

## CONDITIONS

Application	YR-2022/915
Address of the land	375 Swansea Road, Lilydale
Proposal	Use of land and building and works to construct a Residential Village, earthworks, vegetation removal and alteration of access to a road in Transport Zone 2

### Amended Plans (Use and Development)

Before the use and development starts (including the removal of any trees or other vegetation), 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 (D-000 – D016, Prepared by Mondo Architects, Dated 22 November 2023, Revision N), submitted with the application but amended to show the following:

- (a) A schedule of colours and materials
- (b) Emergency vehicle access onto Swansea Road to have a minimum dimensioned width of 3.5 metres
- (c) Sectional fence elevations along Swansea Road for the Cos North, Centre and South to include:
  - i. Full scaled sectional elevation;
  - ii. Dimensioned height with a maximum height of 1.8 metres;
  - iii. Notation of minimum 80% transparency for fencing;
  - iv. Materials and colours to be generally in accordance with 'cos open fence exemplar', Sheet D-009;
  - v. Reference to the emergency vehicle and pedestrian access gate at 'Cos Centre'.
- (d) Sectional fence elevations along Swansea Road for the Bowling Green to include:
  - i. Full scaled sectional elevation;
  - ii. Dimensioned height with a maximum height of 1.2 metres;
  - iii. Notation of minimum 80% transparency for fencing;
  - iv. Materials and colours to be generally in accordance with 'cos open fence exemplar', Sheet D-009;
- (e) Notation and reference to internal fencing including materials, finishes and heights:
  - i. Fencing parallel with the landscaping boulevards (cos north, cos centre and cos south) must have a minimum 50% transparency and height no greater than 1.8 metres.
- (f) Colours for each dwelling design in accordance with following colour schemes specified under Sheet D-016.

- i. Solaris 146 finished in colour scheme 2
  - ii. Solaris 155 finished in colour scheme 2
  - iii. Carlisle finished in colour scheme 4
  - iv. Shamrock finished in colour scheme 1
- (g) Provision of a 10% AEP (annual exceedance probability) stormwater drain that extends from the existing Council outfall pipe along the Swansea Road reserve (western side) with connection to the western end of the Akarana Road table drain
  - i. The stormwater drain alignment is to run through 'Cos North', tapering to connect to the Akarana Road table drain.
  - ii. An appropriately sized drainage easement in favour of Council.
- (h) Tree removal plan in accordance with the landscape concept plan prepared by Urbis, Dated 07 July 2023, Revision 9 detailing all trees proposed for removal and retention (including road reserve vegetation).
- (i) Construction management plan in accordance with Condition 6.
- (j) Landscape Plan in accordance with Condition 7.
- (k) Functional layout plan in accordance with Condition 9.
- (l) Land management plan in accordance with Condition 11.
- (m) Waste management plan in accordance with Condition 12.

## **1. Layout Not Altered (Use and Development)**

The use and development 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.

## **2. The use of the Land must be as follows:**

- (a) The dwellings on the subject land must not be occupied by persons other than persons who are over the age of 55 or the spouse or widow/widower of a person over the age of 55 who is/was also a resident of the development
- (b) The Land, including the communal club house facility, must only be used by residents of the approved development and their guests.

## **3. Environmentally Sustainable Development**

All measures and requirements set out within the endorsed Environmentally Sustainable Design Assessment prepared by ADP consulting, Dated 12 April 2023, Revision 01, must be implemented and properly maintained to the satisfaction of the responsible authority.

## **4. Clean Fill**

Unless with the prior written consent of the responsible authority any fill brought from external sites must be 'fill material' in accordance with 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.

## 5. Construction Management Plan

Before the development starts, a Construction Management Plan (CMP) must be submitted to and approved by the responsible authority. Once approved, the CMP will be endorsed and will then form part of the permit. The CMP must incorporate, but is not limited to, the following information:

- (a) A staging plan for all construction phases including indicative dates for commencement and completion.
- (b) Intended access for construction vehicles.
- (c) 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.
- (d) Details as to how traffic and pedestrian safety and amenity will be controlled within the vicinity of the site and its surrounds (including access to Bellbird Park and bridge crossing across Olinda Creek to Bellbird Drive).
- (e) 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.
- (f) Service connections/road and footpath openings and anticipated impact on public land during the connection of different services.
- (g) Measures to be used to protect Council infrastructure from damage.
- (h) Measures to protect retained vegetation during construction, including the erection of a native vegetation protection fence around all native vegetation to be retained and Tree Protection Zone (TPZ) fencing that complies with Australian Standard 4970-2009 Protection of Trees on Development Sites.
- (i) All native vegetation and trees to be retained marked as 'No Go' zones, where stockpiling, parking or disturbance of any kind is not permitted.
- (j) Measures to minimize spread of weeds, including any biosecurity measures.
- (k) Appropriate wildlife management measures and procedures in the event of finding injured, trapped or distressed wildlife.
- (l) Restrictions on access to the bank of Olinda Creek during construction, including detail of any fencing to be provided.
- (m) 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 refueling cranes and other vehicles and machinery etc.
  - i. 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;

- (n) Demonstrate where excavation can and cannot occur.
- (o) During construction, exposed soil including batters, stockpiles and trenches must be setback a minimum of 30 metres from Olinda Creek. Areas of earthworks shown on the endorsed plans that are within 30 metres of the Creek may encroach upon this to the minimum extent necessary to facilitate the earthworks.
- (p) Soil Erosion and Sediment Control Devices must be constructed around swale drains in the road reserve or land abutting any creek to avoid runoff contamination during the construction phase.
- (q) Temporary fencing can be modified to accommodate encroachment into the TPZ of tree(s) as per the endorsed plans. Fencing must be modified in line with the footprint of the approved works only.
- (r) Hours/days of construction (note: these works must be consistent with EPA legislation and guidelines).
- (s) Material storage.
- (t) Dust suppression.
- (u) Show the extent of the Land Subject to Inundation Overlay Measures to manage and address 1% AEP 1 in 100 flood event in terms of locating buildings and materials.
- (v) Measures and time frames to ensure fill areas and batters within the Land Subject to Inundation Overlay are promptly formed and protected from flood erosion impacts, including topdressing and grassing.
- (w) Be in accordance with the approved Melbourne Water Site Environmental Management Plan under Condition 48.

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

## **6. Landscape Plan**

Before the development starts, an amended Landscape Plan to the satisfaction of the responsible authority and prepared by a suitably qualified person must be submitted to and approved by the responsible authority. When approved, the Landscape Plan will be endorsed and will then form part of the permit. The plan must be drawn to scale, fully dimensioned and a digital copy must be provided. The plan must be generally in accordance with the plan prepared by Urbis, Dated 07 July 2023, Revision 9 and Sheet D-006 – D-009, Prepared by Mondo Architects, Dated 22 November 2023, Revision N), but amended to show:

- (a) A survey (including botanical names, trunk location, trunk diameter and canopy spread) of all existing vegetation. The survey must clearly mark existing vegetation to be retained and removed. The survey must also include any street trees along Swansea and Akarana Road.
- (b) Buildings and trees (including botanical names, trunk location, trunk diameter and canopy spread) on neighbouring properties where the Tree Protection Zones of such trees fall within the subject site as calculated in accordance with Australian Standard 4970-2009 or its successor.
- (c) Details of surface finishes of pathways and driveways.

- (d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the responsible authority.
- (e) Plantings must be selected from vegetation community group 12 Manna Gum Riparian Forest- Dandenongs (EVC 18);
- (f) Landscaping and planting within all open areas of the site including:
  - i. Landscaping along Olinda Creek conservation zone in accordance with Condition 42.
  - ii. Landscaping across 'cos creek' to compliment the conservation area and Melbourne Water landscaping requirements with no loss in flood capacity.
  - iii. Minimum of one (1) middle and/or upper storey canopy tree within the frontage of each dwelling.
  - iv. Each recessed planter area along Swansea Road must include but not limited to the following:
    - i. One (1) middle or upper storey tree;
    - ii. Shrubs with a mature height of 1.8 metres or greater to screen the fenceline;
    - iii. Climbers and/or creeper species along the fenceline
  - v. All other sections of landscaping within the front setback of fencing along Swansea and Akarana Road must include, but not limited to the following:
    - i. Middle and/or upper storey trees segmented across the entire frontage
    - ii. Shrubs with a mature height of 1.8 metres or greater to screen the fenceline;
    - iii. Any landscaping within the Swansea Road reserve as applicable (including written consent from the Department of Transport and Planning consenting to the landscaping)
  - vi. Details of raingarden design and plant species;
  - vii. Appropriate irrigations systems;
  - viii. Details of a 24 month maintenance plan;
- (g) The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- (h) The location of any tree protection zones and protection measures including for street trees accurately drawn to scale, labelled and notations referring to any endorsed Tree Management and Protection Plan, or Arboricultural Report.
- (i) Known weed species identified and appropriate weed controls measures.
- (j) Planting densities to ensure bushfire risk is not increased.

The landscaping shown on the endorsed plans must be maintained in accordance with the endorsed plans to the satisfaction of the responsible authority. Areas shown on the endorsed plan as landscaped must not be used for any other purpose and any dead, diseased or damaged plants are to be replaced after becoming aware of the dead,

diseased or damaged plants. The responsible authority may amend the endorsed Landscape Plan from time to time.

7. Prior to the occupation of the permitted development and before the use commences or by such later date with the prior written consent of the responsible authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

## **8. Functional layout plan**

Prior to the commencement of any buildings and/or works, a Functional Layout Plan must be submitted to and approved to the satisfaction of the responsible authority. When approved, the plan will be endorsed and form part of the permit. The functional layout plan must be generally in accordance with the plans submitted (D-000 – D016, Prepared by Mondo Architects, Dated 22 November 2023, Revision N), but modified to show:

- (a) The proposed 3 metre wide sealed shared path along Akarana Road connecting the bridge entryway to existing Swansea Road footpath;
  - (b) The proposed pedestrian footpath along the entire frontage of Swansea Road with connection to the existing footpath at the intersection of Swansea Road and Akarana Road;
  - (c) Pedestrian safety measures including pedestrian crossings, signs;
  - (d) Traffic line marking along Akarana Road with vehicle priority to vehicles travelling along Akarana Road to and from Bellbird Park carpark;
  - (e) Traffic control devices, signage, directional signage and any other traffic and/or pedestrian safety control devices;
  - (f) Kerb and channel as required within Akarana Road;
  - (g) Detailed design of Akarana Road bridge crossing accessway
    - i. 6 metre wide trafficable width bridge
    - ii. 1.5 metre wide shared path
    - iii. Traffic and pedestrian safety control devices including crash barrier fencing, lighting, line marking, fencing and signage;
  - (h) 3.5 metre wide emergency vehicle and pedestrian access to Swansea Road
  - (i) Delineate line marking or treatments proposed to delineate 1 metre wide pedestrian walkway within the internal accessway;
  - (j) Notation to specify that all works within Council land including nature strip be reinstated to the satisfaction to the satisfaction of the responsible authority.
9. Prior to the occupation of the permitted development and before the use commences, all works shown on the endorsed Functional Layout Plan must be carried out and completed to the satisfaction of the responsible authority.

## 10. Land Management Plan

Before the development starts, a Land Management Plan must be submitted to and approved to the satisfaction of the responsible authority. When approved, the plan will be endorsed and form part of the permit. The plan must include:

- (a) A site plan that shows the fenced riparian corridor at least 30 metres either side of the creek (to be taken from the top of embankment) to protect native vegetation and the creek system.
- (b) A note that there is no public access to the designated riparian corridor along Olinda Creek.
- (c) Fencing must be wildlife friendly which entails that barbed wire strands cannot be used for the top or bottom wires for the fence.
- (d) Outline that except with the prior written consent of the responsible authority, within the riparian corridor the following are prohibited:
  - i. Heavy machinery
  - ii. Vehicular access
  - iii. Trenching or soil excavation
  - iv. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
  - v. Public access
- (e) No livestock or grazing animals including horses are allowed within the riparian zone.
- (f) Weed and pest management measures including:
  - i. What weeds/ pest animals are currently present and where.
  - ii. Appropriate methods of control, including proposed techniques, chemical use and timeframes.
  - iii. Achievable and measurable goals with a realistic timeframe.
  - iv. The person(s) responsible for implementing the weed and pest animal plan.
- (g) Ongoing management measures to the conservation zone (30 metre buffer along Olina Creek) including rehabilitation and revegetation.

The endorsed Land Management Plan must be implemented and thereafter managed in accordance with the endorsed Land Management Plan to the satisfaction of the responsible authority.

## 11. Waste Management Plan

Before the development starts, a Waste Management Plan must be submitted to and approved to the satisfaction of the responsible authority. When approved, the plan will be endorsed and form part of the permit. The plan must be drawn to scale, fully dimensioned and a digital copy must be provided. The plan must be in accordance with the responsible authority's current Waste Management Guidelines and must include:

- (a) How waste will be collected and who will collect the waste with consideration given to all waste streams and access.
- (b) Bin quantity, size, dimensions, colour and labelling.
- (c) Waste collection frequency.

- (d) Details on hard waste and green waste collection.
- (e) Details on the site plan showing location and area allocated for bin storage of garbage and recycling bins, including hard waste. The bin storage area must have appropriate access.
- (f) Details on the site plan showing waste collection point(s) in relation to the bin storage area.
- (g) Details of appropriate signage or alternative measures on the subject site informing owners and occupiers of the waste management arrangements.
- (h) Swept path diagram for waste collection vehicles including the maneuverability within the subject site to waste collection point(s) and the ability to enter and exit the subject site in a forward direction.
- (i) Designated turning areas must be clearly marked including no standing signage and be accessible to the waste collection vehicles on collection day between 6.00am – 6.00pm.

The endorsed Waste Management Plan must be complied with to the satisfaction of the responsible authority. The responsible authority may amend the endorsed Waste Management Plan from time to time.

## **12. Arborist**

Prior to the commencement of any buildings and/or works approved by this permit, temporary fencing must be erected around any tree shown for retention on the endorsed plans to define a Tree Protection Zone (TPZ) to the satisfaction of the responsible authority and must:

- (a) Exclude access and construction activity within the TPZs assessed in the Arborist Report by Tree Logic, 29/08/2022. If trees have not been assessed, the TPZ is a circle with a radius equal to 12x the trunk diameter measured at 1.4 m above ground level, and
- (b) Have a minimum height of 1.8 metres and comply with Australian Standard AS 4687 for temporary fencing and hoardings, 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.

Temporary fencing can be modified to accommodate encroachment into the TPZ of tree(s) as per the endorsed plans. Fencing must be modified in line with the footprint of the approved works only.

**13.** Unless otherwise shown on the endorsed plans for removal, the existing street trees must not be removed or damaged to the satisfaction on the responsible authority.

**14.** All underground service pipes/conduits including storm water and sewerage must be diverted around the Tree Protection Zone (TPZ) of any retained tree, or bored underneath with a minimum cover of 600mm to top of pipe/conduit from natural ground surface to the satisfaction of the responsible authority. All pits, holes, joints and tees associated with the installation of services must be located outside the TPZ, or the project arborist must



demonstrate works in the TPZ will not impact viable tree retention to the satisfaction of the responsible authority.

15. Prior to the commencement of any buildings and/or works (including tree removal), the permit holder must contact Council's arborist to arrange for any approved roadside tree removal at the permit holder's cost.

## 16. Biodiversity offsetting

To offset the removal of 0.353 hectares of native vegetation as shown in the approved Native Vegetation Removal Report (Report ID: EHP\_2023\_038), the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

A general offset of 0.071 general habitat units:

- located within the Port Phillip and Westernport Catchment Management authority boundary or Yarra Ranges Council municipal district
  - with a minimum strategic biodiversity value score of at least 0.176
  - 6 Large trees
17. . Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
    - (a) credit extract(s) allocated to the permit from the Native Vegetation Credit Register, AND/OR;
    - (b) 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.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

18. Before the commencement of any buildings and/or works start, the permit holder must advise all persons undertaking the vegetation removal and works on site of all relevant conditions of this permit.
19. Except where specified on the endorsed plans, no other vegetation may be removed from the site, unless the prior written consent of the responsible authority is provided.
20. Before the development starts (including tree removal), all trees must be inspected by a suitably qualified and experienced wildlife handler for the presence of fauna. Trees must also be examined for the presence of external nests. Should any native animals be detected, they must be caught and relocated no more than 24 hours before felling the trees, and the relocation must be undertaken by a suitably qualified and experienced wildlife handler that holds a current permit under the *Wildlife Act 1975*. This must include measures to ensure the tree is not reoccupied prior to tree removal. Sections of felled hollow-bearing tree stems need to be left in place for 24 hours to provide further opportunity for any undetected fauna to escape.

## 21. Traffic Engineering

Prior to the occupation of the permitted development the car parking spaces, footpaths and vehicular access ways shown on the endorsed plan must be and drained

incorporating Water Sensitive Urban Design elements to the satisfaction of the responsible authority.

22. Prior to the commencement of works required by this permit, engineering construction plans showing all internal works, including access ways, parking, footpaths, drainage, and all Council works, including, together with a processing fee of \$1000 must be submitted to, and approved by, the responsible authority. Civil works must then be constructed in accordance with these approved engineering plans.
23. The Council works as required by this permit must be maintained in good condition and repair by the developer for a period of three months from the date of practical completion to the satisfaction of the responsible authority.
24. Prior to the occupation of the permitted development the construction of all civil works within the site, must be fully completed and subsequently inspected and approved by a suitably experienced 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.
25. The car parking spaces, vehicular access ways and drainage approved by this permit are to be maintained and must not be obstructed or made inaccessible to the satisfaction of the responsible authority.

#### **26. Stormwater Engineering**

Prior to the occupation of the permitted development piped drainage must be constructed to drain all impervious areas incorporating Water Sensitive Urban Design features, to the satisfaction of the responsible authority.

27. Prior to the commencement of any works as required by this permit, Drainage Engineering Plans and Computations must be submitted to, and approved by the responsible authority. Development Stormwater Drainage Engineering Plans and Computations must be generally in accordance with the Water Technology Report (dated May 2022) and Melbourne Water Conditions under Condition 44 - 52 and include the following
  - a. Detail erosion prevention controls and design details at pinch points identified (Figure 3-15 and Page 26 of the Water Technology Report);
  - b. Demonstrate that the cut-off drain along Akarana Road accommodates for peak flows during a 1% Annual Exceedance Probability (AEP) event.
  - c. Demonstrate that proposed bridge will not hinder the 1% AEP flow through the new cut off drain along Akarana Road
  - d. 10% AEP stormwater drain from Swansea Road reserve, through the site from the east( via COS North), then north to connect to Akarana Road table drain Provide a suitable structure at the southern end of the existing pipe across Swansea Road to disperse water in to 10% AEP pipe

<https://www.yarranges.vic.gov.au/Development/Roads-drains/Applications-and-permits/Submit-stormwater-drainage-and-computations>

- 28.** Prior to the occupation of the permitted development a detention system, must be constructed/installed to drain all impervious areas, to the satisfaction of the responsible authority.
- 29.** Prior to the occupation of the permitted development the construction of all civil works within the site, including any detention system must be fully completed on a design, supervised by and subsequently inspected and approved by a registered 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.
- 30.** Prior to the occupation of the permitted development a 10% AEP pipe must be fully constructed as per the approved drainage engineering plans to the satisfaction of the responsible authority.
- 31.** Prior to the approval of engineering construction plans an inspection/surveillance fee to the value of \$500 or 2.5% of the estimated cost of all Council works required by this permit, whichever is greater must be paid to the responsible authority.
- 32.** Prior to the approval of engineering construction plans, a maintenance bond to the value of \$5000 or 5% of all Council works, whichever is greater, as required by this permit, must be paid to the responsible authority.
- 33.** Prior to an Off Maintenance inspection and subsequent return of the maintenance bond, "As Constructed" plans of all Council works together with a CCTV footage and report in accordance with the Water Services Association of Australia (WSA) 05-2008 2.2 Code of Practice, of the full length of all Council piped drainage, must be submitted to, and approved by, the responsible authority.
- 34.** Prior to the occupation of the permitted development a drainage easement for the 10% AEP pipe (as shown on the endorsed plans) in favour of the Council, must be registered on Title to the satisfaction of the responsible authority.
- 35.** Prior to the commencement of any works as required by this permit 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.

### **36. Section 173 Agreement**

Prior to the commencement of the development, the land Owner must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the responsible authority to provide for:

- (a) A restriction preventing the occupation of dwellings on the subject land by persons other than retired persons as defined under Retirement Villages Act 1986.
- (b) The access bridge and its maintenance is the responsibility of the Owner of the subject land.
- (c) The communal club house facility must only be used by residents of the approved development and their guests.
- (d) Ongoing implementation and management in accordance with the endorsed Land Management Plan.
- (e) Requirements set out by Melbourne Water under Condition 52.

All costs (including legal costs) associated with the preparation and review of the agreement and the registration of the agreement on the Certificate of Title for the land must be paid by the Owner.

### **37. General Amenity**

To the satisfaction of the responsible authority the development and use 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.

**38.** All external lighting provided on the site must be baffled so that no direct light is emitted beyond the boundaries of the site and no nuisance is caused to adjoining properties to the satisfaction of the responsible authority.

**39.** All external lighting within 100 metres of Olinda Creek must be baffled so that illumination directed over the water is minimised. Lighting within 100 metres of the creek must be fitted with globes producing relatively low amounts of insect-attracting blue and ultraviolet light. All of the above is to the satisfaction of the responsible authority.

**40.** Any air-conditioning unit must be positioned so that no noise disturbance is caused to occupiers of adjoining properties and any roof top unit must be provided with a sight screen, to the satisfaction of the responsible authority.

### **41. Yarra Valley Water**

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

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

### **43. Melbourne Water**

Prior to the endorsement of development plans, a revised Stormwater Management Strategy Report must be submitted to Council and Melbourne Water that addresses Melbourne Water's conditions and information from the Flood Risk Assessment dated 24 October 2023.

**44.** All residential lots and lot for club house including internal roads must be set no lower than 110.45 metres to Australian Height Datum (AHD), which is 600mm above the applicable 1% Annual Exceedance Probability (AEP) flood level of 109.85 AHD.

**45.** Prior to the issue of an Occupancy Permit, a post development certified survey plan in metres AHD, undertaken by qualified surveyor showing that all lots and club house including roads have been filled must be submitted to Melbourne Water to demonstrate that the lots and club house including roads have been filled at no lower than 110.45m AHD.

**46.** Prior to commencement of works, a stormwater connection application must be made to Melbourne Water for the stormwater outlet connection to Olinda Creek. Plans should highlight cross sections and where the drainage asset will enter the waterway, and also erosion prevention controls to ensure the waterway's structure is not impacted by increased flows (rock beaching etc). Guidelines are available on the Melbourne Water website:

<https://www.melbournewater.com.au/planning-and-building/work-or-build-nearour-assets-or easements/stormwater-connectionguidelines>

Accompanying the stormwater connection application, a detailed Stormwater Layout Plan, in accordance with the Stormwater Management Strategy, must be developed and submitted to Melbourne Water for details of onsite stormwater capture and detention and detailed design of drainage infrastructure including connections to Olinda Creek.

**47.** Prior to commencement of works a detailed Site Environmental Management Plan (SEMP) must be developed and submitted to Melbourne Water for approval. The SEMP must show the location and nature of environmental values identified through site environmental assessments and include details of measures to protect or mitigate risk to those values. The SEMP must be implemented throughout all and any stages of the works. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:

- Silt fencing;
- Access tracks;
- Spoil stockpiling;
- Trenching locations;
- Machinery/ Plant locations; and,
- Exclusion fencing around native vegetation/habitat.

**48.** Prior to the commencement of works, a detailed landscape plan, in accordance with the approved Biodiversity Assessment prepared by Ecology & Heritage Partners, must be submitted to Melbourne Water for approval, showing:

- All vegetation removal, revegetation planting and any rehabilitation works, paths and thoroughfares, bird-hides etc within the Reserve Parkland Cos Creek waterway corridor/30 metre setback from the top of bank of Olinda Creek;
- This should include areas, densities and proposed species for revegetation; and

- The plan must incorporate appropriate vegetation screening of the development from the waterway corridor.
- 49.** The development including all paths, thoroughfares, bird-hides or any other permanent structures must be setback a minimum of 30 metres from the top of bank of Olinda Creek. This setback must not be altered without the prior written approval of Melbourne Water.
- 50.** All proposed cut/fill within the site must be undertaken in accordance with the approved Storm Water Management Strategy and no additional cutting or filling of the site is permitted unless with the written consent of Melbourne Water.
- 51.** Prior to the issue of an Occupancy Permit, a Flood Risk Management Plan prepared by an accredited risk management professional must be provided to the satisfaction and approval of Melbourne Water and the responsible authority. The Flood Risk Management Plan must be binding to successors in title to provide for ongoing effective management of flood risks. The Flood Risk Management Plan is to include, but not be limited to:
- (a) Site Specific Flood Risks;
  - (b) An emergency evacuation plan;
  - (c) Restrictions to areas within 'the open space wetland' including details of signage advising of flood risks associated with the Olinda Creek and provision for the area to be secured by a lockable gate.
  - (d) Details of signage alerting users to the potential for flooding and depth markers showing the 1% Average Exceedance Probability (AEP) flood level, are to be placed around the property.
  - (e) Details of signage installed at the exit to Akarana Road to prohibit pedestrian and vehicular access to and from the site during a flood event.
- Signage must indicate safe egress via Swansea Road.
- 52.** Prior to the issue of an Occupancy Permit, the owner of the Land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the responsible authority and Melbourne Water Corporation. All costs associated with the setting up of the agreement must be borne by the permit holder. The agreement must be registered on the title of the Land and must provide, to the satisfaction of the responsible authority and Melbourne Water, for:
- (a) Prospective and future owners of the Land to be informed that the Land is subject to inundation;
  - (b) The implementation of a Flood Response Plan which has been approved by the responsible authority and Melbourne Water Corporation;
  - (c) Identify and confirm that Melbourne Water will not take ownership or maintenance responsibilities of the swale drains or any created assets within the development site;
  - (d) Identify the minimum finished surface level requirements for each of the lots within the development have been set, according to the final version of flood modelling results undertaken by the proponent as approved by Melbourne Water;
  - (e) All cut and fill as verified in the associated Storm Water Management Strategy for the development;
  - (f) No buildings or works ie. dwellings, garages, sheds, water tanks, paths are to be constructed within the 30 metre setback from the Olinda Creek.

-End of Melbourne Water Conditions-

### **53. Permit Expiry (Use and Development)**

This permit will expire if:

- (a) The development is not started within **three years** of the date of this permit; or
- (b) The development is not completed within **five years** of the date of this permit; or
- (c) The use does not start within **five years** 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 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.

#### **NOTES:**

##### **(i) 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.

##### **(ii) Building Approval**

Building works approved under this planning permit must not be commenced until a building permit has also been obtained under the *Building Act 1993* and the *Building Regulations 2018*.