

Yarra Ranges Shire Council
361-365 Mt Dandenong Tourist Road, Sassafras
Incorporated Document
Specific Control Overlay
November 2019

1.0 Introduction

This document is an incorporated document in the schedule to clause 45.12 and clause 72.04 of the Yarra Ranges Planning Scheme ('Planning Scheme') pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*. The land identified in clause 3.0 of this document may be used in accordance with this incorporated document.

All other provisions of the Planning Scheme must be met.

2.0 Purpose

- To ensure the use and development of this land is consistent with the requirements of the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* and the policies of the *Yarra Ranges Localised Planning Statement*.
- To ensure subdivision requirements applying to 361-365 Mt Dandenong Tourist Road, Sassafras are consistent with the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan*.
- To ensure the use of land is restricted to those where the risk to life and property from bushfire can be reduced to an acceptable level.

3.0 Land

The control in this document applies to the land defined as 361-365 Mt Dandenong Tourist Road, Sassafras, which comprises the following lots:

- Lot 1 on TP598211K (Vol. 8916, Fol. 108);
- Lot 1 on TP438760V (Vol. 8967, Fol. 119); and
- Lot 2 on LP99548 (Vol. 9002, Fol. 670).

The land is marked as SCO12 on Yarra Ranges Planning Scheme Map 66SCO.

4.0 Use of land

In addition to the table of uses in Clause 34.01- Commercial Zone the uses listed in the table below are prohibited unless the condition is met.

Table 1: Prohibited uses – unless meets condition

Use	Condition
Accommodation	
Bar	Must not include accommodation.
Child care centre	
Community care accommodation	
Education centre	
Hospital	
Hotel	Must not include accommodation.
Medical centre	
Place of assembly	
Rooming house	

Bushfire risk**Construction standards**

Existing buildings are to be retrofitted to a minimum Bushfire Attack Level of BAL-29.
 New buildings are to be designed and constructed to a minimum Bushfire Attack Level of BAL-29.

Emergency Management Plan

An Emergency Management Plan must be submitted to the Responsible Authority and endorsed by the Country Fire Authority. Once endorsed, the Emergency Management Plan must be implemented while the development exists.

Hours of operation

The uses operating on the site must close on days of Severe, Extreme and Code Red fire danger ratings.

5.0**Subdivision**

A permit to subdivide land must meet the following requirements:

- A minimum lot size of 1 hectare with an average lot yield not exceeding 1 lot to each 2 hectares of site area and a maximum lot size of 3 hectares.

A permit may be granted to create lots that do not meet the land area requirements specified in a schedule to this overlay if either of the following apply:

- The subdivision is the re-subdivision of two existing lots, the number of lots is not increased, the number of lots the land could potentially be subdivided into under the zone does not increase and the number of dwellings that the land could be used for does not increase.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

All other provisions of the Planning Scheme must be met.

A permit cannot be granted to subdivide land which is not in accordance with this Incorporated Document.

6.0 Tenement controls

This applies to land in the Specific Control Overlay Schedule 12.

The subject land is a defined tenement. Tenements are contiguous lots or parcels of land held in the same ownership on 1 October 1980 in the former Shire of Sherbrooke.

A permit may only be granted to establish one dwelling on the total of the land described as the tenement in 3.0 of this Schedule.

If a permit is granted to construct a dwelling on the tenement holding the permit must contain a condition requiring all of the land (lots) in the tenement to be consolidated prior to the use of the land for a dwelling.

Tenement anomalies

Despite the provisions of this Clause, a permit may be granted to establish one dwelling on this land, provided it is demonstrated to the satisfaction of the responsible authority that:

- The development will not prejudice the primary purpose of the zone and local planning policies applying to the land.
- The wider objectives of the tenement provisions are protected from incremental erosion and are maintained as a legitimate means of protecting the areas identified from inappropriate development.
- Services such as constructed roads, reticulated water supply and reticulated sewerage are available, without additional substantial costs to the Council and servicing authorities, and the provision of these and other utility installations will have minimal impact on the environment or landscape of the area.
- If reticulated sewerage is not available, the site is of sufficient size to enable proper onsite treatment of all wastes and retention of effluent.
- If the land is in an area identified as having a high risk of wildfire hazard, appropriate building design measures will be undertaken to provide an acceptable level of protection.
- There will be no detriment to the ecology of any stream or watercourse on or near the site by virtue of the development.
- The development can be considered to be infill in an area which is substantially built up.
- Removal of native vegetation is minimised.

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under this Clause which must be considered, as appropriate, by the responsible authority:

- Whether the proposal is consistent with the purpose of this Incorporated Document.

SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

1.0

Specific controls

23/03/2020 --/--/----
GG152 Proposed C186yran

PS Map Ref	Name of incorporated document
SCO1	Kaufland Supermarket and complementary uses, 266-268 Maroondah Highway, Chirnside Park, Incorporated Document, March 2019
SCO2	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO3	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO5	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO6	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO7	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO8	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO9	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO10	30-32 Melba Highway, Yering - July 2016
SCO11	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO12	Manchester Road, Mooroolbark Level Crossing Removal Project Incorporated Document, February 2020
SCO13	Maroondah Highway, Lilydale Level Crossing Removal Project Incorporated Document, February 2020
SCO14	Yarra Ranges Shire Council, 361-365 Mt Dandenong Tourist Road, Sassafras Incorporated Document, Specific Control Overlay, November 2019

SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME**1.0****Incorporated documents**23/03/2020 --/--/----
GC152 Proposed C186yran

Name of Document	Introduced by
261 Mount Dandenong Tourist Road, Ferny Creek, Development and Use of Land for a Restaurant and a Caretaker's House, November 2013	C129
30-32 Melba Highway, Yering, July 2016	C160
Amendment L145 to the former Lillydale Planning Scheme (Heritage Golf Course, Hughes Road, Chirnside Park)	NPS1
Amendment L3 to the former Healesville Planning Scheme (15 Healesville-Kooweerup Rd and 16 Airley Rd, Healesville)	NPS1
Amendment L33 to the former Upper Yarra Planning Scheme (Warburton Mountain Resort, Martyr Road, Warburton)	NPS1
Amendment L4 to the former Upper Yarra Planning Scheme (Warburton Chalet, Scotchmans Creek Road, Warburton)	NPS1
Billanook College Master Plan October 2011	C123
Chirnside Park Major Activity Centre, Development Contributions Plan, February 2013	C103(Part 2)
Concept Plan – Healesville Mandarin by G Burgess & K Taylor dated February 1989 (Pt CAs 163 & 163A, Maroondah Hwy and Mt Riddell Rd, Healesville)	NPS1
Concept Plan Nos CP-3-5 by Mark Burns, dated June 1996 (140 Yarra Glen Road, Healesville)	NPS1
Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017	C162
Eastern Golf Club Yering, February 2013	C130
Healesville Commercial Precinct – February 2015	C131
Kaufland Supermarket and complementary uses, 266-268 Maroondah Highway, Chirnside Park, Incorporated Document, March 2019	GC123
Lilydale Cemetery Incorporated Management Plan (August 2006)	C16(Part 2)
Lilydale Street Trees Incorporated Management Plan (August 2007)	C63
Little Yarra Steiner School Special Use Zone 8 Master Plan Mar 2009	C82
Manchester Road, Mooroolbark Level Crossing Removal Project Incorporated Document, February 2020	GC152
Maroondah Highway, Lilydale Level Crossing Removal Project Incorporated Document, February 2020	GC152
Overall Development Plan by Fulcrum Town Planners dated October 1996 ("The Country Place", 180 Olinda Creek Road, Kalorama)	NPS1
Permit PS/5416 dated 30 January 1979 and Plan 865AP dated 13 September 1978 by Paul Millar & Associates, modified by Permit PS/8024 and PS/8209 Coldstream Airfield)	NPS1
Plan No C6007 by Plan Printing & Drafting, dated September 1985 (Lilydale Airfield)	NPS1
Powerline Bushfire Safety Program - Native Vegetation Removal Code of Practice, August 2016	GC57
Proposed 10 Year Development Plan 1991-2001, prepared by Michol Design and dated 25 July 1990	NPS1

YARRA RANGES PLANNING SCHEME

Name of Document	Introduced by
(Life Ministry Centre, Old Melbourne Road, Chirnside Park)	
Restructure Plan for Old and Inappropriate Subdivisions in the Yarra Ranges Council, December 2015	C153
Section 1A of Schedule 2 – Restricted Uses in Chapter 5 (Upper Yarra District) of the former Yarra Ranges Planning Scheme (Little Yarra Road, Gilderoy)	NPS1
St Hubert’s Stables and Wine Cellar (Ruins) Incorporated Plan June 2007	C60
Symons Street Healesville Residential Precinct – February 2015	C131
Yarra Glen Cemetery Incorporated Management Plan (April 2005)	C51
Yarra Ranges Shire Council, 361-365 Mt Dandenong Tourist Road, Sassafras Incorporated Document, Specific Control Overlay, November 2019	C186yan