

PLANNING PERMIT PLN19/0038

Address of the land: Jumping Creek Road WARRANDYTE

PA 12264

(Road Reserve - Ringwood-Warrandyte Road to Nelson Drive section)

The permit allows: Vegetation removal associated with the Jumping Creek Road upgrade

The following conditions apply to this permit:

Endorsed Plans

1. The development as shown on the approved plans must not be altered without the written consent of the Responsible Authority.

Vegetation Removal Conditions

2. Only vegetation within the development footprint is to be removed/disturbed, as per the site plans provided to and endorsed by Council. No other vegetation (including trees, shrubs, grasses and herbs) shall be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent of the Responsible Authority.
3. Vegetation removal and the provision of offsets must be in accordance with the endorsed plan to the satisfaction of the Responsible Authority.
4. Only vegetation within the development footprint is to be removed/disturbed, as per the site plans provided to and endorsed by Council. No other vegetation (including trees, shrubs, grasses and herbs) shall be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent of the Responsible Authority.
5. Vegetation removal and disposal must not damage vegetation stands to be retained to the satisfaction of the Responsible Authority.
6. Any tree removal should be undertaken by a qualified arborist to the Australian Standard – Pruning of Amenity Trees AS4373-1996 and to the satisfaction of the Responsible Authority.
7. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions.
8. Where practicable, selected trees should be retained for habitat purposes (habitat stumps). These trees should be heavily lopped to reduce future risk of limb failure and consideration given to the provision of make-shift nesting hollows, to provide habitat to offset those hollows lost with the removal of trees unable to be retained.
9. Where practicable, selected native trees permitted to be removed should be taken into adjoining patches of native vegetation for inclusion as large logs. These logs must be placed into the

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remnant patch under the direction of a suitably qualified ecologist or Council's Environmental Officers.

Construction Management and Vegetation Protection

10. Before works start, native vegetation protection fencing must be erected around all patches of native vegetation and scattered trees to be retained on site. This fencing must be erected around the patches at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the scattered trees. The fence must:
 - 10.1 Be constructed of orange para-webbing or similar robust material approved by the Responsible Authority and erected to a height of 1.2 metres above ground level;
 - 10.2 Include signage to be installed on the fence clearly stating 'Vegetation Protection Zone – No Entry';
 - 10.3 Be maintained in good condition until the completion of the construction works on the site, to the satisfaction of the Responsible Authority.The protection fencing must be constructed to the satisfaction of the responsible authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the responsible authority, within this area:
 - 10.4 No vehicular or pedestrian access, trenching or soil excavation is to occur;
 - 10.5 No storage or dumping of tools, equipment or waste is to occur; and
 - 10.6 No entry and exit pits for underground services are to be constructed.
11. Except with the written consent of the Responsible Authority, within the area of vegetation to be retained and any Tree Protection Zone (TPZ) associated with the permitted use and/or development, the following is prohibited;
 - 11.1 Vehicular or pedestrian access;
 - 11.2 Trenching or soil excavation;
 - 11.3 Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - 11.4 Entry and exit pits for underground services; and
 - 11.5 Any other actions or activities that may result in adverse impacts to retained native vegetation.
12. All construction and maintenance equipment, earth moving equipment and associated machinery must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority. This is to help prevent the spread of noxious weeds listed under the *Catchment and Land Protection Act 1994*.
13. Any damage or disturbance to trees' root zones within the Tree Protection Zone (TPZ) must be reported to Council. A TPZ is 12 x the diameter of the tree taken at breast height. No digging or excavation can be undertaken within the TPZ as this may affect the future viability of the tree. Damaged tree root zones may deem the tree unviable and offsets may be required.

Fauna Protection and Management

14. No fauna are to be trapped, injured or remove from the road side. All trees must be assessed to determine if there are fauna present prior to undertaking any tree removal. Fauna includes any marsupials, birds, bats and mammals. A fauna assessment is to be carried out prior to any works commencing to ensure no nesting sites are present in the trees and shrubs to be removed (this



can be undertaken by a qualified arborist). Fauna Rescue should be organised with Wildlife Victoria on 1300 094 535 if any fauna are present.

15. A suitably qualified zoologist/wildlife handler with current animal handling permits/licences must inspect trees prior to removal to appropriately manage fauna identification, impact avoidance and relocation/rehousing should it be required.
16. Any qualified zoologist/wildlife handler undertaking supervision must have appropriate permits carried on their person during works on-site.

Department of Environment, Land, Water and Planning Offsets


17. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions.
18. Before works start, native vegetation protection fencing must be erected around all patches of native vegetation and scattered trees to be retained on site. This fencing must be erected around the patches at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the scattered trees. The protection fencing must be constructed to the satisfaction of the responsible authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the responsible authority, within this area:
 - 18.1 No vehicular or pedestrian access, trenching or soil excavation is to occur.
 - 18.2 No storage or dumping of tools, equipment or waste is to occur.
 - 18.3 No entry and exit pits for underground services are to be constructed.
19. In order to offset the removal of 0.225 hectares of native vegetation approved as part of this permit, including three large trees, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with requirements of the Guidelines for the removal, destruction or lopping of native vegetation 2017.

The general offset must:

- Contribute gain of 0.106 general habitat units
- Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Manningham municipal district
- Have a strategic biodiversity score of at least 0.600

The offset must also protect 3 large trees.

20. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the Guidelines for the removal, destruction or lopping of native vegetation 2017.
 - A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan, which is to include the ongoing management regime in perpetuity. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.
 - A credit register extract from the Native Vegetation Credit Register.



21. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.
22. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.

Offsets for Native Vegetation Removal under Environmental Significance Overlay (ESO2 & 3)

23. Within 6 months of the approval date of this Permit, unless otherwise agreed in writing, an Offset and Landscape Plan must be submitted to the satisfaction of the Responsible Authority (see also Permit Notes). The Plan must include details of:
 - 23.1 Replacement planting consistent with the requirements of the ESO3 to offset the permitted loss of vegetation. This must include the number of trees, shrubs and other plants, species mix, and density included in a Schedule of Works. The Plan must show a minimum of **125 replacement indigenous canopy trees** (i.e. *Eucalyptus* naturally occurring in the relevant EVC appropriate to replanting site location). The **balance (706 plants)** must be indigenous species but can comprise trees, shrubs, grasses, climbers and ground covers;
 - 23.2 Where the required number and configuration of replacement plants cannot be achieved on the subject property, the permit holder must provide details of what replacement planting cannot be achieved and develop an appropriate alternative plan in consultation with Council to the satisfaction of the Responsible Authority;
 - 23.3 Methods of managing and restoring the existing vegetation to be retained included in a Schedule of Works;
 - 23.4 Indication of retention of trees for habitat purposes (habitat stumps) as per Condition 8 of this Permit;
 - 23.5 Indication of selected native trees being relocated into adjoining/nearby patches of native vegetation for inclusion as large logs as per Condition 9 of this Permit;
 - 23.6 Methods of interim protection for newly established vegetation;
 - 23.7 Methods of protection for established vegetation where relevant; and
 - 23.8 Persons responsible for implementing and monitoring the landscape plan.

Permit Expiry

24. This permit will expire if the vegetation removal is not completed within two (2) years of the date of this permit.


The Responsible Authority may extend the period referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the *Planning & Environment Act 1987*.

Notes:

Protected Flora Permit under the Flora and Fauna Guarantee (FFG) Act 1988

The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Permit under the Flora and Fauna Guarantee (FFG) Act 1988. All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DELWP office (environmental.research@delwp.vic.gov.au).

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Application for a permit to take protected Flora -

https://www.environment.vic.gov.au/data/assets/pdf_file/0020/50438/Application-for-Permit-to-Take-Protected-Flora.pdf

Submission of Plans

All plans (except for the engineering construction plan) submitted in accordance with this Permit should be emailed with a cover letter to planningapplications@manningham.vic.gov.au. The engineering construction plan should be submitted directly to Council's Engineering and Technical Services Unit.

How to avoid the expiry of this permit

Under Section 69 of the *Planning and Environment Act 1987* the owner or occupier of the land may apply to extend a permit either:

- Before it expires; or
- Within 6 months of the expiry if the permit has not been acted on; or
- Within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Amendment No.	Brief description of amendment	Date of amendment
1	Pursuant to Section 71 of the <i>Planning and Environment Act (1987)</i> , the permit has been corrected to amend the Department of Land Water and Planning Conditions (17-23) to include the correct offsets in relation to the Native Vegetation Removal Report assessed as part of the application.	26 September 2019



IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- From the date specified in the permit; or
 - If no date is specified, from –
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case
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WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if –
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
 2. A permit for the use of land expires if –
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
 3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
 4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any
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combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision –

- the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.
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WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

