

ATTACHMENT 1 – PROPOSED PLANNING PERMIT CONDITIONS –

YR-2023/173 - 41 & 43 Hoddle Street, Yarra Junction

CONDITIONS	
Application reference number	YR-2023/173
Address of the land	41 and 43 Hoddle Street, (Lot 2 PS427467 & Lot 2 LP113135) Yarra Junction
Proposal	Staged twenty-five (25) lot subdivision, vegetation removal, and the creation and removal of easements.

Planning Scheme Clause	Matter for which the permit has been granted
Clause 32.09-3 (NRZ2)	Subdivide land
Clause 42.01-2 (ESO1)	Subdivide land
Clause 42.01-2 (ESO1)	Construct a building or construct or carry out works, as specified in Schedule 1
Clause 42.01-2 (ESO1)	Remove, destroy or lop vegetation as specified in Schedule 1
Clause 42.03-2 (SLO22)	Construct a building or construct or carry out works.
Clause 42.03-2 (SLO22)	Remove, destroy or lop any vegetation as specified in Schedule 22.
Clause 43.02-3 (DDO6)	Subdivide land
Clause 44.06-2 (BMO)	Subdivide land
Clause 52.02	Proceeding under Section 23 of the <i>Subdivision Act 1988</i> to create, vary or remove an easement or restriction.
Clause 52.17	Remove, destroy or lop native vegetation, including dead native vegetation.

Amended Plans

1. Before the first plan of subdivision is certified and/or before works commence (including tree removal), 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 form part of the permit. The plans must be drawn to scale with dimensions, and a digital copy must be provided. The plans must be generally in accordance with the plans submitted with the application (*Prepared by Charlton Degg, Dated 30 January 2024, Revision G*) but amended to show:

- a) Tree Removal Plan to show the retention of Tree #42, 198, 232 – 239, 241
- b) Section of 'Road A' servicing Lots 14, 19, 20 and 21 to have a 5.5 metre wide carriageway with semi-mountable kerb and channel, and to ensure:
 - i. Works within the Tree Protection Zone of retained trees must not encroach greater than 10% unless otherwise demonstrated such tree will remain viable for retention by a suitably qualified arborist
- c) The vehicle crossing for Lot 7 offset minimum 2 metres from the common property boundary with Lot 6
- d) The vehicle crossing for Lot 19 converted into a double vehicle crossing with Lot 20, by relocating the vehicle crossing for Lot 19 to adjoin Lot 20
- e) Building envelope to Lot 8 will:
 - i. have a 3 metre offset to the northern boundary
 - ii. provide a front setback consistent with building envelopes for Lots 9 and 10
 - iii. not encroach more than 10% into the tree protection zone of Tree #198
- f) A building envelope to lot 7 and to not encroach greater than 10% into the tree protection zone of Tree #198
- g) The staged subdivision plan updated to provide:
 - i. A plan for each stage of subdivision including the balance lot from Stage 1 subdivision
 - ii. The inclusion of a Stage Sequencing Table which must also include the number of lots per stage, accrued number of lots as stages are released and total number of lots.
 - iii. A suitably sized drainage easement for outfall drainage and maintenance requirements within Lot 10; and
 - iv. A suitably sized drainage easement for any drainage assets which cannot otherwise be provided in the road verge.

Layout Not Altered (Subdivision)

- 2. The subdivision layout must not be altered or modified (unless the Yarra Ranges Planning Scheme specifies a permit is not required) without the prior written consent of the responsible authority.
- 3. The subdivision must proceed in the order of stages shown on the endorsed plan(s), unless with the prior written consent of the responsible authority.
- 4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

Layout Not Altered

5. The development (including tree removal) as shown on the endorsed plans must not be altered or modified (unless the Yarra Ranges Planning Scheme specifies a permit is not required) without the prior written consent of the responsible authority.

General Amenity

6. The development must be managed so that the amenity of the area is not detrimentally affected including through the:
 - a) Transportation of materials, goods, or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, smell, fumes, smoke, vapour, steam, soot, ash, dust, water, waste products, grit or oil.
 - d) Presence of vermin.
 - e) Any other matters, andall of the above must be to the satisfaction of the responsible authority

Clean Fill

7. Unless with the prior written consent of the responsible authority any fill brought from external sites must be 'fill material' in accordance with Environment Protection Authority (EPA) Publication 1828.2 – "Waste Disposal Categories – characteristics and thresholds". A record of all fill imported onsite must be kept and maintained that includes source of fill, company and/or persons responsible for fill and testing of fill confirming the soil is 'fill material' in accordance with EPA guidelines to the satisfaction of the responsible authority.

Site Environmental Management Plan

8. Before the development starts (including tree removal), a Site Environmental Management Plan (SEMP) must be submitted to and approved by the responsible authority. Once approved, the SEMP will be endorsed and will then form part of the permit. The SEMP must incorporate, but is not limited to, the following information:
 - a) Site plan detailing works area of subdivision and conservation zone generally in accordance with the endorsed plans.
 - b) A staging plan for all construction phases including indicative dates for commencement and completion.
 - c) Protection measures related to retained vegetation and conservation zone
 - i. Measures to protect retained trees in accordance with the endorsed Tree and Fauna Protection Specifications Plan.
 - ii. Measures to protect fauna in accordance with the endorsed Tree and Fauna Protection Specifications Plan.

- iii. Measures to protect retained trees in accordance with the endorsed Tree and Fauna Protection Specifications Plan.
 - iv. Prohibit any access, works or stockpiling into the conservation zone
 - Appropriate signage and fencing to support such measures.
 - Encroachment into the conservation zone is only permitted in the area of works for the outfall drainage to the minimum extent necessary as shown on the endorsed plans and approved stormwater management plan.
 - d) Measures to minimize spread of weeds, including any biosecurity measures.
 - e) A list of all environmental hazards that the activities on-site pose, eg; contaminated soil, imported fill, materials and waste, dust, stormwater contamination from runoff and wash-waters, sediment from the site on roads, construction noise, hours of operation, vibration, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery etc.
 - i. Specify protection measures that will be undertaken to minimise the risk of the above hazards being realised;
 - ii. Schedule of regular monitoring/ inspections of protection measures;
 - f) Soil Erosion, Sediment Control Devices or similar methods around swale drains in the road reserve or land abutting any creek to avoid runoff contamination during the construction phase.
 - g) Intended access for construction vehicles.
 - h) The location of public precautions, loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.
 - i) The provision of a traffic management plan, including detailed plans that show all items to be placed on any street during all stages of construction in accordance with approval by the responsible Building Surveyor/ authority, entry and exit points for construction vehicles (including temporary and permanent vehicle crossings), traffic management during construction including road closures/road occupation/footpath closures, work zones/construction zones, parking areas to accommodate vehicles and deliveries.
 - j) Measures to be used to protect Council infrastructure from damage.
9. All works undertaken during the construction period for both Stage 1 and 2 subdivision works must be carried out generally in accordance with the Site Environmental Management Plan to the satisfaction of the responsible authority.

Arborist

10. Prior to the commencement of any building and/or works, a Tree and Fauna Protection Specifications Plan (TFPSP) must be submitted to and approved by the

responsible authority. Once approved, the TFPSP will be endorsed and will then form part of the permit. The TFPSP must be prepared by an arborist with a minimum AQF (Australian Qualifications Framework) level 5 qualification in arboriculture and a suitably qualified person that holds a current permit under the *Wildlife Act 1975*. The TFPSP must include detail and provide a schedule of the tree protection and management actions prior to, during, and after works (including demolition) required to:

- a) maintain and protect the condition of all retained trees;
- b) comply with AS 4970:2025 *Protection of trees on development sites*
- c) The TFPSP must include all tree-related requirements conditioned in this permit. All works in the TPS to, or affecting, trees must be implemented and/or monitored by an arborist with a minimum AQF level 5 qualification (the Project Arborist), and the works must be to the satisfaction of the responsible authority. The Project Arborist must certify in writing that implementation of the TFPSP is complete and submit:
 - i. Date of works/supervision
 - ii. Name of arborist in attendance
 - iii. Qualification/s of arborist in attendance
 - iv. Description of works undertaken
 - v. Photographic evidence of works undertaken
 - vi. Any deviation from permitted works
 - vii. Expected impact to tree/s.
- d) The Tree and Fauna Protection Specifications Plan must be a scaled plan that includes:
 - i. The TPZs for all retained trees following consideration for areas of approved proposed encroachment, existing encroachment and compensation
 - ii. The location of specified tree protection devices including temporary fencing and any ground protections.
 - iii. Specify works to construct a footpath along eastern side of Hoddle Street to be constructed above grade.
 - iv. The TPZs for all retained trees following consideration for areas of approved proposed encroachment, existing encroachment and compensation
 - v. The location of specified tree protection devices including temporary fencing and any ground protections.
 - vi. Specify works to construct a footpath along eastern side of Hoddle Street to be constructed above grade.
- e) Works within the NRZ of trees #232–241 inclusive must be supervised by a Project Arborist with an AQF level 5 or higher qualification in arboriculture.

Following the completion of works within a NRZ requiring Project Arborist supervision, a certification of works must be submitted to council which includes:

- i. Date of works/supervision
 - ii. Name of arborist in attendance
 - iii. Qualification/s of arborist in attendance
 - iv. Description of works undertaken
 - v. Photographic evidence of works undertaken
 - vi. Any deviation from permitted works
 - vii. Expected impact to tree/s.
- f) Fauna impact mitigation and translocation plan
- i. The requirement for all trees and tree hollows to be inspected by a suitably qualified wildlife handler for the presence of fauna and the presence of external nests no more than 2 weeks prior to removal.
 - ii. The tagging of all trees with identified fauna.
 - iii. Methods for fauna exclusion and blocking of identified hollows.
 - iv. Measures to mitigate the impacts to native fauna from tree removal works including self- dispersal, possum banding and translocation to suitable habitat.
 - v. Management of any threatened species.
 - vi. Management of chicks and juveniles in trees to be removed.
 - vii. Management of fauna and supervision requirements during tree felling works, including;
- g) The presence of an experienced wildlife handler at all times when felling trees.
- h) Sections of felled hollow-bearing tree stems to be left in place for 24 hours to provide further opportunity for any undetected fauna to escape.
- i) Sections of hollow bearing logs to be retained in the conservation zone to provide habitat.
11. Prior to the commencement of any building and/or works, including demolition, approved by this permit, temporary fencing must be erected around the TPZs of all trees shown for retention on the endorsed plans. This fencing must be to the satisfaction of the responsible authority and must:
- a) Exclude access and construction activity (except as approved by the responsible authority) within the TPZs assessed in the Tree and Fauna Protection Specifications Plan (TFPSP) required by Condition 10. If trees have not been assessed or TPZs have not been specified, the NRZ must be protected, which is a circular area with a radius equal to 12 times the trunk diameter, measured at 1.4 metres above ground level and
 - b) Have a minimum height of 1.8 metres and comply with AS 4970–2025 *Protection of trees on development sites*, and

- 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, and
- d) Remain in place until all buildings and/or works are completed, unless with the prior written consent of the responsible authority.

Tree protection fencing can be modified to accommodate encroachment into the NRZ of trees as per the endorsed plans or as specified in an endorsed TPS and TPP to the satisfaction of the responsible authority. Fencing must be modified in line with the footprint of the approved works only.

- 12. The existing street trees must be retained and protected to the satisfaction of the responsible authority (unless otherwise shown for removal on the endorsed plans).
- 13. All underground service pipes/conduits including storm water and sewerage must be diverted around the Notional Root Zone (NRZ) of any retained tree, or bored underneath with a minimum cover of 600 mm to top of pipe/conduit from natural ground surface. All pits, holes, joints, and tees associated with the installation of services must be located outside the NRZ, or a Project Arborist (minimum AQF level 5 in arboriculture) must demonstrate to the satisfaction of the responsible authority that works in the NRZ will not impact tree viability. The service installation and any Project Arborist supervision must be to the satisfaction of the responsible authority.
- 14. The footpath within the Notional Root Zone (NRZ) of trees #232–240 inclusive must be constructed above the existing grade using permeable materials to the satisfaction of the responsible authority. There must be no excavation within the NRZ, except for scraping the surface up to a depth of 30mm to remove surface organics and/or debris. Works must be supervised by a suitably qualified Project Arborist with a minimum AQF level 5 qualification.

DEECA / Biodiversity Offsets

- 15. Before the development starts, all persons undertaking the vegetation removal or works on site must be advised of all relevant permit conditions and associated statutory requirements or approvals.
- 16. The total area of native vegetation proposed to be removed totals 1.828 hectare, comprised of:
 - a) Two patches of native vegetation with a total area of 1.766 hectares (containing 13 large trees) and
 - b) One large scatter tree with a total area of 0.062 hectares
- 17. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.8690 general habitat units:
 - a) located within the Melbourne Water Catchment Management boundary or Yarra Ranges Shire municipal area

b) with a minimum strategic biodiversity score of at least 0.2004

The offset(s) secured must also protect 14 large trees.

18. Before any native vegetation is removed, evidence that the offset required by Condition 17 of this permit has been secured must be provided to the satisfaction of responsible authority. 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, and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
19. A copy of the offset evidence must be submitted to and endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Energy, Environment and Climate Action by the permit holder
20. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
21. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DEECA on 136 186 for further advice.
22. 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:
 - a) Any vehicle or pedestrian access, trenching or soil excavation, and
 - b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
 - c) Entry or exit pits for underground services, and
 - d) Any other actions or activities that may result in adverse impacts to retained native vegetation.
23. Before works commence, an Integrated Land Management Plan (ILMP) or equivalent must be developed and implemented to the satisfaction of the responsible authority. The ILMP should include measures to manage environmental values on the subject land, such as:
 - a) The overall environmental and land management objectives to be achieved

- b) Protection of retained native vegetation from any impacts associated with the use of the site
- c) Ongoing control of domestic animals, and feral animals to prevent degradation of retained native vegetation and habitat values
- d) Ongoing control of noxious and environmental weeds to prevent degradation of retained native vegetation and habitat values
- e) Ensuring any landscaping appropriately considers the flora and fauna and associated ecological processes that contribute to the landscape values.
- f) Details of practices which may improve habitat values e.g. instillation of artificial hollows in retained trees and/or retention of native trees removed as habitat logs in areas of vegetation retention.

Certification of Plans

- 24. The plan of subdivision submitted under each stage for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
- 25. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision under each stage and submitted for certification in favour of the relevant authority for which the easement or site is to be created.

Functional Layout Plan

- 26. Prior to certifying the Plan of Subdivision for each stage, and prior to the submission of detailed engineering plans, a Functional Layout Plan for the subdivision or stage of subdivision, must be submitted to and approved by the responsible authority.

When approved, the Functional Layout Plan will form part of the permit. An electronic copy of the functional layout plan must be drawn at a scale of 1:500 to acceptable drafting standards.

The Plan must be generally in accordance with the Functional Layout Plan (prepared by Charlton Degg, Dated 30 January 2024, Revision G), but amended to show:

- a) Section of 'Road A' servicing Lots 14, 19 -21 to have a 5.5 metre wide carriageway with semi-mountable kerb and channel.
 - i. Works within the Tree Protection Zone of retained trees must not encroach greater than 10% unless otherwise demonstrated such tree will remain viable for retention by a suitably qualified arborist
- b) The vehicle crossing for Lot 7 offset minimum 2 metres from the common property boundary with Lot 6
- c) The vehicle crossing for Lot 19 converted into a double vehicle crossing with Lot 20, by relocating the vehicle crossing for Lot 19 to adjoin Lot 20;

- d) the subdivision layout, including preliminary street names, lot numbers and lot areas;
- e) the width of each road reserve;
- f) the road network layout including bends and the intersection with Hoddle Street;
 - i. Works within the Notional Root Zone of Tree #232 to avoid encroachment into the structural root zone and generally align with the existing drainage swale
- g) a 1.5 metre wide footpath on the eastern side of Hoddle Street from the development to the existing pedestrian path network at the intersection of Hoddle Street and Peppercorn Place;
 - i. The footpath within the Notional Root Zone (NRZ) of trees #232–240 must be constructed above the existing grade using permeable materials to the satisfaction of the responsible authority.
- h) localised road widening of Hoddle Street (between 1/36 to 5/36 Hoddle Street) to a nominal width of 7.6 metres including kerb and channel on the western edge;
- i) location of carriageway, parking bays, kerbs, footpaths, cycle paths/shared paths, vehicle entrances, street lighting and traffic control devices;
- j) identification by survey of all trees or groups of trees existing on the site, including dead trees and those that overhang the site from adjoining land;
- k) identification of all trees to be removed from the site;
- l) typical cross sections for each road including all underground and overhead services;
- m) topography, including contours of the land and affected adjacent land;
- n) internal intersections, roundabouts traffic management devices, bends, courts;
- o) road hierarchy plan including internal and external roads;
- p) Streetscape landscaping plan
 - i. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, commo names, pot sizes, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the responsible authority.
 - ii. Species selected must be from vegetation community 17: Messmate Herb-rich Foothill Forest (EVC 23), unless otherwise agreed by the responsible authority.
 - iii. Landscaping must accord with vegetation management measures specified in the endorsed Bushfire Management Plan.
- q) Staging plan, detailing civil works to be completed under Stage 1 and Stage 2 of the subdivision
 - i. Stage 1 works must include but not limited to:
 - A. Proposed access road (Road A) inclusive of the section under Stage 2

- B. Streetscape landscaping along the street frontages (Road A) of lots under Stage 1
 - C. Crossovers to each lot under Stage 1
 - D. Localised widening of Hoddle Street
 - E. Footpath connection from Stage 1 subdivision to the existing footpath on the west side of Hoddle Street
 - ii. Stage 2 works must include the balance of works not undertaken under Stage 1.
27. Prior to certifying the Plan of Subdivision all street names to be shown on the plan must be submitted to and approved by the responsible authority.
 28. Prior to the certifying the plan of subdivision for each stage, drainage easements of the appropriate width must be provided for stormwater assets and outfall drainage must be submitted to and approved by the responsible authority.
 29. Prior to certifying the plan of subdivision for each stage, 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.
 30. Prior to the certification of any plan of subdivision for each stage a restriction (Memorandum of Common Provisions or similar) must be submitted to the responsible authority for approval and applied to all lots to the satisfaction of the responsible authority. Once approved, the restrictions and associated documentation will be endorsed and form part of the permit. The restrictions provisions must include:
 - a) All drainage and water sensitive urban design features are to be generally in accordance with the endorsed drainage plan approved under planning permit YR-2023/173
 - b) All stormwater drainage systems must be connected and maintained at all times, to the satisfaction of the responsible authority.

This restriction may be varied with the consent of the responsible authority if a suitable alternative drainage solution is provided to the satisfaction of the responsible authority.

Statement of Compliance - Stage 1 Subdivision

31. Prior to the issue of Statement of Compliance for Stage 1, evidence that the required native vegetation offset by this permit has been secured must be provided to the satisfaction of responsible authority. 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, and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
32. Prior to the issue of a Statement of Compliance for Stage 1 all vegetation as shown on the endorsed tree removal plan must be removed from site to the satisfaction of the responsible authority.
33. Prior to the issue of Statement of Compliance for stage 1, a payment equivalent to 5 % of the value of the land as determined by the responsible authority must be made to the responsible authority being payment of cash-in-lieu of the Public Open Space requirement.
34. Prior to the issue of a Statement of Compliance for Stage 1, all buildings (includes outbuildings and water tanks) onsite must be removed to the satisfaction of the responsible authority:
- a) This excludes the existing dwelling on Lot 3 that is to be retained.
35. Prior to the issue of a Statement of Compliance for Stage 1, the existing crossovers to Hoddle Street must be removed to the satisfaction of the responsible authority.
36. Prior to Statement of Compliance for Stage 1 a 1.2 metre high post and wire fence must be erected along the eastern perimeter road boundary separating the road from conservation zone to the satisfaction of the responsible authority.
37. Prior to Statement of Compliance for Stage 1, a 1.8 metre high fence (timber paling or Colorbond fence) must be erected along the north and southern boundaries of the planning lot to the satisfaction of the responsible authority.
- a) Fencing is not required within the prescribed conservation zone as shown on the endorsed plans.
38. Prior to Statement of Compliance for Stage 1, all Stage 1 subdivision works shown on the endorsed Functional Layout Plan must be carried out and completed to the satisfaction of the responsible authority.
39. Except with the written consent of the responsible authority, prior to a Statement of Compliance being issued for Stage 1, Hoddle Street must be widened to a nominal width of 7.6 metres including kerb and channel generally in accordance with the endorsed Functional Layout Plan to the satisfaction of the responsible authority.
40. Prior to a Statement of Compliance being issued for Stage 1, the internal road network (Road A) must be fully constructed including drainage and semi mountable kerb and channel, to a width of 5.5 metres between the inverts of kerbs generally in accordance with the endorsed Functional Layout Plan to the satisfaction of the responsible authority.

41. Prior to a Statement of Compliance being issued for Stage 1 a concrete vehicle crossing in accordance with Standard Drawing SD/C2, must be constructed for each lot under the respective stages and all Council assets, including the nature strip, reinstated generally in accordance with the endorsed Functional Layout Plan to the satisfaction of the responsible authority.
42. Prior to the issue of Statement of Compliance for Stage 1, a 1.5 metre wide concrete footpath must be constructed, connecting the Stage 1 subdivision to the existing footpath on the western side of Hoddle Street generally in accordance with the endorsed Functional Layout Plan to the satisfaction of the responsible authority.
43. Prior to a Statement of Compliance being issued for Stage 1 an inspection/surveillance fee to the value of 2.5% of the estimated cost of all works required by this permit that are to become Council assets, must be paid to the responsible authority.
44. Prior to a Statement of Compliance being issued for Stage 1 a maintenance bond to the value of 5% for all Council works as required by this permit, must be paid to the responsible authority.
45. Prior to an Off Maintenance inspection and subsequent return of the maintenance bond under Stage 1, "As Constructed" plans of all Council works together with a CCTV footage and report in accordance with the Water Services Association of Australia (WSA) 05-2020-4.1 Code of Practice, of the full length of all Council piped drainage, must be submitted to, and approved by, the responsible authority.
46. Prior to a Statement of Compliance being issued for Stage 1, piped drainage must be constructed to drain all impervious areas incorporating Water Sensitive Urban Design features, to the satisfaction of the responsible authority.
47. Prior to Statement of Compliance being issued for Stage 1, 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.
48. Prior to a Statement of Compliance being issued for Stage 1, piped Council drainage must be constructed to drain all lots to the satisfaction of the responsible authority.
49. Prior to a Statement of Compliance being issued for Stage 1 the owner/developer must demonstrate to the satisfaction of the responsible authority that stormwater runoff exiting the site has been designed and constructed to meet the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:
 - 80% retention of the typical annual load of suspended solids;

- 70% reduction of the typical annual load of gross pollutants;
- 45% retention of the typical annual load of total phosphorous; and
- 45% retention of the typical annual load of total nitrogen.

Statement of Compliance - Stage 2 Subdivision

50. Before the Statement of Compliance is issued for Stage 2 under the *Subdivision Act 1988*, a Land Management Plan for Lot 10 must be submitted to the satisfaction of the responsible authority. The Land Management Plan must include:

- a) A site plan showing:
 - i. The division of the site into domestic / defendable space and riparian conservation zone.
 - ii. Fencing of the conservation zone and location and type of any other fencing or markers to establish the various zones, to the satisfaction of the responsible authority.
 - iii. Delineation of existing maintenance tracks to be maintained.
 - iv. The location of key features such as large old trees, threatened flora, waterways, erosion areas, weed infestations, and rabbit warrens.
 - v. Identification of area within conservation zone for drainage outfall generally in accordance with the approved stormwater plans.
- b) Appropriate management objectives for each zone, including:
 - i. Fencing specifications, including wildlife friendly measures such as no barbed wire.
 - ii. Protection of waterway including stock exclusion and revegetation
- c) Method of clearly delineating defendable space extent on-ground.
- d) Within the conservation zone:
 - i. No soil and/or vegetation disturbance or stockpiling.
 - ii. No vehicles or machinery apart from on agreed access tracks.
 - iii. Retain all standing trees (dead and alive), especially protect hollow bearing trees.
 - iv. Allow all native understorey vegetation layers to regenerate (no mowing).
 - v. Revegetate only with indigenous plant species locally to the area. No other landscaping is allowed.
 - vi. No domestic pets (cats and dogs), stock or grazing animals including horses or ponies.
 - vii. Fallen timber, logs and twigs to be retained for habitat provision. Collection of firewood is not allowed.
- e) A 10-year weed and pest animal works program, in table form, which must include:

- i. Details of weed infestations and pest animals currently present.
 - ii. Appropriate methods of control, including proposed techniques, chemical use, timeframes and targets.
 - iii. Ongoing actions to maintain existing biodiversity values in perpetuity.
- f) The provision of a report at years 2, 5 and 10 to the responsible authority that details works undertaken, incomplete works, recruitment success and includes photos of pre and post works.

When approved the plan will be endorsed and form part of the permit and the management actions in the plan must be undertaken upon commencement of the permit.

51. Before the Statement of Compliance is issued for Stage 2 under the *Subdivision Act 1988*, the landowner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The Agreement must provide for:

- a) The management actions detailed in the Land Management Plan for Lot 10 prepared to the satisfaction of the responsible authority to be undertaken by any landowner of the current Lot 10 in perpetuity.

This agreement must be registered on the title to the land (Lot 10) in accordance with section 181 of the *Planning and Environment Act 1987*. The landowner must pay all reasonable costs for the preparation, execution, review and registration of the Section 173 Agreement.

52. Prior to Statement of Compliance for Stage 2, all Stage 2 subdivision works shown on the endorsed Functional Layout Plan must be carried out and completed to the satisfaction of the responsible authority
53. Prior to a Statement of Compliance being issued Stage 2 a concrete vehicle crossing in accordance with Standard Drawing SC2, must be constructed for each lot under the respective stages and all Council assets, including the nature strip, reinstated generally in accordance with the endorsed Functional Layout Plan to the satisfaction of the responsible authority.
54. Prior to the issue of Statement of Compliance for Stage 2, a 1.5 metre wide concrete footpath must be constructed on the eastern side of Hoddle Street generally in accordance with the endorsed Functional Layout Plan to the satisfaction of the responsible authority.
55. Prior to a Statement of Compliance being issued for Stage 2 an inspection/surveillance fee to the value of 2.5% of the estimated cost of all works required by this permit that are to become Council assets, must be paid to the responsible authority.
56. Prior to a Statement of Compliance being issued for Stage 2 a maintenance bond to the value of 5% for all Council works as required by this permit, must be paid to the responsible authority.

57. Prior to an Off Maintenance inspection and subsequent return of the maintenance bond under Stage 2, "As Constructed" plans of all Council works together with a CCTV footage and report in accordance with the Water Services Association of Australia (WSA) 05-2020-4.1 Code of Practice, of the full length of all Council piped drainage, must be submitted to, and approved by, the responsible authority.
58. Prior to a Statement of Compliance being issued for Stage 2, piped Council drainage must be constructed to drain all lots to the satisfaction of the responsible authority.
59. Prior to a Statement of Compliance being issued for Stage 2 the owner/developer must demonstrate to the satisfaction of the responsible authority that stormwater runoff exiting the site has been designed and constructed to meet the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:
 - 80% retention of the typical annual load of suspended solids;
 - 70% reduction of the typical annual load of gross pollutants;
 - 45% retention of the typical annual load of total phosphorous; and
 - 45% retention of the typical annual load of total nitrogen.

Section 173 Agreement

60. Before the statement of compliance is issued for any stage of the subdivision under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:
 - a) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Yarra Ranges Planning Scheme.
 - b) Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
 - c) State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Country Fire Authority (CFA)

61. Prior to certification under the *Subdivision Act 1988*, an amended Bushfire Management Plan (BMP) must be prepared to the satisfaction of CFA then submitted to and endorsed by the responsible authority. Once endorsed the Bushfire Management Plan must be included as an annexure to the Section 173

Agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and not be altered unless agreed to in writing by CFA and the responsible authority.

The plan must be generally in accordance with the BMP (*Prepared by Nature Advisory, Report No. 18111.01 (2.5), Dated 31st January 2025*) but amended to relocate the crossover for Lot 14 to the West within the building envelope, and to remove the notations for different hatched areas on the BMP and instead use a key to identify each area as shown.

62. In addition to the requirements of Clause 44.06-5 of the Scheme, the Section 173 Agreement (Condition 61) prepared in accordance with that clause must also:
 - a) Note that the subdivision includes areas of shared defensible space. These are areas where a lot owner must maintain the defensible space on their land for the benefit of themselves and the owners of other lots.
 - b) Require that the defensible space shown on the endorsed Bushfire Management Plan must be implemented and maintained on an ongoing basis to the satisfaction of the responsible authority, regardless of whether there is a dwelling constructed on that land or not.
63. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the following requirements must be met to the satisfaction of CFA:
 - a) 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.
 - b) The hydrants must be identified with marker posts or vertical surface markers, white road triangles and blue road reflectors (as applicable).

Note – CFA’s requirements for the identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ (available under publications on the CFA website www.cfa.vic.gov.au).
64. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the Static Water Supply shown on the Bushfire Management Plan to lots 10 and 14 must be implemented to the satisfaction of the responsible authority.
65. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the Defensible Space shown on the endorsed Bushfire Management Plan must be implemented to the satisfaction of the responsible authority.
66. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the vehicle access arrangements shown on the Bushfire Management Plan must be implemented to the satisfaction of the responsible authority.

Melbourne Water

67. Prior to the issue of a Statement of Compliance any new or modified stormwater connection to Melbourne Water's drains or watercourses must be completed to the satisfaction of Melbourne Water. Prior to the commencement of any stormwater connection works, a separate application must be made direct to Melbourne Water. Evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

Note: If the development does not connect to Melbourne Water's assets, evidence must be provided that connection to Council's stormwater system has been approved. This evidence should be in the form of an endorsed drainage plan or legal point of discharge letter from Council.

Yarra Valley Water

68. Water

The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.

69. Sewerage

The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Ausnet Electricity Services

70. The Plan of Subdivision must be submitted for certification and referred to Ausnet Electricity Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*.

71. The applicant must –

- a) Enter in an agreement with Ausnet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
- b) Enter into an agreement with Ausnet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
- c) Enter into an agreement with Ausnet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by Ausnet Electricity Services Pty Ltd.
- d) Provide easements satisfactory to Ausnet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "Ausnet Electricity Services Pty Ltd" pursuant to Section 88 of the *Electricity Industry Act 2000*, where easements have not been otherwise provided, for all existing Ausnet Electricity Services Pty

Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.

- e) Obtain for the use of Ausnet Electricity Services Pty Ltd any other easement required to service the lots.
- f) Adjust the position of any existing Ausnet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- g) Set aside on the plan of subdivision Reserves for the use of Ausnet Electricity Services Pty Ltd for electric substations.
- h) Provide survey plans for any electric substations required by Ausnet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. Ausnet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the *Transfer of Land Act* prior to the registration of the plan of subdivision.
- i) Provide to Ausnet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by Ausnet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the *Electricity Safety Act 1998*.
- k) Ensure that all necessary auditing is completed to the satisfaction of Ausnet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network

72. Any lot shown on the endorsed plan must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This does not apply to:

- a lot that will not be used for, or include, a dwelling; or
- a lot that contains an existing dwelling or apartment; or
- a lot where a permit has been granted for a dwelling or apartment on the land in the lot.

This condition continues to have force and effect after a statement of compliance under the *Subdivision Act 1988* has been issued and the subdivision authorised by this permit has been completed.

73. The owner of the land must enter into an agreement with:

- 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
- 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 will not be provided by optical fibre.

74. 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 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
 - a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Permit Expiry

75. This permit will expire if:
- a) The development is not started within two years of the date of this permit; or
 - b) The subdivision is not certified within two years of the date of this permit; or
 - c) The development is not completed within four years of the date of this permit; or
 - d) The subdivision is not completed within five years from the date of certification.

Development -

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit of the commencement date.

An extension of time to complete the development or a stage of the development may be requested if:

- The request for an extension of time is made within 12 months after the permit expires; and
- The development or stage started lawfully before the permit expired.

Subdivision

Where the subdivision is to be developed in stages, the time specified to start the first stage is two years from the date of this permit. The time specified to start any subsequent stage is up to five years from the date of certification of the previous stage and the time specified to complete each stage is five years from the date of certification.

The responsible authority may extend the commencement periods referred to if a request is made in writing before the permit expires or within six months after the expiry date.

Notes

- Other Approvals

The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority, under this or any other Act, Regulation or Local Law

- Other Permits

The owner and/or developer must ensure all relevant permits have been obtained before the use and or development starts.

- Subdivision

The starting of a subdivision is regarded by section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan under section 6 of the *Subdivision Act 1988*. Completion is regarded as registration of the subdivision.

- Works on Council Land

This planning permit does not provide authorisation to enter or start works over the property of Council; such authorisations must be independently sought from Council.

- The management of Stormwater is to be in accordance with the Approved Point of Stormwater Discharge. Please apply for Approved Point of Stormwater Discharge through Council's webpage - [Apply for point of discharge Yarra Ranges Council](#)

- Development Stormwater Drainage Engineering Plans and Computations must be submitted to, and approved by, the responsible authority. An application can be made through Council's webpage - [Submit Engineering Plans and Stormwater Drainage Computations Yarra Ranges Council](#)