

## CONDITIONS

Application	YR-2022/125
Address of the land	215 Liverpool Road (Lot 21 PS318763), Kilsyth
Proposal	Use and development of the land for a telecommunications tower, ancillary equipment, and construction of a fence

### 1. Development conditions

Prior to the commencement of the use and development, 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 decision plans (*Prepared by Stilmark, dated 25/3/22, Revision 3*), but modified to show:

- a. The compound fence setback a minimum of two (2) metres from the southern boundary;
- b. A plan notation that any earthworks must be either:
  - i. Located outside the Tree Protection Zones of all trees to be retained on the subject land, any adjacent or nearby land and/or road reserve; or
  - ii. may be bored within the tree protection zone, underneath natural ground level at a minimum depth of 800mm to top of conduit from natural surface.
- c. A plan notation that any works within five metres of any vegetation must be undertaken under the supervision of a qualified (minimum Cert IV) and professional Arborist;
- d. A landscape plan in accordance with Condition 2.

All of the above must be to the satisfaction of the Responsible Authority.

2. Prior to the commencement of any buildings or works, a landscape plan prepared by a qualified and professional Landscape Designer, in accordance with Council's Landscape Guidelines must be submitted to and approved by the Responsible Authority.

The landscape plan must show:

- a. Landscaping for a length of 16 metres between the southern side of the compound and the south boundary of the site.
- b. The Plant Schedule of the Landscape Plan to incorporate indigenous species planting, comprising Lilly Pilly trees and/or other Middle Storey Shrubs that will reach a mature height of at least 3 metres and have dense foliage, chosen from Council's Vegetation Community 22 list;
- c. Planting stock to be a minimum of one (1) metre in height at the time of planting
- d. The plants are to be planted at a density to achieve dense screening of the compound at maturity.
- e. Standard landscape notes included on the Landscape Plan in relation to soil preparation, irrigation of planting beds, replacement of dead plants and planting technique for trees and shrubs.
- f. Adequate instruction on the Landscape Plan for the protection of existing vegetation to be retained during construction.

- g. The geographical location of all plant species proposed in the Plant Schedule on the Landscape Plan.
- h. The botanical name, common name, quantity, average size at maturity and intended pot size for each plant species in the Plant Schedule of the Landscape Plan.
- i. The type of irrigation listed on the Landscape Plan to be drippers or aqua hose.
- j. A note on the Landscape Plan specifying that all planted areas will to be mulched to a minimum 75mm thickness using an appropriate timber species such as Pine or local common Eucalyptus species avoiding rare timber species such as Red Gum or Jarrah.
- k. A 24 month maintenance plan with notes on appropriate weed control, irrigation, mulch replenishment, dead plant replacement and pruning is included on the Landscape Plan to ensure the successful establishment, and on-going health, of new planting.

Landscaping in accordance with this approved plan must be completed prior to commissioning of the telecommunications facility, or within three months of the completion of the development, whichever comes first. New planting must thereafter be maintained or replaced as necessary to the satisfaction of the Responsible Authority. When approved the landscape plan will be endorsed to form part of this permit.

- 3. The layout of the site and the size of any proposed buildings and works shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 4. The use of any land or building or part thereof as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 5. The external finish of the permitted buildings and structures must be muted and non-reflective to the satisfaction of the Responsible Authority.
- 6. The use and 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. others as appropriate

All to the satisfaction of the Responsible Authority.

- 7. Before the use is commissioned, the site must be cleared of all excess and unused building materials and debris associated with the development to the satisfaction of the responsible authority.
- 8. **Tree Protection conditions**

Any works to install underground services, including any conduit or cabling, and any pipes (including storm water and sewerage) must be either:

- a. Located outside the Tree Protection Zones of all trees to be retained on the subject land, any adjacent or nearby land and/or road reserve; or
- b. may be bored within the tree protection zone, underneath natural ground level at a minimum depth of 800mm to top of conduit from natural surface level.

If the trees have not been assessed, the Tree Protection Zone is calculated by 12 times the trunk diameter measured at 1.4m above ground level.

Any works within five metres of any vegetation must be actively supervised on site by a qualified and professional arborist to ensure no vegetation is impacted by the works.

9. Post holes for the approved fence within five (5) metres of the trees located on the adjoining land at 1 Jeanette Maree Court must only be dug by hand and the post holes must be repositioned if woody roots are encountered.
10. The existing street trees must not be removed or damaged to the satisfaction on the Responsible Authority.
11. **Permit Expiry**

This permit will expire if:

- a. The development is not started within two years of the date of this permit, or
- b. The development is not completed within four years of the date of this permit, or
- c. The use does not start within one year of the completion of the development, or
- d. The use is discontinued for a period of two years.

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

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.

**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.