YR-2022/915 - 375 SWANSEA RD, LILYDALE - PLANNING REPORT

APPLICATION DETAILS

Site Address	375 Swansea Road, Lilydale
Application No.	YR-2022/915
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
Existing Use	Vacant
Applicant	Lilydale Developments Pty Ltd
Zone	Clause 35.03 - Rural Living Zone – Schedule 2
Overlays	Clause 44.04 - Land Subject to Inundation Overlay
Particular Provisions	Clause 51.03 - Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan Clause 52.06 - Car parking Clause 52.17 - Native Vegetation Clause 52.29 - Land Adjacent to the Principal Road Network
Permit trigger/s	Clause 35.03 Rural Living Zone – Schedule 2 • A permit is required for the use and development of land for a residential village. • A permit is required to construct a building within 30 metres of a Transport Zone 2 and within 100 metres of a waterway. A permit is required for earthworks greater than 1 metre. Clause 44.04 Land Subject to Inundation Overlay A permit is required to construct a building or carry out works. Clause 52.17 Native Vegetation • A planning permit is required to remove native vegetation. Clause 52.29 Land Adjacent to the Principal Road Network

	• A permit is required to create access to a Transport Zone 2
Municipal Planning Strategy	Clause 02.03-1 Settlement Clause 02.03-2 Environmental and landscape values Clause 02.03-3 Environmental risks and amenity Clause 02.03-5 Built environment and heritage Clause 02.03-6 Housing
Planning Policy Framework	Clause 11.01-1S Settlement Clause 12.011S Protection of biodiversity Clause 12.01-1L Biodiversity Clause 12.01-2S Native vegetation management Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs Clause 12.05-1S Environmentally sensitive areas Clause 12.05-2S Landscapes Clause 12.05-2L Rural landscapes Clause 13.01-1S Natural hazards and climate change Clause 13.03-1S Floodplain management Clause 15.01-1S Urban design Clause 15.01-2S Building design Clause 15.01-2L Environmentally Sustainable Development Clause 15.03-2S Aboriginal Cultural Heritage Clause 16.01-1S Housing supply Clause 16.01-1R Housing supply – Metropolitan Melbourne Clause 16.01-3S Rural residential development
Objections	Sixty-three (63)
Encumbrances on Title (Covenants/Section 173 Agreements	Yes, Covenant AS384698E
Reason for Council Decision	More than ten (10) objections and objections and cost of works above $3,000,000
Ward	Billanook Ward

SUMMARY

The application proposes the use of the land and buildings and works for a Residential Village, earthworks, vegetation removal and alteration of access to a road in Transport Zone 2.

The development is confined to the eastern half of the site and includes fifty (50) dwellings and a clubhouse for retirees and/or residents aged over fifty-five (55) years of age. The design response integrates and responds to the constraints of the site and surrounds, including environmental features and hazards.

The application has been advertised and at the time of this report sixty-three (63) objections have been received. Objector concerns relate primarily to environmental impacts to Olinda Creek, flora, fauna and habitat, vehicle access, the scale of the built form and flooding risks.

Overall, the proposed development responds to the Yarra Ranges Planning Scheme when assessed against the relevant policies including the Municipal Planning Strategy, Planning Policy Framework, Zone, Overlay and particular provisions of the Scheme.

It is recommended the application be approved and a Notice of Decision to Grant a Planning Permit, subject to conditions, be issued.

RECOMMENDATION

That Council resolve to approve Planning Application YR-2022/915 for the use of land and buildings and works to construct a Residential Village, earthworks, vegetation removal and alteration of access to a road in Transport Zone 2 at 375 Swansea Road, Lilydale and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.

DISCLOSURE OF CONFLICT OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act* 2020.

CULTURAL HERITAGE SIGNIFICANCE

A Cultural Heritage Management Plan required under the *Aboriginal Heritage Act 2006* has been provided as part of the application. The Cultural Heritage Management has been approved. The proposal has been checked against the approved Plan and is consistent with the Cultural Heritage Management.

EXTRACTIVE INDUSTRY

The site is not located within 500 metres of an extractive industry.

HUMAN RIGHTS CONSIDERATION

The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Yarra Ranges Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006.*

ENCUMBRANCES ON TITLE

Covenant AS384698E restricts the site to be used for one of four uses which includes a housing community confined to retired persons or a retirement village development where dwellings are no less than 60 square metres and dwellings built do not face Lot 1 (adjoining site to the south).

The proposal will not breach the covenant as the dwellings are over 60 square metres and the proposal is for a residential village that restricts residents to be retirees and/or over the age of 55. This restriction is also proposed to be secured on Title under the Section 173 Agreement through condition of the planning permit.

The development plans also demonstrate that no dwellings face the northern boundary of lot 1 on PS629506.

SITE LOCATION AND DESCRIPTION

The subject site is described as 375 Swansea Road, Lilydale, Lot 2 on Plan of Subdivision 639506D. (see Figures 1-4). The lot is detailed as:

- The lot has a total area of 4.617 Hectares.
- The site is an irregularly shaped lot bounded by Akarana Road to the north, Swansea Road to the east and Olinda Creek to the west.
- The site has a frontage along Swansea Road of 262.8 metres and 120.5 metres along Akarana Road.
- The site is currently vacant and generally grassed. Towards the western boundary along the Olinda Creek riparian buffer are a number of established trees.
- The site does not have any existing crossovers to Swansea Road or Akarana Road.
- A four (4) metre wide drainage and sewerage easement runs generally along the southern boundary.
- The site can be connected to reticulated services including water, sewer and electricity.

Figure 1 Subject site

Figure 2 View of site from Swansea Road

Figure 3 View of site from the north west corner of the site (facing south)

Figure 4 View of site from Akarana Road (facing south)

Figure 5 View of site from Swansea Road, Akarana Road and David Road intersection (facing south)

SURROUNDING AREA

The surrounding area is generally divided by Swansea Road, with the area to the east comprising of residential allotments, whilst to the west is public parks and rural living zone lots which are vacant or unused. The wider catchment is residential and rural residential allotments (see Figure 6).

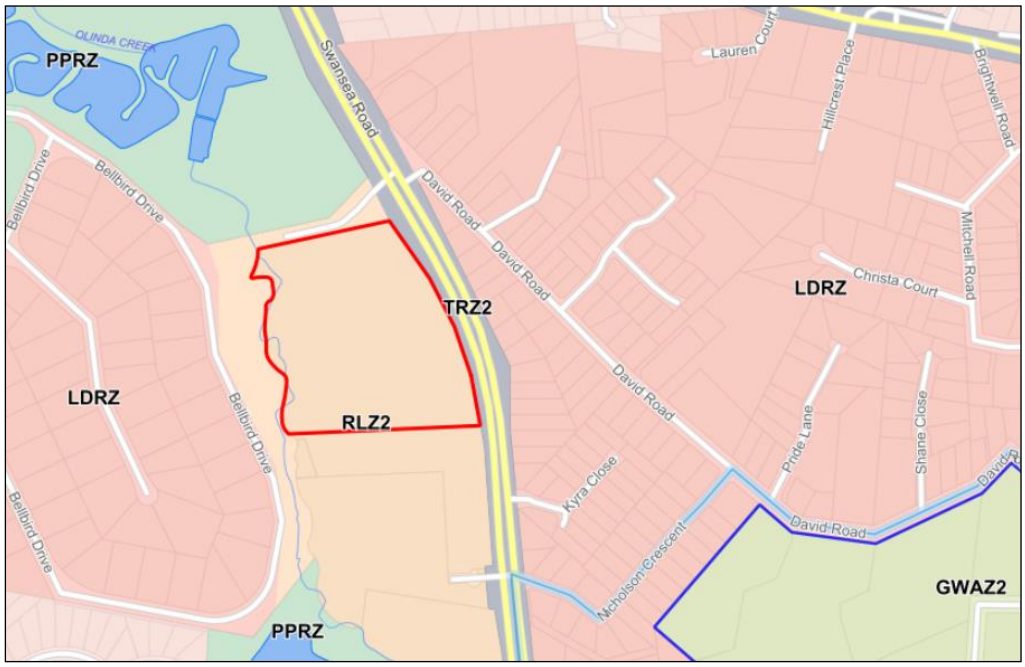

Figure 6 Zone Map

The subject site adjoins the following properties:

- North:
  Directly north of the site is Akarana Road which is a sealed road currently providing access only to the Bellbird Park carpark. Bellbird Park, located in the Public Park and Recreation zone, is sited north of the site. The area was recently upgraded to include a sealed car park and various footpaths and amenities.

- East

  To the east of the site is Swansea Road which is a major arterial road in a Transport Zone 2. There are north and south bound slip lanes on Swansea Road at the Akarana Road and David Road intersection. Further east the area are Low Density Residential zoned lots with single dwellings amongst sloping topography and scattered vegetation.

- South

  The former Glenvale school was situated south of the site. The school is no longer in operation; however, the existing school buildings remain on the site.

- West

  Olinda Creek, which feeds into Lilydale Lake, directly abuts the sites western boundary and is heavily vegetated along its embankments with established vegetation. Further west are Low Density Residential zoned lots along Bellbird Drive with single dwellings amongst sloping topography and scattered vegetation.

PROPOSAL

The proposal seeks to use and develop the land, through building and works, for a Residential Village, including earthworks, vegetation removal and alteration of access to a road in a Transport Zone 2. (See attachment 2 – 4 Development Plans, Landscape Plan, Town Planning Report).

The key aspects of the proposal are described as follows:

Residential Village

The residential village comprises fifty (50) single storey two (2) and three (3) bedroom dwellings and associated communal recreation facilities, comprising a clubhouse with dining, theatre, gym and lounge, an outdoor swimming pool and a bowling green.

The development layout is generally of a circular layout that loops around the eastern half of the site with all buildings having vehicle and pedestrian access via the internal accessway with buildings divided by landscaping boulevards (shown on plans as ‘Cos North, Centre and South’), see figure 7 below.

Proposed floor levels for all dwellings and facilities building on the site are to be no lower than 110.45 metres to Australian Height Datum (AHD).

The fifty (50) dwellings proposed include five (5) variable designs. Each type of dwelling design is described as follows:

Dwelling name	Number of dwellings	Bedrooms	Car spaces	Dwelling size (square metres)	Maximum building height (metres)	Colour Scheme
Solaris 146	10	2	1	145.79	4.39	Colour Scheme 2
Solaris 155	2	2	2	154.63	4.39	Colour Scheme 2
Ironbark	12	2	2	139.46	4.5	Colour Scheme 3
Carlisle	11	2	1	139.46	4.5	Colour Scheme 4
Shamrock	15	3	2	169.28	5.01	Colour Scheme 1

Table 1. Dwelling typology

The clubhouse covers an area of 590 square metres and comprises various communal facilities including a lounge area, gym, theatre, pool and other amenities. The building is of a single storey design with a maximum building height of 6.77 metres with materials comprising lightweight cladding and Colorbond roofing finished in various grey tones.

An open bowling green is also proposed in the northeast corner covering approximately 420 square metres.

Materials and colours are through one of four (4) different colour schemes available which comprise of various muted grey and blue tones (refer to Attachment 2 - Sheet D-016 for particular details).

Other relevant details include:

Development details	Percentage (%)
Site coverage	18
Impervious surfaces	26.3
Permeable surfaces	73.7
Visitor car parking	12

Figure 7 Development Site Plan

Swansea Road interface

The Swansea Road frontage includes retaining walls, various forms of fencing and landscaping.

The design is segmented into three sections along the Swansea Road frontage as shown in the Development Plans, attachment 2 and described below:

- Dwelling interfaces with fencing tapered to provide recessed planter boxes forward of the fence line. The fence is 1.8 metres high plywood with vertical, horizontal, and painted finishes.
- Three Communal Open Space boulevards with open expanses of landscaping that provide outlook through the siter to Olinda Creek and the riparian buffer. The openings are fenced with 1.8 metre high 80 percent open style aluminium fencing setback 1.5 metres from the eastern boundary line.
- The bowling green in the north eastern corner has a 1.2-metre-high open style aluminium fence setback approximately 1.5 metres from the boundary line. The setback also includes landscaping of small trees, shrubs, and grasses (see Figure 8-11).

A footpath along the Swansea Road reserve is proposed for the entire length of the property frontage along Swansea Road, providing pedestrian access towards Bellbird Park and existing footpaths along Swansea Road (north of the site).

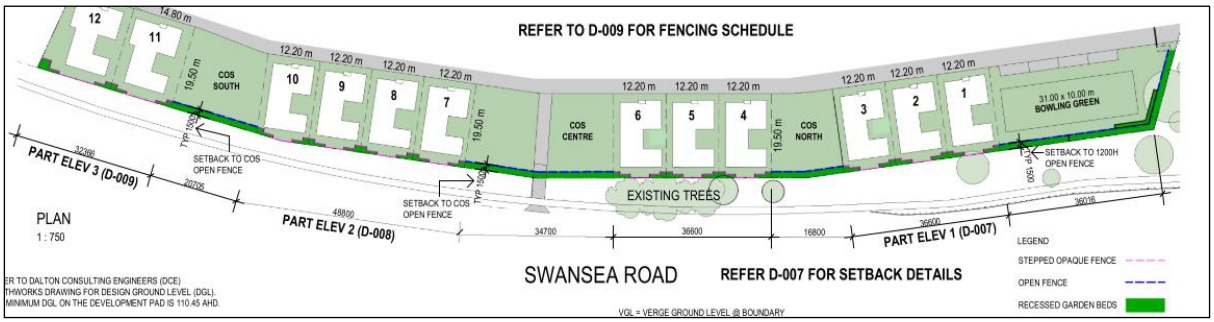

Figure 8 Streetscape presentation to Swansea Road

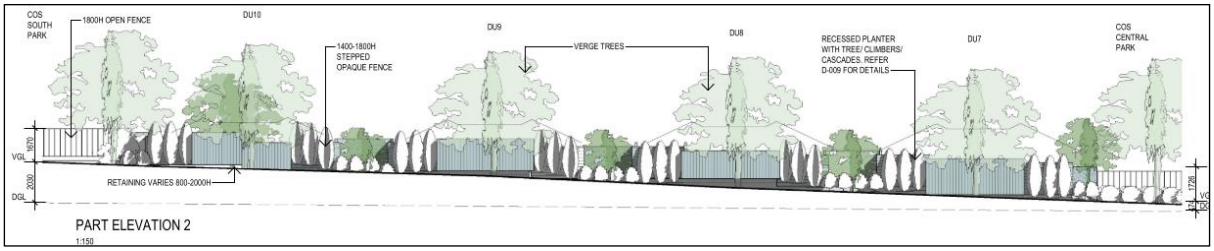

Figure 10 Streetscape presentation to Swansea Road – Part 2 elevation

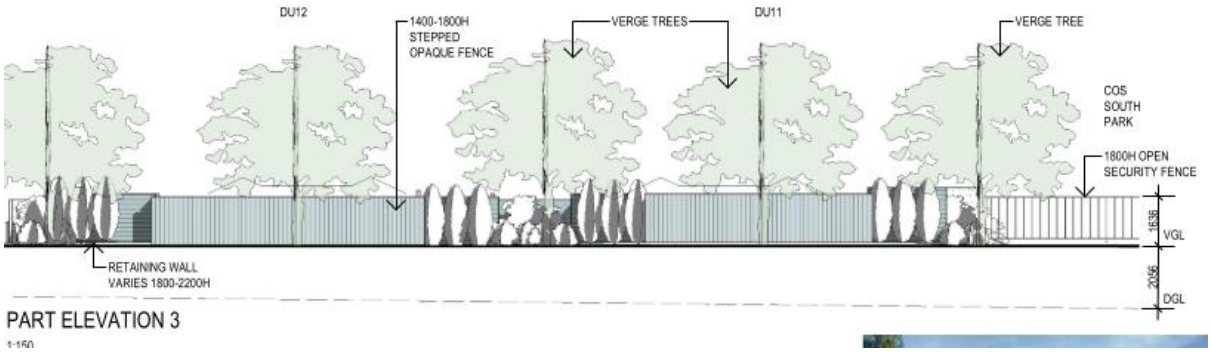

Figure 11 Streetscape presentation to Swansea Road Part 3 elevation

Vegetation removal

A total of thirteen (13) trees are proposed for removal as part of the development. Arboricultural details are provided below:

Tree No.	Species	Height (m)	DBH (cm)	Permit required?	Health/ Structure
7	Brittle Gum	14	40	No	Very low
8	Spotted Gum	7	23	No	Moderate
9	Brittle Gum	13	30	No	Very low
10	Swamp Gum	13	120	Yes, Clause 52.17	Low

Tree No.	Species	Height (m)	DBH (cm)	Permit required?	Health/ Structure
11	Swamp Gum	8	46	Yes, Clause 52.17	Moderate
12	Swamp Gum	7	46	Yes, Clause 52.17	Moderate
13	Swamp Gum	14	463	Yes, Clause 52.17	Low
14	Swamp Gum	8	72	Yes, Clause 52.17	Low
15	Swamp Gum	11	90	Yes, Clause 52.17	Low
16	Swamp Gum	8	65	Yes, Clause 52.17	Very low
54	Yarra Gum	6	9	Yes, Clause 52.17	Moderate
55	Yarra Gum	3	18	Yes, Clause 52.17	Moderate
56	Swamp Gum	6	11	Yes, Clause 52.17	Moderate

Table 2. Proposed Tree's to be removed.

Notes:

- Tree fifty-seven (57) was felled during the 2021 storm event in Yarra Ranges.
- No vegetation is proposed for removal along the Olinda Creek embankment or conservation zone.

Access and Alteration of access to a road in a Transport Zone 2

The development is to be accessed off Akarana Road via a new bridge over the existing table drain running between Akarana Road and the subject site that is 7.5 metres wide with a 6-metre-wide vehicle access and a 1.5 metre wide pedestrian access extending to the existing footpath along Swansea Road. This bridge will be owned and maintained by the owner of the subject land.

Emergency only vehicle and pedestrian accessway will also be provided off Swansea Road between Dwellings 6 and 7.

Stormwater and drainage

All onsite stormwater is to be detained and discharged to Olinda Creek via the Akarana Road table drain. The Akarana Road table drain is to be upgraded to cater for a 1 in 100-year flood event.

The proposal also includes improvements to Council's existing outfall drain to Swansea Road, conveying existing flows from a Council outfall pipe in Swansea Road through the site to Olinda Creek. (See attachment 5 Stormwater Management Plan).

Earthworks:

The development is oriented to the eastern half of the allotment away from Olinda Creek. The development is set on a 'fill bank' with earthworks required to ensure all buildings are sited above the 1 in 100-year flood level required in respect to flooding design requirements set out by Melbourne Water and as identified in the submitted Stormwater Report.

The earthworks required include a fill embankment which will have a maximum fill height of approximately 2.5 metres. A site cut to a maximum of approximately 1.2 metres is proposed along the western half of the lot. Cross sectional diagrams of earthworks are shown in Figure 12 below.

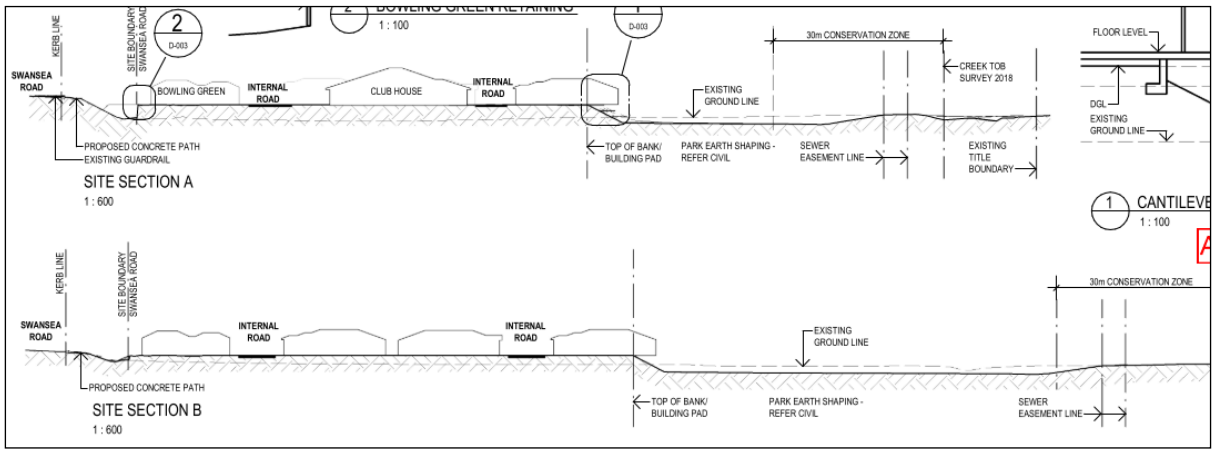

Figure 12 Streetscape presentation to Swansea Road Part 3 elevation

HISTORY

In 2018, a similar application was lodged to Council under YR-2018/960 for the use and development of a residential village, vegetation removal, earthworks greater than one metre, creation of access to a Road Zone Category 1 and reduction in car parking requirements. Key characteristics of this application included a similar design configuration to the subject application (YR-2022/915), however was of greater intensity and scale of built form that included 69 dwellings, site coverage of 25.8 percent, opaque two (2) metre high fencing which offered no view lines to Olinda Creek from Swansea Road (See Figure 13).

Figure 13 Previous development proposal under application YR-2018/960

This application received forty-four (44) objections and was subsequently heard at a Council meeting on the 26 May 2020 where Council determined to refuse the grant of a permit. The application was appealed to VCAT, however was called in by the Planning Minister under *Clause 52(2)(a) of the Victorian Civil and Administrative Tribunal Act 1998* and referred to the Priority Projects Standing Advisory Committee (the Committee).

The Committee ultimately recommended that a permit not be issued. The Committee found that issues, other than built form, could be appropriately managed under permit conditions, if a permit were to be issued, such as environmental impacts on Olinda Creek, vegetation removal, traffic noise, flooding, stormwater drainage and car parking requirements.

In relation to built form the Committee report of 15 October 2020 commented that:

> *The Committee does not consider that the proposal results in an appropriate planning outcome consistent with planning policy, the purposes of the RLZ and provisions of RLZ2. This is primarily due to the impacts of the proposed built form, including the acoustic fence, on landscape and neighbourhood character. While the site is not located within a pristine rural living environment, with a mix of uses and built forms present, it is within an environment characterised by open vistas to Olinda Creek and its environs, parklands and an established green canopy. This character is broadly consistent along the Olinda Creek – Swansea Road corridor and the extent of the RLZ2.*

Comparison between Planning Application YR-2018/960 and YR-2022/915

In response to the Committee findings, the applicant has lodged this application where the built form has been reduced, an overall increase in permeable surfaces and landscaping opportunities which are summarised in the table below.

Key differences between the application are detailed below:	**YR-2018/960**	**YR-2022/915**
Number of dwellings	69	50
Site coverage	25.8 percent	18 percent
Impervious surfaces	38.7 percent	26.3 percent
Swansea Road interface	2-metre-high opaque fence across entire Swansea Road frontage.	Variable fencing design with heights of 1.2 – 1.8 metres. Fencing design includes opaque fencing to dwelling interfaces, but height has been reduced to 1.8 metres and includes recessed planters and landscaping forward of the fencing. Open boulevards extending for a total length of 72.2 metres will be 80 percent transparent fencing with fencing setback off the boundary to enable landscaping forward of the fence (towards Swansea Road).

Table 3. Comparison between Planning Application YR-2018/960 and YR-2022/915

In comparison the proposal has more generous spacings between the buildings and a built form rhythm that reflects that of built form on the opposite side of Swansea Road, providing multiple open space landscaping boulevards (Cos North, Centre and South) from Swansea Road to the Olinda Creek, affording views through the development amongst landscaping interspersed throughout the site.

CONSULTATION

Internal Referrals

This application was referred to various business units or individuals within Council for advice on particular matters.

The following is a summary of the relevant advice:

Department	Summary of Response	Conditions required
Development Engineer (traffic)	No objection, subject to conditions. Recommended conditions include standard traffic conditions including minor amendments to plans detailing pedestrian and traffic safety measures and requirements.	Refer to Condition 22-26.
Development Engineer (stormwater)	No objection, subject to conditions.	Refer to Condition 27-36
Arborist	No objection, subject to conditions. Recommended conditions include tree protection measures for retained trees.	Refer to Condition 13-16.
Environment	No objection, subject to conditions. Recommended conditions include native vegetation offsets and preparation of a land management plan.	Refer to Condition 17-21
Strategic Planning	Consent to proposal, no conditions required. Comments: The land is adjoining the activity centre boundary, and therefore suitable for outcomes which add to housing diversity.	No condition required.
Urban Design	Consent to proposal, subject to conditions. Recommended conditions include greater transparency for fencing along open space interfaces and detailed landscape plan.	Refer to Condition 1

External Referrals

This application was referred to the following statutory referral authorities for advice on particular matters.

The following is a summary of the relevant advice:

Referral Authority	Consent/ Objection Summary of Response	Summary of Conditions
Melbourne Water (Determining referral authority)	No objection, subject to conditions	• Development built to 110.45 metres AHD above the 1in 100-year flood level. • Stormwater connection application being made to Melbourne Water for Olinda Creek stormwater outlet. • Site environmental management plan • Landscape plan • 30 metre exclusion zone from Olinda Creek • Flood risk management plan • Section 173 agreement on flooding and stormwater matters
Department of Transport and Planning (Determining referral authority)	No objection	No conditions applicable.

Public Notification and Consultation

Notification of the application was undertaken by:

☑ - Placing of three (3) sign/s on the land

☑ - Mailing notices to owners and occupiers of adjoining and/or nearby properties

☑ - Placing the proposal on Council's website for a minimum of 14 days

Notices were issued on the 30 November 2023, whilst signs were placed onsite on the 01 December 2023 and removed on the 19 December 2023.

Number of Objections:

At the time of this report being prepared, Sixty – Three (63) objections were received. Most objectors are located within one (1) kilometre of the development site.

Key themes of objections are detailed below:

- Stormwater runoff impact to Olinda Creek
- Flood risk to future residents
- Flooding impacts to surrounding areas
- Inadequate stormwater infrastructure
- Inconsistent with the Rural Living Zone
- Impacts to biodiversity due to loss of flora, fauna and habitat
- Loss of vegetation along Olinda Creek
- Additional traffic impacts and congestion

- Extent of earthworks required and subsequent impacts to Olinda Creek
- Noise and dust pollution and construction impacts
- Excessive built form
- Number of dwellings
- Impacts to landscape character

Consultation meeting

A consultation meeting was held on the 18 March 2024 to provide an opportunity for submitters and the applicant to discuss issues raised following the advertising of the planning application and to discuss key themes of objections received. There were no agreed outcomes or any particular changes to the development following the conclusion of the consultation meeting.

ASSESSMENT/ KEY ISSUES

Municipal Planning Strategy and Planning Policy Framework

The proposal has been assessed against the Municipal Planning Strategy and Planning Policy Framework and found to be consistent with these policies as detailed below. (See attachment 6- Planning Scheme policies)

Clause 02.01-1 of the Municipal Planning Strategy recognises that the majority of the municipality's population growth is confined to established urban areas which include Lilydale, but also identifies that the population in the area is expected to age over the next twenty (20) years and substantial increase in people over seventy (70) years in age. Council's Healthy and Active Ageing Plan 2019-2023 also identifies that by 2041 older adults (aged fifty (50) years and above) will represent approximately thirty-eight (38) percent of the total population in Yarra Ranges and that there is an identified need to provide communities and services that are accessible to our ageing population.

Lilydale is one of only two identified major activity centres within the municipality that offer an abundance of services, activities, and established infrastructure. Clause 02.03-1 'Settlement' highlights that opportunities are available for more intensive development within and adjoining activity centres to provide for additional housing. In addition, Council's strategic directions also seek to support diverse and affordable housing that are proximate to activity centres and situated within the Urban Growth Boundary. The proposal seeks for a residential village but is sought to be confined to retirees and/or those over fifty-five (55) years in age via a 'land lease' model. This model seeks to provide a more cost effective and affordable form of housing for residents where prospective tenants do not pay for the land their dwelling is sited on, but rather enter a long-term lease agreement of the land. This model in providing additional housing stock provides an alternative means to the traditional housing model of purchasing a 'house and land' package. This model supports the provision of additional affordable housing for the ageing population in a location that is only 1.8 kilometres from Lilydale's activity centre as encouraged under Clause 02.03-6 'Housing'.

Both the Municipal Planning Strategy and Planning Policy Framework recognise the importance to protect and enhance our natural environment and key environmental

features the municipality offers, whilst ensuring the risk to life is protected from environmental hazards such as flooding. The proposed development responds to key environmental policies including Clause 02.03-2 'Environmental and landscape values', Clause 12.01 'Biodiversity' and Clause 12.03 'Water Bodies and Wetlands' through the development being positioned away from key areas of environmental significance onsite being Olinda Creek and the riparian buffer. The proposal adequately responds to the critical biodiversity values both the creek and vegetation offer and ensure appropriate conservation zones and environmentally sensitive works are provided for in addition to providing landscaping to rehabilitate the waterway to support the local flora and fauna.

Many areas within Yarra Ranges are prone to various environmental hazards due to the landscape setting of the area and the subject site itself is prone to flood risk. The proposed development responds to the flooding risk that is posed through careful balance of cut and fill onsite to ensure that all buildings are sited above the applicable flood level. The proposal is consistent with Clause 13.03-1S 'Floodplains' strategy in ensuring that residential developments are sited at levels above the maximum flood level in a 1 in 100-year flood event. Moreover, appropriate stormwater management measures have also been proposed which have both been conditionally supported by Melbourne Water and Council's Stormwater Engineer (refer to below paragraph 'flooding and stormwater drainage').

Whilst the site itself is not in an identified area of significant landscape under the Scheme, it is recognised that the site lies parallel with Olinda Creek and that the western side of Swansea Road offers views to the Olinda Creek Environs. Supported by Clause 02.03-5 'Built Environment and Heritage' and Clause 12.05 'Significant Environments and Landscapes'. This is a key environmental feature of the immediate landscape setting where development should contribute to a sense of place and character of these distinct localities. The proposal responds to this through an articulated and landscaped frontage along Swansea Road that incorporates varying styles of fencing including transparent fencing that offers viewliens to the Creek, but also supports the landscape setting by adding extensive landscaping along this boundary in addition to throughout the site that recognises the natural landscape for its aesthetic values.

In respect to Clause 15.03-2S and the *Aboriginal Heritage Act 2006*, the site is in an identified area of cultural heritage sensitivity and the proposed development requires a Cultural Heritage Management Plan. The applicant has provided an approved Plan (Number 15508) that is generally consistent with the proposed development.

Clause 35.03 - Rural Living Zone

The purpose of the Rural Living Zone seeks to provide for residential use in a rural environment, to protect and enhance the natural resources, biodiversity and landscape and heritage values of the area, and to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision. Whilst residential use is contemplated under the purpose of the Zone, the use of land for a residential village is a 'Section 2 use' and as such a permit is required for the use.

It is relevant to note that whilst the Rural Living Zone is a rural zone the subject land falls within the Urban Growth Boundary, the purpose of which is to direct urban growth to areas best able to be supplied with appropriate infrastructure and services and protect other valuable peri-urban land (and environmental features) from urban development pressures.

The proposal seeks to use the land for residential purposes in the form of a residential village that provides for fifty (50) dwellings in addition to ancillary communal facilities for the residents that includes a bowling green, pool, and other general amenities. The residential village is proposed to be limited to residents whom are over fifty-five (55) years in age which is proposed to be ensured under a Section 173 Agreement by permit condition, but also required due to Covenant AS384698E that restricts any accommodation uses to be for retirees and/or a retirement village. The development is to operate under a 'land lease' model that seeks to provide an alternative affordable form of housing for those whom are over fifty-five (55) years old and/or retirees. Pursuant to section 61(4) of the *Planning and Environment Act 1987* no permit issued can contravene a covenant and the section 173 agreement needs to specify that all residents must be retirees and/or over the age of fifty-five (55) years.

The capability of the land to accommodate the proposed development is suitable given the site provides for low density single storey dwellings that only occupy eighteen (18) percent of the entire site. The proposed single storey scale form and open landscape areas around the buildings is suitably reflective of the single storey dwelling's that surround the immediate area, maintaining the rural ambience in addition to offering a break in built form through landscaping boulevards that maintain existing outlooks from Swansea Road to Olinda Creek. The development is also able to connect to all reticulated services including water, sewerage and electricity assets.

The site is accessible and well serviced with direct access to an arterial road (Swansea Road), local bus services, parks including being directly adjacent to the Olinda Creek Trail and with direct access to Bellbird Park, Lilydale Lake, Hull Road wetlands and the broader Yarra Range's and Melbourne's broader park network. In addition, the site is approximately 1.8 kilometres from the Lilydale Major activity centre which offers a diverse range of retail, commercial and entertainment needs. This is consistent with Clause 16.01-3S in encouraging consolidation of new housing where existing physical and community infrastructure is available.

Further, the proposal is compatible with adjoining and surrounding land uses. To the north is Bellbird Park which the proposal integrates with new pedestrian and bike paths from the subject site and accessibility to other places of recreation. A functional layout plan showing works along Akarana Road including the provision of shared path measuring three (3) metres width to Bellbird Park and to the existing footpaths to Swansea Road is recommended to be provided by permit condition.

To the south is the former Glenvale school that has since been vacated, however the existing school buildings remain. The proposed development is setback from the southern boundary and no dwellings will have a direct interface to this common boundary. Amenity impacts to adjoining properties are negligible considering the site only directly abuts a public park and a disused education facility.

The proposal has direct public transport access to bus routes 663 (Lilydale to Belgrave via Sherbrooke, Kallista, The Patch, Silvan, Mt Evelyn), 680 (Mooroolbark to Lilydale Activity centres) and 965 (Night Bus - Lilydale - Woori Yallock - Healesville - Yarra Glen loop) with a bus stop located sixty-five (65) metres north of the site on Swansea Road.

Nearby health services include those provided in Lilydale, being Epworth specialist, Eastern Health and Lilydale Private hospital and a broad range of general and specialist practitioners are also found in both Lilydale and Mt Evelyn.

Having regard to the above, the proposed location provides excellent accessibility for the health, recreation and service needs of both active and limited mobility retirees and is wholly consistent with the purpose of the zone in providing for residential uses and the objectives of planning, allowing people to age gracefully in place in their community.

Further, the purpose of the Zone seeks to protect and enhance the biodiversity and landscape values of the area which are discussed further below under respective headings of 'Environmental Impacts' and 'Built form, siting and design'. It is acknowledged that subject to conditions, the impacts on water quality, biodiversity in the area and protection of riparian buffers can be adequately protected through environmentally sensitive conditions relating to construction works and ongoing management and landscaping of the area considering the development area onsite is setback a minimum of fifty-six (56) metres from Olinda Creek.

Built form, Siting and Design

The proposed residential village is effectively set on a 'development pad' on the eastern half of the subject site due to the fill required to ensure that buildings are sited above the one (1) percent AEP flood level. The development pad covers approximately fifty-seven (57) percent of the subject site. The fill will be sourced from onsite through a site cut on a portion of the western half of the site to facilitate the fill pad but to also ensure that there is no net loss in floodplain capacity given the site is flood prone. External fill is also required and will be conditioned to be clean fill in accordance with the Environmental Protection Authority requirements. The development pad itself will be setback between 55.98 – 134.1 metres from Olinda Creek.

All buildings are sited within the development pad and the western half of the site is to remain vacant of any buildings. The proposal includes a thirty (30) metre conservation area from the top embankment of Olinda Creek in addition to the open grassland, referred to on plans as 'cos creek'. The grassland area is proposed to remain as a floodplain for Olinda Creek, this area will also include additional landscape plantings to improve biodiversity and landscape of the area.

The built form of the residential village is low density, characteristic with a site coverage of only 18 percent, with buildings being of a single storey design and no greater than 5.01 metres in height with the exception of the clubhouse that is 6.77 metres in height. All buildings are detached from one another and sections of open landscaping boulevards from Swansea Road to Olinda Creek are provided, ensuring

an acceptable sense of low-density ambience and outlook, maintaining the biodiversity and landscape values of the area.

The open landscaping boulevards, being Cos North, Centre and South, are proposed to be landscaped with native species but to also provide an internal pedestrian network for residents of the village. Detailed landscape plans are required by permit condition to ensure plantings are selected from the Yarra Ranges local vegetation community for the area. The openings between buildings range in widths from 16.82 – 34.70 metres along the Swansea Road frontage before tapering to the rear providing outlook to Olinda Creek.

Dwelling designs comprise of five variable designs which vary between two- and three-bedroom dwellings. The built form is generally modest in scale and the design, height and bulk of the various dwelling designs such as gabled roofing is reflective of other housing in the surrounding area. Material and colour palettes comprise of four different colour schemes which are largely muted in tone in various shades of grey and swatches of muted blue, whilst materials are a mixture of rendered cladding and Colorbond roofing. The use of a muted colour scheme will maintain the backdrop of the Olinda Creek riparian buffer and landscaping across the site as being the dominant landscape element of the immediate surrounds.

The development also responds to the requirements of Clause 15.01-2L 'Environmentally Sensitive Development' as the submitted Sustainability Management Plan (See attachment 7) details compliance to achieve best practice measures to be implemented. These measures include the provision of water tanks, raingardens, double glazed windows to habitable room windows and electric vehicle charging infrastructure. These measures will be conditioned accordingly to ensure implementation of environmental sensitive development measures.

Swansea Road interface and Fencing

The subject site and immediate surrounds on the western side of Swansea Road provide a break in built form in comparison to the eastern side which has been developed with single dwelling allotments. The western front of Swansea Road offers a view line to Olinda Creek and its riparian buffer, however visual intrusions to this corridor is also present along this area as reflected by the former Glenvale School and the Baptist Church to the south.

The interface of the development to Swansea Road is primarily the fencing and landscaping that lines the boundary. The fencing design is variable and incorporates recessed planter boxes in sections. Resulting from the fill required for the development pad, retaining walls varying in height from 0.8 – 2.2 metres, however despite the maximum height of the retaining walls, the walls will all remain below the ground level of Swansea Road and will have a limited visual impact on the site surrounds due to the topography of the site.

The boundary treatment along Swansea Road is varied and has been segmented by the bowling green, dwelling interface and landscaping boulevards. In assessing the proposed streetscape presentation in a north – south direction, the north east corner of the site comprising of the bowling green will have a low scale 1.2-metre-high transparent aluminium blade fence. This section of Swansea Road is already screen

by mature vegetation along the roadside that is to be retained and will maintain the natural landscape that is currently found.

The second component, the dwelling interfaces, of twelve (12) dwellings along this boundary are orientated to the internal road network, as such the secluded private open space to each dwelling interfaces to Swansea Road. This boundary line includes a recessed fenceline and variable design features. Within the confines of each individual dwelling unit, 40 percent of the fence is sited on the boundary, with the remaining 60 percent offset between 0.93 – 1.53 metres from the boundary line to provide landscaping within the recessed planting area. Recessed planters and indicative landscaping elements are depicted under Figure 13 (below). A concept landscape plan has been submitted and it will be conditioned for a detailed landscape plan showing planting location and species.

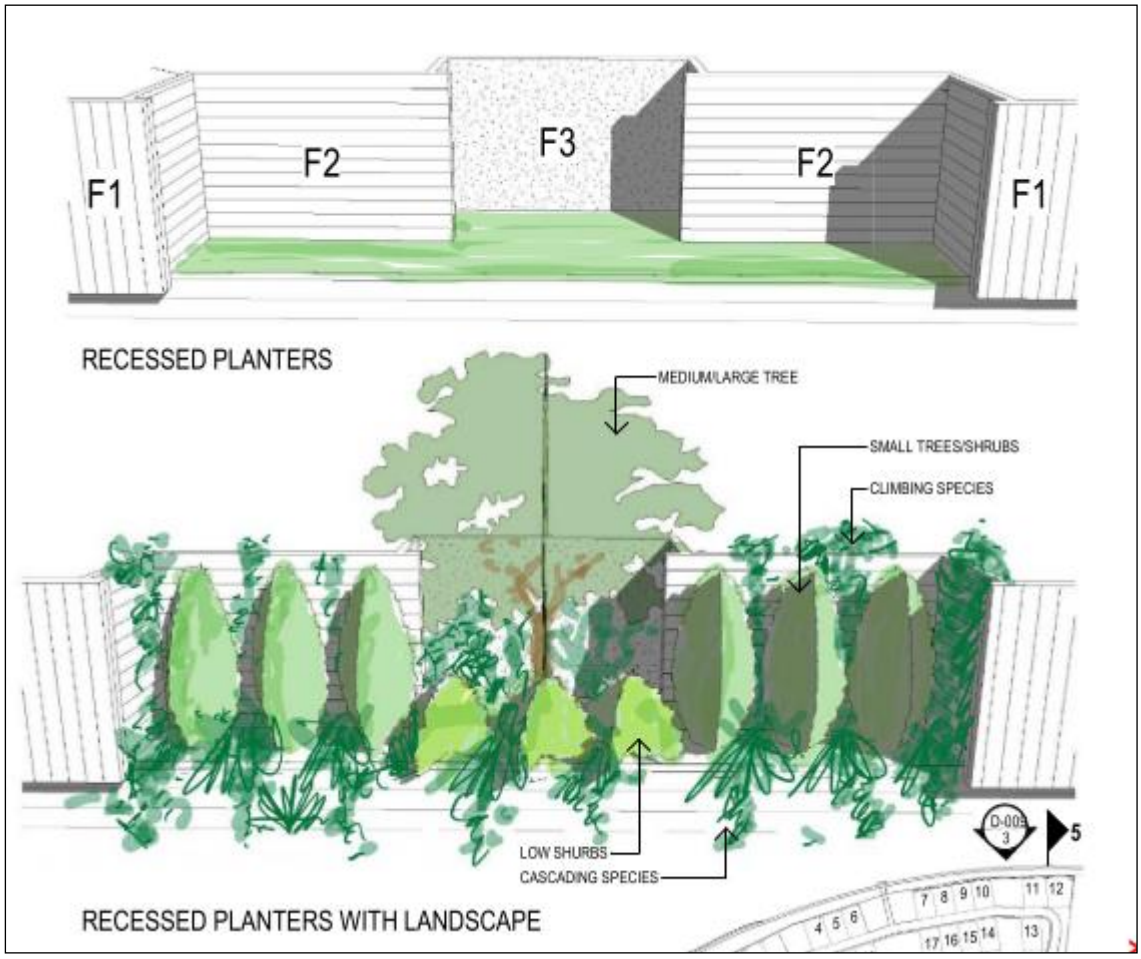

Figure 14 Proposed recessed planters along Swansea Road

Fencing elements comprise of 1.8 metre high plywood fencing that is segmented into vertical groove, horizontal grooves and painted which are intended to provide privacy to the respective dwellings private open space. The design elements proposed enable for visual relief from built form and opaque fencing along the boundary that will contribute to the biodiversity to the area but also add to the rural ambience of the western side of Swansea Road. It should also be recognised that exisitng vegetation on the road verge forward of Dwelling's 4-6 will already be screened by mature trees that are also to be retained. Dwelling's that line this boundary are also detached and

offer setbacks between 2.6 - 3.68 metres between dwelling's which is reflective of building setbacks on the eastern side of Swansea Road. Segmented across the dwelling units, this design is an acceptable response to the rural landscape character of the area and will compliment the existing treed backdrop of Olinda Creek through the establishment of additional vegetation along the frontage that reduces the prominance of fencing along the boundary and built form of the dwelling's.

Finally, the last segment of the Swansea Road interface pertains to the landscaping boulevards (referred to on plans as Cos North, Centre and South). This interface includes a 1.8 metre high transparent aluminium fence that is setback 1.5 metres from the boundary line. The transparency of the fence is noted to be 80 percent will be be conditioned to be made clear on the plans. Additionally, a condition is also to be included to provide transparent fencing of 50 percent along the landscaping boulevards to maintain the rural ambience Combined with the landscaping opportunities forward of the fence, the open expanses offers viewlines to Olinda Creek unimpeded by any dwelling's will appropriately integrate the development into the rural ambience and landscape setting of the immediate surrounds. Landscaping requirements have been conditioned accordingly to include the provision of middle/ upper storey tree plantings in addition to plantings that have a mature height above the fencing heights.

As a whole, the entire interface comprises of a consistent fencing element across the boundary with various levels of setbacks, heights and landscaping provided Combined with the landscaping opportunities offered will reduce the overall visual dominance of fencing and dwelling elements when viewed from Swansea Road. Moreover, the key aspect of the landscaping boulevards will further reduce visual impacts associated with the devleopment and provides three separate breaks in the built form to take advantage of viewlines to Olinda Creek.

Flooding and stormwater drainage

Flooding

The majority of the site is covered by the Land Subject to Inundation Overlay which identifies the site as being prone to flooding and as such development must respond to the environmental hazards appropriately. Clause 13.03 also reinforces the protection of life, property, and infrastructure from flood hazards in addition to the protection of floodplain areas and the flood storage function of floodplains.

The applicant seeks to address flood risk to the proposed development through the provision of a development pad as discussed above. The balance of fill and cut proposed onsite seeks to ensure that buildings and internal roads sit above the 1 in 100-year flood levels, whilst the cut on the western half of the lot is to maintain the carrying capacity of the floodplain onsite with no net loss in floodplain capacity. The submitted flood modelling within the stormwater report demonstrates that there will be a net gain of approximately 13,000 cubic metres in flood storage in a flood event. Moreover, as the floodplain storage is not reduced rather a small net increase, flood modelling demonstrates that there are no adverse impacts of flood flows to nearby private properties. The western half of the site will not be a reserve or park of any form given the susceptibility of the area to flooding and as such it would only be appropriate

for this portion of land to be landscaped further to contribute to the biodiversity of the area through the enhancement of native flora.

Given the site currently acts as a natural floodplain, the earthworks required will change the hydrology and flow of stormwater onsite which will be redirected to the Akarana Road table drain that subsequently discharges to Olinda Creek. The capacity of this new discharge point has been modelled and the cut off drain along Akarana Road is proposed to cater for a 1 in 100-year flood. It is noted that the resultant changes will increase the velocity of water flows during such flood event and that the erosion control measures must be implemented in addition to appropriate barriers to prevent pedestrian access. Detailed drainage computations and designs will be conditioned to demonstrate the cut off drain along Akarana Road can cater for the flood event and the appropriate erosion control measures.

Extensive flood modelling (see attachment 8 – Hydrologic Flooding Analysis) has been undertaken within the stormwater report that indicates projected flood levels of 109.55 metres to Australian Heigh Datum (AHD). Melbourne Water is the relevant floodplain management authority has identified the applicable flood level as 109.85 metres to the Australian Height Datum. Melbourne Water's referral response requires all buildings and internal roads to be no lower than 110.45 metres to AHD, which is 600 millimetres above the applicable flood level. The development pad has a level of 110.45 AHD and satisfies this requirement. Dwellings along the southern portion of the development pad which cantilever over the floodplain are noted to have a finished floor level 1 metre above the applicable flood level which exceed the minimum Australian Height Datum level required and further reduce the flood risk to these dwellings.

The primary access to and from the site is via a new bridge providing access to Akarana Road. Under existing conditions this road is already prone to flooding in a flood event and the flood modelling indicates that Akarana Road will still be subject to flooding. To ensure safe access an alternate emergency access point at Swansea Road between Dwellings 6 and 7 set off the development pad and above the applicable flood level is proposed so that emergency vehicles and residents' egress from the site in a flood event. A flood risk management plan detailing an emergency evacuation plan and controlling access to passive recreation in the Cos creek area which is flood prone and ensuring timely evacuation of flood prone areas in flood events will also be required to ensure ongoing and effective management of flood risk on the site. It is noted that retirees are not high care residents and there are no accessways proposed within the flood prone areas on the site.

The land subject to inundation overlay seeks to manage the storage and dispersal of floodwater, that seeks to respond to the flood hazard and local drainage conditions to not cause any significant rise in flood level or flow velocity.

The application has been referred to Melbourne Water as the relevant floodplain management authority whom has provided conditional consent to the proposal with all conditions from Melbourne Water to be included given Melbourne Water is a determining referral authority. Detailed drainage design of stormwater discharge to Olinda Creek will also be required to be submitted to Melbourne Water which is further discussed under 'stormwater drainage'.

In addition, a site environmental management plan and landscape plan are to be conditioned to identify key environmental values and measures to protect and mitigate these risks accordingly. The landscape plan will further enhance biodiversity values along the riparian buffer in addition to the 30-metre conservation zone. Further discussion of these plans is detailed further below under 'impacts to Olinda Creek'.

Stormwater drainage

Management of stormwater is a critical element considering the legal point of discharge is to Olinda Creek. It is noted that stormwater discharge to Olinda Creek is subject to approval by Melbourne Water whom have provided conditional consent subject to a stormwater connection application being made to Melbourne Water including detailed drainage design and a stormwater strategy amongst other conditions.

Stormwater generated onsite resulting from the development is proposed to be treated via a proprietary system (Humeguard) that involves an end of line gross pollutant trap followed by a hydrodynamic separator. It is noted that in addressing environmentally sustainable design measures, the proposal also includes the provision of nine (9) water tanks and raingardens adjacent to the internal road network. These water sensitive urban design measures are proposed to compliment the proprietary stormwater treatment system. The proposed stormwater management system satisfies and exceeds the best practice performance objectives for stormwater quality as detailed in Table 4.

Component	Source Load	Residual Load	Performance objective (%)	Proposed Reduction (%)
Gross pollutants (kg/yr)	446	49.5	70	88.9
Total Suspended Solids (kg/yr)	1,990	246	80	87.6
Total Phosphorus	4.42	1.94	45	56.2
Total Nitrogen (kg/yr)	33.8	47.2	45	47.2

Table 4. Stormwater performance objectives

Existing stormwater flows from upstream catchments (properties east of Swansea Road) is channelled through the Swansea Road table drain before entering the Akarana cut off drain and discharging into Olinda Creek.

The development will result in increased velocities along this drainage channel with two pinch points identified, however these are confined to within the Akarana Road cutoff drain itself and will not impact the immediate surrounds. The flood modelling identifies that the proposal will result in minor reduction in the flood levels to Akarana Road, but the road is still subject to flooding. To ensure the cut off drain can adequately cater for upstream catchment flows and flows resulting from the proposed development, conditions require detailed engineering designs demonstrating the cut

off drains along Akarana Road and Swansea Road can cater for the 1 in 100-year flood event. This measure will also require details of the culvert drain below the main access bridge to convey flood event flows.

To ensure the cut off drain operates efficiently and safely conditions are recommended to provide appropriate erosion control measures along the cut off drain embankment. This will ensure the capacity of the drain will operate as projected but also avoid any environmental degradation of the cut off drain embankment. Appropriate safety measures to prevent public access to the cut off drain is also critical particularly in flood events and appropriate barriers and signage details will need to be provided. The above matters can be suitably addressed via the detailed drainage design under conditions that is to be submitted to Council's stormwater engineering department and Melbourne Water for approval.

A construction management plan also forms permit conditions to ensure appropriate flood protection control measures are undertaken and implemented during the construction phase to prevent erosion, pollution and damage to property and Olinda Creek.

As an added measure and following concerns raised by objectors and Council's stormwater engineers, in respect to existing stormwater infrastructure and flood risk, the applicant has proposed an auxiliary pipe that will re-direct stormwater around the Akarana Road cut off drain. This pipe will extend off the existing outfall drain on Swansea Road to convey stormwater from upstream catchments (properties east of Swansea Road), traversing through the subject site via the landscaping boulevard ('cos north'), running parallel with the fill embankment before re-connecting to the western end of the Akarana Road cut off drain. This will reduce the erosion risk, volume, and velocity of stormwater along the Akarana Road cut off drain through the diversion of stormwater flows. Council's stormwater engineers have not objected to the auxiliary pipe subject to detailed drainage design and the provision of appropriate drainage easements being provided. Further comments from Melbourne Water have not objected to the provision of this pipe, noting that it will reduce the flood hazard within Akarana Road.

Environmental impacts

Vegetation Removal

A total of thirteen (13) trees are proposed for removal to facilitate the proposed development. Trees 7, 8 and 9 do not require planning approval for their removal as they are not native vegetation. All other trees require planning permission under Clause 52.17 for removal. The arboricultural value of all trees proposed for removal are of a low or moderate arboricultural value, all high value trees onsite and immediately adjoining the site are to be retained. Referral to Council's arborist and environmental department have not objected to the application subject to tree protection controls for retained trees and native vegetation offsets being secured to offset the native vegetation being removed. The biodiversity assessment details that to offset the removal of 0.353 hectares of native vegetation removal requires a general offset of 0.071 general habitat units and a minimum strategic biodiversity score of 0.071 general habitat units which can be conditioned accordingly to ensure that there

is not net loss to biodiversity as a result of native vegetation removal (See attachment 9 Arborist Report).

Combined with the matter that the proposed development includes an intensive revegetation of the Olinda Creek embankment as directed by Melbourne Water conditions. Additional landscaping requirements along the remainder of the site including the floodplain (cos creek) and landscaping boulevards will result in a net benefit to the biodiversity and ecosystem of the immediate area through the appropriate implementation and establishment and planting of indigenous species to the area.

Environmental impacts to Olinda Creek

As abovementioned, both the Municipal Planning Strategy and Planning Policy Framework under Clause 02.03-2 and Clause 12.03 recognise the need to protect and enhance waterway systems. The proposed development layout locates the development to the eastern half of the allotment away from Olinda Creek with a minimum setback of 55.98 metres to the Creek.

Olinda Creek plays an important role in the ecosystem and functioning of local flora and fauna in the area. The Creek is also known to house vulnerable populations of platypus. Melbourne Water have developed a 'Healthy Waterways Strategy 2018-2028' which sets a long-term vision for managing the health of rivers and is a referenced policy document under Clause 12.03-1S. This document sets out various objectives to be achieved that will add to the overall management and enhancement of the creek and its biodiversity values. These objectives are broad however recognise the need to improve water quality, vegetation extent and quality along the Creek. The assessment below details various measures undertaken to protect and enhance Olinda Creek.

Earthworks are required within the western half of the allotment; however, this does not impact upon the Olinda Creek embankment, nor does it impact upon any of the riparian buffer vegetation that runs along the Creek. To ensure that earthworks occurring onsite to facilitate the development pad and maintain the floodplain carry capacity of the site a construction management plan has been conditioned accordingly to ensure that appropriate fencing and exclusion zones are provided during the construction period to avoid and mitigate any environmental impacts to vegetation, Olinda Creek, and other key environmental values. This will also tie in conjunction with Melbourne Water's conditional approval that requires a site environmental management plan that includes the provision of measures taken to protect or mitigate risk to values such as Olinda Creek, silt control and trenching control. These measures will ensure that careful management, techniques and measures will be implemented and enforced to ensure no detrimental impacts occur to the biodiversity of the area. Further, Melbourne Water's conditional consent also requires the provision of a stormwater management strategy that provides the necessary detailed drainage design and associated earthworks where appropriate measures are undertaken in accordance with Melbourne Water guidelines.

Stormwater management onsite as noted under 'stormwater drainage' also demonstrates that proposed proprietary system and stormwater treatments proposed will meet and exceed best performance objectives for stormwater quality. This will

ensure that development appropriately filters sediment and waste from stormwater prior to discharge from the site to Olinda Creek. As previously discussed, drainage design details and computations will need to be submitted to both Council's stormwater engineering department and Melbourne Water for approval.

The development also provides for extensive opportunities to landscape the site in particular a focus on rehabilitating and revegetating Olinda Creek riparian buffer and adjacent open areas. The land is not within a bushfire management overlay or bushfire prone area; however, any proposed landscaping should be responsible in this regard not to add to any potential fire threat. Tree clumping, appropriate canopy separation, mature tree clearances from buildings and appropriate ground cover clumping should be incorporated into the landscape measures to provide a vegetated rural setting as opposed to densely vegetated bushland setting for the development.

It is noted the submitted arborist report and biodiversity report confirm no vegetation will be removed along Olinda Creek. An indicative landscape plan has also been submitted as part of the application which identifies various opportunities for plantings and a thirty (30) metre conservation zone is provided from Olinda Creek. Melbourne Water's conditional consent has required this conservation zone is to free of any buildings and also include a detailed landscape plan to detail revegetation planting and revegetation works within this corridor. To add to the Melbourne Water conditions but to also ensure appropriate plant species and landscaping is chosen without impacting floodplain capacity, conditions will also apply to implement a landscape plan that incorporates plantings from the local environmental vegetation community of the area. This will include landscaping across the site including the Swansea Road interface, but with a particular emphasis on landscaping the conservation zone and the 'cos creek' area to enhance the overall biodiversity of the site which will contribute to provide a densely vegetation riparian buffer that aids the local ecosystem. The landscape plan will also require the need to identify weed species onsite which are noted to be prevalent in the submitted biodiversity report and ongoing management measures that are to be implemented to remove weeds onsite and to revegetate the site with local indigenous species to enhance habitat and biodiversity values. (See attachment 10)

Subject to conditions as noted above, the proposed development provides a site responsive design which protects the environmental values of the Olinda Creek system and future bushfire risks. The proposal also facilitates the restoration of waterway systems through the removal of weed species to be replaced by extensively landscaping the site with local indigenous species in addition to appropriate construction and site management plans that conserve and protect the Creek and key environmental values such as Olinda Creek and its riparian buffer.

Traffic, car parking and waste management

Traffic

The proposed ingress and egress of the site is via a new 7.5-metre-wide bridge which includes a 6-metre-wide vehicle accessway and a 1.5 metre wide pedestrian accessway. The bridge provides connection to the existing Akarana Road that is a sealed road that presently only serves the Bellbird Park carparking.

Akarana Road provides direct access to Swansea Road which is an unsignalised intersection with left and right turn available to and from Akarana Road. An existing slip lane for left turning traffic is provided for north bound traffic. Swansea Road is an arterial road with a posted speed limited of 80 kilometres an hour. It is noted that Department of Transport and Planning is the relevant road authority for Swansea Road. Signalisation of the intersection has not been required by Department of Transport and Planning.

The proposed traffic generated by the proposed residential village is projected to be an additional 300 daily vehicle movements which includes 30 additional vehicle movements in the AM and PM peak hours to the Swansea/ Akarana/ David Road intersection. Whilst the intersection is to remain unchanged it is noted in the traffic report that platooning of vehicles occurs as a result of the signalised intersection south of the site at Swansea/ Hull Road which will assist with entry and exit movements. The intersection also provides for ample sightlines of at least 180 metres in either direction for vehicles exiting Swansea Road. Moreover, the volume of traffic increase along Swansea Road resulting from the development will account for less than a 1 percent increase in vehicle traffic in either direction (See attachment 11).

The application has been referred to Department of Transport and Planning in respect to impacts to Swansea Road whom have consented to the application. Council's traffic engineers have also reviewed the application and have provided conditional consent subject to design details regarding road markings, pedestrian footpaths, and appropriate safety control devices for the entry bridge. These can be addressed via a functional layout plan through conditions.

A separate access point between Dwelling 6 and 7 is proposed to provide for emergency vehicle access and a secondary evacuation route to the Akarana Bridge crossing in the event of an emergency. Widths of the access have not been dimensioned and will be conditioned to be a minimum 3.5 metre width to ensure to enable for emergency vehicle access. This emergency exit will accommodate for both pedestrians and vehicles as a pedestrian footpath is proposed along the entire frontage of the site along Swansea Road, connecting to the existing footpath north of the site.

Car parking

In respect to minimum car parking requirements under Clause 52.06 each two-bedroom dwelling is provided with at least one car parking space, whilst three-bedroom dwellings are provided with two car parking spaces. Some of the two-bedroom dwellings are provided with two car parking spaces, providing additional storage space or flexibility of car ownership for retirees. In total a minimum of 65 car parking spaces are required to be provided, of which the proposed development provides 79 car parking spaces satisfying this requirement. Due to the number of dwellings proposed a total of 10 visitor car parking spaces are also required. The proposal provides for 12 car parking spaces with most of these spaces are located around the clubhouse with the remainder to the southern end of the site.

Waste

Waste is proposed to be collected via Council waste collection from the kerbside of the internal road network. The road has been designed to cater for 10.5 metre long vehicles and as such suitable for Council's waste collection. Conditions will apply to require a waste management plan detailing the waste collection arrangement within the site.

Response to Submitters concerns

The application has been advertised and sixty three (63) objections have been received. A summary of key themes of objections and a response to respective concerns is provided under the table below.

Concern	**Officer Response**
Stormwater runoff impacts to Olinda Creek	Stormwater is to be treated via a proprietary system before being discharged to Olinda Creek. The stormwater management measures achieves and exceeds best practice performance objections. Appropriate detailed drainage design details will be required to be submitted to both Melbourne Water and Council's stormwater engineers via conditions.
Flood risk to future residents	As discussed above all dwellings and internal roads are built above the 1% AEP flood level. A flood emergency management plan is also required to be prepared as part of conditions and a secondary emergency exit point on Swansea Road is provided for residents and emergency services.
Flooding impacts to downstream properties	Floodplain storage onsite will result in a minor increase in capacity, whilst flood modelling indicates that there will be no adverse flooding impacts to downstream properties.
Inadequate stormwater infrastructure	The proposal includes upgrades to the Akarana cut off drain that will cater for stormwater runoff from upstream catchments and stormwater generated from the proposed development.

Concern	Officer Response
Inconsistent with the Rural Living Zone	Discussed above, the proposed use is supported under the purpose of the zone and the built form proposed is proportionate to the rural ambience and setting.
Impacts to biodiversity due to loss of flora, fauna and habitat.	The proposal includes a conservation zone of thirty (30) metres from Olinda Creek. This section is to be rehabilitated and re-vegetated with indigenous species to the area. The removal of trees onsite will be offset accordingly, but a landscape plan has been required to detail extensive landscaping across the site in particular along the conservation zone and western half of the allotment to further enhance the biodiversity of the area. Refer to 'environmental impacts' above for further details.
Loss of vegetation along Olinda Creek	No vegetation is proposed for removal along Olinda Creek, rather the riparian buffer is proposed to be rehabilitated through landscaping of local indigenous species.
Additional traffic impacts and congestion	The proposal will have an increase of less than 1% on traffic volumes along Swansea Road in either direction that will not adversely impact upon Swansea Road. Referral to Department of Transport and Planning have also consented to the application. The access points will not impact on direct access to surrounding dwellings. Council's traffic engineers have reviewed the proposal and support the proposed access arrangements

Concern	Officer Response
Gated community and lack of public facilities	The site is on private land and the communal facilities are only to service residents of the residential village. There are ample areas of public recreation nearby including Bellbird Park and Lilydale Lake in addition to various services and places of entertainment at the Lilydale activity centre.
Significant extent of earthworks required and subsequent impacts to Olinda Creek	Earthworks are sited away from Olinda Creek and the extent of earthworks required for the fill pad and cut can be sensitively managed through a construction management plan and a site environmental management plan.
Noise and dust pollution and construction impacts	Construction impacts can be managed through a construction management plan to minimise impacts to neighbour properties in respect to noise, dust and construction traffic.
Excessive built form, number of dwellings and subsequent impacts to the landscape character and setting.	As abovementioned, the built form is proportionate to the subject site and surrounds with its single storey design and site coverage of only 18 percent. The variable fencing and landscaping treatments along Swansea Road in addition to open landscaping boulevards provided onsite will retain sections of outlook to Olinda Creek and its riparian buffer. Additional landscaping onsite will further enhance the treed landscape and ambience of the site and surrounds.

CONCLUSION

The proposed 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 application has been assessed in accordance with Section 60(1) of the *Planning and Environment Act 1987* and all relevant instruments and policies.

The proposal is consistent with the objectives of the Municipal Planning Strategy, Planning Policy Framework, Zone, Overlay and particular provisions of the Scheme. The proposal provides an increase in affordable housing supply proximate to established services and infrastructure, whilst providing a design response that responds to protecting and enhancing key environmental values and landscapes.

As such, approval is recommended and a Notice of Decision to Grant a Planning Permit be issued, subject to conditions (Attachment 1).

ATTACHMENTS

1 Planning Permit Conditions

2 Development Plans

3 Landscape Plan

4 Town Planning Report

5 Stormwater Management Plan

6 Planning Scheme Policies

7 Sustainability Management Plan

8 Hydrologic Flooding Analysis

9 Arborist Report

10 Biodiversity Report

11 Traffic Impact Assessment