

## DRAFT PLANNING PERMIT GRANTED UNDER SECTION 96J OF THE PLANNING AND ENVIRONMENT ACT 1987

<b>Permit No.:</b>	PlnApp24/005
<b>Planning scheme:</b>	Wangaratta Planning Scheme
<b>Responsible authority:</b>	Rural City of Wangaratta
<b>ADDRESS OF THE LAND:</b>	Lot 2 PS744661D Wangaratta - Whitfield Road, Wangaratta

**THE PERMIT ALLOWS:**

Planning scheme clause No.	Description of what is allowed
32.08-3	Staged Multi Lot Residential Subdivision (233) lots
44.04-2 & 44.04-3	Works and subdivision within Land Subject to Inundation Overlay
52.17-1	Removal of Native Vegetation
52.02	Remove or vary an easement.
52.29-2	Create/ alter access to a road within the Transport 2 Zone.

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

**Amended Plans**

- 1 Prior to the commencement of works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions. The plans must generally be in accordance with the exhibited plans ref:M6801 Ver 15 but modified to show and/or include:
  - a) Lot 211 reduced in size to create a greater setback from the future by-pass road reserve on the sites south eastern interface.
  - b) The nomination of building envelopes for Lots 103 & 104 to demonstrate the capability of these lots to accommodate a future dwellings along with 25% of each lot designed and designated as garden area.
  - c) The proposed road reserve to accommodate a potential future freight by-pass route, clearly defined within a proposed road easement.
  - d) Nomination of the proposed wildlife corridor between the Targoora Park Reserve and the One Mile Creek reserve including supplementary plantings outlined in the Biodiversity Assessment report
  - e) The final location, design including urban design treatments associated with the facilities and features required under condition 16 & 17 of this permit;

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**Subdivide in accordance with the Endorsed Plans**

- 2. The subdivision and removal of native vegetation must be undertaken generally in accordance with the plans and documents endorsed under this permit and subject to the conditions set out in this permit.

**Secondary Consent Provisions**

- 3. The subdivision and removal of vegetation as shown on the endorsed plans and documents must not be altered without the prior written consent of the Responsible Authority.

**Cultural Heritage**

- 4. All works and activities must be undertaken in accordance with the approved cultural heritage management plan (CHMP number 18582 dated 25 May 2022).

**Staged Subdivision**

- 5. The subdivision must proceed in the order of stages as shown on the approved and endorsed plan. The responsible authority may consent in writing to vary this requirement.


**Mandatory Subdivision Conditions**

**Telecommunications**

- 6. The owner of the land must enter into an agreement with:
  - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.
  
- 7. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
  - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person that fibre ready telecommunications 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.

**Reticulated Services**

- 8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, and electricity to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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**Easements**

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

**Land to be Vested**

10. Land identified on the endorsed plans for drainage, roads, footpaths & shared paths, open space / reserves must be transferred to or vested in the relevant Authority at no cost to the receiving agency.

**Integrated Waste Water Management Facility – Targoora Park:**

11. Prior to the issue of a Statement of Compliance for Stage 1, Bislake Pty Ltd must:
- a) Obtain a development licence from the Environmental Protection Authority.
  - b) Provide Council with proof, to Councils satisfaction, that it has made appropriate arrangements with North East Water Corporation for the funding, construction and ongoing servicing of the Integrated Waste Water Management facility and that these arrangements have been secured by legal agreement.
  - c) Construct and commission the Integrated Waste Water Management facility located in Targoora Park, including any landscaping works, pedestrian and vehicular access / maintenance tracks in accordance with the requirements of the Development Licence and to the satisfaction of the owner of the land.

**Agreements required prior to Statement of Compliance – Stage 1**

12. Prior to Certification of plans for Stage, Bislake Pty Ltd must procure North East Water Corporation to enter into an agreement with the Rural City of Wangaratta executed in a suitable legal mechanism to the satisfaction of the Rural City of Wangaratta and North East Water Corporation. The agreement must provide for the following:

Clearly outline the ownership and operation of the Integrated Waste Water Management Facility to be located in Targoora Park including:

- a) That North East Water Corporation assumes full ownership and operation of the facility within the PUZ1 zoned and leased area of Targoora Park.
- b) The Rural City of Wangaratta assumes no liability for the operation of the facility and will make no financial contribution to the establishment, running and on-going maintenance of the facility including at its end of life the removal of the facility and rehabilitation of the park to its pre-development state.
- c) EPA development licence – Council assumes no liability for compliance with any conditions or up-grading of the facility if required etc
- d) At the end of life of the facility North East Water Corporation will remove the facility including storage ponds and re-establish Targoora Park to its pre-development state to the satisfaction of the Rural City of Wangaratta.
- e) That North East Water Corporation at the end of life for the facility, will engage an Environmental Auditor to oversee testing of the land for any contamination and remediate the land to the required standards at no cost to the Rural City of Wangaratta.

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**General Section 173 – Required prior to Statement of Compliance – Stage 1:**

13. Prior to the issue of a Statement of Compliance for Stage 1, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

The Owner covenants and agrees that:

**Future Medium Density Housing: Lots 49, 57 and 172**

- a) lots 49, 57 and 172 are reserved for the future development of medium density housing development, subject to further planning consent. These lots must be approved for and constructed for medium density housing prior to any further subdivision of the land.

**Building Envelopes Lots 103 & 104**

- b) Any dwelling and associated buildings must be designed and constructed within the building lots registered on the title for Lots 103 & 104 and not within the designated garden area

**Design guidelines: - secured by a Sec 173**

- c) All dwellings and associated outbuildings must be constructed in accordance with the approved design guidelines for this estate and attached to this agreement.

**Vehicular Access - Lot 211**

- d) Vehicular access to Lot 211 must only be created along the sites South-West property boundary to the satisfaction of the Responsible Authority.

**Finished Floor Levels (habitable buildings) & Alteration of Site Levels:**

- e) The finished site level of all building lots within the subdivision have been constructed to a minimum of 300mm above the 1% AEP event rainfall and flood event from the nearby waterway. Therefore, excavation of the site below this level other than for the purpose of establishing footings and services is not allowed without the written consent of the Responsible Authority.
- f) Any excavation below this level for the purpose of a habitable building, must ensure that the finished floor levels of this habitable building is constructed to a min of 300mm above the 1% AEP flood or rainfall event as confirmed by a licensed land surveyor.

**Road Reserve Assets**

- f) Once all roads are vested in the Council, following the subdivision of the Subject Land, all roadside (nature strip) assets, including street trees, grassed verges, landscaping and drainage infrastructure are Council Infrastructure.
- g) The Owner will maintain and protect all roadside assets during any construction works on adjoining parts of the Subject Land.
- h) The Owner acknowledges that any damages to roadside assets reasonably attributable to the owner of that part of the Subject Land adjoining the damaged roadside assets, including damages caused by third parties engaged by the landowner (such as builders and tradespeople) are the sole responsibility of that adjoining owner of that part of the Subject Land, and the Council, at its sole discretion, may:
- i. direct that any attributable remediation works to roadside assets are to be undertaken by the Owner adjoining the damage; or

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- ii. the Council may otherwise charge the landowner the reasonable costs of undertaking such attributable remediation works, noting that where such remediation works require the replacement planting of street trees those costs shall be calculated based on the Rural City of Wangaratta Tree Management Plan 2018-2022 (or as updated from time to time) and all remediation works approved to be undertaken by the landowner must be completed to the satisfaction of and at no cost to the Responsible Authority, unless otherwise agreed with the written consent of the Responsible Authority (Council).

**Compliance with this Agreement and Council Access**

The Owner covenants and agrees to allow the Council and its officers, employees, contractors or agents or any of them, to enter the Land (at any reasonable time) to assess compliance with this Agreement.

**Indemnity**

The Owner covenants to indemnify and keep the Council, its officers, employees, agents, workmen and contractors indemnified from and against all costs, expenses, losses or damages which they or any of them may sustain incur or suffer or be 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 or any non-compliance with this Agreement.

The owner must pay the costs of the preparing, lodging and registering the agreement and any subsequent amendment, removal or other dealing associated with the agreement.

In the event that this permit or the endorsed plans are amended in a manner that alters the approved lot numbers, the owner of the land must make application to amend or replace the Section 173 Agreement applicable to the balance land and any future stages in a manner that ensures requirements and obligations retain their original intent, including the land to which they apply.

Prior to the issue of a statement of compliance the permit holder must pay the full costs of preparing, executing, and registering the Agreement, and provide the Authority with written confirmation that the Agreement has been lodged according to Section 181 of the Act.

**Residential Design Guidelines**

- 14. Prior to the issue of a Statement of Compliance for Stage 1, residential design guidelines are to be drafted and approved by the Responsible Authority and include:

The Owner covenants and agrees that;

**Garages and Carports:**

- a) Garages or carports of any dwelling must be setback no less than six (6) metres from the lot boundary to which vehicle access is to be attained (crossover location).
- b) For the purpose of determining a setback under this clause, the setback for:
  - i. garages is measured from the front wall or door of the garage and excludes eaves and other like allowable encroachments; and
  - ii. carports this setback is measured from that part of the carport roof closest to the boundary.

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**Building Design:**

- c) A dwelling that is constructed on a corner lot forming part of the Subject Land must be designed to address both street frontages via the use of appropriate design features and materials ensuring façade treatments wrap around the secondary frontage, for a minimum extent of three (3) metres;
- d) With the exception of metering devices, any ground or wall mounted domestic services (such as hot water services, reverse-cycle air conditioning compressors and water tanks) must be sited within fenced sections of side and rear yards so as to not be readily visible from streets or public land; and
- e) With the exception of photovoltaic solar panels and solar hot water collection panels or tubes, any roof mounted domestic services (such as evaporative air conditioners, reverse-cycle air conditioning compressors and swimming pool solar heating mats) must be located on those parts of the roof not visually prominent when viewed from streets or public land; unless otherwise agreed with the written consent of the Responsible Authority (Council).

**Roof Materials & Colours:**

- f) The materials and colours selected and used in the design and construction of roofs for all habitable and non-habitable buildings must:
  - Achieve a solar absorption rate of either 'light' or 'medium' as classified by the Building Code of Australia, with the exception of fascia boards and guttering which may achieve a 'dark' classification.
  - Not be of either Zincolume or Galvanized material.

**Fencing:**

- g) Any fencing (including side and boundary fencing) or wall within four (4) metres of the front of a lot must not exceed 1.2m in height above natural ground level.
- h) For dwellings on a corner, any side boundary fences located along the secondary frontage, with a height greater than 1.2m, must commence no closer than 3 metres behind the front building line (so that the dwellings secondary/side frontage and façade treatment remains visible from the street). unless otherwise agreed with the written consent of the Responsible Authority (Council).
- i) Any front fencing must be of a predominantly open style (eg. picket, slat, paling, tubular, wire or pool style being at least 40% transparent).

**Water Efficiency and Re-use:**

- j) That all dwellings are designed and constructed to incorporate stormwater re-use within the dwelling, including for toilet flushing etc.

**Fencing abutting municipal reserve**

- 15. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, any fencing shown on the endorsed landscape plan as abutting a municipal reserve must be constructed at no cost to, and to the satisfaction of, the Responsible Authority.

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**Estate Entry Feature**

16. Prior to the commencement of works associated with the subdivision, designs for any estate entry feature(s) must be submitted to, and approved by, the Responsible Authority. The siting of any feature must not cause any hazard or impediment to road users including through the obstruction of sight lines. Any entry features must be designed and constructed of robust low maintenance materials and finishes. Associated landscaping and lighting must be detailed in respective landscaping plans.

**REFCL isolating transformers, Service Substations and Kiosks**

17. Any above ground REFCL isolating transformers, service substation, transformer, kiosk site or the like must be located outside of areas set aside for drainage infrastructure or public open space unless these assets are being transferred to Councils ownership (management). These facilities must be designed, appropriately screened and landscaped to the satisfaction of the Responsible Authority.

**Construction Site & Environmental Management Plan**

18. Before the development or any site works (including demolition and excavation) start, a Construction, Site and Environmental Management Plan must be approved and endorsed by the responsible authority. The plan must be submitted in electronic form and demonstrate effective measures to:
- a) Secure occupational health and safety; and
  - b) Locate any existing underground services; and
  - c) Implement effective traffic management and environmental controls; and
  - d) Establish and maintain safe construction vehicle access to the site; and
  - e) Maintain vehicle and machinery hygiene; and
  - f) Avoid the spread of soil-borne pathogens and weeds; and
  - g) Minimise erosion, sedimentation, and contamination; and
  - h) Reduce the impact of noise, dust, and other emissions; and
  - i) Prevent mud, dirt, sand, soil, clay, or stones from entering the drainage system; and
  - j) Avoid having such materials deposited on public land by construction vehicles; and
  - k) Address the recommendations of an approved Cultural Heritage Management Plan; and
  - l) Establish and maintain all recommended Tree Protection Zones.
19. No excavated or construction materials may be placed or stored outside the site area or on adjoining road reserves or nature strips, unless the materials are for road or footpath construction works in these reserves required as part of this permit.
20. No tree may be removed, aside from trees clearly designated for removal in the approved plans, except with the prior written agreement of the Responsible Authority.
21. Prior to the issue of a statement of compliance for each stage, all areas, Council assets and underground services disturbed in the course of works must be restored to their original condition, to the satisfaction of the Responsible Authority and reserve areas must be tidied, levelled, and trimmed to a standard capable of being maintained by a small tractor and slasher. The site management plan must include photos/videos and other supporting evidence of the state of Council assets at the time of lodgment of the plan.

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**Detailed Construction Plans**

22. Prior to any works associated with the subdivision commencing on the land, detailed construction plans prepared by a suitable qualified and/or registered Engineer must be approved and endorsed by the responsible authority. The construction plans must:

- a) be prepared to the satisfaction of the responsible authority.
- b) be drawn to scale with dimensions and submitted electronically.
- c) comply with the current edition of the Local Government Infrastructure Design Association's **Infrastructure Design Manual (IDM)** and drawn in AutoCAD or equivalent.
- d) Include the following:
  - i. fully sealed pavement with kerb and channel, metres back to back
  - ii. concrete footpaths
  - iii. underground drains
  - iv. vehicular crossings to each lot
- e) The responsible authority may consent in writing to vary any of the details of these requirements.

Any modifications to the detailed construction plans agreed to by the responsible authority must be shown on an amended plan that is endorsed by the responsible authority.

**Works on or to the land**

23. Prior to the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the following works must be provided on or to the land to the satisfaction of the responsible authority:

- a) all road and drainage works shown on approved detailed construction plans
- b) stormwater management system in accordance with approved stormwater management plan
- c) landscaping in accordance with the landscape plan approved under this permit
- d) footpath and shared pathways.
- e) street trees
- f) street lighting
- g) fencing on the boundaries of any Council reserve;

The responsible authority may consent in writing to vary these requirements.

**Shared pathway into Targoora Park**

24. The owner of the land must prior to the issue of a Statement of Compliance for Stage 5 design and construct at their expense the shared pathway north of Lot 117 and proposed to link the subdivision to Targoora Park central shared pathway network to the satisfaction of the Responsible Authority.

**Master Landscape Plan**

25. Prior to certification of Stage 1 and construction begins, where a development includes landscape elements that will pass into the ownership and control of Council, a Landscape Master Plan, must be submitted to and approved by Council. The plan must show:

- a) The landscaping theme and graphical concepts applicable to the development; and
- b) The species of street trees to be planted in various stages of the development; and
- c) The steps taken to minimise the impact of street trees on adjacent services; and

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- d) The location and proposed treatment of open space and drainage reserves; and
- e) The areas which will be available for landscaping; and
- f) The proposed entrance treatments.
- g) The designation of any cool routes to encourage active movement and alleviate the heat island affect.

**Detailed Landscape Plans**

26. Prior to certification and construction commencing for each stage, a detailed landscape plan, consistent with any relevant Landscape Master Plan, must be prepared by a person qualified or experienced in landscape design and approved by Council. The plan must show the layout of landscaping and planting within all municipal reserves (open spaces) and road reserves of the subject land, including;
- a) a survey (including botanical names) of all existing vegetation to be retained and/or removed
  - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
  - c) A detailed planting schedule of all proposed trees, shrubs and ground-covers, including botanical names, pot sizes, sizes at maturity, and quantities of each plant to be provided that take into account the challenges of drought and climate change.
  - d) construction layout drawings, including site contours
  - e) Any changes to existing levels, including elements such as retaining walls; and
  - f) Certified structural designs or building forms where required
  - g) The supplementary planting referenced within the Biodiversity report for the Wildlife corridor along the northern perimeter of the subdivision connecting Targoora Park to the One Mile Creek Reserve.
  - h) Native vegetation restoration and additional plantings along the One Mile Creek reserve.
  - i) The creation of cool routes with increased levels of canopy plantings to support active transport within the subdivision.
  - j) Paths, paved areas, playgrounds, play items, structures, and street furniture
  - k) Irrigation for reserve areas;
  - l) Removal of existing infrastructure or stockpiles and weed eradication.
  - m) details of how the project responds to water sensitive urban design (WSUD) principles, including how storm water will be mitigated, captured, cleaned , including any WSUD facilities like rain water gardens and tree outstands within the roadways.
  - n) Detailed design and the exact location of the playground to be provided in Stage 1 – South East reserve.

The responsible authority may consent in writing to vary any of these requirements.

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**Landscaping Construction and Maintenance**

27. Prior to the issue of a statement of compliance for each stage, the owner / developer must:

- a) Complete the landscaping shown on the endorsed landscape plan to the satisfaction of Council.
- b) Provide Council with a landscaping maintenance bond equal to 5% of the approved landscaping costs for the current stage. This bond will be held by Council until any and all defects reported before or during the landscaping defects liability period have been made good to the satisfaction of Council. And;
- c) Enter an agreement with Council to that ensures that all landscape elements, including vegetation integral to WSUD devices, created by the development, and passing into Council ownership, must be maintained by the permit holder in good condition and repair for a period of at least 24 months, including two complete summers, from practical completion. During this period, any dead, diseased, or damaged plants and/or landscaped areas must be repaired or replaced as soon as reasonably possible, rather than upon completion of the maintenance period. Any landscaping elements replaced during the defects period will be subject to a new 24-month maintenance period.

**Weed Control**

28. All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens to the satisfaction of the responsible authority.

**Sustainable Infrastructure Guidelines**

29. Prior to the commencement of works the permit holder must submit a completed Sustainability Checklist (in accordance with Appendix B of the Sustainable Infrastructure Guidelines) demonstrating that the objectives of the Guidelines have been considered and implemented, to the Satisfaction of the Responsible Authority.

**Civil Infrastructure, Construction and transfer to Council**

30. Prior to the issue of a statement of compliance for each stage, the owner / developer must:

- a) Complete construction of all new access ways, roads, footpaths, drainage, on-site detention and any related infrastructure identified within this permit or shown on the endorsed plans. All works must conform to plans and specifications approved by the Responsible Authority.
- b) Submit an itemised statement of the civil construction costs for the current stage, excluding GST to be approved by Council.
- c) Provide Council with a civil works maintenance bond equal to 5% of the approved civil construction costs for the current stage. This bond will be held by Council until all defects reported before or during the maintenance and defects liability period have been made good to the satisfaction of Council.
- d) Enter an agreement with Council to ensure that all civil infrastructure, other than landscape elements, created by the development and passing into Council ownership are maintained by the permit holder in good condition and repair for a period of three months following practical completion of the works. Any subsequent defects must be corrected as they become evident for a further period of nine months.

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**Earthworks**

31. Prior to the issue of a statement of compliance for each stage the permit holder must satisfy the Responsible Authority that:
- a) Where an existing dam, basin or other water body will be filled, the area has been drained and desilted to IDM standards before filling begins.
  - b) Any fill required to meet drainage, building, parking and/or access requirements has been selected, placed, and compacted in layers according to IDM standards.
  - c) Any batters or retaining walls whose individual or cumulative height above or below the adjacent ground level exceeds one metre, and/or any soil stabilisation measures, have been designed and constructed to IDM standards under the supervision of a qualified civil engineer.

**Drainage**

32. Before construction begins or plan certification for each stage, whichever comes first, drainage and on-site detention plans and computations, prepared according to IDM procedures and criteria, must be submitted to the Responsible Authority for approval.
33. Prior to the issue of a statement of compliance for each stage the permit holder must satisfy the Responsible Authority that
- a) A legal point of discharge has been established within the boundary of each lot and connected to the external drainage network according to IDM standards without reducing the flow capacity or structural integrity of the external network.
  - b) All stormwater runoff originating from or transferred through each Lot in a 18% Annual Exceedance Probability (AEP) rainfall event will be collected and conveyed by underground pipes to a legal point of discharge. In a 1% AEP rainfall event all stormwater runoff will be collected and conveyed to a satisfactory destination, without adversely affecting any person, infrastructure, or natural features in or beyond the Lot
  - c) Any in-ground on-site detention will provide blockage protection for the outflow control device and provide an overflow path should blockage occur.
  - d) When permission has been granted for stormwater from all or part of the subject property to be discharged directly to an adjacent waterway, effective measures must be taken to prevent backflow from the waterway during a 1% AEP flood event.
  - e) Any easements required to facilitate future connection to, and maintenance of, drainage infrastructure serving more than one Lot or property have been created.

**Finished Lot Levels (Building Envelopes)**

34. Prior to the issue of a statement of compliance for each stage the permit holder must to the satisfaction of the Responsible Authority:
- a) Engage a licenced Surveyor to confirm that the finished surface levels of all building envelopes are constructed to a minimum finished level of 300mm above the peak water level in nearby waterways, floodways or water bodies in a 1% AEP rainfall or flood event. And;
  - b) Ensure that all fencing installed between the Lots and an adjacent waterway or area subject to inundation is of open construction and does not obstruct natural surface flows.

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**On-site detention**

- 35. Before construction begins, the permit holder must satisfy the Responsible Authority that
  - a) Sufficient on-site detention will be provided to limit the peak discharge from the developed site in a 18% and 1% AEP rainfall event to the corresponding / 18% AEP pre-development level, unless otherwise agreed by the responsible authority.
  - b) Any in-ground infrastructure used for on-site detention will provide blockage protection for the outflow control device so far as reasonably practicable, and an alternative overland flow path should blockage occur.
  - c) All on-site detention serving multiple lots and passing into Council ownership will be located in a drainage reserve passing into Council ownership at the earliest stage as practical

**Water sensitive urban design**

- 36. Prior to the commencement of works on site, the permit holder must satisfy the Responsible Authority that appropriate measures will be taken to enhance the quality of stormwater discharged from the developed site, according to the procedures and criteria outlined in the *Water Sensitive Urban Design Guidelines for the Rural City of Wangaratta* and IDM Clause 20.
- 37. Prior to the commencement of Stage One a functional design needs to be submitted and approved that includes the following as a minimum.
  - a) WSUD to include a sedimentation basin prior to on-site detention basin.
  - b) WSUD to include wetlands or similar treatment prior to on-site detention basin.
  - c) Concrete access track to be installed around the perimeter of the basin footprint for maintenance and into the sedimentation basin.
  - d) A sufficient drying area has been provided on site for sediment to dry after maintenance works have been conducted.
  - e) Any inlet and outfall structures, their configurations, and any appropriate erosion control measure.
  - f) Overland flow path for controlled overflow and appropriate erosion control measures.

**Road Design**

- 38. Before construction begins or plan certification for stage 1, whichever comes first, the permit holder must:
  - a) Engage a qualified engineer to prepare a Traffic Impact Assessment Report and submit the report and recommendations to the Authority for approval.
  - b) Submit designs prepared by a qualified engineer for roads and intersections serving the development, including any required upgrades to existing public roads, according to IDM standards, and the recommendations of the Traffic Impact Assessment Report.
- 39. Prior to the issue of a statement of compliance for each stage the permit holder must satisfy the Responsible Authority that
  - a) All roads and intersections have been constructed according to the approved designs.
  - b) SM2 M kerb-and-channel, with appropriate underground drainage, has been constructed to IDM standards on both sides of every new road within the development.

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- c) B2 kerb-and-channel, with appropriate underground drainage, has been constructed to IDM standards on every new road with a reserve frontage within the development and on all collector roads.
- d) Kerb-and-channel matching the existing profile, with appropriate underground drainage, has been constructed to IDM standards at the interface of Milnes Creek Drive adjoining the development.
- e) A concrete footpath and/or shared path has been constructed to IDM standards along both sides of every road within the development.
- f) All existing or proposed roads and footpaths within the subject property have appropriate high-efficiency street lighting according to IDM standards and Australian Standard 1158.
- g) Road designs to incorporate appropriately sized areas for canopy tree planting, in particular along established cool routes to support active transport.

**External Roads & Intersections**


- 40. Prior to the issue of a statement of compliance stage 3 the permit holder must undertake to the satisfaction of the Responsible Authority that:
  - a) Clarkes Lane has been upgraded to IDM standard collector road from Laceby-Targoora Road to the One Mile Creek and aligned to avoid the removal of additional native vegetation .
  - b) Laceby-Targoora Road has been upgrade to IDM standard collector road between Clarkes Lane and Wangaratta-Whitfield Road.

**Property Access**

- 41. Prior to the issue of a statement of compliance for each stage the permit holder must satisfy the Responsible Authority that
  - a) A vehicle crossing providing safe and convenient access to and from a suitable public road has been designed, constructed, sealed and drained to IDM standards for all lots and reserves being accessed behind a B2 kerb profile.

**Staged Development & Temporary Works**

- 42. Where the development will be completed in stages, plans and specifications for each stage, including any temporary works required, must be submitted to and approved by the Responsible Authority before construction begins.
- 43. Prior to the issue of a statement of compliance for each stage,
  - a) When any drainage infrastructure serving completed stages is located outside the boundary of those stages, the permit holder must create temporary easements, so the Authority has appropriate legal access to the infrastructure in question.
  - b) A temporary court bowl must be designed and constructed to IDM standards (Clause 12.3.4) at the end of any road that ends without a permanent court bowl. Arrangements must be made to ensure that adjacent permanent sealed road surfaces are not damaged.
  - c) The permit holder must lodge a bond with Authority equal to 150% of the full cost of upgrading any temporary works to IDM-compliant permanent infrastructure. This amount must include any necessary land acquisition.

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44. Within two years following the issue of a statement of compliance for each stage, the permit holder must upgrade any temporary courtbowls to IDM-compliant permanent courtbowls, to the satisfaction of the Authority, unless development of the following stage has commenced.

**Plan Checking, Verification of Assets**

45. Prior to the issue of a statement of compliance for each stage the permit holder must:
- a) Pay to Council plan checking fees equal to 0.75%, and site supervision fees equal to 2.5% of the approved civil construction costs for the current stage
  - b) Arrange CCTV verification of all underground drainage assets to be handed over to Council at the conclusion of the current stage and supply the results of that verification to Council in the format specified in the IDM.
46. Prior to the issue of a statement of compliance, as-constructed drawings covering all civil construction works for the current stage must be submitted to Council in A-SPEC and DWG or DXF format, geo-referenced to Zone 55, GDA 2020, to the satisfaction of Council, unless otherwise agreed by Council.

**Tree Protection of patches of native vegetation and scattered trees**

47. All existing native vegetation not shown on the endorsed plans for removal, must not be removed, destroyed, or lopped without the written consent of the Responsible Authority.
48. All trees within road reserves are protected Council Infrastructure. No tree not listed in the Native Vegetation Removal Report within the road reserve may be removed, lopped, or otherwise destroyed (including encroachment within a Trees Tree Protection Zone) in the carrying out of works associated with this permit.
49. Before works start, a native vegetation protection fence must be erected around all patches of native vegetation and scattered trees to be retained on site and adjoining road reserve. This fence must be erected around the patch of native vegetation at a radius of 12 × the diameter at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of tree. The fence must be constructed of star pickets/chain mesh/or similar. The fence must remain in place until all works are completed.

**Regulation of activities in Tree Protection Zone**

50. During the course of construction, the Tree Protection Zone must not be used for:
- a) vehicular or pedestrian access
  - b) trenching or soil excavation
  - c) entry and exit pits for underground services
  - d) storage or dumping of materials, tools, equipment or waste
  - e) any other actions or activities that may result in adverse impacts to retained native vegetation

The responsible authority may consent in writing to vary any of these requirements.

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**Pruning of trees to be retained**

51. Any pruning that is required to be done to the canopy of any tree to be retained must be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996, to the satisfaction of the responsible authority.

Any pruning of the root system of any tree to be retained must be done by hand by a qualified arborist, to the satisfaction of the responsible authority.

**Native vegetation removal & Wildlife**

52. Prior to the removal of the approved vegetation, an arborist and a wildlife consultant/carer must be present to supervise the lopping and felling of any tree containing, or potentially containing tree hollows unless the tree hollows have been physically inspected and verified as being empty by an arborist. Those parts of a tree containing hollows must be gently lowered to the ground (by rope, crane or other gentle and effective means).

53. Any native wildlife impacted by the tree removal must be considered, cared for and protected in accordance with the Wildlife Act 1975, including the collection and translocation by a wildlife consultant/carer for after care and release to a suitable location.

54. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.179 hectares of native vegetation, which is comprised of:  
 a) 3 scattered trees and two patches

**Offsets to be secured**

55. To offset the removal of 0.179 hectares of native vegetation, as identified in Native Vegetation Removal Report ECL\_2023\_042, the permit holder must secure the following native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017):

- a) A general offset of 0.056 general habitat units:
  - i) located within the North East Catchment Management boundary or Rural City of Wangaratta municipal area
  - ii) with a minimum strategic biodiversity value of at least 0.400

56. Before any native vegetation is removed, evidence that the offset required by condition 31 has been secured must be provided to the satisfaction of the Rural City of Wangaratta. This evidence must be one or both of the following:

- a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, or
- b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

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**Permit Expiry – Staged Subdivision**

57. This permit will expire if any of the following circumstances apply:

- a) The plan of subdivision for stage 1 is not certified within two years of the issue date of the original permit.
- b) The plan of subdivision for the last stage is not certified within seven years of the issue date of the original permit.
- c) Each stage of the plan of subdivision is not registered at the Land Registration Services within five years of the certification of the respective subdivision.

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

**Agency Conditions:**

**Department of Transport and Planning (Transport Division)**

58. No direct access will be permitted from the subject land to the Wangaratta-Whitfield Road.

59. Prior to the certification of the plan of subdivision for any stage:

- a) A Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria consistent with Revision 15 of the Plan of Subdivision. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must show:
  - i. Realignment of the connection of Laceby-Targoora Road with Wangaratta-Whitfield Road.
  - ii. The intersection of Laceby-Targoora Road and the new internal roadway.
  - iii. Channelised right turn lane (CHR) on Wangaratta-Whitfield Road at Laceby-Targoora Road
  - iv. Auxiliary Left Turn (AUL) Treatment on Wangaratta-Whitfield Road at Laceby-Targoora Road
  - v. A swept path analysis for the appropriate design vehicle for all movements at the intersection of Wangaratta-Whitfield Road & Laceby-Targoora Road
  - vi. Street lighting Category V3

60. Prior to the issue of a Statement of Compliance for any stage, the following works must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:

- a) Channelised Right Turn (CHR) Treatment on Wangaratta-Whitfield Road at Laceby-Targoora Road
- b) Auxiliary Left Turn (AUL) Treatment on Wangaratta-Whitfield Road at Laceby-Targoora Road
- c) Street lighting Category V3
- d) Any works identified in the road safety audit.

<b>Date issued:</b> XX Month XXXX	<b>Signature for the responsible authority:</b>  <i>xxx</i>
<b>Date permit comes into operation:</b> XX Month XXXX (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	



**Additional Agency Conditions:**

Please note any additional agencies provided during the exhibition process will be included in this section of the report. The amendment has been directly to the following agencies who have the opportunity to provide a submission and conditions if they wish to.

- Country Fire Authority
- Department of Environment, Energy – Climate Change (DEECA)
- Department of Transport and Planning (Planning Division)
- Goulburn-Murray Water
- SP Ausnet
- North East Water
- North East Catchment Management Authority

**End of permit conditions**

**Permit notes:**

**Rural City of Wangaratta**

- Before undertaking any works that cross onto Council land or roads, the permit holder must obtain a **Consent to Work within a Road Reserve permit**.
- Before undertaking any works that cross onto other public land or roads, the permit holder may need to obtain approval from the relevant authority.

**Department of Transport and Planning (Transport)**

Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. For the purposes of this application the works will include provision of:

- a) Channelised Right Turn (CHR) Treatment
- b) Auxiliary Left Turn (AUL) Treatment
- c) Street lighting Category V3
- d) Any other works required

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>

**THIS PERMIT HAS BEEN EXTENDED AS FOLLOWS:**

<i>Date of extension</i>	<i>Period of extension to commence use (specify date where possible)</i>	<i>Period of extension to commence development (specify date where possible)</i>	<i>Period of extension to complete development or any stage (specify date where possible)</i>	<i>Period of extension to certify plan of subdivision (specify date where possible)</i>

<b>Date issued:</b> XX Month XXXX	<b>Signature for the responsible authority:</b>  xxx
<b>Date permit comes into operation:</b> XX Month XXXX (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The responsible authority has issued a permit. This permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. [C86wang] to the [Wangaratta Planning Scheme].

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### WHEN DOES A PERMIT BEGIN?

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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.

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### WHEN DOES A PERMIT EXPIRE?

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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.

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### WHAT ABOUT REVIEWS?

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

<b>Date issued:</b> XX Month XXXX <b>Date permit comes into operation:</b> XX Month XXXX (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	<b>Signature for the responsible authority:</b> <div style="text-align: center; margin-top: 20px;"> </div>
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