**Form 9**

Section 96J

**PLANNING PERMIT GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987**

**Permit No.:** PA2302141

**Planning Scheme:** Baw Baw

**Responsible authority:** Minister for Planning

**ADDRESS OF THE LAND:** 14-40, 42-60 WILLS STREET AND 98 KING STREET, WARRAGUL

* Lot 1 PS901914 (14-40 Wills Street, Warragul)
* Lot 2 PS901914 (14-40 Wills Street, Warragul)
* Lot 3 PS901914 (42-60 Wills Street, Warragul)
* Lot 4 PS901914 (98 King Street, Warragul

**THE PERMIT ALLOWS:** Subdivision of the land into 24 lots, earthworks allowing the realignment of Hazel Creek and construction of access tracks, creation of easements and removal of vegetation.

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| **THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT** |

**Plans Required**

**Subdivision Plans**

1. Before the plan of subdivision is certified for the first stage under the *Subdivision Act 1988*, *an* amended subdivision plan must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the plans by Advantage All Development Group, Job No. 01001, dated 9 May 2022 but modified to show:
2. A 2 metre wide footpath along the northern side of the internal road reserve.
3. A 2.5 metre wide shared path from the eastern end of the existing footpath on the northern side of Wills Street to Spring Street (approximately 410 metres) including pram crossings.
4. All vegetation within the subject site and in the adjoining road reserve identified for either removal and/or retention.
5. Tree Protection Zones and Structural Root Zones of all vegetation within the subject site and any vegetation within 3 metres of the subject site on adjoining properties and within the road reserve.
6. Tree protection envelopes for vegetation being retained
7. Location, materials and height of all front and boundary fences. If no fencing is proposed, a notation must be included on the plan stating this.
8. Location of retaining walls.
9. Dimensions of the Creek Reserve.

**Elevation Plans**

1. Before the plan of subdivision is certified for the first stage under the *Subdivision Act 1988*,elevation plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the plans submitted with the application but must show:
2. Natural ground level and finished ground level (to AHD) clearly nominated on all elevations for the length of the boundaries.
3. Dimensions including maximum heights of cut and fill for the entire site.
4. Dimensions including maximum heights of retaining walls for the entire site.
5. Dimensions including maximum heights of fencing for the entire site.

**Staging Plan**

1. Before the plan of subdivision is certified for the first stage under the *Subdivision Act 1988*, a staging plan showing the order and sequence of all stages forming part of the subdivision must be submitted to and approved by the Responsible Authority.

**Warragul Burrowing Crayfish Management Plan**

1. Before the plan of subdivision is certified for the first stageunder the *Subdivision Act 1988* and prior to commencement of any works, a Warragul Burrowing Crayfish Management Plan must be prepared by a suitably qualified and experienced person. The plan must be submitted and approved by the Responsible Authority. Once approved, the plan will be endorsed and form part of this permit. The Management Plan must include:
2. A plan showing the location of known Warragul Borrowing Crayfish colonies and habitat areas.
3. Details of Conservation Zones including:
	* 1. Buffer distance between the edge of the colony and habitat areas and location of Conservation Zone Fence.
		2. Conservation Zones marked on a plan.
		3. Conservation Zone requirements in accordance with Conditions 60 and 61.
4. Revegetation Guidelines.
5. Translocation and monitoring requirements as required by Condition 5.
6. Construction methodologies to protect hydrological conditions during works associated with Hazel Creek.
7. Specific protection requirements for the colonies in the north east and south east corners of the subject land.
8. Accidental Unearthing Guidelines as required by Condition 60 and 61.
9. Any other detail as requested by the Responsible Authority.

**Hazel Creek and Warragul Burrowing Crayfish Translocation Plan**

1. Before the plan of subdivision is certified for the first stageunder the *Subdivision Act 1988* and commencement of any works including works associated with the construction of Hazel Creek, a Warragul Burrowing Crayfish Translocation Plan must be prepared by a suitably qualified and experienced person. The plan must be submitted and approved by the Responsible Authority. Once approved, the plan will be endorsed and form part of this permit. The Translocation Plan must include:
2. Protection Requirements for Warragul Burrowing Crayfish colonies, including reference to the requirements of Condition 8 and Warragul Burrowing Crayfish Management Plan.
3. Clear information on the Warragul Burrowing Crayfish colony proposed for translocation including maps showing their current location and the translocation site(s).
4. Clear information on the Warragul Burrowing Crayfish Colony adjacent to the translocation site including maps showing the existing habitat area in relation to the proposed translocation site(s).
5. Experimental Design including:
	* 1. A clear hypothesis to be tested during the trial and aim stating the intentions of the trial.
		2. Discussion of existing knowledge and available literature relating to the translocation trial.
		3. Methodology for translocation of Warragul Burrowing Crayfish including requirements for assessment prior to the translocation and specific conditions for the day and date of translocation.
		4. Monitoring timelines including intervals for monitoring over a minimum five year period.
		5. Explanation of monitoring intervals selected including a discussion on why each interval is required and expectations for observations during each monitoring interval in relation to the hypothesis and aim of the trial.
		6. Information on what data will be collected during the monitoring and how the data relates to hypothesis which is being tested in the trial.
		7. Parameters for success or failure of the trial in relation to the hypothesis which is being tested in the trial.
6. Requirements for providing monitoring reports including information which must be included in report and requirements for providing the report to the Responsible Authority.
7. Requirements for protection of Warragul Burrowing Crayfish colonies and habitat areas (existing and translocated) following translocation of Warragul Burrowing Crayfish.
8. Information on site establishment requirements including timelines to ensure that the Warragul Burrowing Crayfish habitat is suitably formed and established prior to translocation.
9. A revised Gantt Chart stating proposed dates for works associated with the construction of Hazel Creek and the translocation of Warragul Burrowing Crayfish.

 **Landscape Master Plan**

1. Before the plan of subdivision is certified for the first stage under the *Subdivision Act 1988*,an amended landscape masterplan for the entire subdivision must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The plan must show and include:
2. The landscaping theme and graphical concepts to be developed for the subdivision including all reserve areas and waterways.
3. The type of species to be used for street tree planting in the subdivision. The plant schedule must be consistent with adjoining sites where roads are continued through. native plant species should be used where possible.
4. Street trees along the internal road reserve and Wills Street are to be to the satisfaction of the Responsible Authority.
5. All plant species within the protected vegetation area must be to the satisfaction of the Responsible Authority. Locations of substations.
6. Entrance treatments, if applicable.
7. Proposed location of paths, pavement areas and other structures including details of construction materials.
8. Locations of any protected trees or patches of protected native vegetation to be retained.
9. Location of all existing vegetation with retained trees clearly indicated.
10. The tree protection zone for each tree.
11. Location of any waterway or waterbody on or adjoining the land including the location of Hazel Creek, wetlands, and retarding basins.
12. Conservation Zones for Warragul Burrowing Crayfish in accordance with the endorsed Warragul Burrowing Crayfish Management Plan.
13. Location of existing Warragul Burrowing Crayfish colonies and translocation sites in accordance with the endorsed Warragul Burrowing Crayfish Translocation Plan.
14. Areas which will be available for revegetation within the Waterway Reserve.
15. The principles and graphical concepts of the proposed treatment of the open space and drainage reserves.
16. Style and location of lighting, including in public open space and reserves.
17. Management notes including site preparation and future maintenance.
18. Details of soil treatments, mulching, and irrigation systems. Areas of cut and fill required for landscaping, including location and dimensions of any retaining walls.
19. A schedule of proposed species that are to be planted on the site including scientific names and common names;
20. Quantities of all species to be planted on site including their supply size and size when mature (height and width).
21. Areas to be landscaped including hard surface areas;
22. All vegetation to be removed and retained on the subject site.

All landscaping must be to the *satisfaction of the Responsible Authority and* elements of the above Landscaping Plan must be designed and sited in relation to safety and convenience consideration, the need for pedestrian/bicycle linkages, rest locations, scenic viewing opportunities and landscaping themes.

**Detailed Landscape Plan**

1. Before the plan of subdivision is certified for the relevant stage under the *Subdivision Act 1988*, a Detailed Landscape Plan for that stage must be prepared by a suitably qualified and experienced person. When approved, the plan will be endorsed and will the form part of this permit. The Detailed Landscape Plan must be drawn to scale with dimensions and an electronic copy (.pdf) must be provided. The Plan must be consistent with the endorsed Landscape Master Plan and must show:
2. Location of Hazel Creek and associated wetlands.
3. Location of Warragul Burrowing Crayfish existing colonies and translocation sites in accordance with the endorsed Warragul Burrowing Crayfish Translocation Plan.
4. New plantings including their layout to be provided in any road reserves and within the Waterway Reserve.
5. Proposed revegetation within the Waterway Reserve. Revegetation should be in accordance with the modelled Ecological Vegetation Class, West Gippsland Catchment Management Authority and Baw Baw Shire Council Waterway Management Plan Guidelines and Giant Gippsland Earthworm and Warragul Burrowing Crayfish Guidelines listed in the endorsed Giant Gippsland Earthworm and Warragul Burrowing Crayfish Management Plan.
6. Detailed planting schedule of all proposed trees, shrubs and groundcovers including botanical names, common names, pot sizes, sizes at maturity, quantities and densities of each plant.
7. Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements including retaining walls.
8. All proposed street tree planting using semi-advanced trees with species selection that is in accordance with Baw Baw Shire Council’s Tree Selection, Planting and Maintenance Policy. Trees must have a minimum container size of 45 litres.
9. Location of wetlands and retarding basins including necessary maintenance structures including hard stands and dewatering sites.
10. Materiality and finish detail for paths, lighting typologies, street furniture detail, bicycle parking design and specification, with standard and safety compliance detail.

**Waterway Management Plan**

1. Before the plan of subdivision is certified for the first stage under the *Subdivision Act 1988*, a detailed Waterway Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Waterway Management Plan must be drawn to scale with dimensions and an electronic copy (.pdf) must be provided. The plan must be consistent with any endorsed Landscape Master Plan and must show details of works within and adjacent to the designated waterways and include:
2. Waterway design drawing identifying the existing environmental values to be retained and protected, including native vegetation, and Warragul Burrowing Crayfish colonies.
3. Site preparation details prior to implementation of revegetation activities (i.e., removal/control of high-threat weeds).
4. Details of revegetation/restoration activities, monitoring activities and planting standards, including:
	* 1. Tube stock planting standards.
		2. Appropriate consideration of the feasibility of incorporating any threatened species habitat into the revegetation / restoration activities.
		3. Modification to revegetation activities within Warragul Burrowing Crayfish habitat areas in accordance with the endorsed Warragul Burrowing Crayfish Management Plan.
		4. Two-year maintenance actions and conditions regarding the revegetation and monitoring works.
		5. Two-year weed management program for environmental weeds.
5. Details of wetland construction and maintenance including:
	* 1. Location of wetlands and retarding basins.
		2. Location and access of hard stands.
		3. Location and access of dewatering sites.

**Stormwater Management Plan**

1. Before the plan of subdivision is certified for the first stage under the Subdivision Act 1988, an amended stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan. The stormwater management plan must include the following:
2. A detailed description of the proposed works in the south-east corner of the creek reserve area including location of the low flow channel, off-line sediment pond with associated maintenance access and hardstand.
3. Strategy to mitigate the flood hazard and achieve velocities not exceeding 1.5m/sec and depth not exceeding 0.4m.
4. Provide calculations and RORB model output to demonstrate that the 1% AEP post-development discharge does not exceed the pre-development rate.
5. Demonstrate that water quality objectives are achieved. An electronic copy of the MUSIC model must be provided for council verification.
6. Details of the proposed wetland including area, treatment and 1% AEP bypass channel. The macrophyte zone is be designed to comply with requirements relating to velocities.
7. Prior to SOC provide a plan showing 1% AEP flood levels along the waterway and drainage reserve and finished floor levels of the buildings with freeboard.

**Functional Layout Plan**

1. Before a plan of subdivision is certified under the *Subdivision Act* 1988, a functional layout plan for the subdivision or the stage of subdivision must be submitted to and approved by the Responsible Authority. When approved the functional layout plan will then form part of the permit. The functional layout plan must be drawn at a scale of 1:500 or other scale as agreed by the Responsible Authority with all leading dimensions clearly shown. An electronic copy (.pdf) of the plans must be provided plus additional hard copies if requested by the Responsible Authority. The functional layout plan must be generally in accordance with the application plans and must incorporate the following:
2. A subdivision layout drawn to scale, including proposed street names if known, lot areas, lot numbers, widths of street reservations and driveway crossing locations.
3. Topography and existing features, including contours for the subject land and any affected adjacent land.
4. Proposed speed limits on all roads, proposed location of speed limit signs and Local Area Traffic Management devices incorporated into road designs to ensure slow speed environments as required by the Responsible Authority.
5. Typical cross-sections for each street type.
6. Typical cross-sections in areas of cut and fill involving retaining walls.
7. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, and traffic controls including traffic calming devices.
8. A table of offsets for all utility services and street trees.
9. Preliminary location of reserves for electrical kiosks.
10. Preliminary location of street lights.
11. Preliminary master services plan.
12. Intersection works on Wills Street.
13. The location of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.
14. Details of tree protection zones for all trees to be retained on site.
15. Any trees proposed for removal from the site clearly designated.
16. Drainage outfall system (both interim and ultimate), indicating legal point of discharge.
17. The proposed minor drainage network and any land required for maintenance access.
18. The major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing and any access requirements for construction and maintenance.
19. Overland flow paths (1% AEP) to indicate how excess runoff will be safely conveyed through the subdivision.
20. Tree Protection Zones of all retained trees on the subject site.
21. Tree Protection Zones of trees on adjacent property which may be impacted by development including trees in road reserves.
22. Warragul Burrowing Crayfish Conservation Zones where no works can occur.

**Public Infrastructure Plan (PIP)**

1. Before the plan of subdivision for the first stage is certified under the *Subdivision Act 1988*, an amended Public Infrastructure Plan (PIP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

The PIP must show the proposed location, type, staging and timing of delivery of all infrastructure required on the land and surrounding which is identified in the Warragul Precinct Structure Plan and Development Contributions Plan, or which is otherwise reasonably required on or to the land or on any other land as a result of the subdivision of the land. Without limiting the extent of what must be shown on and in the PIP, it must include the following:

1. Partial delivery of DR-SW-02 (Wills Street wetland)
2. Intersections of the internal road with Wills Street.
3. Shared path along southern side of internal road
4. A 2.5 metre wide shared path from the eastern end of the existing footpath on the northern side of Wills Street to Spring Street (approximately 410 metres) including pram crossings.
5. Pedestrian crossings of Wills Street and the internal road at the western intersection with the internal road to connect the internal footpath to the existing Wills Street footpath.
6. Pedestrian crossings of Wills Street and the internal road at the eastern intersection with the internal road to connect the internal footpath to the extension of the Wills Street shared path.
7. All waterway works.
8. Habitat area
9. Any land which is required to be set aside for infrastructure identified in the ICP or the PSP including land required for public open space and community facilities.
10. The staging sequence.

The PIP may be amended with the written consent of the Responsible Authority.

1. Before the plan of subdivision for the first stage is certified under the *Subdivision Act 1988*, or any other time agreed to in writing by the Responsible Authority, the owner must enter into an agreement or agreements under Section 173 of the Planning and Environment Act 1987 which provides for:
2. The implementation of the Public Infrastructure Plan approved under this permit.
3. The timing of any payments to be made to the owner in respect of any infrastructure project having regard to the availability of funds in the applicable Precinct Structure Plan and Development Contributions Plan.

The agreement must apply to the relevant permit area only.

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).

**General Conditions**

1. The subdivision of land must be generally in accordance with the plans endorsed under this permit and subject to the conditions set out in this permit.
2. The layout of the subdivision and access as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
3. The extent of vegetation removal as shown on the endorsed plan/s must not be altered or modified without the further written consent of the Responsible Authority. Vegetation identified removal (Native Vegetation Removal Report ID: 305-20220421-009) is 0.070 hectares of native vegetation which is comprised of:
4. 1 large tree.
5. With a minimum strategic biodiversity value score of 0.600
6. Once the vegetation removal has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
7. Once the subdivision starts, it must be continued and completed to the satisfaction of the Responsible Authority.
8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authorities in accordance with Section 8 of that Act and Clause 66 of the Baw Baw Planning Scheme.
9. All existing and proposed easements and sites for existing or required utility services, roads, public open space and other infrastructure on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
10. The costs associated with effecting the transfer or vesting of land required for the reserve must be borne by permit holder.
11. Land required for the reserve must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

**Telecommunications**

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

**Native Vegetation Offsets**

1. Before the plan of subdivision is certified under the *Subdivision Act* 1988, a native vegetation offset must be secured for the removal of 0.070 hectares of native vegetation in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017). The permit holder must secure the following offsets:
2. A general offset of 0.042 general habitat units:
	1. Located within the West Gippsland Catchment Management Authority (CMA) or Baw Baw Shire Council Municipal area.
	2. With a minimum strategic biodiversity value of at least 0.600.
	3. The offset(s) must also protect 1 large tree.
3. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:
4. An established first party offset site including a security agreement signed by both parties and a management plan detailed the 10-year management actions and ongoing management of the site, and/or
5. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
6. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Energy, Environment and Climate Action, Traralgon Regional Office via Gippsland.Planning@delwp.vic.gov.au.
7. In the event that a security agreement is entered into as per Condition 24 relating to first party offset sites, the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a Statutory Authority.

**Prior to commencement of site works**

**Detailed Engineering Plans**

1. Before any road and/or drainage works associated with the subdivision or stage of the subdivision start, detailed construction plans must be submitted to and approved by the Responsible Authority. If a Functional Layout Plan has been approved the Engineering plans must be generally in accordance with the approved Functional Layout Plan. When approved the Engineering plans will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy (.pdf) of the plans must be provided plus additional hard copies if requested by the Responsible Authority. The plans must show:
2. Engineering plans and specifications of the proposed works that are to become public assets such as roads, paths, intersections, drains, bridges and the like.
3. Location of Permanent Survey Marks.
4. Details of any cut and fill including retaining walls.
5. All road dimensions and cross sections generally to IDM requirements.
6. Intersections of the internal road with Wills Street.
7. Pedestrian crossings of Wills Street and the internal road at the western intersection with the internal road to connect the internal footpath to the existing Wills Street footpath.
8. A 2.5 metre wide shared path from the eastern end of the existing footpath on the northern side of Wills Street to Spring Street (approximately 410 metres) including pram crossings.
9. Pedestrian crossings of Wills Street and the internal road at the eastern intersection with the internal road to connect the internal footpath to the extension of the Wills Street shared path.
10. A 2.5m wide shared path along the southern side of, and for the entire length of, the internal road.
11. A 2m wide footpath along the northern side of, and for the entire length of, the internal road.
12. Pavement design using a recognised engineering methodology based on a geotechnical investigation of the site in accordance with IDM 12.7 including consideration of the in-situ soil conditions and available road making materials. A geotechnical report must be submitted with the detailed plans.
13. SM2 modified kerb on all roads except where there is a frontage to a park or reserve, where B2 barrier kerb must be used unless otherwise agreed by the Responsible Authority.
14. Location of speed limit signs and traffic management devices.
15. A driveway crossing for each lot designed for the expected vehicle type conforming to horizontal and vertical clearances in accordance with IDM Standard Drawings.
16. Temporary turnaround areas within or outside the site (sealed or unsealed as directed by the Responsible Authority) for waste collection vehicles (8.8 metres in length) at the temporary dead end of any road.
17. Master services plan.
18. Location of street lighting.
19. Major and minor drainage generally in accordance with the approved Stormwater Management Plan.
20. Details of any silt basin, retarding basin and wetland in accordance with the approved Stormwater Management Plan.
21. Underground drains incorporating features to prevent litter, sediments, and oils from entering the drainage system (in particular waterways) and/or cut-off drains to intercept storm water run-off from adjoining properties as appropriate and to the satisfaction of the Responsible Authority.
22. Any water sensitive urban design features.
23. Tree Protection Zones of all retained trees on the subject site.
24. Tree Protection Zones of trees on adjacent property which may be impacted by development including trees in road reserves.
25. Warragul Burrowing Crayfish Conservation Zones where no works can occur.

**Site and Environmental Management Plan (SEMP)**

1. At least 15 days before any works start, a site specific Site and Environmental Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved Site and Environmental Management Plan.

The SEMP must address all environmental risks and include:

1. A construction program in bar chart form (major time interval in months, minor time interval in weeks) clearly indicating the start-up meeting, stages, all tasks and all hold points including submission of “As Constructed” plans and CCTV inspections.
2. A site plan clearly indicating the location of all public noticeboards, site access, security fencing, site office and rest rooms, plant depot, rumble strips, vehicle wash bays, soil stockpiles, tree protection zones, temporary drainage protection measures and any other relevant operational or construction features.
3. A program for notification (initial notification and updates as required) of all residents and businesses who will be directly affected by the construction works, including a phone number of a representative of the contractor that can be contacted at any time should there be any complaints or concerns in connection with the works.
4. Occupational Health and Safety arrangements.
5. An Environmental Management Program for all on-site personnel and contractors including site inductions, specific procedures for working within the waterway reserve to avoid impacts on the Warragul Burrowing Crayfish habitat, and Accidental Unearthing Guidelines for Giant Gippsland Earthworm and Warragul Burrowing Crayfish.
6. All Warragul Burrowing Crayfish Conservation Zones marked on plans.
7. Reference to endorsed Warragul Burrowing Crayfish Management Plan.
8. Reference to the endorsed Warragul Burrowing Crayfish Translocation Plan.
9. Appropriate cultural protection measures in accordance with any approved Cultural Heritage Management Plan applying to the land.
10. A Traffic Management Plan including the proposed route for construction vehicle access to the site, arrangements for any road closures, etc.
11. Any specific measures required to protect Council assets during construction including prevention of earth being tracked onto surrounding roads by vehicles and cleaning of roads if necessary.
12. Measures to reduce the impact of noise, dust and other emissions created during the construction process.
13. Measures for control of storm water during construction, including preventing erosion and any storm water runoff onto adjoining properties and ensuring that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system.
14. Measures to ensure that all machinery brought onto the site is weed and pathogen free.
15. Control and management of any soil to be imported or removed from the site and any soil stockpiles.
16. Waste management during construction.
17. Any contamination assessments and or mitigation requirements directed by the Responsible Authority regarding any stage which contains a known or suspected contamination area.

**Vegetation Marking on Site**

1. Before the commencement of any buildings and works, and before the removal, destruction or lopping of any native vegetation, all vegetation must be clearly marked on site, within Wills Street and Hazel Creek reserve as retained or removed in accordance with this permit, to the satisfaction of the Responsible Authority.

**Tree Protection**

1. Before the commencement of any works, Tree Protection Zone fencing must be established around all retained vegetation on and adjacent to the subject site in accordance with the *Australian Standards for the Protection of Trees on Development Sites* (*AS4970-2009*). The Tree Protection Zone Fence must be established to the satisfaction of the Responsible Authority and be in accordance with the endorsed Tree Management Plan. The Tree Protection Zone fence must:
2. Be erected before any machinery or materials are brought on site,
3. Be temporary chain mesh fencing,
4. Be at least 1.8m high,
5. Have signs denoting it as the Tree Protection Zone,
6. Not be removed or altered without approval from the Responsible Authority,
7. Must be established at 12 x the Diameter at Breast Height (DBH) to a minimum of 2m and to a maximum of 15m unless otherwise specified in accordance with AS4970-2009.

**Conservation Protection**

1. Before the commencement of any works, Conservation Zone fencing must be established around Warragul Burrowing Crayfish habitat areas to the satisfaction of the Responsible Authority. The Conservation Zone fence must:
2. Be constructed in accordance with the locations on the endorsed Warragul Burrowing Crayfish Management Plan,
3. Be erected before any machinery or materials are brought on site,
4. Be temporary chain mesh fencing,
5. Be at least 1.8m high,
6. Have signs denoting it as a Conservation Zone where no access is permitted,
7. Must not be removed or altered without approval from the Responsible Authority.

**Certification**

**Land to Shown for Vesting**

1. The plan of subdivision submitted for certification under the *Subdivision Act 1988*, must show land for the creek reserve and DR-SW-02 vested to the Responsible Authority.

**Creation of an Easement**

1. The plan of subdivision submitted for certification under the *Subdivision Act 1988*, must include any approved easement forming part of this permit in favour of the responsible authority.

**Statement of Compliance**

**Telecommunication works**

1. Prior to the issue of a Statement of Compliance for the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
2. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
3. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**Public Open Space**

1. Prior to the issue of Statement of Compliance for each stage of the subdivision under the *Subdivision Act 1988*, a Public Open Space contribution equivalent to the value of 5 percent of the site area must be paid to the satisfaction of the Responsible Authority.

**Fire Hydrants**

1. Prior to the issue of a Statement of Compliance for the subdivision under the *Subdivision Act 1988*, the owner of the land must provide Council with written confirmation from a suitably qualified professional that the requirements of Clause 56.09-3 (Fire Hydrants Objectives Standard C29) of the Baw Baw Planning Scheme have been provided on the land.

**Construction**

1. Prior to the issue of a Statement of Compliance for any stage, all works specified on the approved engineering plans in that stage must be constructed or carried out in accordance with those plans unless otherwise agreed by the Responsible Authority.
2. Prior to the issue of a Statement of Compliance for any stage, street lighting must be provided on all roads and at all intersections with existing roads which are included in that stage. Lighting must also be provided within reserves and along pathways. Lighting design must be in accordance with the relevant Australian Standards, including the current issue of AS/ANZ 1158 – Lighting for Roads and Public Spaces and must utilise LED lighting heads and standardised street lighting poles approved by the network distributor (Ausnet Services) and the installation must be signed off by the network distributor.
3. Prior to the issue of a Statement of Compliance for any stage, any nature strip, park or reserve created in that stage must be cleared of all noxious weeds, graded, filled and compacted with approved material free of rock, stone and other contamination, landscaped, shaped and formed as necessary, scarified, top dressed with a minimum 100 mm depth of approved topsoil and sown with a turf mixture of 80% perennial rye (40% Summer + 40% Winter) and 20% kikuyu or other approved mixture at a rate of 300 kg per hectare to ensure the land is free draining and able to be mown by a rotary mower to the satisfaction of the Responsible Authority.
4. Unless otherwise agreed by the Responsible Authority, all road works must be constructed in accordance with the relevant IDM, VicRoads and AustRoads requirements, procedures and guidelines as applicable to urban developments including:
5. Compaction testing and proof rolling of subgrade, sub-base and base course layers and proof rolling in preparation for asphalt must be undertaken at developer’s cost in accordance with IDM clauses 12.7.10 to 12.7.16 (IDM Version 5.20 or later) and results submitted to Council for approval and records purposes.
6. A wearing course of asphalt unless otherwise approved by the Responsible Authority.
7. Any road works abutting an existing carriageway must ensure adequate surface drainage to the kerb and channel or road shoulder and provide a smooth watertight seal without discontinuity to the existing carriageway, generally in accordance with IDM Standard Drawing SD130.
8. Prior to the issue of a Statement of Compliance for any stage of the subdivision*,* the following must be constructed or carried out in accordance with the relevant approved plans for that stage unless otherwise agreed by the Responsible Authority:
9. Power and telephone lines placed underground from the main point of service supplied by the relevant authority outside the boundaries of the land must be provided to all new dwellings/lots.
10. Fencing in accordance with endorsed plans.
11. All other works associated with all public open space areas, including, parklands, water retention areas, buffer zones, service corridors, community use areas.
12. All streetscapes including road and plantation reserves must be landscaped and planted as shown on the approved landscape plans.

**Wills Street Wetlands**

1. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision under the *Subdivision Act 1988*, unless otherwise agreed in writing by the Responsible Authority, the following must be constructed in accordance with the approved detailed design and the Warragul Development Contributions Plan to the satisfaction of the Responsible Authority:
2. Partial delivery of DR-SW-02 (Wills Street Wetland).

**Temporary Vehicle Turning Areas**

1. Prior to the issue of a Statement of Compliance for any stage, temporary vehicle turning areas, either sealed or unsealed as directed by the Responsible Authority, must be constructed on roads which are intended to be continued in a subsequent stage or at a future time. The areas must be maintained by the Developer to the satisfaction of the Responsible Authority unless alternative arrangements are agreed in writing with the Responsible Authority.
2. Once the temporary vehicle turning areas are no longer required, they must be removed at Developer’s cost and the area, together with all nature strips, footpaths and the like, finished to the satisfaction of the Responsible Authority.
3. If the Responsible Authority agrees to a temporary turning area being retained after the issue of a Statement of Compliance for any stage, an agreement providing for a bond of sufficient value to cover all reinstatement costs plus any contingency amount must be reached with the Responsible Authority prior to the issue of a Statement of Compliance for that stage.
4. A sign of at least 1 square metre in area must be displayed in a prominent position near the temporary vehicle turning area while a temporary turning area is in operation advising that it is a temporary turning area only. The sign must be removed after the temporary vehicle turning area is removed.

**Drainage**

1. Prior to the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, all components of the stormwater drainage system relevant to that stage must:
2. Be constructed in accordance with the stormwater drainage design approved by the Responsible Authority; and
3. Provide a legal point of stormwater discharge for each allotment all to the satisfaction of the Responsible Authority.
4. The design, construction, and handover of wetland and stormwater retardation systems must follow the “Water Sensitive Urban Design Guidelines, South Eastern Councils” and “Water Sensitive Urban Design Guidelines Addendum, Baw Baw Shire Council”.

**Speed Reduction**

1. Prior to the issue of a Statement of Compliance for the first stage of the subdivision under the *Subdivision Act 1988*, the developer must advise the Responsible Authority that a speed reduction from 70 km/hr to 60 km/hr is required on Wills Street to match the existing posted speed limits on Burke and King Streets.

**Making Good**

1. Prior to the issue of a Statement of Compliance for any stage, the Developer must repair any damage to Council infrastructure as directed by the Responsible Authority which can reasonably be determined to have occurred as a result of the Developer’s works unless such damage was identified by the Developer and reported to the council in writing prior to commencement of works on that stage.

**Practical Completion**

**Street Tree Planting**

1. Prior to the issue of a Letter of Practical Completion for any stage, the Developer must purchase and plant advanced trees of an approved variety in line with the specification in Council’s Tree Selection, Planting and Maintenance Policy in all nature strips in accordance with the approved landscaping plan. Appropriate planting techniques and tree guards must be provided to the satisfaction of the Responsible Authority.

The trees must be maintained for a minimum period of two (2) years after practical completion including replacing any dead or damaged trees during the two-year maintenance period.

**CCTV**

1. Prior to the issue of a Letter of Practical Completion for any stage, CCTV results for the full length of all storm water drainage pipes shown on the approved drawings for that stage where Council is the Responsible Authority, must be submitted for assessment. In the case of pipes beneath roads, CCTV results must be submitted and approved prior to placement of asphalt.
2. The CCTV work must be performed by an independent specialist contractor at the Developer’s cost. The submitted information must be to the satisfaction of the Responsible Authority. Pipe joints which exceed the manufacturer’s installation tolerances and other significant defect or damage must be rectified at the developer’s expense within the maintenance period or other period agreed in writing by the Responsible Authority.

**As Constructed Drawings**

1. Prior to the issue of a Letter of Practical Completion for any stage, “As Constructed” drawings in PDF and AutoCAD format must be submitted through Council’s certification portal for receiving A-SPEC “As Constructed” data. Drawings must include digital road, drainage and open space (R-SPEC, D-SPEC & O-SPEC) information in AutoCAD format for all works where Council is the Responsible Authority with all X-refs bound into the drawings and showing any amendments during construction and location of any permanent survey marks in accordance with the current version of D-SPEC, O-SPEC and R-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55. The submitted information is to be to the satisfaction of the Responsible Authority and provided at the Developer’s cost. (Refer to the A-SPEC website [www.a-specstandards.com.au](http://www.a-specstandards.com.au) for minimum Council requirements). The various road, drainage and open space works must be maintained by the owner until this condition has been complied with.

**Subdivision Conditions**

**Vested Land**

1. Within four (4) weeks of the registration of the plans at the Land Titles Office, a Certificate of Title for all land vested in the Responsible Authority on the plan of subdivision must be sent to the Responsible Authority.

**Works within Tree Protection Zones**

1. Except with written consent from the Responsible Authority, none of the following actions are permitted within the Tree Protection Zone. These actions include, but are not limited to:
2. Machine excavation including trenching.
3. Excavation for silt fencing.
4. Cultivation.
5. Storage of any materials and placement of fill.
6. Preparation of chemicals, including preparation of cement products.
7. Parking of vehicles and plant.
8. Refuelling.
9. Dumping of waste.
10. Wash down and cleaning of equipment.
11. Lighting of fires.
12. Soil level changes.
13. Temporary or permanent installation of utilities and signs.
14. Landscaping.
15. Physical damage to the tree.

**Works within Conservation Zones**

1. Except with written consent from the Responsible Authority, none of the following actions are permitted within the Conservation Zone. These actions include, but are not limited to:
	1. Machine excavation including trenching.
	2. Excavation for silt fencing.
	3. Cultivation.
	4. Storage of any materials and placement of fill.
	5. Preparation of chemicals, including preparation of cement products.
	6. Parking of vehicles and plant.
	7. Refuelling.
	8. Dumping of waste.
	9. Wash down and cleaning of equipment.
	10. Lighting of fires.
	11. Soil level changes.
	12. Temporary or permanent installation of utilities and signs.
	13. Landscaping.
	14. Any other works that may impact Warragul Burrowing Crayfish.

**Warragul Burrowing Crayfish Management Plan Implementation**

1. All actions endorsed in the Warragul Burrowing Crayfish Management Plan in Condition 4 must be implemented and carried out at the relevant stages unless otherwise agreed to in writing by the Responsible Authority.

**Warragul Burrowing Crayfish Translocation Plan Implementation**

1. All actions endorsed in the Warragul Burrowing Crayfish Translocation Plan in Condition 5 must be implemented and carried out at the relevant stages unless otherwise agreed to in writing by the Responsible Authority.
2. All post translocation Monitoring Reports must be submitted and approved by the Responsible Authority in consultation with DEECA unless otherwise agreed to in writing by the Responsible Authority. Once approved the Monitoring Reports will be endorsed.

**Accidental Unearthing of Giant Gippsland Earthworm and Warragul Burrowing Crayfish**

1. In the event of the accidental unearthing of Giant Gippsland Earthworm the Guidelines for the Accidental Unearthing of Giant Gippsland Earthworms (INVERT-ECO, March 2016) must be followed including the immediate cease of works and reporting of the incident to the relevant authorities. Works cannot resume until all relevant statutory approvals and permits have been obtained.
2. In the event of the accidental unearthing of the Warragul Burrowing Crayfish the Salvage and Release Protocols for the accidental unearthing of Warragul Burrowing Crayfish (INVERT-ECO, December 2015) must be followed, including the immediate cease of works, reporting of the incident to the relevant authorities. Works cannot resume until all relevant statutory approvals and permits have been obtained. Further steps to salvage and release unearthed Warragul Burrowing Crayfish including release in situ, in suitable habitat or euthanasia must be followed.

**Landscaping Ongoing Maintenance**

1. The landscaping works shown on the approved Landscape Plan for any stage must be carried out and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for that stage or any other time agreed in writing by the Responsible Authority.
2. The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority for a period of two years from the practical completion of the landscaping, unless alternative arrangements have been made in writing by the Responsible Authority. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.
3. Once the subdivision is commenced the permit-holder must maintain the land so that undeveloped areas and areas under construction do not become weed-infested, vulnerable to erosion, a potential fire risk or cause other nuisance to the satisfaction of the Responsible Authority.
4. Prior to Certificate of Final Completion being issued an assessment of the level of sediment within the wetland system must be conducted by a suitably qualified and experienced person with results provided to the Responsible Authority. If the level of sediment is found to be within 500mm of the Normal Water Level or occupies more than one third of the pond’s capacity, then the wetlands must be desilted at the expense of the permit holder.

**Amenity**

1. The subdivision works must be managed so that the amenity of the area is not detrimentally affected through the:
2. Transport of materials, goods or commodities to or from the land.
3. Appearance of any building, works or materials.
4. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
5. Presence of vermin.

To the satisfaction of the Responsible Authority.

**Stormwater Management Interim Works**

1. The Developer is wholly responsible for ongoing maintenance of any interim on-site sediment, retarding and treatment basins and any other associated works until the permanent sediment, retarding basin and wetland are completed and are operational unless otherwise agreed by the Responsible Authority.
2. Unless otherwise agreed by the Responsible Authority, when the permanent sediment, retarding basin and wetland works have been completed, or at any other time if requested by the Responsible Authority, the Developer must, at its cost, remove and rehabilitate the interim on-site sediment, retarding and treatment basin and any other associated Waterway Works all to the satisfaction of the Responsible Authority. An agreement providing for a bond of sufficient value to cover all ongoing maintenance requirements and reinstatement works plus any contingency amount must be reached with the Responsible Authority before a Statement of Compliance is issued for the stage containing construction of the interim on-site sediment, retarding and treatment basin.

**Control of run-off**

1. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.

**Urban Stormwater**

1. Stormwater must not be discharged from the subject land other than by means of a waterway or an underground pipe drain discharged to an outlet in the street or to an underground pipe drain unless otherwise agreed by the Responsible Authority.

**Stormwater Overflows**

1. Stormwater works must be provided on the subject land to prevent overflows onto adjacent properties.

**Minimal Soil Erosion**

1. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

**Service substations and kiosk sites**

1. Service substations, kiosk sites and the like must not be located on/address/front any land identified as public open space (including encumbered open space) or land to be used for any municipal purpose unless otherwise agreed by the Responsible Authority.

**Vegetation Impact - Construction Stockpiles/Fill/Machinery**

1. Any construction stockpiles, fill and machinery must be placed away from areas supporting native vegetation and drainage lines to the satisfaction of the Responsible Authority.

**Earthworks**

1. No earthworks, compaction or modification of existing drainage patterns may be undertaken which present a risk to any vegetation to be retained, remnant trees, understorey or revegetated areas.

**Expiry**

1. This permit will expire if one of the following circumstances applies:
2. The plan of subdivision for the first stage is not certified within two (2) years of the date of this permit; or
3. The plan of subdivision for the last stage of the subdivision is not certified within 10 years of the date of this permit; or
4. The registration of the last stage of the subdivision is not completed within five (5) years from the date of certification of that plan of subdivision.

The starting of the subdivision is regarded by section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan, and completion is regarded as the registration of the plan.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with section 69 of the Planning and Environment Act 1987.

**IMPORTANT INFORMATION ABOUT THIS PERMIT**

**WHAT HAS BEEN DECIDED?**

The responsible authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C216more to the Moreland Planning Scheme.

**WHEN DOES the PERMIT BEGIN?**

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

**WHEN DOES A PERMIT EXPIRE?**

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

**WHAT ABOUT REVIEWS?**

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