2024) which deals with separation distances for odour and dust.

2 Amended survey plan

Please find attached amended plans including an amended survey plan showing all existing easements on site and asset details.

3 Amended site plan

Please find attached amended plans including an amended site plan addressing the matters outlined in Council's letter.

4 Amended Traffic Impact Assessment

Please find attached an updated Traffic Impact Assessment report addressing the matters outlined in Council's letter.

5 Agreement AU129448P

Please be advised that Agreement AU129448P has now been removed from title. Please find attached a recent copy of the titles confirming the same.

6 Acoustic report

Please find attached an Acoustic Report prepared by Renzo Tonin & Associates. The report concludes that with the implementation of the advice set out in the acoustic report, it is expected that the childcare centre can conform with relevant noise criteria, and on that basis, not unreasonably affect residential amenity in the area.

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7 Stormwater Management Plan

Please find attached a letter from Urban Civil in relation to the stormwater management plan and the provisions of Clause 53.18 in the Baw Baw Planning Scheme.

8 Arboricultural Report

Please find attached an arboricultural report prepared by Greenwood Consulting. Two trees on the Weebar Road reserve and the site are required to be removed. The tree on the site (*Pittosporum Undulatum*) is an environmental weed species within the Baw Baw Shire. Replacement street tree planting can be provided along Weebar Road at the front of the site.

One way access

My client wishes to retain the one way access around the childcare centre site as it forms part of the works required for the childcare site. One Mile Grid Traffic Consultants have confirmed as part of their Traffic Impact Assessment that the one way access works appropriately with vehicles giving way to vehicles exiting the childcare site. The creation of an easement is not required as part of the childcare centre application and a subsequent subdivision application will lodged to create the childcare site, common property for the one way access and residential lots to the west.

Design

Please find attached amended plans addressing the matter outlined in Council's letter in relation to pedestrian access from the carpark.

Agreement AY757732M (sic)

Please note the agreement reference number in Council's letter is incorrect. Agreement AY757532M is a requirement of a permit condition in Planning Permit PLA0027/23. The subdivision has not been completed and will not be completed if the childcare centre proceeds. The same principle will apply to the childcare centre with a temporary pumping station until such time as a gravity sewerage service is available.

I trust Council will progress with the consideration of the application.

Regards

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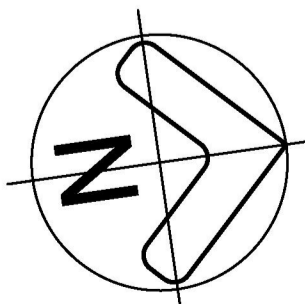
proposed childcare development

No. 33 - 37 Weebar Road Drouin

client

DRAWING SCHEDULE

SHEET	TITLE
01	LOCATION PLAN / SITE CONTEXT
02	SURVEY PLAN
03	DESIGN RESPONSE SITE PLAN
04	SITE PLAN
05	FLOOR PLAN
06	ELEVATIONS
07	SITE SECTIONS
08	SITE ELEVATION



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PROJECT PROPOSED CHILDCARE CENTRE
 CLIENT
 ADDRESS NO. 33 - 37 WEEBAR ROAD
 DROUIN

DRAWING TITLE
 SITE CONTEXT
 LOCATION PLAN

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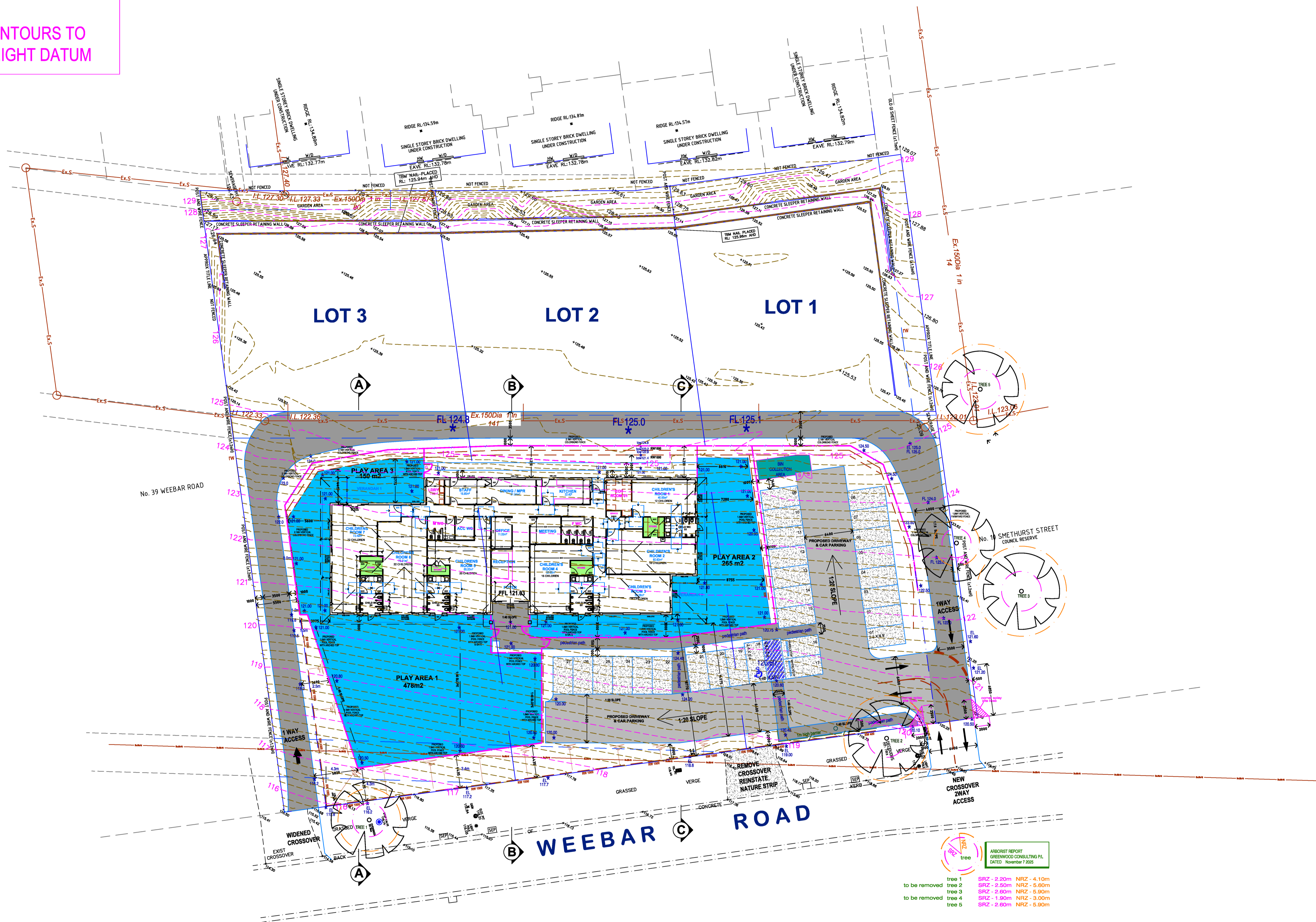
Beaconfield
 Vic 3807
 • ABN: 83 711 332 500
 • phone: 0414 730 997

REVISION	DATE	DESCRIPTION
A	30/08/25	COUNCIL LODGEMENT

DATE: AUGUST 2025
 SCALE: 1 : 250
 REV: -

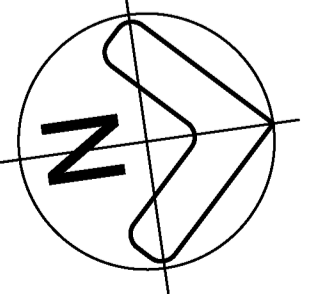
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NOTE:
LEVELS AND CONTOURS TO
AUSTRALIAN HEIGHT DATUM



ARBORIST REPORT
GREENWOOD CONSULTING PL
DATED November 7, 2025

- tree 1 SRZ - 2.20m NRZ - 4.10m
- tree 2 SRZ - 2.50m NRZ - 5.60m
- tree 3 SRZ - 2.60m NRZ - 5.90m
- tree 4 SRZ - 1.90m NRZ - 3.00m
- tree 5 SRZ - 2.60m NRZ - 5.90m



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PROJECT PROPOSED CHILDCARE CENTRE
 CLIENT
 ADDRESS NO. 33 - 37 WEEBAR ROAD
 DROUIN

DRAWING TITLE
 SITE PLAN

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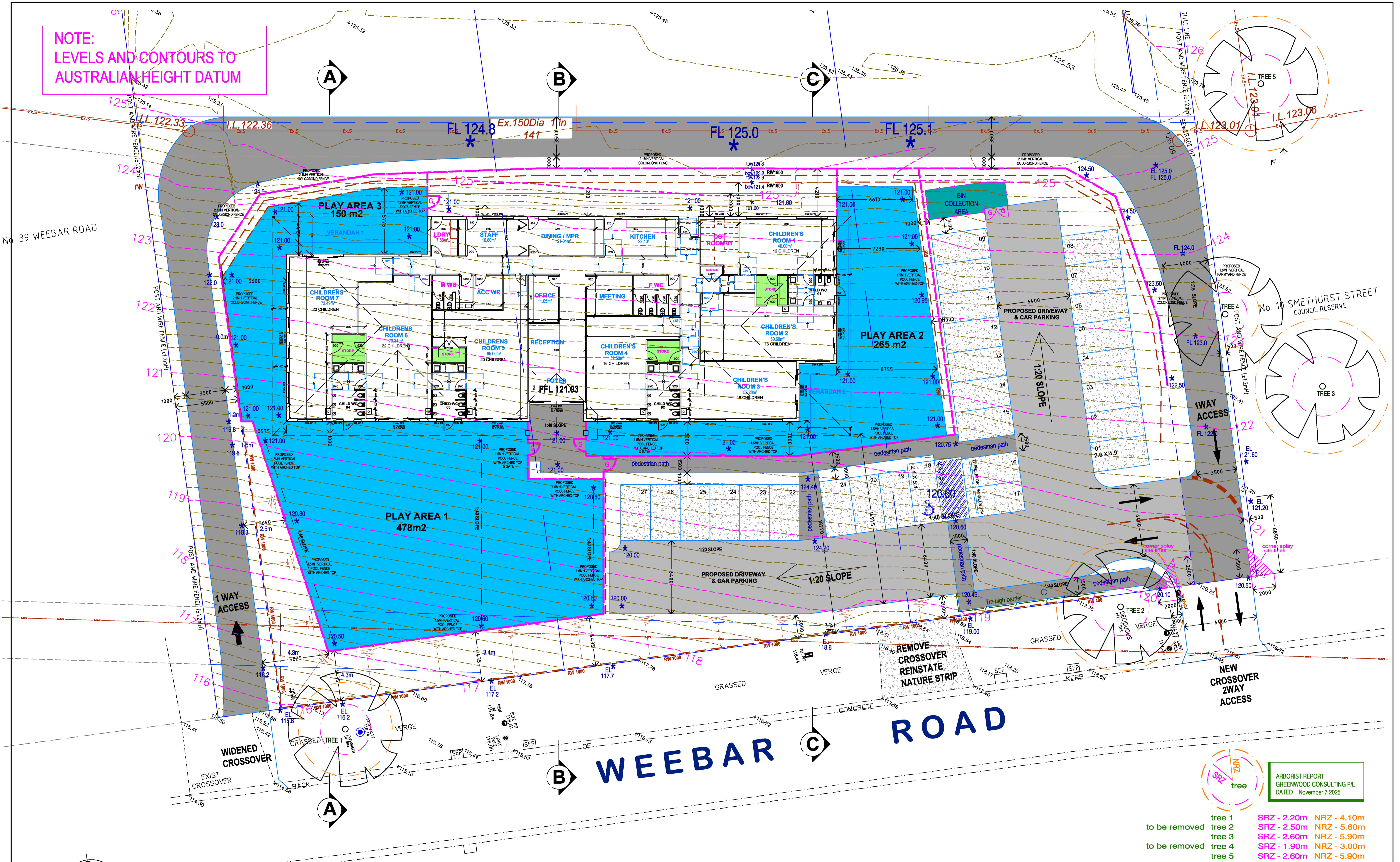
R
Macconfield
 V/c 3807
 • ABN: 83 711 332 500
 • phone: 0414 730 997

REVISION	DATE	DESCRIPTION
A	30/08/25	COUNCIL LOGEMENT

DATE: AUGUST 2025
 SCALE: 1 : 250
 REV: -

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 TP 03
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NOTE:
LEVELS AND CONTOURS TO
AUSTRALIAN HEIGHT DATUM



No. 39 WEEBAR ROAD

WEEBAR ROAD

ARBORIST REPORT
GREENWOOD CONSULTING P/L
DATED November 7 2025

- tree 1 SRZ - 2.20m NRZ - 4.10m
- tree 2 SRZ - 2.50m NRZ - 5.60m
- tree 3 SRZ - 2.60m NRZ - 5.90m
- tree 4 SRZ - 1.90m NRZ - 3.00m
- tree 5 SRZ - 2.60m NRZ - 5.90m

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PROJECT PROPOSED CHILDCARE CENTRE
 CLIENT UP
 ADDRESS NO. 33 - 37 WEEBAR ROAD DROUIN

DRAWING TITLE
 DESIGN RESPONSE

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ABN: 83 711 332 500
 phone: 0414 730 997

REVISION	DATE	DESCRIPTION
A	30/08/25	COUNCIL LOGEMENT

DATE: AUGUST 2025
 SCALE: 1 : 100
 REV: -

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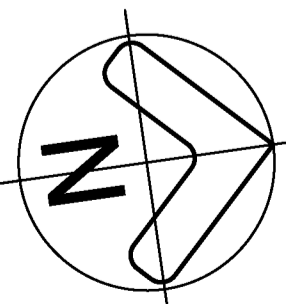
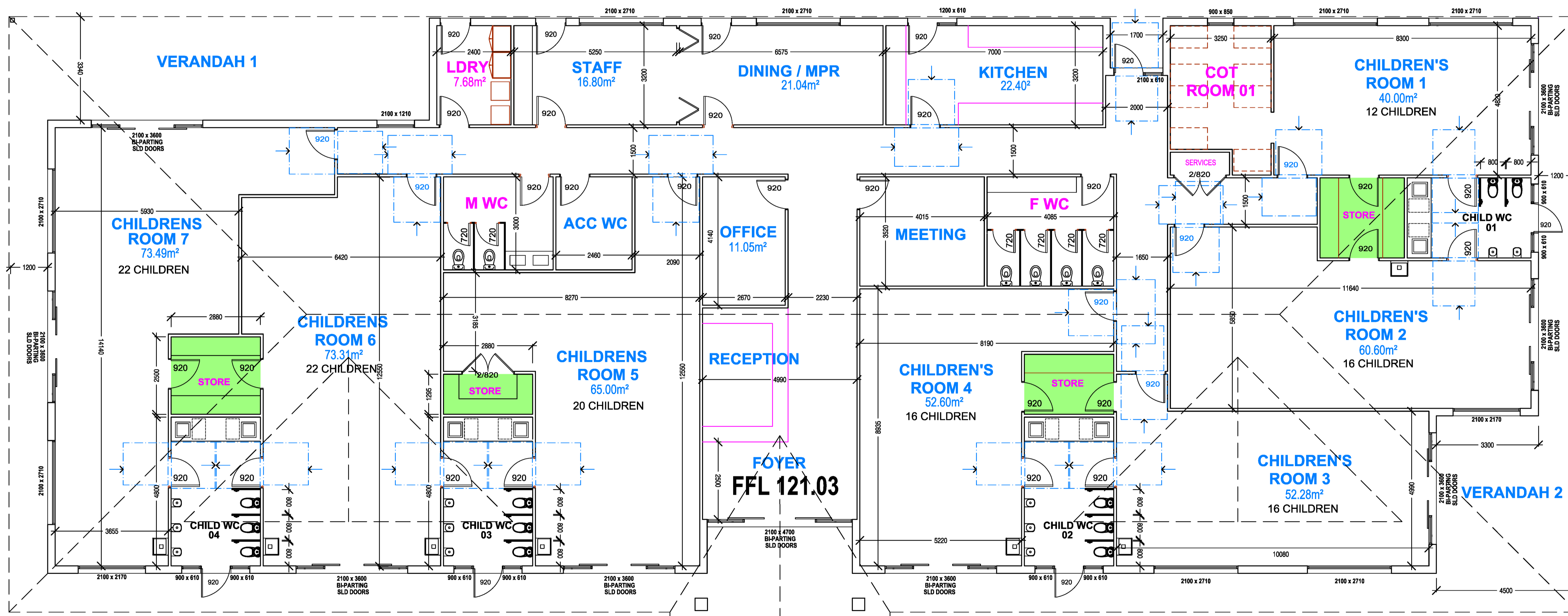
CLASSROOM SCHEDULE			
ROOM TYPE	AREA m2	CHILDREN	UNENCUMBERED SPACE PER CHILD
CLASSROOM 1	40.00m2	12	3.33m2
CLASSROOM 2	60.60m2	16	3.78m2
CLASSROOM 3	52.28m2	16	3.26m2
CLASSROOM 4	52.60m2	16	3.28m2
CLASSROOM 5	65.00m2	20	3.25m2
CLASSROOM 6	73.31m2	22	3.33m2
CLASSROOM 7	73.49m2	22	3.34m2
TOTAL		124	

SITE AREA SCHEDULE	
SITE AREA	3341 m2
BUILDINGS , VERANDAH / EAVES	963 m2
CARPARK , DRIVEWAY	867 m2
PATHS	109 m2
IMPERMEABLE	1939 m2 58 %
PERMEABLE	1402 m2 42 %

CAR PARKING SCHEDULE		
TYPE	SIZE	QUANTITY
DISABLED SPACE	5.4m x 2.4m	1
90° RESCODE	4.9m x 2.6m	26
TOTAL		27

PLAYGROUND SCHEDULE	
ZONE	AREA m2
PLAYGROUND	893 m2

BUILDING AREA ANALYSIS	
BUILDINGS	794 m2
VERANDAH / EAVES	169 m2
TOTAL	963 m2



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PROJECT	PROPOSED CHILDCARE CENTRE
CLIENT	
ADDRESS	NO. 33 - 3/ WEEBAR ROAD DROUIN

DRAWING TITLE	FLOOR PLAN
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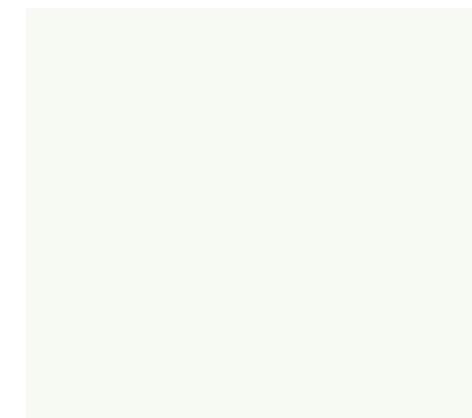
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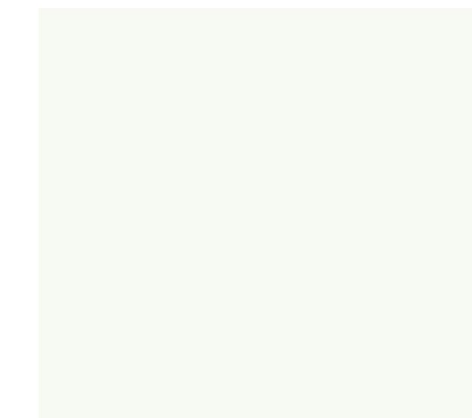
roof sheeting , downpipes
gutter + fascias
colorbond - monument



window frames
colorbond - monument



hebel walls , weatherboard walls
white in color



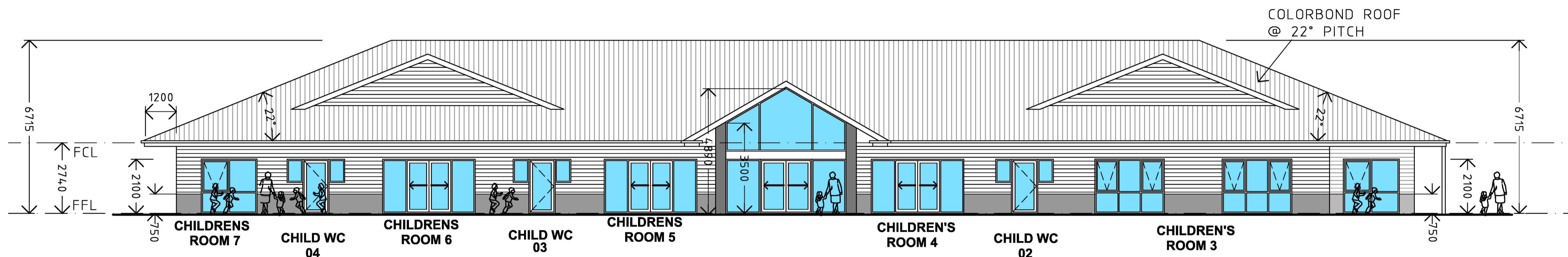
childrens playground fences
white in color



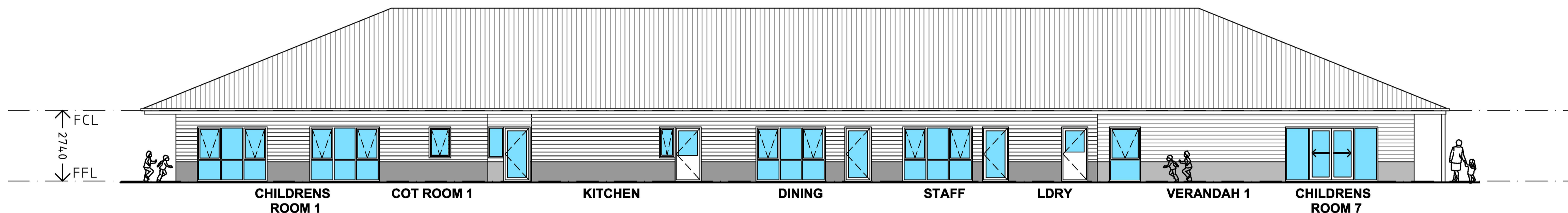
western perimeter fencing
colorbond - monument



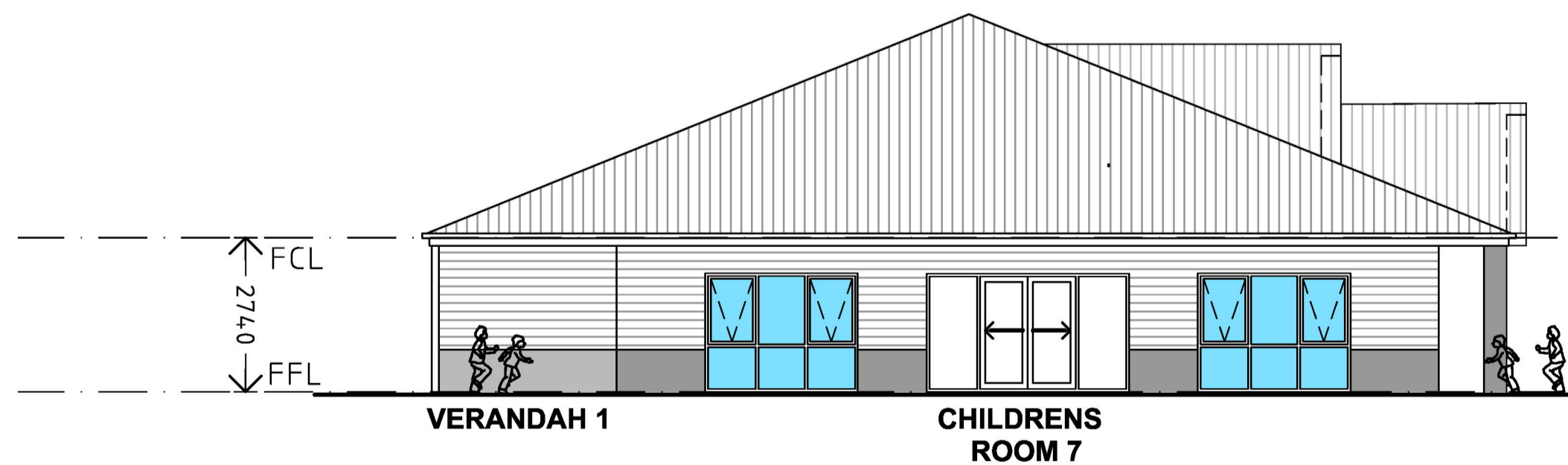
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colorbond - monument



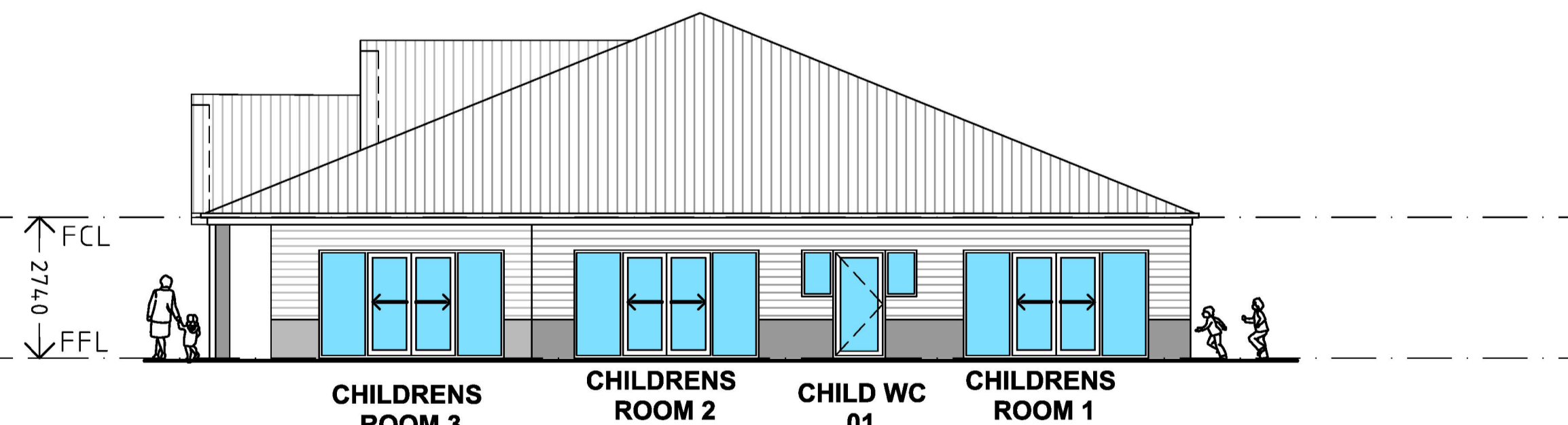
east ELEVATION



west ELEVATION



south ELEVATION



north ELEVATION

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PROJECT PROPOSED CHILDCARE CENTRE
CLIENT \
ADDRESS NO. 33 - 37 WEEBAR ROAD
DROUIN

DRAWING TITLE
DESIGN RESPONSE

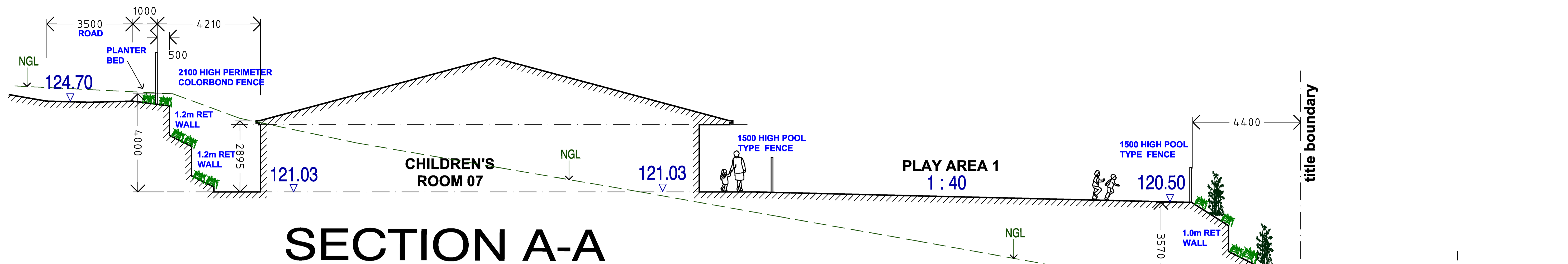
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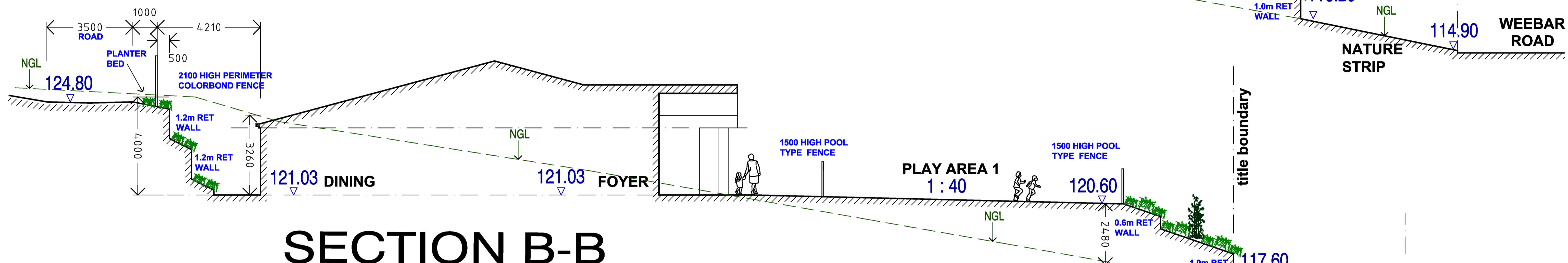
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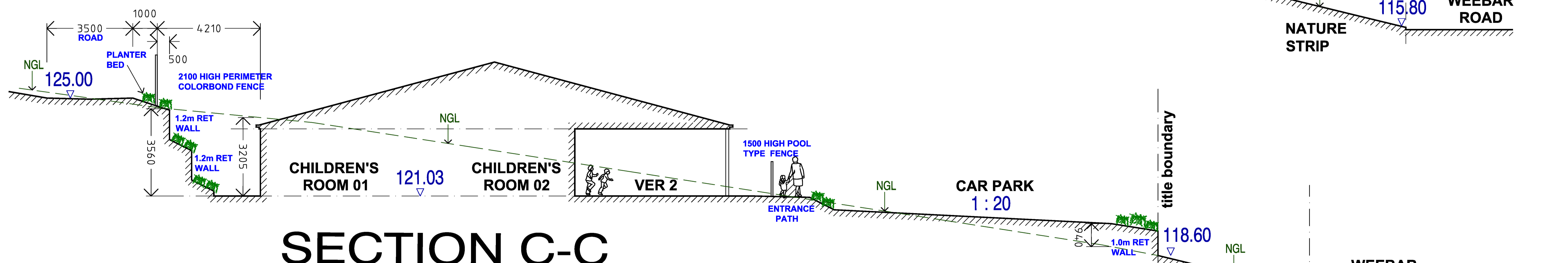
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SECTION A-A



SECTION B-B



SECTION C-C

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PROJECT	PROPOSED CHILDCARE CENTRE
CLIENT	
ADDRESS	NO. 33 - 37 WEEBAR ROAD DROUIN

DRAWING TITLE	SITE SECTIONS
---------------	---------------

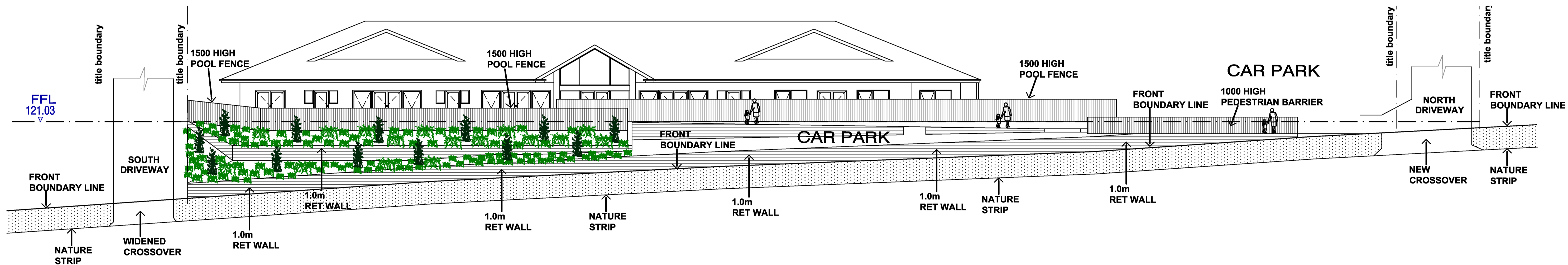
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EAST ELEVATION TO WEEBAR ROAD

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PROJECT: PROPOSED CHILD CARE CENTRE
 CLIENT:
 ADDRESS: NO. 33 - 37 WEEBAR ROAD DROUIN

DRAWING TITLE
 SITE ELEVATIONS

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PROJECT **PROPOSED CHILDCARE CENTRE**
 CLIENT
 ADDRESS **NO. 357 WOODS STREET
 DROUIN**

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IMAGES

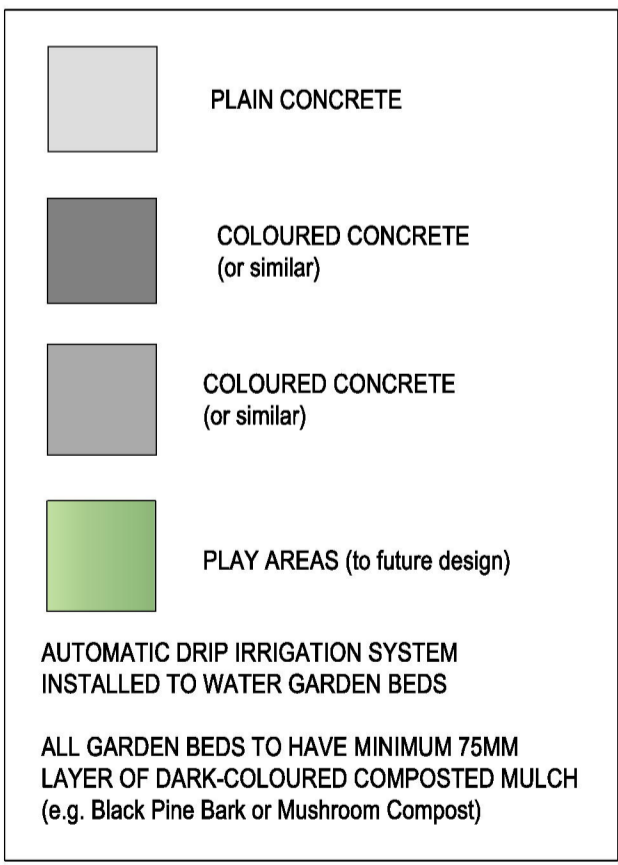
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PLANTING SCHEDULE							
	ID	Qty	Common Name	Botanical Name	Height @ Maturity (m)	Width @ Maturity (m)	Pot Size @ Install (cm)
Trees							
	Bma	2	Silver Banksia	Banksia marginata	5.0m	3.0m	30
	EED	1	Euky Dwarf	Eucalyptus 'Euky Dwarf'	7.0m	4.0m	40
	ElmR	1	Gum	Eucalyptus leucocylon macrocarpa 'Rosea'	9.0m	5.0m	30
Shrubs & Groundcovers							
	CKPS	8	Bottlebrush	Callistemon 'Kings Park Special'	2.5m	2.5m	20
	Cro	93	Pig Face	Carpobrotus rossii	0.1m	0.6m	Tubestock
	Cs	25	Clustered Everlasting	Chrysocephalum semipapposum	0.2m	0.6m	14
	EKC	39	Ermo Bush	Eremophila 'Kalbarri Carpet'	0.3m	1.5m	14
	G'GC	97	Gold Cluster Greivillea	Grevillea 'Gold Cluster' 'H2Z' 'PBR'	0.3m	1.0m	14
	Jc	75	Shore Juniper	Juniperus conferta	0.2m	1.2m	14
	Mp	49	Carpet Spreading Myoporum	Myoporum parvifolium	0.1m	1.2m	14
	RoP	144	Creeping Rosemary	Rosmarinus officinalis 'Prostratus'	0.3m	0.7m	14
Grasses							
	CFC	50	Frosted Curli	Carex 'Frosted Curli'	0.3m	0.3m	Tubestock
	LK	100	Katrinus	Lomandra 'Katrinus'	1.0m	1.0m	Tubestock
	LT	23	Tanika	Lomandra 'Tanika'	0.6m	0.6m	14

LANDSCAPE CONSTRUCTION SPECIFICATIONS

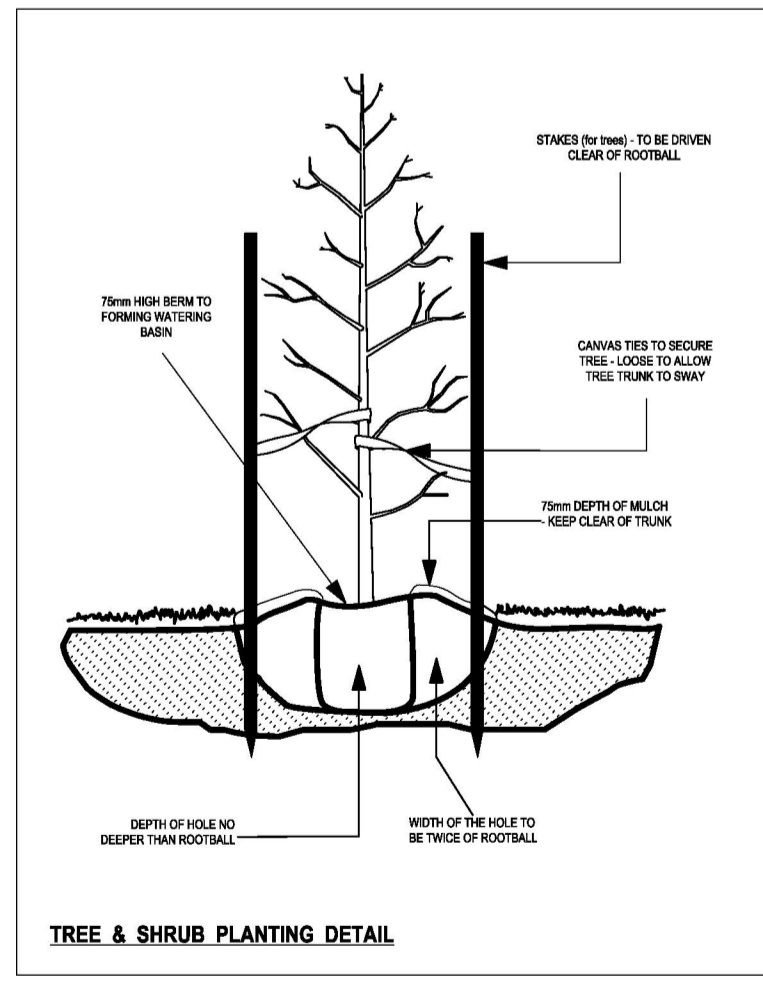
SUBGRADE PREPARATION:
Site preparation to be carried out under suitable conditions and in accordance with standard horticultural practice. The use of machinery and tools that may damage soil structure is not acceptable. Garden bed and lawn sub-grade is to be cultivated to a depth of 150mm and shaped to achieve drainage falls prior to adding topsoil. If gypsum is required, this is to be distributed and cultivated into the sub-grade as per the manufacturer's instructions. Weeds are to be removed prior to sub-grade preparation, top-soiling and planting.

SOIL PREPARATION:
Imported topsoil is to be supplied by an approved supplier to a depth of approximately 150-300mm (as required) for garden beds. Do not spread in muddy conditions. The topsoil is to a light to medium friable loam (capable of being compressed into a soil by hand when moist) yet can be broken apart immediately after. Its PH will be 6.0 - 7.0 and free from perennial weeds and building rubble. The finished top level after settlement should be 75mm below the edging level to allow for mulch. Imported topsoil for lawn areas is to be supplied to a depth of approximately 100mm (or as required).

TIMBER EDGING:
Timber edging is to be installed to separate all lawn, planting areas and (lytle) topping / pebble areas. The treated pine timber (or similar) is to be 75mm x 25mm in size, secured with 300mm long stakes at 1000mm spacings.

PLANTS AND PLANTING:
Trees and plants supplied are to be healthy and free from insects, diseases and weeds. The pot sizes indicated in the plant schedule are the minimum size to be supplied and installed. When each planting area is prepared, if soil is dry, fill with water and allow to drain away completely. Plant roots are to be teased outwards if roots are matted in pot. Place plant in centre of hole and ensure that the top of the rootball is flush with the surrounding soil surface and the trunk is vertical. Soil is to be backfilled firmly into the hole and thoroughly watered in. Trees are to be staked with two hardwood stakes driven firmly into the ground but not through the rootball. Trees are to be secured to the stakes with strong but flexible tree ties that are tight enough to support the trees in windy conditions but loose enough to stimulate good tree growth and development. The tree ties must not injure tree bark or restrict tree growth for at least the first three years of tree growth. A slow release fertiliser (e.g. Osmocote or similar) is to be applied to all garden beds as specified by the manufacturer and be kept away from the plant trunks and then watered immediately. A layer of aged organic mulch to a minimum depth of 75mm is to be applied to all planting areas after planting is completed.

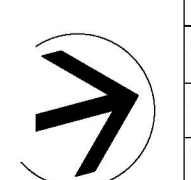
IRRIGATION:
An automatic drip irrigation system is to be installed to water all planting areas.



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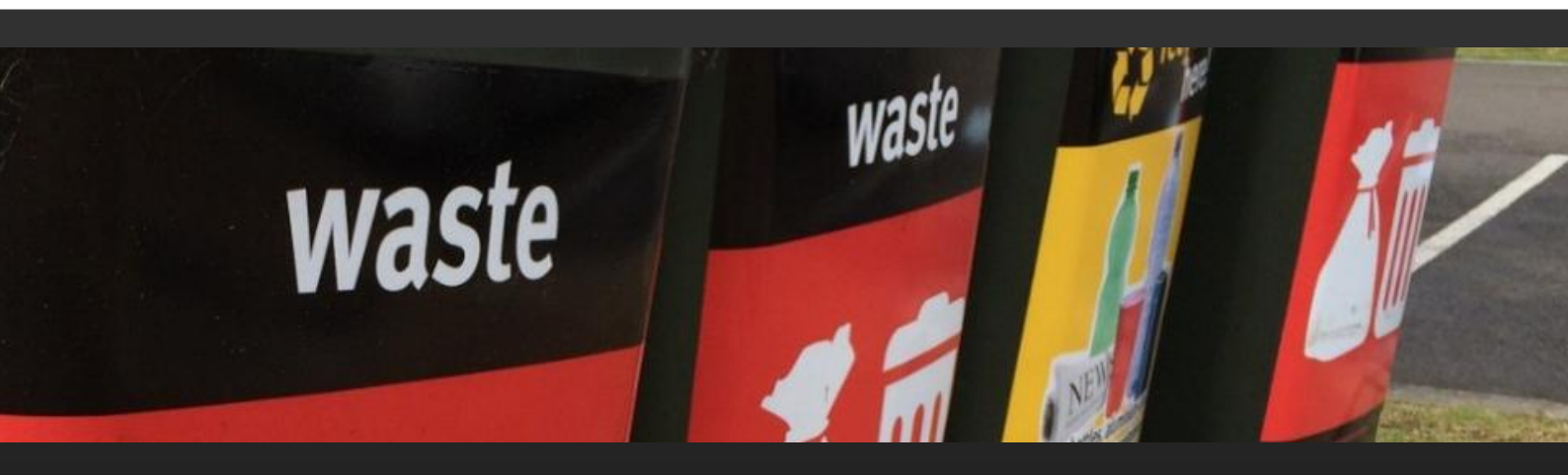
ADDRESS	43-37 Weebar Road, Druoin
PROJECT	Proposed Childcare Centre
CLIENT	1

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The builder is responsible for the setting out of the Works, the checking of all dimensions and levels on site, and the reporting of any discrepancies to the Proprietor prior to commencement of Work.

33 Weebar Road, Drouin

Waste Management Plan



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18 September 2025

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 56 Down Street
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DOCUMENT INFORMATION

Prepared for	
File Name	Report Date 18 September 2025
Prepared by	Reviewed by [REDACTED]

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APPENDICES

APPENDIX A SWEPT PATH DIAGRAM

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1 INTRODUCTION

onemilegrid has been requested by _____ to prepare a Waste Management Plan for the proposed child care centre at 33 Weebar Road, Drouin.

The preparation of this management plan has been undertaken with due consideration of the Sustainability Victoria Better Practice Guide for Waste Management and Recycling in Multi-unit Developments and relevant Council documentation.

2 PURPOSE

The purpose of the waste management plan is to:

- Demonstrate the development of an effective waste management system that is compatible with the design of the proposed child care centre and the adjacent built environment. An effective waste management system is hygienic, clean and tidy, minimises waste going to landfill, and maximises recycling;
- Provide a waste management system that is supported by scale drawings to ensure the final design and construction of the development is compliant with the WMP and is verifiable;
- Form a document that achieves effective communication of the waste management system so that all stakeholders can be properly informed of its design, and the roles and responsibilities involved in its implementation. Stakeholders are defined (but not limited to): owners, occupiers, owners corporations, property managers/real estate agents, Council, neighbours and collection contractors;
- Ensure staff/visitors are not disadvantaged in their access to recycling and other responsible waste management options;
- Avoid existing legacy issues that plague many developments due to poor design and insufficient consideration for waste management; and
- Improve outcomes for compliance with regulatory tools and state Planning Strategies (where applicable), such as:
 - + Recycling Victoria;
 - + Town planning Permits;
 - + Baw Baw Planning scheme;
 - + Clause 19.03-5 of the state planning policy framework;
 - + Direction 6.7 of Plan Melbourne;
 - + Clause 55 Standard B34 of the Planning Scheme; and
 - + Clause 55.07 and Clause 58.06 of the Planning Scheme.

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3 POLICIES, STRATEGIES AND GUIDELINES

3.1 Recycling Victoria – Best Practice Waste Management

Best Practice Waste Management is an initiative designed to reduce the amount of waste generated, through encouraging a change of behaviour and action on waste management and moreover recycling.

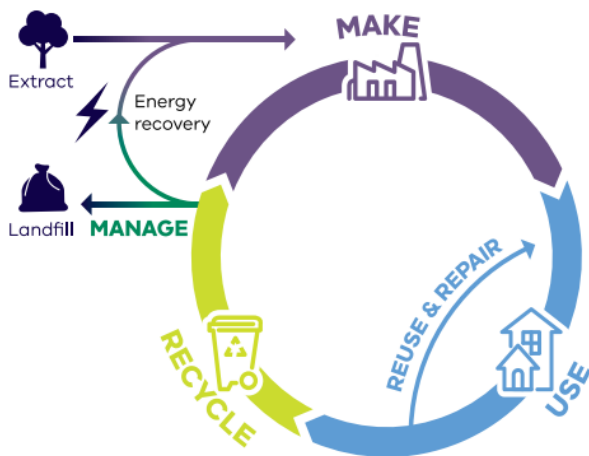
The benefits of reducing waste generation are far reaching and have been identified as significantly important by Council and the Victorian Government.

Recycling Victoria: A New Economy is a policy and 10-year action plan, prepared by the Victoria Government, to “deliver a cleaner, greener Victoria, with less waste and pollution, better recycling, more jobs and a stronger economy”.

Four overarching goals have been identified in order to achieve a circular economy in relation to waste, as below:

1. MAKE – Design to last, repair and recycle;
2. USE – Use products to create more value;
3. RECYCLE – Recycle more resources;
4. MANAGE – Reduce harm from waste and pollution.

Figure 1 Resource Flows in a Circular Economy



3.2 Sustainability Victoria

Sustainability Victoria has developed the Guide to Better Practice for Waste Management and Recycling in Multi-Unit Developments (MUDs) to improve waste management practices and increase recycling in MUDs and commercial developments.

This guide is a stand-alone resource providing guidance for architects, building designers, developers, building managers, residents, planners, and waste management officers to incorporate effective waste and recycling systems into all stages of a development's life. It outlines essential points of consideration when designing a waste management system for medium or high-density residential, mixed-use, and precinct-scale developments, with some guidance and better practice options applicable to a broader range of developments.

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4 EXISTING SITE CONDITIONS

The [subject site](#) is addressed as 33 Weebar Road, Drouin, and is located on the western side of Weebar Road, as shown in Figure 2.

Figure 2 Site Location



Source: OpenStreetMap

The site is irregular in shape and contains a road frontage of approximately 90 metres to Weebar Road. It is noted that the site slopes downwards from west to east, with an approximately change in level of 10-15 metres.

Access to the site is currently provided via two crossovers from Weebar Road. It is noted that the southernmost crossover is shared with the property at 39 Weebar Road.

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5 PROPOSED DEVELOPMENT

Based on plans prepared by Ronnie Whitten Design, it is proposed to develop the eastern portion of the site for the purposes of a child care centre, with an on-site capacity for 124 children.

The proposed child care centre is summarised below in Table 1.

Table 1 Proposed Development

Component	No/Area
Capacity (Children)	124
Gross Floor Area	794 m ²

Car parking for the child care centre is proposed within a car park located on the northern portion of the site, with vehicular access to the park provided from the proposed northernmost crossover.

6 WASTE MANAGEMENT

6.1 General

It is proposed to utilise a private contractor to manage the collection and disposal of all waste streams associated with the development.

Bins will be stored within a dedicated bin storage area at the western end of the car park. The waste collection vehicle, an 8.8m rear-lift waste truck, will enter the site and prop adjacent the bin store, from where the bins will be transferred directly to the waiting truck for emptying. The bins will be returned to the bin storage area immediately following collection.

Collection will be scheduled to occur outside of business hours, when the child care centre is not operating, and no vehicles will be within the on-site car park thus allowing for safe truck movements within the site.

Staff will be responsible for disposing of recyclables or bagged garbage/organic waste into the appropriate bins located within the bin storage room.

Smaller bins will be placed throughout the child care centre to ensure the separation of garbage and recyclables at the time of disposal. Staff or the appointed cleaning contractor will be responsible for emptying these bins into the larger bins at the collection location.

The collection location and expected transfer route is shown in Figure 3.

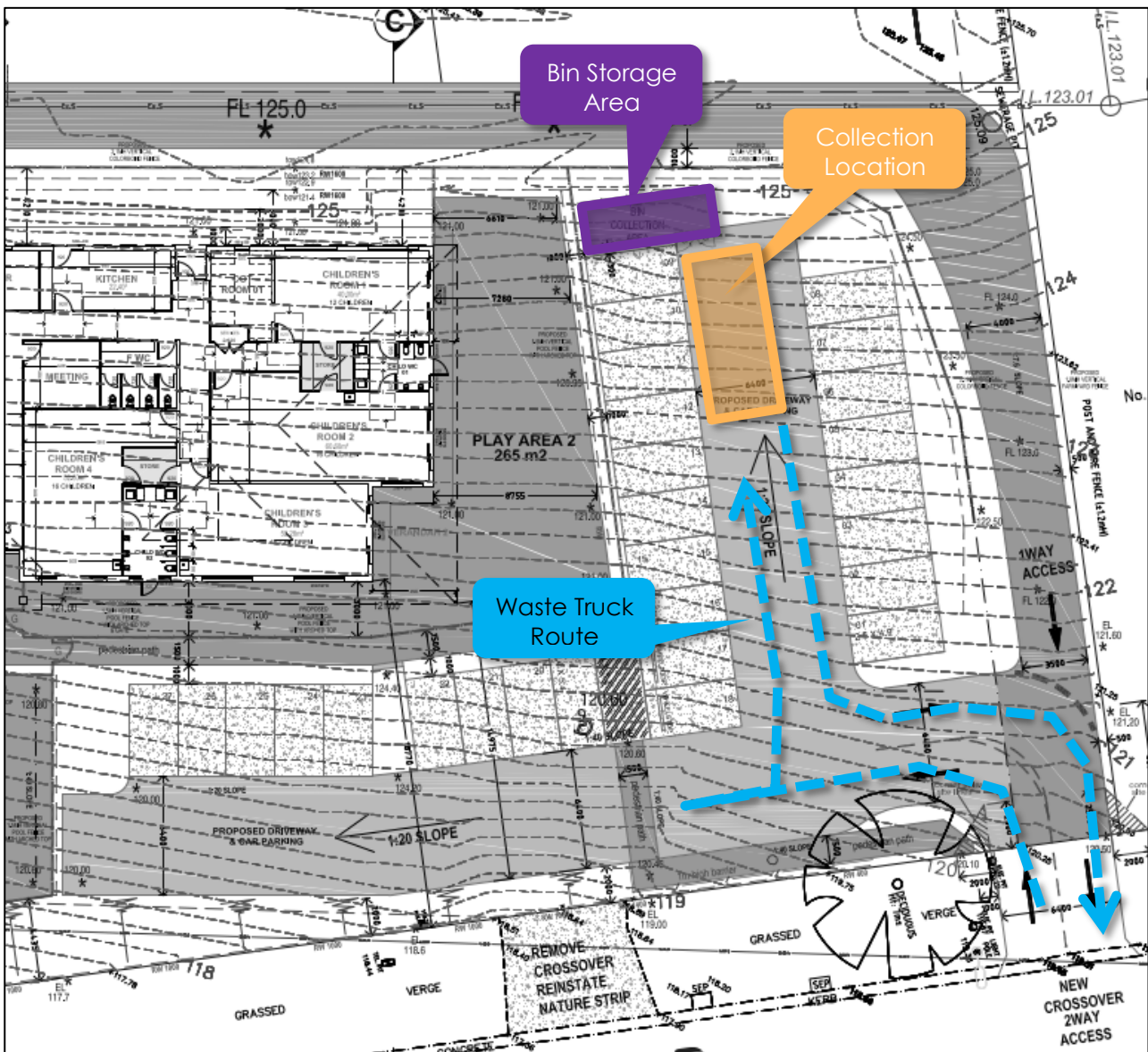
Swept path diagrams showing the movements of the waste collection vehicle are attached in Appendix A.

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Figure 3 Bin Storage Room and Collection Details



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6.2 Waste Streams

6.2.1 Garbage

The garbage stream comprises of non-recyclable material which is to be disposed of in landfill, and is one of the four primary waste streams identified by Recycling Victoria and forms part of the standard commercial collection system.

Mobile garbage bins will be provided for the collection and disposal of garbage.

6.2.2 Organic (Food) Waste

A proportion of waste generated by the proposed use is anticipated to comprise of organic (food) waste, which is one of the four primary waste streams identified by Recycling Victoria and forms part of the standard commercial collection system.

Mobile garbage bins will be provided for the collection and disposal of organic (food) waste.

Alternatively, a worm farm and/or compost bin could be provided use by staff, with the resulting waste utilised on landscaping areas or taken home by staff for use on gardens.

6.2.3 Commingled Recycling

The commingled recycling stream is a mixed material stream consisting of paper, cardboard, cans, plastics, and glass (where not collected as part of a separate glass collection service) and is one of the four primary waste streams identified by Recycling Victoria and forms part of the standard commercial collection system.

Mobile garbage bins will be provided for the collection and disposal of recycling.

6.2.4 Glass Recycling

A proportion of waste generated by the child care centre of the proposed use is anticipated to comprise of glass, which is one of the four primary waste streams identified by Recycling Victoria and forms part of the standard commercial collection system.

A mobile garbage bin will be provided for the collection and disposal of glass.

Alternatively, staff can collect and dispose of appropriate glass containers at one of the Container Deposit Scheme (CDS) depots (refer below), or within the recycling bin.

6.2.5 Container Deposit Scheme (CDS)

On 1 November 2023, Victoria's Container Deposit Scheme (CDS) commenced, which marked a significant milestone towards Victoria achieving its Circular Economy goal.

The CDS rewards Victorians with a 10 c refund for all eligible cans, cartons and bottles that are returned. Most aluminium, glass, plastic, and liquid paperboard (carton) drink containers, between 150 mL and 3 L are eligible, with a 10 c mark provided on the drink container label, often located near the barcode. Container lids are able to be kept on, as they can also be recycled.

There are multiple ways to receive the 10 c refund, including vouchers, which can be spent at participating shops, cash, electronic payment, and the option to donate the refund to charities and community groups.

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The eligible containers can be returned to several different types of container refund points, in many locations across Victoria, with the number of locations expected to continue to grow. Typical refund points include the following:

- Reverse Vending Machines (RVMs) – Typically located in shopping centre and supermarket car parks, eligible containers are inserted into the machine, where the containers are scanned and verified;
- Depots – Larger refund points which typically offer a walk-in or drive-through services to get containers counted and refunded on the spot. Best suited for larger loads;
- Over the counter (OTC) – Some small businesses or organisations provide over-the-counter services, which essentially work like a miniature depot; and
- Pop-ups – Zone operators may offer pop-up services or events, which will have set times and locations that drinks containers can be returned.

The locations of the CDS refund points are provided at <https://cdsvic.org.au/locations>.

Staff should be encouraged to contribute to the CDS, by the provision of specific CDS bins throughout the building to assist in separating eligible containers, with staff appointed by the operator to regularly take the containers for to a refund point.

6.2.6 Green Waste

It is expected that any maintenance and gardening undertaken on common property will be managed by a contractor appointed by the operator. The appointed contractor will be responsible for the disposal of any green waste accumulated during the course of their duties.

6.2.7 Hard Waste

It is anticipated that hard waste generation will be minimal considering the proposed child care centre use. Regardless, hard waste services will be provided by the private contractor on an as-needs basis.

6.2.8 Electronic Waste (E-Waste)

E-waste includes all manner of electronic waste, such as televisions, computers, cameras, phones, household electronic equipment, batteries and light bulbs. E-waste contains valuable materials that can be recovered and reused such as tin, nickel, zinc, aluminium, copper, silver and gold.

The disposal of E-waste in household rubbish or to landfill has been banned by the Victorian Government, as it can cause fires and release hazardous chemicals into the air, soil and water.

E-waste must be disposed of at a dedicated collection point, or be collected as part of a dedicated collection service.

A large number of e-waste collection points are available in Victoria and private contractors are equipped with the resources to undertake E-waste collections.

All E-waste generated by the child care centre will be managed by the operator with coordinated collections of E-waste. E-waste collections will be communicated to staff to ensure that all E-waste is collected as required. The operator will engage a private contractor for any E-waste collections; likely to be the same contractor providing general waste and recycling collection, though using a separate collection vehicle.

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Alternatively, E-waste can be taken by staff to the appropriate collection centre, as described below:

- Planet Ark operate a number of e-waste recycling drop-off locations throughout Victoria (<https://recyclingnearyou.com.au/electrical>);
- Officeworks stores accept small amounts of personal E-waste;
- Aldi stores accept batteries; and
- Some Bunnings Warehouse stores accept batteries.

Additional recycling locations are provided at www.recyclamate.com.au, or <https://recyclingnearyou.com.au/>.

6.2.9 Soft Plastics

Soft plastic waste is estimated to contribute approximately 20% of landfill waste volumes, and includes such things as bread bags, plastic bags, bubble wrap and snap lock bags.

Previously, soft plastics were able to be recycled via REDcycle bins located at most Coles and Woolworths supermarkets. However, REDcycle have since paused the recycling of soft plastic due to supplier/storage issues, therefore soft plastic should be disposed of using the garbage bins.

Soft plastics recycling collections have subsequently been reinstated as a trial in a number of Woolworths, Coles and Aldi stores, and an expansion of the trial is expected.

No specific bin provision is required for soft plastic recycling, though it is recommended that staff are made aware of soft plastic recycling.

6.2.10 Sanitary Waste

Sanitary waste bins are to be provided within the toilets for the disposal of appropriate sanitary waste. Sanitary waste bins will be exchanged for a clean bin as required by a private sanitary waste contractor.

Sanitary waste bins for nappy disposal are to be provided with the children's toilets for the younger age groups. Sanitary waste bins will be exchanged for a clean bin as required by a private sanitary waste contractor.

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7 WASTE GENERATION

7.1 Sustainability Victoria Recommended Rates

Waste generation rates published within Sustainability Victoria's "Better Practice Guide for Waste Management and Recycling in Multi-unit Developments" suggests the following rates for commercial uses, based on rates published by the City of Melbourne.

Table 2 Sustainability Victoria Recommended Rates – Commercial

Use	Garbage Rate	Recycling Rate
Child care	350 L per 100 m ² per week	350 L per 100 m ² per week

Sustainability Victoria indicates that approximately 35% of garbage is made of food waste, therefore, the provision of organics waste collection can result in a reduction in garbage generation by 35%. It is noted that this organic waste ratio specified within Sustainability Victoria is recommended for residential dwellings.

Noting the commercial nature of a child care centre, it is expected that provision of an organics collection would result in a slightly lower reduction in garbage. Therefore, it is considered reasonable to apply a garbage reduction of 25% when providing a organics waste to a child care centre.

Based on the above, the following weekly waste generation is expected:

Table 3 Sustainability Victoria Recommended Rates – Commercial

Use	Garbage Rate	Organics Rate	Recycling Rate
Child care	263 L per 100 m ² per week	87 L per 100 m ² per week	350 L per 100 m ² per week

Based on information provided by child care centre operators, the Sustainability Victoria rate is expected to considerably overestimate the actual waste generation. Adoption of the above rates is therefore considered to provide a very conservative estimate of the likely waste generation.

It is generally considered reasonable that 10% of commingled recycling is comprised of glass. Consequently, a 10% reduction in commingled recycling will be applied.

7.2 Waste Generation

Based on the Sustainability Victoria recommended waste generation rates, the following weekly waste generation is expected.

Table 4 Expected Waste Generation

Stream	Area	Rate	Total Waste/Week
Garbage	794 m ²	263 litres / 100 m ² / week	2,084 litres
Organics		87 litres / 100 m ² / week	695 litres
Comingled Recycling		315 litres / 100 m ² / week	2,501 litres
Glass Recycling		35 litres / 100 m ² / week	278 litres

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8 WASTE DISPOSAL AND COLLECTION REQUIREMENTS

8.1 Bin Provision and Specifications

It is proposed to utilise a private waste contractor for all waste streams generated by the child care centre.

Consequently, the following bins will be required for the proposed development.

Table 5 Bin Provision

<i>Stream</i>	<i>Total Waste/Week</i>	<i>Bin Size</i>	<i>Collection Frequency</i>	<i>Bins Required</i>
Garbage	2,084 litres	1,100 litres	Weekly	2 bins
Organics	695 litres	240 litres	Weekly	3 bins
Commingled Recycling	2,501 litres	1,100 litres	Weekly	3 bins
*Glass Recycling	278 litres	240 litres	Weekly	1 bin
Total				9 bins

It is noted that the expected glass recycling waste generation is slightly more than the capacity of the 1 x 240 L glass bin allocated above. Should glass waste generation exceed the capacity of the bin, there is significant additional capacity in the commingled recycling bins to accommodate additional glass waste. Furthermore, if the shortfall in bin capacity become problematic once the development becomes operational, an additional small glass waste bin or a larger bin can be requested for from the private contractor.

Typical bin specifications for each bin size are provided in Table 6 below.

Table 6 Bin Specifications

<i>Capacity</i>	<i>Width</i>	<i>Depth</i>	<i>Height</i>	<i>Area</i>
240 litres	0.60 m	0.75 m	1.10 m	0.45 m ²
1,100 litres	1.25 m	1.10 m	1.35 m	1.38 m ²

Bins are to be colour coded to the Australian Standard (AS4123), as shown in Table 7 below.

Table 7 Bin Colours

<i>Stream</i>	<i>Colour</i>
Garbage	Red lid and dark green or black body
Commingled Recycling	Yellow lid and dark green or black body
Organics	Light Green lid and dark green or black body
Glass	Purple lid and dark green or black body

8.2 Bin Storage

As indicated in Figure 3, it is proposed to provide a bin storage area at the western end of the car park, with a total floor area of 17 m².

The layout of the bin storage area is shown in Figure 4, which demonstrates that the area is capable of accommodating the required bins, as calculated in Table 5.

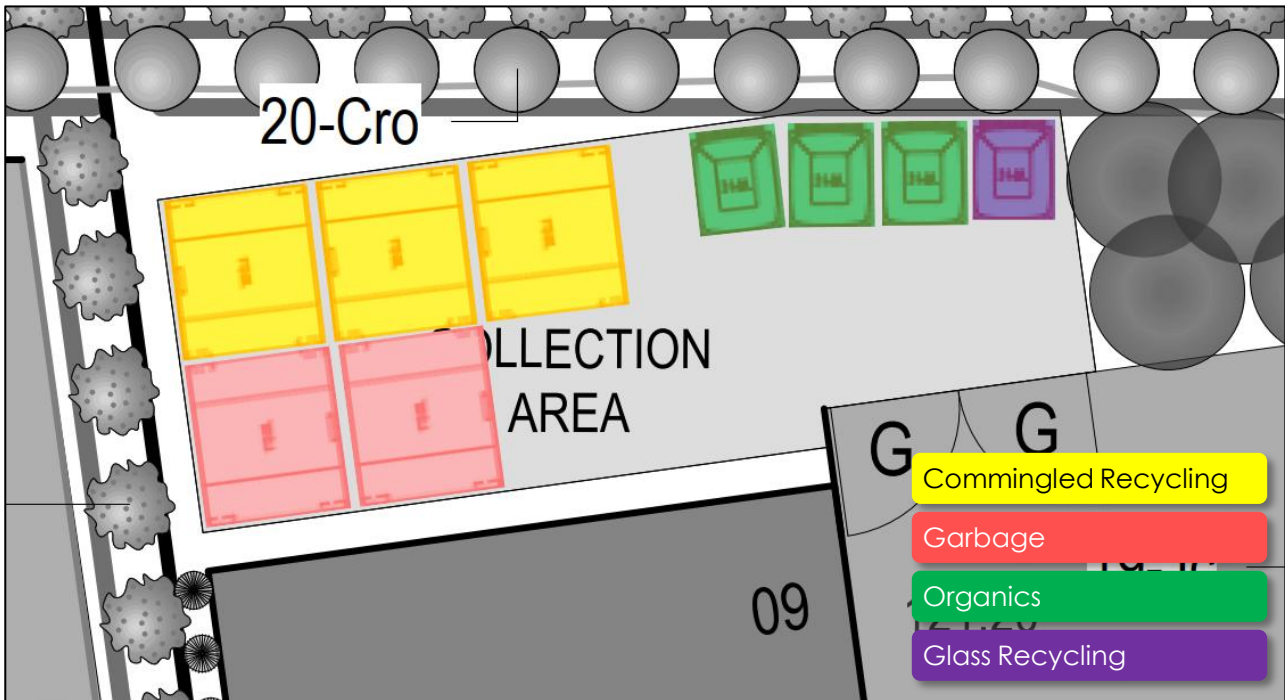
Some additional area is also provided within the bin storage room to allow for the temporary storage of bulk items and packaging, under the control of the operator.

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Furthermore, the bin storage area is located appropriately for access by staff, and is secured from the common areas. The bin storage area should be vermin proof, and have appropriate ventilation, lighting and drainage.

The bin storage area shall also be cleaned regularly by the operator or waste collection contractor, to minimise odour.

Figure 4 Bin Storage Room Layout



8.3 Bin Usage

Staff or cleaning contractors will bag and dispose of garbage in the provided bins, located in the bin storage area.

Staff or cleaning contractors will transport and dispose of recyclables (non-bagged) in the provided bins, located in the bin storage area. Cardboard boxes should be flattened, and containers rinsed and cleaned prior to disposal in the provided bins.

Food and organic waste is to be taken in compostable food waste bags to be placed in the dedicated FOGO bins. The use of compostable bags when disposing of organic (food) waste should be confirmed with the engaged contractor, as some processing facilities do not accept bagged organic waste.

Staff or cleaning contractors will transport and dispose of glass in the appropriate bin provided, located in the bin storage area.

8.4 Bin Collection

The waste collection vehicle, an 8.8 m rear-lift waste truck, will enter the site and prop adjacent the bin store, from where the bins will be transferred directly to the waiting truck for emptying. The bins will be returned to the bin storage area immediately following collection.

Collection will be scheduled to occur outside of business hours when the child care centre is not operating, and no vehicles or pedestrians will be within the on-site car park thus allowing for safe truck movements within the site.

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Swept path diagrams showing the movements of the waste collection vehicle are attached in Appendix A.

Each waste stream is to be collected by dedicated trucks and waste streams are not to be collected in one truck. Each waste stream is to be taken to dedicated waste facilities for disposal and processing.

8.5 Bin Cleaning

The operator shall ensure that the bins are kept in a clean state, to minimise odours and to discourage vermin. This may include regular cleaning by a third party, cleaning by the waste contractor or bin swapping by the waste contractor.

Where cleaning is to be undertaken on-site, it should only occur in a designated bin cleaning area, provided with a drain connected to sewer.

8.6 Signage

To avoid contamination between garbage streams, bin lids will be colour coded generally in accordance with the Australian Standard (AS4123), to ensure the bin type is easily distinguishable. Furthermore, bins should include typical signage (preferably on the bin lid) to reinforce the appropriate materials to be deposited in each bin. Example signage is shown in Figure 5 below.

Figure 5 Example Waste Signage



9 MANAGEMENT

9.1 General

In relation to the proposed development, recycling is of key importance and in this regard, the operator shall encourage staff to participate in minimising and reducing solid waste production by:

- Promoting the waste hierarchy, which in order of preference seeks to:
 - + Avoid waste generation in the first place;
 - + Increase the reuse and recycling of waste when it is generated;
 - + Recover, treat or contain waste preferentially to; and

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- + Its disposal in Land Fill (which is least desirable).
- Providing information detailing recyclable materials to ensure that non-recyclable materials do not contaminate recycling collections;
- Providing information regarding safe chemical waste disposal methods and solutions, including correct battery and electronics disposal methods;
- Encouraging composting for staff; and
- Providing tips for recycling and reusing waste, including encouraging the disposal of reusable items in good condition via donations to Opportunity Shops and Charities.

9.2 Staff Information

To ensure all staff are aware of their responsibilities with regard to waste and bin management, an information package will be provided by the operator to all staff, including the following information:

- A copy of this Waste Management Plan;
- Methods and techniques for waste reduction and minimisation;
- Information regarding bin collection days and requirements;
- Staff responsibilities with regard to bin usage, storage, and collection; and
- Staff responsibilities with regard to litter and waste removal from the common property.

10 OCCUPATIONAL HEALTH & SAFETY RESPONSIBILITIES

The operator shall ensure compliance to all relevant OH&S regulations and legislation, including the following:

- Worksafe Victoria Guidelines for Non-Hazardous Waste and Recyclable Materials.

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11 CONTACT INFORMATION

11.1 Council

Baw Baw Shire Council

Phone: (03) 5624 2411 (Customer Service)

Web: <https://www.bawbawshire.vic.gov.au/>

Email: <mailto:mail@cardinia.vic.gov.aubawbaw@bawbawshire.vic.gov.au>

11.2 Contractors

Circular Systems

Services: Waste collection and management

Web: <https://www.circular-systems.com.au/>

Email: hello@circular-systems.com.au

ASI JD MacDonald

Services: Waste collection and management equipment

Phone: 1800 023 441

Web: www.jdmacdonald.com.au

Email: enquiry@asijdmacdonald.com.au

CSC Waste & recycling

Services: Private contractor

Phone: 1300 499 927

Web: www.cscwaste.com.au

Email: info@cscwaste.com.au

iDump

Services: Private contractor

Phone: 1300 443 867

Web: www.iDump.com.au

Email: info@idump.com.au

Cleanaway

Services: Private contractor

Phone: 131 339

Web: www.cleanaway.com.au/

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JJ Richards & Sons

Services: Private contractor including bin tugs
Phone: (03) 9703 5222
Web: www.jjrichards.com.au
Email: operations.melbourne@jjrichards.com.au

WasteWise

Services: Private contractor
Phone: 1300 550 408
Web: www.wastewise.com.au

11.3 Cleaning Contractors

The Bin Butlers

Services: Bin Cleaning
Phone: 1300 788 123
Email: admin@thebinbutlers.com.au

Melbourne Bin Cleaning

Services: Bin Cleaning
Phone: 1300 635 246
Web: <https://www.melbournebincleaning.com.au/>
Email: info@melbournebincleaning.com.au

11.4 Others

Sustainability Victoria

Services: Sustainable Waste Management initiatives and information
Phone: 1300 363 744 (Energy, Waste and Recycling)
Web: www.sustainability.vic.gov.au
Email: info@sustainability.vic.gov.au

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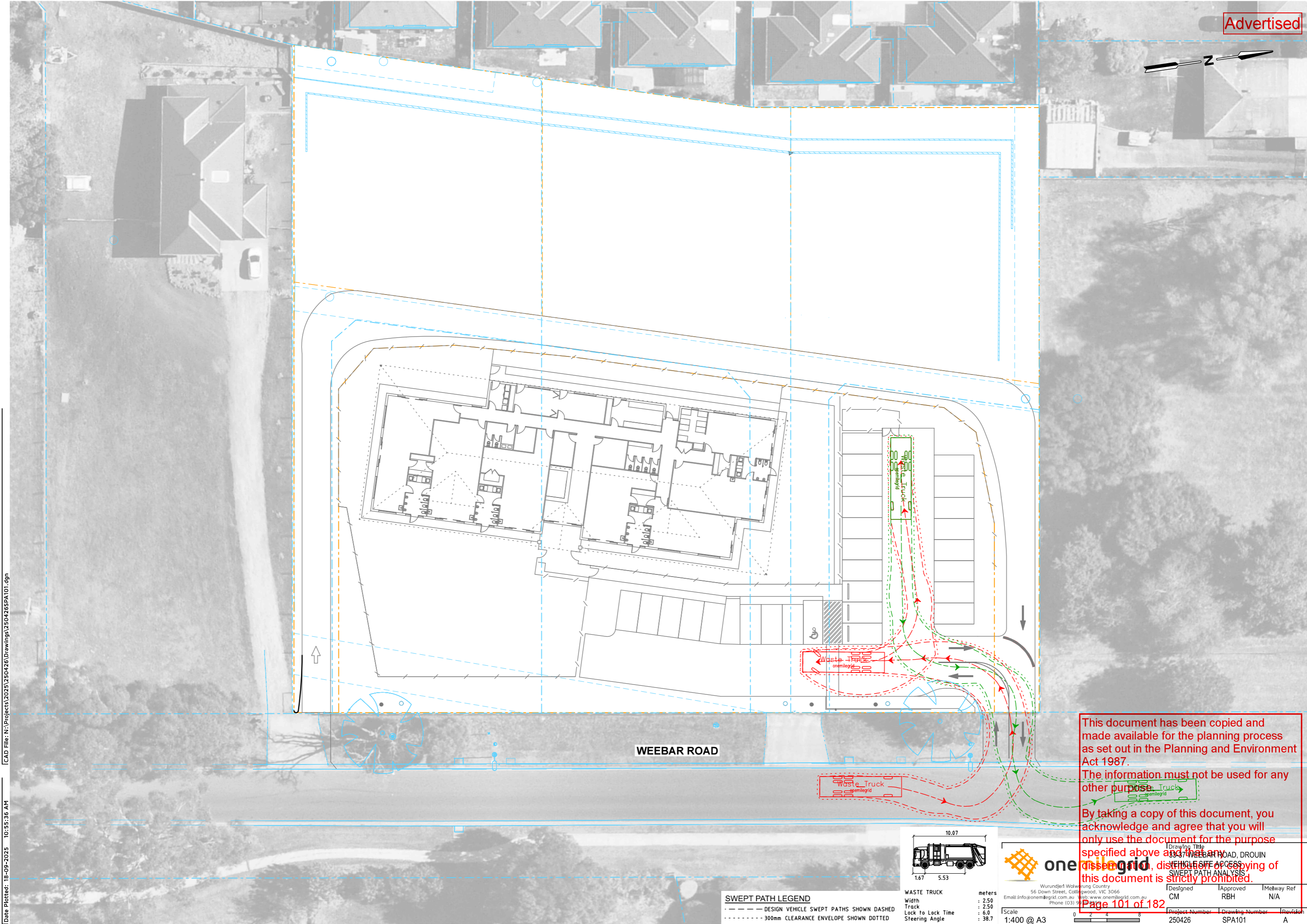
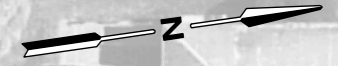
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Appendix A Swept Path Diagram

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CAD File: N:\Project\2025\250426\Drawings\250426SPA101.dgn

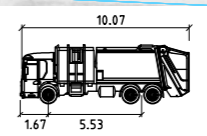
Date Plotted: 18-09-2025 10:55:36 AM

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SWEPT PATH LEGEND
 - - - - - DESIGN VEHICLE SWEEP PATHS SHOWN DASHED
 ······ 300mm CLEARANCE ENVELOPE SHOWN DOTTED



WASTE TRUCK
 Width : 2.50 meters
 Track : 2.50
 Lock to Lock Time : 6.0
 Steering Angle : 38.7

onemilegrid
 Wurundjeri Woiwurrung Country
 56 Down Street, Colliemwood, VIC 3066
 Email: info@onemilegrid.com.au Web: www.onemilegrid.com.au
 Phone (03) 9588 1111

Designed	Approved	Melway Ref
CM	RBH	N/A

Scale: 1:400 @ A3

Project Number	Drawing Number	Revision
250426	SPA101	A

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onemilegrid operates from Wurundjeri Woiwurrung Country of the Kulin nation. We acknowledge and extend our appreciation to the Wurundjeri People, the Traditional Owners of the land. We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture, and the hopes of all Wurundjeri Peoples.

Aerial Photography
 Aerial photography provided by Nearmap

33-37 WEEBAR ROAD, DROUIN CHILDCARE CENTRE

Acoustic Report

31 October 2025

ME886-01F00 Acoustic Report (r0).docx

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Document details

Detail	Reference
Doc reference:	ME886-01F00 Acoustic Report (r0).docx
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Address:	
Attention:	

Document control

Date	Revision history	Non-issued revision	Issued revision	Prepared	Instructed	Reviewed / Authorised
31.10.2025	Issued	-	0			

File Path: M:\AssocMelbProjects\ME851-ME900\ME886 ml 33 Weebar Rd - Childcare Centre\1 Docs\ME886-01F00 Acoustic Report (r0).docx

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The work presented in this document was carried out in accordance with the Renzo Tonin & Associates Quality Assurance System, which is based on Australian/New Zealand Standard AS/NZS ISO 9001.

This document is issued subject to review and authorisation by the suitably qualified and experienced person named in the last column above. If no name appears, this document shall be considered as preliminary or draft only and no reliance shall be placed upon it other than for information to be verified later.

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We have derived data in this report from information sourced from the Client (if any) and/or available in the public domain at the time or times outlined in this report. The passage of time, manifestation of latent conditions or impacts of future events may require further examination and re-evaluation of the data, findings, observations and conclusions expressed in this report.

We have prepared this report in accordance with the usual care and thoroughness of the consulting profession, for the sole purpose described above and by reference to applicable standards, guidelines, procedures and practices at the date of issue of this report. For the reasons outlined above, however, no other warranty or guarantee, whether expressed or implied, is made as to the data, observations and findings expressed in this report, to the extent permitted by law.

The information contained herein is for the purpose of acoustics only. No claims are made and no liability is accepted in respect of design and construction issues falling outside of the specialist field of acoustics engineering including and not limited to structural integrity, fire rating, architectural buildability and fit-for-purpose, waterproofing and the like. Supplementary professional advice should be sought in respect of these issues.

External cladding: No claims are made and no liability is accepted in respect of any external wall and/or roof systems (eg facade / cladding materials, insulation etc) that are: (a) not compliant with or do not conform to any relevant non-acoustic legislation, regulation, standard, instructions or Building Codes; or (b) installed, applied, specified or utilised in such a manner that is not compliant with or does not conform to any relevant non-acoustic legislation, regulation, standard, instructions or Building Codes.

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33-37 WEEBAR ROAD, DROUIN
ACOUSTIC REPORT

Executive summary

Renzo Tonin & Associates undertook an acoustic assessment of the proposed childcare centre development, to be located at 33-37 Weebar Road, Drouin, as part of the development planning application, with the following outcomes:

- Noise from children occupying the outdoor play areas is expected to conform with the nominated childcare centre outdoor play criteria at the nearest residential receivers, with implementation of the acoustic fencing outlined in Section 6.
- Criteria for mechanical services were set out, for application in the detailed design phase of the development. The Subject Childcare Centre is considered low risk with respect to EPA Pub. 1826.
- Car park activity is expected to conform with applicable amenity criteria.
- Waste collection and delivery times were proposed with accordance with EPA Publication 1254.

With implementation of the advice set out in this acoustic report it is expected that the Subject Childcare Centre can conform with relevant criteria, and on that basis, not unreasonably affect residential amenity in the area.

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33-37 WEEBAR ROAD, DROUIN
ACOUSTIC REPORT

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1 Introduction

Renzo Tonin & Associates was engaged by _____ to undertake an acoustic assessment of a single storey childcare centre development, to be located at 33-37 Weebar Road, Drouin (the Subject Site / Proposed Childcare Centre). Renzo Tonin & Associates has based its assessment of the Subject Childcare Centre on the following drawings:

- Town Planning Drawing Set, drawing 4273, entitled 'PROPOSED CHILDCARE DEVELOPMENT NO. 33 – 37 WEEBAR ROAD DROUIN' dated August 2025, by Ronnie Whitton Design.

The work documented in this report was carried out in accordance with the Renzo Tonin & Associates Quality Assurance System, which is based on Australian Standard/NZS ISO 9001. Appendix A contains a glossary of acoustic terms used in this report.

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2 Site overview

Figure 1: Site overview



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3 Childcare centre overview

The proposed operational limits for the Subject Childcare Centre are understood to be:

- Childcare centre attendance: 124
- Hours of operation: 6:30am – 6:30pm Monday to Friday

The Subject Childcare Centre is understood to comprise:

- A single storey Childcare centre building
 - 64 placements for 3-to-6-year-olds
 - 48 placements for 2-to-3-year-olds
 - 12 placements for 3 months-to-2-year-olds
- An external play area on ground level on north, south east and south west site aspects
- A car park located at ground level on the north east site aspect, accessed from west boundary (Weebar Road)

The Subject Childcare Centre has proposed the acoustic fencing outlined in Section 6.

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4 Criteria

4.1 Noise from mechanical services – EPA Publication 1826

EPA Publication 1826 'Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues' - Part 1, (EPA Pub. 1826) sets out noise limits for from commerce, industry, and trade premises. EPA 1826 sets the methodology for assessing the effective noise level to determine unreasonable noise under the Environment Protection Regulations 2021, and therefore under the Environment Protection Act 2017.

Noise criteria for mechanical services were calculated as presented in Table 4-1.

Table 4-1: EPA Pub. 1826-P1 noise limits for mechanical services

Period	Applicable limit L_{eq} , dB(A)
Day	50
Evening	44
Night	39

Notes: The noise limits has been determined using neutral background noise methodology

EPA 1826 / EP Reg 2021 period definitions:

Day:	Monday-to-Saturday 7am-to-6pm;	Sundays NA
Evening:	Monday-to-Saturday 6pm-to-10pm;	Sundays and public holidays 7am-to-10pm
Night:	All days 10pm-to-7am	

4.1 Noise emissions from outdoor play area - AAAC Guideline

In absence of legislative noise limits, EPA Pub. 1826 noise limits have been applied as a benchmark for childcare centre noise. *The Association of Australian Acoustical Consultants - Guideline for Childcare Acoustic Assessment v3.0, September 2020* (the AAC Guideline) sets out a recommended assessment methodology for noise impact assessments to accompany a development application for childcare centres and provides typical recommendations for the control of noise from such centres.

The AAAC Guideline sets out representative sound power levels for children playing and these are shown in Table 4-2.

Table 4-2: AAAC sound power levels for groups of 10 children playing

Age group	Sound power level $L_{w,eq}$ [dB ref 10^{-12} watt] at frequency (Hz)							dB(A)
	63	125	250	500	1k	2k	4k	
0 to 2 years	54	60	66	72	74	71	67	78
2 to 3 years	61	67	73	79	81	78	75	85
3 to 6 years	64	70	75	81	83	80	76	87

Note: Per AAAC Guideline, "If applicable, an adjustment to the above sound power levels of -6 dB could be applied in each age group for children involved in passive play."

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4.2 Car park noise – sleep disturbance

There are currently no legislated policies or guidelines in Victoria for the control or assessment of noise induced sleep disturbance or its associated health impacts. With respect to sleep disturbance, Section 5.4 of the New South Wales Office of Environment and Heritage (formally the Department of Climate Change and Water) Road Noise Policy, March 2011, and NSW EPA document Environmental Criteria for Road Traffic Noise, 1999 (ECRTN) conclude that:

- *From the research on sleep disturbance to date it can be concluded that:*
 - *Maximum internal noise levels below 50-55dB(A) are unlikely to awaken people from sleep*
 - *One or two noise events per night, with maximum internal noise levels of 65-70dB(A), are not likely to affect health and wellbeing significantly.*

When a window to a room is open (such as might be required for natural ventilation during the night), it is commonly accepted that the noise level inside the room due to external sources would be 10-to-15 dB(A) lower than the noise level outside the room. These criteria are generally accepted in Victoria where amenity may be affected due to sleep disturbance and are typically taken to apply between 10pm and 7am the following day. The established sleep disturbance criteria are presented in Table 4-3.

Table 4-3: Sleep disturbance criteria

Type	Period	Criterion
Maximum Noise	10pm – 7am	L _{max} 50-55 dB(A) inside bedroom (or L _{max} 65 dB(A) outside an open bedroom window)

4.2.1 Representative car park noise levels

Renzo Tonin & Associates has previously conducted extensive measurements and testing of noise from car parks Table 4-4 shows the range of measured noise levels.

Table 4-4: Measured noise level peaks from car park activity

Noise source	Noise Level L _{max} dB(A)
General car park activity	49 to 63
Test car parking, 12 to 5 metres from microphone	63 to 64
Test car ignition, 5 metres from the microphone	61
Test car boot slam, 10 to 5 metres from the microphone	61 to 69
Test car door slam, 8 to 6 metres from the microphone	57 to 62

Notes: Measurable noise levels from general car park activity were comprised of door slamming for the most part, at a distance of 10 to 60 metres from the microphone.

As shown in Table 4-4, the controlled measurements using the test car (the test car boot slam) were observed to generate higher noise levels than other car park activity. As such, noise level peaks from the test car were used for analysis detailed in this report. Table 4-5 presents the noise levels from the maximum test car noise event.

This document has been copied and made available for the planning process as set out in the Planning and Environment (the test car boot slam) were observed to generate higher noise levels than other car park activity. As such, noise level peaks from the test car were used for analysis detailed in this report. Table 4-5 presents the noise levels from the maximum test car noise event.

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Table 4-5: Maximum test car noise level spectrum

Details	Noise level L_{max} at frequency (Hz)							dB(A)
	63	125	250	500	1k	2k	4k	
Car boot slam, 5 metres from measurement microphone, L_{max}	84	72	69	63	64	62	59	69

4.3 Deliveries to and waste collection from commercial tenancies

EPA Victoria Publication 1254 *Noise Control Guidelines* provides the following guidelines to mitigate the impact of deliveries and waste collection on residential amenity.

4.3.1 Deliveries

EPA Victoria Publication 1254 *Noise Control Guidelines* provides the following guidelines for deliveries:

- *Schedule: Deliveries to shops, supermarkets & service stations*
 - *7am - 10pm Monday to Saturday*
 - *9am - 10pm Sundays and public holidays*
- (Outside these hours) ... deliveries should be inaudible in a habitable room of any residential premises ... regardless of whether any door or window ... is open*

4.3.2 Waste collection

EPA Victoria Publication 1254 *Noise Control Guidelines* provides the following guidelines for waste collection:

- *Refuse bins should be located at sites that provide minimal annoyance to residential premises.*
- *Compaction should be carried out while the vehicle is moving*
- *Noisy verbal communication between operators should be avoided where possible.*

The following times are recommended for waste collection:

- *One collection per week*
 - *6:30am - 8pm Monday to Saturday*
 - *9am - 8pm Sunday and public holidays*
- *Two or more collections per week*
 - *7am - 8pm Monday to Saturday*
 - *9am - 8pm Sunday and public holidays*

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5 Noise impact assessment and recommendations

A CadnaA three-dimensional noise model, implementing ISO 9613 noise propagation algorithms was built, to calculate noise propagation from the Subject Childcare Centre to surrounding residential premises.

The built form of the Subject Childcare Centre and surrounding dwellings were integrated into the model. The following propagation effects were included in the predictive model:

- Mitigation of noise with distance, including geometrical spreading and air absorption
- Reflections from buildings and environment
- Barrier effects due to obstructions between noise sources and residential receivers
- Ground absorption effects
- Local topographical changes

5.1 Noise emissions from outdoor play areas

For the analysis, it was assumed that:

- For the 124 permitted at the Subject Childcare Centre:
 - Child distribution as per the supplied architectural plans
 - All children are playing outside at any given time
 - As typical, half the children are involved in active play, and half are involved in passive play
- Noise sensitive receivers were located within residential lot boundaries surrounding the Subject Childcare Centre; within grounds at a height of 1.5 metres.

Table 5-1 presents predicted noise levels from outdoor play at surrounding residential receivers with the acoustic fencing proposed in Section 6.

Table 5-1: Outdoor play noise level analysis

Assessment location	Predicted noise L_{eq} dB(A)	AAAC guideline noise limit at residential receivers L_{eq} , dB(A)	Conformance with criteria
39 Weebar Road – Ground floor façade – to South	47	50	✓
39 Weebar Road – First floor façade – to South	49	50	✓
3/20 McKindlay Street – Ground floor façade – to West	39	50	✓
5/16 McKindlay Street – Ground floor façade – to West	38	50	✓
4/16 McKindlay Street – Ground floor façade – to West	38	50	✓
5/12 McKindlay Street – Ground floor façade – to West	37	50	✓
4/12 McKindlay Street – Ground floor façade – to West	37	50	✓
Lot 2/33 Weebar Road - Ground floor façade – to West (proposed dwelling)	41	50	✓
Lot 2/33 Weebar Road – First floor façade – to West (proposed dwelling)	49	50	✓

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Assessment location	Predicted noise L_{eq} dB(A)	AAAC guideline noise limit at residential receivers L_{eq} , dB(A)	Conformance with criteria
Lot 4/35 Weebar Road - Ground floor façade – to West (proposed dwelling)	39	50	✓
Lot 4/35 Weebar Road – First floor façade – to West (proposed dwelling)	46	50	✓
Lot 6/37 Weebar Road - Ground floor façade – to West (proposed dwelling)	39	50	✓
Lot 6/37 Weebar Road – First floor façade – to West (proposed dwelling)	47	50	✓
8 Smethurst Street – Ground floor façade – to North	35	50	✓
36 Weebar Road – Ground floor façade – to East	46	50	✓

As presented, the proposed acoustic fence is expected to provide sufficient sound reduction for noise levels from outdoor play to materially conform with the nominated criteria. Accordingly, the Architect shall ensure that requirements set out in acoustic specification in Section 6 are satisfied.

5.2 Noise emission from mechanical services

Section 4.1 sets out noise limits for mechanical services. Whilst details of mechanical plant selection and location are not typically available during the concept design / town planning phase, Renzo Tonin & Associates is able to provide commentary on the likely compliance of the Subject Childcare Centre's proposed plant with noise criteria, drawing on experience from similar projects:

- It is expected that small scale air conditioner condensers and exhaust fans will be used
 - Generally, they are located on balconies, on the rooftop or on Ground Level services area. Such units do not generally generate significant noise and are generally have a sound power level of 65 to 70 dB(A)
- The Subject Childcare Centre is proposed to be single storey and have fences as described in Section 7.
- As such, the built form of development is likely to provide acoustic shielding and distance shall provide noise emission reduction
- Air conditioners and exhaust fans are expected to operate during the day period only

On the above basis, it is expected that mechanical services noise from the Subject Childcare Centre will present a low risk with respect to EPA Pub. 1826. As an additional recommendation to guide the development:

- It is good practice to, as practical, locate mechanical services away from surrounding dwellings; and locate services on roof/building sides furthest away from dwellings (in this case, locate equipment to the east or north east). This is to maximise noise reduction provided by distance and acoustic shielding from the building.

5.3 Noise emissions from car park

As it is proposed that the Subject Childcare Centre operate during the morning on weekdays, it is possible that early morning car movements may occur during the night-time period. As such, sleep disturbance criteria may be applied for car park noise, as defined in Section 4.2

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Table 5-2 presents predicted noise levels from car park noise.

Table 5-2: Car park noise analysis with proposed fence

Dwelling location	Predicted maximum noise level outside window, L_{max} dB(A)	Does predicted noise level comply with sleep disturbance criterion? (L_{max} 65 dB(A) outside an openable bedroom window)
8 Smethurst Street – to North	38	✓
4/12 McKindlay Street – to West	40	✓
5/12 McKindlay Street – to West	40	✓
36 Weebar Road – to East	51	✓
Lot 2/33 Weebar Road - Ground floor façade – to West (proposed dwelling)	50	✓
Lot 2/33 Weebar Road – First floor façade – to West (proposed dwelling)	57	✓

Note: Noise levels calculated from worst case activities documented in Table 4-5.
Noise levels at other dwellings are lower than the noise levels presented above, as a result of greater distance from the car park

As presented in Table 5-2, car park activity is not expected to exceed the sleep disturbance criterion of 65 dB(A) outside adjacent dwelling windows.

5.4 Deliveries to and waste collection from commercial tenancies

Delivery and waste collection should be conducted in accordance with EPA Publication 1254, as set out in Section 4.3.

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6 Acoustic specification

Figure 2: Acoustic specification



Acoustic fence

1. (blue) The proposed acoustic fence/parapet shall be built to a minimum of 1.8 metres total height, relative to adjacent road elevation, on top of the retaining wall.
2. Acoustic fences and parapets may be constructed using any of treated timber, glass, precast concrete panels, lightweight aerated concrete, transparent acrylic panels, profiled metal sheet cladding, and/or fibre cement sheeting as long the selected material (or combined skins) has a mass of at least 8kg/m².
For example, a fence of 12mm thick timber palings, 50mm overlap between palings is often acceptable; and at least 6.38mm thick laminated glass balcony glazing is also acceptable.
3. Where the above condition is not demonstrated, the overall sound transmission loss through the material of which the fence is to be constructed shall not be less than Rw 20, to be approved by a suitably qualified acoustic consultant. For example, 0.42mm BMT steel fencing is the minimum thickness that performs this criterion.
4. Acoustic fences and parapets shall have no gaps or holes, and shall be designed so that there is no likelihood of them occurring through natural causes or deformations which would allow noise to pass through.
5. The fence must be designed and built in an acceptable manner so that noise will not pass underneath it.

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7 Conclusion

Renzo Tonin & Associates undertook an acoustic assessment of the proposed childcare centre development, to be located at 33-37 Weebar Road, Drouin, as part of the development planning application, with the following outcomes:

- Noise from children occupying the outdoor play areas is expected to conform with the nominated childcare centre outdoor play criteria at the nearest residential receivers, with implementation of the acoustic fencing outlined in Section 6.
- Criteria for mechanical services were set out, for application in the detailed design phase of the development. The Subject Childcare Centre is considered low risk with respect to EPA Pub. 1826.
- Car park activity is expected to conform with applicable amenity criteria.
- Waste collection and delivery times were proposed with accordance with EPA Publication 1254.

With implementation of the advice set out in this acoustic report it is expected that the Subject Childcare Centre can conform with relevant criteria, and on that basis, not unreasonably affect residential amenity in the area.

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APPENDIX A Glossary of terminology

The following is a brief description of the technical terms used to describe noise to assist in understanding the technical issues presented.

Background noise	Background noise is the term used to describe the underlying level of noise present in the ambient noise, measured in the absence of the noise under investigation, when extraneous noise is removed. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for 90% of a sample period. This is represented as the L ₉₀ noise level (see below).																																													
Decibel [dB]	<p>The units that sound is measured in. The following are examples of the decibel readings of common sounds in our daytime environment:</p> <table border="0"> <tr> <td>threshold of hearing</td> <td>0 dB</td> <td>The faintest sound we can hear</td> </tr> <tr> <td></td> <td>10 dB</td> <td>Human breathing</td> </tr> <tr> <td></td> <td>20 dB</td> <td></td> </tr> <tr> <td>almost silent</td> <td>30 dB</td> <td>Quiet bedroom or in a quiet national park location</td> </tr> <tr> <td></td> <td>40 dB</td> <td>Library</td> </tr> <tr> <td>generally quiet</td> <td>50 dB</td> <td>Typical office space or ambience in the city at night</td> </tr> <tr> <td></td> <td>60 dB</td> <td>CBD mall at lunch time</td> </tr> <tr> <td>moderately loud</td> <td>70 dB</td> <td>The sound of a car passing on the street</td> </tr> <tr> <td></td> <td>80 dB</td> <td>Loud music played at home</td> </tr> <tr> <td>loud</td> <td>90 dB</td> <td>The sound of a truck passing on the street</td> </tr> <tr> <td></td> <td>100 dB</td> <td>Indoor rock band concert</td> </tr> <tr> <td>very loud</td> <td>110 dB</td> <td>Operating a chainsaw or jackhammer</td> </tr> <tr> <td></td> <td>120 dB</td> <td>Jet plane take-off at 100m away</td> </tr> <tr> <td>extremely loud</td> <td>130 dB</td> <td></td> </tr> <tr> <td>threshold of pain</td> <td>140 dB</td> <td>Military jet take-off at 25m away</td> </tr> </table>	threshold of hearing	0 dB	The faintest sound we can hear		10 dB	Human breathing		20 dB		almost silent	30 dB	Quiet bedroom or in a quiet national park location		40 dB	Library	generally quiet	50 dB	Typical office space or ambience in the city at night		60 dB	CBD mall at lunch time	moderately loud	70 dB	The sound of a car passing on the street		80 dB	Loud music played at home	loud	90 dB	The sound of a truck passing on the street		100 dB	Indoor rock band concert	very loud	110 dB	Operating a chainsaw or jackhammer		120 dB	Jet plane take-off at 100m away	extremely loud	130 dB		threshold of pain	140 dB	Military jet take-off at 25m away
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dB(A)	A-weighted decibels. The A- weighting noise filter simulates the response of the human ear at relatively low levels, where the ear is not as effective in hearing low frequency sounds as it is in hearing high frequency sounds. That is, low frequency sounds of the same dB level are not heard as loud as high frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter which is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter.																																													
Frequency	Frequency is synonymous to pitch. Sounds have a pitch which is peculiar to the nature of the sound generator. For example, the sound of a tiny bell has a high pitch and the sound of a bass drum has a low pitch. Frequency or pitch can be measured on a scale in units of Hertz or Hz.																																													
L _{Max}	The maximum sound pressure level measured over a given period.																																													
L ₉₀	The level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L ₉₀ noise level expressed in units of dB(A).																																													
L _{eq}	The "equivalent noise level" is the summation of noise events and integrated over a selected period of time.																																													
Reflection	Sound wave changed in direction of propagation due to a solid object obscuring its path.																																													
Sound	A fluctuation of air pressure which is propagated as a wave through air.																																													
Sound absorption	The ability of a material to absorb sound energy through its conversion into the thermal energy.																																													
Sound pressure level	The level of noise, usually expressed in decibels, as measured by a standard sound level meter with a microphone.																																													
Sound power level	Ten times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power.																																													

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For

Site location

33 - 37 Weebar Road Drouin

Report type

Arboricultural Impact Assessment

Prepared by

Friday 7 November 2025

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1. Summary

This report was commissioned by _____ L to assess the condition of 5 trees located on or adjacent to 33 - 37 Weebar Road Drouin and to evaluate the impacts on these trees arising from the proposed development on this site.

Of the five trees assessed at this site:

1. Trees 1, 3 & 5 will remain viable within the currently proposed works on this site.
2. Tree 2 will not remain viable within the proposed development.
 - a. Tree 2 is located on the Weebar Road road reserve.
3. Tree 4 will not remain viable within the proposed development.
 - a. Tree 4 is located on the subject site.

2. Document control

File reference	File type	Modifications	Author	Date
8410 251107	A/A	Original document. Arboricultural Impact Assessment for 5 trees.	RGG	07/11/2025
8410 251124	A/A	Tree attribution error corrected & minor adjustments for clarity	RGG	24/11/2025

3. Introduction

This report was commissioned by _____ p P/L to assess the condition of 5 trees located on or adjacent to 33 - 37 Weebar Road Drouin and to evaluate the impacts on these trees arising from the proposed development on this site.

Specifically, the report addresses the following issues:

- The health and structural condition of the trees.
- The suitability of these trees for retention on the site in light of the proposed development.
- The impact of the development on these trees.
- Recommendations for the protection of these trees.

This report is based, in part, on the plans provided and the accuracy of these plans is assumed. Inaccuracies in the plans provided may invalidate all or parts of this report.

The location of services within the site is not known and the possible impact of any services installation on the retained trees at this site is not included within this report.

The site was inspected by Roger Greenwood of this office on Friday 7th November 2025

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4. Documents reviewed

The following documents were reviewed in the preparation of this report.

Date	Title	Author	Company
30/08/2025	Proposed Childcare Centre. Design Response. (Ref: 4273 TP04 Rev- A)	Not stated.	
07/03/2022	33 Weebar Road, Drouin. Plan of feature survey. (Ref:	Not stated	
17/10/2025	Request for Further Information (Ref: PLA0168/25 Use and Development of a Childcare Centre)		

5. Scope

All of those trees that are considered significant to the site and that are located either on the site or within five metres of the site boundaries are addressed in this report.

Significant trees are generally those that are greater than five metres in height and/or with a Diameter at Breast Height (DBH) of greater than 15 cm.

6. Site context

This site is located within a General Residential Zone within the local government area of Baw Baw.

The following town planning overlays are applicable to this site:

1. *No town planning overlays pertaining to trees are applicable to this site.*

7. Methodology

This assessment was carried out from the ground and will generally include assessment of trees within the subject site, on the road reserve/s and on adjoining properties as set out in Section 5 Scope.

The following fields of information were documented:

1. Genus / species & common name.
2. Height, width and DBH (Diameter at Breast Height).
3. Origin of the species (Native, endemic, or exotic).
4. Assessment of health, structure, and general condition.
5. Estimate of Useful Life Expectancy (ULE).
6. Assessment of the amenity value to the site and canopy form.

Digital images were captured of each tree on site.

DBH measurements were taken using a diameter tape.

Distances and tree heights were measured using a laser range finder and inclinometer.

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8. AS 4970 2025 nomenclature

This report adopts the nomenclature of AS 4970 2025 *Preservation of Trees on Development sites*. This standard has been recently released and contains several changes in nomenclature from the previous version.

In this report the following nomenclature is used:

1. NRZ (Notional Root Zone) is the circular dimension that defines the soil volume that the tree is likely to require to maintain physiological function.
 - a. This was previously known as the TPZ (Tree Protection Zone).
2. TPZ (Tree Protection Zone) is the soil volume protected by fencing, ground protection or other means as set out in the Tree Protection Specification and Tree Protection Plan.
 - a. TPZ now refers specifically to the specified tree protection fencing, ground protection and other methods of tree protection.
3. SRZ (Structural Root Zone) is the radius of those tree roots that provide structural stability for the tree.
 - a. SRZ is unchanged from the previous version of the standard.
4. TPS (Tree Protection Specification) is a report style document that details the tree protection for the entire site and will generally include a TPP (Tree Protection Plan).
 - a. TPS was previously referred to as the TPZ.
5. TPP (Tree Protection Plan) is a plan style document that details the extent and dimensions of the tree protection system.
 - a. TPP was previously referred to as the TPZ.

9. Notes

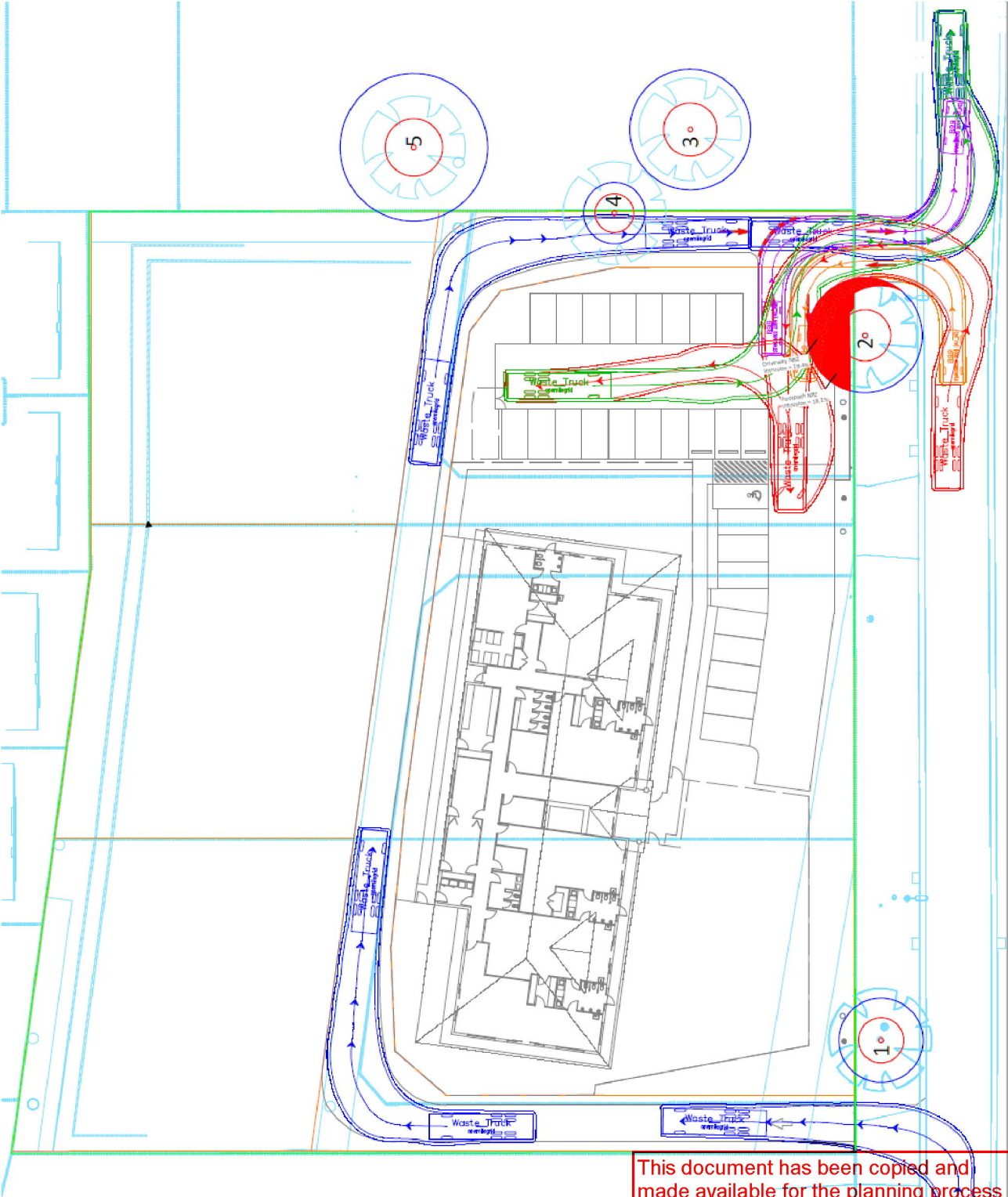
1. Trees 3, 4 & 5 were not shown on the survey provided.
 - a. These trees have been added to the enclosed site plans based on a visual estimation of their location.
 - b. The location of these trees and the estimation of construction impact for these trees are approximate only.
2. The column label "ID" is used in all the tables throughout this report. This refers to the tree identification number and to the tree numbering found on the "Site plan". This number is the same as the "Tree ID" found in the "Tree data" section of the report.

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10. Site plan - Proposed



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11. Arboricultural Impact Assessment

Trees 1, 3 & 5 are regarded as being suitable for retention and are located within close proximity to elements of the proposed development. The successful retention of these trees may require additional care throughout the development construction process.

Note: **Construction Proximity** of 0.1 indicates construction over or immediately adjacent to the tree.

11.1. Trees 1, 3 & 5

Tree ID: 1

Genus / species: *Acacia melanoxylon*
 Evergreen Blackwood
Height (m): 9 **Structure:** Poor
Width (m): 5 **Health:** Good
DSH (cm): 34 Measured **Maturity:** Mature
Origin: Melbourne **ULE (years):** 15 - 30
Retained?: Retained **Form:** Fair
Retention Value: Low
Removal / retention reason: Road reserve.
Amenity value: Low
Works Required: N/A.

SRZ (m): 2.2 **Works priority:** N/A
NRZ (m): 4.1 **Construction Proximity:** 6.2
mTPZ (m): = TPZ



Tree ID: 3

Genus / species: *Quercus robur*
 Deciduous English Oak
Height (m): 14 **Structure:** Good
Width (m): 12 **Health:** Good
DSH (cm): 49 Measured **Maturity:** Mature
Origin: Exotic **ULE (years):** > 60
Retained?: Retained **Form:** Good
Retention Value: High
Removal / retention reason: Adjoining property.
Amenity value: Moderate
Works Required: N/A.

SRZ (m): 2.6 **Works priority:** N/A
NRZ (m): 5.9 **Construction Proximity:** 8.5
mTPZ (m): = TPZ



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Tree ID: 5

Genus / species: *Zelkova serrata*

Deciduous Zelkova

Height (m): 15	Structure: Good
Width (m): 19	Health: Good
DSH (cm): 60 Measured	Maturity: Mature
Origin: Exotic	ULE (years): > 60
Retained?: Retained	Form: Good
Retention Value:	Very high
Removal / retention reason:	Adjoining property.
Amenity value:	High
Works Required:	N/A.

SRZ (m): 2.8	Works priority:	N/A
NRZ (m): 7.2	Construction Proximity:	8.9
mTPZ (m): = TPZ		



Tree 1 is a mature *Acacia melanoxylon* (Blackwood) that exhibits Good health and Poor structure and has a Useful Life Expectancy of 15 - 30 years. It is located on a road reserve and has a retention value of Low.

This tree has a DSH of 34 cm, an SRZ of 2.2 m, a NRZ of 4.1 m and a construction impact of None.

Tree 3 is a mature *Quercus robur* (English Oak) that exhibits Good health and Good structure and has a Useful Life Expectancy of > 60 years. It is located on an adjoining property and has a retention value of High.

This tree has a DSH of 49 cm, an SRZ of 2.6 m, a NRZ of 5.9 m and a construction impact of None.

Tree 5 is a mature *Zelkova serrata* (Zelkova) that exhibits Good health and Good structure and has a Useful Life Expectancy of > 60 years. It is located on an adjoining property and has a retention value of Very high.

This tree has a DSH of 60 cm, an SRZ of 2.8 m, a NRZ of 7.2 m and a construction impact of None.

These trees will not be impacted by the proposed works for this site.

These trees will remain viable within the proposed development.

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11.2. Tree 2

Tree ID: 2

Genus / species: *Fraxinus raywoodii*

Deciduous Claret Ash

Height (m): 9 **Structure:** Good

Width (m): 7 **Health:** Good

DSH (cm): 47 Measured **Maturity:** Mature

Origin: Exotic **ULE (years):** 30 - 60

Retained?: Retained **Form:** Fair

Retention Value: Low

Removal / retention reason: Road reserve.

Amenity value: Low

Works Required: N/A.

SRZ (m): 2.5 **Works priority:** N/A

NRZ (m): 5.6 **Construction Proximity:** 1.5

mTPZ (m): = TPZ



Tree 2 is a mature *Fraxinus raywoodii* (Claret Ash) that exhibits Good health and Good structure and has a Useful Life Expectancy of 30 - 60 years. It is located on a road reserve and has a retention value of Low.

This tree has a DSH of 47 cm, an SRZ of 2.5 m, a NRZ of 5.6 m and a construction impact of High.

The proposed driveway and pedestrian path intrude significantly into the NRZ for this tree and will occupy a total of 37.5% of the NRZ for this tree (Figure 1).

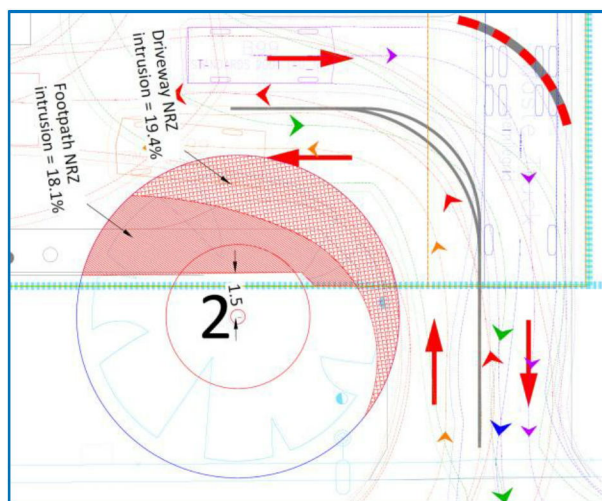


Figure 1 Tree 2 NRZ driveway & footpath intrusions

The proposed driveway will require significant road base excavation to create a

stable base and is expected to permanently excise all of the root mass from this tree in this area. This soil volume will be rendered permanently unavailable to Tree 2.

The proposed driveway will occupy approximately 19.4% of the NRZ for this tree.

The proposed pedestrian path will involve the construction of a path above existing grade through the NRZ and SRZ for this tree. This is likely to require a 100 mm excavation and some compaction of the subgrade and, while the root mass will remain intact within this soil volume, the growing conditions for this tree are likely to be significantly degraded.

The proposed path will occupy approximately 18.1% of the NRZ for this tree.

It is also likely that a significant level of canopy uplift pruning will be required to facilitate the driveway and footpath.

Given the extent of the NRZ intrusions, the required excavations and pruning and impact of the proposed development on this tree, it is unlikely that this tree will remain viable within the proposed development.

This tree will not remain viable within the proposed development.

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11.3. Tree 4

Tree ID: 4

Genus / species: *Pittosporum undulatum*

Evergreen Sweet Pittosporum

Height (m): 6	Structure: Good
Width (m): 5	Health: Good
DSH (cm): 25 Estimated	Maturity: Mature
Origin: Victorian	ULE (years): 15 - 30
Retained?: Retained	Form: Good
Retention Value:	Low
Removal / retention reason:	N/A.
Amenity value:	Low
Works Required:	N/A.

SRZ (m): 1.9	Works priority:	N/A
NRZ (m): 3.0	Construction Proximity:	0.1
mTPZ (m): = TPZ		



Tree 4 is a mature *Pittosporum undulatum* (Sweet Pittosporum) that exhibits Good health and Good structure and has a Useful Life Expectancy of 15 - 30 years. It is located on the subject site and has a retention value of Low.

This tree has a DSH of 25 cm, an SRZ of 1.9 m, a NRZ of 3 m and a construction impact of High.

The proposed road construction is immediately adjacent to the trunk of this tree and it is extremely unlikely that this tree will remain viable within the proposed development.

This tree will not remain viable within the proposed development.

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13. Appendix 1 - Tree protection guidelines

The following tree protection guidelines should be observed as appropriate. Where it is not possible to comply with these recommendations alternative arrangements should be decided with a qualified arborist.

1. A site specific Tree Protection Report should be commissioned prior to the commencement of construction to guide construction activity around any retained trees on or adjacent to the site.
2. Clearly marked as being retained on the site to avoid confusion during the tree removal phase.
3. The stumps of removed trees should be ground out rather than pulled to avoid injury to adjacent trees.
4. Construction specifications should include the plan location of those trees that are to be retained.
5. Penalties should be included in the construction specifications for damage to trees that are to be retained.
6. The trees to be retained should be enclosed with a 1.8 meter high chain link fence supported on steel posts driven 0.6 meters into the ground.
 - 6.1. Tree protection fencing should be established as shown.
 - 6.1.1. If tree protection fencing is not detailed in the report it should enclose, at a minimum, the entire **Structural Root Zone** and as much of the **Tree Protection Zone** as possible.
 - 6.2. Access should be provided by a single gate that should be kept locked at all times except when required for tree inspection or maintenance.
 - 6.3. Tree protection fencing should be installed following the removal of trees and prior to any other works being commenced.
 - 6.4. The area inside the fence should be mulched to a depth of 0.15 meters with general arboricultural wood chip mulch or similar.

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7. Where construction clearance is required and areas of the Tree Protection Zone cannot be fenced the ground in these areas should be protected from compaction with **Ground Protection**.
 - 7.1. **Ground Protection** can consist of any constructed platform that prevents point loads on the soil within the Tree Protection Zone. These could include:
 - 7.1.1. Industrial pallets joined together to form a platform.
 - 7.1.2. 12 mm plywood joined together to form a platform.
 - 7.1.3. Planks of timber joined together to form a platform.
 - 7.2. **Ground Protection** should be constructed with sufficient strength to allow it to survive the entire construction process.
 - 7.3. **Ground Protection** should be installed following the removal of trees and prior to any other works being commenced.
8. Excavation within the **Structural Root Zone** should be avoided unless absolutely necessary.
 - 8.1. Any excavation within the **Structural Root Zone** should be performed by hand.
 - 8.2. Any excavation within or tunnelling under the **Structural Root Zone** should be supervised by a qualified arborist.
 - 8.3. Any roots encountered from the retained trees should be pruned carefully and cleanly, preferably back to a branch root.
 - 8.4. Before any roots are pruned the effect of such pruning on the health and structural stability of the tree should be evaluated by a qualified arborist.
9. Excavation within the **Tree Protection Zone** should be avoided where possible.
 - 9.1. Any excavation within the **Tree Protection Zone** should be performed carefully to minimise root injury.
 - 9.2. Any roots encountered from the retained trees should be pruned carefully and cleanly, preferably back to a branch root.
 - 9.3. Before any excavation occurs the effect of such excavation on the health and structural stability of the tree should be evaluated by a qualified arborist.
10. Concrete and other washout or waste disposal areas should be kept well away from trees to be retained.
11. Where automatic irrigation systems are installed the amount of irrigation that is applied should be checked against the requirements of the existing trees on the site.
12. Any pruning works that are required to facilitate construction should be performed by a qualified arborist.

Adapted from Harris, Clark and Matheny (2004)

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15. Appendix 2 – Arboricultural information

The following sections are presented to provide an introduction to the process of tree root system protection. A trees root system is the critical element to be protected during the development process and if the trees roots are adequately protected then the rest of the tree will generally survive without significant injury.

15.1. Root plate estimation

One of the primary purposes of this report is to estimate the impact of the development on the trees on this site. This is mainly achieved by estimating the extent of the root plate area of the trees that are proposed to be retained and the proportion of this area that is likely to be excised or affected during the construction process.

In this report two elements of the tree root area are described. These are:

15.2. Structural Root Zone

This is an estimate of the radius that is likely to encompass the major scaffold roots of the tree. These roots are critical to anchoring the tree and damage to these roots will increase the risk of entire tree failure (i.e. uprooting). This radius is based on AS 4970-2009.

15.3. Notional Root Zone

This is an estimate of the radius that is likely to encompass enough of the smaller absorbing roots to allow the tree to obtain sufficient nutrients and water to allow it to survive in the long term. This radius is based on AS 4970-2009 and is based on the size of the tree.

Estimation of the likely root plate radius for both methods are based on the DBH (Diameter at Breast Height) of each tree. This is usually measured but where the tree is inaccessible or has numerous trunks a visual estimation may be used. Whether the DBH is estimated or measured is noted within the "Tree Data" section of the report.

The two elements of each trees' root zone is transposed over the site survey and building footprint and the degree of root injury is calculated from this.

15.4. Tree rooting patterns

Contrary to common belief, trees usually have a broad flat plate of roots that may extend 1.5 – 3 times the radius of the canopy (Harris, Matheny & Clark, 1999; Coder, 1996; Hitchmough, 1994). Relatively few trees have deep roots and Harris, Matheny and Clark (2004) note that most tree roots will be found in the top 1.0 metre of the soil profile.

While the models used to approximate the size of tree root plates assume a uniformly radial root system, in highly disturbed urban soils root systems often develop in a highly asymmetric manner (Matheny & Clarke, 2004). This may require the modification of the models used where it is likely that the root system is asymmetric.

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15.5. Construction impacts

Construction in the vicinity of trees can have several negative impacts on their health, longevity and structural stability. Harris, Matheny and Clark (2004) note that some level of tree root injury or root zone change is almost inevitable during construction around trees and maintain that the goal of tree preservation is to reduce the injury or change to a level that will enable the long term preservation of the retained trees.

Negative impacts can include:

- Root severance from trenching and grading activities. Damage to the transport and absorbing root system may deprive the tree of the ability to absorb nutrients and water and damage to the structural scaffold roots that support the tree may result in instability and uprooting. Depending on the percentage of the root plate affected and proximity to the tree, the affects can range from minor degradation of health through to total root plate failure (i.e. uprooting).
- Compaction and root injury. Most trees require a well aerated and friable soil to allow normal physiological processes to occur and to allow root growth. Soil compaction from pedestrian or vehicular traffic can result in direct injury to the roots, indirect injury through soil drainage changes, reduced soil aeration or decreased soil penetrability. If severe enough soil compaction can lead to a rapid decline in many tree species and may eventually result in instability and uprooting.
- Changes in drainage patterns. Changes in drainage patterns may result from hard surfacing, trenching, land shaping and other construction activities. These can result in either drought stress or waterlogging, both of which can cause a rapid decline in trees and may result in instability and uprooting.

16. Appendix 3 - AS 4970 -2025

This report generally conforms to *AS 4970 – 2025 Protection of Trees on Development Sites* except in the following areas.

1. AS 4970 suggests that the project arborist should verify the accuracy of feature survey for the subject site.
 - a. This is generally not feasible and the feature survey is taken as being an accurate representation of the features of the site.
 - b. However, if trees are found on the site that are not represented in the feature survey, then these trees will be added to the report plans based on a visual estimation of their location.
 - i. Accordingly, the location of these trees may not be sufficiently accurate for the purposes of the report.
 - ii. The location of these trees should be verified by a qualified surveyor where appropriate.
 - c. If trees are found to be incorrectly located on the survey drawings then the location of these trees will be adjusted to more closely reflect the site location of the tree/s.
2. The Notional Root Zone (NRZ) for any tree might be adjusted where existing structures or land forms are likely to have cause the development of an asymmetrical tree root system.

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- a. Where this is the case, the NRZ may be expanded in other areas to compensate for the area of the standard NRZ that is occupied by the cause of the asymmetry.

17. Appendix 4 - Explanation of terms

The assessment of Health, Structure, Condition, U.L.E. (Useful Life Expectancy), Origin, Maturity, Form and Retention value are based on the following definitions. In the case of health and structure these definitions encompass only the more common indicators for these assessments. Other indicators not included in these definitions may lead to the ascribing of a particular health or structure category.

17.1. Origin

The notation of “Origin” is based on the following categories.

1. Category	Description
2. Melbourne	Native to the greater Melbourne metropolitan area as defined by Flora of Melbourne (S. G. A. P. M., 1991).
3. Victorian	Native to Victoria but not the greater Melbourne Metropolitan area.
4. Australian	Native to Australia but not Victoria.
5. Exotic	Not native to Australia.

17.2. Maturity

The notation of “Maturity” is based on the following categories.

1. Category	Description
2. Immature	Less than 20% of the life expectancy for the species within the geographical area.
3. Mature	20 – 80% of the life expectancy for the species within the geographical area.
4. Over mature	> 80% of the life expectancy for the species within the geographical area.

17.3. Works required

The works required listed in this report are of a general nature only and should be reviewed following the completion of any works on the site.

Where a tree is recommended for removal (Recommendations) it is not listed in the Works required section of the report.

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17.4. Priority

The priority accorded particular works is based on a projected increased site usage following the completion of a development on the site. The priority is of a general nature only and should be reviewed following the completion of any works on the site.

“Priority” is based on the following categories.

<u>Category</u>	<u>Description</u>
1. N/A.	No tree works are required
2. Very low	Tree works are optional and could be performed at any time.
3. Low	Works should be performed within five years.
4. Moderate	Works should be performed within 3 years.
5. High	Works should be performed within 12 months.
6. Urgent	Works should be performed immediately.

17.5. Retention value (RV) explanation

The Retention value ascribed to each tree in this report is not definitive and should be used as a guide only. Many factors influence the comparative value of a tree, and a number of these factors are outside the scope of arboricultural assessment. These factors cannot therefore be addressed in a single rating system.

Retention value is comprised of two parts. These are the Amenity Value of the tree rated as Very Low to Very high and the Useful Life Expectancy (ULE) rating of the tree.

The Amenity Value of the tree relates to the contribution of the tree to the aesthetic amenity of the area. The primary determinants of amenity value are tree health, size and form. Amenity value does not consider tree structure. In the context of Retention Value structure is considered in the ULE.

The Amenity Value is then modified by the ULE of the tree with short ULE values reducing the RV of the tree and long ULE values increasing the RV of the tree.

Trees that are listed on a register of heritage or significant trees are not accommodated within this rating system as these values are often independent of the arboricultural attributes of the tree. Heritage and significant trees may be ascribed a very low retention value despite their listing on any register. Where known, any heritage or significant tree register listing it will be noted in the report.

RV is assessed on each tree as a single entity. The value of a group of trees is not considered in this context and each tree within the group is assessed as an individual specimen.

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17.6. Amenity value

Amenity value is based on the following categories and is ascribed an Amenity Value (AVV) ranging from 2 - 10.

<u>Category</u>	<u>Example</u>	<u>AVV</u>
1. Very high	Generally, a very large tree that exhibits excellent health and/or form or a tree that is listed on a heritage or significant tree register and taller than 25 metres tall.	10
2. High	Generally, a large tree that exhibits good health and/or form and between 15 and 25 metres tall.	8
3. Medium	Generally, a medium tree that exhibits good health and/or form and between 10 - 15 metres tall. May be a large tree that exhibits fair health and/or form.	6
4. Low	Generally, a small tree that exhibits good health and/or form and between 5 - 10 metres tall. May be a large or medium tree that exhibits fair or poor health and/or form..	4
5. Very low	Generally, a small tree that exhibits poor health and/or form. May be a large or medium tree that exhibits poor, or worse, health and/or form.	2

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17.7. ULE

U.L.E. is based on the following categories each of which have a modifier (ULEM) ranging from 0 – 12.

<u>Category</u>	<u>Example</u>	<u>ULEM</u>
1. 0	The tree is dead or almost dead or constitutes an immediate and unacceptable risk of harm.	0
2. 1 – 5	The tree is unlikely to provide useful amenity for longer than 5 years. The tree is in serious decline, poses an unacceptable risk of harm and/or requires a level of maintenance disproportionate with its value.	4
3. 5 – 15	The tree is likely to provide useful amenity for between 5 and 15 years. The tree may be in serious decline, be a very short lived species and/or require excessively high levels of maintenance.	7
4. 15 – 30	The tree is likely to provide useful amenity for between 15 and 30 years. The tree may be in moderate decline and/or a short lived species.	10
5. 30 – 60	The tree is likely to provide useful amenity for between 30 and 60 years. The tree may be in fair to good condition, have a moderate life-span, present a low to moderate level of hazard and/or require moderate levels of maintenance.	11
6. > 60	The tree is likely to provide useful amenity for greater than 60 years. The tree may be in good to excellent condition, a long lived species, present a low level of hazard and/or require low levels of maintenance.	12

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17.8. Retention value

Retention value is then derived from the multiplication of AVV by ULEM and the resulting score is categorised as Very high to Very low.

Retention value is only intended to guide arboricultural actions within the proposed report tree population and is not definitive in any way.

<u>Category</u>	<u>Example</u>	<u>RV value</u>
1. Very high	Every effort should be made to preserve trees in this category	96 - 120
2. High	These trees should be retained if at all possible	72 - 95
3. Moderate	These trees should be retained if they do not overly constrain development on the site.	48 - 71
4. Low	These trees should not create a material constraint on development of the site. These trees should be removed where they conflict with development of the site.	24 - 47
5. Very low	Generally, a small tree that exhibits poor health and/or form. May be a large or medium tree that exhibits poor, or worse, health and/or form. These trees should generally be removed.	1 – 23
6. Remove	These trees are not suitable for retention within the site and are recommended to be removed.	0

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17.9. Health

Pertains to the health and vigour of the tree.

The notation of “Health” is based on the following categories.

<u>Category</u>	<u>Example</u>
1. Good	<p>Crown full, with good foliage density. Foliage is entire with average colour, minimal or no pathogen damage. Above average growth indicators such as extension growth, leaf size and canopy density. Little or no canopy die-back. Generally no dead wood on the perimeter of the canopy. Good wound wood development.</p> <p>Tree exhibits above average health and no works are required.</p>
2. Fair	<p>Tree may have more than 30% dead wood, or may have minor canopy dieback. Foliage density may be slightly below average for the species. Foliage colour may be slightly lower than average and some discolouration may be present. Typical growth indicators, e.g. extension growth, leaf size, canopy density for species in location. Average wound wood development.</p> <p>The tree exhibits below average health and remedial works may be employed to improve health.</p>
3. Poor	<p>Tree may have more than 30% dead wood and canopy die back may be present. Leaves may be discoloured and/or distorted, often small, and excessive epicormic growth may be present. Pathogens and/or stress agents may be present that could lead, or are leading to, the decline of tree. Poor wound wood development.</p> <p>The tree exhibits low health and remedial works or removal may be required.</p>
4. Very poor	<p>The tree has more than 30% dead wood. Extensive canopy die back is present. Canopy is very sparse. Pathogens and/or stress agents are present that are leading to the decline of the tree. Very poor wound wood development.</p> <p>The tree exhibits very poor health and remedial works or removal are required.</p>
5. Dead	Tree is dead and generally should be removed.

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17.10. Structure

Pertains to the physical structure of the tree including the main scaffold branches and roots. Structure includes those attributes that may influence the probability of major trunk, root or limb failure.

The notation of “Structure” is based on the following categories.

<u>Category</u>	<u>Example</u>
1. Good	<p>The tree has a well-defined and balanced crown. The tree exhibits generally defect free scaffold branches, trunk/s and root plate. The tree is very unlikely to suffer root plate, trunk/s or branch failure under normal conditions.</p> <p>The tree is considered a good example of the species.</p>
2. Fair	<p>The tree has some minor structural defects of the scaffold branches, trunk or root plate.</p> <p>These defects are not likely to result in catastrophic root plate, trunk or branch failure although some branch failure may occur under normal conditions.</p>
3. Poor	<p>The tree has significant defects within the scaffold branches, trunk or root plate.</p> <p>These defects may predispose the tree to major trunk or branch failure.</p>
4. Very poor	<p>The tree has very significant defects within the scaffold branches, trunk or root plate.</p> <p>These defects are likely to predispose the tree to root plate, trunk or scaffold limb failure.</p>

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17.11. Form

The notation of “Form” pertains to the aesthetic qualities of the trees live canopy. Generally good form is indicative of a symmetrical, well-balanced canopy although this is dependent on the particular species. Some species naturally develop an asymmetric canopy and in this case a highly irregular canopy might be described as good.

The form of a tree is considered assuming that the tree stands in isolation from any surrounding trees. This may mean that a group of trees that exhibit good form as a group, may be described as having poor form as individuals.

The notation of “Form” is based on the following categories.

<u>Category</u>	<u>Example</u>
1. Very good	An outstanding specimen of that species. Generally, a very evenly balanced and symmetrical canopy with no deformation. If the development of that species is naturally irregular then an outstanding specimen of that species.
2. Good	A good specimen of that species. Generally, a well balanced and symmetrical canopy with minor deformation. If the development of that species is naturally irregular then a good specimen of that species.
3. Fair	An average specimen of that species. Generally, a balanced canopy with some minor to moderate asymmetry. If the development of that species is naturally irregular then an average specimen of that species.
4. Poor	A below average specimen of that species. Generally, a moderate to high degree of asymmetry. If the development of that species is naturally irregular then a poor specimen of that species.
5. Very poor	A very poor specimen of that species. Generally, a high to extreme degree of asymmetry. If the development of that species is naturally irregular then a very poor specimen of that species.

naturally irregular then a very poor specimen of that species. This document is hereby copied and made available for the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose.

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18. Glossary / notes

Diameter at Standard Height (DSH) Is the diameter of the tree trunk at approximately 1.4 meters above ground level and is used to calculate the Notional Root Zone (NRZ). Where a trunk is divided at or near 1.4 meters above ground the DSH is generally measured at the narrowest point of the trunk between ground level and 1.4 meters. Alternatively, where a higher level of accuracy is required with multi stemmed trees, DSH may be calculated from the combined cross-sectional area of all trunks. The DSH of all accessible trees is measured unless otherwise stated in the Tree Data section of this report. The DSH of trees on adjoining properties is measured where access can be readily gained to the property, otherwise it is estimated.

Notional Root Zone (NRZ) Is based on AS 4970-2025 *Protection of trees on development sites* and defines the soil volume that is likely to encompass enough of the trees absorbing root system to ensure the long term survival of the tree. NRZ is a radius calculated as 12 x DSH in metres. NRZ encroachments of up to 20% of NRZ surface area or more may be permissible depending on several factors and the encroachment area should generally be compensated with addition and contiguous soil volume.

Tree Protection Zone (TPZ) TPZ defines the location and type of tree protection that is specified in the Tree Protection Plan (TPP) and / or Tree Protection Specification (TPS). This will generally include Tree Protection Fencing (TPF) and / or Ground Protection (GP).

TPZ extension to protect tree canopy may be shown on the TPP and specified in the TPS as required.

Structural Root Zone (SRZ) Is based on AS 4970-2025 *Protection of trees on development sites* and defines the likely spread of the trees scaffold root system. These roots are the primary anchoring roots for the tree and damage to these roots may render the tree liable to uprooting.

SRZ is based on measurement of the trunk above the root flare (AS 4970). However, in this report SRZ may be based on the measured or estimated DSH and there should be taken as an estimate only. Additional measurement may be required if construction near the SRZ is expected to occur.

Diameter above Buttress (DaB) Diameter of the trunk or trunks above root flare and is used to calculate the SRZ for significant trees. This is generally the diameter of the trunk immediately above the root flare at or near ground level.

DaB is generally only measured for significant trees and for smaller or otherwise low retention value trees DSH + 5% is used to calculate SRZ.

Measured Indicates whether the DSH has been measured or estimated. DSH may be estimated for small low value multi stem trees or trees that are inaccessible.

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Retained?	Indicates whether the tree is shown as being removed or retained on the plans provided. This is generally derived from the site plans provided but tree removal or retention information might be communicated by other means.
Recommendation reason	<p>Pertains to the reason that removal of any tree is recommended by the author. Generally, this will be “Health / ULE” or “Structure / ULE”, indicating that the tree is dying, dead or structurally unsound.</p> <p>The Recommendation reason for trees on adjoining properties or road reserves is listed as “Road reserve” or “Adjoining property” and these trees are listed in the summary reports as being “Off site”.</p>
Tree height & width	Tree height is generally measured to the nearest full metre for moderate, high and very high value trees using an infrared range finder / clinometer. The height of low and very low value trees is usually estimated. Canopy width is estimated unless otherwise stated.
Genus / species	The identification of trees is based on accessible visual characteristics and given that key identifying features are often not available at the time of assessment, the accuracy of identification is not guaranteed. Where the species of any tree is not known, sp. is used.

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19. Practice Note VCAT 2 — Expert Evidence

19.1. Name & address of consultant

Roger George Greenwood of 172 Ridge Road, Mt Dandenong Vic 3767.

19.2. Qualifications & experience

Roger Greenwood has the following qualifications and experience:

6. Graduate Certificate Arboriculture.
7. Bachelor of Applied Science (Horticulture).
8. Diploma of Applied Science (Horticulture).
9. Advanced Certificate of Arboriculture.
10. 38 years experience in arboriculture.
 - a. 8 years as a partner in The Tree Works dealing with all aspects of commercial arboriculture. The Tree Works provided a range of arboricultural services to government, commercial and domestic clients.
 - b. 6 years as a contract climber, crew manager and consulting arborist with a range of companies while completing higher education qualifications.
 - c. 23 years as a consulting arborist.

19.3. Area of expertise

Roger Greenwood provides specialist technical advice in the field of arboriculture. This includes the provision of technical expertise relating to problem diagnosis, management programs, tree appraisal and valuation and the relationship between trees and the built environment.

19.4. Expertise to report

Roger Greenwood has, by training, education, experience and research, considerable knowledge relating to the care, maintenance and management of trees in a wide variety of contexts.

Significant areas of operation and expertise include the provision of tree and built structure conflict reports, hazard assessment, tree condition appraisal and broad scale tree inventories.

Considerable effort is expended in research to remain current with the latest advances in all areas relating to tree care.

19.5. Declaration

"I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Tribunal."

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 - 9.2. Our inspection is limited to visual examination of accessible components without dissection, excavation or probing. There is no warranty or guarantee, express or implied, that even if they were not present during our inspection, problems or defects in plants or property examined may not arise in the future.
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33-37 Weebar Road, Drouin

Transport Impact Assessment



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Prepared by	Reviewed by

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APPENDICES

APPENDIX A SWEEP PATH DIAGRAMS

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1 INTRODUCTION

onemilegrid has been requested by Waite Group to undertake a Transport Impact Assessment of the proposed child care centre at 33-37 Weebar Road, Drouin.

As part of this assessment the subject site has been inspected with due consideration of the development proposal, and relevant background information has been reviewed.

2 EXISTING CONDITIONS

2.1 Site Location

The [subject site](#) is addressed as 33-37 Weebar Road, Drouin, and is located on the western side of Weebar Road, as shown in Figure 1.

Figure 1 Site Location



Source: OpenStreetMap

The site is irregular in shape and contains a road frontage of approximately 90 metres to Weebar Road. It is noted that the site slopes downwards from west to east, with an approximately change in level of 10-15 metres.

The site is currently vacant, with a number of retaining walls located on the western end of the site.

Access to the site is currently provided via two crossovers from Weebar Road. It is noted that the southernmost crossover is shared with the property at 39 Weebar Road.

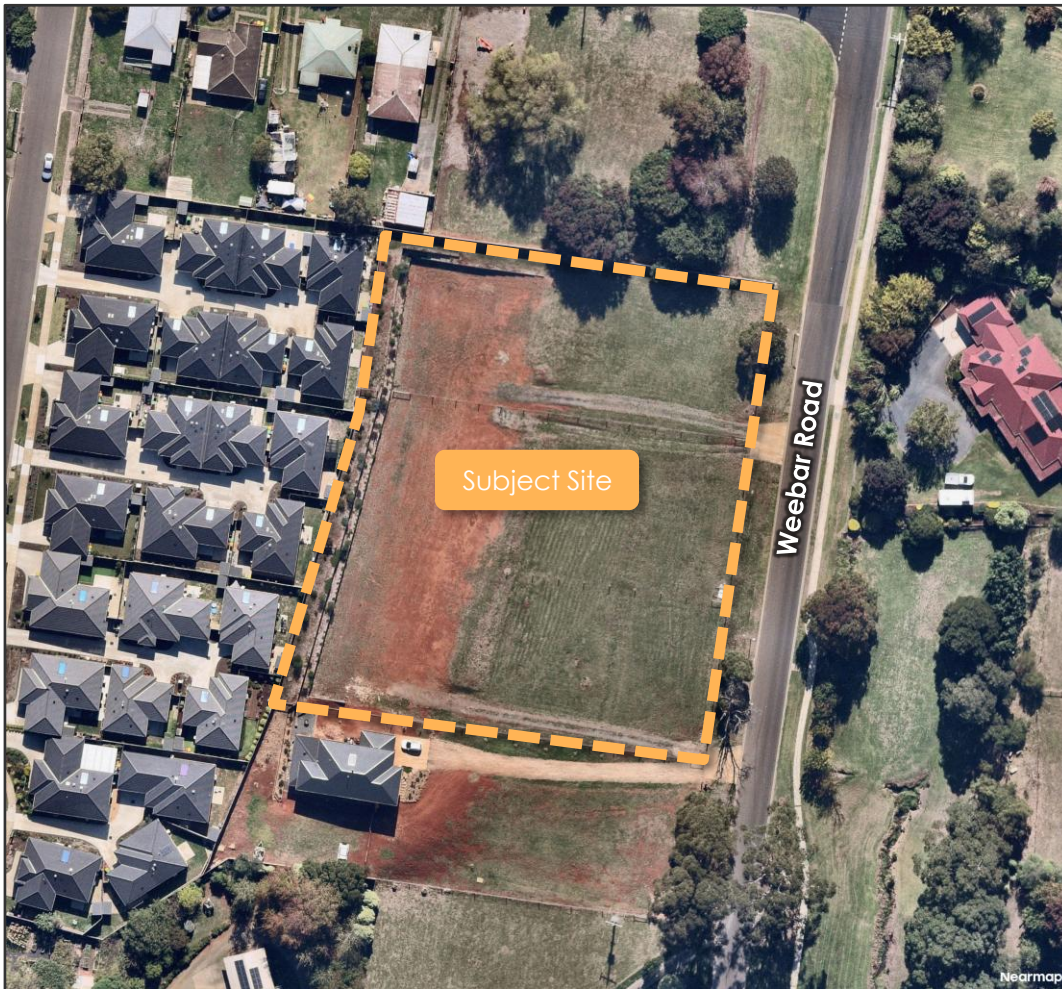
Land use in the immediate vicinity of the site is generally residential and low-density residential in nature, with majority of dwellings located north and west of the site.

It is noted that the Drouin Secondary College is located approximately 150 metres west of the site.

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An aerial view of the subject site is provided in Figure 2.

Figure 2 Site Context (Tuesday 15th April 2025)



Copyright Nearmap

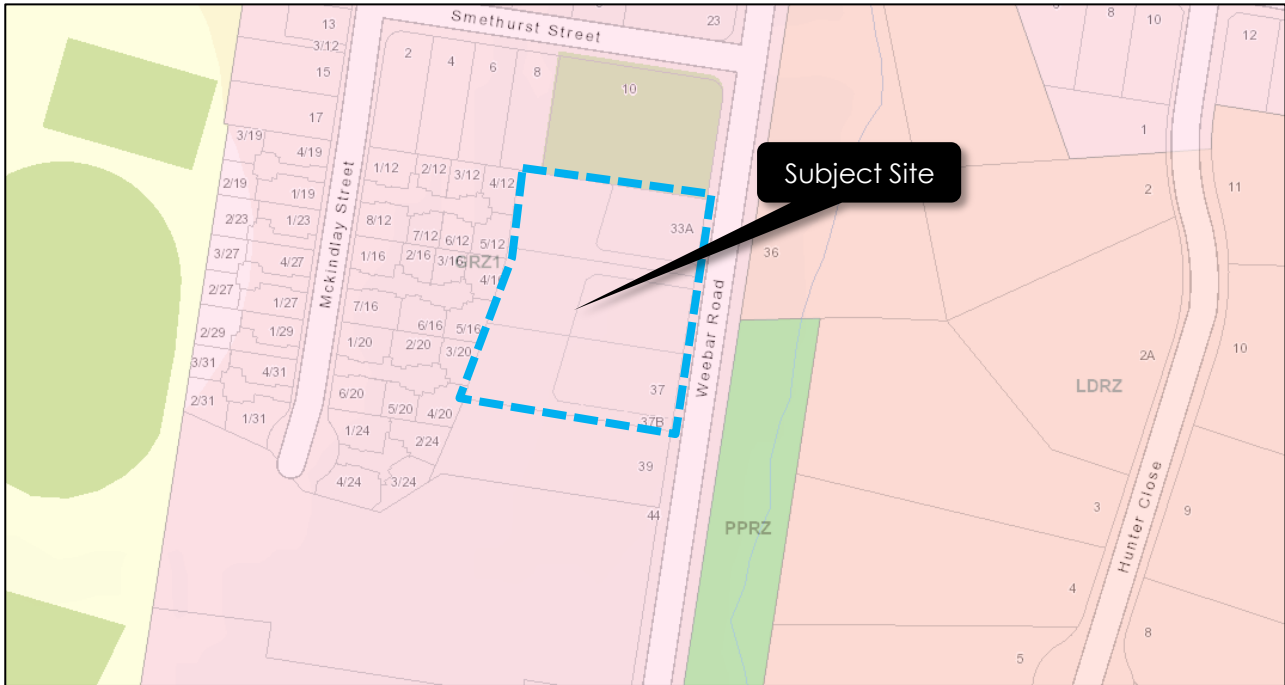
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2.2 Planning Zones and Overlays

It is shown in Figure 3 that the site is located within a General Residential Zone (GR1Z).

Figure 3 Planning Scheme Zones



2.3 Road Network

Weebar Road is a local road generally aligned north-south, running between Main South Road in the north, and its termination approximately 3 kilometres to the south.

Along the frontage of the site, Weebar Road is paved and facilitates two-way movements across a 7 metre wide carriageway, situated within a 20 metre road reserve. Kerbside parking is permitted on both sides of the road, and is unrestricted at all times. A pedestrian footpath is currently only provided along the eastern side of the road, in the vicinity of the site.

The default 50 km/h speed limit applies to Weebar Road in the vicinity of the site.

The cross-section of Weebar Road at the frontage of the site is shown in Figure 4.

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Figure 4 Weebar Road, looking south towards the subject site



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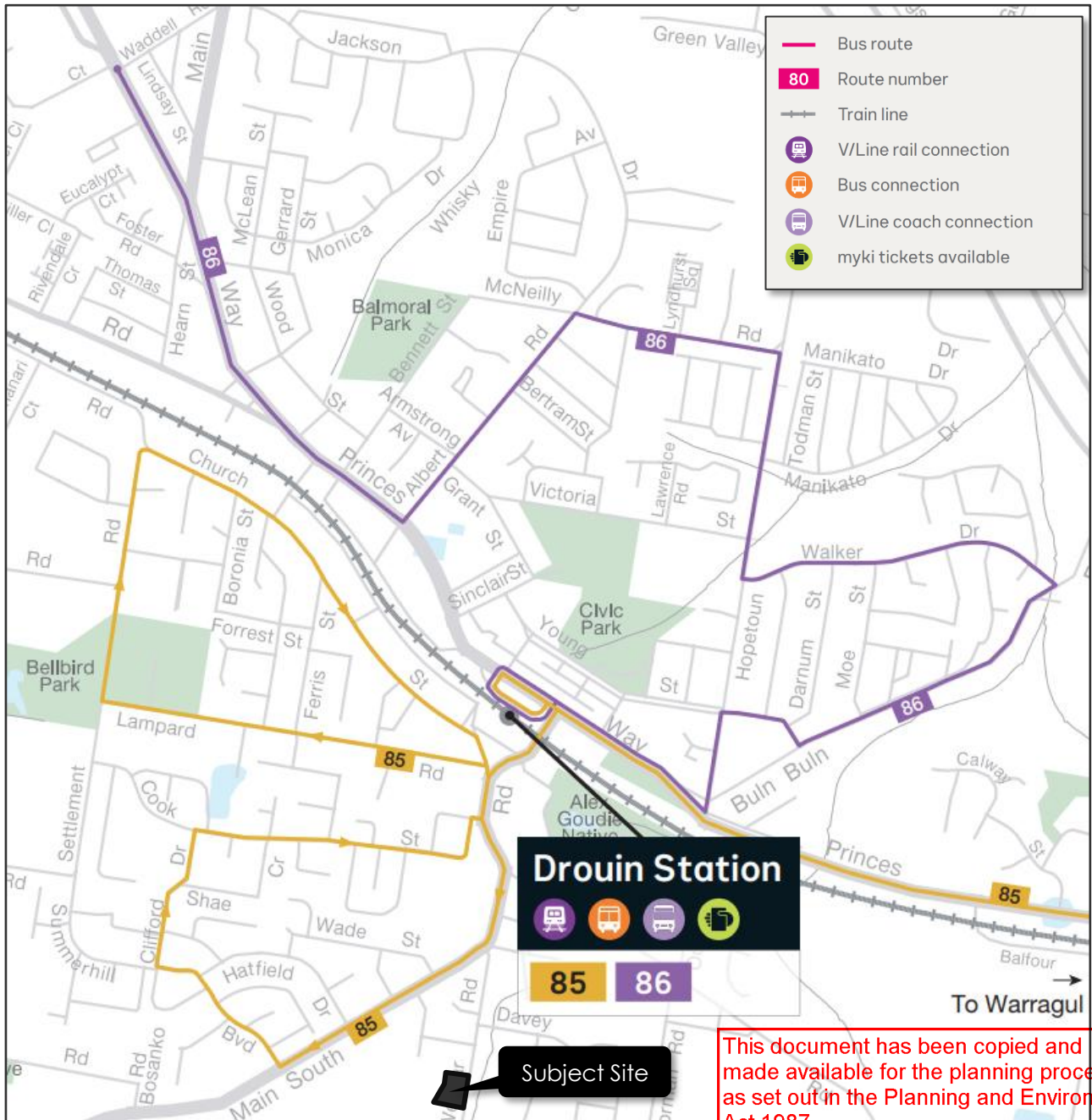
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2.4 Public Transport

The full Drouin public transport provision is shown in Figure 5, showing that public transport in the vicinity of the site is limited to the Route-85 Bus Service, accessible from Main South Road.

The Drouin Station is located 1 km northwest of the site which provides V-Line train and coach services between eastern regional Victoria and Melbourne.

Figure 5 Drouin Public Transport Map



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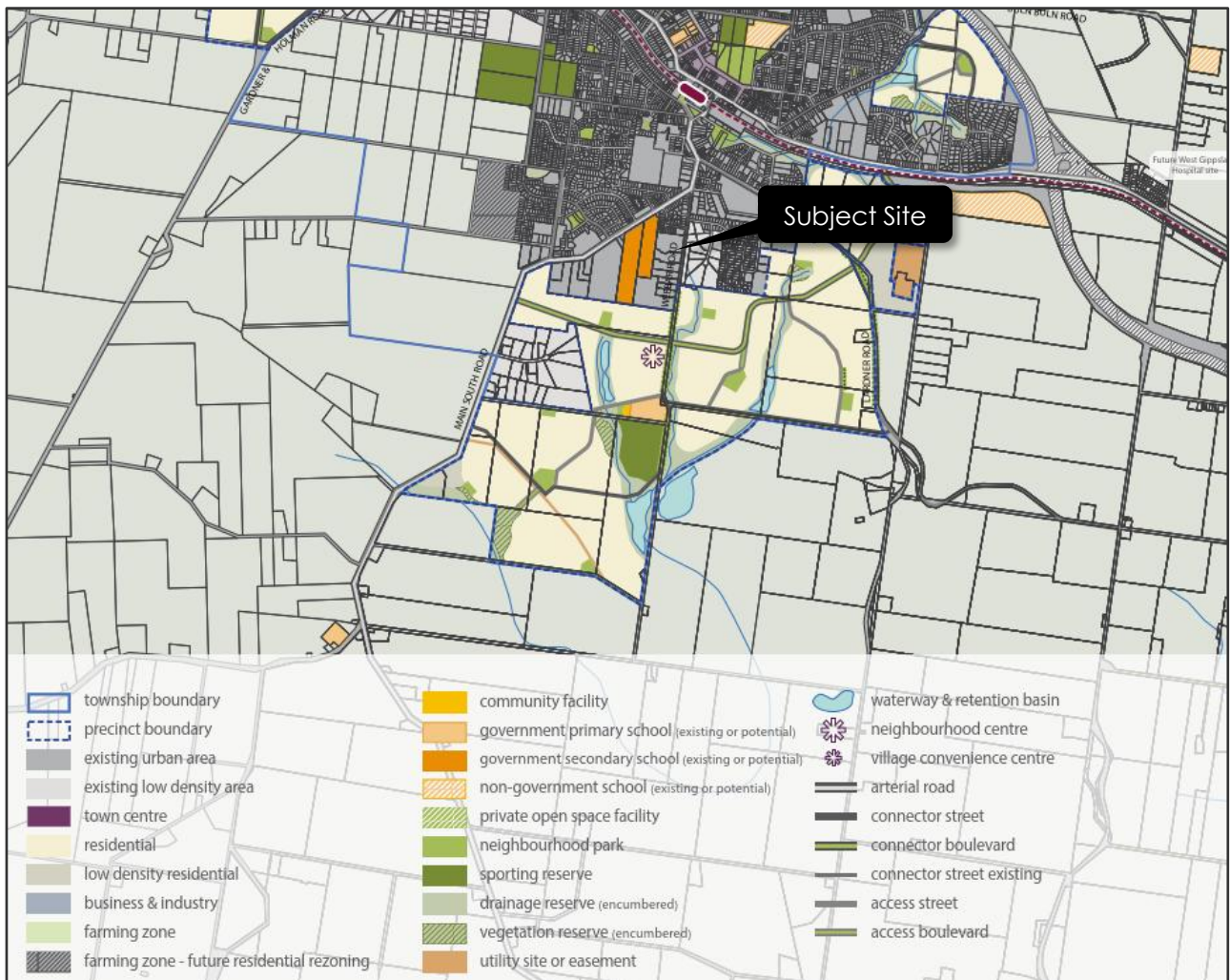
3 DROUIN PRECINCT STRUCTURE PLAN (PSP)

3.1 General

The Drouin Precinct Structure Plan (PSP) has been prepared by the Metropolitan Planning Authority (VPA) in consultation with Baw Baw Shire Council and other authorities. The PSP describes, amongst other things, how the land is to be developed and how and where services to cater for the development will be planned and located.

An extract of the PSP Future Urban Structure is shown in Figure 6, which indicates that the site is located outside of the precinct boundary, and is noted as existing urban area.

Figure 6 Drouin PSP – Future Urban Structure



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3.2 Road Network, Public Transport, Walking and Cycling

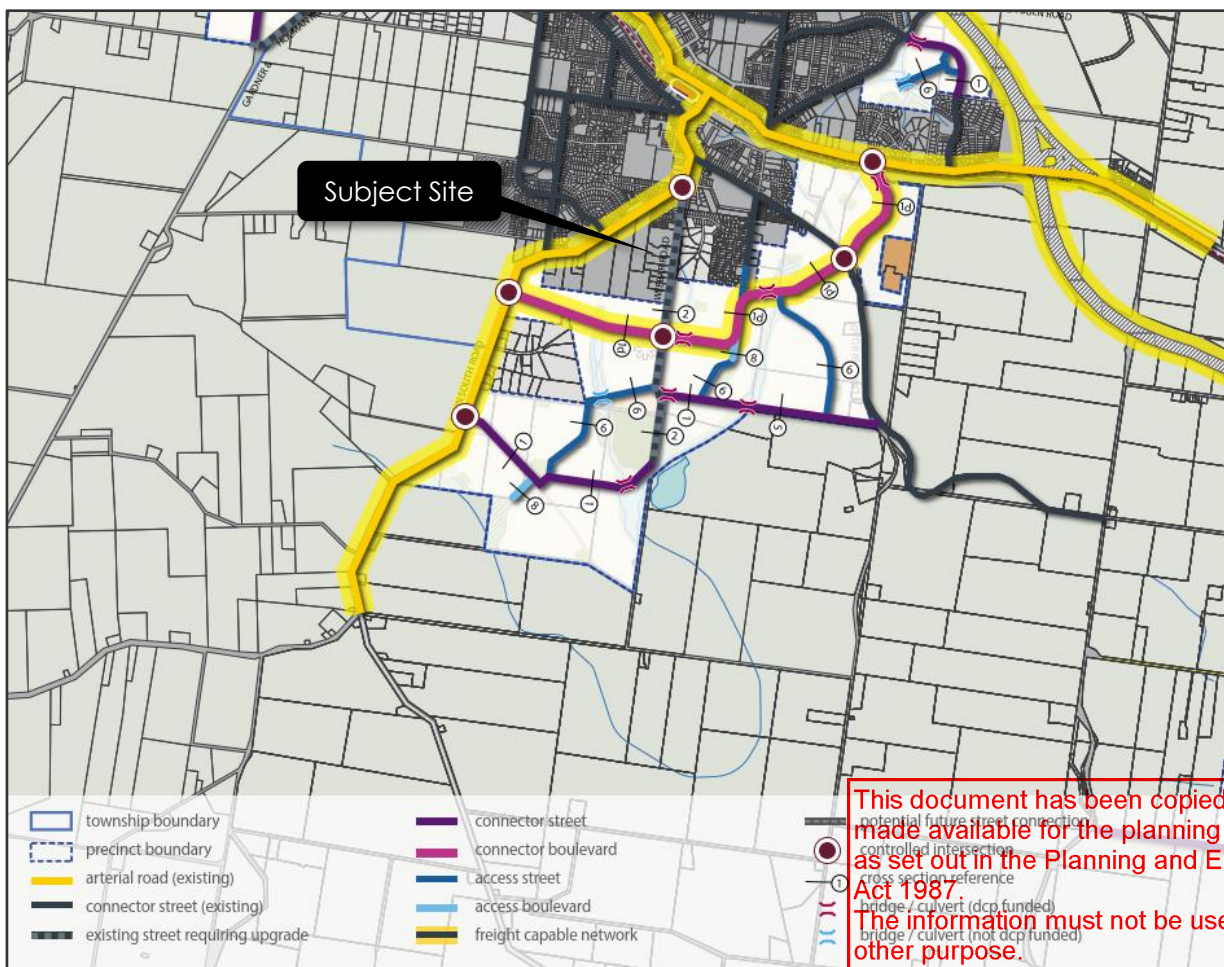
Extracts of the PSP are shown below, indicating the road network, public transport, walking and cycling network proposed in the vicinity of the site.

The PSP indicates that Weebar Road is an existing road requiring upgrade to a Connector standard. It is noted that a review of the PSP was previously undertaken by Baw Baw Shire Council in 2021, which indicated that any upgrades to Weebar Road needed to be accommodated within the existing road reserve, to avoid acquisition of land from properties outside the PSP area. As a result, the PSP road cross-section was to be modified to accommodate the required road upgrades within the existing 20 metre wide road reserve.

Furthermore, the intersection between Main South Road and Weebar Road is nominated as a future controlled intersection.

Additionally, the intersection to the south with Weebar Road, Illawarra Boulevard and King Parrot Boulevard is nominated as a controlled intersection, and both Illawarra Boulevard and King Parrot Boulevard are nominated as connector boulevard streets, which will be part of the freight capable network. It is noted that this intersection was constructed as a four-way roundabout in 2019.

Figure 7 PSP Street Network

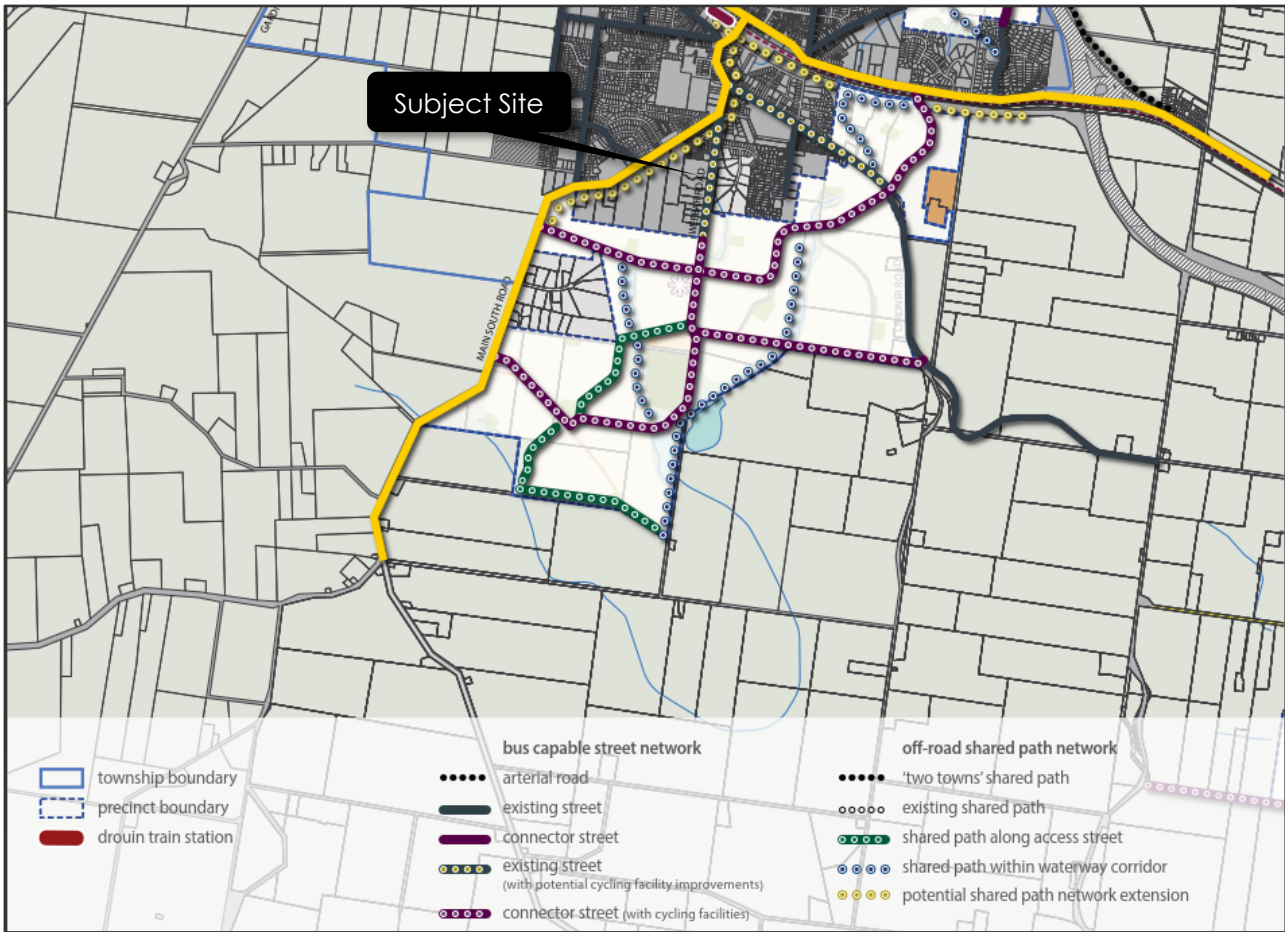


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As shown in Figure 8, the PSP nominates Weebar Road, along the frontage of the site, as part of a potential shared path network extension.

Figure 8 PSP Public Transport & Path Network



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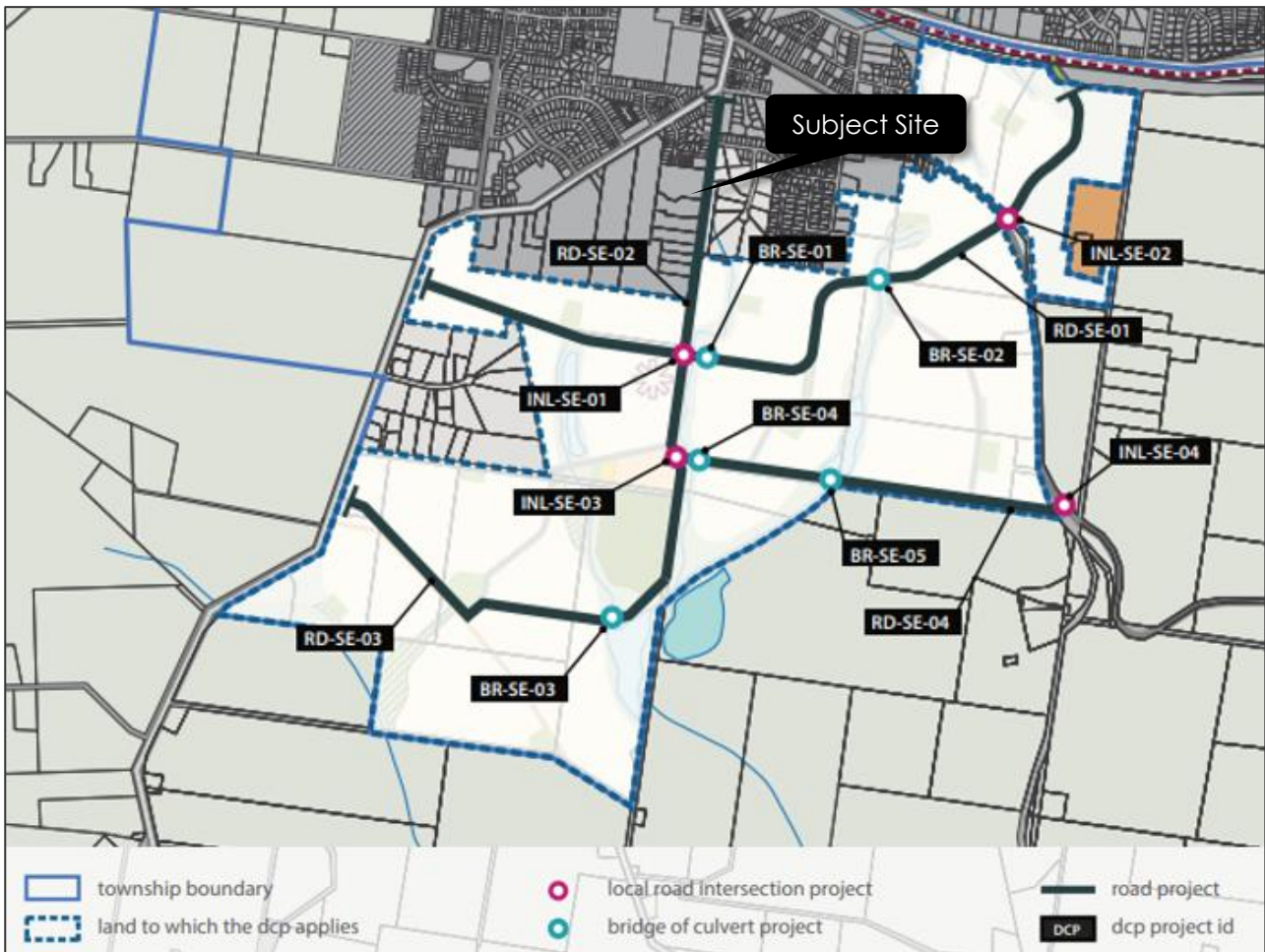
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4 DROUIN DEVELOPMENT CONTRIBUTIONS PLAN (DCP)

The Drouin Development Contributions Plan which has been prepared by the Metropolitan Planning Authority (MPA) in partnership with the Baw Baw Shire Council. The DCP has been prepared to outline the projects, framework and financial contribution required to deliver the infrastructure projects necessary for future residents. It includes the land and cost to fund road network upgrades, intersection construction and community facilities.

Figure 9 and Figure 10 below identify the local and arterial transport projects respectively.

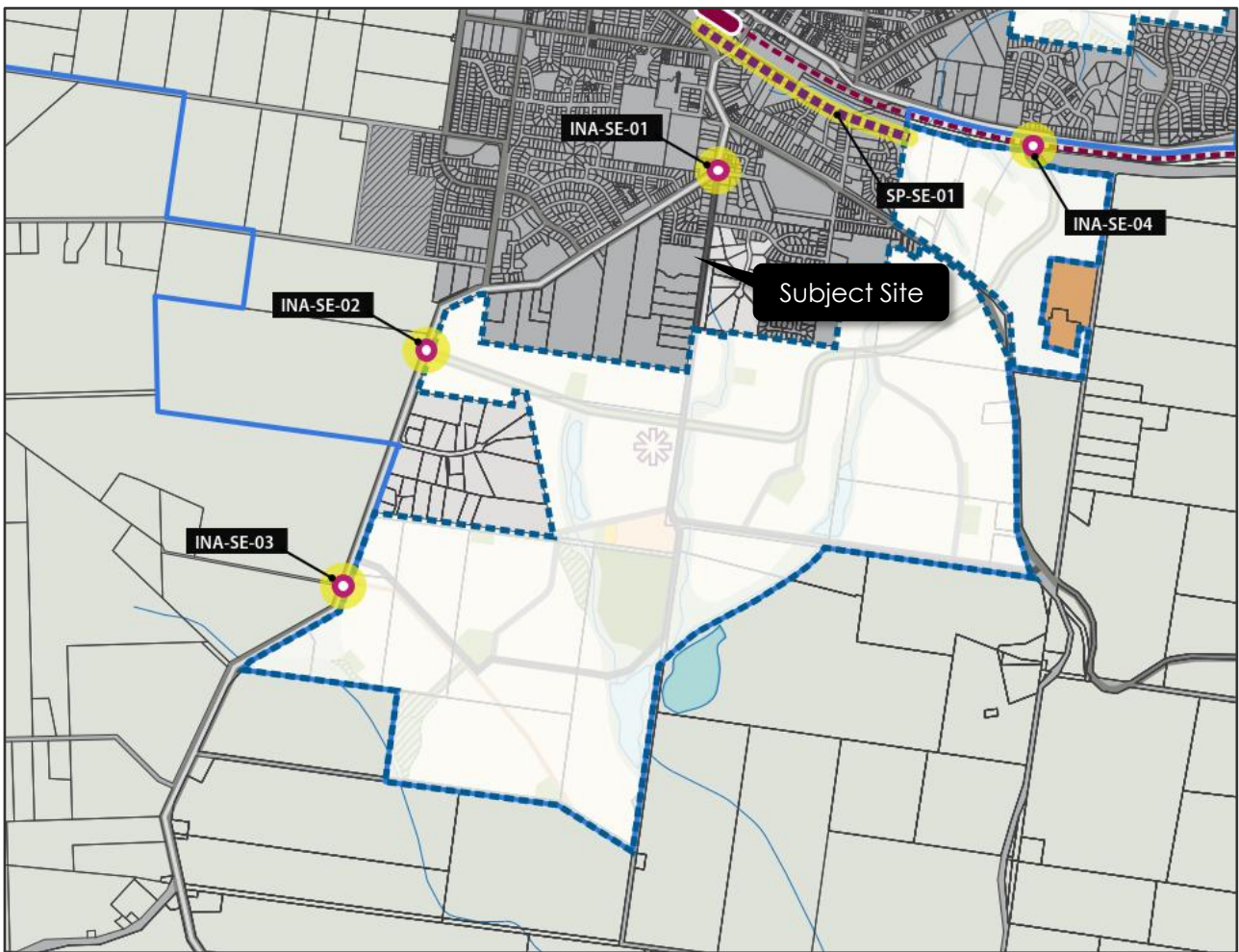
Figure 9 Drouin DCP Local Transport Projects



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Figure 10 Drouin DCP Transport Projects



It is shown above that the following road and intersection projects are funded as part of the DCP:

- INA-SE-01 – the construction of a four-way roundabout at the intersection of Main South Road & Weebar Road;
- RD-SE-02 – the upgrade of Weebar Road, including 1,500 metres of existing road to connector standard (two-lane road with footpaths and bicycle facilities) between extent of existing construction to crossing of King Parrot Creek;
- INL-SE-01 – the construction of a freight-capable four-way roundabout at the intersection of Drouin South Bypass & Weebar Road.

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5 DEVELOPMENT PROPOSAL

Based on plans prepared by Ronnie Whitten Design, it is proposed to develop the eastern portion of the site for the purposes of a child care centre, with an on-site capacity for 124 children. The remainder of the site is to be developed as part of a future and separate application.

The proposed child care centre is summarised below in Table 1.

Table 1 Proposed Development

Component	No/Area
Capacity (Children)	124
Car Parking	27
Gross Floor Area	794 m ²

Car parking for the child care centre is proposed within a car park located on the northern portion of the site, accommodating a total of 27 spaces including one accessible space.

Vehicular access to the car park will be from the proposed northernmost crossover.

Pedestrian access will be provided between the Weebar Road frontage and the building via a 1.5 metre wide footpath, which crosses the car parking area.

As part of the proposal, an internal loop road is to be constructed to provide access to the western portion of the site. Specifically, the road will include a minimum road pavement width of 3.5 metres and will be one-way, circulating in a clockwise direction. Ingress is proposed via the existing southernmost crossover and egress via a new double width crossover, allowing for two-way movements, adjacent the northern boundary of the site. The southernmost crossover will be widened to 7.8 metres to accommodate the provision of the internal road.

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6 DESIGN ASSESSMENT

6.1 Baw Baw Planning Scheme – Clause 52.06

onemilegrid has undertaken an assessment of the car parking layout and access for the proposed development with due consideration of the Design Standards detailed within Clause 52.06-9 of the Planning Scheme. A review of those relevant Design Standards is provided in the following sections.

6.1.1 Design Standard 1: Accessways

A summary of the assessment for Design Standard 1 is provided in Table 2.

Table 2 Clause 52.06-9 Design Assessment – Design Standard 1

Requirement	Comments
Be at least 3 metres wide.	Satisfied – minimum width of accessway is 3.5 metres
Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.	Satisfied – changes of direction are between accessways of more than 4.2 m wide
Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.	N/A – private car park
Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.	N/A – No overhead obstructions
If the accessway serves four or more car spaces or connects to a road in a Transport Zone 2 or Transport Zone 3, the accessway must be designed so that cars can exit the site in a forward direction.	Satisfied
Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Transport Zone 2 or Transport Zone 3.	N/A – does not connect to a Transport Zone and is not more than 50 metres long, though satisfied for the child care access point
Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900 mm in height.	Satisfied – splays are provided on the exit side of the accessway clear of landscaping or obstructions greater than 900mm height.
If an accessway to four or more car parking spaces is from land in a Transport Zone 2 or Transport Zone 3, the access to the car spaces must be at least 6 metres from the road carriageway.	N/A – does not connect to a Transport Zone

In addition, swept path diagrams have been provided within Appendix A demonstrating access to and from Weebar Road with a 99th percentile passenger vehicle (B99).

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6.1.2 Design Standard 2: Car Parking Spaces

All car spaces on-site are proposed with a minimum width of 2.6 metres, length of 4.9 metres and are accessed from aisles of no less than 6.4 metres. Spaces adjacent to walls (i.e. the bin store) have been suitably widened in accordance with Design Standard 2 of the Planning Scheme.

The accessible bay is provided with a length of 5.4 metres and a width of 2.4 metres, and an adjacent shared area of the same dimensions, in accordance with the Australian Standard for Parking facilities, Part 6: Off-street parking for people with disabilities (AS 2890.6:2022).

It is acknowledged that the car park includes two dead-end access aisles greater than 6 car spaces in length, and therefore typically a turnaround area would be required. Given that the car park occupancy will peak only during the morning and evening pick-up/drop-off periods, with a high turnover of parking, it is expected that parents will simply wait momentarily within the car park aisle for a vehicle to leave, before proceeding to park.

6.1.3 Design Standard 3: Gradients

A summary of the assessment for Design standard 3 is provided in Table 3.

Table 3 Clause 52.06-9 Design Assessment – Design Standard 3

Requirement	Comments
Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.	Generally Satisfied – grades on approach to Weebar Road may exceed 1:10, subject to detailed design, though due to being on a downslope towards the road, and given the existing grades within the verge are in excess of 1:10, a steeper approach is considered to be appropriate, and unavoidable for the site.
Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 (of Design standard 3) and be designed for vehicles travelling in a forward direction.	Satisfied – a maximum grade of 1:5 is proposed
Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.	Satisfied – a maximum change in grade of 12.5 % is proposed

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6.2 Waste Collection

A bin storage area is located at the western end of the car park. Waste will be collected by a private contractor outside of the operating hours of the centre.

Swept paths have been prepared indicating a 10.07 m waste truck turning within the car park, and propping adjacent the bin store, from where waste will be collected, as attached in Appendix A.

Refer to the Waste Management Plan for further information.

6.3 Crossover Design

The proposed new crossovers to Weebar Road are proposed in accordance with the Infrastructure Design Manual (IDM) vehicular crossings specifications (SD 245). The proposed crossovers include a 6.4 m width at the property boundary, and splay out to the Weebar Road carriageway.

The proposed crossover design is therefore considered to be appropriate.

6.4 Car Park Access and Roadway Interface

The interface between the internal one-way loop road and the proposed child care car park access has been designed to operate safely and efficiently through a clearly defined priority arrangement. The child care car park will be assigned right-of-way to ensure unimpeded vehicle movements during peak drop-off and pick-up periods. Appropriate signage and line marking, including hold lines at the end of the circulating road, 'Give Way' signage for internal loop road traffic, 'No Entry' signage for child care car park traffic, and corresponding pavement arrows, will establish clear driver expectations and reduce conflict potential at the car park access/loop road egress point. This arrangement supports orderly traffic flow, minimises hesitation or ambiguity for drivers exiting the circulation road, ensuring the internal road functions cohesively with the dedicated car park. Figure 11 below indicates the proposed car park access and roadway interface arrangement.

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Figure 11 Proposed Car Park/Roadway Interface Signage and Linemarking



7 LOADING

Clause 65 (Decision Guidelines) of the Baw Baw Planning Scheme identifies that “Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate: The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.”

In regard to the childcare centre, it is expected that large deliveries will not be made to the site and any deliveries will be infrequent, and therefore likely to arrive in vans or utility vehicles which may utilise the car bays or internal accessways for brief loading/unloading situations.

The provision for loading is therefore considered appropriate.

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8 BICYCLE PARKING

The bicycle parking requirements for the subject site are identified in Clause 52.34 of the Baw Baw Planning Scheme. The Planning Scheme does not specifically refer to parking requirements for child care uses, therefore, no bicycle parking is required.

Regardless, it is considered that bicycle parking could be accommodated on the site if a demand arises.

9 CAR PARKING

9.1 Statutory Car Parking Requirements

The car parking requirements for the subject site are identified in Clause 52.06 of the Baw Baw Planning Scheme, as shown in Table 4 below.

Table 4 Clause 52.06 – Car Parking Requirements

Use	No/Area	Rate	Car Parking Measure	Total
Child care centre	124	0.22	to each child	27

Based on the above calculations, a total of 27 parking spaces are required for the proposed development.

It is proposed to provide a total of 27 car parking spaces to service the proposed development, which meets the Planning Scheme requirements outlined above.

The provision of car parking is therefore considered to be appropriate to satisfy the parking demands generated by the development.

9.2 Accessible Car Parking

The National Construction Code specifies the minimum requirements for provision of accessible car parking.

The proposed child care development, classified as a Class 9B building, requires provision of one accessible car space for every 50 car parking spaces or part thereof for the first 1,000 spaces, and then 1 space per 100 car parking spaces or part thereof in excess of 1,000 spaces.

Noting the proposed provision of 27 car spaces on-site, the National Construction Code (NCC) requires at least one accessible car space on-site.

The proposed provision of one accessible car parking space thus satisfies the NCC requirements.

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10 TRAFFIC

10.1 Traffic Generation

In order to establish traffic generation rates for similar uses, **onemilegrid** undertook turning movement surveys of existing child care centres at 418 Mt Dandenong Rd, Croydon (Goodstart Early Learning Croydon) and 18 Grange Road, Alphington (Smart Start Early Learning and Development Centre).

The surveys were undertaken at both sites on Tuesday 10th October 2017 from 6:30am to 6:30pm.

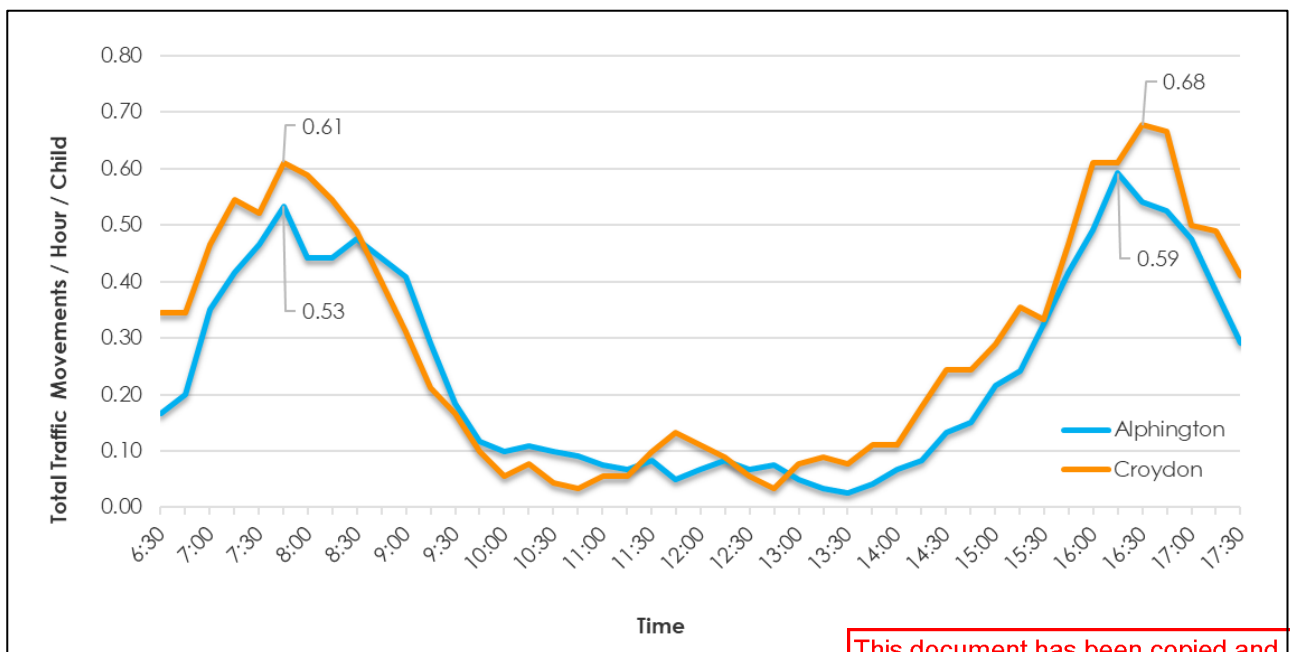
Both sites were specifically selected because of a large supply of on-site car parking, and their location along a main road where on-street parking could not be utilise for parent pick-up and drop-off.

A summary of the case-study results is provided in Table 5 below, representing the peak traffic generation in relation to the maximum number of child care places.

Table 5 Child Care Case Study – Traffic Generation (Movements/Child)

Site	No. Places	AM Peak			PM Peak				
		Time	In	Out	Total	Time	In	Out	Total
Alphington	120	7:45am-8:45am	0.28	0.25	0.53	4:15pm-5:15pm	0.28	0.32	0.59
Croydon	90	7:45am-8:45am	0.33	0.28	0.61	4:30pm-5:30pm	0.32	0.36	0.68
Average			0.31	0.27	0.57		0.30	0.34	0.64

Figure 12 Child Care Case Study – Traffic Generation



Information provided by the operator suggests that both centres were effectively operating at capacity during the survey periods.

Based on the average traffic generation rates produced by the Alphington and Croydon sites, the following traffic generation is expected for the proposed 124 place childcare centre.

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Table 6 Anticipated Traffic Generation – Proposed Child Care Centre

Site	No. Places	AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Proposed Child Care centre	124	38	33	71	37	42	79

It is commonly acknowledged that a high proportion of vehicle trips to a childcare centre are as a result of diverted trips; from a vehicle which is already on the road network as part of another trip (i.e., a vehicle diverting to a child care centre on the way from work to home).

In order to ascertain the proportion of unique trips versus diverted trips generated by the proposed development, data collected as part of the Victorian Integrated Survey of Travel and Activity (VISTA) was analysed specifically for child care centres, with the results shown in Table 7.

Table 7 Diverted Trips Proportion – Child Care Centre – VISTA 2012-2016

Use	Daily	AM Peak	PM Peak
Child Care	49%	42%	74%

It is shown above that a high proportion of daily and peak hour trips generated to a childcare centre are diverted trips. Consequently, the number of unique vehicles trips generated by the proposed development will be much lower than the total traffic generation of the site. In relation to the above rates, the following unique trips are expected to be generated by the proposed childcare centre.

Table 8 Unique Trip Generation – Child Care Centre

Site	No. Places	AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Child Care Centre	124	22	19	41	10	11	21

10.2 Traffic Impact

Based on the above, it is projected that a total of 41 additional vehicle movements will be generated during the morning peak hour, and a total of 21 additional movements will be generated during the evening peak hour to the road network.

This level of traffic is considered low in traffic engineering terms and equates to slightly more than two additional movements every three minutes during the morning peak hour and slightly more than one additional movement every 3 minutes during the evening peak hour.

Furthermore, Weebar Road is noted within the Drouin PSP as a being a Connector Road, with considerable capacity to accommodate additional traffic. In this regard, the anticipated unique traffic volumes generated by the development are expected to have an insignificant impact on the existing or future operation of Weebar Road or the surrounding road network.

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11 CONCLUSIONS

It is proposed to develop the subject site for the purposes of a child care centre, with an on-site capacity for 124 children. The remainder of the site is to be developed as part of a future and separate application.

Considering the analysis presented above, it is concluded that:

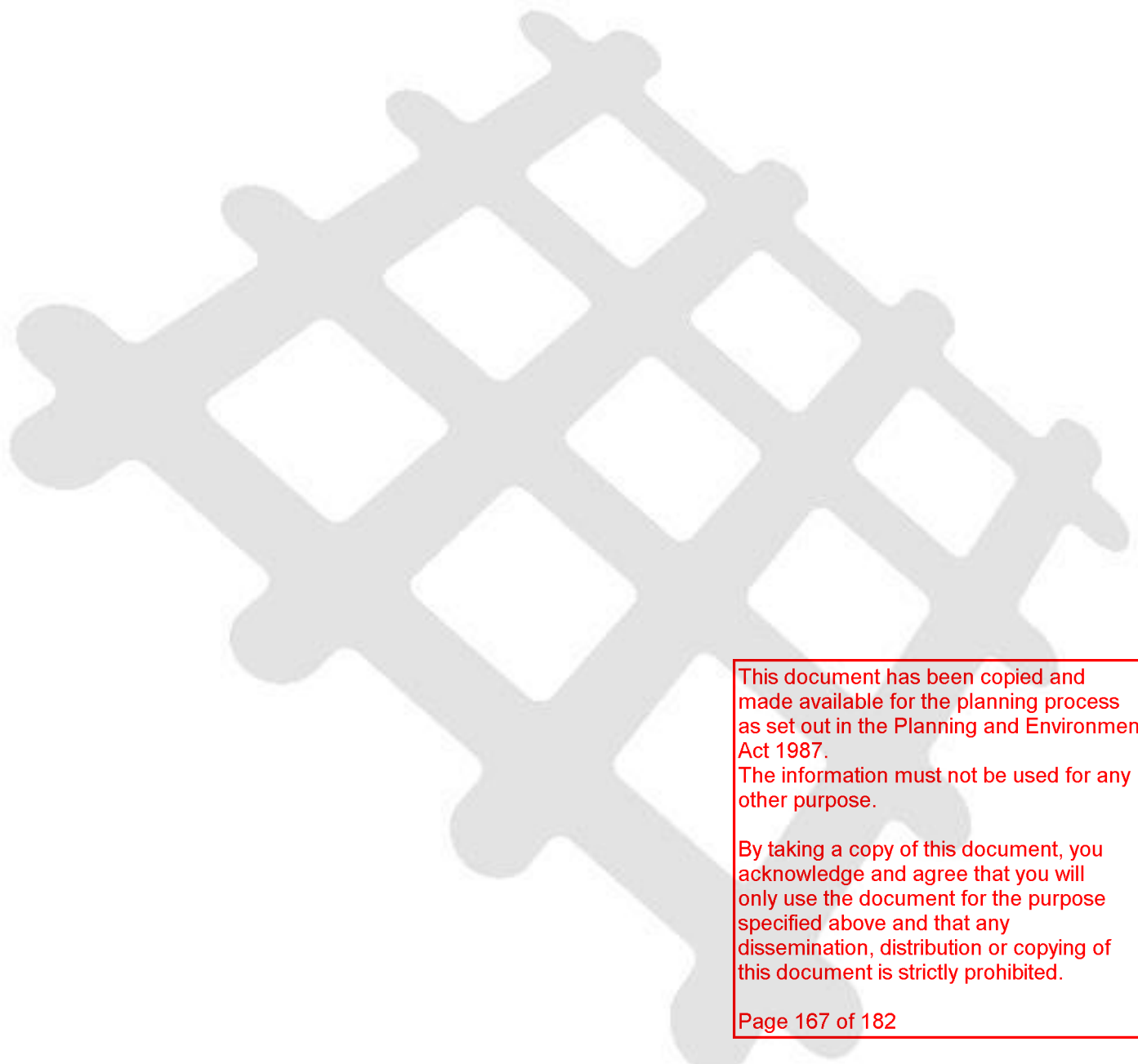
- The car parking layouts and accesses have been designed generally in accordance with the Planning Scheme requirements and/or Australian Standards and are considered appropriate;
- The proposed provision of car parking meets the statutory requirements generated by the development, therefore is considered acceptable;
- The anticipated traffic volumes generated by the development are not expected to have a significant impact on the operation of Weebar Road or the surrounding road network; and
- The proposed car park access and roadway interface arrangement supports orderly traffic flow, minimises hesitation or ambiguity for drivers exiting the circulation road, ensuring the internal road functions cohesively with the dedicated car park.

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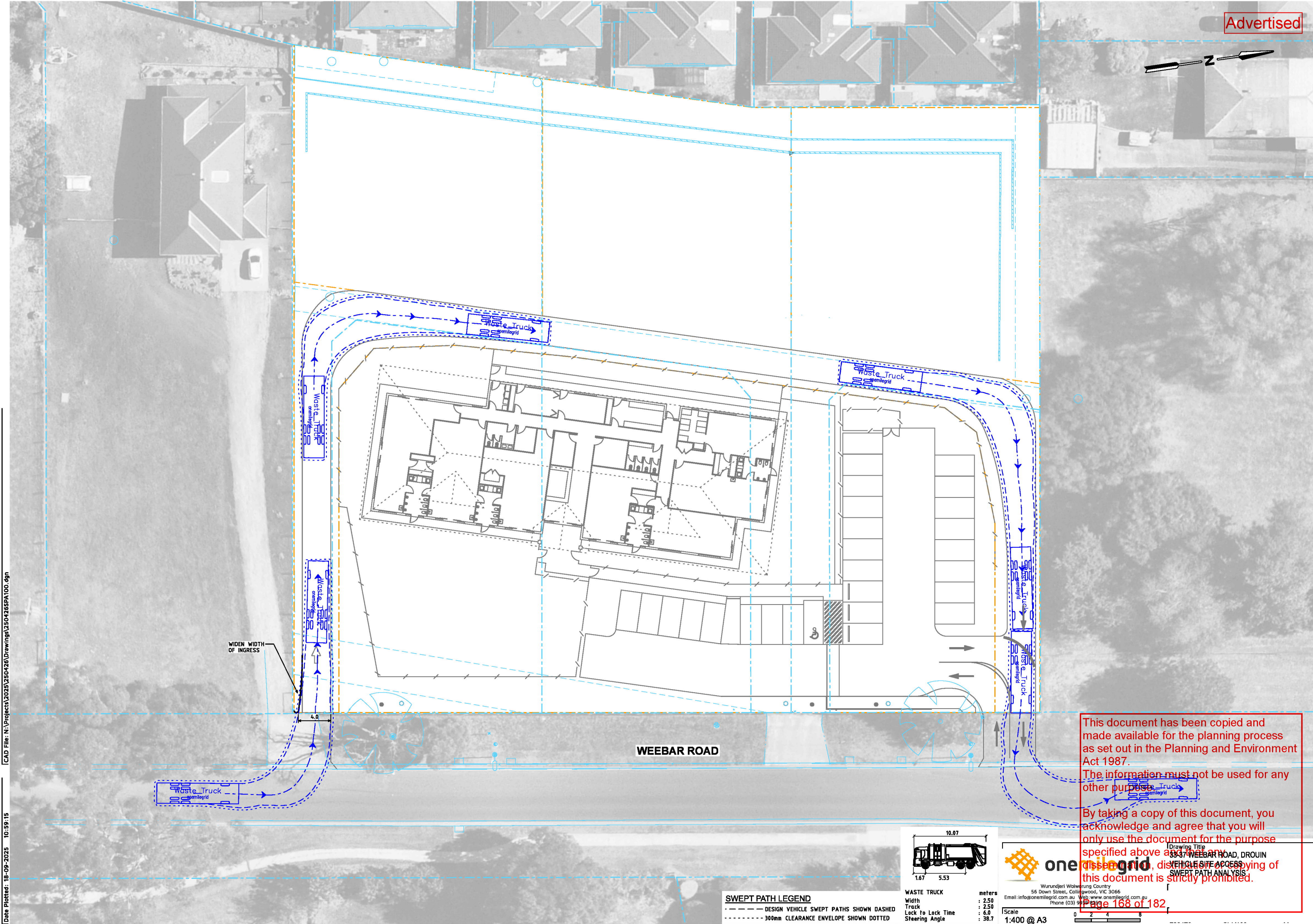
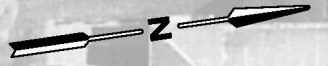
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Appendix A *Swept Path Diagrams*



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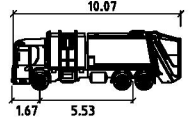
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Date Plotted: 18-09-2025 10:59:15

WIDEN WIDTH OF INGRESS

4.0

WEEBAR ROAD



SWEPT PATH LEGEND

- DESIGN VEHICLE SWEPT PATHS SHOWN DASHED
- 300mm CLEARANCE ENVELOPE SHOWN DOTTED

WASTE TRUCK meters
 Width : 2.50
 Track : 2.50
 Lock to Lock Time : 6.0
 Steering Angle : 38.7

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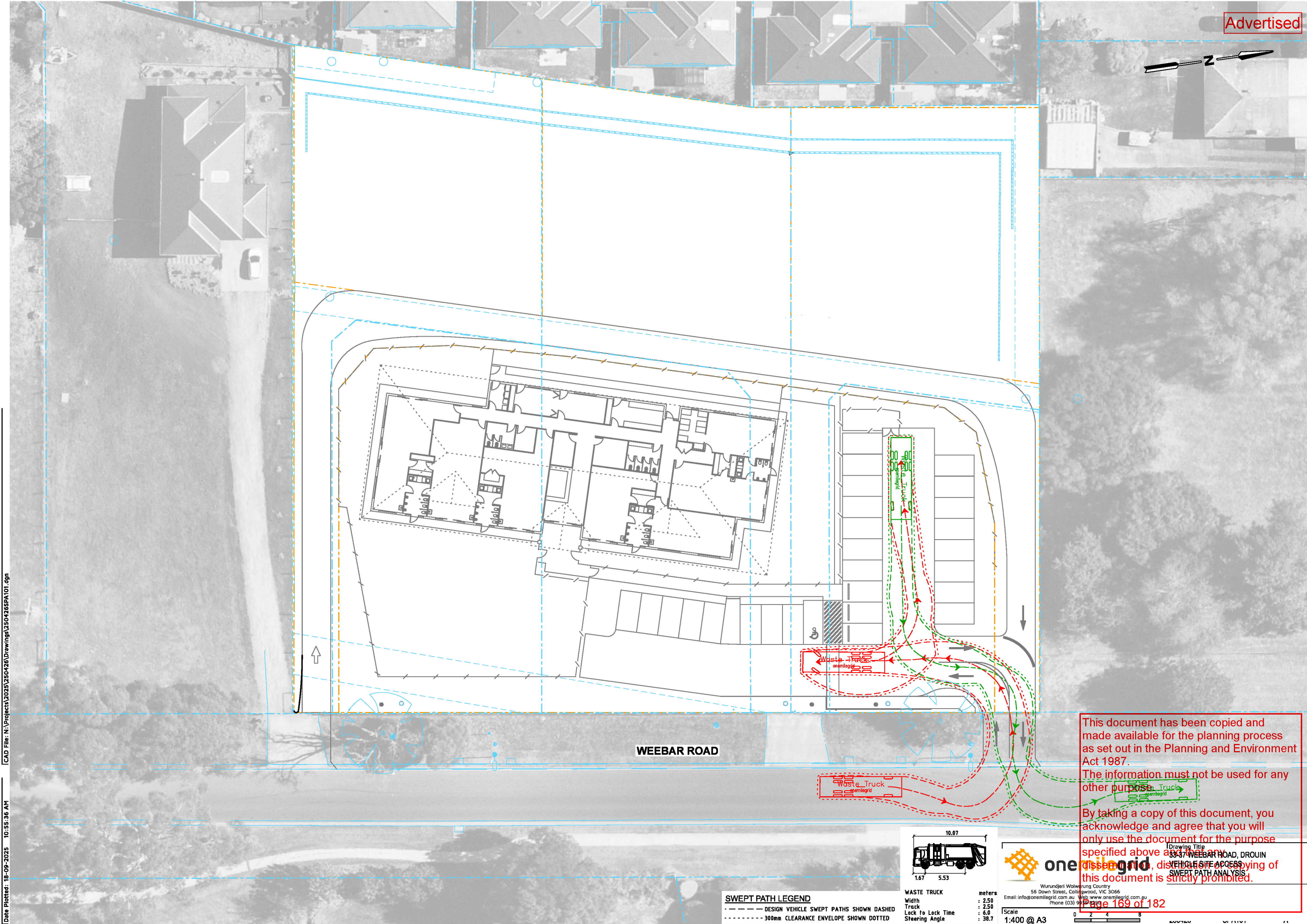
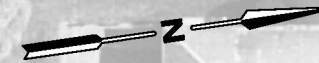
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Drawing Title: 3337 WEEBAR ROAD, DROUIN
 VEHICLE SITE ACCESS
 SWEPT PATH ANALYSIS
 Page 168 of 182

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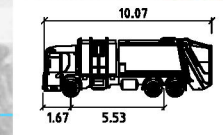
onemilegrid operates from Wurundjeri Woiwurrung Country of the Kulin nation. We acknowledge and extend our appreciation to the Wurundjeri People, the Traditional Owners of the land. We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture, and the hopes of all Wurundjeri Peoples.

Aerial Photography
 Aerial photography provided by Nearmap



WEEBAR ROAD

Waste Truck
onemilegrid



SWEPT PATH LEGEND

- DESIGN VEHICLE SWEPT PATHS SHOWN DASHED
- 300mm CLEARANCE ENVELOPE SHOWN DOTTED

WASTE TRUCK	width	2.50
	Track	2.50
	Lock to Lock Time	6.0
	Steering Angle	38.7

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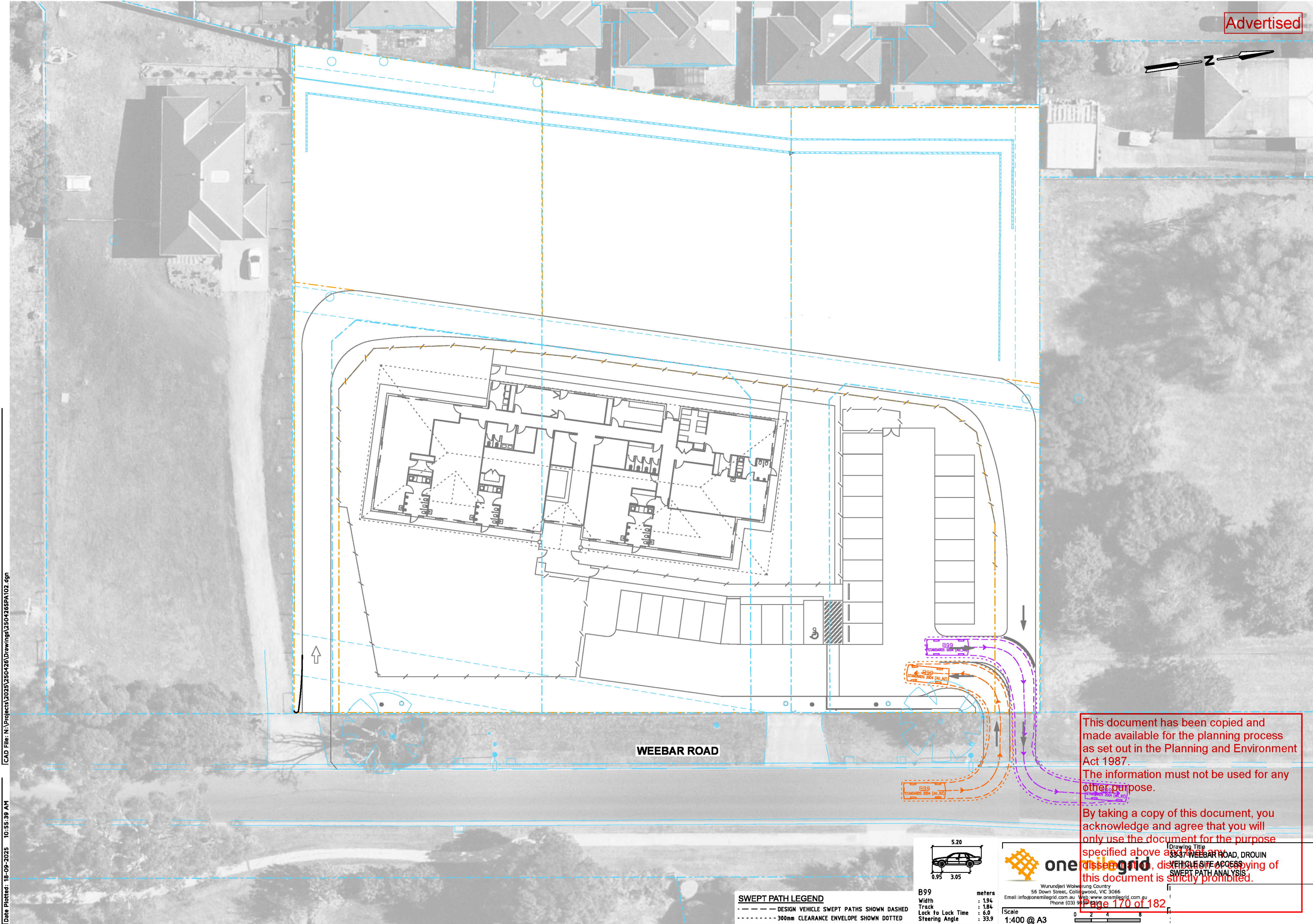
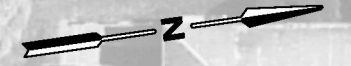
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Drawing Title: 3337 WEEBAR ROAD, DROUIN
VEHICLE SITE ACCESS
SWEPT PATH ANALYSIS
Page 169 of 182



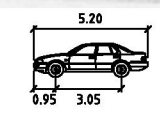
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SWEPT PATH LEGEND
--- DESIGN VEHICLE SWEEP PATHS SHOWN DASHED
..... 300mm CLEARANCE ENVELOPE SHOWN DOTTED



B99 meters
Width : 1.94
Track : 1.84
Lock to Lock Time : 6.0
Steering Angle : 33.9

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Phone (03) 9499 8222

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Our Ref: 285.00
24 November 2025

Baw Baw Shire Council

ATTENTION:

Dear

RE: 33,35 & 37 Weebar Road, Drouin
Proposed Development of a Childcare Centre & Residential Development
Council Ref: PLA0168/25

I refer to Council's letter dated 17 October 2025 requesting further information in relation planning permit application PLA0168/25 for a childcare centre at 33-37 Weebar Road Drouin. Point 7 requests a Stormwater Management Plan which demonstrates that the proposal meets all of the objectives of Clause 53.18-5 and Clause 53.18-6.

The stormwater management plan for the site is consistent with the stormwater management plan for the approved 6 lot subdivision. (Copy attached). Drainage has been provided in Weebar Road with a 375mm diameter pipe with connection from the site to the existing drain. Stormwater detention can be provided on site as provided for in the 6 lot subdivision. Water quality offsets for the site have been paid to Melbourne Water. (Refer to the attached documentation).

In terms of Clause 53.18-5, impacts on the drainage system are managed and water quality objectives are met through water quality offsets already paid.

In terms of Clause 53.18-6, any permit issued should contain a condition for the preparation of a Construction Environmental Management Plan as has been the long standing practice of Council.

Yours sincerely,

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33, 35 & 37 WEEBAR ROAD, DROUIN SIX (6) LOT RESIDENTIAL SUBDIVISION

GENERAL NOTES

- ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH PROJECT SPECIFICATION, GENERAL CONDITIONS OF CONTRACT AND CURRENT BAW BAW SHIRE COUNCIL SPECIFICATIONS AND STANDARD DRAWINGS ALL TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.
- THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS' DRAWINGS & SPECIFICATIONS & SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCY SHALL BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.
- THESE DRAWINGS MUST NOT BE SCALED.
- APPROPRIATE SILTATION CONTROL TO BE EXERCISED DURING CONSTRUCTION AND MAINTENANCE PERIOD.
- ALL DIMENSIONS GIVEN ARE TO CENTRE OF PIPE OR EXTERIOR FACE OF BUILDING UNLESS OTHERWISE NOTED.
- THE CONTRACTOR WILL BE SUPPLIED WITH DIGITAL DATA IN AUTOCAD FORMAT FOR SET OUT AND MEASUREMENT PURPOSES UNLESS OTHERWISE NOTED.
- ANY STRUCTURES, PAVEMENTS OR SURFACES DAMAGED, DIRTIED OR MADE UNSERVICEABLE DUE TO CONSTRUCTION WORK SHALL BE REINSTATED TO THE SATISFACTION OF THE ENGINEER.
- MATERIALS & WORKMANSHIP SHALL BE IN ACCORDANCE WITH CURRENT BAW BAW SHIRE COUNCIL SPECIFICATIONS AND STANDARD DRAWINGS.
- SUBSTITUTIONS MUST BE APPROVED BY THE ENGINEER.
- GRADE EVENLY BETWEEN FINISHED SURFACE SPOT LEVELS. (FINISHED SURFACE CONTOURS ARE SHOWN FOR CLARITY). WHERE FINISHED SURFACE LEVELS ARE NOT SHOWN, THE SURFACE SHALL BE GRADED SMOOTHLY SO THAT IT WILL DRAIN & MATCH ADJACENT SURFACES OR STRUCTURES.
- COUNCIL TO BE NOTIFIED TWO(2) CLEAR DAYS PRIOR TO COMMENCEMENT OF WORKS.
- CONTRACTOR TO GAIN COUNCIL APPROVAL TO EMP 2 WEEKS PRIOR TO COMMENCEMENT OF WORKS.
- ALL LEVELS SHOWN ARE TO PROJECT SURVEYORS HEIGHT DATUM.
- ALL DIMENSIONS & REDUCED LEVELS MUST BE VERIFIED ON SITE BEFORE THE COMMENCEMENT OF ANY WORK.
- EXISTING SURFACE CONTOURS, WHERE SHOWN, ARE INTERPOLATED & MAY NOT BE ACCURATE.
- EXISTING SERVICES INFORMATIONS SHOWN ARE BASED ON PLANS SUPPLIED BY AUTHORITIES & APPROXIMATE ONLY. PRIOR TO THE COMMENCEMENT OF ANY WORKS, THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND SERVICES & COMPLY WITH ALL OF THE REQUIREMENTS OF THOSE AUTHORITIES.
- BEFORE COMMENCING WORK ON TRENCHES IN EXCESS OF 1500mm DEEP, NOTICE OF SUCH PROPOSAL IS TO BE SENT TO THE SECRETARY FOR MINERALS AND ENERGY IN ACCORDANCE WITH CLAUSE 202 OF THE MINES (MINE MANAGER) REGULATIONS 1983. A FOREMAN QUALIFIED AS A MINES MANAGER MUST BE IN ATTENDANCE AT ALL TIMES DURING SUCH EXCAVATIONS.
- STORMWATER TO BE IN ACCORDANCE WITH CURRENT BAW BAW SHIRE COUNCIL SPECIFICATIONS AND STANDARD DRAWINGS.
- UNLESS OTHERWISE NOTED, ALL PROPERTY DRAINAGE CONNECTION POINTS AND ASSOCIATED PLUMBING TO BE MIN 100Ø AND TO BE CONNECTED TO PITS OR MAIN STORMWATER DRAINS WITH UPVC (SEWER GRADE) PIPES AT A MINIMUM GRADE OF 1 IN 80.
- ALL DRAINAGE TRENCHES BENEATH PAVEMENT AND CONCRETE PAVING TO BE FCR BACKFILLED.

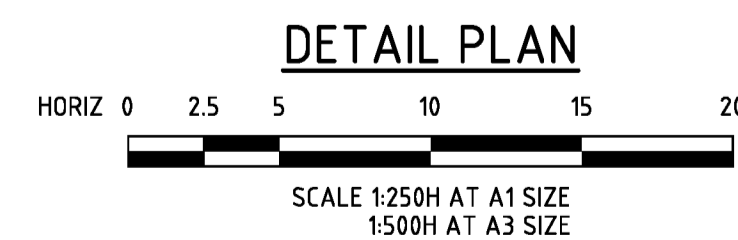
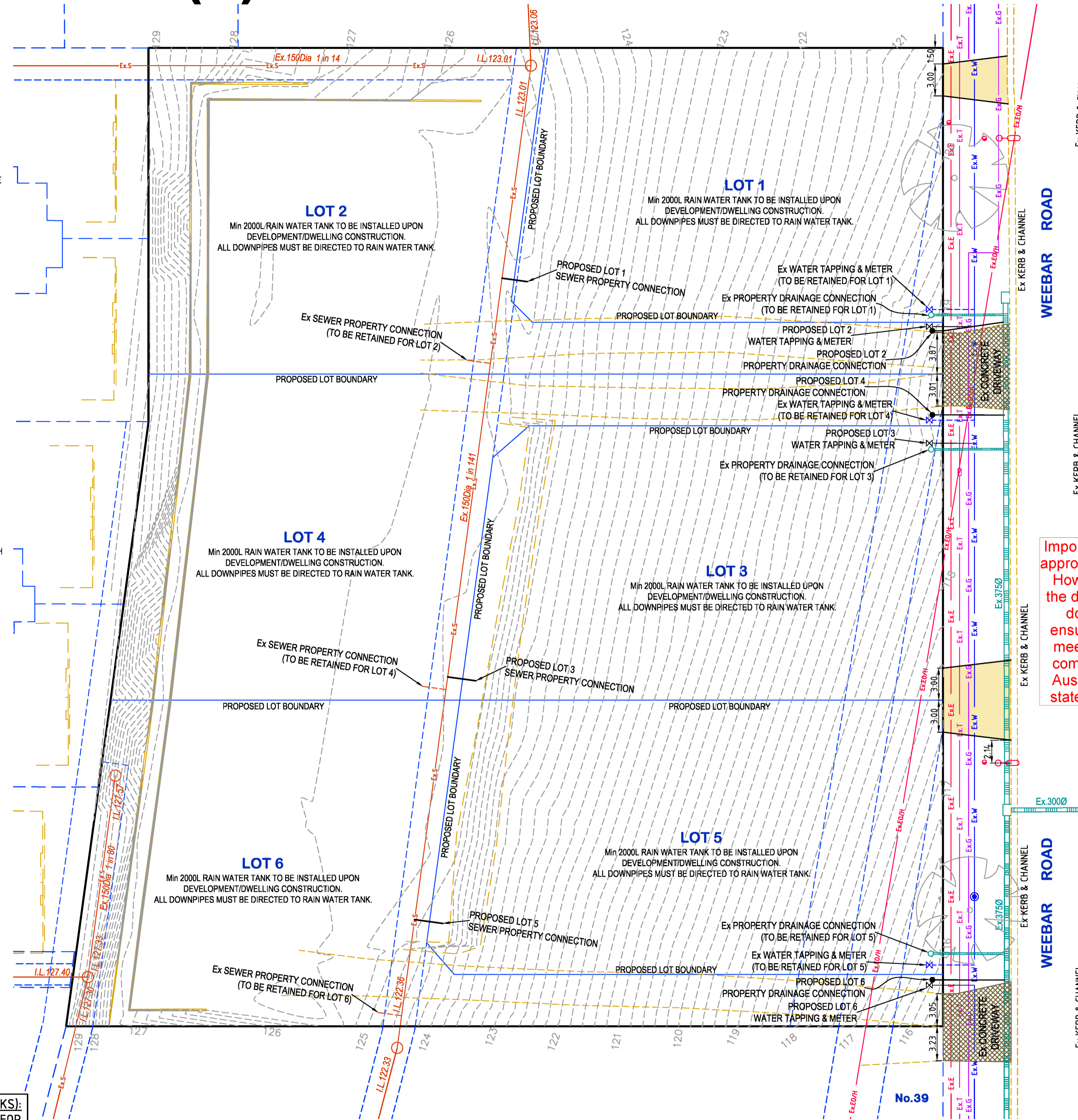
LEGEND

- EXISTING KERB AND CHANNEL
- EXISTING COUNCIL DRAINAGE
- LOT 1 (SINGLE) & LOTS 3 & 5 (DOUBLE) CONCRETE VEHICLE CROSSING/DRIVEWAY AS PER COUNCIL/IDM STD DWG SD 235.
- EXISTING CONCRETE VEHICLE CROSSINGS TO BE RETAINED.
- PROPOSED PROPERTY DRAINAGE CONNECTION TO PIPE AS PER STD DWG SD 515 OR 516.
- PROPOSED WATER TAPPING/CONNECTION (AUTHORITY)
- PROPOSED PROPERTY SEWER CONNECTION (AUTHORITY)
- EXISTING SEWER (AUTHORITY)
- EXISTING WATER (AUTHORITY)
- EXISTING GAS (AUTHORITY)
- EXISTING ELECTRICITY - UNDERGROUND (AUTHORITY)
- EXISTING ELECTRICITY - OVERHEAD (AUTHORITY)
- EXISTING TELECOMMUNICATIONS (AUTHORITY)
- DENOTES EXISTING CONTOUR

NOTE:
THE CONTRACTOR WILL BE SUPPLIED WITH DIGITAL DATA IN AUTOCAD FORMAT FOR SET OUT PURPOSES.

TBMs (TEMPORARY BENCH MARKS):
REFER TO PROJECT SURVEYOR FOR TBM LOCATIONS AND LEVELS.

CIVIL DRAINAGE PLANS TO BE READ IN CONJUNCTION WITH ALL OTHER SERVICES PLANS AND PLANS OF SUBDIVISION.



BAW BAW SHIRE COUNCIL

APPROVED

Ref No: ENG0059/24
Acceptance Date: 23/01/2025

Authorised Officer:
CONDITUN 7

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DIAL 1100 BEFORE YOU DIG
www.1100.com.au

BE AWARE OF UNDERGROUND SERVICES. THE LOCATIONS OF UNDERGROUND SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT POSITION SHOULD BE PROVEN ON SITE. NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES ARE SHOWN. EXTREME CARE TO BE TAKEN AT ALL TIMES WHEN BORING NEAR OR ACROSS EXISTING SERVICES.

THE CONTRACTOR SHALL BE TOTALLY RESPONSIBLE FOR AND AT ALL TIMES PROVIDE A SAFE WORKING ENVIRONMENT IN THE VICINITY OF THE SITE OF WORKS IN FULL COMPLIANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY REGULATIONS. IN ACCORDANCE WITH CLAUSE 15 OF AS2161-1992, THE CONTRACTOR MUST ENSURE THE SAFETY OF THE CONTRACTOR'S EMPLOYEES AND ALL OTHER PEOPLE WHO ARE ON OR ADJACENT TO THE SITE. THE CONTRACTOR MUST COMPLY WITH THE VICTORIAN OCCUPATIONAL HEALTH AND SAFETY ACT 2004, INCLUDING SAFETY HELMETS, SAFETY BOOTS, EAR AND EYE PROTECTION, WHERE APPROPRIATE.

PRIOR TO WORKS

PRIOR TO THE COMMENCEMENT OF ANY WORKS THE CONTRACTOR MUST VERIFY THAT ALL DRAWINGS HAVE BEEN CHECKED & APPROVED BY THE RELEVANT AUTHORITIES.

EXTERNAL WORKS

ANY WORKS EXTERNAL TO THE DEVELOPMENT SITE REQUIRES:

- COUNCIL PERMIT/APPROVAL (WITHIN ROAD RESERVE)
- AUTHORITIES INSPECTION/APPROVAL (WHERE EFFECTING EXISTING SERVICES)

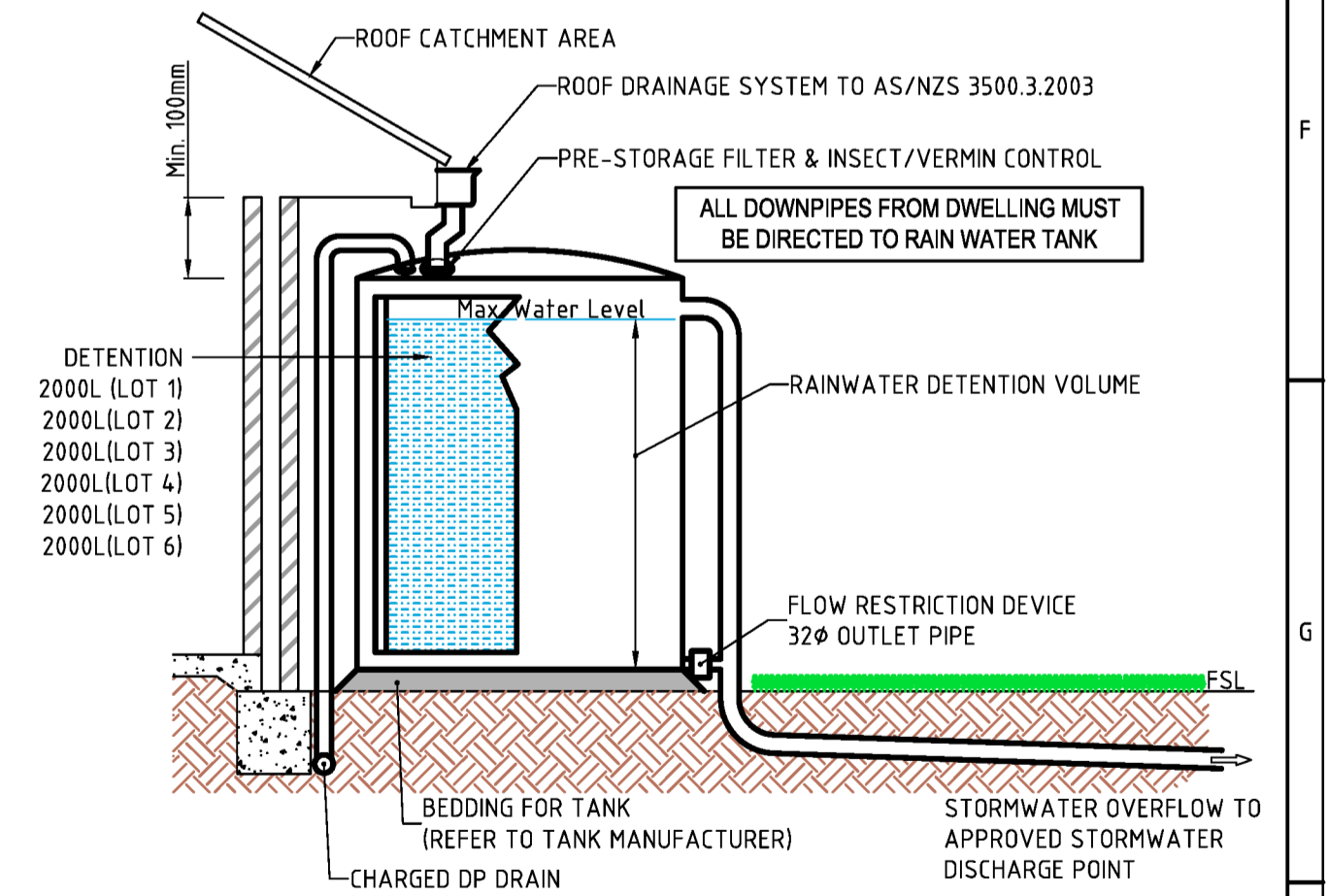
PRIOR TO COMMENCEMENT

- PRIOR TO THE COMMENCEMENT OF BUILDING WORKS ON SITE, THE CONTRACTOR MUST VERIFY THE FEASIBILITY OF THE OUTFALL STORMWATER DRAINAGE SYSTEMS TO THE LEGAL POINT OF DISCHARGE AS DOCUMENTED BY:
 - VERIFICATION OF THE INVERT LEVEL OF THE DRAIN FORMING THE LEGAL POINT OF DISCHARGE
 - VERIFICATION THAT THE ROUTE FROM THE SITE TO THE LEGAL POINT/S OF DISCHARGE IS CLEAR OF ALL OTHER AUTHORITY SERVICES IF EITHER OF THE ABOVE CANNOT BE VERIFIED, THE CONTRACTOR MUST IMMEDIATELY NOTIFY THE PROJECT MANAGER OR CONSULTING CIVIL ENGINEER.
- PRIOR TO THE COMMENCEMENT OF ANY WORKS, THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND SERVICES, NOTIFY THE AUTHORITIES RESPONSIBLE FOR THOSE SERVICES & COMPLY WITH ALL OF THE REQUIREMENTS OF THOSE AUTHORITIES.

Important Note: Council has reviewed and approved the design plans for construction. However, this approval does not relieve the design engineering firm submitting the documents from its responsibility for ensuring that designs and specifications meet the needs of the development and comply with IDM requirements, relevant Australian standards and relevant local, state and federal government legislation.

DRAWING INDEX

SHEET NO	TITLE
01	GENERAL NOTES, DRAWING INDEX, DETAIL PLAN & PIT SCHEDULE
02	PROPOSED PLAN OF SUBDIVISION



REF	REVISION	DESIGN	CHECKED	APPROVED	DATE
0	ISSUED FOR CONSTRUCTION	KE	KE		22/01/25
C	VEHICLE CROSSINGS ADDED TO LOTS 1, 3 & 5	KE	KE		19/10/24
B	DRIVEWAY DIMENSIONS ADDED	KE	KE		10/10/24
A	PRELIMINARY ISSUE	KE	KE		11/04/24

**& 37 WEEBAR ROAD, DROUIN
LOT RESIDENTIAL SUBDIVISION**

NOTES, DRAWING INDEX AND DETAIL PLAN

FOR CONSTRUCTION

Job Ref & Drawing No. Revision
C285.00 01 0 - Planning Permit: PLA0027/23
Sheet: 01 of 02
Scale: AS SHOWN @ A1 Municipality: BAW BAW Melway Ref. -



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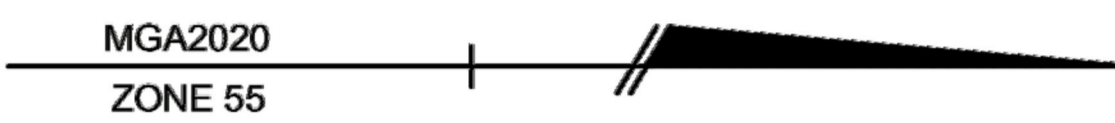
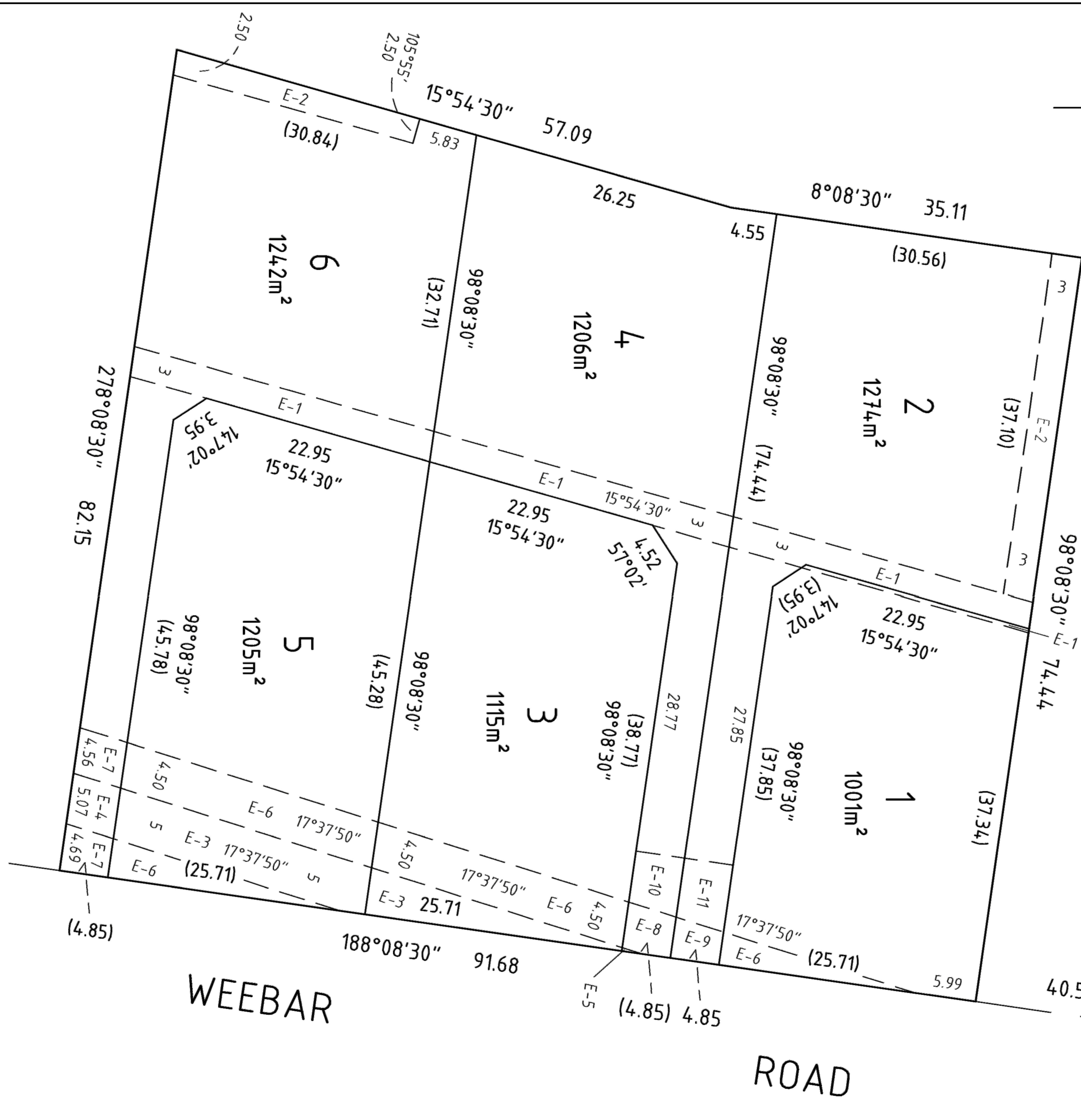
NOBELIUS LAND SURVEYORS
 P.O. BOX 461
 PAKENHAM 3810
 Ph 03 5941 4112
 mail@nobelius.com.au

SCALE 1:400

LICENSED SURVEYOR: T. D. WALKER
 VERSION E

ORIGINAL SHEET SIZE: A3

SHEET 2



Important Note: Council has reviewed and approved the design plans for construction. However, this approval does not relieve the design engineering firm submitting the documents from its responsibility for ensuring that designs and specifications meet the needs of the development and comply with IDM requirements, relevant Australian standards and relevant local, state and federal government legislation.

BAW BAW SHIRE COUNCIL
 APPROVED
 Ref No: ENG0059/24
 Acceptance Date: 23/01/2025
 Authorised Officer:
 CONDITION 7

SMETHURST STREET

PS 912674 J

WEEBAR ROAD

REF	REVISION	DESIGN	CHECKED	APPROVED	DATE
0	ISSUED FOR CONSTRUCTION	KE	KE	KE	22/01/21
B	ISSUED FOR APPROVAL	KE	KE	KE	10/10/21
A	PRELIMINARY ISSUE	KE	KE	KE	11/04/24

CLIENT:

PROJECT:
 33, 35 & 37 WEEBAR ROAD, DROUIN
 SIX (6) LOT RESIDENTIAL SUBDIVISION
 PROPOSED PLAN OF SUBDIVISION

FOR CONSTRUCTION

Job Ref & Drawing No. Revision

C285.00 02 0 - Planning Permit: PLA0027/23

Sheet: 02 of 02

Scale: AS SHOWN @ A1 Municipality: BAW BAW Melway Ref. -

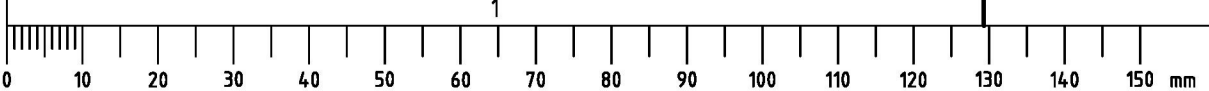
URBAN CIVIL PROJECT & CIVIL ENGINEERS

URBAN CIVIL PROJECT & CIVIL ENGINEERS

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15 January 2019

Proposal: Offer of conditions non-works
Site location: 39 Weeber Road, Drouin

Melbourne Water reference: MWA-1103749
SPEAR reference: S109702H
Date referred: 10/01/2019

Plan number: PS806753F **Version:** 3

Estate Name: 39 Weebar Rd **Estate Stage Number:** 1

Before the Council can issue a Statement of Compliance, it is necessary for you to enter into an Agreement with Melbourne Water. Melbourne Water's conditions for the agreement are outlined below.

To protect our waterways and bays, new development is required to meet best practice standards for stormwater quality. Water quality treatment works should generally be provided onsite, however, where developers are unable to meet best practice objectives onsite; they may be able to contribute an offset towards works elsewhere in the catchment. Where available, the applicable stormwater quality contributions are outlined below.

This agreement including the information shown below concerning contributions constitutes a 'notice' pursuant to sections 196 and 268(1) of the Water Act 1989.

Drainage Contributions

Scheme: King Parrot Creek DS
Rate type: Residential - Low Density (2001-4000m2)

Hydraulic

0.9681 ha at \$ 37,615.20 /ha

Scheme stormwater quality

0.9681 ha at \$ 22,920.80 /ha

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\$ 36,415.00
The information must not be used for any other purpose.
\$ 22,190.00

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Total		
Total Amount	\$	58,605.00
Processing Charge	\$	0.00
Total excluding GST	\$	58,605.00
GST	\$	0.00
Total amount payable	\$	58,605.00

Developer Contributions and associated processing fees have been exempted from GST (Exempt Taxes, Fees and Charges, Determination 2000 (No.2)).

Conditions

1. Prior to a Statement of Compliance, engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for comment/approval.
2. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
3. Local drainage to council satisfaction.
4. Prior to the commencement of works (and consent to a Statement of Compliance), the Developer must ensure an approved and constructed outfall from the site or an approved interim measure to the satisfaction of Melbourne Water and Council.
5. Prior to the commencement of works separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.
6. Prior to the commencement of works, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water for approval. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
7. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.

Acceptance Conditions

To accept this offer, please sign the attached acceptance/remittance form and send a scanned copy to DevConnect@melbournewater.com.au and include your reference number MWA-1103749 in the subject line.

If this offer is accepted but payment is not made within three months from the date of this letter, contributions will be calculated at the rate/s applicable at the time of payment. As contribution rates are subject to periodical review, future rate/s may be higher than the current rate/s. For registered users, two months' notice of any change in rates will be provided on Melbourne Water's Planning and Building page at www.melbournewater.com.au.

Statement of Compliance

Compliance with the above conditions and payment of the full contribution amount requested will enable Melbourne Water to consent to Council issuing a Statement of Compliance.

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Page 175 of 182

Apply for Melbourne Water's consent to 'Statement of Compliance' using the [Apply Online](#) section of the Melbourne Water website. Please use MWA-1103749 when prompted for a previous reference number and submit all documentation requested, including a separate statement briefly describing how conditions in the offer have been met.

Expiry of Offer

This offer shall remain open for three months from the date of this letter. If acceptance of the offer has not been received by that date, the offer will lapse.

If construction is not completed and a Statement of Compliance has not been issued within 18 months of acceptance of the offer, the agreement may be terminated and a new offer will be required. The new offer will require the developer to meet additional contributions if the contribution rate increases.

For general development enquiries contact our Customer Service Centre on (03)96797860.

Regards,

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Property:	39 Weeber Road, Drouin	Offer No(Ref):	MWA-1103749
Council:	Baw Baw Shire Council	Date of Offer:	15 January 2019
Estate Name:	39 Weebar Rd	Amount payable:	\$ 58,605.00
Estate Stage number:	1		

As owner/s of the above property, I/we agree to the conditions under which Melbourne Water will advise Council that it consents to the issuing of a Statement of Compliance for the subdivision. The conditions include payment of the above drainage contribution amount.

Name of owner/s: _____ Phone: _____

Signature of owner/s: _____ Date: _____

Postal address of owner/s: _____

If signing on behalf of a company, please print your name and position:

Privacy collection notice: Your information is being collected to enable processing of your application for conditions of agreement. If you choose to pay by credit card online, your payment information is not held by Melbourne Water and is only used by Westpac in order to process your payment.

Please select one of the following payment options:

ONLINE PAYMENT (credit or debit card) up to \$10,000

Visit <http://www.melbournewater.com.au/aboutus/onlinepayments/> to pay with VISA or MasterCard. An online payment is deemed to be an acceptance of the conditions of agreement. Please quote the Melbourne Water Reference No: MWA-1103749 as the invoice or reference number in the payment portal.

EFT

Bank Name : WESTPAC
 Bank Account Name : MELBOURNE WATER CORPORATION DRAWINGS ACCOUNT
 BSB No : 033-000
 Account No : 295655

Note: When depositing funds you must include the following information:
 Melbourne Water Reference No: MWA-1103749 and Company Name

An EFT payment is deemed to be an acceptance of the conditions of agreement.

CHEQUE

Make your cheque payable to Melbourne Water. A copy of this completed Remittance Form, which contains your Melbourne Water Reference No: MWA-1103749 must be attached with all cheque payments sent via post to: Melbourne Water, PO Box 4342, Melbourne VIC 3001. A cheque payment is deemed to be an acceptance of the conditions of agreement

Note: Cheques should be crossed "Not Negotiable".

OFFICE USE ONLY: Ashley Campbell (Offer No/Ref: MWA-1103749)

CENTRE	ACCOUNT	AMOUNT	CENTRE	ACCOUNT	AMOUNT
DS2912	5414	58,605.00	D20096	5414	0.00

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PLAN OF SUBDIVISION

LV USE ONLY
EDITION

PS806753F

LOCATION OF LAND

CERTIFYING AUTHORITY BAW BAW SHIRE COUNCIL

PARISH: DROUIN WEST
 TOWNSHIP: -
 SECTION: -
 CROWN ALLOTMENT: 78 (PART) & 86 (PART)
 CROWN PORTION: -
 TITLE REFERENCES: VOL. 9555 FOL. 267
 LAST PLAN REFERENCES: LOT 1 ON LPI44846
 POSTAL ADDRESS: 39 WEEBAR ROAD
 (At time of subdivision) DROUIN, 3818
 MGA Co-ordinates E 399550 ZONE: 55
 (of approx centre of land in plan) N 5777390 GDA 94

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON

NOTATIONS

STAGING This is not a staged subdivision.

OTHER PURPOSE OF PLAN
 Creation of Restriction, for Restriction details refer to sheet 3.

NOTATIONS

DEPTH LIMITATION DOES NOT APPLY.

Survey: This plan is based on survey.
 This survey has been connected to permanent marks no.(s) 121 & 269
 in Proclaimed Survey Area no.

EASEMENT INFORMATION

LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1, E-2	SEWERAGE	3m	LPI44846	LOTS IN LPI44846
E-2, E-3, E-6, E-7	DRAINAGE	SEE DIAG.	THIS PLAN	BAW BAW SHIRE COUNCIL
E-1, E-2, E-4, E-7	PIPELINE OR ANCILLARY PURPOSES	SEE DIAG.	THIS PLAN & SECTION 136 WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER CORPORATION
E-2, E-3, E-5, E-6, E-7	POWERLINE	SEE DIAG.	THIS PLAN & SECTION 88 ELECTRICITY INDUSTRY ACT 2000	AUSNET ELECTRICITY SERVICES PTY LTD

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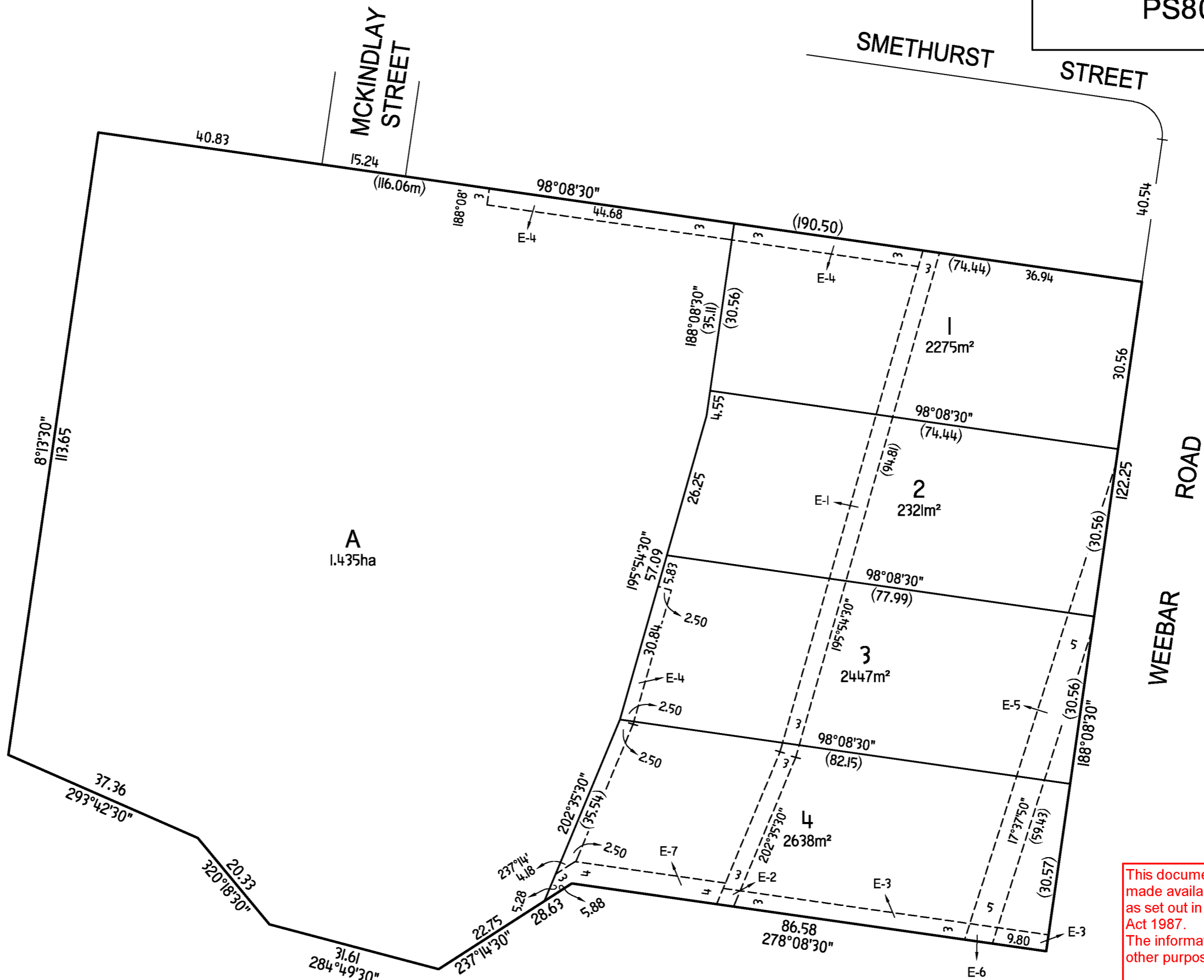
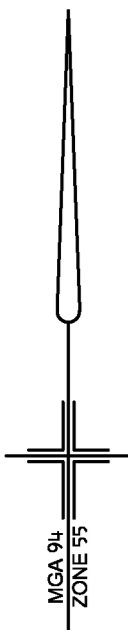
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Planners Surveyors Engineers
 Suite 1, Building 2
 3 Ordish Road
 Dandenong South 3175
 Telephone 03 9794 1600
 manager@klms.com.au

KLMS REF: 8248.00

ORIGINAL SHEET SIZE A3 SHEET 1 OF 3 SHEETS



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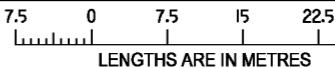
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Planners Surveyors Engineers
 Suite 1, Building 2
 3 Ordish Road
 Dandenong South 3175
 Telephone 03 9794 1600
 manager@klms.com.au

KLMS REF: 8248.00

SCALE 1:750



ORIGINAL SHEET 1 SHEET 2

CREATION OF RESTRICTION I



THE FOLLOWING RESTRICTION IS TO BE CREATED UPON REGISTRATION OF THIS PLAN

LAND TO BENEFIT : LOTS 1-4 (BOTH INCLUSIVE)

LAND TO BE BURDENED : LOTS 1-4 (BOTH INCLUSIVE)

DESCRIPTION OF RESTRICTION

EXCEPT WITH THE WRITTEN CONSENT OF CENTRAL GIPPSLAND REGION WATER CORPORATION THE REGISTERED PROPRIETOR OR PROPRIETORS OF THE BURDENED LAND SHALL NOT CONSTRUCT OR PERMIT TO BE CONSTRUCTED:

- 1. ANY DWELLING OUTSIDE THE AREA SHOWN HATCHED THUS  IDENTIFIED ON DIAGRAM No.1
- 2. ANY BUILDING PRODUCING EFFLUENT WASTEWATER (INDOOR PLUMBING) CONTAINED WITHIN THE AREA SHOWN HATCHED THUS  IDENTIFIED ON DIAGRAM No.1

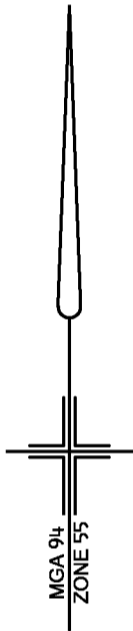
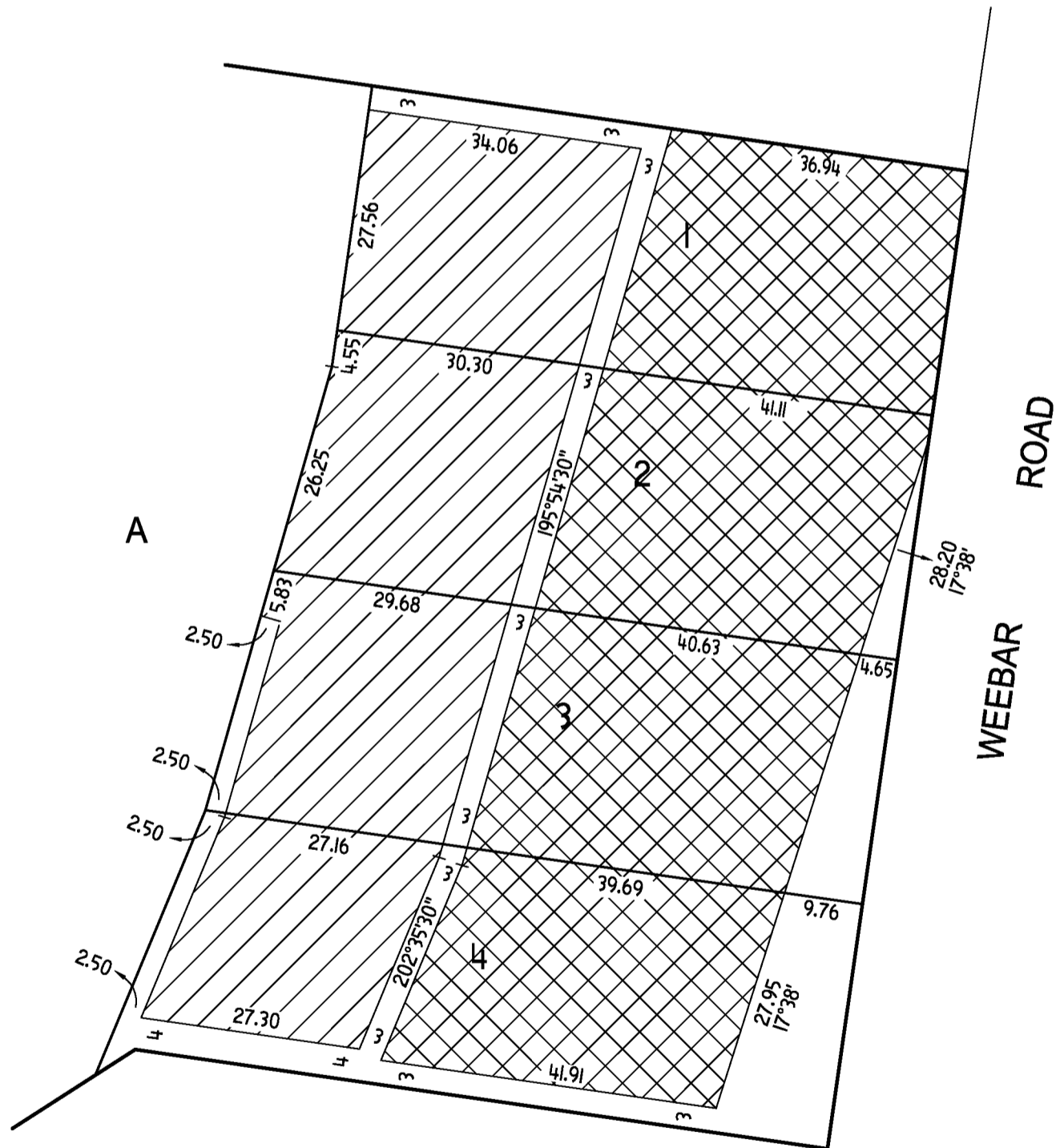


DIAGRAM No.1



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Property:	39 Weeber Road, Drouin	Offer No(Ref):	MWA-1103749
Council:	Baw Baw Shire Council	Date of Offer:	15 January 2019
Estate Name:	39 Weebar Rd	Amount payable:	\$58,605.00
Estate Stage number:	1		\$60,891.00

As owner/s of the above property, I/we agree to the conditions under which Melbourne Water will advise Council that it consents to the issuing of a Statement of Compliance for the subdivision. The conditions include payment of the above drainage contribution amount.

Name of owner/s: _____ Phone: _____

Signature of owner/s: _____ Date: _____

Postal address of owner/s: _____

If signing on behalf of a company, please print your name and position:

Privacy collection notice: Your information is being collected to enable processing of your application for conditions of agreement. If you choose to pay by credit card online, your payment information is not held by Melbourne Water and is only used by Westpac in order to process your payment.

Please select one of the following payment options:

ONLINE PAYMENT (credit or debit card) up to \$10,000

Visit <http://www.melbournewater.com.au/aboutus/onlinepayments/> to pay with VISA or MasterCard. An online payment is deemed to be an acceptance of the conditions of agreement. Please quote the Melbourne Water Reference No: MWA-1103749 as the invoice or reference number in the payment portal.

EFT

Bank Name : WESTPAC
 Bank Account Name : MELBOURNE WATER CORPORATION DRAWINGS ACCOUNT
 BSB No : 033-000
 Account No : 295655

Note: When depositing funds you must include the following information:
 Melbourne Water Reference No: MWA-1103749 and Company Name

An EFT payment is deemed to be an acceptance of the conditions of agreement.

CHEQUE

Make your cheque payable to Melbourne Water. A copy of this completed Remittance Form, which contains your Melbourne Water Reference No: MWA-1103749 must be attached with all cheque payments sent via post to: Melbourne Water, PO Box 4342, Melbourne VIC 3001. A cheque payment is deemed to be an acceptance of the conditions of agreement

Note: Cheques should be crossed "Not Negotiable".

OFFICE USE ONLY: Ashley Campbell (Offer No/Ref: MWA-1103749)

CENTRE	ACCOUNT	AMOUNT	CENTRE	ACCOUNT	AMOUNT
DS2912	5414	58,605.00	D20096	5414	0.00

\$60,891.00

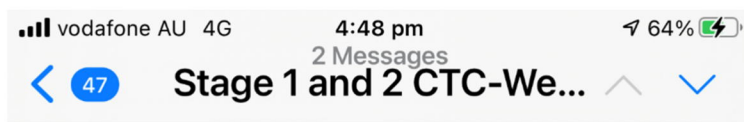
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39 WEEBAR ROAD, DROUIN – STAGE 1
 MW Ref. MWA-1103749



Payment detail report 27 April 2021 13:49 AEST

Office:
 Value date: 27 Apr 2021 Payment type: New beneficiary
 Bank reference: 103593323 Payment status: Bank Accepted

Debit account details

From account: RMBL Trust Account 033186172767
 Amount: AUD 237,763.00
 Description: 2601 39 WEEBER MELB WATER AND BAW BAW CC

Beneficiary summary

Beneficiary details	Account details	Payment method	CTY Code	CCY	Amount
BAW BAW SHIRE COUNCIL	063532 10100644 <small>View</small>	Overnight	AU	AUD	73,750.00
MELBOURNE WATER CORPORAT	033000 295655	Westpac	AU	AUD	103,122.00
MELBOURNE WATER CORPORAT	033000 295655	Westpac	AU	AUD	60,891.00

3 Beneficiaries totalling AUD 237,763.00

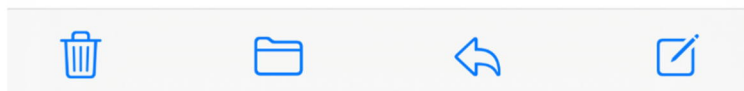
Please ensure the account details are correct as they are used to process the payment.

Additional payment information

Created by: Date and time: 27 April 2021 10:05 AEST
 Last updated by: Date and time: 27 April 2021 10:14 AEST
 1st authorisation: Date and time: 27 April 2021 13:01 AEST
 2nd authorisation: Date and time: 27 April 2021 13:12 AEST

*** END OF LIST ***

Westpac Banking Corporation ABN 33 007 457 141 AFSL and Australian credit licence 233714



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