

**BANYULE PLANNING SCHEME
Incorporated Document**

**Treetop Adventure Park
340-680 The Boulevard, Ivanhoe East
September 2020**

This document is an Incorporated Document in the Banyule Planning Scheme pursuant to
Section 6(2)(j) of the *Planning and Environment Act 1987*

1.0 INTRODUCTION

This document is an Incorporated Document in the Schedules to 45.12 and 72.04 of the Banyule Planning Scheme (the scheme).

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific controls contained in Clauses 5.0 and 6.0 of this Document.

The provisions of this document prevail over any contrary or inconsistent provision in the scheme.

2.0 PURPOSE

The purpose of this document is to allow the use and development of the land described in Clause 3.0 of this document for an outdoor recreation facility (treetop adventure park), removal of native vegetation and display of advertising signage, generally in accordance with the plans approved under Clause 5.0 of this document and subject to Clause 6.0 of this document.

3.0 ADDRESS OF THE LAND

This document applies to land within the Yarra Flats Park, 340 to 680 The Boulevard, Ivanhoe East, which is affected by Specific Controls Overlay 13 (SCO13) as shown on Planning Scheme Map 16SCO and identified in Figure 1 below. The land is described as:

- The eastern portion of Crown Allotment 2E within the Parish of Keelbundora, created by instrument MI121222X, in Crown Diagram CD048476M; and
- The north-eastern portion of Crown Allotment 2H within the Parish of Keelbundora, created by instrument MI121225R, in Crown Diagram CD048477K.



Figure 1: Land subject to this incorporated document outlined in blue

4.0 EXEMPTION FROM PLANNING SCHEME PROVISIONS

Despite any provision to the contrary or any inconsistent provision in the scheme, no planning permit is required for, and no planning provision in the scheme operates to prohibit, restrict or regulate the use and development for the purposes of the development allowed by this document.

5.0 WHAT THIS DOCUMENT ALLOWS

This incorporated document allows for the use and development of an outdoor recreation facility (treetop adventure park), removal of native vegetation and display of advertising signage, generally in accordance with the following 'Incorporated Plans' and Clause 6.0 of this document.

The 'Incorporated Plans' include any matter identified in Clause 6.0 as Incorporated Plans and includes the following:

- Treetop Adventure Park Site Plan as shown in Figure 2
- Site and Administration Office Plans, prepared by Ecoline Pty Ltd dated September 2020
- Flora and Fauna Assessment, No Net Loss Analysis and Land Management Plan prepared by Practical Ecology, dated December 2018.
- Tree Health and Hazard Arboriculturist's Report and Tree Management Plan prepared by Advanced Treescape Consulting, dated 31 August 2018 with addendum dated 25 February 2019
- TreeTop Adventure Park Ivanhoe, Transport Impact Assessment by One Mile Grid dated 31 May 2016
- Preliminary Signage Strategy TreeTops at Yarra Flats by Treetops dated June 2017

and including any amendment of the plans that may be approved from time to time under the clauses of this document. Once approved, these plans will be the endorsed plans.



Figure 2: Treetop Adventure Park Site Plan

6.0 THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

General

- 6.1 The development as shown on the 'Incorporated Plans' must not be altered or modified except with the written consent of the Public Land Manager and the Responsible Authority.
- 6.2 Unless otherwise agreed in writing by the Responsible Authority, the use and development allowed by this document must not commence until:
- The Tree Management & Protection Plan as required by Condition 6.6 is approved by the Responsible Authority.
 - The tree protection measures required by Condition 6.10 are installed to the satisfaction of the Public Land Manager and the Responsible Authority.
 - The Construction Management Plan as required by Condition 6.26 is approved by the Responsible Authority.
 - A separate application, direct to Melbourne Water, is made for any new or modified storm water connection to Melbourne Water's drains or watercourses as required by Condition 6.33.

Landscaping

- 6.3 Any revegetation and supplementary planting must be with the written consent of the public land manager and be generally in accordance with the Flora and Fauna

Assessment, No Net Loss Analysis and Land Management Plan prepared by Practical Ecology, dated December 2018.

- 6.4 All landscaping must be generally in accordance with measures recommended in the Tree Health and Hazard Arboriculturist's Report and Tree Management Plan prepared by Advanced Treescape Consulting, dated 25 February 2019 and with the Flora and Fauna Assessment, No Net Loss Analysis and Land Management Plan prepared by Practical Ecology, dated December 2018.
- 6.5 Landscaping must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management & Protection Plan

- 6.6 A Tree Management & Protection Plan (TMPP) to the satisfaction of the responsible authority, must be submitted to, and approved in writing by, the responsible authority. The TMPP must be prepared by a suitably qualified and experienced arborist in relation to the management and maintenance of all retained trees within the subject site. When approved, the plan will be endorsed and will form part of the incorporated plans for this document.
- 6.7 The TMPP must include (but not be limited to):
 - (a) The design modifications and particular construction/assembly techniques set out in the Arborist Report authored by Russell Kingdom 31/08/2018;
 - (b) A tree protection plan drawn to scale;
 - (c) All tree protection zones (TPZ) and structural root zones (SRZ) to be indicated on the plan;
 - (d) The types of footings used within TPZs.
 - (e) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) and pruning of any roots required to be undertaken by the suitably qualified project arborist;
 - (f) Canopy impacts to trees on or adjoining the subject site must be determined.
 - (g) All initial remedial pruning works that are required to be performed, to enable clearance from the proposed Buildings and Works (including any temporary scaffolding requirements).
 - (h) Details of the pruning must reference Australian Standard AS4373:2007 Pruning of Amenity Trees, and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority;
 - (i) Supervision timetable and certification (sign off sheet) of tree management activities undertaken by the suitably qualified project arborist to the satisfaction of the responsible authority;
 - (j) All TPZ areas and areas where ground protection systems will be used;
 - (k) All services to be located within the TPZs and a notation to state that all services will either be located outside the TPZ or bored under the TPZ;
 - (l) A management regime for all trees during the preparation, construction and post-construction phases of the development. Matters to be addressed, as appropriate

- (i) the location/design of tree protection fencing
- (ii) mulching/ watering requirements
- (iii) requirements regarding any suitable excavation
- (iv) weed removal/control measures
- (v) ongoing maintenance regime of apparatus attached to trees
- (vi) Emergency works/response procedure

6.8 The approved TMPP must be implemented to the satisfaction of the responsible authority. Written confirmation from a suitably qualified project arborist that the tree management works undertaken are satisfactory and are in accordance with the approved TMPP must be submitted to the responsible authority, to its satisfaction.

Works

6.9 All buildings and works for the construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land.

Tree Protection / Landscaping

Tree Protection Zone

6.10 Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of works (including demolition) on the site TPZ must be established around all trees outlined in the endorsed Tree Health and Hazard Arboricultural Report prepared by Advanced Treescape Consulting, dated 31 August 2018 and TMPP. At least 14 days prior to the commencement of works a 'Statement of Compliance' (from a suitably qualified project arborist) which must include photographic evidence of requirements 6.10(d). This correspondence must be sent to enquiries@banyule.vic.gov.au. Once installed to the satisfaction below the TPZ must be maintained until the conclusion of works to the satisfaction of the Responsible Authority, and must meet the following requirements:

(a) Extent

TPZs shall be provided in all locations as shown on the endorsed arborist report to the extent of the calculated TPZ where it occurs within the subject site.

Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.

(b) Management of works

- (i) A suitably qualified project arborist must supervise any activity within the calculated TPZ of a retained tree on the subject site. In addition, the arborist must ensure that approved buildings and works do not have an adverse impact on the health or stability of trees #1 to #58 as identified in the Tree Health and Hazard Arboricultural Report prepared by Advanced Treescape Consulting, dated 31 August 2018.
- (ii) A suitably qualified project arborist must be present during the excavation works within the TPZ of Tree #25 as identified in the Tree Health and Hazard Arboricultural Report prepared by Advanced Treescape Consulting, dated 31 August 2018. Any exposed roots must

be carefully and cleanly cut (pruned) with tree root pruning equipment e.g. sharp handsaw, secateurs, pruners or specialised root pruning equipment, in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees.

- (iii) A suitably qualified project arborist must ensure that any root severance or buildings and works within the TPZs or SRZs of retained trees does not adversely impact the health and or stability of the trees now or into the future.

(c) Weed control

Any weeds located within the TPZ are to be removed and the area mulched with 100mm of composted coarse grade woodchips.

(d) Fencing

- (i) Protective fencing must consist of chain wire mesh panels held in place with concrete feet. Fencing must comply with Australian Standard AS 4687-2007 *Temporary fencing and hoardings*.
- (ii) The fences must not be removed or relocated without the prior consent of the Responsible Authority.
- (iii) Canopy and limb protection must be provided in accordance with the guidelines detailed in AS4970-2009 *Protection of Trees on Development Sites*.

(e) Signage

Fixed signs are to be provided on all visible sides of the Tree Protection Fencing, stating "Tree Protection Zone – No entry without permission from Banyule City Council".

(f) Ground Protection

Ground protection in the form of rumble boards strapped over mulch or aggregate must be utilised where the TPZ of trees adjoining the subject site occurs outside the fenced area detailed in Condition (a)(ii).

(g) Access to TPZ

- (i) No persons, vehicles or machinery are to enter the TPZ except with the consent of the Responsible Authority;
- (ii) No fuel, oil dumps or chemicals are allowed to be used or stored within the TPZ and the servicing and re-fuelling of equipment and vehicles must be carried out away from the root zones;
- (iii) No storage of material, equipment or temporary building is to take place within the TPZ;
- (iv) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.

NOTE:

Requests for consent of the Responsible Authority (Banyule City Council) pursuant to this condition should be directed to Council's Arborist – Development Planning on 9457 9808. Consent for the conduct of further works within TPZs, where granted, may be subject to conditions to ensure the ongoing health and stability of the subject tree/s.

Vegetation removal

- 6.11 Any vegetation removal approved by this document must be in accordance with the Flora and Fauna Assessment, No Net Loss Analysis and Land Management Plan prepared by Practical Ecology, dated December 2018
- 6.12 No additional vegetation (other than that approved by this document or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped without the further written consent of the Responsible Authority.

Pruning to Australian Standards

- 6.13 All tree pruning is to be carried out by a trained and competent arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373 *Pruning of Amenity Trees*. Tree pruning is to be restricted to the removal of no greater than 15% of the total live canopy of each individual tree.

Amenity

- 6.14 The use or development allowed by this document must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, or otherwise.
- 6.15 The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
- 6.16 Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
- 6.17 All rubbish bins must have self-closing lids and/or be designed to withstand the effects of wind and access by birds, vermin and foxes.
- 6.18 In respect of commerce, industry and trade development and/or use, noise emissions from the subject land must comply with State Environment Protection Policy (Control of Noise from Commerce Industry and Trade) No. N-1. In all other cases noise emissions from the subject land must comply with Environmental Protection (Residential Noise) Regulations 1997 and/or Environmental Protection Authority Noise Control Guidelines TG 302/92, whichever is deemed to be appropriate by the Responsible Authority.
- 6.19 Sound amplification equipment or loud speakers must not be used in outside areas. Any music noise must comply with SEPP No. N-2 (Control of Music Noise from Public Premises) to the satisfaction of the responsible authority.

Hours of Operation

- 6.20 Except with the prior written consent of the Responsible Authority, the use allowed by this document may only operate between the following times:
- a) Between the 25 September and 26 April inclusive, except Christmas Day until 6.00pm;
 - b) On any other day, except Christmas day: 9.00am – 4.30pm daily

- c) Notwithstanding parts a) and b) the use must be closed to the public on days of declared Extreme and Code Red fire danger;
- d) The use must not operate on Christmas Day.
- e) The hours of operation shall be clearly displayed at the entrance to the site to the satisfaction of the responsible authority.
- f) Emergency maintenance may be undertaken at any time.

Car Parking / Access

6.21 Areas set aside for the parking and movement of vehicles must be line marked, sealed and used in accordance with the TreeTop Adventure Park Ivanhoe, Transport Impact Assessment prepared by One Mile Grid dated 31 May 2016 and must be made available for such use and not be used for any other purpose during hours of operation.

Signage

6.22 The location and details of the sign(s) and sign structure(s) must be generally in accordance with the signage shown on the Preliminary Signage Strategy TreeTops at Yarra Flats by Treetops dated June 2017.

6.23 Flashing or intermittent lighting must not be used in the sign(s) permitted by this document.

6.24 The sign(s) permitted by this document must not be floodlit or illuminated by external lights except with the prior written consent of the Responsible Authority.

6.25 The sign(s) permitted by this document must be maintained in good condition to the satisfaction of the Responsible Authority.

Construction Management Plan

6.26 Unless otherwise approved in writing by the Responsible Authority, before the development starts, a construction management plan (three copies), 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 incorporated plans for this document. The plan must address the following matters:

- a) measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
- b) measures to accommodate the private vehicles of workers/ tradespersons;
- c) a prohibition of non-native animals such as dogs on the site;
- d) details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;
- e) measures to minimise the generation and dispersal of dust;
- f) measures to avoid or minimise impacts to native vegetation and fauna habitat;
- g) measures to avoid or minimise soil disturbance;
- h) details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP;

- i) arrangements for waste collection and other services to be provided during construction;
- j) measures to ensure that during construction, vehicles, machinery and equipment, and construction materials including fill brought to the site are free of weeds and pathogens to prevent the introduction and spread of weeds and pathogens, in particular Cinnamon Fungus (*Phytophthora cinnamomi*).

6.27 Before any road and drainage works associated with the development start, detailed construction 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 the document. The plans must be drawn to scale with dimensions and three copies must be provided. All works constructed or carried out must be in accordance with those plans.

Barbeques and fireplaces

6.28 No barbeques or fireplaces are to be installed and used at the land in association with the outdoor recreation facility.

Environmental Weeds

6.29 No environmental weeds as identified in "Banyule Weed Management Strategy 2006" and the "Yarra River Frontage Weed Action Plan 2007" shall be planted on the site or allowed to invade the site and the site must be managed and maintained to exclude weeds.

Completion of External Ropes Course

6.30 Before the use starts, or by such later date as is approved by the responsible authority in writing, the external ropes course, including all stations and ancillary structures and connecting pathways, as shown on the endorsed plans, must be completed to the satisfaction of the responsible authority.

Melbourne Water Conditions

6.31 Prior to the endorsement of plans, a flood management plan must be submitted to the responsible authority and Melbourne Water addressing Melbourne Water's conditions. The plan must be submitted with the assumption that the proposed outdoor recreation facility will be located indefinitely or unless otherwise required to be removed or abandoned.

6.32 The two new shipping containers must be anchored to the ground to avoid being washed away by flood water in large storm event.

6.33 Prior to the commencement of works, a separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that the responsible authority considers that it is not feasible to connect to the local drainage system.

6.34 Any earthworks must be done such that the volume of cutting within the floodplain is equivalent or greater than the volume of filling (i.e. balance cut and fill). Prior to the commencement of works, all reports, computations and assessments required by Melbourne Water must be submitted to the satisfaction of Melbourne Water for approval.

- 6.35 Any new fencing or gates within the flood-affected area must be open style (50%) of construction up to 600mm above the flood level or timber paling, to allow for the conveyance of overland flow.
- 6.36 Any external decking or stairs within the flood-affected area must be constructed with unenclosed foundations (i.e. treads and stringers only, no risers on the stairs), and remain open underneath into the future, to allow for the passage of overland flows.

7.0 EXPIRY OF PROVISIONS

- 7.1 This Incorporated Document will expire if any of the following circumstances apply:
- a) The development is not started within two years of the date of gazettal of the approval of Amendment C107bany.
 - b) The development is not completed within four years of the date of gazettal of the approval of Amendment C107bany.
 - c) The lease agreement with the public land manager, Parks Victoria ceases.
 - d) The expiry dates may be extended by consent of the Responsible Authority if a request is made in writing before these controls expire, or within 6 months afterwards.

8.0 NOTES

8.1 Memorandum of Consent for Works

Council's Construction Department must supervise all works undertaken on Council assets within private property, Council Reserves, easements, drainage reserves and/or road reserves, including connection of the internal drainage system to the existing Council assets. Prior to the commencement of any works, an application must be made and a permit received for:

- A "Memorandum of Consent for Works" for any works within the road reserve; and/or
- A "Drainage Connection Permit" for any works other than within a road reserve.

8.2. Building Permit Required

A Building Permit must be obtained prior to the commencement of any works associated with the proposed development.

8.3 Asset Inspection Fee

Prior to the commencement of building works on site in accordance with Local Law 1, a non-refundable Asset Inspection Fee is payable to Council for the inspection of existing Council assets. For further information in relation to this process and the relevant fee please contact Council's Construction Department on 9490 4222.

8.4 Building Site Code of Practice

All construction works must comply with the requirements of the 'Building Site Code of Practice – Banyule City Council'. A copy of the Code is available on the Banyule City Council website or at Council Service Centres.

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