

Conditions and Notes

Application	YR-2019/418
Address of the Land	28 Central Avenue, (Lot 37 LP11290) Mooroolbark
Proposal	Buildings and works to construct six (6) dwellings

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the commencement of development (including the removal of any trees or other vegetation), amended plans must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with submitted plans (*Prepared by Millar & Merrigan Pty Ltd., Revision: 06*), but modified to show:
 - a. The pedestrian access path to Dwelling 1 to be 1.2 metres wide;
 - b. A notation, on all relevant plans, stating all nominated obscure glazing “*must be fixed obscure glazing (not film)*”;
 - c. A notation, on all relevant plans, stating “*the existing crossover to be removed and a new commercial vehicle crossover to be constructed in accordance with Council Standard drawing SD/C3*”;
 - d. The location of the bin-collection point for twelve (12) bins;
 - e. The extent of Tree Protection Zones of:
 - i. any tree to be retained on the site, and
 - ii. any vegetation on any adjoining land where it encroaches into the subject land (including any street tree);as identified by a suitably qualified arborist;
 - f. The location and details of any sightscreens to conceal any rooftop air-conditioning units; and
 - g. Any changes required by the Sustainable Design Assessment as required by Condition 9 of this permit.
 - h. A notation indicating a Build Over Easement permit is required for a proposed decking, private drainage, any filling and retaining wall along the drainage easement on the north-eastern side of the boundary.
 - i. Show the location of the water tanks for Dwellings 1, 2 and 3.
2. The layout of the development must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.

LANDSCAPING

3. The landscape works as shown on the endorsed plan must be carried out before occupation of the permitted development, or if not occupied, within three months of completion of the permitted development.

With written consent of the Responsible Authority landscaping may be deferred to the

Conditions and Notes

first planting season (May to September) following the completion of the permitted buildings and/or works. New planting must be maintained or replaced as necessary to the satisfaction of the Responsible Authority.

4. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority

CONSTRUCTION MANAGEMENT PLAN

5. Before the development starts, a Construction Management Plan (CMP) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must specify how the environmental and construction issues associated with the development will be managed and must address the following as applicable:
 - a. A detailed schedule of works including a full project timing.
 - b. A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
 - c. The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - d. Construction times, noise and vibration controls.
 - e. Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - f. Proposed traffic management signage indicating any inconvenience generated by construction.
 - g. Fully detailed plan indicating where construction hoardings would be located.
 - h. A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - i. Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - j. Site security.
 - k. Public safety measures.
 - l. Restoration of any Council assets removed and/or damaged during construction.
 - m. Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
 - n. Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
 - o. An emergency contact that is available for 24 hours per day for residents and

Conditions and Notes

the responsible authority in the event of relevant queries or problems experience.

- p. Traffic management measures to comply with the relevant Australia Standard.
- q. All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- r. Details of crane activities, if any.
- s. Discharge of any polluted water.
- t. Erosion control measures.
- u. Sediment control measures.

The development must be carried out and implemented in accordance with the endorsed Construction Management Plan at all times to the satisfaction of the responsible authority. The responsible authority may amend the endorsed Construction Management Plan from time to time.

AMENITY CONDITIONS

- 6. A minimum of one (1) visitor car parking space must be provided on site as part of this permit, to the satisfaction of the Responsible Authority.
- 7. Any air-conditioning unit must be positioned so that no noise disturbance is caused to occupiers of adjoining properties. Any roof top unit must be provided with a sightscreen, to the satisfaction of the Responsible Authority.
- 8. All external lighting provided on the site must be baffled so that no direct light is emitted beyond the boundaries of the site and no nuisance is caused to adjoining properties.

ENVIRONMENTALLY SUSTAINABLE DESIGN

- 9. Before the development starts a Sustainable Design Assessment that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. Upon approval, the Assessment will be endorsed as part of the planning permit and the project must incorporate the sustainable design initiatives listed.
- 10. The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Design Assessment to the satisfaction of the responsible authority, and must be thereafter maintained.
- 11. Before occupation of any building approved under this permit, a report from the author of the Sustainable Design Assessment (Sustainable Design Consultants), approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the Sustainable Design Assessment approved under Condition 9 of this permit have been implemented.

DRAINAGE ENGINEERING

Conditions and Notes

12. Prior to the occupation of the permitted development piped drainage must be constructed to drain all impervious areas incorporating Water Sensitive Urban Design features, to the satisfaction of the Responsible Authority.
13. Prior to the commencement of any works as required by this permit, Development Stormwater Drainage Engineering Plans and Computations must be submitted to, and approved by, the Responsible Authority. Development Stormwater Drainage Engineering Plans and Computations must be in line with all the requirements of the approved point of discharge certificate.
<https://www.yarraranges.vic.gov.au/Development/Roads-drains/Applications-and-permits/Submit-stormwater-drainage-and-computations>
14. Prior to the occupation of the permitted development a detention system, must be constructed/installed to drain all impervious areas, to the satisfaction of the Responsible Authority.
15. Prior to the occupation of the permitted development the construction of all civil works within the site, including detention system must be fully completed and subsequently inspected and approved by a suitably experienced Civil Engineer at the arrangement and expense of the owner/developer. This person must supply written certification that the works have been constructed in accordance with this permit and to relevant standards to the satisfaction of the Responsible Authority.

TRAFFIC ENGINEERING

16. Before the occupation of the permitted development the parking areas and vehicular access ways shown on the endorsed plan must be fully constructed, sealed, drained and delineated to the satisfaction of the Responsible Authority
17. Before the occupation of the permitted development, the existing vehicle crossing must be removed and a new commercial vehicle crossing (Council standard drawing SD/C3) must be constructed in Central Avenue to the satisfaction of the Responsible Authority.

VEGETATION PROTECTION

18. This permit authorises the removal of trees numbered 3–7 as shown in the report by DB Horticulture, 24 May 2019. All other trees must be retained and protected to the satisfaction of the Responsible Authority.
19. Replacement planting must be conducted within the first planting season (May to September) following the completion of the permitted buildings and/or works to the satisfaction of the Responsible Authority. The trees must be chosen from the Yarra Ranges Council's Vegetation Community No. 38.
The planting must be maintained or replaced as necessary to the satisfaction of the Responsible Authority.
20. Before the commencement of any buildings and/or works approved by this permit (including demolition of any existing buildings), temporary fencing must be erected around any tree shown for retention on the subject land or where the TPZ of any tree

Conditions and Notes

on any adjoining land encroaches into the subject land as shown on the endorsed plans, to define a Tree Protection Zone (TPZ) and provide an exclusion zone to the satisfaction of the Responsible Authority.

The exclusion zone must:

- a. Exclude access and construction activity within the TPZs assessed in the Arborist Report (DB Horticulture, 24/05/2023). If trees have not been assessed, the TPZ is a circle with a radius equal to 12 times the trunk diameter measured at 1.4 metres above ground level,
- b. Be fenced to a minimum height of 1.8 metres and comply with Australian Standard AS4687 for temporary fencing and hoardings,
- c. Not extend beyond the site boundaries except into roadside reserve and/or nature strip areas. Fencing within roadside reserves and/or nature strip areas must not prevent the use of a road or footpath,
- d. Be clearly signed as a strict exclusion zone for protection of vegetation;
- e. Not be used for:
 - i. vehicular or pedestrian access
 - ii. trenching or soil excavation
 - iii. storage or dumping of materials, tools, equipment or waste
- f. Only be entered under the on-site supervision of a qualified Arborist for the purpose of any works approved by this permit;
- g. Remain in place until all buildings and/or works are completed, unless with the prior written consent of the Responsible Authority.

Temporary fencing can be modified to accommodate encroachment into the TPZ of tree(s) under the on-site supervision of a qualified Arborist as per the endorsed plans. Fencing must be modified in line with the footprint of the approved works only.

PERMIT EXPIRY

21. This permit will operate from the issued date of this permit.

This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:

- a. The development is not started within 2 years of the issued date of this permit.
- b. The development is not completed within 4 years of the issued date of this permit.

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

NOTES:

- The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law. Building works approved under this planning permit must not be commenced until a building permit has also been obtained under the *Building Act 1993* and the *Building Regulations 2018*. It is recommended a registered building surveyor be consulted to obtain advice on how to meet the building requirements.

Conditions and Notes

- Before the commencement of any works affecting or involving Council roads or drains, Asset Protection and/or Road Reserve/Easement Works permit(s) are required. An application for a permit can be made at the Yarra Ranges Council Community Links (phone 1300 368 333). The application must include a copy of the relevant permit(s), endorsed site plan(s) and approved civil engineering plan(s) if required by this permit.
- The management of Stormwater is to be in accordance with the Approved Point of Stormwater Discharge. A Point of Discharge “certificate” was issued on 15/11/2018 directing discharge to the Council pit at 19 Felix Grove.
- Building or works within the easement will require a ‘Build Over Easement’ permit approved by the relevant authorities. An application for a permit can be made at the Yarra Ranges Council Community Links (phone 1300 368 333). The application must include a copy of the relevant permit(s), endorsed site plan(s) and approved civil engineering plan(s) if required by this permit.