

ATTACHMENT 1: 5/2023/269 – CONDITIONS

ADDRESS OF THE LAND:

Lots 1 and 2 on Plan of Subdivision PS300363, Lot 1 on Plan of Subdivision PS735246, and Lots 4 and 5 on Plan of Subdivision PS541713, being 10, 22 and 38 Brears Road, and 4 and 5 Jacqueline Court, Yarrawonga.

WHAT WILL THE PERMIT ALLOW?:

The use and development of the land for the purposes of a residential village, the removal of native vegetation, the removal of four easements, the variation of five easements, the display of business identification signage and the reduction in the number of car parking spaces required in accordance with plans to be submitted.

Planning scheme clause	Matter for which the permit is required
32.03-1 (Low Density Residential Zone)	The use of the land as a residential village (Section 2 use).
32.03-4 (Low Density Residential Zone)	To construct a building or construct or carry out works for a use in Section 2.
35.03-1 (Rural Living Zone)	The use of the land as a residential village (Section 2 use).
35.03-4 (Rural Living Zone)	To construct a building or construct or carry out works for a use in Section 2. To construct or carry out earthworks which change the rate or flow or the discharge point of water across a property boundary.
44.03-2 (Floodway Overlay)	To construct a building or to construct or carry out works.
44.06-2 (Bushfire Management Overlay)	To construct a building or to construct or carry out works associated with accommodation.
52.05-13 (Signs)	The display of business identification signage.
52.02 (Easements, Restrictions and Reserves)	To create, vary or remove an easement.
52.06-3 (Car Parking)	To reduce the number of visitor parking spaces.
52.17-1 (Native Vegetation)	To remove, destroy or lop native vegetation.

WHAT WILL THE CONDITIONS OF THE PERMIT BE?:

1. COMPLIANCE WITH DOCUMENTS APPROVED UNDER THIS PERMIT

At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

2. AMENDED PLANS AND DOCUMENTS

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 will then form part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the latest plans submitted with the application, but modified to include:

- (i) New alignment for the pipeline supplying raw water from the Murray River to surrounding properties. The pipeline and associated easement variation are to be shown as follows:

- (a) Pipe located minimum 2.5 metres from the Brears Road boundary, with the 2 metre wide easement centred on the pipeline.
 - (b) Pipe located minimum 3 metres from the Murray Valley Highway boundary, with the 2 metre wide easement centred on the pipeline unless the written consent is provided in accordance with condition 2(v)(b), in which case the pipeline may be setback 2.5m the from the Murray Valley Highway boundary.
- (ii) A removal / variation of easement plan clearly identifying the easements to be removed, varied and created covering the whole of the subject site and all affected easements, including:
 - (a) Easement variations required under Infrastructure Planning conditions.
 - (b) Easement variations required under Condition 2(i) above.
- (iii) Provision of a minimum of 21 formal visitor car parking spaces on site.
- (iv) Detailed and dimensioned elevations of the estate entry signs in accordance with Clause 52.05 information requirements.
- (v) Detailed fence and landscape treatments along the full extent of the Brears Road, Murray Valley Highway and Jacqueline Court frontages, detailing fences limited to a maximum 1.5m in height above natural ground level and:
 - (a) A minimum 50% transparent (when viewed from an angle greater than 35 degrees of the plane of the fence) palisade sections along the Brears Road frontage and stone feature walls limited to a maximum length of 7.5m in every 28m spacing.
 - (b) Unless written agreement is provided from the relevant land manager to landscaping within the Murray Valley Highway, fencing along the Murray Valley Highway frontage of the site setback a minimum 0.5m to facilitate landscaping in front of the fence in accordance with the plans.
 - (c) A minimum 50% transparent (when viewed from an angle greater than 35 degrees of the plane of the fence) palisade fencing along the Murray Valley Highway frontage.
 - (d) Fence heights, materials, textures and colours similar to that proposed along the Brears Road or Murray Valley Highway frontage to the Jacqueline Court frontage of the site.
 - (e) Treatments for pedestrian access for the three pedestrian linkage points to Brears Road and treatments and provision of a pedestrian access to the shared path on the Murray Valley Highway from the tree reserve between sites 154 and 155.
 - (f) Treatments for emergency vehicle access in accordance with CFA condition 42.
- (vi) Reduction in the width of Site 152 to and the continuation of the 3m wide eastern boundary landscape buffer through to the southern boundary of the subject site.
- (vii) Show emergency vehicle access in accordance with CFA condition 6.
- (viii) Building controls and house types setbacks of a minimum 4m from boundary fencing for residential sites adjoining Brears Road and the Murray Valley Highway.

3. APPROVED LAYOUT

- (i) The layout of the use and development must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.
- (ii) Frontage sites must only be developed with dwelling types having the “edge condition”.
- (iii) All dwellings must be constructed onsite and no unregistered moveable dwellings may be installed on the land.

4. STAGING

Unless otherwise agreed to by the responsible authority the development, including the construction of collector roads, must proceed in accordance with the endorsed Staging Plan.

5. ABORIGINAL CULTURAL HERITAGE

Conditions pursuant to Cultural Heritage Management Plan No: 19800, approved on 12 November 2024, must be complied with at all times.

6. SECTION 173 AGREEMENT

Prior to the commencement of the use the landowner must enter into an agreement with Council under Section 173 of the Act which ensures that:

- (i) The land must not be subdivided.
- (ii) The Residential Village drainage infrastructure including the wetland/basin remains under the control of the owner of the subject land.
- (iii) Future occupiers/residents of the village must be advised in entering a lease agreement that Council is not the drainage authority in regard to any private drainage infrastructure servicing the development and does not have responsibility nor liability to those landowners in relation to drainage.
- (iv) Any private drainage infrastructure located within the subject land (including any outfall pipeline) are not owned by Council and any discharge to Crown land is not a discharge which is either the responsibility of or from Council infrastructure.
- (v) Any part of private drainage infrastructure works which cause any damage to Council infrastructure must be fixed at the full cost of the owner. If Council needs to carry out works in relation to its drainage, which runs through the property, Council is not responsible for any impact those works have on any private drainage infrastructure.
- (vi) The owner of the land must obtain and maintain the consent, from Department of Energy, Environment and Climate Action (DEECA), to discharge water onto Crown land and undertake appropriate maintenance activities to ensure that the WSUD infrastructure within the development remains operational to provide best practice water quality treatment in accordance with Clause 20 of Council's Infrastructure Design Manual.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the Title to the land under Section 181 of the Act. The owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement. A copy of the Title must be submitted to the responsible authority to demonstrate that the Section 173 Agreement has been registered.

7. CONSOLIDATION OF LAND

Prior to the commencement of the use the subject land (Lots 1 and 2 on Plan of Subdivision PS300363, Lot 1 on Plan of Subdivision PS735246, and Lots 4 and 5 on Plan of Subdivision PS541713) must be consolidated into a single lot by a Plan of Consolidation and lodged with the Registrar of Titles to the satisfaction of the responsible authority. Before the use commences, a copy of title must be provided demonstrating that the land has been consolidated.

8. ALTERATIONS OF EASEMENTS

Prior to the commencement of the use a copy of title must be provided demonstrating that the easement removal, alteration and creation in accordance with the endorsed plans has been completed to the satisfaction of the responsible authority.

9. RAW WATER SUPPLY PIPELINE

Prior to the commencement of the use the raw water supply pipeline must be relocated with the approval and to the specifications of the asset owner, to be within the new easement. Unless

otherwise agreed in writing by the responsible authority works associated with the approved alignment of the raw water supply pipeline traversing the subject site must be completed within 5 business days of the service being disconnected. The works must only be carried out between 15 May and 15 August in any calendar year. Notice of the intended works must be provided to Council and affected properties one-month prior to commencement of the works.

10. CLAUSE 53.03-2 MANDATORY CONDITION

Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the Moira Planning Scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

11. GARAGE SETBACK DISTANCES

All dwelling garages must be setback a minimum of 5.5 metres to the internal road or common driveway providing access to the respective dwelling.

12. WASTE MANAGEMENT PLAN

Before the development starts, a waste management plan must be approved and endorsed by the responsible authority. The waste management plan must be prepared to the satisfaction of the responsible authority and include the following:

- (i) management of general waste, recycling, Food Organics Garden Organics (FOGO) waste and glass recycling;
- (ii) details of proposed collection arrangements by a private contractor;
- (iii) demonstrate compliance with requirements of the 'The Circular Economy (Waste Reduction and Recycling) Act 2021';
- (iv) anticipated volumes of waste and recycling that will be generated and how they are determined;
- (v) the type and number of waste bins;
- (vi) the type and size of trucks required for waste collection;
- (vii) a plan detailing adequate areas for waste bin storage and collection for the required type and number of bins;
- (viii) waste bin storage and collections should generally be limited to the front of each dwelling except those dwellings relying on common driveways for access, whereby nominated collection waste collection areas are required;
- (ix) as private contractor is used for the Food Organics Garden Organics (FOGO) collection arrangement, kitchen caddies and compostable liners will be required to be provided into all residences;
- (x) frequency of waste collection, and;
- (xi) hours for waste collection.

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

13. WASTE MANAGEMENT AND COLLECTION

Waste management and collection must be carried out in accordance with the requirements of the approved and endorsed waste management plan to the satisfaction of the responsible authority.

14. LANDSCAPING

Prior to the commencement of any stage, a detailed landscape plan, consistent with the relevant landscape master plan, must be prepared by a person qualified or experienced in landscape design and approved by the responsible authority. The plan must show:

- (i) Appropriate street tree plantings in all adjacent public road reserves to augment existing native vegetation. Unless otherwise agreed to by the responsible authority street trees should be planted at spacings that provide for continuous canopy coverage upon maturity except where fixed infrastructure prohibits.
- (ii) Irrigation for garden areas.
- (iii) Detailed landscaping plans of the sites principal access showing hard and soft landscaping elements as well as all plantings and grassed areas.
- (iv) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- (v) Landscape design including plant selection should be based on the principles outlined in Country Fire Authority reference document 'Landscaping for Bushfire: Garden Design and Plant Selection' and the *Landscape Plan Guide for Developments in the Shire of Campaspe City of Greater Shepparton and Moira Shire Council*.
- (vi) Detailed plans identifying all communal landscaped areas within the residential village (excluding private dwelling sites and associated personal gardens). The plan should identify all proposed landscaping elements including but not limited to street tree plantings (internal roads), garden beds, lawn/turfed areas, paths, retaining walls, lighting, shelters, seating and water features.
- (vii) Landscape plan demonstrating a visual buffer around the perimeter of the subject site.
- (viii) Paths, paved areas, playgrounds, play items, structures, and street furniture.
- (ix) Detailed planting and construction layout drawings, including site contours.
- (x) Any changes to existing levels, including elements such as retaining walls.
- (xi) Certified structural designs or building forms where required.
- (xii) Removal of existing infrastructure or stockpiles and weed eradication.
- (xiii) Detailed landscape plans should differentiate between landscaping elements within the residential village and those areas within the adjacent road reserves.

15. LANDSCAPING COMPLETION AND MAINTENANCE

Prior to the occupation of any stage of the development the landscaping works shown on the endorsed plans must be carried out and completed for that stage to the satisfaction of the responsible authority.

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced and any weeds or noxious species be controlled.

16. SITE MANAGEMENT AND AMENITY

- (i) Maintenance of all buildings, surrounds, storage and parking areas within the site must be carried out in such a manner to render the site in a neat, tidy and clean condition at all times to the satisfaction of the responsible authority.
- (ii) All loading and unloading of vehicles must occur on site.
- (iii) Vehicle access and egress from the property must take place in a forward direction at all times.
- (iv) All vehicle access to and from the site must be via designated crossover(s) as shown on the endorsed plans.
- (v) The development must be managed so that the amenity of the area is not detrimentally affected, through the:

- (a) Transport of materials, goods or commodities to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) Presence of vermin;
 - (e) Storage of solid waste, or;
 - (f) Infiltration of groundwater.
- (vi) Any signage internal of the site must be located wholly within the confines of the site and be located and designed so as to not be readily visible or prominent from the public realm.

17. GATES

Any security boom, gate, barrier or similar device controlling vehicular access to the development (with the exception of emergency accesses) must be located a minimum of ten metres inside the property boundary.

Any gated emergency access must at all times be locked with emergency services accessible locking devices.

All external access gate(s) must open inwards and/or be entirely contained within the property throughout their full operating range.

INFRASTRUCTURE PLANNING CONDITIONS

18. ENGINEERING PLANS TO BE SUBMITTED

- (i) Engineering plans to be submitted must be certified by the proponents registered engineer in accordance with the Professional Engineers Act 2019 and meet the requirements of the Infrastructure Design Manual (IDM, www.designmanual.com.au).
- (ii) Prior to commencement of any buildings and/or works, detailed engineering plans must be submitted to and approved by Council for the entire development including all external works. The plans must address the conditions of this permit, be drawn to scale with dimensions and include the following:
 - Design and location of access to all buildings.
 - Detailed engineering design for proposed roads, including drainage design and pavement details, vegetation removal, turning templates, signage and any other works necessary to provide safe access.
 - Pavement design in accordance with Section 12.7 of the IDM – Pavement Design. Details of testing and pavement design must be included in the engineering plans for approval by Council.
 - Catchment plan, including details of any upstream catchments that impact on the development land.
 - A stormwater management strategy informing management of stormwater flows from the development site in accordance with IDM standards.
 - Stormwater drainage plans, including design and modelling, providing infrastructure to a 20% AEP rainfall event, with provision for the 1% AEP rainfall event.
 - Footpath layout and construction specification.
 - Landscaping plan, including the provision of street trees along Brears Road.
 - Public lighting plan.

- Street signage and line marking.
- (iii) Prior to any stage of the development coming into use that creates road or drainage infrastructure to be vested in Council, as built documents must be supplied to Council, including:
- an assets statement for each street;
 - 'as - constructed' information for the entire works area as per approved civil construction plans in each development stage detailing information as listed in the IDM;
 - certified as-constructed information presented as being true and correct, and;
 - information to be presented in pdf., dwg., D-spec formats.

19. INTERNAL WORKS

Prior to each stage of the development coming into use, access ways and manoeuvring areas created by the proposed development and as shown on the endorsed plan(s) must be constructed, sealed and drained in accordance with plans and specifications approved by Council.

20. FOOTPATHS

- (i) Prior to Stage 1 of the development coming into use, a 2.5m wide concrete shared path must be constructed within the Brears Road reserve along the frontage of the subject land from the existing shared path on the Murray Valley Highway to the existing bus stop located approximately 130m south of the northern boundary of the subject land in accordance with plans approved and to the satisfaction of Council. The works must include a 1.5m wide concrete path connecting the existing bus stop to the required shared path.
- (ii) Prior to Stage 12 of the development coming into use, a 2.5m wide concrete shared path must be constructed within the Brears Road reserve along the frontage of the subject land from the northern boundary of the subject land connecting to the proposed shared path as detailed in Condition 20(i) in accordance with plans approved and to the satisfaction of Council.
- (iii) Concrete footpaths must be constructed connecting the required Brears Road shared path to the three pedestrian access points along the Brears Road frontage of the approved development as well as the pedestrian access from the tree reserve between sites 154 and 155 to the shared path on the Murray Valley Highway in accordance with plans approved and to the satisfaction of Council.

21. BREARS ROAD

Prior to each stage of the development abutting Brears Road coming into use, all drainage and related infrastructure within Brears Road adjacent to each stage must be constructed in accordance with plans approved and to the satisfaction of Council. In particular the works must include:

- (i) The construction of Brears Road to Access Street standard in accordance with Table 2 of Council's IDM providing for a 7.3m wide carriageway including kerb and channel (eastern side only) and associated pipe and pit reticulated drainage.
- (ii) Consideration to reconstructing / altering the existing bus stop including consultation with Department of Transport and Planning.

22. VEHICLE CROSSINGS

- (i) Prior to Stage 1 of the development coming into use, the Brears Road vehicle crossing at the proposed access to the development must be constructed in accordance with standard drawing SD115 of Council's IDM and to Council satisfaction.

- (ii) A construction site access point located within Stages 8 and 12 must be constructed and sealed in accordance with standard drawing SD255 of Council's IDM and to Council satisfaction, unless agreed otherwise agreed in writing by Council. The construction site access points must only be used for construction activities related to the proposed development. The construction site access for each of the respective stages 8 and 12 must be removed prior to the stage of the development coming into use.
- (iii) Prior to Stage 8 & 12 of the development coming into use the emergency accesses to Brears Road shown on the endorsed plan must be constructed in accordance with standard drawing SD115 of Council's IDM including removable bollards with a locking mechanism or similar approved treatment to Council satisfaction.
- (iv) Prior to commencement of construction of Stage 11 of the development, the existing access to Brears Road utilised by the former Caravan Park located approximately 75 metres south of the northern boundary of the subject land must be removed and the nature strip reinstated to the satisfaction of Council.
- (v) Prior to each stage of the development coming into use, any disused or redundant vehicle crossings must be removed, and the area reinstated at full cost to the applicant, to the satisfaction of Council.

23. STORMWATER DRAINAGE

- (i) The drainage system for the development must be designed in accordance with IDM Clause 11 (Stormwater Management Strategy) and plans and computations in accordance with IDM Clause 16 (Urban Drainage). Stormwater drainage design must take into account the principles of Water Sensitive Urban Design and the CSIRO publication Urban Stormwater - Best Practice Environmental Guidelines to enhance the quality of water discharged from the site and to protect downstream infrastructure and waterways, in accordance with Clause 20 (Stormwater Treatment) of the IDM.
- (ii) The "major/minor" approach to the design of drainage systems associated with the development must be adopted, as outlined in Australian Rainfall and Runoff 2019 and must demonstrate:
 - (a) how all storm-water deposited upon, and transferred through, the developed site during a minor 20% AEP rainfall event is collected and conveyed by underground pipes to a legal point of discharge nominated by Council;
 - (b) how all storm-water runoff originating from, or currently flowing through, the developed site in a major 1% AEP rainfall event is collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by Council.
- (iii) The development must be designed to ensure that flows downstream of the development are restricted to pre-development levels. Calculations demonstrating how this condition is met must be submitted to and approved by Council prior to the commencement of buildings and/or works. Retention of stormwater flows within any public drainage pipe and pit reticulated stormwater system will not be permitted.
- (iv) Prior to the commencement of buildings and/or works all design plans relating to proposed and existing stormwater must be submitted to and approved by Council. Designs must include a drainage catchment plan showing the total area and sub-areas that are the basis of the design. The design must take into account any flows from upstream properties.
- (v) A stormwater drainage discharge point must be provided to each building including the construction of stormwater reticulation drains for a 20% AEP rainfall event.
- (vi) Stormwater infrastructure is to be located within the curtilage of the development site, unless alternative locations are agreed in writing.

- (vii) Stormwater discharge from the existing Jacqueline Court must remain in public drainage infrastructure vested in Council and not mixed with stormwater discharge from the proposed development. Separate drainage outfalls for the public and private stormwater must be provided to discharge to Crown land with easements provided over Council's drainage infrastructure to Council's satisfaction.
- (viii) Prior to Stage 1 of the development coming into use, the proposed wetland/basin including pit and pipe drainage infrastructure providing a drainage outfall for the development must be constructed in accordance with plans approved by Council.
- (ix) Prior to Stage 1 of the development coming into use, any alterations to Council's drainage system that transfers stormwater flows from Jacqueline Court catchment to the Crown land must be constructed in accordance with plans approved and to the satisfaction of Council. Should the drainage system be converted to piped drainage, then any shortfall in water treatment must be rectified.
- (x) Prior to each stage of the development coming into use the private drainage infrastructure including pits and pipes must be constructed in accordance with plans approved by Council.

24. CONSTRUCTION SITE ENVIRONMENTAL MANAGEMENT PLAN

- (i) Prior to commencement of works, a Construction Site Environmental Management Plan (CSEMP), must be submitted to and approved by Council to address the potential impacts of construction works. The CSEMP must be generally in accordance with EPA Publication 1834: Civil construction, building and demolition guide (November 2020) and address:
 - measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
 - measures to retain dust, silt and debris onsite, both during and after the construction phase;
 - locations of any construction wastes, equipment, machinery and/or earth storage/stockpiling during construction;
 - where access to the site for construction vehicle traffic will occur;
 - tree protection zones in accordance with AS 4970—2009 Protection of trees on development sites;
 - the location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences;
 - the location of trenching works, boring, and pits associated with the provision of services;
 - the location of any temporary buildings or yards;
 - weed control;
 - rehabilitation of exposed surfaces.
- (ii) The approved CSEMP must be implemented to the satisfaction of Council throughout the construction process.
- (iii) Prior to the commencement of works, a soil and fill recovery plan must be submitted to the satisfaction of Council. This plan must address: the quantity and quality of fill to be generated during construction, the reuse options for fill within the site, the quantity of fill to be removed off site and the location where the fill will be disposed. All fill removed off site must only be taken to permitted/legal sites of disposal to the satisfaction of Council.

- (iv) All earthworks and filling must be in accordance with Clause 15 of the IDM. Where any fill over 300mm in depth occurs, a Geotechnical engineer's certification of fill in accordance with AS3798 must be provided prior to each stage of the development coming into use.

25. NUISANCE CONTROL

All construction activities associated with the development must be carried out in accordance with Condition 16 in such a manner so as to not create nuisance to the satisfaction of the responsible authority.

26. STREET TREES

Prior to each stage of the development abutting Brears Road coming into use, street trees must be provided as shown on the approved plans and must include the planting of mature (2 – 3 metres high) street trees (of an approved species and location), or to such higher standards by agreement and must be selected and planted by a qualified Horticulturist / Arborist.

The trees must be maintained for a period of 12 months from the date of each stage of the development abutting Brears Road coming into use, or until the developer can demonstrate that the plantings have become established. Any trees that die or are deemed by Council to need replacement due to lack of maintenance or watering during this period must be replaced at the developers cost. The 12-month maintenance period recommences on the replacement of any street tree.

27. STREET LIGHTING

Prior to each stage of the development abutting Brears Road coming into use, public street lighting within Brears Road must be installed to the relevant Australian Standard. Light poles must be of a type that is included in the standard maintenance schedule of the relevant power distribution authority and is subject to the approval of Council. Non-standard poles can only be used with the written consent of the Council. Lanterns must be Sylvania Street LED 18W or an approved equivalent.

28. COMPLETION OF CONSTRUCTION WORKS

(i) INTERNAL

Prior to each stage of the development coming into use, road works, drainage and all civil private infrastructure works, must be constructed and completed in accordance with the approved plans and specifications and in accordance with the IDM. Road works, drainage and all civil works to be constructed must include:

- (a) Provision of sealed roads/accessways;
- (b) Construction of pathways, as required;
- (c) Underground drainage and WSUD infrastructure;
- (d) Intersection and traffic control/mitigation measures;
- (e) Road lighting and signage.

(ii) EXTERNAL

Prior to each stage of the development coming into use, road works, drainage and other civil works within Brears Road and any other infrastructure (drainage) to be vested in Council, must be constructed and completed in accordance with the approved plans and specifications and in accordance with the IDM to the satisfaction of Council. Road works, drainage and other civil works to be constructed must include:

- (a) Street and drainage in accordance with the approved construction drawings;
- (b) Construction of shared paths and footpaths;
- (c) Underground drainage;

- (d) Intersection and traffic control/mitigation measures;
- (e) Street lighting and signage.

29. DEFECTS LIABILITY PERIOD FOR DEVELOPMENT

Clause 8 - Defects Liability Period for Developers of the IDM applies to this development. Following practical completion of all construction works, a defect liability period of 12 months will apply to all assets to be inherited by Council.

The developer must enter into an agreement with Council regarding the defect liability period prior to each stage of the development coming into use.

30. Guarantee of Works

Prior to each stage of the development coming into use, the developer must provide Council with a maintenance bond(s) for the total costs of roads, drainage and landscaping works (excluding GST) for all assets to be inherited by Council and the calculated amount based on the priced Bill of Quantities, and lodged with Council for the term of the Defect Liability Period. Council will hold the bond(s) until any and all defects notified to the developer before or during the liability period have been made good to the satisfaction of Council. A request must be made to Council for their release and maintenance bond(s) shall be to the following values:

- (i) equal to 5% of roads, drainage and hard landscaping related infrastructure; and
- (ii) a percentage of the replacement costs for all soft landscaping.

DEPARTMENT OF TRANSPORT AND PLANNING CONDITIONS

- 31. No direct access will be permitted from the subject land to the Murray Valley Highway.
- 32. Prior to the commencement of use:
 - (i) A Functional Layout Plan for the intersection of Murray Valley Highway and Brears Road must be submitted to and approved by the Head, Transport for Victoria. 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 plan must show:
 - (a) Auxiliary Right Turn (AUR) Treatment
 - (b) Basic Left Turn (BAL) Treatment
 - (c) Street lighting in accordance with AS 1158
 - (ii) A Functional Layout Stage Road Safety Audit must be submitted to and approved by the Head, Transport for Victoria. The Road Safety Audit must be undertaken by a suitably qualified road safety auditor.
 - (iii) The submission of a swept path analysis for a suitable design vehicle and check vehicle based on the VicRoads Road Design Note 04-01 Heavy Vehicle Network Access Considerations for the intersection of Murray Valley Highway and Brears Road.
 - (iv) The following works at the intersection of Murray Valley Highway and Brears Road must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:
 - (a) All works identified in the approved Functional Layout Plan
 - (b) Any other works identified in the Road Safety Audit
 - (c) Street lighting in accordance with AS 1158
 - (d) Any other works required.

GOULBURN BROKEN CATCHMENT MANAGEMENT AUTHORITY CONDITIONS

33. The finished floor level of the proposed dwelling must be constructed to the higher of:
- (i) at least 300 millimetres above the 1 in 100 AEP flood level of 123.7 metres AHD, i.e. 124.0 metres AHD.
 - (ii) at least 300 millimetres above the local overland flow flood level (i.e., 300 millimetres above the 1% AEP gap flow level).
34. Any proposed fill required as part of the proposed development must comply with the requirements of the Goulburn Broken CMA, as outlined in *Floodplain Management Principles and Best Practice Assessment for Land Use Development Proposals (GBCMA, 2014)*."
35. The proposed drainage system must not increase the rate of flow across an external property boundary, including onto the neighbouring road network.
36. Crown land manager approval is obtained prior to any works commencing in relation to the proposed outfall pipe on Crown land.

COUNTRY FIRE AUTHORITY CONDITIONS

37. ENDORSEMENT OF BUSHFIRE MANAGEMENT PLAN

The Bushfire Management Plan and Schedule of Conditions – Bushfire Protection measures, Brears Road, Yarrawonga, prepared by Nature Advisory, Report 23166.02 (1.4), dated 4 April 2025 must be endorsed by the responsible authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the responsible authority.

38. IMPLEMENTATION OF DEFENDABLE SPACE

The defendable space shown on the endorsed Bushfire Management Plan must be implemented to the satisfaction of the responsible authority throughout the staged construction period.

39. SHIELDING FENCE – ALTERNATIVE MEASURE

- (i) Prior to the commencement of any works onsite scaled and dimensioned design detail of the 150m long proposed shielding fence to be located along a section of the subject lands eastern boundary must be approved by CFA and endorsed by the responsible authority.
- (ii) The approved shielding fence must be constructed to the satisfaction of the responsible authority prior to the issuing of any occupancy permits for stages 3 and 3b.
- (iii) Unless otherwise approved by the CFA the shielding fence must be continually maintained to the satisfaction of the responsible authority.

40. HYDRANTS

Prior to the issue of an Occupancy Permit for a building the following requirements must be met to the satisfaction of the CFA:

- Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured as a hose would be laid on the ground. Not over obstructions and obstacles, such as fences, or over side and rear boundaries.
- The hydrants must be identified with marker posts, blue road reflectors and white road triangles (as applicable).

Note: CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under 'About us' then 'Publications' on the CFA website (www.cfa.vic.gov.au).

41. ROADS

Roads must be constructed to the following requirements:

- The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- Curves must have a minimum inner radius of 10 metres.
- The trafficable width must be a minimum of 3.5 metres, be of all-weather construction and have a load limit of at least 15 tonnes.
- Encroachments must be clear for at least 0.5 metres on each side and 4 metres vertically.
- Where the distance to the nearest intersection exceeds 60 metres then a turning area for firefighting vehicles must be provided by one of the following:
 - A turning circle with a minimum radius of 8 metres.
 - The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroads Design for an 8.8 metre service vehicle.

42. EMERGENCY ACCESS

The two proposed construction site access points onto Brears Road must provide emergency vehicle access following development completion and be maintained and signed posted as emergency vehicle access points that comply with condition 41 (See Note 1).

Note 1: CFA suggest at the appropriate point in time these emergency access points be locked with a 003 emergency access locks.

43. BUSHFIRE EMERGENCY PLAN REQUIRED

Before the development is occupied, a suitably qualified person in emergency planning must prepare a Bushfire Emergency Plan. Once prepared, the site must be managed in accordance with the plan. The Bushfire Emergency Plan must include;

- (i) A clear statement of the plans purpose and scope
- (ii) Details on the site and any emergency features/equipment.
- (iii) A version control table and details on when and how the plan will be reviewed.
- (iv) Details the roles and responsibilities of the emergency control organisation (wardens).
- (v) Outlines training requirements for the emergency control organisation (wardens) and how often exercises will be conducted.
- (vi) Details for onsite contacts, emergency services and neighbours.
- (vii) Contains appropriate “action statements” for:
 - (a) Before the Fire Danger Period
 - (b) During the Fire Danger Period – including details of how the bushfire threat will be monitored
 - (c) When a Catastrophic & Extreme Fire Danger Rating is forecast
 - (d) When any other lower trigger point for action is forecast (as determined by the sites emergency control organisation/management)
 - (e) When a bushfire threatens the site – including the trigger for sheltering in place or evacuation (as appropriate).
 - (f) After the bushfire threat passes.
- (viii) Details on evacuating staff, visitors and guests from the site (if required).

- (ix) Details on sheltering in place (if required)

DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION CONDITIONS – NATIVE VEGETATION

44. NOTIFICATION OF PERMIT CONDITIONS

Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

45. PROTECTION OF NATIVE VEGETATION TO BE RETAINED

Before works start, native vegetation protection fencing must be instated around native vegetation to be retained on and within the direct vicinity of the work site/footprint. This fencing must be installed in accordance with the AS 4970-2009 Protection of Trees on Development Sites.

The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority. The protection fence must remain in place until all works are completed to the satisfaction of the responsible authority.

46. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- (i) vehicular, machinery or pedestrian access;
- (ii) trenching or soil excavation;
- (iii) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
- (iv) construction of entry and exit pits for underground services; or
- (v) any other actions or activities that may result in adverse impacts to retained native vegetation.

47. CONSIDERATION OF HOLLOW DWELLING FAUNA

Before any works commence all hollows must be checked for faunal occupation by an authorised person and appropriately handled and relocated to appropriate replacement or alternative habitat (artificial hollows) within the site.

48. NATIVE VEGETATION OFFSETS

The total area of native vegetation permitted to be removed is 3.162 hectares, as identified in Native Vegetation Removal Report 347_20240807_XLR, comprised of:

- 2.268 hectares of patch vegetation
- three (3) large scattered trees
- 38 small scattered trees.

To offset the removal of 3.162 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:

- A general offset of 1.0010 general habitat units located within the Goulburn Broken Catchment Management Authority boundary or Moira Shire municipal district;
- have a Strategic Biodiversity Value score of at least 0.5786;
- provide protection for at least three (3) large trees;

- must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

49. OFFSET EVIDENCE

Before any native vegetation is removed, evidence that the offset required by this permit has been secured must be provided to the satisfaction of responsible authority and the Department of Energy, Environment and Climate Action. This evidence must be the following:

- A credit extract(s) allocated to the permit from the Native Vegetation Credit Register; and/or
- 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.

50. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Energy, Environment and Climate Action at pe.assessment@deeca.vic.gov.au.

DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION CONDITIONS – ADJOINING CROWN LAND

51. ACCESS AND ENCROACHMENT

- No access is permitted to the subject land via the Crown land.
- Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
- No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses on Crown land. Overland flows must be maintained at the same rate post development as on the undeveloped land.

52. STORMWATER DRAINAGE

The development must be designed to ensure that flows onto Crown land are restricted to pre-development levels.

53. FENCING

Prior to work commencing, the shared boundary with Crown land must be fenced to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action in accordance with the Fences Act 1968 and at the applicant's expense. Fencing must be:

- erected on the boundaries of the land;
- stock and dog proof;
- without gates or openings on to adjoining Crown land.
- at least 1.2 metres in height.

POWERCOR AUSTRALIA CONDITIONS

54. The applicant shall provide an electricity supply to the development in accordance with the Distributor's requirements and standards. Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

55. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

56. The applicant shall, when required by the Distributor, set aside areas for the purposes of establishing a substation or substations. Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- RESERVES established by the applicant in favour of the Distributor.
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

57. The applicant shall establish easements, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements. Notes:

- Existing easements may need to be amended to meet the Distributor's requirements
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

NORTH EAST WATER CONDITIONS

58. A water servicing strategy and sewer servicing strategy shall be provided to North East Water to demonstrate how the residential village will be connected to water and sewer infrastructure. Servicing strategy plans can be submitted by the applicant to North East Water's Property Development Team via email to: development@newater.com.au.

59. A Low Pressure Sewer Agreement is required to be signed by the property owners.

Notations:

- The metered water supply for the Tourist Park is required to be upsized in order to service the proposed development. Currently the Tourist Park only has a 20mm water meter (normal residential size) which feeds to an onsite water tank.
- The applicant is advised that New Customer Contribution (NCC) fees will apply for the difference between meter sizes.
- The applicant is advised that New Customer Contribution (NCC) fees for sewer will be applicable based on fixture units in each individual site. New Customer Contribution fees are required to be paid to North East Water prior to commencement of works.
- Any communal cooking facilities within the proposed clubhouse will need to have a grease trap installed.

60. PERMIT EXPIRY

This permit will expire if any of the following circumstances applies:

- The development is not started within two years of the date of issue of this Permit.
- The first stage of the development is not completed within four years of the date of issue of this Permit.
- The final stage of the development is not completed within ten years of the date of issue of this Permit.

Permit Notes

- Prior to works commencing on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work Within a Road Reserve.
- With respect to CMA Condition 36, the current DEECA correspondence is not deemed as Crown land manager approval for the purposes of stormwater discharge.
- Trees within road reserves are protected Council Infrastructure. No tree within the road reserve may be removed, lopped or otherwise destroyed in the carrying out of works associated with this permit.
- Works with Murray Valley Highway road reserve
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:
 - Auxiliary Right Turn (AUR) Treatment
 - Basic Left Turn (BAL) Treatment
 - Street lighting
 - Any other works required

- (v) CFA assumes all proposed buildings will require a building permit, however, should this site be registered as a Caravan Park in future, fire safety must be provided in accordance with the requirements of Clauses 20, 21 and 22 in Part 3, Division 1 of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020.
- (vi) The 2024 CFA Caravan Park Guideline provides guidance on the requirements for emergency vehicle access, fire hydrants, fire hose reels, fire fighter access and separation.
- (vii) CFA does not determine whether the caravan park complies with the Regulations. Compliance with the Regulations is a matter for the relevant Council to determine during the registration process.
- (viii) Fire Service
The proposed BMO static water supply (bushfire purposes) proposed for the Clubhouse building cannot be deemed a compliant fire service. The relevant Building Surveyor will be required to determine the necessary fire services for this building given it exceeds 500m².
- (ix) Native Vegetation Offsets
Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of revegetation site. Please visit <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> for further information.
- (x) Adjoining Crown Land
The adjoining Crown land is not to be used for access, storage of materials or rubbish. Any private use of Crown land requires consent and/or licensing from the Department of Energy, Environment and Climate Action.