

**ORDINARY COUNCIL
MEETING**

TUESDAY 26 MARCH 2019

**ATTACHMENTS TO REPORTS
PRINTED SEPARATELY**

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Amendment C148 to the Yarra Ranges Planning Scheme and Amendment 122 to the Upper Yarra and Dandenong Ranges Regional Strategy Plan

Response to Panel Recommendations

Introduction

Council received the Panel's report for Amendments C148 and 122 in mid-October 2018. Amendment C148 is the implementation of the review of the Yarra Ranges Planning Scheme. Amendment 122 contains the associated changes to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (RSP).

The Panel recommended both Amendments be adopted, subject to a number of specific recommendations / changes contained in the Panel Report. Council must consider the Panel's recommendations when adopting the Amendment. While panel recommendations are not mandatory, Council must provide the Minister for Planning with reasons if it does not support any recommendation. This paper provides an officer response to each recommendation and outlines associated changes to Amendment C148, to be brought to Council in a final version for adoption.

Note: The Panel's report includes recommendations for Regional Strategy Plan Amendment 122. Council is not the planning authority for the UYVDR Regional Strategy Plan and cannot adopt the Amendment. However, Council's decision on Amendment C148 will guide what changes are required in Amendment 122.

Panel Recommendations

1. Adopt all changes shown in the revised version of the controls tabled by Council in its Part B submission unless otherwise recommended.

Officer Response

This recommendation refers to changes to the Amendment endorsed by Council at its meeting in May 2018. The changes responded to matters raised in submissions and were presented to the Panel as part of Council's (Part B) submission. All Council endorsed changes to the Amendment as listed below have been included in the amendment – except for one reference, as noted, which was not supported by the Panel.

Environmental Significance Overlay

- Changes to the methodology used to map the ESO were made in response to a submission from the Yarra Ranges Environmental Advisory Committee (YREAC). In its submission YREAC identified the following concerns:
 - The application of a 10 hectare threshold excises critical threatened vegetation communities and vital landscape linkages and other habitat
 - 'inadequate inclusion' of streams (treated like drainage lines) and catchments

Council undertook a re-mapping the ESO based on a revised methodology to test the recommendations, based on the following criteria:

- The ESO applies to land outside the UGB (except for waterway corridors within Township UGBs)

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- Public land supporting native vegetation and typically >0.4 hectares
- Private land supporting native vegetation, with small parcels (0.4 hectare) excluded and parcels (0.4-1 hectare) requiring at least 30% of the property supporting native vegetation
- Minimum aggregate or individual patch size of 5 hectares
- Melbourne Water's stream layer to define waterways (1,2,3rd Order streams – only 1st order (headwater waterways) were excluded if devoid of vegetation connecting to larger patch
- 60 metre either side of the Yarra River (total corridor width of 120m) and 30 metre either side of other waterways (total corridor width of 60m)
- Floodplain wetlands either connected or in close proximity to a riparian corridor
- Roadsides supporting native vegetation and with a largely contiguous canopy on one or both roadsides. Additional roadside areas which include rare or threatened species were added.
- Other connecting features including Warburton Trail if well vegetated

The revised maps were presented to the panel.

- The definition of a standing dead tree was standardised in the proposed ESO with the existing definition in Clause 52.17
- The Australian Pruning Standard AES 4373 was added as a reference. (*Not supported by the Panel*)
- The requirement for a permit for a fence within four metres of protected vegetation was removed.

Significant Landscape Overlays

- Statements of Significance were modified to incorporate descriptive elements of the National Trust Landscapes. (National Trust Submission)
- References to specific building materials in the Statements of Significance were removed to ensure these were not taken to be prescriptive elements.
- The permit exemptions for fences were standardised across the six proposed SLO's.

Clause 53 – now Clause 51.03

- The existing vegetation controls for the Commercial 1 and 2 Zone, Industrial 3 Zone were retained. The vegetation controls in the PUZ and Special Use Zones in Clause 51.03 were reinstated but only inside the UGB. (In the rural areas the new SLO's will apply the controls.)
- Modify wording to recognise a distinction between an established extractive industry and a new extractive industry operation. (Note this change has already been made by Amendment C169 – gazetted September 2018.)

ESD policy

A revised policy was drafted in line with current terminology supplied by the MAV's Council Alliance for Sustainable Built Environment (CASBE) submission.

Officer Recommendation

All Council endorsed changes presented to the Panel will be retained except for one not supported by the Panel.

2. Review of the form and content of the Amendment against current *Ministerial Direction, The Form and Content of Planning Schemes.*

Officer Response

State Amendment VC148 changed the structure of all planning schemes in Victoria and will require the local content of all Victorian planning schemes to be reformatted. VC148 was gazetted just before the Panel hearing for C148.

Officers discussed with the State Government the timing of Amendment C148 and the roll out of the revised planning schemes (which will happen in groups of councils over the next 12-18 months). Officers from the State Government recommend Amendment C148 be completed first, in its current format, to ensure the substance of the policy is embedded in the Planning Scheme before the Scheme is re-formatted.

It is anticipated Yarra Ranges will be in the final tranche of Victorian Councils to transition into the new format late 2019/ 2020.

Officer Recommendation

As per the State's recommendation, progress C148 to adoption in the existing format to imbed the policies. The re-formatting will be completed later as part of the State process.

3. Change the strategies at 21.04-3 by:

- **Changing Strategy 1.1 to read: "Provide for the continued use and development of, and where appropriate the expansion of, existing quarry operations."**
- **Delete Strategy 1.4 and Strategy 1.5.**

Officer Response

The recommendation above relates to the submission from Dandy Premix (Launching Place Quarry) regarding reinstating wording in the schedule to Clause 51.03 to make a distinction between *new* and *expansion of* extractive industry. Council agreed to reinstate the Clause 51.03 wording at its May meeting. The matter was dealt with as a preliminary matter at the Panel hearing where it was agreed the Amendment would be prepared by the Minister for Planning. (Amendment C179 has recently been gazetted.)

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Further to the Dandy Premix's submission (Launching Place Quarry) the Panel has recommended some additional changes to Strategy 1.1 as illustrated below.

21.04-3 Extractive Industry**Key issues**

- Yarra Ranges contains ongoing hard rock quarry operations at Montrose, Coldstream and Launching Place.
- The former Cave Hill Quarry in Lilydale has now ceased operations and has been identified as a strategic redevelopment site.
- The remaining hard rock quarries in Yarra Ranges have provided a regionally important source of material for building and road construction.
- The extent of the stone resource within these quarries is finite and confined by environmental constraints and other land use priorities on nearby and adjoining land.

Objective

To recognise the significance of existing extractive industry resources within Yarra Ranges, while protecting environmentally sensitive areas.

Strategies

- 1.1 Provide for the continued use and development and where appropriate expansion of existing quarry operations.
- 1.2 Ensure that existing quarry operations are managed to avoid harmful off-site effects or loss of amenity to nearby residential and other sensitive land uses.
- ~~1.3 Ensure the thorough consideration of potential environmental and landscape impacts of any proposal to expand an existing extractive industry.~~
- ~~1.4 Prevent the expansion of existing quarry operations into areas of recognised flora and fauna habitat significance.~~
- 1.5 Prevent the expansion of existing quarry operations into established buffer areas that are required to protect nearby residential or other sensitive land uses.
- 1.6 Facilitate the preparation of a site rehabilitation strategy for any quarry that is expected to cease extractive operations in the foreseeable future.

Implementation

The strategies for *Extractive industry* will be implemented through the planning scheme by:

Zones and overlays

Applying the Special Use 1 Zone which recognises established quarry operations but would require the rezoning of these sites if they were to be used for alternative purposes following the cessation of quarry operations.

Officer Response

Officers compared the Panel's suggested revisions with extractive industry policy currently in the Planning Scheme and to the policies for extractive industry in the Regional Strategy Plan. On further investigation, officers believe the extractive industry strategies in the current Planning Scheme more closely articulate the policy of RSP – which is the primary intent.

The preferred final version reads as follows – underline denotes existing Planning Scheme:

21.04-3 Extractive Industry**Key issues**

- Yarra Ranges contains ongoing hard rock quarry operations at Montrose, Coldstream and Launching Place.
- The former Cave Hill Quarry in Lilydale has now ceased operations and has been identified as a strategic redevelopment site.
- The remaining hard rock quarries in Yarra Ranges have provided a regionally important source of material for building and road construction.
- The extent of the stone resource within these quarries is finite and confined by environmental constraints and other land use priorities on nearby and adjoining land.

Objective

To recognise the significance of existing extractive industry resources within Yarra Ranges, while protecting environmentally sensitive areas.

Strategies

- 1.1 Provide for the continued use and development of existing extractive industry resource areas in the Shire, subject to proper environmental and amenity assessments and controls.
- 1.2 Ensure that the establishment of new extractive industries are prohibited in areas of natural significance and environmental sensitivity.
- 1.3 Ensure the thorough consideration of potential environmental implications of any proposal to expand an existing extractive industry.

Implementation

The strategies for *Extractive industry* will be implemented through the planning scheme by:

Zones \ Overlays

Including the established extractive industries in a Special Use Zone 1 to identify quarry sites and maintain appropriate control over future operations and expansion proposals.

Officer Recommendation

It is recommended that the extractive industry policy in the Planning Scheme (Municipal Strategic Statement) remain unchanged. Keeping the existing strategies eliminates those clauses recommended to be removed or changed by the Panel.

4. Update the Lilydale activity centre map to show the alignment of the Lilydale Bypass as 'Proposed bypass route'.

Officer Recommendation

The Panel's recommendation is supported. The map has been updated accordingly.

5. Apply the Specific Control Overlay to land potentially affected by tenement controls and apply an Incorporated Document that replaces the current provisions in Clause 51.03.

Officer Response

The Specific Control Overlay is a new tool added to the Planning Scheme by the State Government as part of VC148 in October 2018. The Practitioners Guide to the Victorian Planning Schemes explains the new control as follows:

Specific Controls Overlay – in extraordinary circumstances, this overlay allows land to be identified and subject to specific controls to achieve land use or development outcomes that may otherwise be prohibited or restricted under other provisions of the planning scheme.

The Overlay has been added to the toolkit to map the 'specific site exclusions' in the Planning Scheme but the Panel has suggested it could be used in a similar way, to map the tenement provisions. The 'tenement' Overlay would complement the additional policy in the Municipal Strategic Statement and the new local policy *Dwellings in Rural Areas* when considering dwelling applications in the former Shires of Sherbrooke and Lilydale.

The Specific Control Overlay was not available at the time C148 was drafted. With a tool to map the control now available, the tenements could be mapped allowing the information to appear on planning certificates. The lack of transparency has been one of Council's key concerns with the tenement provisions. The issue of how to map the Overlay still presents a problem.

Mapping the tenements for the Specific Control Overlay

As has been well documented, Council does not have the data to accurately map tenements, and the Panel offered no advice on how this could be achieved. To determine whether a lot is a tenement, it is necessary to have the title for all adjoining properties and establish common ownership on the specified date in the Planning Scheme. The control restricts development to one dwelling per tenement (group of commonly owned lots). This is the only way to determine whether the lots were in single ownership (a tenement) at that time.

In a Green Wedge Zone or Rural Conservation Zone the date is:

- 23 July 1982, if the land was in the former Shire of Lilydale
- 8 July 1987, if the land was in the former Shire of Sherbrooke.

In a Green Wedge A Zone the date is:

- 27 August 1980, if the land was in the former Shire of Lilydale.
- 1 October 1980, if the land was in the former Shire of Sherbrooke.

If Council mapped all potential tenements, the Overlay would be applied to every lot in the subject zones /Shires. This equates to 18,677 properties – and is excessive in light of the fact that many of the lots are already developed. In the absence of doing title searches for

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all these properties officers propose a more strategic approach to focus on potentially developable lots within the tenement areas – which is where the control comes into consideration. It is proposed to put the following into the Overlay:

- All vacant parcels – there are currently 306
- Any parcel of two or more lots (in common ownership) with a single dwelling on the parcel. This would ensure if the dwelling was removed and the vacant lots became available, no additional dwellings could be built on the parcel if the tenement provisions applied. Given the age of housing stock and lot sizes in the tenement areas, it is likely this scenario will happen over time. There are 996 parcels with two or more lots and a dwelling.
- The total number of potential tenements based on the above is **1302**. It is proposed to map these lots in the new SCO.

The Overlay would alert any potential purchaser that the lot might be part of a tenement and development restricted (one dwelling per parcel).

The following will be excluded from the Overlay:

- Single lots with a single dwelling. In these cases the entitlement for a dwelling is clearly established, and Council is unlikely to refuse a permit to rebuild a single dwelling even if it were shown the lot was part of a tenement on the prescribed date.
- Any lot in a Restructure Overlay (or that has been restructured and removed from the Overlay). The RO will have already accomplished the function of the tenement control and these lots are currently exempt from the tenement provisions.

Regarding further subdivision – the Amendment makes no change to the subdivision provisions and they are not altered by the tenements. The proposed schedule to the Specific Control Overlay is included as Attachment 1.

Officer Recommendation – All 1302 potential tenements will be mapped using the new Specific Control Overlay which will replace the control now in Clause 51.03. The tenement ordinance as it currently appears will be included in an Incorporated Document to the Overlay. There is no change proposed to the actual tenement provisions.

6. Retain the current Environmental Significance Overlay Schedule 1, but update the Schedule to specify the vegetation exemptions within the Schedule.

The Panel provided further information relating to this recommendation, in the Executive Summary - the Panel states, *supporting information to the existing ESO is potentially valuable to exercise discretion and should not be deleted without a detailed review...* and on page 36 - *The Panel accepts that the controls may not be affected by such a deletion, but the material that guides the exercise of discretion will be changed.*

Officer Response

Officers do not support retaining the existing Environmental Significance Overlay as well as the new ESO. Two overlays in the Planning Scheme doing the same thing adds unnecessary complexity for no benefit.

Officers appreciate the Panel's concern that important background information (*Sites of Zoological Significance* and *Sites of Botanical Significance*) may be lost despite being over 35 years old. Ecology Australia has prepared the following response to the Panel's recommendation to retain the current ESO 1:

The existing ESO (Schedule 1) is based on studies that were commissioned between 1979 and 1989, which identified Sites of Botanical (75 sites) and Zoological Significance (39 sites) within the Upper Yarra Valley and Dandenong Ranges Region (now the Yarra Ranges Council). These studies were high level assessments and not originally designed to be the basis for overlay controls. They also did not cover the entire Shire, partly due to the difficulty obtaining private property access. The Sites of Botanical Significance for example are mostly confined to public land. Hence, large areas of private land, supporting potentially important biodiversity values, are not included within the existing ESO. In addition to these limitations, there are further reasons for not retaining the current ESO1, they include:

- *An inconsistent approach to determining sites of significance between the different studies;*
- *The confusion associated with using separate botanical and zoological sites;*
- *The data from the studies is c. 20 - 40 years old;*
- *As is the case with translating hand-drawn maps with a digitised layer, the current ESO1 boundaries of sites of significance do not always match the boundaries of the original sites of significance studies.*
- *Threatening processes associated with the expanding urban fringe and agriculture have intensified over the period which has resulted in the reduction and degradation of biodiversity values. The current ESO1 – c. 19 years in place – has had limited control over many of these processes. Many of the site boundaries are therefore no longer current;*
- *The Sites of Significance reports are not readily available to the public. Data from these assessments is available within the online Victorian Biodiversity Atlas; and*
- *The availability of resources and biodiversity information (e.g. databases and models) has substantially increased, particularly over the last 10 years (Ecology Australia 2013).*

In summary one of the key drivers for the new ESO was the inconsistent information supporting the existing Overlay. Additionally, the existing ESO is applied via the broader control in Clause 51.03 – which itself provides no guidance for planning decisions (discretion) and Amendment C148 is intended to translate the bulk of the controls in Clause 51.03 into overlays.

Officer Recommendation

The Panel's recommendation is not supported. It is not recommended to retain the existing ESO 1.

7. Before adoption, review the application of the proposed Environmental Significance Overlay to the specific sites identified in submissions, including the locality around Perrins Creek and The Crescent, Sassafras.

Officer Response

All submissions concerning the application of the ESO were reviewed by Ecology Australia prior to the Panel. A summary table of Ecology Australia's recommendations to each submission appeared in the Expert Witness Statement presented at the Panel. All mapping changes have since been incorporated into the final version of the ESO.

The Panel supported the revised methodology for the ESO but requested some further review of isolated localities which were the subject of submissions to the Panel. These sites have been further reviewed by Ecology Australia since the panel hearing.

The ESO in the area around The Crescent now includes a small parcel of public land which had been omitted due to it not appearing as public land in the cadastral base. Regarding the submitter's property - the ESO was reduced, but has been retained in the area where a creek runs through the property, which is consistent with the methodology to map all stream areas.

Regarding Perrin's Creek area, the properties excluded from the ESO were parcels smaller than .4 hectare and did not form part of a waterway corridor. (As per methodology applied) While not part of the ESO, the Panel noted there is significant overlap between the Environmental Significance Overlay and the Significant Landscape Overlay which continues to ensure vegetation controls are applied in these areas.

The Panel made comments on the methodology relating to what it perceived as 'flaws' in the mapping, which officers would like to address for completeness.

Methodology – page 36

1) Historical data – existing layers have been disregarded – “even if the information is more than 30 years old – effective vegetation controls have been in place and therefore it is expected the biodiversity values remain in place.”

2) A review of the ESO mapping has not been undertaken since updated State- wide mapping was introduced.

3) Rates database was used to identify public land and in some instances this does not reflect the land management arrangements

Officer Response

The following Information is provided by Ecology Australia who prepared the ESO.

- 1) Data from the botanical assessments (vegetation quadrats) and zoological assessments (species records) that were collected as part of the Sites of*

Significance reports (1975 - 1989) have been entered into biological databases that form important building blocks of the proposed ESO (C148). Further, as outlined in Mr McMahon's witness statement, records of rare and threatened species within the municipality have been viewed against the proposed ESO layer to ensure the ESO effectively captures habitat for rare and threatened species. Historical and site data have also been used to model vegetation communities (Ecological Vegetation Classes - EVCs) across Victoria – these datasets have been used in the grid analysis that was employed to establish the proposed ESO.

- 2) *The objective of the grid analysis was to determine areas and boundaries of remnant vegetation suitable for inclusion in the ESO. This analysis commenced in October 2017 prior to the new policy being released. Six biodiversity related spatial layers were used in the grid analysis and the most recent layers available at the time the grid analysis commenced were used in the mapping.*

Each layer was given a weighting – highest weighting to those that best predicted the occurrence and boundaries of native vegetation. NaturePrint (v 2.0) was used in the analysis, which has since been updated a number of times since the new policy came into effect mid-December 2017. The purpose of NaturePrint is to rank biodiversity values across the State. This layer does not necessarily predict the location and boundaries of native vegetation, and as acknowledged in one of DELWP's guidance documents released with the new policy, the Strategic Biodiversity Values Map (part of NaturePrint) prioritises the importance of locations across the whole of Victoria and the priority values may vary if the analysis was completed for a municipality¹.

As a result of these limitations, the NaturePrint layer was not weighted highly within the grid analysis and development of the ESO. The key layers used in the grid analysis to best predict the location and boundaries of native vegetation (and the ESO) – EVC mapping and native vegetation extent – have not been updated since the release of the new policy.

Following the completion of the ESO and adjustments to refine the ESO output, the ESO was validated against aerial photography. This largely involved removing areas that did not fulfil the required ESO attributes e.g. areas that appear not to support native vegetation outside the waterway corridors.

- 3) *Review of all ESO-related submissions was also undertaken as part of refining the ESO. The outcome of this review is provided in Mr McMahon's witness statement. Requests for further review from submitters to the panel hearing has been undertaken, including the Perrins Creek and Sassafras Creek areas, as well as submitters from Monbulk (submission no. 16), Lilydale (submission no. 64), and Council managed bushland reserves.*

Officer Recommendation

The final mapping incorporating all the changes recommended by Ecology Australia be included in the ESO.

¹ Planning for biodiversity – Guidance (DELWP 2017)

8. Replace the exemptions for vegetation removal by public land managers with a VicSmart provision to ensure vegetation removal by public land managers is consistently managed.

Officer response

The exhibited Amendment *did* expand the exemptions for public land managers relating to permits for vegetation removal and buildings and works. However, the exemptions were provisioned on being “to the satisfaction of the responsible authority” (which implies secondary consent from Council, despite no prescribed process for how this will work).

The Panel is correct; there should be a consistent approach to dealing with the public land managers when a permit is required. For this reason, officers believe the best solution is to remove the proposed public land exemptions from the exhibited Overlays and allow the State standard exemptions to prevail including:

- Vegetation removal exemptions in the State section (parent control) of the Overlays
- Section 16 of the Act – which provides for exemptions to the Minister for Conservation, Forests and Lands, Minister for Health and Minister for Education from the Planning Scheme and its requirements.

As the Panel has suggested, this ensures all agencies operate in accordance with the relevant legislation and within the scope of their powers.

Officers consider that any application on public land which is not exempt under the legislation and/or requires a permit is of a scale that *should* be advertised and subject to a full permit process. In other words, the applications that require permits would be outside the normal scope of work under the relevant land manager and should have full public disclosure.

VicSmart – the Panel recommended using the VicSmart provisions for public land managers. Officers disagree with this approach because VicSmart applications are for minor matters, such as the removal of a single tree or minor buildings and works associated with a dwelling. A VicSmart process denotes it is a simple application, but this may not be the case. VicSmart simply removes the need to advertise the application and limits required information but it is still a permit process - albeit a fast track process. In summary VicSmart is not a viable alternative and would be inconsistent with the intended use of the control.

Officer Recommendation

Remove the public land manager’s exemption from the schedules to the Significant Landscape Overlays and the Environmental Significance Overlay. This ensures more significant projects (not exempt under legislation or the planning controls) will be subject to a full planning process. This approach is consistent with the Public Land Policies of the Regional Strategy Plan.

It is not proposed to use VicSmart provisions to implement the exemptions from controls.

9. Revise the drafting of the Overlay Schedules to:

- **avoid using definitions where possible.**

Officer Response

This comment pertains to the definitions of *native vegetation* and *significant tree* used in the exhibited Overlays.

- The Panel suggested a definition of native vegetation, to be used consistently throughout the overlay schedules. The Panel recommended definition is *Native vegetation that occurs naturally in Yarra Ranges*.
- The definition of a significant tree will be retained as exhibited as the control is not intended to apply to smaller trees. The definition further refines existing controls in Clause 51.03 which capture all vegetation over 5 metres.

Officer Recommendation

The Panel's definition of native vegetation will be used in all Overlays.

The definition of significant tree is retained as exhibited in the SLO.

- **Move the 'requirements' presented in the Decision Guidelines in the Significant Landscape Overlays to a more appropriate location in the Planning Scheme, potentially a Local Planning Policy.**
- **revise the requirements presented in the Decision guidelines of the Significant Landscape Overlays (but relocate to a more appropriate location) to delete those requirements that impose a prescriptive outcome rather than specify a performance standard, namely those requirements that deal with:**
 - **strongly symmetrical buildings**
 - **setback from road frontages or railways**
 - **building materials.**

(Appendix D gives an example of the drafting changes proposed by the Panel)

The following comment appears in Appendix D, which has been included as Attachment 2 at the end of this report.

- **The Panel does not think that these are decision guidelines, but are in fact requirements. They should be moved to a local planning policy that consolidates the 'decision guidelines' from all the SLO schedules.**

Officer Response

Generally all comments deletions etc. in the marked up version of the SLO (Panel's Appendix D) are accepted and will be incorporated in the final draft documents. The one exception is Section 4 - the Decision Guidelines, which the Panel recommended be put into a Local Planning policy.

Officers do not support separating the decision guidelines from the controls. There are six distinct landscape types identified by six separate SLO's in the Amendment. The decision guidelines are pertinent to the local conditions of each landscape area (schedule) and its key features. Officers see no benefit in putting the relevant decision guidelines from six different landscape types into one Local Planning Policy – separate to the Overlays.

The proposed Overlays are applied to some of the most significant landscapes in Victoria, as identified by Clause 11.03-5S of the Planning Policy Framework – *Distinctive areas and landscapes*. Clause 11.03-5S has as its objective *to protect and enhance the valued attributes of identified distinctive areas and landscapes* which is further reinforced by the Yarra Ranges Localised Planning Statement and supports the need for strong Significant Landscape Overlays.

Keeping this in mind, each SLO must address an array of development types including but not limited to; dwellings, farm buildings, schools, wineries, restaurants, reception venues, hotels, golf clubs and other tourist developments. The Planning Scheme is 'performance based' so the detail about height and setbacks provides guidance on how an application meets Council's preferences for each rural landscape type.

The Panel questioned the detail in the guidelines such as setback distances, disaggregating buildings and recommended building materials. These specific recommendations are taken directly from the supporting document *Vision 20/20 by Design* prepared by Planisphere. Council engaged Planisphere to prepare *Vision 20/20 by Design* to identify features of particularly high value that contribute to Yarra Range's State significant rural landscapes.

Vision 20/20 by Design was specifically developed to inform built form and vegetation controls in the rural areas. The SLO, including the Decision Guidelines, proactively protects the significant landscape features and was subject to full public consultation prior to its adoption. The SLO is intended to *identify, preserve and enhance the character of significant landscapes* – clear detailed information is required if the Overlay is to achieve its purpose.

Officers will re-work the guidelines to ensure they are not prescriptive but do not support removing information that can be used to assess the performance of an application. See Attachment B.

- **Council should also review which of these general design principles already exist in the Planning Policy Framework (for example at clause 15)**

Regarding the Planning Policy Framework, the relevant section Clause 15.01-6S provides broad overarching principles for the built form in rural areas, which alone are insufficient as they do not distinguish or define areas. As mentioned earlier, the six distinct landscape types addressed by the SLO's in Amendment C148 provide the detail to build on Clause 15. Clause 11.03-5S supports the need for strong controls in Yarra Ranges and establishes the importance of the areas protected by the SLO's.

Some additional comments can be seen in the Panel's revised SLO specifically suggesting that some of the guidelines might not meet the objectives of the SLO/ or be the best design

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solution. In response, there are multiple guidelines to consider when making a decision, not just one. The overall performance of the building will be assessed against all the guidelines.

Regarding the suggested revision for the 'agriculture works' Guideline. Officers recommend this guideline is retained because it refers to fill operations, which affect the future use of agricultural land. This is not about re-locating the soil resource.

Officer Recommendation

Re-draft the SLO schedules in line with general comments from the Panel. A copy of the revised SLO1 is attached. Retain the Decision Guidelines in each individual SLO. Rework the Decision Guidelines but retain the detail to assist in decision making.

10. Retain the current exemptions for the remaining vegetation controls in Clause 51.03.Officer Response

The vegetation controls for the Commercial 1 and 2 Zone, the Industrial 3 Zone, the Public Use Zone (PUZ) and the Special Use Zone (SUZ) were removed from Clause 51.03 in the exhibited amendment. Officers later recommended they be retained because, with the exception of the SUZ and the PUZ, there are no controls proposed for these areas as part of C148. Regarding the Public Use Zone and Special Use Zone – in rural areas, the new Environmental and Significant Landscape Overlays will be applied as part of C148 but in urban areas there are no replacements.

A revised version of Clause 51.03 reinstating the provisions and exemptions was endorsed by Council in May 2018 and presented to the Panel in the Part B Submission. The Panel supported Council's decision to put the controls (and exemptions) back in.

Officer Recommendation

The exemptions from vegetation controls currently in Clause 51.03 have been re-instated into the Clause. Keeping the exemptions maintains the existing control in the Commercial 1 and 2 Zone and the Industrial 3 Zone and retains the existing control for the Special Use Zone and the Public Use Zones in the urban areas (inside the Urban Growth Boundary).

Note: Panel's Recommendation 1 is to support all changes to the ordinance in Council's Part B Submission (the revised Clause 51.03 ordinance formed part of the Part B Submission).

11. Amend the Schedule to Clause 53.01 'Public Open Space Contribution and Subdivision' to exclude land outside the Urban Growth Boundary.Officer Response

Officers support the Panel's recommendation because little subdivision occurs outside the Urban Growth Boundary due to the controls contained in the GW zones. Officers agree the Contribution is best applied to urban land and urban subdivision. Excluding land outside the Urban Growth Boundary does not mean a public open space contribution will not be

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required but it will enable a more flexible approach under the Subdivision Act which requires a contribution up to 5%.

Officer Recommendation

Amend the exhibited schedule to the Public Open Space Contributions to apply a 5% contribution to land inside the Urban Growth Boundary but exclude land outside the Urban Growth Boundary.

AMENDMENT 122 - UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN

Based on the reasons set out in this Report, the Panel recommends that the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan Amendment 122 be adopted as exhibited subject to the following:

R1. Retain the statements that deal with tenement controlsOfficer Response

The exhibited Regional Strategy Plan amendment documents will be re-worked in line with the Panel and officer recommendations supported in this report.

The key change to the RSP was to remove the tenement provisions, which is not necessary if the tenements are retained via the Specific Control Overlay.

Officer Recommendation

As discussed in Recommendation 5, the tenement provisions are proposed to be retained in the Yarra Ranges' Planning Scheme and applied by the new Specific Controls Overlay, so Amendment 122 will be modified accordingly to retain the tenement controls in the RSP.

ATTACHMENT 1 – SPECIFIC OVERLAY SCHEDULE

SCHEDULE TO CLAUSE 45.12 SPECIFIC controls OVERLAY

Specific controls

PS Map Ref	Name of incorporated document
SCO11	Yarra Ranges Tenement Controls

CONTENT OF INCORPORATED DOCUMENT

Tenement controls

This applies to land in the Specific Control Overlay Schedule 1

Meaning of tenement holding

A tenement holding means one of a lot or all contiguous lots, parcels of land or Crown Allotments held in the same ownership on the following date specified for the zone within which the land is situated:

- In a Green Wedge Zone or Rural Conservation Zone:
 - 23 July 1982, if the land was in the former Shire of Lilydale
 - 8 July 1987, if the land was in the former Shire of Sherbrooke.
- In a Green Wedge A Zone:
 - 27 August 1980, if the land was in the former Shire of Lilydale.
 - 1 October 1980, if the land was in the former Shire of Sherbrooke.

Permit requirement for dwellings

A permit may only be granted to establish one dwelling on land if any of the following apply:

- The land is a parcel of land which existed as a tenement holding.
- The land is a lot created under an approved planning scheme or interim development order.
- The land consists of the consolidation of all parcels or lots within a tenement holding.
- The land is affected by a Restructure Overlay and conforms to the relevant Restructure Plan.
- The land forms part of a tenement holding and that part (and any other part in the tenement holding) exceeds the site area set down as follows for the zone within which the land is located:

Green Wedge Zone

- 2 hectares, if the land is included in Schedule 1 to the Green Wedge Zone (GWZ1).
- 25 hectares if the land is included in Schedule 6 to the Green Wedge Zone (GWZ6).
- 4 hectares, if the land is included in any other schedule to a Green Wedge Zone.

Rural Conservation Zone

- 25 hectares, if the land is included in Schedule 2 to the Rural Conservation Zone (RCZ2).
- 4 hectares, if the land is included in any other schedule to the Rural Conservation Zone.

Green Wedge A Zone

ATTACHMENT 1. Report on Panel Recommendations - Amendment C148 and 122 to the RSP

- 4,000 square metres if the land is included in Schedule 1 to the Green Wedge A Zone (GWAZ1)

Consolidation of lots within tenement holdings

If a permit is granted to construct a dwelling on a tenement holding or part of a tenement holding which contains more than one lot, the permit must contain a condition requiring all of the land affected by the permit 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 specific lots, 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.
- The development will be consistent with the provision of any Environmental Significance Overlay, Heritage Overlay, Erosion Management Overlay or Land Subject to Inundation Overlay that applies to the land.
- 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.

Attachment 2- Panel's Appendix D Example changes to SLO

This Appendix shows the types of drafting changes that the Panel considers should be made to all the SLOs and ESO as appropriate.

[Council Tracked Added](#) - changes endorsed May 2018

[Panel Tracked Added](#) ~~Panel Tracked Deleted~~

SCHEDULE 1 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO1**.

DANDENONG RANGES LANDSCAPE

1.0 Statement of nature and key elements of landscape

The Dandenong Ranges are prominent hills close to Melbourne, with dense forested scenery and intimate fern gullies that have attracted day trippers [for decades](#). They provide an iconic and largely uninterrupted forest backdrop to most long distance views across Melbourne's outer eastern suburbs.

Although much of the area forms part of the Dandenong Ranges National Park, extensive areas have been subdivided for residential development. Most residential areas are well integrated into the forest environment and are only apparent at close quarters [creating a landscape of natural and manmade elements](#). Forest trees [including large Mountain Ash and Messmate / Peppermint woodlands along with](#) large exotic plants [and trees](#) extend into private gardens and roadway edges.

[The main roads through the Dandenong Ranges are popular tourist routes taking advantage of the scenic qualities and the village character of the towns.](#) Roads are narrow, often without kerb or channel treatments [and many have plants spilling along the roadside](#).

Architectural styles are varied [with](#) many older buildings influenced by 'Californian Bungalow' and 'Chalet' styles constructed from the 1920's onwards.

Vistas are a combination of enclosed views shortened by the dense vegetation and long views framed by vegetation, from the ranges to Metropolitan Melbourne or the Great Dividing Range.

[Several micro landscapes occur within the SLO1 area including:](#)

- [Lysterfield Forest Area- within the catchment of the Lysterfield Lake which forms a large expanse of remnant bushland which contrasts with the cleared farmland beyond. The more open Stringybark forest contrasts with the mountain forests which occur in the moister ~~parts~~ aspects of the Dandenong Ranges.](#)
- [Western Face of Dandenong Ranges – extends from Monbulk in the north to Ferntree Gully in the south is characterised by steep forested slopes which include areas of dry woodland and are largely part of the Dandenong Ranges National Park.](#)
- [Sherbrooke Forest – a ~~major-large~~ intact remnant of the original tall mountain forests of the Dandenong Ranges contains Mountain Ash and undisturbed fern gullies.](#)
- [Cotswold Valley – an enclosed valley forming part of the headwaters of the Monbulk Creek consisting of steeply sloping pasture and cultivated areas fringed by remnants of Mountain Ash. Prominent view from the Puffing Billy.](#)
- [Menzies Creek Valley – in the eastern foothills of the Dandenong Ranges comprises of steeply sloping land with lush pasture and pockets of dense vegetation along stream lines.](#)

2.0 Landscape character objective to be achieved

ATTACHMENT 1. Report on Panel Recommendations - Amendment C148 and 122 to the RSP

- To retain a forest dominated landscape in which large canopy trees and understorey vegetation soften the distinction between private and public land, and provide a sense of enclosure.
- To retain the mix of indigenous, native and exotic trees which contribute to the landscape.
- To ensure that dwellings, commercial buildings and other structures are inconspicuous elements within the landscape.
- To maintain the appearance of an uninterrupted forested range as seen from Melbourne's outer eastern suburbs and other surrounding areas.
- To ensure that development is responsive to the natural characteristics of the land including slope and remnant vegetation and associated wildlife habitat.
- ~~To ensure that the health of existing trees is not jeopardised by new development.~~

This is just a component of retaining the trees

3.0 Permit requirement

Fences

A permit is required to construct a fence.

This does not apply if the fence is both:

- ~~less~~ Less than 1.8 metres high ~~or and~~.
- ~~is n~~ More than 75% per cent transparent.

Vegetation

A permit is required to remove, destroy or prune: ~~either~~:

- ~~any indigenous~~ Native vegetation that occurs naturally in the Shire of Yarra Ranges.
- ~~or substantial tree.~~ A substantial tree is defined as having with a trunk circumference greater than 1.1 metres (0.35 metre diameter) at a height of 1.3 metres above the ground.

Controls should avoid creating definitions.

This does not apply to any of the following:

- ~~the~~ The pruning of vegetation that is undertaken to assist its health or structural soundness. No more than one third of the foliage may be ~~removed~~ pruned from any individual plant. ~~The pruning should be undertaken consistent with AES 4373.~~

Control should avoid reference to external documents.

- ~~the~~ The removal of vegetation that is dead.
- ~~the~~ The pruning of branches directly overhanging a lawfully existing building so that they are not overhanging or within 4 metres of the building.
- ~~the~~ The removal of vegetation where the base of the plant to be removed is within 4 metres of a lawfully existing building (other than a fence).
- ~~the~~ The removal of planted windrows, woodlots or landscaping consistent with the implementation of a property management plan prepared to the satisfaction of the responsible authority.
- ~~the~~ The removal of vegetation that is one of the species listed in the *Yarra Ranges Council List of Environmental Weeds - April 2015*.
- ~~the~~ The removal of regrowth which has naturally established or regenerated on land lawfully cleared ~~of naturally established native vegetation~~ and is less than 10 years old. This exemption does not apply to land on which native vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.

~~Clause 52.48 of the planning scheme contains further exemptions from the permit requirements of this overlay.~~

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Buildings and Works

A permit is ~~only not~~ required to construct a building or construct or carry out works any of the following except for:

The form of words in the Ministerial Direction on the form and Content of Planning Schemes should be followed.

- ~~buildings or works where a permit would also be required under any other provision in this planning scheme~~

It is not clear what this provision is aimed at achieving. Those buildings or works should be assessed under the provision that triggers the need for a permit.

- ~~a~~ A new building or extensions to an existing building ~~if where~~ the floor area of the construction is more than 100 square metres.
- ~~buildings Buildings~~ or works with a height ~~above natural ground level~~ of more than 7 metres.

Height is defined as above natural ground level

- ~~buildings Buildings~~ or works that would be within 4 metres of the trunk of ~~any substantial tree protected under this Planning Scheme~~ a tree with a trunk circumference greater than 1.1 metres (0.35 metre diameter) at a height of 1.3 metres above the ground.

Crop protection structures

The permit requirements of this clause do not apply to ~~the construction of hail netting, seasonal crop protection covering, or plastic covered igloos:~~

Note: Crop protection structures are already exempt at clause 62.02-1 in certain zones

Crop protection structures are already exempt at clause 62.02-1 (except in PCRZ)

Public land

~~The permit requirements of this clause do not apply to the construction of a building, the carrying out of works, or the removal of vegetation by or on behalf of a public land manager or Parks Victoria under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, or the Crown Land (Reserves) Act 1978.~~

~~The construction or carrying out of the buildings or works must be to the satisfaction of the responsible authority and comply with any relevant code of environmental practice.~~

This class of applications should be specified as a VicSmart application. This will put certainty around the concept of being to the satisfaction of the responsible authority.

~~No permit is required to construct or carry out any other buildings or works.~~

4.0 Decision guidelines

~~These guidelines are derived from Vision 2020 by Design – A Built Environment Framework for Yarra Ranges (Shire of Yarra Ranges May 208).~~

This should be listed in the background document clause

~~Before deciding on an application, the responsible authority must, in addition to the landscape character objectives of this schedule and the decision guidelines for the applicable zone, consider the following guidelines as appropriate:~~

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

This introductory text should be updated in line with the Ministerial Direction of the Form and Content of Planning Schemes

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The Panel does not think that these are decision guidelines, but are in fact requirements. They should be moved to a local planning policy, that consolidates the 'decision guidelines' from all the SLO schedules.

Council should also review which of these general design principles already exist in the Planning Policy Framework (for example at clause 15)

Building siting

- Buildings have been sited to minimise their visual impact on views from adjoining roads and other publicly accessible viewing points.
- Buildings should be designed to reflect the topography of the site and minimise the extent of earthworks.
- ~~The height of buildings should be below the level of any surrounding tree canopy and be generally consistent with the height of any nearby development.~~

Building appearance

- The profile of a building should not break the skyline or ridgeline behind the building as seen from nearby roads or other publicly accessible viewing points.
- Buildings should be constructed using materials and finishes that harmonise with the surrounding landscape, such as muted colours and weatherboard or non reflective metal sheet cladding, rather than heavy masonry or brick detailing.
- Buildings on visually exposed sites such as the northern, western and southern face of the main ridge of the Dandenong Ranges should be ~~designed to~~ minimise visual impacts on distant views by using cladding materials that blend with the surrounding forest, avoiding substantial earthworks and retaining vegetation that can filter views into the site.
- The extent of large impervious areas such as yards, car parks and roads should be minimised.
- Larger buildings should be designed to disaggregate the building mass ~~and avoid strongly symmetrical forms.~~

It is not clear why 'strongly symmetrical forms' are inappropriate.

- Views from roads and other public places to large structures with an ~~unavoidably~~ urban form should be screened or filtered by large scale forest style landscaping.

Dwellings and outbuildings

- ~~Dwellings and associated outbuildings should be set back from the road frontage as far as is feasible having regard to the topography and vegetation on the land.~~

This may not always be the location that meets the objectives of the SLO.

- ~~The siting and design of dwellings and associated outbuildings should respond to such factors as views and outlook, protection from sun, rain and wind.~~

This is a broad statement that would should apply to all dwellings in all areas. It should not have to be said in the SLO, and in any case is at odds with the requirement above that only specifies a consideration of setback, topography and vegetation.

- ~~The construction of dwellings and associated outbuildings should use traditional materials which blend well with the surroundings, such as timber, stone and corrugated iron.~~

It may be useful to specify muted colours, but it is not clear that specifying materials is appropriate. Timber and corrugated iron can be brightly coloured and some material such as HardiePlank that looks like weatherboards or cement blocks that look like stone may appropriate.

- ~~Dwellings should be preferably single storey except where the slope of the land makes a split level or partly double storey building appropriate.~~

This may not always be the best design solution.

Vegetation

Many of these 'decision guidelines' duplicate points in the 'landscape character to be achieved'

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- Established trees and patches of indigenous vegetation should be retained.
- Where retention of the established vegetation is not practicable, buildings and works should be sited to minimise vegetation removal and land management improvements such as replacement vegetation should be undertaken to strengthen the landscape character objectives of this schedule.
- Development should be sited to maintain the naturalistic flow of vegetation across private gardens, road reserves and other public spaces.
- The siting and landscaping of buildings and works should provide for the retention, planting and long term growth of large canopy trees.
- ~~The construction of buildings and works on land abutting roads, stream sides, stream sides or open space corridors should recognise wildlife habitats and avoid significant vegetation removal or soil disturbance.~~
- ~~Landscape planting and revegetation should seek to renew and extend shelterbelts and provide habitat links to other areas of vegetation such as on public land or along waterways, using predominantly indigenous species.~~

These are about biodiversity values rather than landscape values and addressed in other parts of the Planning Scheme, such as the ESO and clause 52.17

Fence and boundary treatments

- Front fence and boundary treatments should avoid formal geometric landscape design, hard surfaces and hard edges in landscaping.
- Fences and gateways should be small and constructed of light or transparent materials.

Other buildings and works

- ~~Earthworks that remove the option of future use of the soil~~ Soil resources should be reused for productive agriculture ~~should be avoided~~ where possible.
- Urban style road infrastructure such as concrete kerbing, paved footpaths and roundabouts should be avoided wherever practical.

5.0 ~~Reference document~~

~~Vision 2020 by Design – A Built Environment Framework for Yarra Ranges (Shire of Yarra Ranges – May 2008).~~

ATTACHMENT 3 – OFFICER PREFERRED SLO

SCHEDULE 1 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO1**.

DANDENONG RANGES LANDSCAPE

1.0 Statement of nature and key elements of landscape

The Dandenong Ranges are prominent hills close to Melbourne, with dense forested scenery and intimate fern gullies that have attracted day trippers for decades. . They provide an iconic and largely uninterrupted forest backdrop to most long distance views across Melbourne's outer eastern suburbs.

Although much of the area forms part of the Dandenong Ranges National Park, extensive areas have been subdivided for residential development. Most residential areas are well integrated into the forest environment and are only apparent at close quarters creating a landscape of natural and manmade elements. Forest trees including large Mountain Ash and Messmate / Peppermint woodlands along with large exotic plants and trees extend into private gardens and roadway edges

The main roads through the Dandenong Ranges are popular tourist routes taking advantage of the scenic qualities and the village character of the towns. Roads are narrow, often without kerb or channel treatments and many have plants spilling along the roadside

Architectural styles are varied with many older buildings influenced by 'Californian Bungalow' and 'Chalet' styles constructed from the 1920's onwards. .

Vistas are a combination of enclosed views shortened by the dense vegetation and long views framed by vegetation, from the ranges to Metropolitan Melbourne or the Great Dividing Range.

Several micro landscapes occur within the SLO1 area including:

- Lysterfield Forest Area- within the catchment of the Lysterfield Lake which forms a large expanse of remnant bushland which contrasts with the cleared farmland beyond. The more open Stringybark forest contrasts with the mountain forests which occur in the moister parts of the Dandenong Ranges.
- Eastern Face of Dandenong Ranges – extends from Monbulk in the north to Ferntree Gully in the south is characterised by steep forested slopes which include areas of dry woodland and are largely part of the Dandenong Ranges National Park.
- Sherbrooke Forest – a large intact remnant of the original tall mountain forests of the Dandenong Ranges contains Mountain Ash and undisturbed fern gullies.
- Cotswold Valley – an enclosed valley forming part of the headwaters of the Monbulk Creek consisting of steeply sloping pasture and cultivated areas fringed by remnants of Mountain Ash. Prominent view from the Puffing Billy.
- Menzies Creek Valley – in the eastern foothills of the Dandenong Ranges comprises of steeply sloping land with lush pasture and pockets of dense vegetation along stream lines.

2.0 Landscape character objective to be achieved

- To retain a forest dominated landscape in which large canopy trees and understorey vegetation soften the distinction between private and public land, and provide a sense of enclosure.
- To retain the mix of indigenous, native and exotic trees which contribute to the landscape.
- To ensure that dwellings, commercial buildings and other structures are inconspicuous elements within the landscape.

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- To maintain the appearance of an uninterrupted forested range as seen from Melbourne's outer eastern suburbs and other surrounding areas.
- To ensure that development is responsive to the natural characteristics of the land including slope and remnant vegetation and associated wildlife habitat.

3.0 Permit requirement*Fences*

A permit is required to construct a fence.

This does not apply if the fence is both:

- Less than 1.8 metres high
- More than 75% per cent transparent.

Vegetation

[A permit is required to remove, destroy or prune:](#)

- Native vegetation that occurs naturally in the Shire of Yarra Ranges.
- A substantial tree with a trunk circumference greater than 1.1 metres (0.35 metre diameter) at a height of 1.3 metres above the ground.

This does not apply to any of the following:

- The pruning of vegetation that is undertaken to assist its health or structural soundness. No more than one third of the foliage may be pruned from any individual plant
- The removal of vegetation that is dead
- The pruning of branches directly overhanging a lawfully existing building so that they are not overhanging or within 4 metres of the building
- The removal of vegetation where the base of the plant to be removed is within 4 metres of a lawfully existing building (other than a fence)
- The removal of planted windrows, woodlots or landscaping consistent with the implementation of a property management plan prepared to the satisfaction of the responsible authority
- The removal of vegetation that is one of the species listed in the *Yarra Ranges Council List of Environmental Weeds - April 2019*
- the removal of regrowth which has naturally established or regenerated on land lawfully cleared and is less than 10 years old. This exemption does not apply to land on which native vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.

Buildings and Works

A permit is not required to construct a building or construct or carry out works except for:

- A new building or extensions to an existing building where the floor area of the construction is more than 100 square metres
- Buildings or works with a height of more than 7 metres
- Buildings or works that would be within 4 metres of the trunk of a tree with a trunk circumference greater than 1.1 metres (0.35 metre diameter) at a height of 1.3 metres above the ground.

Crop protection structures

The permit requirements of this clause do not apply to the construction of plastic covered igloos.

4.0 Decision guidelines

ATTACHMENT 1. Report on Panel Recommendations - Amendment C148 and 122 to the RSP

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the Scheme which must be considered as appropriate by the responsible authority.

Building siting

- Buildings should be sited to minimise their visual impact on views from adjoining roads and other publicly accessible viewing points.
- Buildings should be designed to reflect the topography of the site and minimises the extent of earthworks.
- Buildings should be designed to be below any surrounding tree canopy and be generally consistent with nearby development.

Building appearance

- The profile of a building should not break the skyline or ridgeline behind the building as seen from nearby roads or other publicly accessible viewing points.
- Buildings should be constructed with the surrounding landscape, such as muted colours and weatherboard or non reflective metal sheet cladding, rather than heavy masonry or brick detailing.
- Buildings on visually exposed sites such as the northern, western and southern face of the main ridge of the Dandenong Ranges should be designed to minimise visual impacts on distant views by using cladding materials that blend with the surrounding forest, avoiding substantial earthworks and retaining vegetation that can filter views into the site.
- Impervious areas such as yards, car parks and roads should be minimised.
- Larger buildings should be designed to disaggregate the building mass.
- Views from roads and other public places to large structures with an urban form should be screened or filtered by large scale forest style landscaping.

Dwellings and outbuildings

- Dwellings and associated outbuildings should be set back from the road frontage as far as is feasible having regard to the topography and vegetation on the land.
- Dwellings should be preferably single storey except where the slope of the land makes a split level or partly double storey building appropriate.

Vegetation

- Established trees and patches of indigenous vegetation should be retained.
- Where retention of the established vegetation is not practicable, buildings and works should be sited to minimise vegetation removal and land management improvements such as replacement vegetation should be undertaken to strengthen the landscape character objectives of this schedule.
- Development should be sited to maintain the naturalistic flow of vegetation across private gardens, road reserves and other public spaces.
- The siting and landscaping of buildings and works should provide for the retention, planting and long term growth of large canopy trees.

Fence and boundary treatments

- Front fence and boundary treatments should avoid formal geometric landscape design, hard surfaces and hard edges in landscaping.
- Fences and gateways should be small and constructed of light or transparent materials.

Other buildings and works

- Earthworks that remove the option of future use of the soil resource for productive agriculture should be avoided.
- Urban style road infrastructure such as concrete kerbing, paved footpaths and roundabouts should be avoided wherever practical.

YARRA RANGES PLANNING SCHEME

21 MUNICIPAL STRATEGIC STATEMENT--/20--
C148**21.01-1 Municipal Profile**--/20--
C148

Yarra Ranges is located on the eastern fringe of metropolitan Melbourne. It has a combination of urban and rural communities. Around 70% of Yarra Ranges' population live in its suburbs and towns (which occupy approximately 3% of its total area) with the balance of its population being scattered throughout rural areas. There are over 55 suburbs, towns and small rural communities within Yarra Ranges.

Yarra Ranges is one of the largest municipalities in the Melbourne metropolitan region with a total area of approximately 244,700 hectares. Around 73,410 hectares (30%) of this area is private land that is managed by land owners and occupiers.

Yarra Ranges has an unusually large proportion of public land. 166,396 hectares (68% of the municipality) is Crown Land, the majority of which is managed by the Victorian Government as national parks, protected water catchments, state forests and other reserves. 4,894 hectares (2%) is land owned and managed by Yarra Ranges Council as parkland or land used for municipal purposes.

Environment

Yarra Ranges has long been recognised as a special place for its natural beauty and diverse habitats. The environmental characteristics of the municipality are a significant factor in attracting residents and tourists to the municipality.

The combination of scenic rural landscapes, national parks, state forests and private gardens together with its location on the doorstep of Melbourne all contribute to Yarra Ranges' unique set of natural, cultural and amenity values. The municipality contains some of the most environmentally important areas in Victoria. Its mountain ranges and valleys contain extensive areas of remnant indigenous vegetation, much of which is botanically and zoologically significant, providing important habitat for wildlife.

Yarra Ranges has many important waterways, including the Yarra River and its tributaries, and the upper portion of the Dandenong Creek catchment. The Yarra River, upstream of the Yering Gorge pumping station is an important water supply catchment for Melbourne.

Economy

Yarra Ranges has a diverse economy. Manufacturing continues to represent the single most valuable sector of the local economy, with the other key sectors including construction, property and business services, retail trade and agriculture.

The Green Wedge areas of Yarra Ranges support a significant agricultural sector, and the Yarra Valley has gained local and international recognition as a fine food and wine producing area. Floriculture and other forms of horticulture continue to be a strong contributor to the local economy with forestry remaining a source of economic activity in some of the towns of the upper Yarra Valley.

Yarra Ranges is a significant tourist destination for local, interstate and overseas visitors with major attractions including the wineries and landscapes of the Yarra Valley, rural towns such as Healesville and Warburton, mountain forests, and the Dandenong Ranges.

Community

Yarra Ranges has a estimated population of approximately 149,300. Current population forecasts indicate that the Yarra Ranges' population will continue to grow at an average

YARRA RANGES PLANNING SCHEME

rate of 0.71% each year reaching approximately 173,000 people by 2036. Most of this increase is expected to be within the established urban areas of Lilydale, Chirnside Park and Mooroolbark.

Generally Yarra Ranges has a low proportion of residents born overseas compared with other parts of Melbourne. Although earlier phases of immigration led to significant Italian, German and Dutch communities establishing in some areas. More recent arrivals have mostly been from the Burmese and Sudanese communities. Yarra Ranges also has the highest concentration of indigenous people in the eastern metropolitan region of Melbourne.

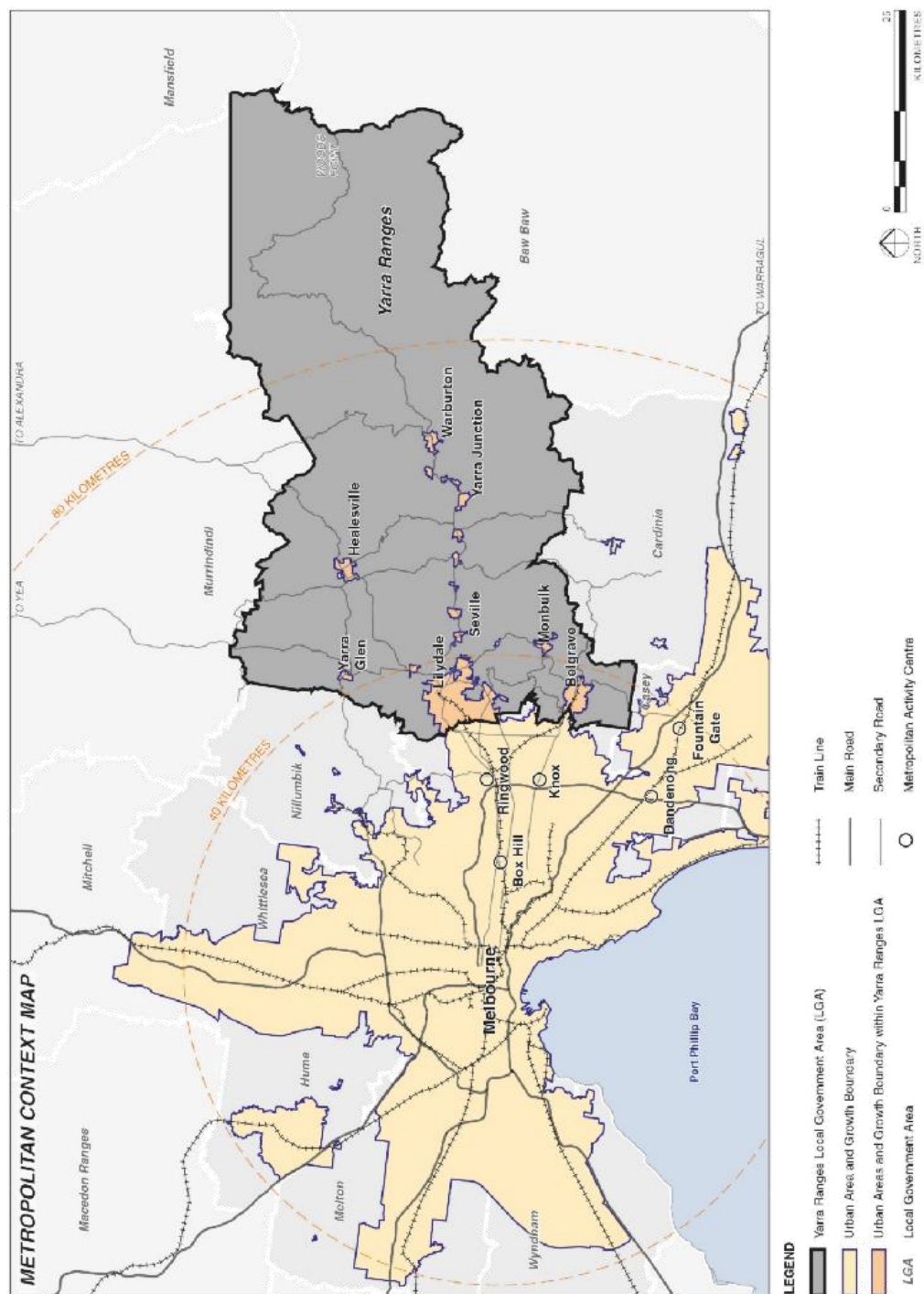
Although the characteristics of Yarra Ranges' communities vary, the population of the municipality is expected to age over the next 20 years with a decline in people aged between 10 and 24 years of age and substantial increases in people over 70 years of age.

Yarra Ranges has a higher level of socio economic disadvantage than other municipalities of the eastern metropolitan region with particular pockets of disadvantage concentrated in some of its smaller rural communities.

Many residents value living within or being in close proximity to the area's scenic and bushland environments and have therefore traded off urban convenience for the lifestyle benefits of living in a more spacious and treed environment.

YARRA RANGES PLANNING SCHEME

Figure 1 Metropolitan Context Map



YARRA RANGES PLANNING SCHEME

21.01-2 Key issues and influences

--/20--
C 148

The key planning issues facing Yarra Ranges are focussed around five strategic themes:

Settlement and Housing

- Yarra Ranges has an unusual settlement pattern comprising suburban areas and an extensive Green Wedge area that includes scattered rural towns, extensive rural residential areas and rural communities.
- Some of these communities, especially in smaller rural localities have relatively poor access to a diversity of employment and education opportunities.
- The demographic characteristics of its various communities will continue to evolve and there is a limited diversity of housing stock to meet the anticipated future housing needs associated with these changes.
- Yarra Ranges has a well distributed network of activity centres that offer a range of services and employment opportunities in its suburbs and larger rural towns. The consolidation of additional higher density housing opportunities around these centres can increase the proportion of housing that is conveniently accessible to employment, community facilities and public transport.
- Further opportunities for additional housing and employment will become available in key strategic redevelopment sites.
- Although there are latent pressures to expand urban development into the Green Wedge there is sufficient capacity within established urban areas to accommodate future housing needs.

Economic development

- Yarra Ranges' urban fringe location results in a high level of interaction with adjoining municipalities and the wider Melbourne metropolitan region. Many of its residents travel outside the municipality to access jobs and higher level services, although Yarra Ranges also has a significant number of home based businesses.
- Many people from other parts of the metropolitan region travel to Yarra Ranges to enjoy the leisure and recreation opportunities available in its Green Wedge areas.
- Yarra Ranges has a relatively narrow economic base with a limited range of higher level employment and tertiary educational opportunities. Much of the local employment available in Yarra Ranges is in sectors such as manufacturing and retailing which have limited long term prospects for jobs growth.
- Its Green Wedge contains extensive areas of potentially productive agricultural land which support a strong agricultural sector. Floriculture and other forms of horticulture including wine grape growing are important elements of the local economy.
- Agriculture in Yarra Ranges will continue to evolve in response to changes in economic and climatic conditions. The areas of potentially productive agricultural land will need to be managed to retain long term opportunities for future agricultural use.
- The scenic landscapes of the Yarra Ranges Green Wedge and its proximity to the metropolitan region will attract ongoing interest in providing tourism and hospitality services. Although this sector will provide new opportunities to broaden the economic base of the region it needs to be managed to protect the primary values of the Green Wedge.

Built form

- Scenic landscapes are a key contributor to the identity of Yarra Ranges and poorly designed new development can detract from these landscapes.
- The quality and presentation of buildings and public places in Yarra Ranges' activity centres plays a significant role in creating a sense of place for local communities.
- Much of the building stock in Yarra Ranges comprises modest buildings constructed before the introduction of environmentally sustainable design concepts.

YARRA RANGES PLANNING SCHEME

- The construction of sustainably designed new buildings and public places can help reduce consumption of finite resources. It can also contribute to safer and healthier communities by encouraging use of outdoor spaces and community interaction.
- Yarra Ranges' diversity of heritage buildings and places reflect its origins and contribute to its overall identity. There is a need to recognise and protect the important elements of this heritage.

Environment

- Yarra Ranges retains extensive areas of forested land together with a complex network of more fragmented remnants of indigenous vegetation and waterways. These areas, which provide habitats for a rich biodiversity, are one of the defining characteristics of the municipality. It is important to sustainably manage these habitat areas and there are many opportunities to improve the connections between them.
- The combination of Yarra Ranges' natural topography, its urban fringe location and projected climate changes have resulted in many communities being exposed to significant environmental hazards including bushfire, landslip and flooding. There is a need to ensure that priority is given to the protection of human life in the management of areas that are affected by environmental hazards.
- The Yarra River including areas downstream of the main forested catchment areas are a vitally important source of water supply for metropolitan Melbourne. Land use and development within these catchment areas may have an adverse impact on water quality within Yarra Ranges waterways.

Physical and community infrastructure

- The generally low density and widely dispersed settlement pattern in Yarra Ranges' creates major challenges in meeting community expectations about the appropriate level of services and infrastructure.
- Many communities especially in the Dandenong Ranges are not serviced by reticulated sewerage which has adverse impacts on the local environment and waterway network.
- Yarra Ranges has a vast network of public open space assets serving its diverse communities. This open space network needs to be managed so that it is adaptable to the changing needs of local communities.
- Most communities in Yarra Ranges have a very high dependency on motor car transport due to the dispersed settlement pattern and limited public transport infrastructure. Motor cars remain the dominant form of transport for most people. Appropriately located new development can increase the proportion of residents living in areas that have convenient access to a range of transport options and other community infrastructure.
- There is a need to ensure that major developments in strategic redevelopment sites make appropriate contributions to address community infrastructure needs.

21.01-3 Vision

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C148

The Yarra Ranges Council Plan states:

The Shire of Yarra Ranges will be a vibrant and dynamic Shire based on strong local communities living in a place of great natural beauty. Our world class Shire will be sustained by a strong local economy and rich social fabric that is consistent with and supports its environmental values.

21.01-3 Strategic vision

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C148

Yarra Ranges will lead the way in showing how the evolving needs of a growing community can be sustainably met without compromising its natural assets.

Yarra Ranges' identity

YARRA RANGES PLANNING SCHEME

Yarra Ranges will have a distinctive identity that embraces its urban fringe location and its unique mix of suburbs, rural towns and scenic landscapes. The natural environment will continue to be the most defining characteristic of Yarra Ranges. The varied topography of its urban and rural landscapes will continue to be dominated by hills and trees.

Communities and activity centres

Within the suburbs and towns of Yarra Ranges a network of activity centres will provide a complementary range of housing types, employment opportunities, commercial services and community infrastructure. The surrounding neighbourhoods will continue to provide attractive and well serviced living environments. The areas close to the largest activity centres will include more diverse and higher density neighbourhoods that have broadened the range of housing options available.

Urban containment

The redevelopment of urban areas, including key sites such as the Chirnside Park Activity Centre, the former Cave Hill Quarry and the former Swinburne University, will have expanded the diversity of housing, education, recreation and employment opportunities in Yarra Ranges. This more efficient use of the urban land area will have avoided the need for urban development to encroach into the Green Wedge.

Circulation

Although private motor cars will continue to be the most dominant form of transport more people will have access to a range of transport options. A targeted program of road network improvements will have ensured that road transport is safe and efficient. A reduced dependence on private motor cars will have been achieved by public transport improvements associated with the increased intensity of development in the activity centres, and through the expanding network of pedestrian and bike trails.

Community infrastructure

An equitably distributed array of well-designed and adaptable community facilities and public places will have generated increased community interaction and a greater sense of community safety. Public open space areas and recreational facilities that respond to emerging community needs will encourage increased physical activity and provide an enhanced opportunity for all Yarra Ranges residents to lead healthy lifestyles within a safe environment.

Green Wedges

The Green Wedge areas of Yarra Ranges will continue to support a diverse mosaic of productive agricultural activities, rural lifestyle opportunities and bushland areas. Land subdivision, new development, and changes to land use, will continue to be managed in a way that protects and enhances the primary Green Wedge values of supporting sustainable farming, retaining a healthy biodiversity and protecting valued landscapes.

Biodiversity

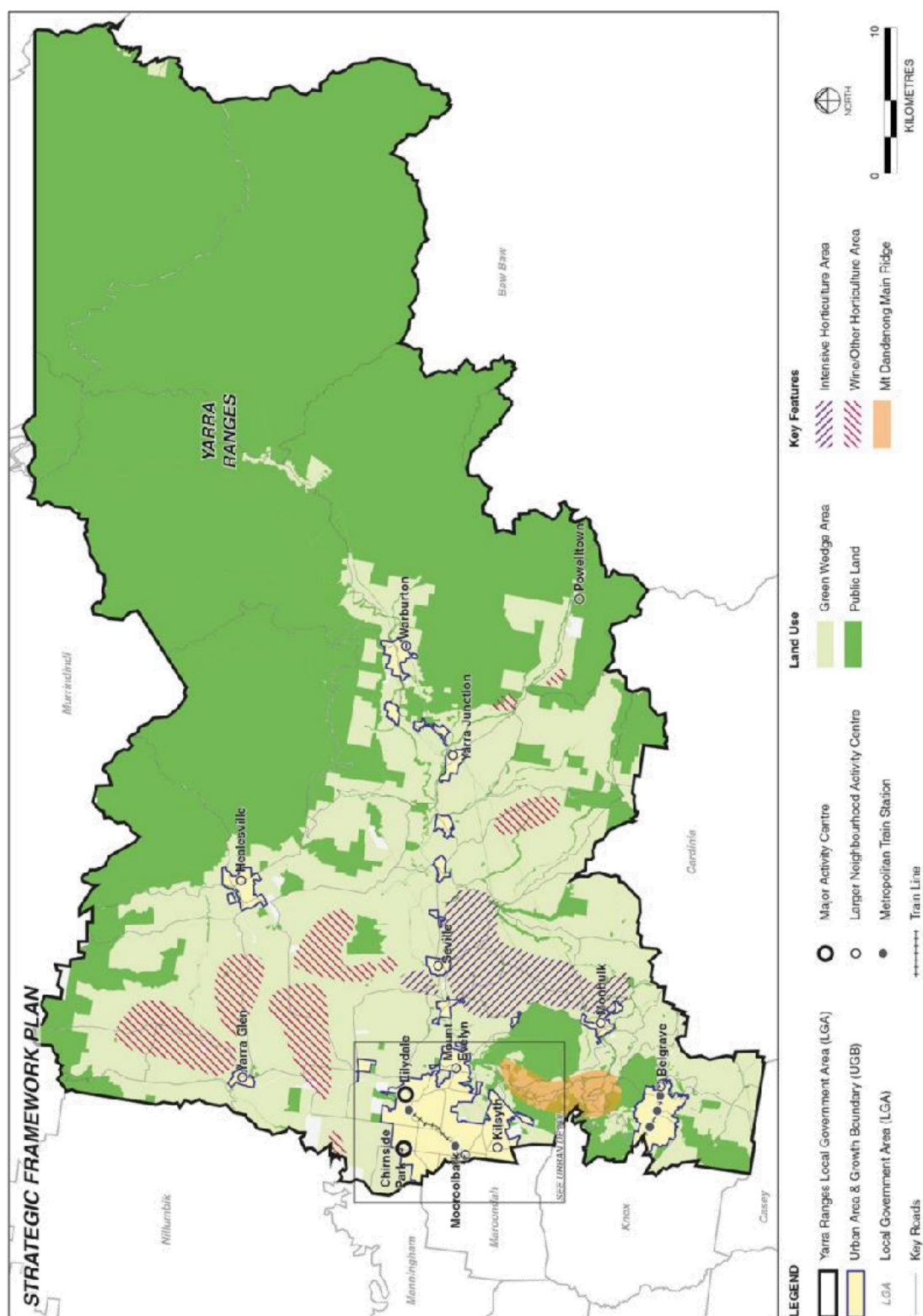
The long term sustainability of Yarra Ranges' rich biodiversity will have been retained through a strategic approach to land and water management that has protected flora and fauna habitats and enhanced the network of linkages between them. By recognising and planning for the risks associated with projected climate changes, the adverse effects of water scarcity, bushfire, flood and landslip events will have been minimised.

Built form

The built form of development will be a positive feature of Yarra Ranges. Its newer buildings will have been designed to leave a positive legacy for future generations. They will adopt environmentally sustainable design principles, be accessible to people of all abilities, respect recognised heritage assets and will reinforce the valued characteristics of their surroundings.

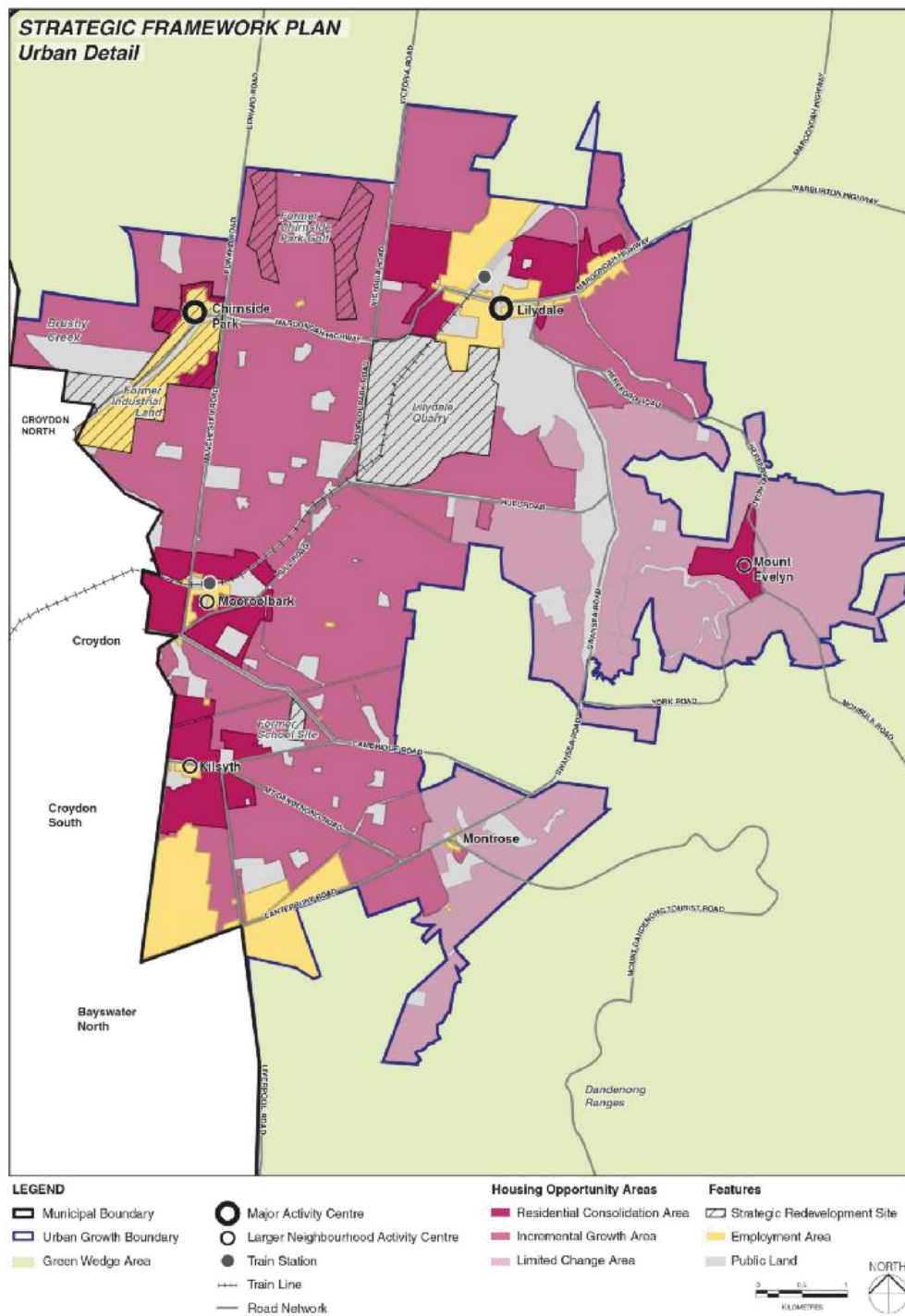
YARRA RANGES PLANNING SCHEME

Figure 2 Strategic Framework Plan



YARRA RANGES PLANNING SCHEME

Figure 3 Strategic Framework Plan (Urban Detail)



21.02 SETTLEMENT AND HOUSING--/20--
C148**21.02-1 Overview**--/20--
C148

- Yarra Ranges has an unusually diverse settlement pattern comprising a mix of:
 - Suburban communities on the eastern fringe of the Melbourne metropolitan area
 - Low density communities within the Dandenong Ranges and its foothills
 - Rural towns scattered throughout the Green Wedge
 - Dispersed rural communities.
- A network of activity centres serves these communities.

21.02-2 Sustainable communities--/20--
C148**Key issues**

- The dispersed settlement pattern, including many relatively small rural towns, creates significant challenges in meeting community expectations about the range of accessible services and facilities.
- The wide dispersal of more intensive residential development such as medium density housing can lead to additional housing being located in areas that are not readily accessible to public transport, employment and community infrastructure.
- The current Urban Growth Boundary has largely prevented further urban expansion into the productive agricultural areas and rural landscapes of the Yarra Ranges Green Wedge.
- The identity and rural town character of many Yarra Ranges settlements is enhanced by their location in a rural landscape setting and separation from other urban areas.
- There are ongoing latent pressures to change the current Urban Growth Boundary to allow urban development to expand into some adjoining Green Wedge areas.
- Additional urban housing development outside of the established Urban Growth Boundary would lead to unsustainable outcomes such as high infrastructure costs and adverse impacts on the environment, landscape and agricultural practices.
- Speculation about changes to the Urban Growth Boundary can undermine the confidence and investment decisions of agricultural producers, tourism industry providers and rural lifestyle residents in the Green Wedge.
- There are significant opportunities for more intensive development within and adjoining activity centres to provide additional housing and employment generating uses.
- Key redevelopment sites such as the Cave Hill quarry and the Chirnside Park Activity Centre offer longer term opportunities to provide additional housing and business opportunities.
- The creation of a more sustainable urban form that consolidates development around a network of activity centres has many environmental and social benefits. It reduces car dependency, makes more efficient use of community infrastructure, adds life and vitality to town centres, and reduces the need for urban development in rural areas.

Objective

To achieve a diversity of residential communities offering a range of employment opportunities and public infrastructure that correspond with the role of each community.

Strategies

- 1.1. Provide, within the suburbs and larger rural towns, a mix of housing types, business opportunities and community infrastructure that enable the demography and economic base of the community to continue to evolve.
- 1.2. Reinforce a network of activity centres providing an equitably distributed range of viable services and facilities across the municipality.
- 1.3. Cluster businesses, community facilities and additional housing within activity centres.
- 1.4. Retain smaller towns and dispersed communities as locations that provide rural lifestyle options but which are dependent on larger urban centres for many services.
- 1.5. Contain metropolitan urban development within the currently defined urban growth boundary.
- 1.6. Contain rural towns within currently defined urban growth boundaries, to create distinctive and compact towns separated by rural land.
- 1.7. Provide for additional infill development that is appropriate to the role of the town or suburb on sites which are not subject to environmental or other development constraints.

Implementation

The strategies for *Sustainable communities* will be implemented through the planning scheme by:

Policy guidelines

Minor changes to the urban growth boundary of rural towns may be considered where they will implement the specific recommendations of a Council adopted structure plan relating to the use and development of land in the town and any of the following apply:

- It will enable a specific development proposal that provides additional community infrastructure which cannot be accommodated within the existing town boundary and which achieves a demonstrated net community benefit.
- It will enable industrial use and development required to service the needs of surrounding communities on land capable of accommodating the proposed use.

Zones and overlays

Applying Commercial 1 and 2 Zones and Mixed Use Zones to identify activity centres

Applying combinations of residential zones, Significant Overlays and Design & Development Overlays to identify the differing capabilities of residential neighbourhoods to accommodate change.

21.02-3

Activity centres network

--/20--
C148

Key issues

- Yarra Ranges' network of activity centres plays an important role in providing a well distributed range of services and employment opportunities.
- The effectiveness of this network would be undermined by the dispersal of activity centre functions to out of centre locations and by the dispersal of higher density housing to locations with poor access to activity centres.

Objective

YARRA RANGES PLANNING SCHEME

To maintain a network of vibrant activity centres that collectively offer a wide and equitably distributed range of commercial services, employment opportunities, and community infrastructure.

Strategies

- 1.1. Encourage retail, commercial, entertainment, community and other intensive employment generating activities to locate within established activity centres.
- 1.2. Ensure that activity centres are well designed places where people can enjoy shopping, doing business and participating in community activities.
- 1.3. Manage future use and development within activity centres that recognise and strengthen the role of the centre as set out in the Yarra Ranges Activity Centre Hierarchy Table.
- 1.4. Facilitate within activity centres, a diverse mix of land uses that contribute to net community benefit and do not adversely affect the level of service provided by other centres in the activity centre network.
- 1.5. Promote additional housing within and adjoining activity centres.
- 1.6. Ensure services are clustered and provided in a convenient location which is accessible to many by travel on foot, bicycle or improved public transport.
- 1.7. For those activity centres expected to experience further significant development pressure, prepare structure plans to set strategic directions for future land use, development and the provision of supporting infrastructure.

Yarra Ranges Activity Centre Hierarchy Table

Activity Centre Type	Role
Major Activity Centres <i>Chirnside Park and Lilydale</i>	<p>These centres provide a large, diverse and intensive mix of retail, commercial, entertainment, cultural and other uses.</p> <p>They have strong public transport links, serve a large regional-sized catchment, and are priority locations for future private and public sector development.</p> <p>Land within and adjoining these centres is the preferred location for additional and more diverse residential development.</p>
Large Neighbourhood Activity Centres <i>Belgrave, Healesville, Kilsyth, Monbulk, Mooroolbark, Mount Evelyn, Seville, Yarra Glen, Yarra Junction</i>	<p>Smaller in floorspace terms than Major Activities Centres, these centres have a retail mix that is focussed on convenience and grocery shopping. They also provide a range of community services to the surrounding communities.</p> <p>Some of these centres, which serve a catchment that extends into the rural hinterland, perform a significant role in the provision of community and civic services, with some also providing a range of facilities and services for tourists.</p> <p>Land within and adjoining these centres is generally an appropriate location for additional housing.</p>
Small Neighbourhood Activity Centres <i>Coldstream, Montrose,</i>	<p>These centres have a more limited role in providing convenience retailing and community facilities for an immediate surrounding catchment.</p>

YARRA RANGES PLANNING SCHEME

Activity Centre Type	Role
<i>Mount Dandenong, Olinda, Sassafra, Tecoma, Upwey, Wandin North, Warburton, Woori Yallock.</i>	Usually, they have a small supermarket as the main anchor tenant. In some cases they also serve a tourist market.
Local Activity Centres <i>Examples include: Colby Drive - Belgrave South, Monbulk Road Silvan and Switchback Road - Chirnside Park</i>	Local Activity Centres consist of a small group of shops that typically serve a local walk-in catchment, and provide for the daily convenience and 'top up' needs of local residents and passing motorists. Some of these centres contain a limited number of community facilities and other uses.

Implementation

The strategies for *Activity centre network* will be implemented through the planning scheme by:

Policy guideline

Proposals for use and development of land should be consistent with and support the identified role for the relevant activity centre as set out in the Yarra Ranges Activity Centre Hierarchy Table.

Zones and overlays

Applying Commercial 1 and 2 Zones and Mixed Use Zones to identify activity centres.

Applying Design & Development Overlays to implement the urban design aspects of adopted structure plans for the Lilydale, Chirnside Park and Mooroolbark Activity centres.

Applying Design & Development Overlays to implement built form guidelines for new development in neighbourhood activity centres.

Local areas

Applying the Local Areas provisions for specified activity centres in Clause 21.08.

Local policy

Applying the policy in Clause 22.01 *Major Retail Development* to consider the effects of major new retail development on the operation of the Yarra Ranges' network of activity centres.

21.02-4

Housing-/-20--
C148**Key Issues**

- Demographic projections indicate a significant increase in the proportion of people over 70 years old in Yarra Ranges.
- Housing options will continue to be required for people with special care needs and others with limited financial resources.
- Yarra Ranges' existing housing stock largely comprises 3-4 bedroom detached dwellings.
- A more diverse and adaptable housing stock will be required to meet current and future community needs. It will need to provide greater housing choice including affordable housing options and housing that is accessible to people with disabilities.

YARRA RANGES PLANNING SCHEME

- Most of Yarra Ranges residential neighbourhoods have a very high level of dependency on private motor vehicles because they are located in areas that do not offer convenient access to public transport, employment opportunities and other community services and facilities.
- Many of Yarra Ranges' residential neighbourhoods offer a visually attractive and spacious living environment dominated by canopy trees and established gardens. The amenity of these neighbourhoods is valued by local residents.
- The concentration of additional housing development in identified consolidation areas based on established activity centres will improve housing diversity, increase the proportion of housing with convenient access to a range of services and facilities, and reduce pressures for change in other neighbourhoods.
- The consolidation of new housing opportunities around activity centres can help reinforce investment in facilities and services and employment opportunities.
- Some of the neighbourhoods that offer a reasonable level of accessibility to services are appropriate for a modest level of incremental infill residential development provided that it is designed to retain the valued characteristics of the area.
- Other residential neighbourhoods, particularly in the foothills of the Dandenong Ranges and some of the rural towns, are generally not suitable for additional housing. These least change neighbourhoods typically contain an attractive tree canopy dominated landscape with some areas also being subject to environmental constraints such as bushfire and landslip.

Objective 1 – Preferred housing location

To guide residential development which meets the needs of a diverse range of household types into sustainable locations that are not subject to physical or environmental constraints.

Strategies

- 1.1. Contain new residential subdivision within the existing Urban Growth Boundary.
- 1.2. Discourage housing in locations that would increase the potential for land use conflicts.
- 1.3. Identify a residential framework to guide the location and scale of new residential subdivision and development by identifying areas for housing consolidation, incremental change, least change and low density residential.

Consolidation areas

- 1.4. Encourage additional and more diverse housing in identified housing consolidation areas that are within easy walking distance to shops, public transport, open space and schools and are in locations where there is an absence of constraints such as significant vegetation, infrastructure requirements or steeper slopes.
- 1.5. Encourage residential growth and increased densities in the consolidation areas for the major activity centres of Lilydale and Chimsie Park which are identified as having the best capacity for additional housing.
- 1.6. Support residential infill development in the consolidation areas of the larger neighbourhood activity centres at Mooroolbark, Kilsyth, Healesville, Yarra Junction, Mt Evelyn and Yarra Glen.

Incremental Change Areas

- 1.7. Maintain a predominantly low density residential character while recognising that some areas will undergo limited incremental development.
- 1.8. Guide housing to locations where it will not have an adverse impact on the natural, built-form or landscape amenity or compromise important environmental values.
- 1.9. Limit additional housing in incremental change areas and ensure new development is consistent and compatible with the existing character of the neighbourhood.

YARRA RANGES PLANNING SCHEME

- 1.10. Discourage incremental development in areas that are not walkable to shops, public transport and public open space.
- 1.11. Discourage new housing in locations that are constrained by vegetation, a lack of infrastructure or have steep topography.
- 1.12. Accommodate incremental development in identified suitable locations within metropolitan residential areas and in rural and foothill townships.

Least Change Areas

- 1.13. Maintain the existing low density single dwelling residential character as the primary function of least change areas.
- 1.14. Limit additional housing in these areas to protect existing environment and landscape characteristics and focus new housing in more sustainable locations that have better access to services and facilities.
- 1.15. Discourage additional housing in least change areas that will impact on existing environmental and landscape values.
- 1.16. Recognise areas of high environmental risk in the planning scheme to reinforce the need to discourage additional dwellings in least change areas.

Low Density and Rural Residential Areas

- 1.17. Ensure land in the Low Density Residential, Green Wedge A and Rural Living Zones remains committed to low density, single dwelling residential use as the primary function of the area.

Implementation

The strategies for *Preferred housing location* will be implemented through the planning scheme by:

Policy guidelines

Infill residential development should be avoided in areas of environmental risk.

Infill residential development within established incremental change areas should be restricted to locations within easy walking distance of a range of services, transportation and public facilities.

Subdivision policy for residential land should be considered when looking at proposals for development, which are considered likely to result in further subdivision.

A maximum of only one dwelling may be established on any lot in a Low Density Residential Zone or Rural Living Zone.

Zones and overlays

Applying the Residential Growth Zone Schedule 1 and the Design & Development Overlay 7 to identify the housing consolidation areas and encourage well designed and more diverse residential development within the Lilydale Activity Centre.

Applying the Residential Growth Zone Schedules 2 and 3, the Mixed Use Zone and Development Plan Overlay Schedules 5, 7, 8, and 9 to provide a framework for the redevelopment of housing consolidation sites within the Chirnside Park Activity Centre.

Applying the General Residential Zone and the Design & Development Overlay Schedule 8 to identify housing consolidation areas and support well designed and more diverse residential development associated with the activity centres in Mooroolbark, Kilsyth, Healesville, Yarra Junction, Mount Evelyn and Yarra Glen..

Applying the Neighbourhood Residential Zone to identify incremental change areas within established residential neighbourhoods in suburban areas.

Applying the Neighbourhood Residential Zone and Design & Development Overlay Schedule 6 to identify incremental change areas within established residential neighbourhoods in rural towns.

Applying the Neighbourhood Residential Zone and Design & Development Overlay Schedule 5 to identify least change areas within residential neighbourhoods that are remote from services and facilities and are subject to environmental and landscape constraints.

Applying the Low Density Residential Zone to those parts of the Dandenong Ranges foothills and rural towns that are subject to significant environmental constraints

Objective 2 – Housing diversity

To encourage a diversity of dwelling types to meet the needs of the population.

Strategies

- 2.1. Promote redevelopment and greater housing diversity in identified consolidation areas within the major activity centres of Lilydale and Chirnside Park.
- 2.2. Provide opportunities for diverse housing in key redevelopment sites that are close to community services and facilities, local employment and public transport.
- 2.3. Support additional housing in consolidation areas which offer a choice of transport options.
- 2.4. Provide opportunities for additional and more diverse housing on aggregated lots within consolidation areas that have walkable access to shops, public transport and community facilities.
- 2.5. Encourage 1 and 2 bedroom dwellings in all multi-unit developments.
- 2.6. Ensure any higher density housing development provides a high level of internal and external residential amenity.
- 2.7. Encourage the provision of affordable housing components in new developments in identified consolidation areas and other locations that provide convenient access to town centres, commercial and community facilities.
- 2.8. Encourage dwellings that are accessible to people of all abilities and adaptable to the changing needs of people as they age.
- 2.9. Encourage specialised forms of housing that meet the needs of people with disabilities.
- 2.10. Provide diverse housing opportunities when subdividing large lots in consolidation areas.

Implementation

The strategies for *Housing diversity* will be implemented through the planning scheme by:

Zones and overlays

Applying the Residential Growth Zone and General Residential Zone to consolidation areas designated for increased housing diversity.

Applying the Neighbourhood Residential Zone to identify residential neighbourhoods designated for incremental change and least change.

Applying Design & Development Overlays (DDO7 and DDO8) to consolidation areas to encourage increased housing diversity, lot consolidation and better housing design.

Applying Design & Development Overlays (DDO5 and DDO6) to guide the form of new subdivisions in residential neighbourhoods designated for incremental change and least change.

YARRA RANGES PLANNING SCHEME

Applying the Low Density Residential Zone to those parts of the Dandenong Ranges foothills and rural towns that are subject to significant environmental constraints.

Objective 3 - Housing in activity centres

To provide housing choice and increase activity levels within town centres.

Strategies

- 3.1. Encourage shop top housing and other mixed use housing forms where the potential exists for residential accommodation to be constructed in conjunction with new retail or business developments.
- 3.2. Encourage housing in activity centres to take advantage of existing infrastructure and under-utilised sites.
- 3.3. Ensure that new mixed use development is designed to avoid conflicting land uses and provide a high level of residential amenity that contributes to the preferred character of the area.
- 3.4. Encourage future residential opportunities to be incorporated into commercial developments.

Implementation

The strategies for *Housing in activity centres* will be implemented through the planning scheme by:

Policy Guidelines

Proposals for residential use in activity centres should meet the following criteria:

- Residential accommodation in retail precincts should not occupy the ground floor or street frontage.
- The design, scale and density of the residential accommodation should be compatible with the environmental and built character of the centre, and respond to the land capability of the site.
- Entrances and private outdoor open space should be located to avoid conflicts with commercial businesses, particularly service areas at the rear of commercial premises.
- The residential accommodation should provide sufficient and accessible off street parking.

Zones and overlays

Applying Commercial 1, Commercial 2 and Mixed Use Zones to provide for residential development within commercial and mixed use precincts of larger activity centres.

Objective 4 – Aged persons housing

To provide a range of specialised housing types that cater for the growing number of aged people and give opportunities for them to continue living within or close to their local community.

Strategies

- 4.1. Support proposals for aged care accommodation including Residential aged care facilities, Retirement villages and co-housing, in locations that meet the needs of an ageing population and are not in areas of environmental risk.

YARRA RANGES PLANNING SCHEME

- 4.2. Recognise that aged people often have limited mobility and impairments that require accommodation with a different built form and scale to nearby residential development.
- 4.3. Encourage any Aged persons accommodation that adopts a higher density format to locate in suburban areas on sites that are designated as consolidation areas, incremental change areas or strategic redevelopment sites due to the increased levels of activity associated with that form of land use.
- 4.4. Provide for Aged persons accommodation that responds to specialised housing needs in rural towns.
- 4.5. Provide for Retirement villages, that respond to the specialised housing needs of surrounding communities, on sites within established suburbs and larger rural towns.
- 4.6. Ensure Retirement village proposals each provide a diversity of housing, aged care and affordability options.
- 4.7. Encourage Retirement villages that adopt a more intensive format to be part of the mix of housing options in major strategic redevelopment sites.

Implementation

The strategies for *Aged persons housing* will be implemented through the planning scheme by:

Policy guidelines***Nursing homes and other Residential aged care facilities***

It is policy that proposals be:

- Located inside the Urban Growth Boundary, preferably in suburban areas on sites that are within designated strategic redevelopment areas, consolidation areas or incremental change areas
- Considered on sites outside the Urban Growth Boundary only where it can be demonstrated that the facility is required to meet the needs of the local community and that there are no feasible alternative sites within that boundary.
- Located on sites of at least 4000 square metres to provide adequate space for landscaping, car parking and emergency vehicle access.
- Located on a Connector Street or Arterial Road (as applied in Clause 56.06)
- Designed to create a stimulating environment for residents including generous provision for outdoor recreation space with good solar access.

Retirement villages

It is policy that applications :

- Be located inside the Urban Growth Boundary, preferably in suburban areas or larger rural towns on sites that provide convenient access to retail, community, medical or recreational facilities.
- Be located on a site of at least two hectares
- Be located on land adjoining a Road Zone
- On sites designated as consolidation areas or strategic redevelopment sites, adopt a multi-level building form that makes efficient use of the land
- Be sited and designed to minimise any adverse impact on the amenity of adjoining residential lots
- Provide a significant proportion of one and two bedroom dwellings
- Include a range of supporting recreational spaces including outdoor areas for rest and social interaction
- Be designed to avoid steeply sloping sites and provide easy access around the site for residents with limited mobility

- Be designed to encourage interaction with the surrounding community
- Preferably be integrated with Nursing homes or other Residential aged care facility on the same site or adjoining land.

Objective 5 – Residential subdivision design

To promote subdivision that is functional and enhances the existing neighbourhood character.

Strategies

- 5.1 Ensure the design of new subdivisions recognises and responds to existing physical, environmental and visual characteristics of the site and surrounding area.
- 5.2 Encourage flexibility and diversity in residential subdivisions especially within consolidation areas.
- 5.3 Promote a variety of lot sizes outside of designated consolidation areas especially where it will assist in retaining significant vegetation and other valued neighbourhood characteristics.
- 5.4 Ensure proposals to subdivide remaining large lots retain significant environmental and landscape features, particularly within the Neighbourhood Residential Zones.
- 5.5 Discourage speculative subdivision proposals where the form of future residential development has not been considered as part of the subdivision design.
- 5.6 Ensure new lots in residential areas are designed to allow dwellings to have a strong street presence and be conveniently accessible from the street.

Implementation

The strategies for *Residential subdivision design* will be implemented through the planning scheme by:

Policy Guidelines

Subdivision proposals in residential areas must include a written statement that:

- explains how the proposal satisfies the requirements of Clause 56.01
- includes a development plan showing the proposed lots and the location of building envelopes for dwellings on each lot
- explains how development arising as a result of the subdivision addresses existing site features such as street access, slope and any substantial existing vegetation.

Applications for subdivision within the metropolitan incremental change areas should create lots large enough to accommodate a dwelling which covers no more than 40 per cent of the site in keeping with the established character of this area.

The layout of new residential subdivision proposals must be designed to:

- minimise the removal of significant vegetation and provide adequate opportunity for landscaping
- avoid court bowl locations where there is limited opportunity for on street car parking and access for garbage collection and other emergency vehicles
- minimise vehicle crossovers to maintain opportunities for street trees and roadside vegetation.

Where the land is within a Low Density Residential Zone, the layout of new residential subdivision design proposals must also be designed to:

- to have regard to physical and environmental features, including view lines, to reinforce the surrounding neighbourhood characteristics

YARRA RANGES PLANNING SCHEME

- to have a street frontage of at least 8 metres.

Zones and overlays

Applying Design & Development Overlays (DDO5 and DDO6) to land in residential zones to guide the form of new subdivisions.

Version for Adoption

21.03 GREEN WEDGE

—/—/20—
Proposed
C148

21.03-1 Overview

—/—/20—
Proposed
C148

- The Yarra Ranges Green Wedge forms part of the series of Green Wedge areas that surround the Melbourne Metropolitan area. It merges into adjoining Green Wedge areas in the municipalities of Nillumbik, Manningham, Casey and Cardinia.
- The scenic rural landscapes of the Yarra Ranges Green Wedge support a rich biodiversity as well as extensive areas of productive agricultural land.
- These attributes of the Green Wedge provide the basis for its primary values of:
 - maintaining a healthy biodiversity
 - protecting valued rural landscapes
 - supporting sustainable agriculture.
- These primary values of the Green Wedge are what makes it attractive for other uses such as rural lifestyle residential, tourism and recreation.
- The relatively reliable rainfall and favourable soil conditions in many parts of the Yarra Ranges Green Wedge have traditionally supported a strong agricultural sector.
- The scenic landscapes of the Green Wedge and its proximity to the Melbourne Metropolitan area provide opportunities for people to visit rural areas and they have long attracted people seeking rural lifestyles.
- Many speculative residential subdivisions were created in the Dandenong Ranges and some sections of the Upper Yarra Valley before the introduction of effective planning controls.
- The approval of the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan in 1982 led to the introduction of a strict regime of subdivision control which has limited the further subdivision of rural land.
- Despite the extent of earlier rural lot subdivision and fragmentation of large landholdings, the Yarra Ranges Green Wedge has retained a strong rural character and still supports a significant agricultural sector.
- A series of compact towns are located in the Yarra Ranges Green Wedge and these provide important facilities and services for local residents, businesses and visitors. The Green Wedge provides a rural setting which separates these towns and is important to their character and identity.
- Rural industries that support and add value to agricultural activities are scattered throughout the Green Wedge.
- The Green Wedge also includes a variety of businesses linked to tourist related activities. These include visitor accommodation providers, wineries, restaurants and cafes.
- Many of these businesses have a direct association with agricultural activities especially in the wine growing areas and areas of forestry activity.

21.03-2 Green Wedge land use categories

—/—/20—
Proposed
C148

- The range of physical characteristics combined with the long history of rural land subdivision has created a complex land use and settlement pattern in the Yarra Ranges Green Wedge.
- The strategies and policies of this planning scheme have been structured in a form that recognises three broad categories of Green Wedge land use and settlement.

YARRA RANGES PLANNING SCHEME

- The complexity of this land use and settlement pattern cannot be adequately represented on maps. The assessment of individual land use proposals within the Green Wedge will require consideration of the relevant Land Use and Settlement category that applies to the land.
- The characteristics of each category are set out in the following table.

Table 1 Green Wedge land use and settlement categories

Category	Characteristics
Productive Agricultural Areas	<p>Areas where:</p> <ul style="list-style-type: none"> ▪ Lots are generally greater than 4 hectares in intensively cultivated areas, or 10 hectares in other areas ▪ Most lots are cleared and sown with pasture grasses or managed for horticulture ▪ Most lots are currently used for agriculture or have realistic potential to be used for horticulture, livestock grazing or other forms of productive agriculture.
Rural Landscape Areas	<p>Areas where:</p> <ul style="list-style-type: none"> ▪ Lot sizes are generally greater than 2 hectares ▪ Most lots have been at least partially cleared of indigenous vegetation ▪ Most lots are used for residential purposes in a rural environment ▪ Very few lots are used for productive agriculture (meaning lots of more than 4 hectares that are used for horticultural production or lots of more than 10 hectares that are predominantly cleared and sown with pasture grasses).
Rural Residential Areas	<p>Areas where:</p> <ul style="list-style-type: none"> ▪ Lots sizes are generally between 0.1 hectares and 2 hectares ▪ Most lots are used for residential purposes in a heavily treed environment ▪ Very few lots are used for productive agriculture (meaning lots of more than 4 hectares that are used for horticultural production or lots of more than 10 hectares that are predominantly cleared and sown with pasture grasses) ▪ Many of the existing lots have been created by the consolidation of smaller lots under subdivision restructure and tenement requirements of previous planning schemes. <p>These areas are mostly concentrated in the Dandenong Ranges although pockets exist in other localities.</p>

21.03-3 Agriculture

—1—20—
Proposed
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Key issues

- The Yarra Ranges Green Wedge is an important agricultural resource due to its proximity to the Melbourne metropolitan area, the extent of its productive agricultural land area and the agricultural infrastructure that supports it.
- Agriculture remains a significant industry in Yarra Ranges with approximately 30,000 hectares of land being used for farming purposes. Additional cleared areas retain potential for future productive agricultural use.
- Livestock grazing especially for beef cattle breeding and fattening is the dominant agricultural activity in the areas of cleared pastures.
- Horticultural activities including nursery plant production, floriculture, wine grape growing and orcharding have become an increasingly important part of the mix of agricultural activities.
- Projected climate changes are likely to result in greater demand for agricultural land in areas such as the Yarra Valley that have more reliable access to water. Water security and biosecurity are important issues in the rural sector.
- Agricultural economics are dynamic and the resource of potentially productive agricultural land needs to be able to adapt to changing market conditions and production techniques.
- High agricultural land values reduce the opportunities to assemble large land holdings and tend to result in more intensive forms of agriculture.
- Leasehold arrangements are likely to become an increasingly significant way of assembling productive agricultural land parcels.
- The scenic attributes of the Green Wedge will continue to attract strong interest from people seeking a rural residential lifestyle and commercial interest in businesses catering for tourists.
- The demand from people seeking a rural residential lifestyle has potential to further erode the resource of productive agricultural land.
- The pressures for more commercial and residential development in the Green Wedge need to be managed so they do not undermine the role of agriculture in the Yarra Ranges Green Wedge.

Objective

To provide a secure, long term future for productive and sustainable agriculture within the Green Wedge.

Strategies

- 1.1 Retain agricultural production as the predominant land use on cleared land in established farming areas where there are no over-riding environmental values that impose a greater priority.
- 1.2 Manage the resource of productive agricultural land for the long term so that it remains adaptable to the evolving needs of agricultural enterprises. Encourage best agricultural practice.
- 1.3 Encourage intensive horticulture in locations where intensive farming is a characteristic of the local landscape and environmental and amenity impacts are addressed.
- 1.4 Provide for intensive horticulture in other locations where abundant water supply is readily available and where environmental and amenity impacts are addressed.

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- 1.5 Provide for the sale and consumption of primary produce, including processed goods made substantially from the primary produce, in conjunction with agricultural production carried out on the land.
- 1.6 Ensure that intensive animal husbandry operations are only established on sites that are large enough to contain all adverse off site effects.
- 1.7 Discourage land uses that would conflict with ongoing farming activities in Productive Agricultural Areas.
- 1.8 Support arrangements where agricultural producers lease adjoining or nearby land in order to extend areas of productive agriculture.
- 1.9 Protect water resources that are potentially available for agricultural use.
- 1.10 Maximise opportunities to use recycled waste water for agricultural purposes.

Implementation

The strategies for *Agriculture* will be implemented through the planning scheme by:

Policy guidelines – Intensive animal production

Applications to use land for intensive animal husbandry such as cattle feedlots, piggeries, dairy farms, poultry farms and poultry hatcheries must demonstrate that:

- The site provides sufficient area to ensure that the proposed buildings and vehicle access are adequately screened and separated from any adjoining residential uses, waterways or any other sensitive environmental features or land uses.
- The site has direct access to a constructed road that can accommodate the level of traffic likely to be generated by the proposed use.
- The proposed development can be integrated into the rural landscape without detriment to the landscape character of the area and will not require the removal of significant vegetation.
- The site is capable of accommodating the proposed use without detracting from the amenity of any existing houses on nearby land.
- The site does not contain a soil resource that would otherwise be significant for productive agricultural purposes.
- All effluent generated by the proposed use can be satisfactorily treated and disposed of on site.

Policy guidelines – Primary produce sales

Applications to use land for primary produce sales must demonstrate that:

- The goods sold are sourced from primary produce that is predominantly grown on the land.
- Any building used for the sale of primary produce will be of a design and scale that maintains the overall appearance of the land as a farm.
- The site has direct access to a constructed road that can accommodate the level of traffic likely to be generated by the proposed use.
- The site is capable of accommodating the proposed use without detracting from the amenity of any existing houses on nearby land.

Zones and overlays

Applying the Green Wedge Zone to rural areas that predominantly include land suitable for productive agricultural and rural landscape living purposes.

Applying the Green Wedge A Zone to areas that are predominantly used for rural residential purposes.

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Applying the Rural Conservation Zone to rural areas that predominantly contain areas of privately owned bushland.

Applying subdivision controls through Schedules to the Green Wedge zones to minimise the further fragmentation of productive agricultural land and other rural areas.

Local policy

Applying the policy in Clause 22.02 *Dwellings in Green Wedge Areas*, to minimise potential conflicts between agricultural and residential activities.

21.03-4 Rural industry

—/—/20—
Proposed
C148

Key issues

- Retaining a sustainable agricultural industry in the Yarra Ranges Green Wedge requires rural industries that offer services and facilities which support local agriculture.
- Many of these rural industries provide important agricultural services such as specialised transport, produce storage, processing of primary produce and mechanical repairs.
- The operation of rural industries can have an adverse effect on nearby sensitive land uses.
- The Green Wedge is an inappropriate location for industrial uses that are not associated with agriculture or other rural activities.

Objective

To accommodate within Green Wedge areas, rural industries and other infrastructure that support the ongoing use of rural land for agriculture.

Strategies

- 1.1 Provide for rural industry in Green Wedge Zones, only where it is located within or adjoining an area of productive agricultural activity and it comprises one of the following:
 - the service, repair or supply of equipment or materials predominantly used in agricultural production in the surrounding area
 - the storage, packing and, or value added processing of primary produce that is predominantly sourced from the surrounding area.
- 1.2 Ensure any rural industry does not adversely affect the amenity of the surrounding area or generate any adverse offsite emissions.
- 1.3 Discourage rural industry in Rural Conservation Zones or Green Wedge A Zones.

Implementation

The strategies for *Rural industry* will be implemented through the planning scheme by:

Policy guidelines – Rural industry

Applications to use land for a Rural industry in the Yarra Ranges Green Wedge must demonstrate that:

- The proposed development can be integrated into the rural landscape without detriment to the landscape character of the area and will not require the removal of indigenous vegetation.

- The site is capable of accommodating the proposed use without detracting from the residential amenity of any nearby land.
- The site provides sufficient area to ensure that the proposed buildings and vehicle access are adequately screened and separated from any adjoining residential uses, waterways or any other sensitive environmental features or land uses.
- The site has direct access to a constructed road that can accommodate the level of traffic likely to be generated by the proposed use.
- All effluent generated by the proposed use can be satisfactorily treated and disposed of on site.

Zones and overlays

Applying the Green Wedge Zone to provide discretion to permit rural industries that support productive agricultural use in the surrounding area.

21.03-5 Tourism in the Green Wedge

—/—/20—
Proposed
C148

Key issues

- The Yarra Ranges Green Wedge contains many tourist destinations including its winegrowing areas, national parks, State forests, recreational trails, golf courses and well known attractions such as the Puffing Billy Railway and the Healesville Wildlife Sanctuary.
- Tourism is an important industry in Yarra Ranges encompassing a wide range of businesses including visitor accommodation, restaurants, wineries and tour operators.
- Commercial land uses associated with tourist activities can create business opportunities that broaden the economic base of rural towns.
- Tourism related businesses are a significant source of local employment in Yarra Ranges with many of these jobs being located in Green Wedge areas.
- Most of Yarra Ranges' tourism businesses are located in Green Wedge areas where the combination of scenic landscapes, rich biodiversity and abundant agricultural produce attract many visitors.
- The economic benefits from tourism activity in Yarra Ranges could be increased if a higher proportion of visitors were for overnight stays rather than day trips.
- The maintenance of a sustainable tourism industry in Yarra Ranges will require a diversity of tourist experiences.
- Some forms of tourist facilities can have adverse impacts on other Green Wedge values.
- The development of further tourism related businesses in the Green Wedge will need to support the primary values of protecting biodiversity, agriculture and valued landscapes.

Objective

To provide for a variety of sustainable tourist oriented businesses that reinforce the primary values of the Yarra Ranges Green Wedge and contribute to the local economy.

Strategies

Tourism in Green Wedge towns

- 1.1 Encourage tourist related businesses such as visitor accommodation, restaurants, cafes and function centres to locate in established towns where they can help support local businesses and provide local employment.

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- 1.2 Encourage the provision of backpacker style budget accommodation within or adjoining town centres that offer a range of accommodation services for guests and convenient access to areas of productive agriculture.

Tourism in rural areas

- 1.1 Provide for tourist oriented businesses such as visitor accommodation, restaurants, cafes and function centres to locate on sites in productive agricultural areas or in rural landscape areas if they will operate in conjunction with either:
 - . productive agriculture on the land
 - . the improved management of natural systems on the land.
- 1.2 Discourage additional tourist oriented businesses in rural residential areas.
- 1.3 Provide for on farm seasonal accommodation for people assisting with fruit picking and other agricultural work carried out on the land and nearby properties.
- 1.4 Discourage tourist oriented businesses on sites that are subject to significant environmental hazards.

Implementation

The strategies for *Tourism in the Green Wedge* will be implemented through the planning scheme by:

Policy guidelines – Tourist businesses*General guidelines*

Applications to use land in Green Wedge areas for tourist related businesses such as visitor accommodation, restaurants, cafes and function centres must demonstrate that the proposal will:

- not result in the significant loss of productive agricultural land
- retain the predominant rural character of the area
- be located on a site that is large enough to provide a rural landscape setting for the proposed development
- avoid adverse impacts on the amenity of nearby residents
- avoid adverse impacts on adjoining or nearby farming operations
- manage public access and visitor numbers so that the increased human activity will not threaten any flora and fauna habitat on the land or adjoining land
- enable all effluent generated by the facility to be treated and contained on the land
- have direct access to a sealed road, or that the available road access is adequate for the anticipated traffic levels
- avoid fire prone locations where vehicle access during bushfire events would be unsafe
- avoid flood prone locations where vehicle access during flood events would be unsafe
- avoid sites that are unsuitable for development because of landslip risk.

The following policy guidelines apply in addition to those specified above.

Tourism related facilities in Green Wedge towns

Any application to use land in rural towns for new visitor accommodation, restaurants or other tourist related businesses should:

- be located within or adjoining the established town centre, or

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- be located on sites which are large enough to avoid adverse impacts on the amenity of residential or other sensitive land uses on adjoining or nearby land
- positively contribute to the built form character of the area
- protect and enhance any significant environmental features on the site.

Productive agricultural areas

Any application for a tourist oriented business in productive agricultural areas must demonstrate that the proposal will:

- be operated in conjunction with farming activities conducted on the land or adjoining land
- be integrated with any other tourist facilities on the land
- maintain the overall appearance of the land as a farming property in a rural landscape.

Rural landscape areas

Any application for a tourist oriented business in rural landscape areas must be on a site that comprises, or adjoins, mostly uncleared bushland. The proposal must demonstrate that it will:

- offer opportunities to interact with the natural environment on the land or adjoining land
- retain any significant natural environmental features on the site
- appear as an unobtrusive element in a predominantly rural landscape.

Rural residential areas

Any application for a tourist oriented business in rural residential areas must demonstrate that the proposal:

- will either:
 - provide for the ongoing use and adaptation of established tourist oriented businesses on the land, or
 - comprise new visitor accommodation facilities within unobtrusive structures that retain the visual dominance of vegetation over building structures. Accommodation facilities that utilise existing buildings are preferred.
- will not impact on the rural residential amenity of the area.

Any other tourist oriented businesses are discouraged in rural residential areas.

Host farms

Any application to use land in Green Wedge areas for a Host farm must demonstrate that there is a substantive farming activity conducted on the land and that the visitor accommodation will be ancillary to it.

Markets

Any application to use land in Green Wedge areas for a Market must:

- Be predominantly used for the sale of locally grown produce or goods made substantially from primary produce
- Be located on a site that is used for an established tourist oriented business
- Utilise existing infrastructure such as car parking, access areas and visitor amenities.

Place of assembly (commercial outdoor entertainment venues)

Any application to use Green Wedge land on a regular basis for outdoor entertainment events that cater for fee paying audiences, must demonstrate that the land will:

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- be large enough to accommodate events without adverse impacts on the amenity of the surrounding area
- have direct access to a sealed road within a Road Zone and be able to provide safe and efficient access for traffic associated with the event
- be used predominantly for agricultural purposes when events are not being conducted at the venue
- be managed in a way that retains the rural landscape character of the area when events are not being conducted at the venue
- retain the long term opportunity for the land to revert to agricultural use.

Any outdoor events conducted on the land must be managed in accordance with an event management plan that has been prepared to the satisfaction of the responsible authority.

21.03-6 Other Green Wedge land uses

—/—/20—
Proposed
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Key issues

- The large landholdings and relatively lower land values in Green Wedge areas can attract uses with large land area requirements that are seeking to relocate from urban areas.
- Some of these land uses can create difficulties in Green Wedge areas by introducing potential conflicts with agricultural practices and rural amenity.

Objective

To provide for non farm related land uses that reinforce the primary values of the Yarra Ranges Green Wedge.

Strategies

- 1.1 Limit the use of rural land for purposes other than those related to agriculture, rural industry, tourist oriented businesses or dwellings.
- 1.2 Encourage proposals for Education centres, Golf course or Places of worship to preferably locate on sites adjoining the Urban Growth Boundary where they can provide an effective transition between urban and rural activities.

Implementation

The strategies for *Other Green Wedge land uses* will be implemented through the planning scheme by:

Policy guidelines

General guidelines

Applications for proposals to use land in Green Wedge areas for Golf courses, Education centres, Places of worship or other non agricultural, tourist related or dwelling uses must demonstrate that the proposal will:

- not have a significant adverse impact on the continuation of productive agricultural land use on adjoining or nearby land
- retain the predominant rural character of the area
- be located on a site that is large enough to provide a rural landscape setting for the proposed development
- avoid adverse impacts on the amenity of nearby residents

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- . retain any significant habitat for indigenous flora and fauna on the site and achieve sustainable improvements to the quality of that habitat
- . enable all effluent generated by the facility to be treated and contained on the land
- . have direct access to a sealed road, or that the available road access is adequate for the anticipated traffic levels
- . avoid fire prone locations where vehicle access during bushfire events would be unsafe
- . avoid flood prone locations where vehicle access during flood events would be unsafe
- . avoid sites that are unsuitable for development because of landslip risk.

The following policy guidelines apply in addition to those specified above.

Outdoor recreation facilities

Any proposal for a Golf course or other Outdoor recreation facility should:

- . be located on a site adjoining the Urban Growth Boundary where it can provide an effective transition between urban and rural activities.
- . appear as an unobtrusive element in a predominantly rural landscape.
- . have direct access to a sealed road within a Road Zone Category 1 or 2 and be able to provide safe and efficient access for traffic associated with the use.

Places of worship

Any proposal for a Place of worship should:

- . be located on a site that has an area of at least 10 hectares.
- . be operated in conjunction with farming activities conducted on the same or adjoining land or offer opportunities to interact with the natural environment on the land or adjoining land
- . appear as an unobtrusive element in a predominantly rural landscape
- . have direct access to a sealed road within a Road Zone Category 1 and be able to provide safe and efficient access for traffic associated with the use.

Education centre

Any proposal for an Education centre should be located adjoining the Urban growth boundary of a rural town, or meet all of the following requirements:

- . be on a site that has an area of at least 20 hectares
- . be operated in conjunction with farming activities conducted on the same or adjoining land or offer opportunities to interact with the natural environment on the land or adjoining land
- . appear as an unobtrusive element in a predominantly rural landscape.

21.03-7**Green Wedge dwellings**

—/—/20—
Proposed
C148

Key Issues

- It is estimated that there are approximately 2,400 existing vacant lots scattered throughout the Yarra Ranges' Green Wedge.
- Speculative land subdivisions approved before the introduction of effective planning controls have created many lots that are subject to significant development constraints and exposure to environmental hazards.
- Many landowners expect to ultimately be able to use their vacant lot for a dwelling despite these development constraints.

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- Proposals to replace an existing dwelling with a new dwelling on a different part of the lot can result in adverse impacts on productive agriculture or the environment.
- Additional non farm dwellings in areas of productive agriculture can lead to conflicts with agricultural producers over amenity and land management issues. They can also contribute to increasing land values that undermine the viability of some agricultural activities.

Objective

To provide for additional dwellings that are compatible with the primary values of the Yarra Ranges Green Wedge.

Strategies

- 1.1 Ensure that all proposals for additional dwellings in Green Wedge areas have regard to the:
 - primary values of the Green Wedge
 - characteristics of the land and the surrounding area
 - impact of the proposal on environmental and landscape values
 - risks imposed by any environmental hazards that may affect the land.
- 1.2 Discourage any proposals for additional dwellings in productive agricultural areas that would have an adverse impact on farming operations or significantly reduce the extent of land available for productive agricultural use
- 1.3 Provide for additional dwellings on vacant lots in rural landscape areas.
- 1.4 Limit the opportunities for additional dwellings in rural residential areas to larger lots or land parcels created through the restructure or consolidation of small lots in old subdivisions.

Implementation

The strategies for *Green Wedge dwellings* will be implemented through the planning scheme by:

Zones and overlays

Applying the Green Wedge Zone to rural areas that predominantly include land suitable for productive agricultural and rural landscape living purposes.

Applying the Green Wedge A Zone to areas that are predominantly used for rural residential purposes.

Applying the Rural Conservation Zone to rural areas that predominantly contain areas of privately owned bushland.

Applying the Restructure Overlay to require the consolidation of inappropriately small lots in old subdivisions.

Local policy

Applying the policy in Clause 22.02 *Dwellings in Green Wedge Areas*, to ensure that the assessment of proposals for additional dwellings has regard to primary values of the Green Wedge.

21.03-8 Green Wedge subdivision

—/—20—
Proposed
C148

Key Issues

- State and Local planning policies have consistently limited the opportunities for additional residential development in the Yarra Ranges Green Wedge.

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- Current planning controls provide scope for further rural subdivision in some Yarra Ranges Green Wedge localities.
- Agricultural practices need to be able to adjust to constantly changing economic and climatic conditions.
- Subdivision to create additional lots in farming areas can lead to:
 - . further fragmentation and reduction in the capacity of productive agricultural land
 - . potential conflicts between non farming residents and agricultural producers.
- Investment in agriculture and rural based tourist facilities is dependent on certainty about the long term future of the area for productive agriculture. It can be threatened by speculation about changes to subdivision controls.
- Many areas within the Green Wedge are subject to environmental hazards and physical constraints. Subdivision to create additional lots in these areas can increase the number of dwellings and residents that are exposed to risks such as bushfire, flooding or landslip.
- Subdivision to create additional lots in remote localities can increase the number of dwellings and residents in areas with poor access to services and community infrastructure.
- Minimising opportunities for further residential subdivision in the Yarra Ranges Green Wedge encourages urban renewal opportunities on more sustainable development sites within suburban areas and rural towns.
- The resubdivision of existing lots can provide opportunities for improved land management.

Objectives

To provide for the subdivision of land that is compatible with the primary values of the Yarra Ranges Green Wedge.

Strategies

- 1.1 Limit the opportunity to create additional lots in Green Wedge Areas.
- 1.2 Ensure that any subdivisions which create new lots are based on an assessment of the:
 - . characteristics of the site and its surroundings
 - . anticipated use of the proposed lots
 - . land capability of each of the proposed lots to support the anticipated future land use.
- 1.3 Discourage subdivisions that are likely to result in land use and development which would adversely affect the agricultural capability, environmental quality, rural landscape character or amenity of the area.
- 1.4 Discourage subdivisions that create additional lots in remote or poorly serviced locations.
- 1.5 Discourage subdivisions that will result in an increased number of dwellings on sites subject to significant environmental hazards.
- 1.6 Provide for the resubdivision of existing lots where the revised layout of lots and potential dwelling sites achieves an improved response to the primary values of the Yarra Ranges Green Wedge.
- 1.7 Encourage the restructuring and consolidation of lots in old and inappropriate subdivisions in areas that are affected by significant environmental constraints or hazards.

Implementation

The strategies for *Green Wedge subdivision* will be implemented through the planning scheme by:

Policy guidelines

General guidelines

Any application to subdivide land in a Green Wedge Zone, Rural Conservation Zone or Green Wedge A Zone must demonstrate that each lot will:

- Have access provided by an all weather road with dimensions adequate to accommodate emergency vehicles.
- Be connected to a reticulated sewerage system. Where connection to a reticulated sewerage system is not available, the subdivision proposal must be able to show how waste water will be treated and retained on site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- Be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- Be connected to a reticulated electricity supply or have an alternative energy source.
- Contain a building envelope in which any new dwellings and associated structures are to be constructed. The building envelope must be sited to avoid:
 - prominent ridgelines, hilltops and other visually exposed areas
 - the removal of significant vegetation
 - land that would be unsuitable for a dwelling because of landslip, bushfire or flood risk
- Be able to be serviced by access roads and reticulated service connections that avoid the need to remove significant vegetation or require significant earthworks.

Guidelines for subdivision in Productive agricultural areas

Any application to subdivide land in a productive agricultural area must:

- identify the location of any future dwelling having regard to the need to maximise the productive agricultural potential of the land
- not result in a net loss in the extent of land with potential for productive agricultural use
- demonstrate that the proposed lot will:
 - be capable of being used for productive agriculture
 - not reduce the availability of water resources for productive agriculture
 - not create a small lot with a non farm dwelling site that may conflict with productive agricultural activities on adjoining or nearby land.

Guidelines for subdivision in Bushfire Management Overlay areas

Any application to subdivide land in a Bushfire Management Overlay must not:

- result in additional dwellings on sites where vehicle access to the nearest road in a Road Zone would be through tree lined roadsides that are likely to be unsafe during bushfire events

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- create building envelopes on bushland sites that would require the removal of significant vegetation in order to meet the defensible space requirements of the Overlay
- provide underground electricity to any new lots.

Guidelines for subdivision in Land Subject to Inundation Overlay areas

Any application to subdivide land in a Land Subject to Inundation Overlay must not:

- result in additional dwellings or other land uses that would require access through land that is subject to flooding
- require significant earthworks to accommodate the proposed use of the land unless the earthworks will result in a net improvement in the management of floodwater and wildlife habitat of the land.

Guidelines for subdivision in Environmental Significance Overlay areas

Any application to subdivide land in an Environmental Significance Overlay:

- must not create additional lots that would require the removal of vegetation from land that has been identified as a core habitat area under the overlay to provide for building envelopes, vehicle access, reticulated services or boundary fences
- must demonstrate that the proposed subdivision would lead to improved management of indigenous vegetation or wetland habitat on the land.

Guidelines for subdivision in Erosion Management Overlay areas

Any application to subdivide land in an Erosion Management Overlay must not create additional lots where building envelopes would be located on land that, in the opinion of a geotechnical practitioner, is:

- steeper than 20 per cent in tertiary basalt areas
- are steeper than 30 per cent in all other areas
- exhibit evidence of possible or past landsliding on or immediately adjoining to the site.

Guidelines for resubdivision of existing lots

In addition to the other relevant provisions of these guidelines, any application to resubdivide land must demonstrate that the proposed subdivision will result in:

- no more dwellings on the land than would be possible under the current subdivision layout.
- a better response to these policy guidelines than would be the case if the current subdivision layout was retained.

Any lots in the current subdivision layout that are undevelopable due to their small size, lack of established road access or other major physical constraints, are to be disregarded in calculating the number of dwellings that could be established on the land.

Zones and overlays

Applying the Green Wedge Zone to rural areas that predominantly include land suitable for productive agricultural and rural landscape living purposes.

Applying the Green Wedge A Zone to areas that are predominantly used for rural residential purposes.

Applying the Rural Conservation Zone to rural areas that predominantly contain areas of privately owned bushland.

Applying subdivision controls through schedules to the various Green Wedge zones.

YARRA RANGES PLANNING SCHEME

Reference documents

Yarra Ranges Green Wedge Management Plan Yarra Ranges Council July 2010

Vision 2020 by Design Planisphere Consultants July 2008

Version for Adoption

21.04 ECONOMIC DEVELOPMENT--/20--
C148**21.04-1 Commercial uses**--/20--
C148**Overview**

- Retail is one of the most important employment sectors in Yarra Ranges with almost 200,000 square metres of retail floorspace in the municipality providing more than 5,000 jobs.
- The greatest concentration of retail employment is in the two major activity centres of Lilydale and Chirnside Park. Smaller concentrations of retail floorspace are distributed throughout Yarra Ranges' network of neighbourhood activity centres.
- Some bulky goods retail development has been established along sections of the Maroondah Highway and Canterbury Road in Chirnside Park, Lilydale and Kilsyth.. This form of retailing, which reflects changing retail marketing trends, generally provides lower concentrations of employment than the more traditional forms of retailing.
- There are approximately 45,000 square metres of office floorspace in Yarra Ranges which is mostly concentrated in activity centres. It comprises a mix of purpose built office space as well as shopfront offices. Although Yarra Ranges has a relatively low proportion of office based employment it is estimated that its offices provide between 2,000 to 3,000 jobs.
- In 2011 the activity centres in Yarra Ranges captured an estimated 49% of spending by Yarra Ranges residents. Potential exists to increase this market share.
- Most of the larger activity centres in Yarra Ranges have potential to accommodate additional retail and office floorspace without requiring expansion into adjoining residential areas.

Key issues

- A relatively low proportion of current jobs in Yarra Ranges are in employment sectors that are expected to experience strong growth.
- Yarra Ranges has a high proportion of its employment in the retail sector.
- Yarra Ranges has a dependence on regional shopping centres in adjoining municipalities for some higher order retail services.
- The consolidation of retail and office based businesses in activity centres helps to strengthen the critical mass required to support a range of transport and other community infrastructure.
- There is potential for activity centres in Yarra Ranges to improve their market share of local resident spending improvements to the quality of retail centres.
- Yarra Ranges' activity centres have the capacity to support an additional 100,000 square metres of retail floorspace and between 25,000 to 50,000 of commercial office space.
- Additional well designed office accommodation in activity centres will provide opportunities to broaden the range of local employment opportunities.

Objective 1 – Retail and offices location

To provide in accessible locations, for new businesses that broaden the economic base and range of employment opportunities in Yarra Ranges.

Strategies

- 1.1 Consolidate retail and office uses in activity centres that are accessible to the community and broaden the range of local employment opportunities.
- 1.2 Discourage out of centre retail development that may adversely effect the viability and vibrancy of existing activity centres.
- 1.3 Encourage high intensity commercial and entertainment uses which generate concentrated traffic movements to locate in major activity centres and larger neighbourhood activity centres.
- 1.4 Encourage tourist facilities including restaurants, visitor accommodation and information centres to locate within the larger rural towns.
- 1.5 Encourage mixed use developments incorporating compatible combinations of commercial and residential uses in major and larger neighbourhood activity centres.
- 1.6 Discourage the incremental encroachment of commercial uses into residential neighbourhoods.

Implementation

The strategies for *Retail and offices location* will be implemented through the planning scheme by:

Zones and overlays

Applying the Commercial 1 Zone to retail and commercial precincts of activity centres.

Applying the Mixed Use Zone to selected activity centre precincts where a mixture of retail, commercial and residential is encouraged.

Applying policy guidelines for discretionary uses in residential zones which discourage non residential uses such as retail and offices in residential zones.

Objective 2 – Bulky goods retail

To provide for bulky goods retail uses in accessible locations that reinforce the role of activity centres.

Strategies

- 2.1 Concentrate bulky goods retailing and service industrial activities in specifically zoned areas on the fringe of established activity centres.
- 2.2 Discourage the dispersal of bulky goods retail into residential areas or locations that are remote from activity centres.
- 2.3 Ensure new development in bulky goods precincts enhances the local environment through site responsive and innovative building designs, setbacks and landscaping.

Implementation

The strategies for *Bulky goods retail* will be implemented through the planning scheme by:

Zones and overlays

Applying the Commercial 1 Zone to retail and commercial precincts of activity centres.

Applying the Mixed Use Zone to selected activity centre precincts where a mixture of retail, commercial and residential is encouraged.

Applying the Commercial 2 Zone to areas on the fringe of established activity centres that have prominent visual exposure to arterial roads and are suitable for bulky goods retail use.

Objective 3 - Medical centres

To ensure medical centres are developed in appropriate and accessible locations.

Strategies

- 3.1 Encourage medical centres to locate within commercial and mixed use precincts of activity centres that offer public transport and provide the opportunity for multi purpose trips.
- 3.2 Concentrate specialist medical facilities and other higher order medical services within the major activity centres of Lilydale and Chirnside Park.
- 3.3 Discourage the dispersal of medical facilities into residential areas.

Implementation

The strategies for *Medical centres* will be implemented through the planning scheme by:

Zones and overlays

Applying the Commercial 1 Zone, Commercial 2 Zone and Mixed Use Zone which enable medical centres to be established in activity centres.

Applying policy guidelines for discretionary uses in residential zones which discourage medical centres in residential zones.

21.04-2 Discretionary uses in residential zones

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Key issues

- Residential zones provide discretion to permit a range of non residential land uses.
- Some non residential uses such as small scale home businesses can provide opportunities for residents to pursue business unobtrusively with no adverse effects on the surrounding neighbourhood.
- Other uses such as child care facilities can provide services that meet local community needs.
- The generally lower land values in residential neighbourhoods can attract other commercial activities such as medical centres, funeral parlours and restaurants that would generally be more appropriately located in commercial zoned areas.
- The intrusion of commercial land uses that attract significant concentrations of car parking and traffic can adversely effect the amenity of residential neighbourhoods and undermine the role of activity centres as the main concentration of employment and business activity.

Objective

To provide opportunities in residential zones for non residential land uses that respond to local community needs and retain the residential character of the area.

Strategies

- 1.1 Encourage home based businesses which provide small scale local employment and business opportunities and which have little or no impact on neighbourhood amenity or the environment.
- 1.2 Ensure that any other non residential land uses which establish in residential zones have a demonstrable need to locate in a residential area.

YARRA RANGES PLANNING SCHEME

- 1.3 Ensure that the character and amenity of residential neighbourhoods is not adversely affected by the introduction of non residential land uses.

Implementation

The strategies for *Discretionary land uses in residential zones* will be implemented through the planning scheme by:

Policy guidelines

- Non residential uses including medical centres are generally discouraged in residential zones.
- Any proposal to use land in a residential zone for a non residential land use should:
 - demonstrate why it needs to be located in a residential zone rather than in an activity centre
 - be on a site that adjoins an activity centre or is situated on land abutting a Road Zone
 - not contribute to ribbon commercial development along land in a Road Zone or contribute to the transformation of a residential area into a quasi commercial area
 - be of a scale and design that is compatible with the surrounding neighbourhood character
 - be provided with setbacks from common boundaries with adjoining residential land uses that protect residential amenity and, where appropriate, provide effective landscaping and screening buffers
 - provide sufficient off street car parking, with traffic access being designed to minimise the need for cars to travel through local residential streets
 - not adversely affect the amenity of abutting and nearby residential land.

Zones and overlays

Applying the Neighbourhood Residential Zone, General Residential Zone and Residential Growth Zone which provide limited discretion to permit non residential land uses.

21.04-3 Industry in urban areas

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Overview

- Industry accounts for a significant share of Yarra Ranges' employed labour force (36%) and the local jobs market (31%).
- Yarra Ranges contains a mix of well-established industrial areas with the two main concentrations of industrial use being located in Lilydale and Kilsyth.
- Smaller local industrial precincts are located in rural towns throughout the municipality.
- A number of large manufacturing businesses operate in Yarra Ranges, however recent expansion in industrial floorspace has been in smaller scale units that accommodate businesses catering for more localised markets.
- Changes in the industrial land market indicate that Yarra Ranges is unlikely to become an attractive location for major new industrial development.

Key issues

- The retention of a broad range of industrial based employment is important for the local economy.

YARRA RANGES PLANNING SCHEME

- Industrial areas need to be managed to provide opportunities for future changes and innovation within the local employment sector.
- There are limited opportunities within the Urban Growth Boundary to provide undeveloped land that is available for further industrial development.
- Many existing industrial areas contain under developed sites that offer potential for more intensive industrial use.
- Many industrial areas adjoin residential areas and other sensitive land uses and this can lead to conflicts over residential amenity issues.
- There is considerable pressure to use industrial land for non industrial uses.

Objective

To ensure the efficient use of the industrial land resource and broaden the economic base of Yarra Ranges.

Strategies

- 1.1 Provide for a range of industrial uses that meet local service needs, generate local employment opportunities, and do not detract from the amenity of adjoining or nearby land.
- 1.2 Encourage, in established industrial zones, new enterprises that generate employment growth and further economic activity in other businesses in the locality.
- 1.3 Provide, on appropriately zoned sites in rural towns, for industrial uses that service the needs of local agricultural enterprises.
- 1.4 Promote opportunities for further development, and more intensive redevelopment of existing industrial zoned areas.
- 1.5 Recognise longer term opportunities to expand industrial development on underutilised sites within the Urban Growth Boundary that adjoin established industrial areas.
- 1.6 To provide for non industrial land uses that would be inappropriate in any other zone and which would not compromise the primary purpose of the industrial zone.
- 1.7 Discourage the intrusion into industrial zones of retail, commercial and entertainment uses that would be more appropriately located within an activity centre.
- 1.8 Ensure that land uses in industrial zones are managed to avoid harmful off-site effects or loss of amenity to nearby residential and other sensitive land uses.
- 1.9 Ensure that proposed land uses on industrial zoned land provide sufficient off-street parking, with vehicle access being located to minimise the need for trucks to travel through local residential streets.

Implementation

The strategies for *Industry in urban areas* will be implemented through the planning scheme by:

Zones and overlays

Applying the Industrial 1 Zone to the main areas of established industrial development

Applying the Industrial 3 Zone to the various smaller pockets of industrial development where the proximity of nearby sensitive land uses requires careful management of future industrial use and development.

Policy guidelines for non industrial use of land in Industrial Zones

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Any proposals to use land in an Industrial Zone for non industrial purposes must demonstrate that:

- there is a need to establish the proposed use in an industrial zone rather than any other zone
- the proposed use will be compatible with surrounding land uses
- the proposed use will not adversely affect the long term availability of industrial zoned land for industrial uses
- any proposed use located on land that adjoins a residential zone will not have any adverse impact on residential amenity, particularly in terms of noise, traffic, safety and air emissions.

21.04-4 Extractive Industry

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Key issues

- Yarra Ranges contains ongoing hard rock quarry operations at Montrose, Coldstream and Launching Place.
- The former Cave Hill Quarry in Lilydale has now ceased operations and has been identified as a strategic redevelopment site.
- The remaining hard rock quarries in Yarra Ranges have provided a regionally important source of material for building and road construction.
- The extent of the stone resource within these quarries is finite and confined by environmental constraints and other land use priorities on nearby and adjoining land.

Objective

To recognise the significance of existing extractive industry resources within Yarra Ranges, while protecting environmentally sensitive areas.

Strategies

- 1.1 Provide for the continued use and development of existing extractive industry resource areas in the Shire, subject to proper environmental and amenity assessments and controls.
- 1.2 Ensure that the establishment of new extractive industries are prohibited in areas of natural significance and environmental sensitivity.
- 1.3 Ensure the thorough consideration of potential environmental implications of any proposal to expand an existing extractive industry.
- 1.4 Facilitate the preparation of a site rehabilitation strategy for any quarry that is expected to cease extractive operations in the foreseeable future.

Implementation

The strategies for *Extractive industry* will be implemented through the planning scheme by:

Zones and overlays

Including the established extractive industries in a Special Use Zone 1 to identify quarry sites and maintain appropriate control over future operations and expansion proposals.

21.04-5 Timber industry

Key issues

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- The established timber processing facilities in Yarra Ranges are strategically located to access timber reserves in the Central Highlands forests to the north, and the Gippsland forests to the east.
- The value added processing of sustainable timber resources offers ongoing opportunities to provide significant local employment and economic activity in some of Yarra Ranges' rural towns.
- It is not envisaged that hardwood plantations will be a major land use in Yarra Ranges.

Objective

To encourage a viable timber industry which adds value to the timber resources that are available in Yarra Ranges.

Strategies

- 1.1 Recognise the contribution of the local timber industry to the economy of towns in the Upper Yarra Valley such as Yarra Junction and Powelltown.
- 1.2 Facilitate the value adding processing of sustainable timber resources that are sourced from the surrounding region.
- 1.3 Encourage established timber processing operations to adopt more efficient processes and new technology while minimising adverse impacts on nearby residential and other sensitive land uses.
- 1.4 Facilitate the planting of non invasive tree species for timber production and agroforestry on private land that:
 - has been substantially cleared of indigenous vegetation
 - is not suited to other productive agricultural uses.
- 1.5 Discourage new plantations in locations that would increase the risk of bushfire to existing settlements.

Implementation

The strategies for *Timber industry* will be implemented through the planning scheme by:

Zoned and overlays

Applying the Industrial 3 Zone to recognise sites in rural towns that are used for timber processing.

Schedules

Applying a prohibition under the Schedule to Clause 51.03 on the use of invasive tree species in the planting of timber production plantations or the planting of woodlots as part of agroforestry operations.

21.04-6 Community businesses and social enterprise**Key issues**

- Social enterprises are businesses that work within the free market to fulfil social aims. They usually do this through a mix of business and not-for-profit structures.
- Local business incubators are a form of social enterprise that can provide valuable opportunities to assist the development of local business ideas.
- Yarra Ranges has a number of advantages that will favour the growth of social enterprises. These include:
 - A significant number of agencies and community groups with experience in social enterprise

YARRA RANGES PLANNING SCHEME

- Local industry sectors that are favourable to social enterprise such as agribusiness.

Objective

To facilitate the development of commercial businesses that involve the not for profit sector in social enterprises.

Strategies

- 1.1 Recognise the role of social enterprises in supporting the development of small businesses especially in rural towns with a limited economic base.
- 1.2 Support the establishment of business incubator sites on land in industrial or commercial zones or other sites where any adverse amenity impacts can be effectively managed.
- 1.3 Support business incubator proposals that provide a net community benefit.
- 1.4 Provide opportunities in industrial or commercial zones for new businesses that no longer need to operate within a business incubator site.

Implementation

The strategies for *Community businesses and social enterprise* will be implemented through the planning scheme by:

Zones and overlays

Applying appropriate industrial or commercial zones to land that is managed as business incubator sites.

21.04-7 Gambling facilities**Key issues**

- While gambling is a legal activity in Victoria, for some it leads to problem gambling which has a range of socio-economic consequences that adversely affect the health and wellbeing of individuals, their families and interpersonal relationships as well as the wider community.
- There are eight venues containing electronic gaming machines within Yarra Ranges.
- Five of these venues are located in metropolitan urban areas and three in rural towns.
- The location of gambling facilities away from commercial and community hubs and areas of socio-economic disadvantage can help reduce the impact of problem gambling on vulnerable communities.
- Problem gambling can be reduced through of venue design techniques such as including alternative entertainment options in venues.

Objective

To ensure gaming machines are located to minimise adverse social and amenity impacts to the community and to meet local needs.

Strategies

- 1.1 Ensure gaming machines are located only in venues which:
 - are located where there is a reasonable choice of alternative non-gaming entertainment and recreation facilities
 - have a range of entertainment and leisure options

YARRA RANGES PLANNING SCHEME

- . offer social and recreational opportunities other than gaming as the primary purpose of the venue.
- 1.2 Discourage the location of gaming machines:
- . in close proximity to vulnerable communities in the municipality
 - . in areas that have high levels of pedestrians that can lead to convenience gaming where the location of electronic gaming machines increases the likelihood of impulse decisions to play.
- 1.3 Ensure that the internal layout of venues minimises problem gambling.
- 1.4 Protect the amenity of surrounding neighbourhoods.

Implementation

The strategies for *Gambling facilities* will be implemented through the planning scheme by:

Local policy

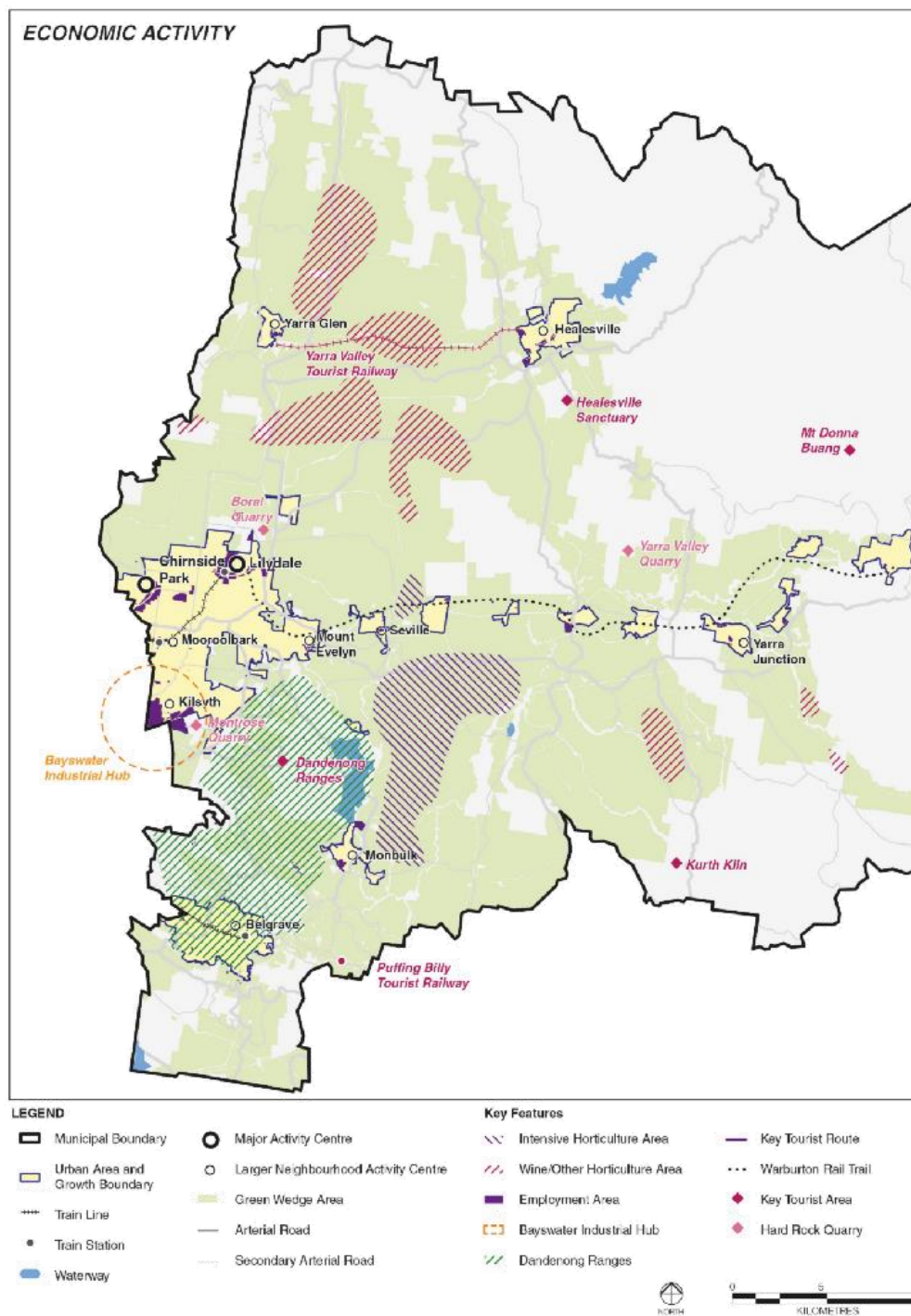
Applying the policy in Clause 22.04 Gaming Machines.

Schedules

Prohibit gaming in strip shopping centres and shopping complexes under the provisions of Clause 52.28.

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Figure 4 Economic Activity Map



21.05 BUILT FORM--/20--
C148**21.05-1 Key issues**

- The suburbs, towns and rural landscapes of Yarra Ranges each have their own visual identity which is valued by residents and many visitors.
- The varied terrain of Yarra Ranges includes landscapes of widely recognised natural beauty that offer some of the most attractive scenery in the State.
- Yarra Ranges has a rich diversity of heritage places that draw together links to the traditional custodians, the Wurundjeri people and the subsequent phases of European settlement.
- Good design in the built environment is not limited to aesthetically pleasing design. It encourages a sense of local identity, improves how people experience a space or locality and contributes to creating places that people want to be in.
- The combination of Yarra Ranges' attractive environment and its location on the fringe of the Melbourne Metropolitan area will result in ongoing pressures for additional and more intensive development.
- The adoption of an environmentally sustainable approach to the design of new development in Yarra Ranges offers significant benefits. It will help to minimise the use of finite natural resources and reinforce a strong visual identity and sense of place for Yarra Ranges' many different localities.
- The planning and design of new development in Yarra Ranges will be guided by the following 5 sustainable design principles:
 - Sense of Place – New development must add to the character and identity of distinct localities in Yarra Ranges.
 - Protection of Environments – New development must respect and protect sensitive environments, significant landscapes and cultural and natural heritage.
 - Design Quality – New development must be of high design quality.
 - Sustainable Urban Form – New development must contribute to environmentally sustainable forms of urban and rural development.
 - Sustainable Building Design – New development must incorporate best practice in ecologically sustainable building design.

21.05-2 Sustainable building design**Objective**

To promote the adoption of sustainable building design techniques in new development.

Strategies

- 1.1 Encourage development that encompasses best practice environmentally sustainable design and operating practices.
- 1.2 Ensure that all new development is designed to have regard to the landscape context in which it is situated.
- 1.3 Encourage the use of sustainable building materials, the reuse and recycling of waste building materials and reduce the amount of building waste generated.

YARRA RANGES PLANNING SCHEME

- 1.4 Encourage the siting of new buildings and works to have regard to renewable energy considerations and protect existing solar collecting devices on adjoining buildings or land.
- 1.5 Ensure that construction management plans incorporating sustainable demolition and construction practices are prepared for major new development proposals.
- 1.6 Ensure that any framework plans, development plans, and urban design guidelines consider and require adoption of environmentally sustainable design including water sensitive urban design.

Implementation

The strategies for *Sustainable building design* will be implemented through the planning scheme by:

Zones and overlays

Applying Design and Development Overlays to town centres and key development sites in activity centres to guide the form of future development in accordance with sustainable design principles.

Local policy

Applying the policy in Clause 22.03 *Environmentally Sustainable Design* to encourage the adoption of sustainable design principles for major new developments.

21.05-3 Activity centre design**Objective 1**

To create well designed and integrated activity centres that service the needs of local residents and visitors and contribute to a sense of local identity.

Strategies

- 1.1 Design new development to reinforce the valued built form characteristics of the activity centre.
- 1.2 Create attractive streets and other public places that are safe, encourage pedestrian activity and enhance the overall amenity and identity of the centre.
- 1.3 Retain existing architecturally, historically or culturally significant buildings.
- 1.4 Provide active frontages to main streets and other key public domain areas.
- 1.5 Encourage effective pedestrian links between the activity centre, car parking, public transport facilities, recreational trails and nearby parklands.
- 1.6 Ensure that new development is designed to respect the amenity of adjoining residential areas.
- 1.7 Provide safe and efficient traffic circulation and car parking within each centre.
- 1.8 Locate and design car parking, vehicle accessways and drive through facilities to avoid disruption to continuous retail frontages or impediments to pedestrian circulation within the activity centre.
- 1.9 Consider the mobility of all community members in the design of new development, particularly those using motorised scooters for disabled use, wheel chairs and prams.
- 1.10 Encourage underground cabling, cable bundling or co-location of services and telecommunications infrastructure to improve the amenity of streetscapes and increase opportunities for substantial street trees.

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- 1.11 Develop urban design themes for town centres that reflect their role and valued characteristics, and ensure that new development reinforces and consolidates those themes.

Implementation

The strategies for *Activity centre design* will be implemented through the planning scheme by:

Zones and overlays

Applying Commercial Zones to areas of retail and commercial development to provide permit control over the construction of new development.

Applying Design and Development Overlays to town centres and key development sites in activity centres to guide the design of new development.

Reference document

Vision 2020 by Design – A Built Environment Framework for Yarra Ranges (Shire of Yarra Ranges - May 2008)

21.05-4 Residential Areas Design - Neighbourhood Character**Objective**

To recognise and protect the distinctive characteristics and environmental features of Yarra Ranges' residential neighbourhoods.

Strategies

- 1.1 Encourage higher density housing that retains and/or upgrades existing housing, and enhances the overall character of the area.
- 1.2 Ensure that subdivision and development in residential areas addresses the landscape elements and landscape character objectives of any applicable Significant Landscape Overlay and the design objectives of any applicable Design and Development Overlay.
- 1.3 Ensure new subdivision and development complements the existing site features such as slope, terrain, substantial trees and remnant vegetation.
- 1.4 Retain extensive tree canopy cover and native vegetation and ensure that opportunities are available to establish and maintain substantial trees within residential areas.
- 1.5 Encourage single dwellings as the predominant form of housing in residential areas designated for least change (Residential Framework Map).
- 1.6 Protect and enhance the characteristics of rural residential areas to ensure new development is compatible with the scale and bulk of nearby buildings.

Implementation

The strategies for *Residential areas design – Neighbourhood character* will be implemented through the planning scheme by:

Policy Guidelines

Proposals to use and develop land in residential areas for two or more dwellings on a lot should provide a written statement to the satisfaction of the responsible authority explaining how the proposal satisfies Clause 55.02-2.

Zones and overlays

YARRA RANGES PLANNING SCHEME

Applying Significant Landscape Overlays in residential areas to protect significant vegetation and ensure residential subdivision and development is respectful of the established character of the neighbourhood.

Applying Design and Development Overlays to restrict subdivision and minimise site coverage in areas of significant vegetation and landscape.

Applying the Low Density Residential Zone to those parts of Dandenong Ranges foothills and rural towns that are subject to significant environmental and other constraints.

Schedules

Use the Schedule to Clause 32.09 to require a permit for all dwellings on lots less than 500 square metres.

21.05-5 Industrial areas design

Objective

To encourage well designed industrial areas that meet the needs of industrial land users, and create an appropriate interface with adjoining areas and roads.

Strategies

- 1.1 Provide for a range of industrial activities in a form that enables safe and efficient vehicle access, and enhances the amenity of the area.
- 1.2 Ensure new development abutting main roads and tourist routes enhances the streetscape character of the locality and entrances to towns.
- 1.3 Ensure that new development respects the amenity of adjoining residential areas.

Implementation

The strategies for *Industrial areas design* will be implemented through the planning scheme by:

Zones and overlays

Applying Industrial 1 and Industrial 3 Zones with permit control over the construction of new buildings and works, to land in industrial areas.

Policy guidelines – Industrial areas development

Proposals for development in Industrial Zones should meet the following requirements:

- Industrial development should be designed and landscaped to minimise its visual impact and provide an attractive appearance from adjoining roads and adjoining residential areas.
- On sites abutting a Road Zone, new development should adopt a similar setback to adjoining properties and be landscaped so that individual buildings have a unified appearance when viewed from the road.
- On sites abutting a Road Zone, where there is no development on adjoining land, the frontage setback for new buildings should be generally at least 15 metres to allow for effective landscaping at the front of the premises.
- On sites that do not abut a Road Zone the frontage setback for new buildings should be generally 7.5 metres to accommodate effective landscaping.
- Landscaping within setback areas should:
 - include groundcovers and incorporate trees that are capable of growing to a height of at least five metres at maturity

be coordinated to achieve a consistent landscape theme with adjoining and nearby properties.

- On industrial sites which share a common boundary with a residential zone, any new building should generally not exceed a height of 7 metres, with the building being set back a sufficient distance to allow a landscape buffer with trees capable of growing above fence height.
- In industrial areas which abut a Road Zone or which adjoin residential areas, all processes, goods and materials used should be generally contained within the building.
- Boundary fences, particularly front fences to highway industrial strips, should be designed to enhance the quality of the street environment and screen unsightly materials or equipment.
- Landscaping should be used where appropriate in preference to walls, solid fences and other forms of hard visual screening.

Policy guidelines – Industrial areas signage

Proposals for signs in Industrial Areas should be:

- generally located on the land or building to which they relate
- compatible with the scale and design of the building on which they are displayed
- located so as not to cover windows and other building detailing, or project beyond the lines of the building on which they are displayed
- compatible with any design theme that has been developed for the area by local businesses or Council
- designed and located so as to not cause a traffic hazard through the obstruction of motorists' visibility or distraction of motorists.

21.05-6 Rural landscapes

Objective

To protect and enhance valued rural landscape characteristics.

Strategies

- 1.1 Ensure that all development is sensitively designed and sited, having regard to the natural physical features of the land, including slope, the presence of existing vegetation and view lines.
- 1.2 Encourage new development that is designed to reinforce the predominant rural landscape characteristics of its locality.
- 1.3 Ensure that new development is not an intrusive element in valued rural landscapes.
- 1.4 Provide for buildings and structures required for the sustainable operation of productive agricultural enterprises.
- 1.5 Ensure that new development respects the residential amenity of rural living areas.
- 1.6 Discourage non farm related commercial buildings that adversely impact on valued rural landscapes.

Implementation

The strategies for *Rural landscapes* will be implemented through the planning scheme by:

Zones and overlays

YARRA RANGES PLANNING SCHEME

Applying Significant Landscape Overlays to land throughout the Green Wedge with permit controls and design guidelines for the construction of new buildings and works.

Reference document

Vision 2020 by Design – A Built Environment Framework for Yarra Ranges (Shire of Yarra Ranges - May 2008)

21.05-7 Heritage

Objective 1 Indigenous heritage

To protect the Indigenous heritage of Yarra Ranges.

Strategies

- Protect and conserve places of Indigenous cultural heritage significance, including important sites and other relics that are valued by the Indigenous community.
- Ensure that development on land within an Indigenous cultural heritage place is properly assessed to determine its impact on Indigenous cultural heritage.

Implementation

The strategies for *Indigenous heritage* will be implemented through the planning scheme by:

Policy guidelines

Before deciding on an application to use or develop land within an Indigenous cultural heritage place the responsible authority must consider:

- 1.1 The recommendations of any report prepared by a suitably qualified cultural heritage advisor assessing the impact of the proposed development on the Indigenous cultural heritage place.
- 1.2 Any Indigenous cultural heritage management plan, permit or agreement that have been prepared and approved under the *Aboriginal Heritage Act 2006*.

Objective 2 Heritage places

To protect and promote community appreciation of the post contact heritage places of Yarra Ranges

Strategies

- 1.1 Recognise the contribution that buildings, architecture and sites of heritage, and cultural significance play in nurturing greater community awareness and appreciation of Yarra Ranges' past.
- 1.2 Identify, conserve and enhance sites of heritage and cultural significance.
- 1.3 Ensure that proposals to subdivide, demolish, extend or alter sites of cultural heritage significance thoroughly consider the importance of the site and the effect the proposed development will have on heritage values.
- 1.4 Encourage the retention and renovation of existing historical, cultural or architecturally significant buildings in a manner sympathetic to the original style of the building.

YARRA RANGES PLANNING SCHEME

- 1.5 Retain and restore original structures, wherever practicable where redevelopment is proposed on sites containing buildings and places of aesthetic, architectural and historic importance.

Implementation

The strategies for *Heritage places* will be implemented through the planning scheme by:

Zones and overlays

Applying the Heritage Overlay to all places that have been identified in adopted heritage studies as being places of heritage significance.

Reference documents

The Conservation of Sites and Structures of Historical Significance in the Upper Yarra Valley and Dandenong Region – Tansley 1978

Conservation of Historic Sites and Structure of Historical and Architectural Significance in the Upper Yarra Valley and Dandenong Ranges Region October 1987 - Upper Yarra and Dandenong Ranges Regional Authority

Shire of Yarra Ranges Heritage Study - Context 2000

Lilydale Historic Houses Precinct Methodology and Heritage Precinct Report -Lovell Chen 2011

The Bend Precinct Heritage Assessment - Lovell Chen 2011

Belgrave Commercial Precinct- Lovell Chen 2009

Morson Court Citation - Lovell Chen 2009

Brocklesby House Ladies Rest Home – Trevor Westmore 2009

Healesville Heritage Project – Lovell Chen (2013-2015)

Cave Hill Quarry Conservation Management Plan – Lovell Chen 2015

21.06 ENVIRONMENT-/-20-/
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- Yarra Ranges provides a unique and rich biodiversity that is close to metropolitan Melbourne.
- The natural ecosystems of Yarra Ranges reflect its diverse landscape of forested mountain ranges and foothills, dissected by a network of waterways and the broad floodplain of the Yarra River.
- The varied geology of Yarra Ranges has produced a diversity of soil characteristics. With a relatively high and reliable rainfall these soils support many areas of tall forests as well as a range of other ecosystems.
- These ecosystems support a rich biodiversity including many rare and threatened species such as Yarra Gum, Helmeted Honeyeater, Leadbeaters Possum and Powerful Owl.
- Remnant scattered trees and vegetation on private land provide important habitat and connectivity to the areas of public reserves that exist in Yarra Ranges.
- Yarra Ranges contains the headwaters of two major waterways that flow through metropolitan Melbourne. It comprises 51 per cent of the Yarra River catchment and 10 per cent of the Dandenong Creek catchment.

Key issues

- A significant proportion of indigenous vegetation especially within the foothills and valleys of Yarra Ranges was cleared as part of past land management practices.
- The patchwork of fragmented bushland remnants throughout the settled areas of Yarra Ranges provides habitat for indigenous flora and fauna but is susceptible to the degrading effects of incremental vegetation removal, weed and pest animal invasion.
- Loss of vegetation from the landscape also leads to nutrient loss, soil erosion, silting and pollution of waterways which can contribute to reduced agricultural production.
- The further fragmentation of bushland remnants would undermine their long term viability as wildlife habitat.
- There is growing community recognition about the potential adverse impacts of increased climate variability. Yarra Ranges includes many areas that are subject to environmental hazards such as bushfires, floods and landslips.
- The management of Yarra Ranges' environmental assets needs to recognise the importance of protecting people and property from the adverse effects of environmental hazards.
- Further fragmentation and degradation of Yarra Ranges' environmental assets will reduce their ability to adapt to the pressures of projected climate changes.
- The waterways within the Yarra River and Dandenong Creek catchments are important environmental and water supply assets of the region although they suffer from significant degradation due to past and ongoing land management practices.
- Responsible land and water management in this region will help to protect drinking water quality.
- Remnant vegetation along waterways plays an important role in protecting in stream habitat and water quality.

- There are many opportunities to enhance the value of Yarra Ranges' bushland remnants and waterways as wildlife habitats, water resources and for recreation.

21.06-2 Biodiversity

Objectives

To enhance the quality and long term sustainability of Yarra Ranges' biodiversity assets.

Strategies

- 1.1 Avoid the incremental loss and the further fragmentation of larger intact remnant patches of indigenous vegetation.
- 1.2 Prevent the further removal of native vegetation from remnant patches of indigenous vegetation that provide significant habitat for indigenous flora and fauna.
- 1.3 Ensure that land use and development proposals consider potential impacts on flora and fauna.
- 1.4 Encourage land use and development proposals that will result in improved management of flora and fauna habitats such as the fencing of remnant vegetation from livestock grazing, weed control and the protection of riparian vegetation.
- 1.5 Encourage the rehabilitation and revegetation of biolink corridors that improve opportunities for wildlife to move between core habitat areas.
- 1.6 Ensure that unavoidable vegetation removal is adequately offset by revegetation or land management improvements that achieve a net improvement in the sustainable management of Yarra Ranges' key biodiversity assets.
- 1.7 Direct revegetation and land management improvements associated with vegetation removal offsets, to identified habitat corridor links and other key sites in Yarra Ranges.
- 1.8 Support opportunities for people to experience and connect with nature by protecting biodiversity assets on public land and other areas that are accessible to the public.
- 1.9 On public land areas containing indigenous vegetation patches, ensure that any new development or land use changes protect and enhance the biodiversity values of the site.
- 1.10 On land adjoining public conservation reserves, encourage any new development or land use changes to protect and enhance the biodiversity assets on the public land.
- 1.11 Encourage the planting of indigenous vegetation within landscaping associated with new development proposals to provide habitat for local flora and fauna
- 1.12 Acknowledge the need to consider the safety of people in managing areas that are subject to significant environmental hazards.

Implementation

The strategies for *Biodiversity* will be implemented through the planning scheme by:

Zones and overlays

Applying an Environmental Significance Overlay to provide permit control over vegetation removal and new development in areas that have been identified as core habitat areas or biolink corridors.

Applying Significant Landscape Overlays to provide permit control over the removal of significant vegetation on land throughout the Green Wedge.

Applying the Public Conservation and Resource Zone to identify areas of public land that are managed to protect indigenous flora and fauna.

YARRA RANGES PLANNING SCHEME

Applying the Rural Conservation Zone to provide permit control over the removal of vegetation and new development in selected areas of predominantly privately owned bushland.

Version for Adoption

Figure 5 Biodiversity Habitat Map**21.06-3 Catchments and waterways****Objective 1 Riparian and wetland habitats**

- To protect and enhance the water quality and habitat value of catchment systems and the watercourses and wetlands within them.

Strategies

- 1.1 Avoid the removal of indigenous vegetation or the construction of significant earthworks within riparian environments unless they will result in a net improvement in water quality and habitat value of the waterway.
- 1.2 Ensure that new development is sited and designed to avoid any adverse impact on any nearby waterways.
- 1.3 Encourage new development proposals to:
 - adopt Water Sensitive Urban Design principles
 - meet or exceed best practice stormwater management standards.
- 1.4 Identify and implement opportunities as part of major new development proposals to minimise the extent and improve the quality of waste water discharge into watercourses and wetlands.

Implementation

The strategies for *Riparian and wetland habitats* will be implemented through the planning scheme by:

Zones and overlays

Applying the Public Conservation and Resource Zone to recognise public reserves along waterways.

Applying Environmental Significance Overlays to land adjoining waterways in the Green Wedge to provide control over the removal of vegetation and the construction of new development.

Applying the Land Subject to Inundation Overlay to areas that have been identified as being subject to flooding from waterways during 1 in 100 year flood events.

Applying the Special Building Overlay to urban areas that have been identified as being subject to flooding from underground drains.

Local policy

Applying the policy in Clause 22.03 Environmentally Sustainable Design to require the adoption of sustainable design principles for major new developments.

Policy guidelines

- Earthworks, filling and excavations should be properly stabilised, battered and landscaped predominantly with indigenous vegetation so that soil erosion and silted runoff are minimised.
- Buildings and works including associated effluent disposal facilities should be sited to avoid detriment to the ecology of any stream or watercourse on or near the site and provide satisfactory drainage and stormwater management measures.

- New development is discouraged within:
 - the floodplain of watercourses except where it meets the requirements of the floodplain management authority
 - 30 metres of any watercourse.

Objective 2 Water resources management

To ensure that water resources are managed sustainably.

Strategies

- 2.1 Encourage new development proposals that capture, store, and recycle stormwater and waste water for non-drinking purposes.
- 2.2 Encourage rural land management practices that:
 - avoid adverse impacts on nearby waterways or ground water resources
 - minimise the use of potable water for agricultural purposes.
- 2.3 Encourage agricultural land uses that use treated waste water from local sewerage treatment plants.
- 2.4 Encourage drought proof landscaping and protection of existing vegetation considering reduced water availability, increased cost and uncertainty of supply.
- 2.5 Ensure that any farm dams are located and designed to avoid any adverse impact on the ecology of any watercourse or wetland or on the safety of adjoining or nearby land.

Implementation

The strategies for *Water resources management* will be implemented through the planning scheme by:

Zones and overlays

Applying Green Wedge Zones, Green Wedge A Zones, Rural Conservation Zones and Significant Landscape Overlays throughout all Green Wedge areas to require planning permits for new development and vegetation removal.

Local policy

Applying the policy in Clause 22.03 *Environmentally Sustainable Development* to encourage adoption of water sensitive urban design principles in major development proposals.

Policy guidelines for farm dams

Proposals for farm dams must demonstrate that the dam:

- is required to supply water for agricultural or domestic use on the site
- will not have an adverse effect on water quality, water flows, habitat value or amenity value of any watercourse or wetland.
- be designed and sited so that it will not result in dam failure or the creation of a potential safety hazard to adjoining or nearby properties
- will not be constructed within 30 metres of a watercourse or on sites which would result in the obstruction of any permanent watercourse or the destruction of any significant indigenous wetland vegetation
- will not be constructed within 10 metres from any property boundary, to provide for landscaping and access for maintenance works and minimise impacts on neighbouring properties

will be landscaped with appropriate plant species to assist in preventing erosion **Objective**
3 Yarra River

To recognise the importance of the Yarra River and its associated wetlands, as a wildlife habitat, landscape feature, source of drinking water and potential recreational resource.

Strategies

- 3.1. Encourage land management practices that contribute to improved habitat and water quality within the river ecosystem.
- 3.2. Encourage the rehabilitation of a continuous corridor of indigenous riparian vegetation along the river and its associated billabongs and wetlands.
- 3.3. Support resubdivision proposals that create a public conservation reserve along the river frontage.

Implementation

The strategies for the *Yarra River* will be implemented through the planning scheme by:

Zones and overlays

Applying the Public Conservation and Resource Zone to recognise public reserves along the river.

Applying an Environmental Significance Overlay to land adjoining the river and wetlands to provide controls over the removal of vegetation and the construction of new development.

Applying a Land Subject to Inundation Overlay to provide control over new development in the floodplain of the river.

21.06-4 Sustainable land management

Objective

To protect and restore soil condition, reduce the threats of erosion and salinity and control environmental weeds.

Strategies

- 1.1 Discourage land use changes and new development that remove the long term option for utilising productive soil on the land.
- 1.2 Retain remnant vegetation and encourage the revegetation of the headwaters of watercourses and along natural drainage lines.
- 1.3 Ensure earthworks, are properly stabilised, battered so that soil erosion and runoff are minimised.
- 1.4 Facilitate land management arrangements that will improve the control of weeds and pest animals.

Implementation

The strategies for *Sustainable land management* will be implemented through the planning scheme by:

Zones and overlays

Applying the Green Wedge Zone to rural areas that include land suitable for productive agriculture.

YARRA RANGES PLANNING SCHEME

Applying Environmental Significance Overlays to land in the Green Wedge to control the removal of vegetation and the construction of new development.

Applying Significant Landscape Overlays to provide control over the removal of significant vegetation and targeted control over the construction of new development.

Local policy

Applying the policy in Clause 22.03 *Environmentally Sustainable Development* to encourage adoption of sustainable design in major development proposals.

Applying the policy in Clause 22.02 *Dwellings in Green Wedge Areas*, to minimise potential conflicts between agricultural and residential activities.

Schedules

Applying the Schedule to the Green Wedge Zone to provide targeted control over earthworks.

21.06-5 Environmental hazards

Objective 1

To ensure that changes in land use and new development respond to environmental hazards such as fire, flood, landslip and soil contamination.

Strategies

- 1.1 Ensure the community is aware of potential environmental hazards.
- 1.2 Require that all proposals for development on sites that are potentially subject to an identified environmental hazard are assessed by people with appropriate technical expertise.
- 1.3 Include areas that have been identified as being subject to significant environmental hazards within appropriate planning scheme overlays.

Implementation

The strategies for *Environmental hazards* will be implemented through the planning scheme by:

Zones and overlays

Applying the Bushfire Management Overlay, Land Subject to Inundation Overlay and Erosion Management Overlay to areas subject to significant environmental hazards.

Objective 2 Bushfire

To minimise the risk to life and property from bushfire and give priority to the protection of human life.

Strategies

- 2.1 Ensure that the threat to life and property from bushfire is not increased by inappropriate development or land use changes.
- 2.2 Identify areas where the bushfire hazard requires the implementation of specific protection measures through the Bushfire Management Overlay.
- 2.3 Ensure that development can only proceed if the risk to life and property from bushfire is at an acceptable level.

- 2.4 Ensure that dwellings, and other sensitive land uses that result in a concentration of people in fire prone areas, are located and designed to minimise the potential risk to life and property from bushfire.
- 2.5 Consider the protection of life and property from bushfire risk in all new developments including subdivisions.
- 2.6 Discourage additional dwellings and other sensitive land uses where the required defensible space would necessitate the significant removal of high quality indigenous vegetation.
- 2.8 Discourage additional dwellings and other sensitive land uses that would result in a concentration of people on sites with constrained road access in localities prone to high intensity bushfires.
- 2.9 Discourage further subdivision that would lead to an increase in the risk to life and property from bushfire.

Implementation

The strategies for *Bushfire* will be implemented through the planning scheme by Clause 10 and Clause 13.05 and the application of the Bushfire Management Overlay

Zones and overlays

Applying the Bushfire Management Overlay to manage new development for sensitive land uses in areas that have been identified as being at risk of high intensity bushfire events.

Objective 3 Land subject to inundation

To minimise the risk to life and property from flooding.

Strategies

- 3.1. Identify areas that are potentially subject to flooding from waterways or overland stormwater flows.
- 3.2. Ensure that land use changes or new development do not reduce the flood storage capacity of the area or inhibit the passage of flood flows.
- 3.3. Ensure that new development is located and designed to minimise the potential risk from flooding.
- 3.4. Discourage new development in areas prone to high volume flood flows.
- 3.5. Protect the storage capacity of flood pondage areas.

Implementation

The strategies for *Land subject to inundation* will be implemented through the planning scheme by:

Zones and overlays

Applying the Land Subject to Inundation Overlay to areas that have been identified as being subject to flooding from waterways during 1 in 100 year flood events.

Applying the Special Building Overlay to urban areas that have been identified as being subject to flooding from underground drains during 1 in 100 year flood events.

Objective 4 Landslip

To minimise the risk to life and property from landslip.

Strategies

- 4.1 Identify areas that are potentially subject to landslip risk.
- 4.2 Require applications for new development within areas of landslip risk to show that the development will be located and designed to minimise the potential risk to life and property.

Implementation

The strategies for *Landslip* will be implemented through the planning scheme by:

Zones and overlays

Applying the Erosion Management Overlay to manage new development in areas that have been identified as being at risk of landslip.

Objective 5 Soil contamination

To minimise the health risks associated with land that is potentially affected by soil contamination.

Strategies

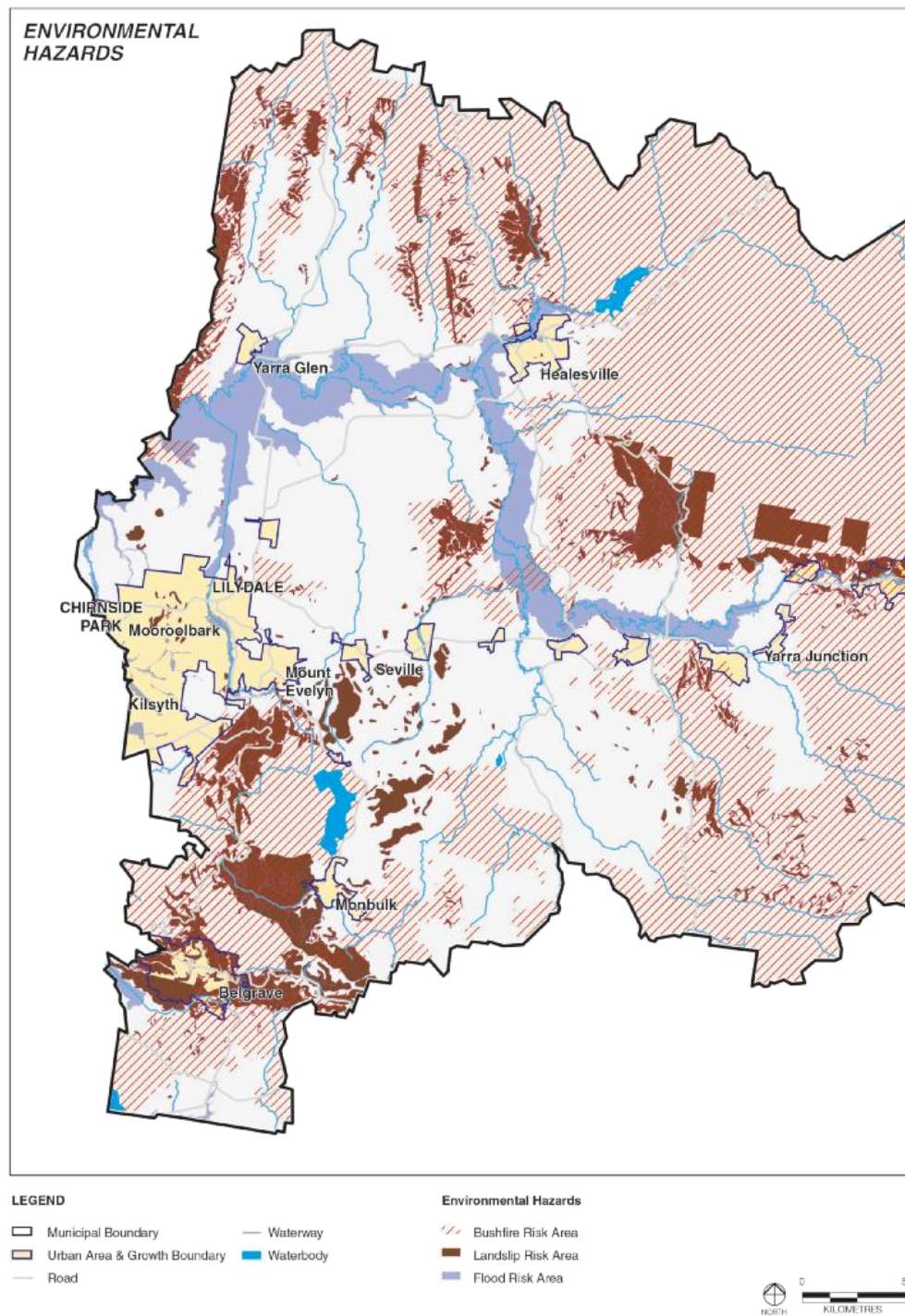
- 5.1 Identify areas that are potentially subject to soil contamination.
- 5.2 Ensure that potentially contaminated land is not used for a purpose that could be significantly adversely affected by soil contamination, until the site has been assessed as being suitable for the proposed land use.

Implementation

The strategies for *Soil contamination* will be implemented through the planning scheme by:

Zones and overlays

Applying the Environmental Audit Overlay to ensure the remediation of sites that have been identified as being affected by significant soil contamination.

Figure 6 Environmental Hazards Map This may need updating re the new BMO

21.07 PHYSICAL AND COMMUNITY INFRASTRUCTURE--f20--
C148**21.07-1 Transport networks****Key issues**

- Yarra Ranges has a high level of dependency on private car transport with limited public transport options.
- The small scale and relatively low population density of many communities within Yarra Ranges creates challenges in providing frequent and reliable public transport linkages.
- Yarra Ranges is served by two railway lines with five stations that form part of the Metropolitan rail network. There is strong pressure for commuter car parking at these stations.
- A network of bus routes provide links between these railway stations, activity centres, surrounding suburbs and more distant communities.
- Many residential areas in Yarra Ranges lack a comprehensive network of connected footpaths and have limited access to off road pedestrian and bicycle trails.
- There are significant opportunities to improve off road pedestrian and bicycle links between residential communities and key destinations such as activity centres, community facilities and public transport nodes.
- Yarra Ranges is linked to the metropolitan Melbourne arterial road network through key routes such as the Maroondah Highway, Canterbury Road, the Burwood Highway and Wellington Road.
- The Melba Highway and Maroondah Highway provide major roads links to the north east of Victoria. A series of road routes such as Belgrave Hallam Road and Healesville Koo Wee Rup Road provide increasingly important links to the rapidly expanding urban areas to the south of Yarra Ranges in the municipalities of Casey and Cardinia.
- The completion of Eastlink has improved road access between Yarra Ranges and the eastern and south eastern regions of Melbourne.
- Transport access to the towns of the Yarra Valley are largely reliant on the Warburton Highway a route that already experiences some significant traffic congestion issues.
- Some localised traffic congestion occurs in the suburban areas of Yarra Ranges. More intensive redevelopment in activity centres and strategic redevelopment sites will increase the importance of managing anticipated traffic increases.
- Major new development proposals can have a significant impact on the operation of the road network and there is a need to ensure that these impacts are properly assessed and mitigated where necessary.
- An integrated approach to the future planning of strategic transport needs will be required to ensure that appropriate transport infrastructure is available to meet anticipated future demands.

Objective 1 Transport network

To develop a safe, efficient, equitable and sustainable transport network that continues to meet the needs of residents, visitors and businesses.

Strategies

YARRA RANGES PLANNING SCHEME

- 1.1 Adopt an integrated approach to managing and improving transport networks to meet local community and regional needs and reduce the reliance on private motor vehicle transport.
- 1.2 Identify areas with significant transport infrastructure deficiencies and areas where more intensive urban development is likely to significantly increase demands on existing transport infrastructure.
- 1.3 Identify and prioritise achievable actions that will:
 - . broaden the range of transport options and increase public transport use
 - . address current traffic management issues and cater for predicted needs.
- 1.4 Give priority to projects that improve the efficiency of existing arterial road routes rather than construction of new arterial roads.
- 1.5 Identify opportunities to improve pedestrian and bicycle connections between residential communities and key destinations.
- 1.6 Identify and protect options to improve the public transport network to serve anticipated future needs, such as the provision of a new railway station between Lilydale and Mooroolbark.
- 1.7 Protect key future regional transport routes that have been identified through strategic assessments of integrated transport needs.
- 1.8 Ensure all activity centres have high quality public transport and non motorised transport facilities that are appropriate to the role of the centre.
- 1.9 Support an integrated network approach to assessing the future transport needs of the Lilydale area including a review of the need for the Lilydale bypass.
- 1.10 Provide high quality pedestrian and cycling facilities and linkages between activity centres and key employment, educational and recreational destinations.
- 1.11 Encourage the use of commuter and recreational cycling through improvements to the network of trails and linkages.
- 1.12 Ensure that major upgrades to roads or construction of new roads provides for pedestrians and cyclists.
- 1.13 Direct freight and heavy vehicle traffic away from residential areas.

Implementation

The strategies for *Transport network* will be implemented through the planning scheme by:

Zones and overlays

Applying zones that encourage the consolidation of urban development around established activity centres.

Applying Road Zones to identify and manage the key road routes with the Yarra Ranges transport network.

Applying Public Use Zones to rail transport routes and associated infrastructure.

Applying the Public Acquisition Overlay to land that has been identified as being required for future road transport routes.

Objective 2 Integrated transport planning

To ensure an integrated approach to transport planning for new land use and development proposals.

Strategies

YARRA RANGES PLANNING SCHEME

- 2.1 Ensure new development and land use changes are accompanied by traffic infrastructure and management measures that meet the needs generated by the proposed development or use of the land.
- 2.2 Encourage employment generating uses and higher density housing in locations that provide convenient access to a range of public transport services.
- 2.3 Require that new land use and development proposals include an integrated assessment of transport, traffic and car parking needs generated by the proposal and identify how those needs will be met.
- 2.4 Encourage land use and development concepts that reinforce public transport use and maximise the number of multi purpose trips.
- 2.5 Ensure that major new developments in urban areas which generate significant traffic movements, will be accessible to a range of transport options.
- 2.6 Ensure that major land use and development proposals incorporate facilities for pedestrians and cyclists that are appropriate to the use of the land.
- 2.7 Support car parking dispensations for major land use and development proposals in activity centres that are well served by public transport and where a Green Travel Plan is to be implemented for the development.
- 2.8 Ensure use and development proposals have regard to the *Shire of Yarra Ranges Hike and Bike Plan 2005*.

Implementation

The strategies for *Integrated transport planning* will be implemented through the planning scheme by:

Zones and overlays

Applying Design & Development Overlays and Development Plan Overlays to key strategic redevelopment sites to require consideration of transport planning considerations in major development proposals.

Local policy

Applying the policy in Clause 22.03 *Environmentally Sustainable Development* to encourage adoption of sustainable design principles in major development proposals.

21.07-2 Reticulated services infrastructure**Key issues**

- The suburban areas and rural towns of Yarra Ranges are generally fully serviced by reticulated services infrastructure including electricity, gas, water, sewerage, stormwater drainage and telecommunications.
- Most of the sewerage infrastructure in Yarra Ranges is linked to the local treatment plants on Brushy Creek at Chirnside Park, Olinda Creek at Lilydale and on the Yarra River at Launching Place and at Healesville. These treatment plants provide sufficient capacity to cater for anticipated additional development. They also provide a potentially valuable source of recycled water.
- Many low density residential areas are not sewered and rely on aging septic tanks that in many cases do not adequately treat household effluent. The extension of reticulated sewerage to these areas would address community health and environmental issues associated with local drains and waterways polluted by untreated effluent.

YARRA RANGES PLANNING SCHEME

- A long term program of extending reticulated sewerage to unserved areas will ultimately address effluent disposal issues in Monbulk and other residential communities in the southern foothills of the Dandenongs. The resolution of effluent disposal issues in the communities on the main ridge of the Dandenong Ranges may require a more innovative response due to the combination of topographic and environmental constraints.
- The stormwater drainage infrastructure in some urban areas was designed to cater for a relatively low density of development. Upgrade works to improve the capacity of this infrastructure may be required in areas that are predicted to experience significant increases in development density.
- Although reticulated natural gas has been provided to most towns along the Warburton Highway corridor there is still a need to pursue the extension of this infrastructure through to Warburton township.
- More intensive redevelopment within activity centres and strategic redevelopment sites needs to be coordinated with the provision of appropriate reticulated services infrastructure.

Objective

To ensure all new development is supported by an appropriate level of reticulated services infrastructure to meet the anticipated needs of the community.

Strategies

- 1.1 Encourage future urban development to be consolidated in fully serviced areas within the Urban Growth Boundary.
- 1.2 Identify areas where more intensive urban development is likely to significantly increase demands on existing stormwater drainage and other reticulated infrastructure.
- 1.3 Upgrade the existing stormwater drainage and other reticulated infrastructure in established urban areas that have been identified for more intensive development such as: activity centres, housing consolidation areas or strategic redevelopment sites.
- 1.4 Require that major new development proposals include an assessment of reticulated services infrastructure needs generated by the proposal and identify how those needs will be met.
- 1.5 Encourage innovative water sensitive urban design treatments as part of the provision of stormwater drainage infrastructure.
- 1.6 Give priority to the extension of reticulated sewerage to service unsewered areas within the Urban Growth Boundary.
- 1.7 Facilitate the provision of required reticulated services infrastructure in a form that minimises landscape and environmental impacts.
- 1.8 Encourage the consideration of innovative techniques to provide effective management of waste water in unsewered areas of the Dandenong Ranges and the upper Yarra Valley.
- 1.9 Encourage adequate buffering of sewerage treatment plants to prevent encroachment of incompatible land uses.
- 1.10 Identify and support opportunities to improve the operation of sewerage treatment plants including mechanisms to improve the quality of treated water into adjoining waterways and provide a resource of high quality recycled water.

Implementation

YARRA RANGES PLANNING SCHEME

The strategies for *Reticulated services infrastructure* will be implemented through the planning scheme by:

Zones and overlays

Applying zones that encourage the consolidation of urban development around established activity centres.

Applying appropriate public use zones to land required for key reticulated services infrastructure.

21.07-3 Public open space and recreation

Key issues

- Yarra Ranges has a vast network of public open space ranging from local parks and recreational facilities to regionally significant facilities such as the Lilydale to Warburton Rail Trail.
- Yarra Ranges' diverse public open space network is integral to the health and wellbeing of its community and environment.
- The public open space network in Yarra Ranges encourages healthy lifestyles, opportunities for people to connect with nature, a social hub for local communities and protects environmental assets.
- Regionally significant open space facilities attract visitors from other parts of Melbourne and beyond creating business opportunities for the local economy.
- There are considerable opportunities to improve the quality of open space areas and the linkages between them.
- Waterways such as the Yarra River and disused infrastructure such as former rail lines and water supply aqueducts offer significant long term opportunities to expand the network of off road recreational trail routes throughout Yarra Ranges.
- A strategic approach to the management of Yarra Ranges' open space network is required, to ensure that it meets future needs generated by anticipated future development.

Objective 1

To establish a comprehensive, accessible and equitable public open space network that responds to community needs and reflects the environmental attributes of Yarra Ranges.

Strategies

- 1.1 Provide Metropolitan urban communities with the following mix of public open space and recreation facilities:
 - A local park of approximately one hectare providing for social recreation and play, located within 400 metres of where people live
 - A district park that is central to the main hub of activity in the area that provides for social recreation and is a venue for community events and activities
 - A district sports reserve within two kilometres of where people live and includes multiple sporting opportunities
 - An off road trail within 800 metres of where people live that links with a network of footpaths.
- 1.2 Provide Rural Town and Foothills communities with:
 - A centrally located sport and recreation reserve

YARRA RANGES PLANNING SCHEME

- . Local parks for social recreation and play within 400 metres of residential areas
 - . Links to a primary off road trail network.
- 1.3 Ensure the provision of public open space and recreational facilities responds to increased demand in localities where significant population increases or demographic changes are anticipated.
 - 1.3 Ensure new subdivision proposals in suburban areas and towns make an appropriate contribution to public open space infrastructure through the provision of at least 5% of the land area as useable public open space in accordance with the Schedule to Clause 53.01 of the planning scheme.
 - 1.4 Integrate the provision of public open space with the protection of flora and fauna habitats.
 - 1.5 Identify and pursue opportunities to strengthen pedestrian and bicycle linkages between public open space facilities, activity centres and significant community, infrastructure especially along watercourses and other linear trails.
 - 1.6 Enhance the biodiversity values of identified conservation open spaces through revegetation and land management improvements including offset requirements associated with planning approvals for vegetation removal.
 - 1.7 Encourage opportunities for people to experience and connect with nature, provided that the conservation values of the open space are protected.
 - 1.8 Provide rural based public open space and recreational opportunities that cater for people from the broader Melbourne Metropolitan Region and beyond.
 - 1.9 Seek opportunities to improve links between regional public open space facilities.

Objective 2

To ensure the retention and optimum provision of high quality public open space.

Strategies

- 2.1 Secure the future of existing public open space areas by ensuring that they are included in Public Park and Recreation Zones, or Public Conservation and Resource Zones.
- 2.2 Require developer contributions to the improved provision of public open space and public recreational facilities in response to additional needs generated by the development.
- 2.3 Ensure that any public open space provided as part of new subdivision or development proposal will comprise land that is suitable for quality sport and, or recreation purposes.
- 2.4 Ensure new public open space is appropriate for its intended use by applying the standards set out in Council's Recreation and Open Space Strategy.
- 2.5 Encourage land use and development on land adjoining public open space areas to be sited and designed to that it enhances the amenity and passive surveillance of the public land.
- 2.6 Encourage the provision of water sensitive urban design areas surrounding bushland reserves to minimise stormwater runoff into bushland reserves.
- 2.7 Provide for the redistribution of public open space areas where it will result in a net community benefit in terms of accessibility, quality of facilities or protection of environmental attributes.
- 2.8 Extend the public open space system along waterways in order to provide links between other open space areas and protect riparian habitat areas.

YARRA RANGES PLANNING SCHEME

Implementation

The strategies for *Public open space and recreation* will be implemented through the planning scheme by:

Zones and overlays

Applying the Public Park and Recreation Zone to areas of public land that are predominantly managed for open space and recreation purposes.

Applying the Public Conservation and Resource Zone to public land that is predominantly managed to protect indigenous flora and fauna.

Schedules

Applying the Schedule to Clause 53.01 to require a 5% public open space contribution for all new subdivisions.

21.07-4 Telecommunications**Key issues**

- Telecommunications is an important service for residents, business and emergency management.
- Changes to telecommunications technology are expected to lead to strong community expectations for Council to facilitate improved communications infrastructure especially in bushfire prone areas.
- Careful consideration needs to be given to the siting and design of telecommunication facilities as it can have an adverse impact on the landscape due to its height and appearance.

Objective

To provide for the appropriate siting of required telecommunications infrastructure.

Strategies

- 1.1 Reduce the visual impact of telecommunication facilities and ensure the type, scale, design and siting of the telecommunication facility is not detrimental to the landscape
- 1.2 Recognise the importance of providing adequate telecommunications coverage especially in areas that are subject to bushfire risk.
- 1.3 Minimise disturbance to vegetation and natural features of the land.
- 1.4 Ensure fire risk to the facility is considered as part of the application for the use and development of a proposed telecommunication facility.
- 1.5 Minimise the number of telecommunication facilities by encouraging the co-location of facilities or upgrade to existing facilities.

Implementation

The strategies for *Telecommunications* will be implemented through the planning scheme by applying the requirements of Clause 52.19.

21.07-5 Social infrastructure**Key issues**

YARRA RANGES PLANNING SCHEME

- The communities of Yarra Ranges are widely dispersed throughout a mix of settlements across a broad area. This creates significant challenges in achieving the equitable and efficient provision of physical and community infrastructure.
- The urban areas of Yarra Ranges are experiencing significant population growth through urban consolidation and renewal. These areas will require additional social infrastructure to meet anticipated community needs.
- Council is pursuing a strategy of community hubs comprising clusters of adaptable community facilities in conveniently accessible locations.

Objective

To provide community and cultural facilities that meet the needs of the different communities in Yarra Ranges.

Strategies

- 1.1 Provide a comprehensive network of community and cultural facilities that serves the needs of Yarra Ranges communities.
- 1.2 Implement a network of community infrastructure hubs that are:
 - located to provide convenient access for the local community
 - capable of accommodating a range of co-located community and cultural facilities
 - designed to recognise the differing needs of the diverse communities in Yarra Ranges and respect the history associated with places and buildings
 - capable of adapting to the evolving needs and interests of the local community
 - designed to be accessible for people of all life stages and capacities.
- 1.3 Encourage the use of auditoriums and other facilities within schools and churches for activities that support the cultural development of local communities.
- 1.4 Ensure that major new residential development proposals incorporate an assessment of social infrastructure needs generated by the proposal and identify how those needs will be met.
- 1.5 Ensure that new development contributes to community infrastructure including the provision of new facilities and upgrades to existing facilities.

Implementation

The strategies for *Social infrastructure* will be implemented through the planning scheme by:

Zones and overlays

Applying the Public Use Zone to sites that are used for community hubs and other community facilities.

21.07-6 Community health and safety**Key issues**

- There is a growing recognition of the important relationship between land use planning and community health considerations.
- The distribution of land uses and public open space, together with the network of streets, parks and other public places, can influence the range of healthy lifestyle options available to the community.

YARRA RANGES PLANNING SCHEME

- Land use and development changes in established areas can positively influence the opportunities for people to lead healthy and active lifestyles.

Objective

To promote land use planning strategies and development designs that increase the opportunities for people to lead healthy and active lifestyles.

Strategies

- 1.1 Ensure that land use and built form changes to residential neighbourhoods, activity centres and associated public places contribute to opportunities for people to:
 - interact with their community,
 - use and enjoy outdoor recreational spaces
 - use pedestrian and bicycle access as an alternative to private motor vehicle transport.
- 1.2 Improve the distribution and quality of public open space and community recreational facilities that encourage increased physical activity levels within the local community.
- 1.3 Create public spaces that provide opportunities for social interaction for the local community in a safe and accessible environment.
- 1.4 Design new development on sites adjoining parks and other public community infrastructure to contribute to passive surveillance and overall useability of nearby public spaces.

Implementation

The strategies for *Community health and safety* will be implemented through the planning scheme by:

Zones and overlays

Applying the Public Park and Recreation Zone to areas of public land that are predominantly managed for open space and recreation purposes.

Applying Design & Development Overlays to land in activity centres to provide guidelines for the design of new development that interacts with public places.

21.07-7 All abilities access**Key issues**

- Council through its Equity, Access and Inclusion Strategy seeks to build the capacity of local communities to be more welcoming and inclusive of people with disabilities.
- The design of new buildings and public places can have a major effect on the opportunity for people with disabilities to interact with the wider community

Objective

To promote greater accessibility to buildings and other facilities for people of all abilities.

Strategies

- 1.1 Promote the inclusion of all abilities access in the early design stages of community facilities and private developments.

YARRA RANGES PLANNING SCHEME

- 1.2 Maximise accessibility standards for buildings occupied by land uses that are likely to generate high levels of use by people with a disability.

Implementation

The strategies for *All abilities access* will be implemented through the planning scheme by:

Zones and overlays

Applying Design & Development Overlays and Development Plan Overlays to land in activity centres to provide guidelines that support the incorporation of all abilities access in new developments.

21.07-8 Arts and culture**Key issues**

- Yarra Ranges has a vibrant arts community.
- Council currently operates 6 multi purpose arts centres that are distributed throughout the municipality at Lilydale, Upwey, Healesville, Warburton, Montrose and Mooroolbark.

Objectives

To strengthen the role and expression of art and culture within Yarra Ranges.

Strategies

- 1.1 Provide a range of diverse multi-purpose community facilities that support a range of cultural activities.
- 1.2 Provide and support arts and heritage spaces and activities so people have opportunities to connect with communities, learn skills, gain knowledge, and express themselves.
- 1.3 Enhance public spaces by regularly presenting arts and heritage activities for the benefit of the whole community.
- 1.4 Encourage greater understanding of the value of arts and heritage activities, increase awareness of arts and heritage activities, and provide more opportunities for participation.
- 1.5 Protect foster and celebrate the cultural heritage of Yarra Ranges.
- 1.6 Provide and maintain high quality arts and heritage facilities as a platform for the community to participate in arts and heritage activities.

Implementation

The strategies for *Arts and culture* will be implemented through the planning scheme by:

Zones and overlays

Applying the Public Use Zone to sites that are used for community arts and cultural facilities.

21.07-9 Development contributions to physical and community infrastructure**Key issues**

YARRA RANGES PLANNING SCHEME

- There is general acceptance of the need for major new developments to make reasonable contributions to the costs of supporting infrastructure that will be required as a result of the proposed development.

Objective

To ensure new developments contribute to the provision of physical and identified community infrastructure to meet future community needs.

Strategies

- 1.1 Require developers of major projects to assess the impacts of the proposal on existing physical and community infrastructure.
- 1.2 Require contributions to new community infrastructure or improvements to existing infrastructure from developers of projects that will significantly increase the population or change the demographics of the local community.
- 1.3 Require developer contributions to physical or community infrastructure improvements for projects that will impose additional demands on existing infrastructure in areas where a need for infrastructure improvements has been identified.
- 1.4 Ensure new developments contribute to the provision of planned infrastructure and towards any additional infrastructure that is needed to mitigate the impacts of new development.

Implementation

The strategies for *Development contributions to physical and community infrastructure* will be implemented through the planning scheme by:

Zones and overlays

Applying a Development Contributions Plan Overlay to land within the Chirnside Park Activity Centre to require contributions to the provision key community infrastructure to service future development in the centre.

Schedules

Applying the Schedule to Clause 53.01 to require a 5% public open space contribution for all new subdivisions.

YARRA RANGES PLANNING SCHEME

Figure 7 Transport and Infrastructure Map

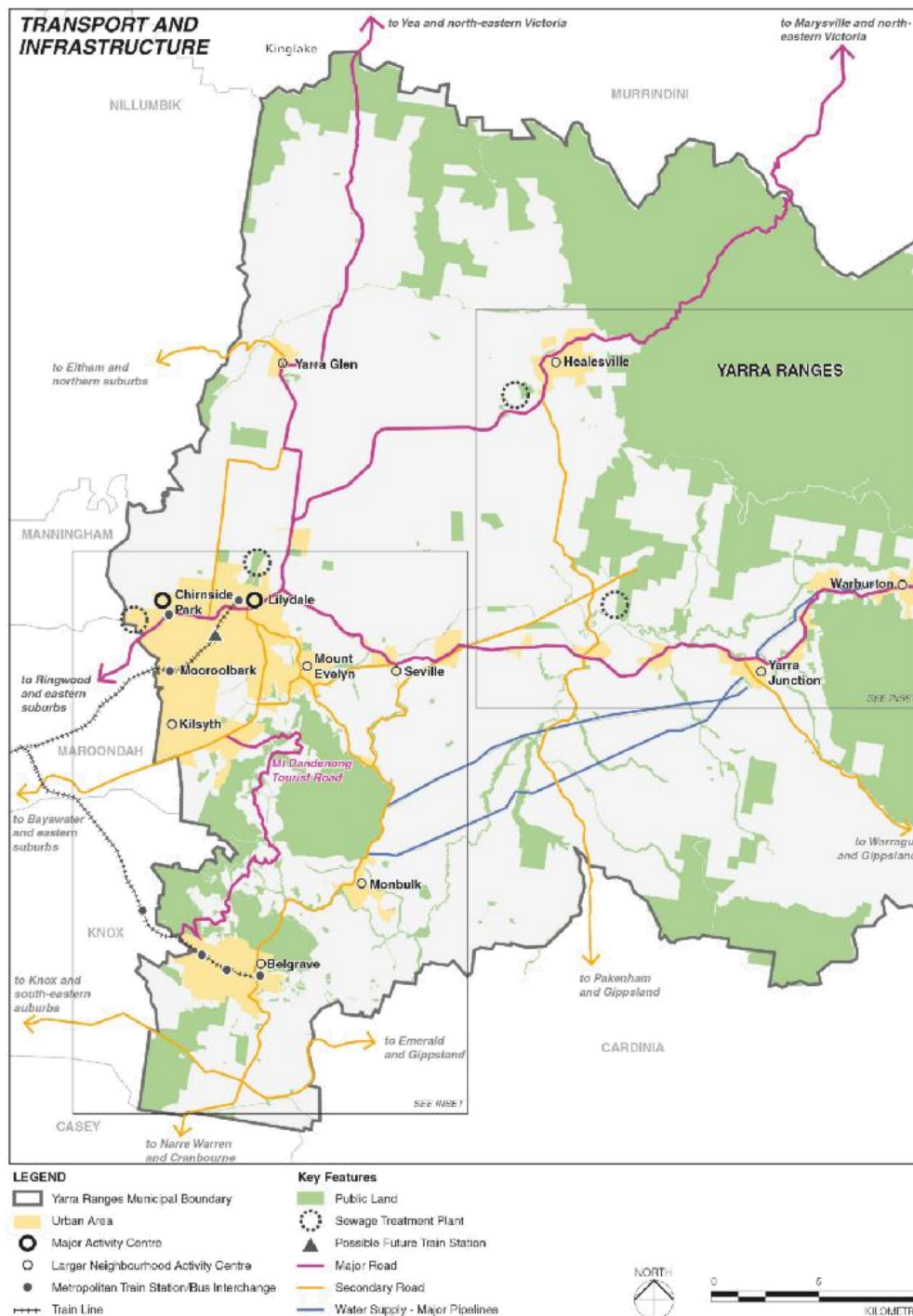


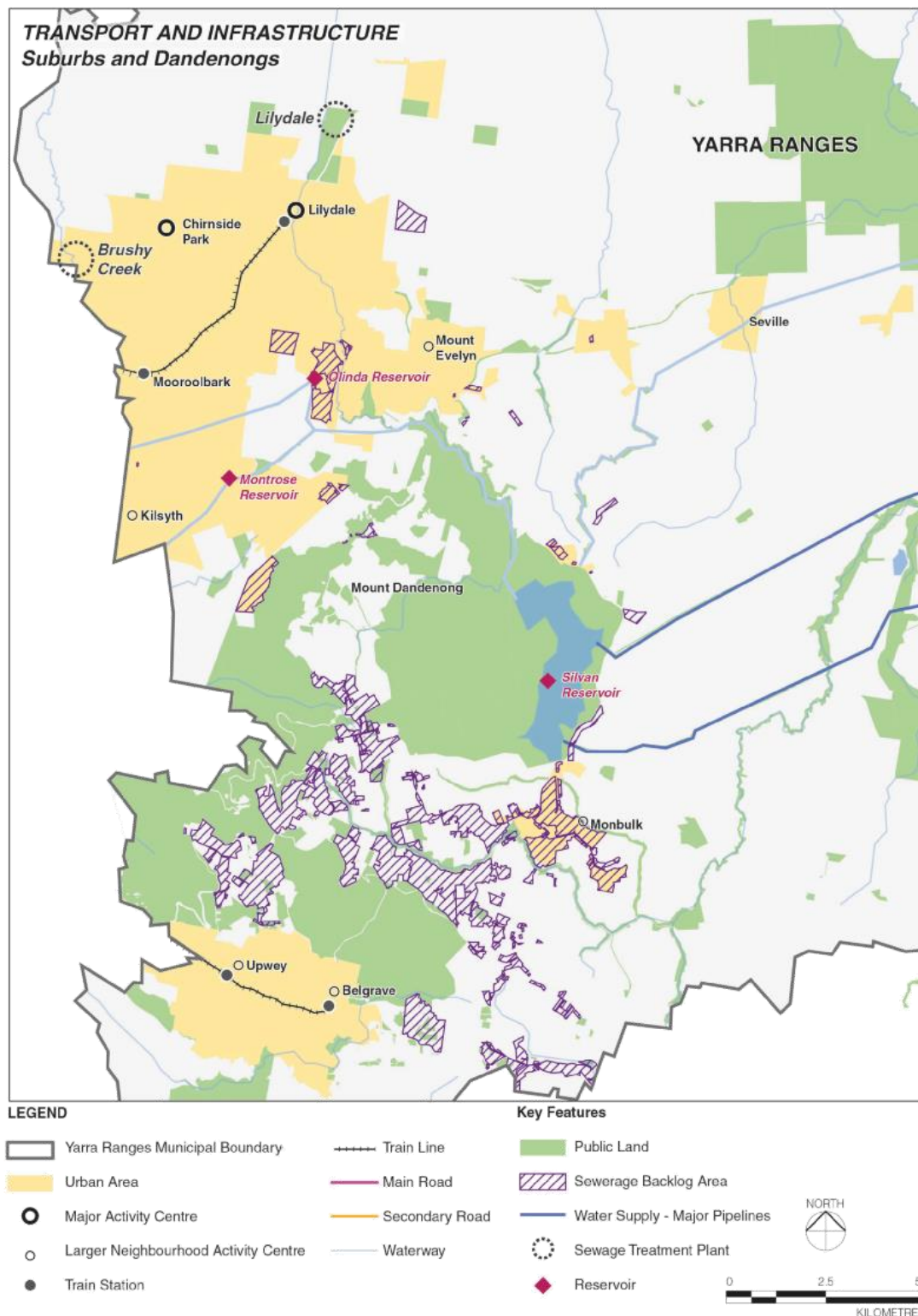
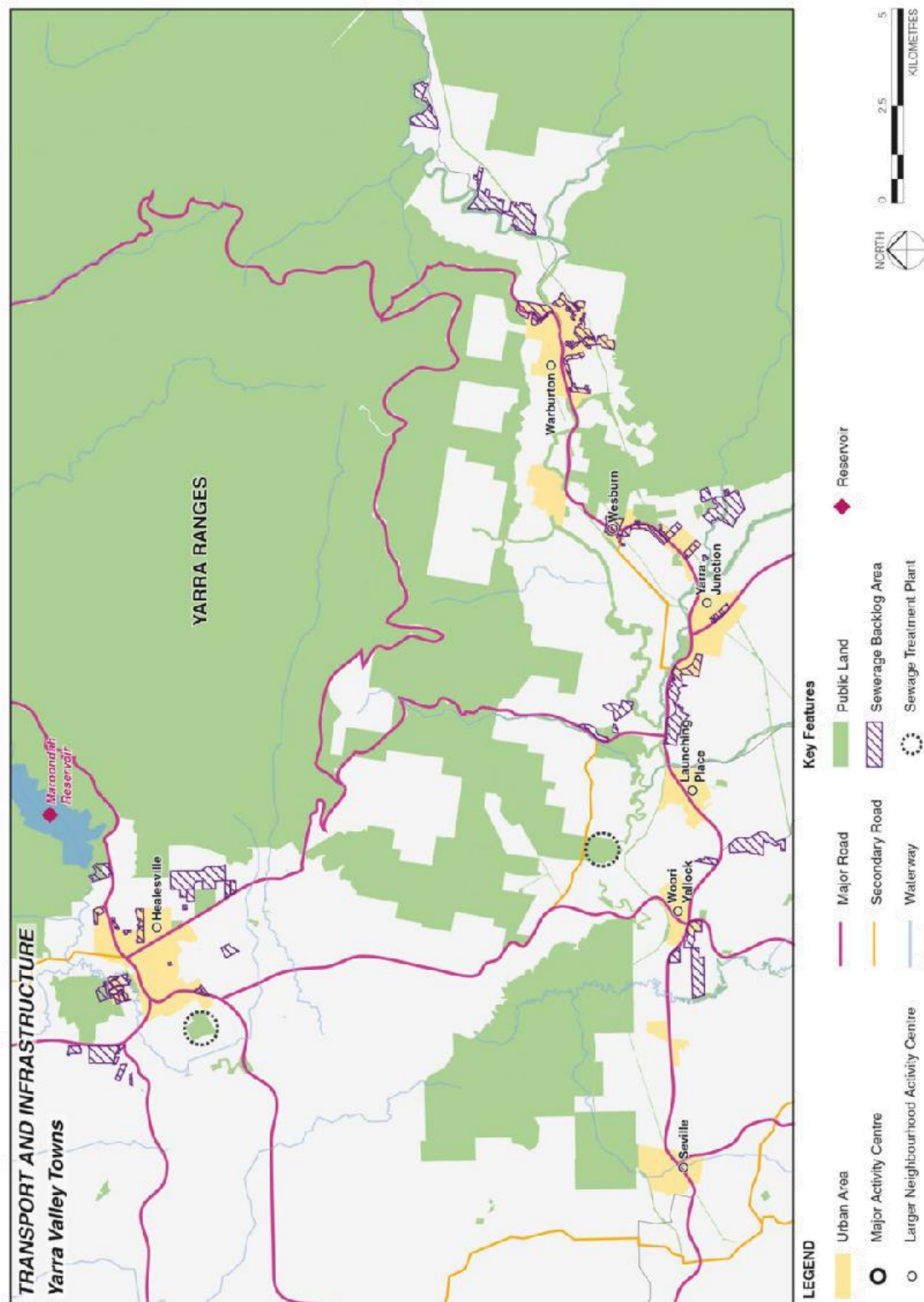
Figure 8 Transport and Infrastructure Map (Suburbs and Dandenongs)

Figure 9 Transport and Infrastructure Map (Yarra Valley Towns)



YARRA RANGES PLANNING SCHEME

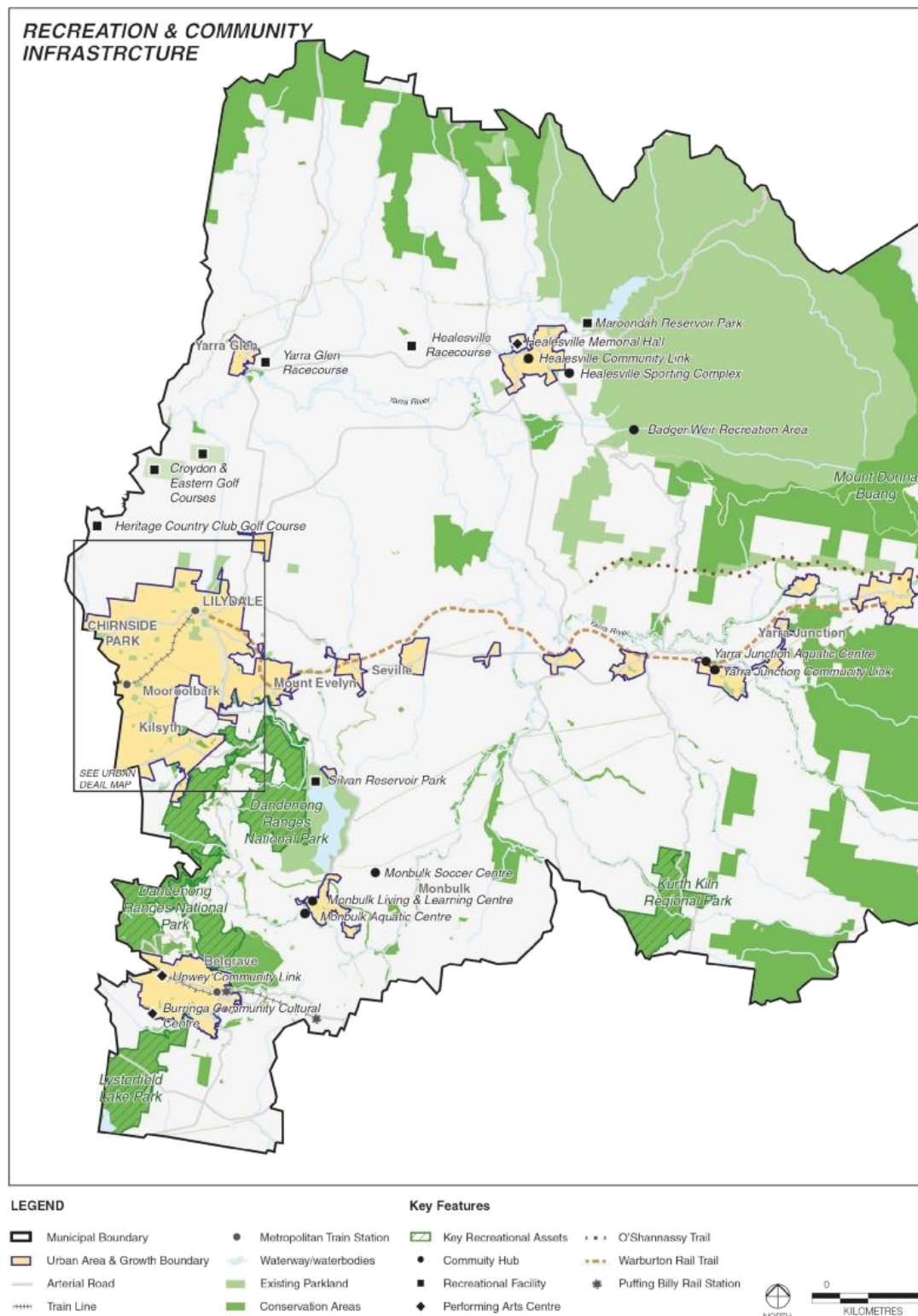
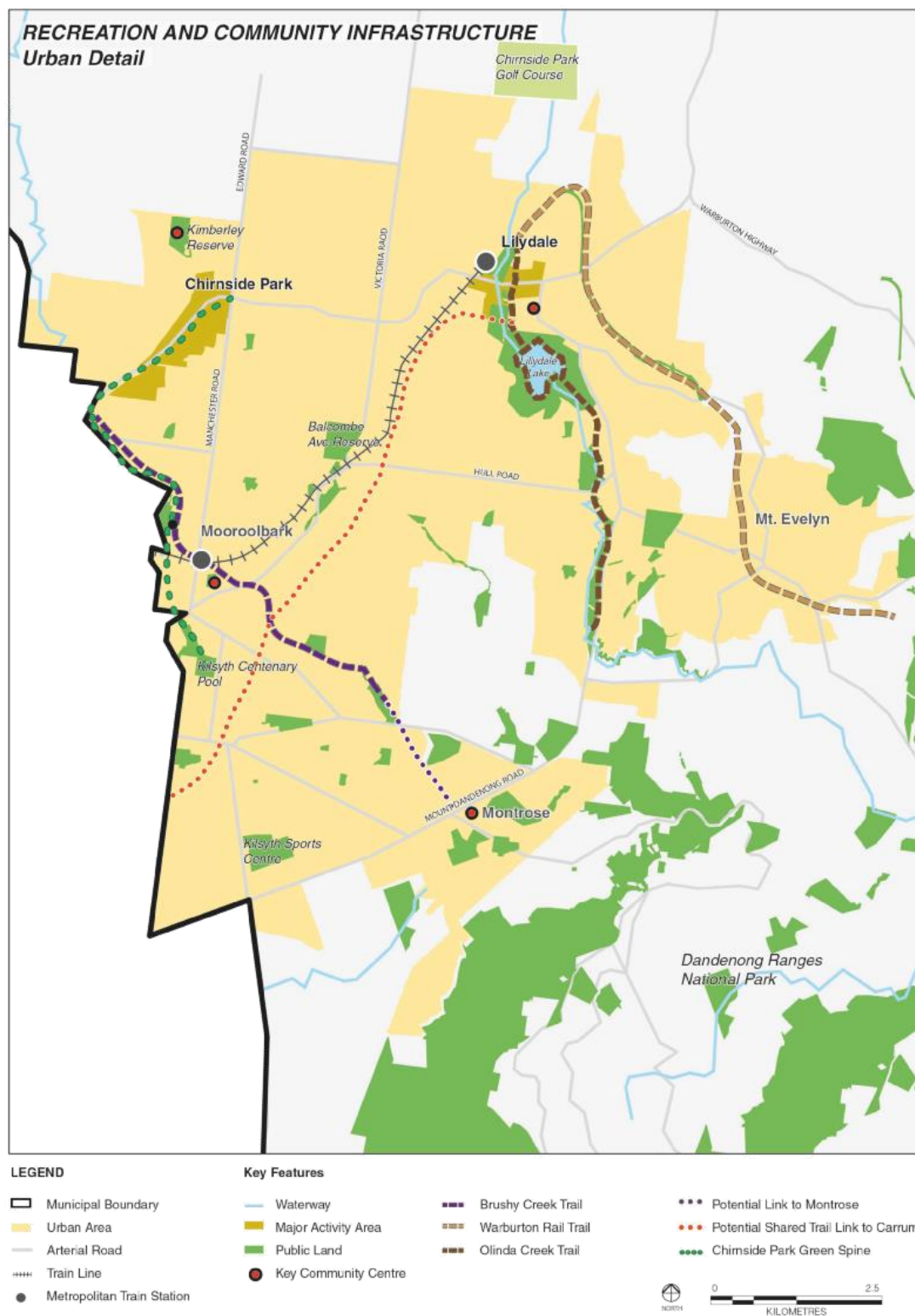
Figure 10 Recreation and Community Infrastructure Map

Figure 11 Recreation and Community Infrastructure Map (Urban Detail)

21.08 LOCAL AREAS

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C148

21.08-1 Lilydale Activity Centre**Objective 1 - Commercial precincts**

To create a vibrant town centre offering a range of employment opportunities and community facilities, with a strong hub of commercial and pedestrian activity centred on the Main Street.

Strategies

- 1.1 Consolidate commercial activity within established business zoned areas.
- 1.2 Maintain the Main Street shopping strip as the focus of retail and civic activity for Lilydale.
- 1.3 Create a clearly identifiable 'retail hub' around the two supermarket developments on the south side of Maroondah Highway and generally in the area between Hutchinson Street and Olinda Creek.
- 1.4 Create a more compact retail area focussed on the 'retail hub' and the Main Street.
- 1.5 Encourage the redevelopment of key sites with mixed business and high density residential use.
- 1.6 Consolidate and redevelop underutilised sites for commercial uses that promote pedestrian activity and provide for upper level residential accommodation.
- 1.7 Encourage the active use and enhancement of iconic buildings, such as the three hotels in the Maroondah Highway, and the Castella Street precinct, and promote the use of these buildings for hospitality, food and entertainment purposes.
- 1.8 Provide additional café, dining, and recreational facilities within other retail areas of the centre.
- 1.9 Redevelop sites on the fringe of commercial precincts for non retail and residential uses that will assist in consolidating the retail area and in providing additional housing in convenient locations.
- 1.10 Relocate non pedestrian oriented service and industrial uses from sites in the commercial precinct that front Main Street to more appropriate locations in other precincts which avoid conflict with pedestrian movements.
- 1.11 Facilitate tertiary education facilities on the former Swinburne University site.

Objective 2 - Residential precincts

To increase the diversity of conveniently located housing.

Strategies

- 2.1 Increase the number of dwellings in the precinct through the development of appropriately designed and more diverse housing that respects valued neighbourhood characteristics.
- 2.2 Avoid the incremental loss of residential development opportunities from the intrusion of commercial activities into residential precincts.
- 2.3 Encourage mixed-use activities with residential use on upper levels of commercial buildings.

- 2.4 Encourage the development of accommodation that is diverse in type, size, scale, and affordability, and is accessible for people with disabilities.
- 2.5 Prevent the intrusion of office, medical or other non residential land uses.
- 2.6 Provide for specialised residential accommodation such as for aged people on the large undeveloped sites at the rear of commercial premises east of the Warburton Rail Trail.
- 2.7 Retain residential use as the predominant activity on the properties fronting the Maroondah Highway between Anderson Street and the Warburton Rail Trail.

Objective 3 - Built form

To promote high quality development that makes a positive contribution to the appearance and operation of the activity centre.

Strategies

- 3.1. Recognise the valued characteristics of the activity centre and encourage new development that complements and reinforces those characteristics.
- 3.2. Enhance Lilydale's unique identity by protecting identified heritage elements.
- 3.3. Protect and enhance properties and features which have recognised heritage significance.
- 3.4. Encourage new development that adopts sustainable design principles and provides an interesting and attractive environment for residents, employees and visitors to the centre.

Objectives 4– Industrial precincts

To retain a concentration of industrial activity and employment that complements the range of other services and employment opportunities within the activity centre.

Strategies

- 4.1 Retain the industrial precincts as areas of concentrated industrial related employment opportunities.
- 4.2 Provide for the more intensive redevelopment of sites in the precinct for employment generating industrial and other uses that would not be appropriate within other precincts of the activity centre.
- 4.3 Ensure that new uses recognise the industrial role of the area and do not introduce incompatible activities that may prejudice the ongoing operation, or future expansion of industrial land use in the precinct.
- 4.4 Minimise the adverse impacts of industrial uses on adjoining residential areas, traffic movement within and through the precinct, and the general visual and built amenity of the area.
- 4.5 Provide the opportunity for the redevelopment of land north of the Maroondah Highway between Cave Hill Road and the railway in a form that establishes an attractive entry to Lilydale and takes advantage of the site's visually prominent location adjoining the transport interchange.

Objectives 5– Transport and access

To create a safe, accessible and convenient centre which gives priority to pedestrians, cyclists, people with disabilities, and public transport users.

Strategies

YARRA RANGES PLANNING SCHEME

- 5.1 Require that proposals for major new development are supported by a traffic management plan which provides for the needs of people with disabilities, pedestrians, cyclists, and public transport users.
- 5.2 Improve opportunities for pedestrian and bicycle movement into and around the activity centre, and in particular connections to the Olinda Creek parklands, and the Warburton Rail Trail.
- 5.3 Promote improved access throughout the centre for people with disabilities.
- 5.4 Discourage additional vehicle access points onto the Maroondah Highway.
- 5.5 Provide opportunities for mid-block pedestrian access between the Maroondah Highway and adjoining streets to the rear.
- 5.6 Improve the connections between the transport interchange at Lilydale railway station and the rest of the activity centre.
- 5.7 Retain the longer term opportunity for relocating the Lilydale railway station and transport interchange to land south of the Maroondah Highway.
- 5.8 Ensure that new development abutting the route of the proposed Lilydale Bypass is designed to provide an appropriate interface to the road.
- 5.9 Ensure that the design of the proposed Lilydale Bypass allows for pedestrian and bicycle access at regular intervals to connect the town centre to facilities such as Lilydale Lake and Swinburne University.
- 5.10 Enhance the Olinda Creek parkland for recreation activities as part of a wider network which connects the town centre, Lilydale Lake, and the Warburton Rail Trail.

Implementation

The strategies for the *Lilydale Activity Centre* will be implemented through the planning scheme by:

Zones and overlays

Applying Commercial 1 Zones to precincts where commercial and entertainment uses are encouraged to be the predominant activity.

Applying the Commercial 2 Zone to precincts where bulky goods retailing is expected to remain the predominant activity.

Applying the Residential Growth Zone, in conjunction with a Development Plan Overlay, to precincts where additional and more diverse housing is encouraged.

Applying the Industrial 1 Zone to precincts where industrial and bulky goods retailing is expected to remain the predominant activity.

Applying Design & Development Overlay 4 to the commercial precincts in the activity centre to provide clear design guidance for new development.

Applying Design & Development Overlay 7 to the residential precincts in the activity centre to ensure new residential development achieves appropriate design outcomes and respects valued neighbourhood characteristics.

Applying a Land Subject to Inundation Overlay to land in the activity centre that is subject to flooding.

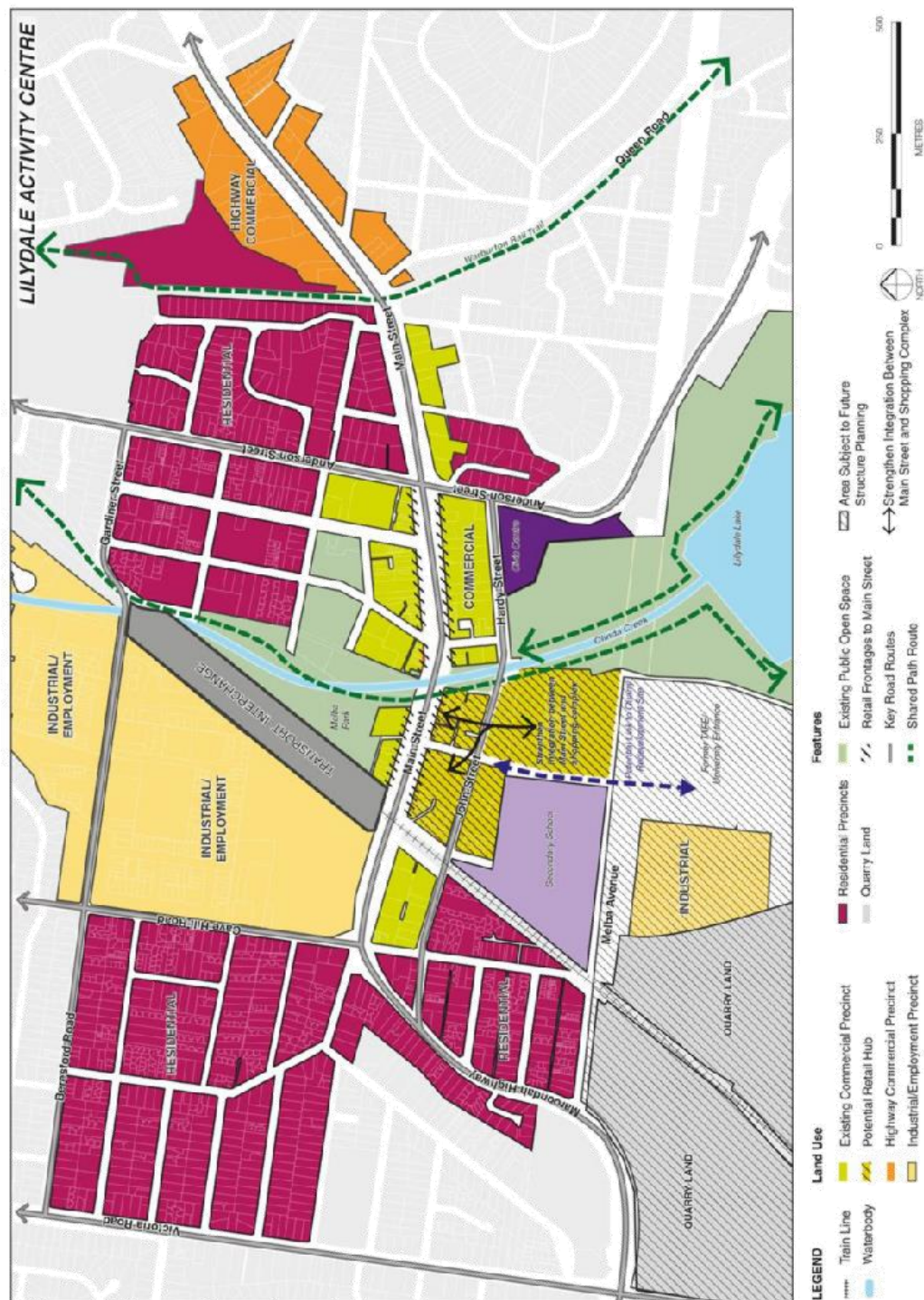
Policy reference

Lilydale Major Activity Centre Structure Plan (Yarra Ranges Council June 2006)

Lilydale Urban Improvement Project (Planisphere July 2008)

Yarra Ranges Housing Strategy (May 2009)

Figure 12 Lilydale Activity Centre Map



21.08-2 Chirnside Park Activity Centre**Objective 1 – Land use mix**

To create a thriving centre, comprising a broad range of retail, entertainment, commercial and community facilities clustered around a vibrant town centre and supported by residential neighbourhoods that offer a diversity of housing options.

Strategies

- 1.1 Encourage the comprehensive redevelopment of key sites and other underutilised industrial land to provide a diverse range of employment opportunities and community services.

Town Centre Precinct

- 1.2 Strengthen the role of the Town Centre Precinct as the hub of the activity centre by concentrating pedestrian oriented retail and related dining and entertainment facilities within it.
- 1.3 Ensure that future redevelopment of the Town Centre Precinct
 - reinforces the role of the precinct as the main focus of pedestrian oriented activities within the activity centre
 - comprises a mix of high intensity retail, entertainment and other commercial activities
 - on the frontage to Kimberley Drive comprises retail and other uses that promote pedestrian activity in the street and linkages to the proposed urban park.
- 1.4 Discourage the dispersal into other precincts, of land uses that would detract from the role of the town centre.
- 1.5 Encourage a diverse range of community facilities and businesses that will service the needs of people living within the activity centre.

Mixed Use Precincts

- 1.6 Encourage a multi level mix of office, entertainment and non core retail uses, with upper level housing, in a form that encourages multi purpose trips and complements the role of the town centre.
- 1.7 New mixed use development adopts a form which is compatible with adjoining residential neighbourhoods.

Bulky Goods Precinct

- 1.8 Cluster opportunities for highway oriented bulky goods retail outlets within this precinct to create strong pedestrian linkages and maximise the opportunity for multi purpose trips.

Industrial Precinct

- 1.9 Provide opportunities for industrial activities that contribute to the diversity of employment opportunities in the activity centre.
- 1.10 Ensure that industrial activities incorporate effective buffers to avoid adverse off site effects on the adjoining residential neighbourhoods.
- 1.11 Provide for the Maroondah Highway frontages of sites to be redeveloped for commercial uses in a form that enhances the prominent gateway location and the interface with Brushy Creek.

Objective 2 - Housing

To significantly contribute to the diversity of conveniently located housing available in Yarra Ranges.

Strategies

- 2.1 Encourage additional residential development that increases the availability and diversity of housing on underutilised land with convenient access to the Town Centre Precinct.

Residential precincts

- 2.2 Ensure that future residential development:
- increases the availability and diversity of housing and complements the other functions of the activity centre
 - is integrated with other development in the precinct and creates strong pedestrian and bicycle linkages to other precincts
 - At the interface with adjoining residential areas beyond the activity centre, adopts a form which is compatible with those adjoining areas.
- 2.3 Development adjoining the urban park, is to promote pedestrian activity, provide passive surveillance of the park, and be compatible with adjoining residential uses.
- 2.4 Commercial or entertainment uses are discouraged in residential precincts.

Town Centre Buffer Precinct

- 2.5 Ensure that the interface between the town centre and established residential neighbourhoods is managed to protect the amenity of adjoining residential areas.
- 2.6 Provide that existing dwellings opposite the town centre may be converted to low intensity commercial uses that are compatible with adjoining residential uses.
- 2.7 Ensure that any residential or commercial development which replaces existing dwellings is only undertaken on larger sites comprising consolidated lots.

Objective 3 – Sustainable design

To encourage innovative development that adopts sustainable design principles, achieves a desirable environment for residents and visitors, and creates a distinctive and attractive gateway to Yarra Ranges.

Strategies

- 3.1. Promote high-quality development that makes a positive contribution to the appearance and operation of the activity centre.
- 3.2. Create a boulevard landscape incorporating a pedestrian and bicycle trail along the Maroondah Highway.
- 3.3. Protect the amenity of adjoining areas of existing residential development.
- 3.4. Integrate new development with development on adjoining sites within the activity centre.
- 3.5. Encourage the adoption of Environmentally Sustainable Design techniques in new development.
- 3.6. Promote development that contributes to safe, accessible and vibrant public places.

Objective 4 – Infrastructure improvements

To ensure that future development is supported by improvements to traffic circulation infrastructure and the public open space network.

Strategies

- 4.1 Provide additional public open space in strategic locations to meet the needs generated by additional residential development and increases in employment within the activity centre.
- 4.2 Create an urban park of approximately one hectare on land fronting the west side of Kimberley Drive opposite the Town Centre Precinct.
- 4.3 Create a boldly landscaped boulevard along the Maroondah Highway that provides pedestrian and bicycle linkages within the activity centre and the wider open space and recreational trail network.
- 4.4 Design roads and other public spaces that provide a safe, accessible and attractive circulation network that reduces the reliance on cars, and provides strong pedestrian and cycle linkages within the activity centre and to surrounding neighbourhoods.
- 4.5 Require that any major redevelopment which significantly increases the floor area of the centre must be supported by a traffic and pedestrian management plan approved by the responsible authority.
- 4.6 Minimise the number of additional vehicle access points on to the Maroondah Highway created through new development proposals.
- 4.7 Ensure changes in land use and new development do not prejudice the ongoing effective operation of the Maroondah Highway both for traffic accessing the activity centre and for through traffic.

Implementation

The strategies for the *Chirnside Park Activity Centre* will be implemented through the planning scheme by applying:

Zones and overlays

Applying the Commercial 1 Zone to precincts where commercial and entertainment uses are encouraged to be the predominant activity.

Applying the Commercial 2 Zone to precincts where bulky goods retailing is expected to remain the predominant activity.

Applying the Mixed Use Zone to precincts where a combination of commercial, entertainment and diverse housing activities are encouraged.

Applying the Residential Growth Zone, in conjunction with a Development Plan Overlay, to precincts where additional and more diverse residential development is encouraged.

Applying the General Residential Zone to land that is encouraged to be redeveloped for residential use in a form that is compatible with the adjoining established residential neighbourhoods.

Applying the Industrial 3 Zone to precincts where industrial and bulky goods retailing is expected to remain the predominant activity.

Applying the Development Plan Overlay to provide a framework for the redevelopment of each key development site in a form that is consistent with the Chirnside Park Urban Design Master Plan September 2010.

Applying the Design and Development Overlay to guide the design of future development of other sites in the activity centre in a form that is consistent with the Chirnside Park Urban Design Master Plan September 2010.

Applying the Development Contributions Plan Overlay to ensure the provision of appropriate community infrastructure to support anticipated future development within the activity centre.

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Applying the Environmental Audit Overlay to ensure that potential soil contamination issues are addressed prior to the use of the land for residential or other sensitive land uses.

Applying the Special Building Overlay to land in the activity centre that is subject to flooding.

Schedules

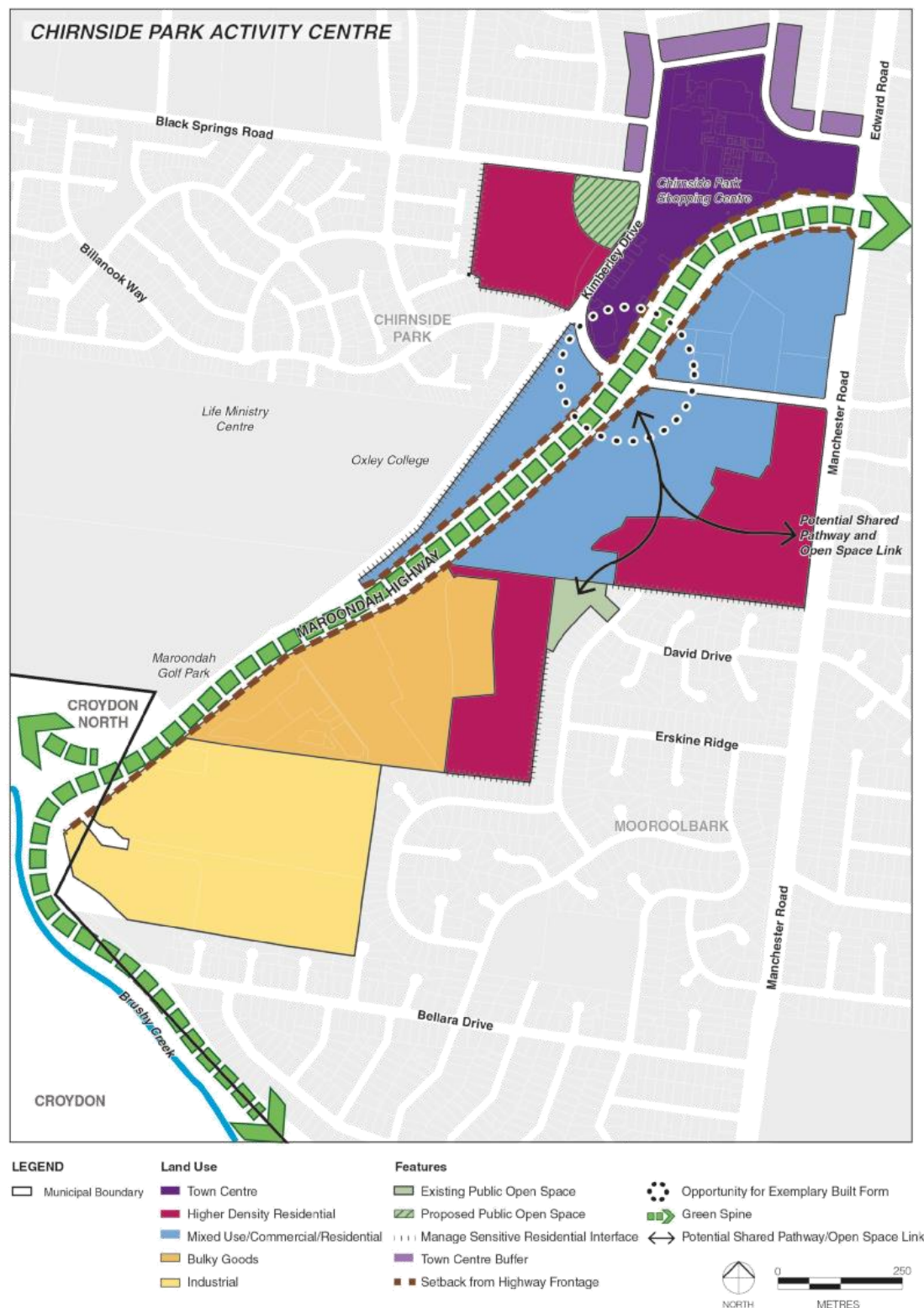
Applying the Schedule to Clause 53.01 to require a 5% public open space contribution for all new subdivisions.

Reference documents

Chirnside Park Urban Design Master Plan (Woods Bagot - September 2010)

Version for Adoption

Figure 13 Chirnside Park Activity Centre Map



21.08-3 Cave Hill redevelopment site**Objective**

To encourage the long term redevelopment of the land for purposes that fully utilise its unique attributes as a strategic redevelopment site.

Strategies

- 1.1 Avoid incremental redevelopment proposals for the land until a master plan for the site has been prepared.
- 1.2 Prepare a master plan for the site, in consultation with the landowner and other key stakeholders.
- 1.3 Ensure that any development framework for the site is based on the following land use and development principles:
 - Provide for the staged long term development of the site in a form that is closely integrated with the funding and construction of supporting infrastructure.
 - Coordinate development of the site with an integrated approach to railway and road infrastructure improvements that will meet the needs of the proposed development while creating a net benefit to the surrounding community.
 - Provide the opportunity for a new railway station in a location that improves the accessibility of established residential areas to public transport and will facilitate more frequent train services.
 - Provide for approximately 3000 new dwellings offering a mix of densities and affordability options
 - Provide for a mix of business opportunities with a focus on those that significantly contribute to the range of employment opportunities available in Yarra Ranges.
 - Ensure that the mix of land uses and the proposed traffic circulation network will strengthen, rather than compete with, the role of the existing Lilydale Activity Centre.
 - Provide the opportunity to free up strategically significant sites within the Lilydale Activity Centre through the possible relocation of public facilities.
 - Provide for a cluster of civic and community facilities including a regional performing arts centre in a location that is conveniently accessible to the Lilydale Activity Centre.
 - Provide for public open space that meets the needs of new residents within the site, is effectively integrated with the adjoining Lillydale Lake parklands and that incorporates facilities serving the wider region.
 - Ensure that the form and layout of any new development adopts best practice standards of Environmentally Sustainable Design.
 - Ensure that the distribution of land uses and the layout of the circulation network is designed to maximise the use of public transport and non vehicle transport options.

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- . Protect significant heritage elements and incorporate them as integral elements of the proposed development.
 - . Protect the amenity of immediately adjoining established neighbourhoods by retaining boundary vegetation and avoiding overlooking from new development.
- 1.4 Ensure that the appearance of the developed site from key public viewpoints such as Lillydale Lake presents as an unobtrusive element in a landscape dominated by canopy trees.

Implementation

The strategies for the Cave Hill development site will be implemented through the planning scheme following the preparation of a development framework to guide the overall use and development of the land.

Version for Adoption

21.08-4 Mooroolbark Activity Centre**Objective 1 - Commercial Precinct**

To create a compact, vibrant and accessible suburban village style activity centre focussed on a strong street based retail core.

Strategies

- 1.1 Maintain and strengthen the existing commercial precinct and adjoining community facilities as the key focal point within the activity centre.
- 1.2 Consolidate retail and commercial activities within the precinct rather than disperse them throughout the activity centre.
- 1.3 Promote Brice Avenue as the main focus of retail and pedestrian activity in the activity centre.
- 1.4 Encourage outdoor dining and other on street activities that contribute to the liveliness of the activity centre.
- 1.1 Encourage redevelopment proposals that include retail and other uses which generate pedestrian activity at street level, with opportunities for upper level residential use and undercover car parking.

Objective 2 – Residential Precincts

To provide opportunities for additional and more diverse housing that contribute to making a more interesting and vibrant activity centre.

Strategies

- 2.1 Increase the number and diversity of dwellings in the activity centre, with an emphasis on the provision of one and two bedroom dwellings in well designed new buildings.
- 2.2 Encourage a component of affordable housing as part of any major residential redevelopment of key sites.
- 2.3 Prevent the intrusion of office, medical or other non residential land uses.

Objective 3 – Mixed Use Precincts

To create a thriving mixed-use centre with a diverse range of convenience retailing, entertainment, professional services and locally based employment opportunities.

Strategies

- 3.1 Encourage multi level mixed use redevelopment proposals that incorporate upper level housing.
- 3.2 To facilitate the longer term redevelopment of key sites for purposes that strengthen the role of the activity centre.
- 3.3 Increase the total number and diversity of dwellings in the activity centre with an emphasis on the provision of one and two bedroom dwellings in well designed new buildings.
- 3.4 Provide affordable housing as part of the residential component of major mixed use redevelopment proposals.

Objective 4 – Open space areas

To promote the existing public open space areas as key attributes of the activity centre.

Strategies

- 4.1 Rehabilitate Brushy Creek and associated parkland to positively contribute to the local environment.
- 4.2 Encourage redevelopment proposals on sites adjoining Brushy Creek that reinforce the creek as a positive feature of the activity centre and strengthen its connections with other parts of the activity centre.
- 4.3 Encourage the use of Hookey Park as a central 'village green' for social recreation.
- 4.4 Ensure the redevelopment of sites adjoining and opposite Hookey Park create a sympathetic interface that provides passive surveillance and encourages interaction with the park.

Objective 5 – Transport and access

To create a pedestrian friendly suburban village style activity centre with increased accessibility to a range of transport options.

Strategies

- 5.1 Support measures that reduce car traffic volumes and speeds, improve the opportunities for pedestrian and bike movement such as wider pedestrian paths, safer crossing points and bicycle lanes, and improve the efficiency of car parking areas.
- 5.2 Enhance traffic permeability through the area, so that walkways, bike paths and traffic flow are improved; local freight deliveries can access their destinations; and mobility impaired pedestrians are able to move freely.
- 5.3 Support increased use of public transport through the consolidation of additional housing and mixed use development close to the transit interchange, and the provision of supporting infrastructure including bus shelters, park and ride facilities and commuter car parking.
- 5.4 Consolidate the town centre and railway station as the hub for bicycle facilities with shared path trail linkages to nearby parks, community facilities and the surrounding residential neighbourhoods.
- 5.5 Support reduced car parking provision in new development that is close to efficient public transport.
- 5.6 Create safe and inviting public spaces around the railway station, community facilities and major retail developments with improved signage, lighting, safety, surveillance, and pedestrian accessibility.
- 5.7 Include provision for commuter car parking, including parking on multiple levels as part of new proposals on major redevelopment sites.

Implementation

The strategies for the *Mooroolbark Activity Centre* will be implemented through the planning scheme by applying:

Zones and overlays

Applying the Commercial 1 Zone to precincts where street based retail uses are encouraged to be the predominant activity.

Applying the Commercial 2 Zone to precincts where other commercial and entertainment uses are encouraged.

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Applying the Mixed Use Zone to precincts where a combination of commercial, entertainment and additional housing activities are encouraged.

Applying the General Residential Zone to land that is encouraged to be redeveloped for additional and more diverse residential use in a form that is compatible with the adjoining established residential neighbourhoods.

Applying Design & Development Overlay 9 to the commercial and mixed use precincts in the activity centre to provide clear design guidance for new development.

Applying Design & Development Overlay 8 to the residential precincts in the activity centre to ensure new residential development achieves appropriate design outcomes and respects valued neighbourhood characteristics.

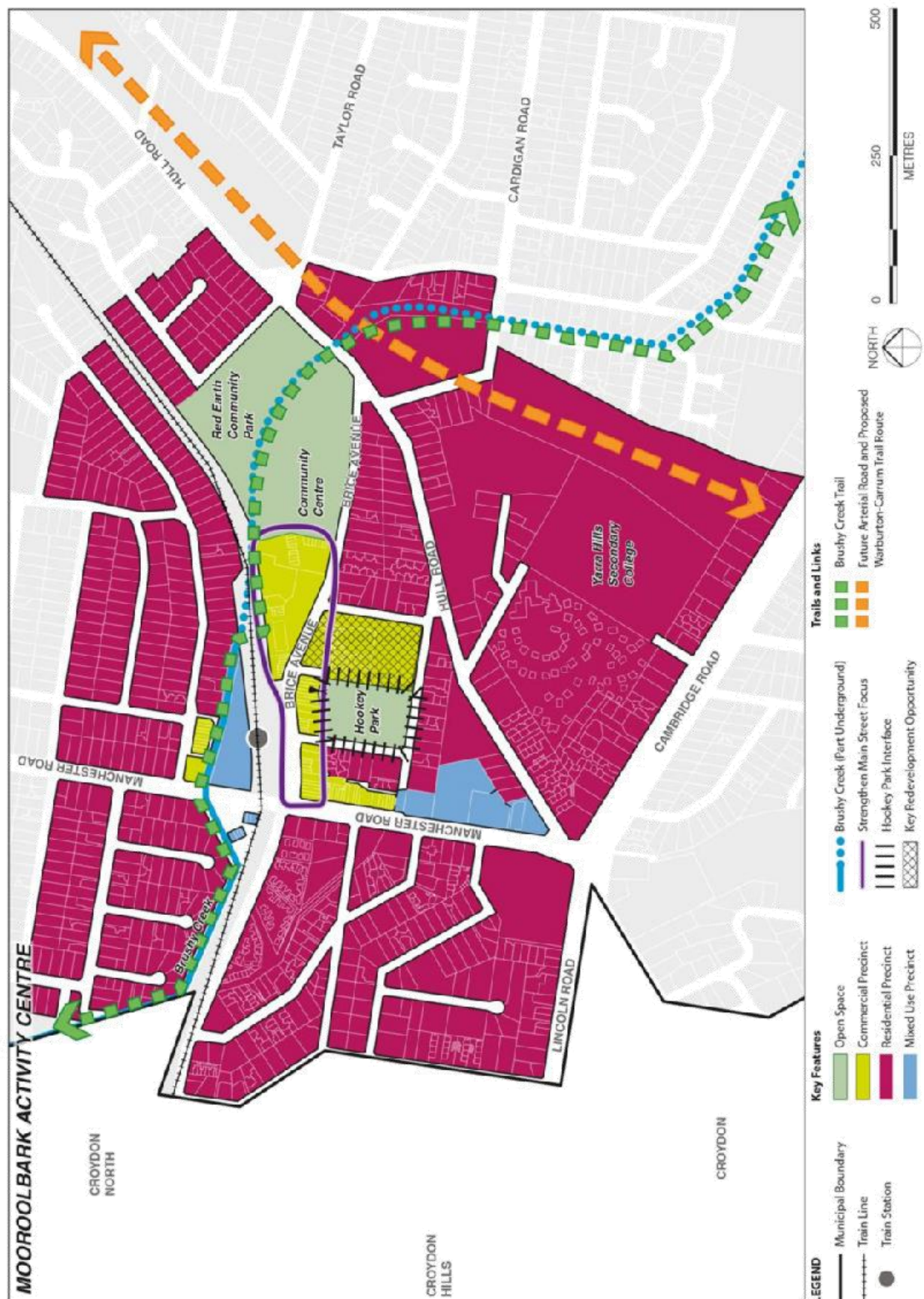
Applying the Special Building Overlay to land in the activity centre that is subject to flooding from Brushy Creek.

Reference documents

Mooroolbark Activity Centre Structure Plan (Yarra Ranges Council March 2011)

Version for Adoption

Figure 14 Mooroolbark Activity Centre Map



22.01 MAJOR RETAIL DEVELOPMENT-/-20-
C148**22.01-1 Policy Basis**

The retail industry is a dynamic one, and is affected by constant change in customer behaviour, retail formats, store design, and retail technology. When providing for future retail development, the emphasis should be on assessing development proposals on their merits rather than adopting strict planning controls that determine future development 'limits'.

Economic analysis undertaken for Council has identified significant opportunities for additional retail floorspace. Most of this development is forecast to occur in activity centres located in the suburban areas of the municipality.

The existing activity centre network in Yarra Ranges offers sufficient opportunities to meet projected future retail requirements in established centres that are accessible to residents. Therefore, future retail development should be focused in these existing activity centres.

Major retail developments can have a significant impact on the role and functioning of activity centres. It is important that the economic and social implications of future proposals for major retail developments are thoroughly assessed.

22.01-2 Objectives

To ensure that major retail developments make a positive contribution to the activity centre in which they are located, and to the wider Yarra Ranges community.

To ensure that all proposals for major retail developments are accompanied by sufficient information to enable the implications of the proposal to be fully assessed.

22.01-3 Policy

It is policy that in assessing any applications to construct retail development proposals comprising a leasable retail floor area of more than 2,000 square metres, the responsible authority should have regard to:

- the demand for additional retail facilities, and how the proposal meets this demand
- the impact of the proposed development on the role of the activity centre in which it is located, and on the viability of other activity centres in the Yarra Ranges activity centre network
- the implications of the proposed development on local employment
- whether the proposal will provide an overall net community benefit
- whether the proposal is consistent with State and Local Planning Policy relating to planning and urban design.

22.01-4 Application requirements

Any permit application to construct more than 2,000 square metres of leasable retail floor area should be accompanied by the following information:

- Details of the proposed development including an economic impact assessment prepared by a suitably qualified retail economist that provides:
 - a description of the proposal
 - an assessment of its impact on the local economy and on other centres within the activity centre network.

Any permit application to construct a major retail development comprising more than 5,000 square metres of leasable retail floor area should, in addition to the matters listed above, include an assessment of:

- retail demand

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- . retail supply
- . escape expenditure from the trade catchment
- . impact on existing retail facilities in Yarra Ranges
- . net community benefit considerations.

22.01-5 Policy reference

Yarra Ranges Activity Centre Network Strategy 2012

Version for Adoption

YARRA RANGES PLANNING SCHEME

22.02 DWELLINGS IN GREEN WEDGE AREAS

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C148

This policy applies to applications to use land in any green wedge zone for the purpose of a dwelling.

22.02-1 Policy Basis

- The primary values of Yarra Ranges' Green Wedge areas are to support sustainable farming, retain a healthy biodiversity and protect valued landscapes.
- These primary values provide the basis for assessing proposals to use a vacant lot for a dwelling.
- The use of vacant lots for dwellings and the siting of replacement dwellings can have a significant effect on the retention of these primary values.
- The current Green Wedge, Green Wedge A and Rural Conservation Zones require planning permits to use land for a dwelling and there is a need for clear guidance about how this permit control is applied.
- This policy recognises that land in the Yarra Ranges Green Wedge can be grouped into the following broad land use categories:
 - Productive agricultural areas
 - Rural landscape areas
 - Rural residential areas.
- Many of the remaining vacant lots, especially in rural residential areas, are located in old subdivisions which were not designed to effectively respond to development constraints such as steep slopes, significant vegetation and environmental hazards.
- Dwelling use in many of these areas has been limited through planning controls that have encouraged the consolidation of lots to create larger land parcels.
- The productive agricultural areas comprise a valuable resource that can be threatened by the inappropriate siting of dwellings leading to conflicts between agricultural producers and rural lifestyle residents.
- It is important to retain the long term opportunity for future use of potentially productive agricultural land regardless of whether it is currently being used for agriculture.
- The rural landscape areas of the Yarra Ranges Green Wedge are not suited to productive agriculture due to physical or environmental constraints or past land fragmentation.
- The planning scheme includes a range of overlays that require each new dwelling proposal to address specific development issues including landscape and vegetation impacts, bushfire management, landslip risk and flood risk.

22.02-2 Objective

To manage dwelling use on Green Wedge land to:

- retain the long term opportunities for agricultural use of potentially productive agricultural land
- respond to the natural landscape
- protect and enhance indigenous vegetation and other environmental assets
- ensure that waterways and groundwater are not contaminated by household waste water
- recognise the established patterns of rural land use and subdivision
- respond to the constraints imposed by environmental hazards.

22.02-3 General Policy for dwellings in Green Wedge areas

It is policy that any application to use land for a dwelling or to replace an existing dwelling should demonstrate that:

- all waste water generated by the proposed dwelling can be satisfactorily treated and contained on the lot
- the lot has direct access to a trafficable road, and will not require a new road to be constructed on adjoining or nearby land including a road reserve
- the proposed dwelling will not adversely affect valued environmental or landscape attributes of the site
- the level of risk from natural hazards such as fire, landslip or flooding has been considered under the relevant overlay provisions
- the requirements of Clauses 35.04-2, 35.05-2 and 35.06-2 as applicable, are met.

For proposals to replace an existing dwelling it is policy that the application should demonstrate that:

- The new dwelling will result in a better response to the provisions of this Local Policy than would be the case if the current dwelling were retained.

22.02-4 Policy for dwellings on vacant lots in productive agricultural areas

Productive agricultural areas comprise areas where:

- lots are generally greater than 4 hectares in intensively cultivated areas, or 10 hectares in other areas
- most lots are cleared and sown with pasture grasses or managed for horticulture
- most lots are currently used for agriculture or have realistic potential to be used for horticulture, livestock grazing or other forms of productive agriculture.

In addition to the General Policy in Clause 22.02-3 it is policy that a vacant lot in a productive agricultural area may be used for a dwelling where the following requirements are met:

- The dwelling should be directly associated with a productive agricultural activity conducted on the land
- The dwelling should be sited to:
 - maximise the area on the lot that is available for productive agricultural use
 - avoid the risk of potential conflicts between the residential amenity of the proposed dwelling and productive agricultural activities conducted on adjoining or nearby land
- Any dwelling on a lot that is too small, or otherwise inappropriate for agricultural use, should be located at least 100 metres from any adjoining or nearby land that is used for productive agriculture. The use of the lot for a dwelling is discouraged where this separation from productive agriculture cannot be achieved.
- The siting and design of any dwelling should meet all other requirements of the planning scheme relating to impacts on the natural environment, rural landscapes or environmental hazards.

22.02-5 Policy for dwellings on vacant lots in rural landscape areas

Rural landscape areas comprise areas where:

- lot sizes are generally greater than 2 hectares
- most lots have been at least partially cleared of indigenous vegetation although some may retain substantial bushland patches
- most lots are used for residential purposes in a rural environment

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- very few lots are used for productive agriculture (meaning lots of more than 4 hectares that are used for horticultural production or lots of more than 10 hectares that are predominantly cleared and sown with pasture grasses).

In addition to the General Policy in Clause 22.02-3 it is policy that a vacant lot in a rural landscape area may be used for a dwelling where the following requirements are met:

- The dwelling should be sited to avoid the risk of potential conflicts between the residential amenity of the proposed dwelling and productive agricultural activities conducted on adjoining or nearby land.
- The siting and design of any dwelling should meet all other requirements of the planning scheme relating to impacts on the natural environment, rural landscapes or environmental hazards.

22.02-6 Policy for dwellings on vacant lots in rural residential areas

Rural residential areas are mostly concentrated in the Dandenong Ranges although pockets exist in other localities. They comprise areas where:

- lots sizes are generally between 1000 square metres and 2 hectares
- most lots are used for residential purposes in a heavily treed environment
- very few lots are used for productive agriculture (meaning lots of more than 4 hectares that are used for horticultural production or lots of more than 10 hectares that are predominantly cleared and sown with pasture grasses)
- many of the existing lots have been created by the consolidation of smaller lots under subdivision restructure and tenement requirements of previous planning schemes.

In addition to the General Policy in Clause 22.02-3 it is policy that a vacant lot in a rural residential area may be used for a dwelling where the following requirements are met:

- The lot should have an area of at least 4000 square metres
- If the area of the lot is less than 4000 square metres:
 - the responsible authority must be satisfied that the land is capable of treating and retaining on site, all waste water generated by the dwelling
 - the lot should be of a similar size to, or larger than the other lots in the surrounding area that are used for a dwelling.
- The dwelling should be sited to avoid the risk of potential conflicts between the residential amenity of the proposed dwelling and productive agricultural activities conducted on adjoining or nearby land.
- The siting and design of any dwelling should meet all other requirements of the planning scheme relating to impacts on the natural environment, rural landscapes or environmental hazards.

22.02-8 Application requirements

Dwellings on vacant lots in productive agricultural areas

Applications must be accompanied, as appropriate, by a written statement such as a farm management plan, that:

- describes the land use and settlement pattern of the surrounding area
- explains the proposed agricultural use to be conducted on the land and how the proposed dwelling will be associated with that use
- shows how the siting of the proposed dwelling will maximise the area available for productive agricultural use of the land
- explains how the proposed use of the land for a dwelling will be sited and managed to minimise the risk of potential conflicts with the operation of productive agricultural activities conducted on adjoining land.

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Dwellings on vacant lots in rural landscape areas or rural residential areas

Applications must be accompanied, as appropriate, by a written statement that:

- describes the land use and settlement pattern in the surrounding area
- explains how the proposed use of the land for a dwelling will meet the relevant requirements of this policy.

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22.03 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

This policy applies where a planning permit is required to use or develop land for the following purposes:

- construct three or more dwellings on a lot
- construct a building to be used for a residential building, residential village or retirement village
- construct a commercial/ office building with a gross floor area of more than 500 square metres
- extend the gross floor area of an existing commercial/ office building by more than 500 square metres.

In the case of additions, the policy only applies to the additions and not to the existing building.

22.03-1 Policy Basis

Yarra Ranges is committed to creating an environmentally sustainable municipality. A critical component to achieve this commitment is ensuring that development meets appropriate environmental standards.

This policy provides a framework for early consideration of environmental sustainability at the building design stage to encourage the following efficiencies and benefits:

- Easier compliance with building requirements through passive design
- Reduction of costs over the life of the building
- Improved affordability over the longer term through reduced running costs
- Improved amenity and liveability
- Sustainable urban form and
- Integrated water management.

22.03-2 Objectives

- To encourage buildings to be oriented to minimise summer heat gain and winter heat loss.
- To encourage the use of passive solar heating and cooling.
- To encourage the use of building materials and components which minimise adverse environmental impacts.
- To achieve a healthy indoor environment quality to support the health and wellbeing of building occupants.
- To promote adaptive re-use in the design of buildings and outdoor spaces.

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- To minimise the use of potable water.
- To encourage sustainable management of stormwater.
- To minimise waste and support its efficient disposal.
- To minimise development impacts on local biodiversity.
- To ensure development is linked to public transport and, cycle and pedestrian paths.

22.03-3 Application Requirements

The following table sets out the minimum information required to be submitted with applications for any of the types of land use or development specified in Table 1.

Various 'tools' are listed in the table which may be used to demonstrate how the proposed development addresses the objectives of this policy. This is not intended to be an exhaustive list and applicants may use other tools or methods providing it can be demonstrated that the objectives of this Local Planning Policy will be met.

Table 1 – Information Required

TYPE OF DEVELOPMENT	APPLICATION REQUIREMENTS	EXAMPLE TOOLS*
Residential and mixed use with a residential component		
▪ Development of 3 to 9 dwellings	Sustainable Design Assessment (SDA)	BESS STORM
▪ Development of 10 or more dwellings or other accommodation	ESD Management Plan (ESDMP)	BESS Green Star MUSIC STORM
Non-residential		
▪ Development of a commercial building with a gross floor area of between 500m ² and 1000m ² or ▪ Alterations and additions of between 500m ² and 1000m ²	Sustainable Design Assessment (SDA)	BESS MUSIC STORM
▪ Commercial developments with a gross floor area of	Sustainability Management Plan (SMP)	Green Star BESS MUSIC

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more than 1000m ² or		STORM
<ul style="list-style-type: none"> Alterations and additions greater than 1000m² 		

Sustainable Design Assessment

A Sustainable Design Assessment (SDA) should show to the satisfaction of the responsible authority, how the proposed development incorporates sustainable design initiatives that respond to the objectives of this policy.

Sustainability Management Plan

An Sustainability Management Plan (SMP) should be prepared by a suitably qualified and, or experienced person. It must detail the development's sustainable design initiatives, across all stages of development, to the satisfaction of the responsible authority.

The level of detail provided in an ESDMP should be proportionate to the likely environmental impact of the development. The ESDMP should:

- identify relevant sustainability targets or performance standard
- document the means by which the appropriate target or performance will be achieved on a whole-of-site scale
- demonstrate that the design components and technologies proposed in the ESDMP can be maintained over time.

The above information is to be provided in relation to all of the following issues:

- *Building energy management* - energy efficiency, energy saving and alternative energy sources.
- *Water sensitive urban design* - integrated water management, water conservation, wastewater reduction, stormwater runoff and water recycling and reuse.
- *Construction materials* - consideration of fate of materials, minimal ecological or health impact, durability, recyclables, locally produced materials and use of pre-fabricated products to reduce waste.
- *Indoor environment quality* - airflow, daylight, toxicity of materials and noise.
- *Waste management* - reduce landfill waste, maximise recycling and provision of space for waste.
- *Adaptability* – internal spaces adaptable to different uses, accessibility for all users.
- *Public realm design* - providing flexible and adaptable spaces to reduce the need for future redevelopment and associated waste.
- *Vegetation and landscaping* - minimising impacts on local biodiversity, maximising retention of existing vegetation, sustainable plant species, including

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indigenous and drought resistant species, planting which supports passive solar heating and cooling, permeable landscaping.

- *Outdoor spaces* – shading, space for water tanks, air-drying and food production (residential uses only).
- *Transport* – including consideration of linkages into existing public transport, pedestrian and cycling networks.
- *Demolition / construction* - vegetation protection and retention, protecting adjacent waterways, hazardous waste, contaminated land.
- Application of best practice principles and use of emerging technologies, where available and applicable.

22.03-4 Decision Guidelines

In determining an application, the responsible authority will consider as appropriate:

- The extent to which the proposal meets the requirements of this policy.
- Whether the appropriate assessment method has been used
- Whether the specified environmental targets specified in the SDA or the SMP are appropriate and achievable.
- the need for the permit to require:
 - the development be constructed and maintained in accordance with the SDA or the SMP;
 - a Stormwater Management Plan, a Construction Management Plan and, or a Waste Management Plan.

22.03-5 Reference documents

BESS (Built Environment Sustainability Scorecard) www.bess.net.au Council alliance for a Sustainable Built Environment (CASBE), 2015

Green Star Green Building Council of Australia www.gbca.com.au

Urban Stormwater Best Practice Guideline Commonwealth Scientific & Industrial Research Organisation CSIRO (2006)

Nationwide House Energy Rating Scheme (Nat HERS), Department of Climate Change and Energy Efficiency www.nathers.gov.au

Melbourne Water, 'Stormwater Treatment Objective- Relative Measure (STORM) Calculator' www.storm.melbournewater.com.au

Note: The above reference documents and websites may be amended from time to time. It is intended that these documents and websites (or amended versions) are relevant reference documents to this policy.

22.03-6 Commencement

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This policy does not apply to applications received by the responsible authority before the gazettal date of this clause.

22.03-7 Expiry

This policy will expire if it is superseded by an equivalent provision in the Victoria Planning Provisions.

Version for Adoption

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22.04 GAMING MACHINES

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This local planning policy applies to applications which require a permit to install or use land for the purpose of gaming in the Shire of Yarra Ranges.

22.04-1 Policy Basis

15/07/2010
C77

Clause 52.28 of this scheme requires a permit to install or use a gaming machine. This policy will guide decision making by implementing the findings of the *Yarra Ranges Shire Discussion Paper – Gambling Planning Policy Framework*, (2007) and the *Yarra Ranges Shire Options Paper – Gambling Planning Policy Framework* (2007).

The policy recognises that while gambling is a legal activity in Victoria, for some it leads to problem gambling which has a range of socio-economic consequences that adversely affect the health and wellbeing of individuals, their families and interpersonal relationships as well as the wider community.

There is some indication that there are relationships between distance, exposure, accessibility, socio-economic status and problem gambling. For this reason it is proposed to locate venues away from commercial and community hubs and areas of socio-economic disadvantage with the aim of protecting vulnerable communities.

The policy implements the objectives and strategies of Clause 21.04 of the Municipal Strategic Statement.

22.04-2 Objectives

15/07/2010
C77

To reduce the adverse health, social and economic impacts of gaming machines.

To minimise opportunities for convenience gambling and the incidence of problem gambling.

To ensure that the locality, site and venue are suitable for gaming machines and contribute to a net community benefit.

To reduce the impact of gaming machines on vulnerable communities.

To minimise the amenity impacts on existing uses surrounding venues containing gaming machines.

22.04-3 Policy

15/07/2010
C77

It is policy that proposals for gaming machines are assessed against the following criteria.

Appropriate Areas

Gaming machines should be located in areas:

- More than 1.5 kilometres from an Australian Bureau of Statistics collection district within the Shire that is within the most socio-economically disadvantaged 20 per cent as defined by the SEIFA index of relative disadvantage;
- Where there is a reasonable choice of alternative non-gaming entertainment and recreation facilities in the venue or in the local area. Alternative non-gaming entertainment and recreation facilities include hotels, clubs, cinemas, restaurants, bars and indoor recreation facilities operating at the same times as the proposed gaming venue will operate.

Gaming machines should not be located:

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- In residential zones.

Appropriate Sites

Gaming machines should be located on sites that:

- Avoid a concentration of venues in a particular locality;
- Are more than 400 metres from:
 - Sensitive community facilities including schools, kindergartens, child care centres, libraries, medical centres, churches and the offices of public and private welfare agencies.
 - A shop or outlet predominantly selling food and/or other goods which cater for day-to-day needs such as supermarkets, milk bars, post offices and newsagents;
 - A railway station or transport interchange;
 - Another venue which operates gaming machines.

Gaming machines should not be located on sites that:

- Are in or at the edge of activity centres.

Appropriate Venues

Gaming machines should be located in venues that:

- Provide a range of social, leisure and recreational activities other than gaming as the primary purpose of the venue;
- Incorporate effective management and mitigation measures to minimise the risk of problem gambling;
- Have a gaming floor area less than 25 per cent of the total floor area of the venue;
- Have access to natural light and allows patron surveillance of outdoor areas;
- Have clear directional signs to all non-gambling amenities, including toilets and dining areas, from the gambling areas;
- Physically and visually separate the venue's non-gambling activities from gambling activities;
- Are designed so that amenities for the venue's non-gambling activities, including entrances and exits, toilets, automatic teller machines, meeting spaces and dining areas, can be accessed without entering the gambling area;
- Do not operate more than 16 hours per day.

Gaming machines should not be located in venues that:

- Will have a significant adverse amenity impact on the adjoining land uses as a result of operating hours, traffic, noise, car parking, safety and security.

22.04-4 Application requirements

15/07/2010
C77

Applications must be accompanied, as appropriate, by:

- A written submission that includes:
 - Details about the existing and proposed distribution of gaming machines within the Shire;
 - Details of the relative socio-economic status of the area in which the venue is to be located and the broader 5 kilometre catchment of the venue in comparison to other

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areas of the municipality and the Melbourne and regional Victoria averages as defined in the ABS SEIFA;

- An impact assessment, prepared by a suitably qualified and/or experienced person or persons to the satisfaction of the responsible authority, describing the health, social and economic impacts of the proposal, demonstrating how the proposed use will achieve a net community benefit and how and over what period of time the benefits are to be secured and distributed to the local community;
 - Details of any existing use of the land, including the range of activities, staff and patron numbers and hours of operation;
 - Proposed operations, including staff and patron numbers, hours of operation and assessment of patronage numbers;
 - A Traffic Impact Assessment and Parking Report, prepared by a suitably qualified and/or experienced traffic engineer, which assesses the existing traffic demand and parking provision for the existing venue and the need for improved traffic and pedestrian amenity, including any additional car parking based on the number of gaming machines proposed and likely additional venue patron numbers generated by this use;
 - Details of how the venue is to be managed in order to minimise problem gambling and the impact on surrounding properties;
 - Information outlining how the venue is to comply with the Victorian gaming regulations in relation to venue layout, design and operation;
 - If it is proposed to move gaming machines from one part of the municipality to another, details of the relative social and economic differences between the two areas. An explanation as to why the gaming machines are being transferred is to be provided.
- Plans & elevations, drawn to scale and dimensioned, showing:
 - The existing and proposed uses, including details of the location and layout of the gaming machines and any proposed car parking;
 - The location of relevant land uses and areas as follows:
 - Dwellings and sensitive community facilities within 400 metres;
 - Convenience shops, railway stations, transport interchanges, other gaming venues and areas of above average economic disadvantage as defined in the ABS SEIFA within a 1.5 kilometre radius;
 - Alternative non-gaming entertainment and recreation facilities include hotels, clubs, cinemas, restaurants, bars and indoor recreation facilities within a 5 kilometre radius.

22.04-5 Decision guidelines

15/07/2010
C77

Before deciding upon an application, the responsible authority must consider, as appropriate:

- Whether the application meets the requirements of this policy;
- The extent to which the proposal will have any significant adverse health, social or economic impacts and whether the proposed use will have a net community benefit;
- Whether the proposal is likely to have a significant adverse impact on a vulnerable community in the Shire of Yarra Ranges;
- Whether the location of the gaming venue will facilitate or discourage convenience gambling;

ATTACHMENT 2. Recommended Amendment C148 Ordinance

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- The impact of the proposal on the amenity of the area and surrounding uses.

22.04-6 References

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Yarra Ranges Shire Council, Discussion Paper – Gambling Planning Policy Framework, Symplan Consulting (2007)

Yarra Ranges Shire Council, Options Paper - Gambling Planning Policy Framework, Symplan Consulting (2007)

--f--/20--
C-148**SCHEDULE 1 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as **ESO1**.

HIGHEST BIODIVERSITY HABITAT AREAS AND BIOLINK CORRIDORS**1.0 Statement of environmental significance**--f--/20--
C-148

Yarra Ranges contains an extensive network of bushland remnants that are an integral part of the municipality's unique landscape and environmental character. These bushland areas comprise a wide range of different ecosystems that provide habitats for a rich diversity of flora and fauna.

The value of habitat areas in Yarra Ranges' network of flora and fauna habitats is enhanced where there are opportunities for birds and other wildlife to shelter while moving between them. The connectivity between habitat areas increases their long term sustainability and value in biodiversity protection by reducing the risk of creating isolated and vulnerable habitat areas. This connectivity enables native species to respond to adverse climatic changes, providing greater opportunities for breeding and foraging, and allowing native species to recolonise areas following major disturbances such as bushfires.

The biolink corridors that have been identified in Yarra Ranges generally follow waterways although they also include some roadsides and other areas containing indigenous vegetation remnants. In some areas the extent and condition of indigenous vegetation within these habitat corridors has been fragmented and degraded by past land management practices. There are many opportunities to improve the habitat value of Yarra Ranges' network of flora and fauna habitats through the rehabilitation of these degraded areas especially along watercourses.

2.0 Environmental objective to be achieved--f--/20--
C-

To protect and manage the larger patches of remnant highest biodiversity bushland from fragmentation and incremental loss so that they continue to provide high quality biolink corridors and sustainable habitat for indigenous flora and fauna.

3.0 Permit requirement--f--/20--
C-**Buildings and works**

A permit is only required for the following:

- the construction of a building or the carrying out of works within 4 metres of a significant tree defined as having a trunk circumference of more than 1.1 metres (diameter .35 metre) at a height of 1.3 metres above the ground
- the construction of a building that is within 30 metres of a waterway
- the construction of a fence that is not a post and open weave wire rural fence and less than 1.8 metres in height
- the carrying out of works that exceed an area of 100 square metres.

No permit is required to construct or carry out any other buildings or works.

Vegetation

A permit is required to remove, destroy or prune any vegetation native to Yarra Ranges.

This does not apply to any of the following:

- exotic vegetation

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- the removal of vegetation that is one of the species listed in the *Yarra Ranges Council - List of Environmental Weeds April 2019*
- the removal of vegetation where the base of the plant to be removed is within 4 metres of a lawfully existing building (other than a fence)
- the removal of vegetation that is dead, other than a standing tree with a trunk circumference of more than 1.3 metres (diameter 0.40 metre) at a height of 1.3 metres above ground level
- the partial removal of branches directly overhanging a lawfully existing building, so that they are not overhanging or within 4 metres of the building
- the pruning of vegetation that is undertaken to assist its health or structural soundness. No more than one third of the foliage may be removed from any individual plant.
- the removal of planted windrows, woodlots or landscaping, that is consistent with the implementation of a property management plan that has been prepared to the satisfaction of the responsible authority
- the removal of regrowth which has naturally established or regenerated on land lawfully cleared of naturally established native vegetation and is less than 10 years old. This exemption does not apply to land on which native vegetation has been either:
 - cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster
 - land cleared by a planned burning

Clause 52.48 of the planning scheme contains further exemptions from the permit requirements of this overlay.

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Application requirements

Any application for a permit must be accompanied, by the following information to the satisfaction of the responsible authority:

- the size and topography of the land
- the location and extent of the vegetation existing on the site
- the location and extent of the vegetation that is proposed to be removed
- details and location of any proposed buildings or works including the extent of earthworks and on site effluent disposal areas that may impact on existing vegetation, soil stability and waterways.
- an assessment of:
 - the quality of the vegetation in respect to its type and condition
 - its value as habitat for indigenous flora and fauna
 - the potential effect of the proposed development or vegetation removal on the habitat value of adjoining and nearby land
- the reasons why the vegetation is required to be removed
- an explanation of how the proposed vegetation removal has been minimised
- a preliminary land management plan (may be required as a condition of permit) that identifies the important environmental values of the site and describes the land management actions, such as revegetation and fencing, that are proposed to be undertaken in conjunction with the proposed development or vegetation removal.

If in the opinion of the responsible authority the need to provide the above information is not relevant to the evaluation of an application, it may waive or reduce the requirement.

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4.0 Decision guidelines

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Before deciding on an application, the responsible authority must consider the following guidelines, as appropriate:

- the proposal should contribute to the achievement of the environmental objectives of this schedule to the overlay
- the removal of vegetation indigenous to Yarra Ranges should be avoided especially where the proposal will require the removal of indigenous vegetation from a site where the majority of understorey ground cover comprises indigenous plants
- where removal of vegetation is unavoidable, vegetation loss should be minimised and appropriate actions taken to offset the loss
- the proposed development or vegetation removal should minimise adverse environmental effects including impacts on rare or threatened species, during and after the construction phase
- the proposal should not have any adverse effect on faunal movement within habitat corridors and within and between highest biodiversity habitat areas.

References

Yarra Ranges Environmental Significance Overlay Review 2013 - Ecology Australia

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SCHEDULE 1 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO1**.

DANDENONG RANGES LANDSCAPE

1.0

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C148

Statement of nature and key elements of landscape

The Dandenong Ranges are prominent hills close to Melbourne, with dense forested scenery and intimate fern gullies that have attracted day trippers for decades. They provide an iconic and largely uninterrupted forest backdrop to most long distance views across Melbourne's outer eastern suburbs.

Although much of the area forms part of the Dandenong Ranges National Park, extensive areas have been subdivided for residential development. Most residential areas are well integrated into the forest environment and are only apparent at close quarters creating a landscape of natural and manmade elements. Forest trees including large Mountain Ash and Messmate / Peppermint forests along with large exotic plants and trees extend into private gardens and roadway edges

The main roads through the Dandenong Ranges are popular tourist routes taking advantage of the scenic qualities and the village character of the towns. Roads are narrow, often without kerb or channel treatments and many have plants spilling along the roadside

Architectural styles are varied with many older buildings influenced by 'Californian Bungalow' and 'Chalet' styles constructed from the 1920's onwards.

Vistas are a combination of enclosed views shortened by the dense vegetation and long views framed by vegetation, from the ranges to Metropolitan Melbourne or the Great Dividing Range.

Several micro landscapes occur within the SLO1 area including:

- Lysterfield Forest Area- within the catchment of the Lysterfield Lake which forms a large expanse of remnant bushland which contrasts with the cleared farmland beyond. The more open Stringybark forest contrasts with the mountain forests which occur in the moister aspects of the Dandenong Ranges.
- Eastern Face of Dandenong Ranges – extends from Monbulk in the north to Femtree Gully in the south is characterised by steep forested slopes which include areas of dry woodland and are largely part of the Dandenong Ranges National Park.
- Sherbrooke Forest – a major intact remnant of the original tall mountain forests of the Dandenong Ranges contains Mountain Ash and undisturbed fern gullies.
- Cotswold Valley – an enclosed valley forming part of the headwaters of the Monbulk Creek consisting of steeply sloping pasture and cultivated areas fringed by remnants of Mountain Ash. Prominent view from the Puffing Billy.
- Menzies Creek Valley – in the eastern foothills of the Dandenong Ranges comprises of steeply sloping land with lush pasture and pockets of dense vegetation along stream lines.

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Landscape character objective to be achieved

- To retain a forest dominated landscape in which large canopy trees and understorey vegetation soften the distinction between private and public land, and provide a sense of enclosure.

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- To retain the mix of indigenous, native and exotic trees which contribute to the landscape.
- To ensure that dwellings, commercial buildings and other structures are inconspicuous elements within the landscape.
- To maintain the appearance of an uninterrupted forested range as seen from Melbourne's outer eastern suburbs and other surrounding areas.
- To ensure that development is responsive to the natural characteristics of the land including slope and remnant vegetation and associated wildlife habitat.

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Permit requirement*Fences*

A permit is required to construct a fence.

This does not apply if the fence is both:

- Less than 1.8 metres high
- More than 75% transparent.

Vegetation

A permit is required to remove, destroy or prune:

- Native vegetation that occurs naturally in the Shire of Yarra Ranges
- A substantial tree with a trunk circumference greater than 1.1 metres (0.35 metre diameter) at a height of 1.3 metres above the ground.

This does not apply to any of the following:

- The pruning of vegetation that is undertaken to assist its health or structural soundness. No more than one third of the foliage may be removed from any individual plant
- The removal of vegetation that is dead
- The pruning of branches directly overhanging a lawfully existing building so that they are not overhanging or within 4 metres of the building
- The removal of vegetation where the base of the plant to be removed is within 4 metres of a lawfully existing building (other than a fence)
- The removal of planted windrows, woodlots or landscaping consistent with the implementation of a property management plan prepared to the satisfaction of the responsible authority
- The removal of vegetation that is one of the species listed in the *Yarra Ranges Council List of Environmental Weeds - April 2019*
- The removal of regrowth which has naturally established or regenerated on land lawfully cleared of naturally established native vegetation and is less than 10 years old. This exemption does not apply to land on which native vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.

Buildings and Works

A permit is not required to construct a building or carry out works except for :

- A new building or extensions to an existing building where the floor area of the construction is more than 100 square metres
- Buildings or works with a height of more than 7 metres

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- Buildings or works that would be within 4 metres of the trunk of a tree with a circumference greater than 1.1 metres (0.35 metre diameter) at a height of 1.3 metres above the ground.

Crop protection structures

The permit requirements of this clause do not apply to the construction of plastic covered igloos.

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Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the Scheme which must be considered as appropriate by the responsible authority. The guidelines are derived from *Vision 2020 by Design – A Built Environment Framework for Yarra Ranges* (Shire of Yarra Ranges May 2008).

Building siting

- Buildings should be sited to minimise their visual impact on views from adjoining roads and other publicly accessible viewing points
- Buildings should be designed to reflect the topography of the site and minimise the extent of earthworks
- Buildings should be designed to be below the level of any surrounding tree canopy and be generally consistent with the height of any nearby development

Building appearance

- The profile of a building should not break the skyline or ridgeline behind the building as seen from nearby roads or other publicly accessible viewing points.
- Buildings should be constructed using materials and finishes that harmonise with the surrounding landscape, such as muted colours and weatherboard or non reflective metal sheet cladding, rather than heavy masonry or brick detailing.
- Buildings on visually exposed sites such as the northern, western and southern face of the main ridge of the Dandenong Ranges should minimise visual impacts on distant views by using cladding materials that blend with the surrounding forest, avoiding substantial earthworks and retaining vegetation that can filter views into the site.
- Impervious areas such as yards, car parks and roads should be minimised.
- Larger buildings should be designed to disaggregate the building mass.
- Views from roads and other public places to large structures with an urban form should be screened or filtered by large scale forest style landscaping.

Dwellings and outbuildings

- Dwellings and associated outbuildings should be set back from the road frontage as far as is feasible having regard to the topography and vegetation on the land.
- Dwellings should be preferably single storey except where the slope of the land makes a split level or partly double storey building appropriate.

Vegetation

- Established trees and patches of indigenous vegetation should be retained.
- Where retention of the established vegetation is not practicable, buildings and works should be sited to minimise vegetation removal and land management improvements such as replacement vegetation should be undertaken to strengthen the landscape character objectives of this schedule.

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- Development should be sited to maintain the naturalistic flow of vegetation across private gardens, road reserves and other public spaces.
- The siting and landscaping of buildings and works should provide for the retention, planting and long term growth of large canopy trees.

Fence and boundary treatments

- Front fence and boundary treatments should avoid formal geometric landscape design, hard surfaces and hard edges in landscaping.
- Fences and gateways should be small and constructed of light or transparent materials.

Other buildings and works

- Earthworks that remove the option of future use of the soil resource for productive agriculture should be avoided.
- Urban style road infrastructure such as concrete kerbing, paved footpaths and roundabouts should be avoided wherever practical.

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C148**SCHEDULE 2 TO THE SIGNIFICANT LANDSCAPE OVERLAY**Shown on the planning scheme map as **SLO2****OPEN VALLEY LANDSCAPE****1.0**--/20--
C148**Statement of nature and key elements of landscape**

The Yarra River floodplain and its environs comprise a landscape of mostly open pastoral plains with distant views to the surrounding ranges. The expanses of pasture are divided by roads and shelterbelts in a very broad grid pattern. Shelter belts often contain exotic conifer species with planted native species in some areas. Some roadsides and drainage lines contain bushland remnants and more recent plantings of native species. Occasional free standing remnant trees are scattered through some areas. A depleted strip of degraded riparian vegetation lines the Yarra River while its network of billabongs has largely been denuded.

There is a low density of subdivision with lot sizes generally between 20 and 60 hectares. Farm houses are widely dispersed, mostly located well back from roads and often partially screened by planted trees. Some of the larger farms include sheds and other outbuildings that are clustered with the house. Older homesteads are mostly located on the valley floor while many newer and typically larger houses have been built on higher slopes to take advantage of views. The architectural styles of these houses are varied although there are a number of long and low ranch style dwellings. Recent developments have included some large tourist oriented developments associated with vineyards and golf courses, although these remain generally inconspicuous in the broader landscape.

The major tourist routes of the Maroondah and Melba Highways pass through this landscape. There are few readily accessible elevated viewpoints offering vistas of this landscape.

2.0--/20--
C148**Landscape character objective to be achieved**

- To maintain a broad open rural landscape in which buildings are inconspicuous elements.
- To allow middle and long distance views from the valley to the surrounding ranges.
- To ensure that the siting and design of new buildings complements their setting and reinforces the open rural landscape character of the area.
- To retain the pattern of development with occasional clusters of building and infrastructure located well away from roads.
- To retain established trees and patches of indigenous vegetation as an important element of the rural landscape.

3.0--/20--
C148**Permit requirement***Fences*

A permit is required to construct a fence.

This does not apply if the fence is both:

- a rural type fence - post and large space open weave wire
- less than 1.8 metres high.

Vegetation

YARRA RANGES PLANNING SCHEME

A permit is required to remove, destroy or prune:

- Native vegetation that occurs naturally in the Shire of Yarra Ranges
- A substantial tree with a trunk circumference greater than 1.1 metres (0.35 metre diameter) at a height of 1.3 metres above the ground.

This does not apply to any of the following:

- The pruning of any vegetation that is undertaken to assist its health or structural soundness. No more than one third of the foliage may be removed from any individual plant.
- The removal of vegetation that is dead
- The pruning of branches directly overhanging a lawfully existing building so that they are not overhanging or within 4 metres of the building
- The removal of vegetation where the base of the plant to be removed is within 4 metres of a lawfully existing building (other than a fence)
- The removal of planted windrows, woodlots or landscaping consistent with the implementation of a property management plan prepared to the satisfaction of the responsible authority
- The removal of vegetation that is one of the species listed in the *Yarra Ranges Council List of Environmental Weeds - April 2019*
- The removal of regrowth which has naturally established or regenerated on land lawfully cleared of naturally established native vegetation and is less than 10 years old. This exemption does not apply to land on which native vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.

Buildings and Works

A permit is not required to construct a building or carry out works except for:

- A new building or extensions to an existing building if the floor area of the construction is more than 100 square metres
- Buildings or works with a height of more than 7 metres
- Buildings or works that would be within 4 metres of the trunk of a tree with a circumference greater than 1.1 metres (0.35 diameter) at a height of 1.3 metres above the ground.

Crop protection structures

The permit requirements of this clause do not apply to the construction of plastic covered igloos.

4.0 Decision guidelines

—/—/20—
C148

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the Scheme which must be considered as appropriate by the responsible authority. The guidelines are derived from *Vision 2020 by Design – A Built Environment Framework for Yarra Ranges* (Shire of Yarra Ranges May 2008).

Building siting

- Buildings should be sited to minimise their visual impact on views from adjoining roads and other publicly accessible viewing points.
- Buildings and associated works should avoid visually prominent sites such as exposed hilltops or ridgelines.

YARRA RANGES PLANNING SCHEME

- The front setbacks for buildings should be maximised to reduce the visual impact of new development on the landscape.
- Farm buildings and related structures should be clustered with existing buildings on the same land wherever practical to reinforce the existing pattern of rural development within the landscape.

Building appearance

- Buildings should not break the skyline or ridgeline behind the building as seen from nearby roads or other publicly accessible viewing points.
- Groups of buildings should be well set back from the road.
- The height of buildings should be below the level of any surrounding tree canopy and be generally consistent with the height of any nearby development.
- External finishes of buildings should adopt muted tones and non reflective surfaces, and incorporate natural elements in the design.
- Farm buildings such as storage sheds, water tanks, wine storage tanks and related infrastructure should not be a visual intrusion in the rural setting. They should be finished in muted colours, screened by planting or otherwise merged into the landscape.
- The design and materials of large buildings such as storage and equipment sheds should reflect the rural environment and the traditions of farm buildings, and not derive from urban built forms.
- Large paved surfaces, including hard stand yards for vehicles and equipment should be limited and in open landscapes clustered around buildings to reduce their visual impacts.
- Larger buildings used for visitor accommodation or other tourist related activities should be designed to disaggregate the building mass. Buildings should be designed to reflect the topography of the site and minimise the extent of earthworks.

Dwellings and outbuildings

- Dwellings should be preferably single storey except where the slope of the land makes a partly double storey dwelling appropriate.
- The siting and design of dwellings and associated outbuildings should respond to such factors as views and outlook, protection from sun, rain and wind.

Vegetation

- Established trees including shelterbelts and patches of indigenous vegetation should be retained.
- Buildings and works should be sited to minimise vegetation removal. Land management improvements such as replacement vegetation should be undertaken to strengthen the landscape character objectives of this schedule.
- Landscaping should use predominantly indigenous species and include canopy trees, to screen new buildings that would otherwise be conspicuous in the rural landscape.
- Landscaping should integrate with the design of the development and complement the vegetation on any adjoining public land.

Fence and boundary treatments

- Entrance gates and adjacent walls or fences should be of modest appearance, in keeping with the character of the remainder of the property boundary fence and consistent with the character of the landscape.
- Front fence and boundary treatments should avoid formal geometric landscape design, hard surfaces and hard edges in landscaping.
- Fences and gateways should be small and constructed of light or transparent materials.

YARRA RANGES PLANNING SCHEME

Other buildings and works

- Earthworks that remove the option of future use of the soil resource for productive agriculture should be avoided.
- Urban style road infrastructure such as concrete kerbing, paved footpaths and roundabouts should be avoided wherever practical.

Version for Adoption

--/20--
C148

SCHEDULE 3 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO3**

PUFFING BILLY RAILWAY CORRIDOR

1.0

--/20--
C148

Statement of nature and key elements of landscape

The Puffing Billy Railway is a major tourist attraction and feature of the Dandenong Ranges. The railway is operated to provide a rural experience for visitors, based on a style and theme reminiscent of the 1930s. The Puffing Billy Railway Scenic Corridor includes those rural landscapes which are visible from the Puffing Billy Railway and are a feature of the railway's tourist appeal. The corridor contains built and natural features, including historic railway stations and other buildings, bridges, residential development and extensive vegetation, both native and exotic.

Most of the residential development within this landscape is well integrated into the forest environment and is only apparent at close quarters. Forest trees and large exotic plants extend into private gardens and roadway edges. Roads are narrow, often without kerb or channel treatments. Some pockets of cleared land are managed as grazing pasture and these reinforce the generally rural character of the area.

It is important that the cultural and scenic significance of the corridor and the viewlines from the railway are protected by ensuring that future use and development along the corridor is appropriately sited and integrated with the landscape. It is also important to recognise the significant contribution that remnant vegetation in the corridor plays in defining the character of the landscape.

2.0

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C148

Landscape character objective to be achieved

- To protect the historic and cultural importance of the Puffing Billy railway and the scenic corridor through which it passes.
- To retain a forest dominated landscape in which large canopy trees and understorey vegetation soften the distinction between private and public land, and provide a sense of enclosure.
- To retain the mix of indigenous, native and exotic trees which contribute to the landscape.
- To maintain the appearance of a generally rural landscape as seen from the railway, of dense vegetation, pockets of farmland and unobtrusive buildings.
- To retain remnant vegetation in recognition of its important contribution to the landscape character of the corridor.
- To ensure that all new buildings and works are inconspicuous elements within the landscape and have only a minimal impact on views from the railway.
- To ensure that development is responsive to the natural characteristics of the land including slope and remnant vegetation and associated wildlife habitat.
- To ensure that the health of existing trees is not jeopardised by new development.

3.0

--/20--
C148

Permit requirement

Fences

A permit is required to construct a fence.

This does not apply if the fence is both:

YARRA RANGES PLANNING SCHEME

- less than 1.8 metres high
- more than 75% transparent.

Vegetation

A permit is required to remove, destroy or prune:

- Native vegetation that occurs naturally in the Shire of Yarra Ranges.
- A substantial tree with a trunk circumference greater than 1.1 metres (0.35 metre diameter) at a height of 1.3 metres above the ground.

This does not apply to any of the following:

- The pruning of vegetation that is undertaken to assist its health or structural soundness. No more than one third of the foliage may be removed from any individual plant.
- The removal of vegetation that is dead
- The pruning of branches directly overhanging a lawfully existing building so that they are not overhanging or within 4 metres of the building
- The removal of vegetation where the base of the plant to be removed is within 4 metres of a lawfully existing building (other than a fence)
- The removal of planted windrows, woodlots or landscaping consistent with the implementation of a property management plan prepared to the satisfaction of the responsible authority
- The removal of vegetation that is one of the species listed in the *Yarra Ranges Council List of Environmental Weeds - April 2019*
- The removal of regrowth which has naturally established or regenerated on land lawfully cleared of naturally established native vegetation and is less than 10 years old. This exemption does not apply to land on which native vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.

Buildings and Works

A permit is not required to construct a building or carry out works except for:

- a new building or extensions to an existing building if the floor area of the construction is more than 100 square metres.
- buildings or works with a height of more than 7 metres
- building or works that would be within 4 metres of the trunk of any substantial tree protected under this Planning Scheme.

Crop protection structures

The permit requirements of this clause do not apply to plastic covered igloos.

Puffing Billy Railway

The permit requirements of this clause do not apply to actions undertaken by the Emerald Tourist Railway Board (ETRB) that are associated with the normal operations of the Puffing Billy Tourist Railway on land under the control of the ETRB.

Normal operations include:

- rail infrastructure (tracks, signals, communications, station buildings, platforms, rail storage yards, workshops and storage buildings for rolling stock and equipment)
- a storage building and interpretation centre at Menzies Creek
- a café/kiosk, a gift/souvenir shop within the station building or within the storage building and interpretation centre at Menzies Creek

YARRA RANGES PLANNING SCHEME

- a car park for Puffing Billy Tourist Railway patrons, volunteers and staff.

Normal operations exclude:

- tourist accommodation or a convention centre
- a café, restaurant, licensed premises or shop other than specified above
- a carpark associated with an activity outside normal operations.

The ETRB must seek the views of Council before constructing or carrying out any buildings or works, or removing any vegetation associated with the normal operations of the railway.

4.0 Decision guidelines

—/—/20—
C148

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the Scheme which must be considered as appropriate by the responsible authority.

Building siting

- Buildings should minimise their visual impact on views from the railway or any adjoining roads and other publicly accessible viewing points.
- Buildings should be designed to reflect the topography of the site and minimise the extent of earthworks.

Building appearance

- The profile of a building should not break the skyline or ridgeline behind the building as seen from the railway, nearby roads or other publicly accessible viewing points.
- The height of buildings should be below the level of any surrounding tree canopy and be generally consistent with the height of any nearby development.
- Buildings should be constructed using materials and finishes that harmonise with the surrounding landscape.
- Buildings on visually exposed sites should be designed to minimise visual impacts on distant views by using cladding materials that blend with the surrounding forest, avoiding substantial earthworks and retaining vegetation that can filter views into the site.
- The extent of large impervious areas such as yards, car parks and roads should be minimised.
- Larger buildings should be designed to disaggregate the building mass. Large structures visible from the railway, roads and other public places should be screened or filtered by large scale forest style landscaping.

Dwellings and outbuildings

- Dwellings and associated outbuildings should be set back from the railway and road frontages as far as is feasible having regard to the topography and vegetation on the land.
- The siting and design of dwellings and associated outbuildings should respond to such factors as views and outlook, protection from sun, rain and wind.
- The construction of dwellings and associated outbuildings should use materials that blend well into the surroundings such as timber, stone and corrugated iron.
- Dwellings should be preferably single storey except where the slope of the land makes a split level or partly double storey building appropriate.

Vegetation

- Established trees and patches of indigenous vegetation should be retained.

YARRA RANGES PLANNING SCHEME

- Where retention of the established vegetation is not practicable, buildings and works should be sited to minimise vegetation removal and land management improvements such as replacement vegetation should be undertaken to strengthen the landscape character objectives of this schedule.
- Development should be sited to maintain the naturalistic flow of vegetation across private gardens, road reserves and other public spaces.
- The siting and landscaping of new development should provide for the retention, planting and long term growth of large canopy trees.

Fence and boundary treatments

- Front fence and boundary treatments should avoid formal geometric landscape design, hard surfaces and hard edges in landscaping.
- Fences and gateways should be small and constructed of light or transparent materials.

Other buildings and works

- Earthworks that remove the option of future use of the soil resource for productive agriculture should be avoided.
- Urban style road infrastructure such as concrete kerbing, paved footpaths and roundabouts should be avoided wherever practical.

Emerald Tourist Railway Board

- The comments of the Emerald Tourist Railway Board on any proposals that are likely to have a significant adverse affect on the visual amenity of the Puffing Billy Tourist Railway.

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C148

SCHEDULE 4 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO4**

RANGES VALLEYS LANDSCAPE

1.0

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C148

Statement of nature and key elements of landscape

The valleys of both the Yarra River upstream of Millgrove and the Little Yarra River are enclosed by steep forested slopes with a consistent backdrop of towering ranges. Throughout much of these landscapes dense tall forest spreads from the ranges down into the valley floor across private land. The northern end of the Little Yarra Valley is characterised by remnant Stringybark trees with pockets of remnant bushland. The dense forest on the southern slopes of the Donna Buang Range is a dominant feature of the upper Yarra Valley.

The distinction between public and private land is often blurred by the vegetation and fencing is usually low and transparent or non-existent. Parts of the valley floor have been cleared for grazing pasture and there are some pockets of orchards and other forms of intensive agriculture. Residential settlements are generally set amidst dense bushland with some occasional exotic gardens and trees. The forested slopes of the ranges form a landscape edge to cleared areas and settlements with exotic gardens.

The built form of rural development in this landscape is characterised by farm houses set in open paddocks with dwellings sited on sloping land amongst the trees and in dense native bushland. Building architecture includes a range of styles mostly dating from the 1920's onwards. Many newer buildings have adopted long and low 'ranch' style structures.

There is a medium grain of subdivision with lot sizes generally between 5 hectares and 10 hectares.

2.0

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C148

Landscape character objective to be achieved

- To maintain a rural landscape with a strong sense of enclosure and in which buildings are generally inconspicuous elements.
- To allow occasional middle and long distance views from the valley to the surrounding ranges.
- To ensure that the siting and design of new buildings complements their setting and reinforces the enclosed valley landscape character of the area.
- To retain existing patches of remnant bushland, large trees, shelterbelts and associated wildlife habitat.
- To maintain the appearance of an uninterrupted forested backdrop to views from within the valley.

3.0

--/20--
C148

Permit requirement

Fences

A permit is required to construct a fence.

This does not apply if the fence is both:

- less than 1.8 metres high
- more than 75% transparent.

Vegetation

YARRA RANGES PLANNING SCHEME

A permit is required to remove, destroy or prune:

- any indigenous vegetation that occurs naturally in the Shire of Yarra Ranges.
- A substantial tree is with a trunk circumference greater than 1.1 metres (0.35 metre diameter) at a height of 1.3 metres above the ground.

This does not apply to any of the following:

- the pruning of vegetation that is undertaken to assist its health or structural soundness. No more than one third of the foliage may be removed from any individual plant.
- the removal of vegetation that is dead
- the pruning of branches directly overhanging a lawfully existing building so that they are not overhanging or within 4 metres of the building
- the removal of vegetation where the base of the plant to be removed is within 4 metres of a lawfully existing building (other than a fence)
- the removal of planted windrows, woodlots or landscaping consistent with the implementation of a property management plan that prepared to the satisfaction of the responsible authority
- the removal of vegetation that is one of the species listed in the *Yarra Ranges Council List of Environmental Weeds - April 2019*
- the removal of regrowth which has naturally established or regenerated on land lawfully cleared of naturally established native vegetation and is less than 10 years old. This exemption does not apply to land on which native vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.

Buildings and Works

A permit is not required to construct a building or carry out works except for:

- A new building or extensions to an existing building if the floor area of the construction is more than 100 square metres.
- Buildings or works with a height above natural ground level of more than 7 metres.
- Buildings or works that would be within 4 metres of the trunk of any substantial tree protected under this planning scheme.

Crop protection structures

The permit requirements of this clause do not apply to plastic covered igloos.

4.0

—/—/20—
C148

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the Scheme which must be considered as appropriate by the responsible authority. The guidelines are derived from *Vision 2020 by Design – A Built Environment Framework for Yarra Ranges* (Shire of Yarra Ranges May 2008).

Building siting

- Buildings should minimise their visual impact on views from adjoining roads and other publicly accessible view points.
- Buildings and associated works should avoid visually prominent sites such as exposed hilltops or ridgelines.
- Large buildings should be sited and oriented to minimise their visual bulk, particularly if close to roads or in open settings where there are no other buildings or mature trees nearby.

YARRA RANGES PLANNING SCHEME

- Buildings should be designed to reflect the topography of the site and minimise the extent of earthworks.
- New buildings in open landscapes should be clustered with other existing buildings.
- Farm buildings and related structures should be clustered with existing buildings on the same land wherever practical to reinforce the existing pattern of rural development within the landscape.

Building appearance

- A building should not break the skyline or ridgeline behind the building as seen from nearby roads or other publicly accessible view points.
- Buildings should be below the level of any surrounding tree canopy and be generally consistent with the height of any nearby development.
- External finishes of buildings should adopt muted tones and non reflective surfaces, and incorporate natural elements. The design and materials of large buildings such as storage and equipment sheds should reflect the rural environment and the traditions of farm buildings..
- The extent of large paved surfaces, including hard stand yards for vehicles and equipment should be limited and in open landscapes clustered around buildings to reduce their visual impacts.
- Farm buildings such as storage sheds, water tanks, wine storage tanks and related infrastructure should not be a visual intrusion in the rural setting. They should be finished in muted colours, screened by planting or otherwise merged into the landscape.
- Larger buildings used for visitor accommodation or other tourist related activities should be designed to disaggregate the building mass and avoid strongly symmetrical forms.

Dwellings and outbuildings

- New dwellings should not be located close to the road. Dwellings and associated outbuildings should be set back on the property as allowed by the available land.
- Dwellings should be preferably single storey except where the slope of the land makes a partly double storey dwelling appropriate.
- The design of dwellings should consider factors such as views and outlook and protection from sun, rain and wind.

Vegetation

- Established trees and patches of indigenous vegetation should be retained.
- Buildings and works should be sited to minimise vegetation removal and land management improvements such as replacement vegetation should be undertaken to strengthen the landscape character objectives of this schedule.
- Landscaping using predominantly indigenous species and including canopy trees, should be used to screen new buildings that would otherwise be conspicuous in the rural landscape.
- Landscaping is to be integrated with the design of the development and complement the vegetation on any adjoining public land.

Fence and boundary treatments

- Front fence and boundary treatments should avoid formal landscape design (such as geometrically aligned/spaced tree avenues or garden beds) and hard surfaces and hard edges in landscaping.
- Fences and gateways should be small and constructed of light or transparent materials.

Other buildings and works

YARRA RANGES PLANNING SCHEME

- Earthworks that remove the option of future use of the soil resource for productive agriculture should be avoided.
- Urban style road infrastructure such as concrete kerbing, paved footpaths and roundabouts should be avoided wherever practical.

Version for Adoption

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C148**SCHEDULE 5 TO THE SIGNIFICANT LANDSCAPE OVERLAY**Shown on the planning scheme map as **SLO5****RED SOIL INTENSIVE AGRICULTURE LANDSCAPE****1.0**--/20--
C148**Statement of nature and key elements of landscape**

The Red Soil Intensive Farming Landscape is located between the forest of the Silvan Reservoir reserve to the west and the native bushland areas along the Woori Yallock Creek and Cockatoo Creek to the east. Vegetation of national significance is present in the Yellingbo Creek area.

The area comprises a patchwork of small field enclosures with varying colours and textures, spread over an intimate sequence of hills and valleys. The deep red soil is a defining characteristic of the area.

The landscape creates a sense of enclosure with views foreshortened by remnant vegetation patches and the rolling topography. There are occasional views through to the main ridge of the Dandenong Ranges and to the Great Dividing Range.

It is a working landscape of predominantly cultivated land including orchards, vineyards, vegetables and flower farms. Farm homesteads and associated farm buildings are scattered throughout the area and are generally located back from the road and are partly screened by trees. Glasshouses and igloos associated with intensive horticultural production are a prominent feature of some parts of the landscape.

2.0--/20--
C148**Landscape character objective to be achieved**

- To maintain an attractive, predominantly rural landscape comprising a mix of cultivated land, bushland remnants, and occasional clusters of farm buildings.
- To provide for structures associated with intensive horticultural production as a non dominant visual element within the broader landscape.
- To retain existing patches of remnant bushland, large trees, shelterbelts and associated wildlife habitat.
- To retain middle and long distance views to the nearby ranges.

3.0--/20--
C148**Permit requirement***Fences*

A permit is required to construct a fence.

This does not apply if the fence is both:

- a rural type - post and large space open weave wire fence
- less than 1.8 metres high.

Vegetation

A permit is required to remove, destroy or prune:

- Any indigenous vegetation that occurs naturally in the Shire of Yarra Ranges.
- A substantial tree with a trunk circumference greater than 1.1 metres (0.35 metre diameter) at a height of 1.3 metres above the ground.

This does not apply to any of the following:

YARRA RANGES PLANNING SCHEME

- The pruning of vegetation that is undertaken to assist its health or structural soundness. No more than one third of the foliage may be removed from any individual plant.
- The removal of vegetation that is dead
- to the pruning of branches directly overhanging a lawfully existing building so that they are not overhanging or within 4 metres of the building
- The removal of vegetation where the base of the plant to be removed is within 4 metres of a lawfully existing building (other than a fence)
- The removal of planted windrows, woodlots or landscaping consistent with the implementation of a property management plan prepared to the satisfaction of the responsible authority
- The removal of vegetation that is one of the species listed in the *Yarra Ranges Council List of Environmental Weeds - April 2019*
- The removal of regrowth which has naturally established or regenerated on land lawfully cleared of naturally established native vegetation and is less than 10 years old. This exemption does not apply to land on which native vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster

Buildings and Works

A permit is not required to construct or carry out works except for the following:

- A new building used for agriculture or extensions to an existing building used for agriculture if the floor area of the construction is more than 400 square metres.
- A new building or extensions to an existing building used for any purpose other than agriculture if the floor area of the construction is more than 100 square metres.
- Buildings or works with a height above natural ground level of more than 7 metres.
- Buildings or works that would be within 4 metres of the trunk of any substantial tree protected under this planning scheme.

Crop protection structures

The permit requirements of this clause do not apply to the construction of plastic covered igloos.

4.0

4.0
C148
1.1

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the Scheme which must be considered as appropriate by the responsible authority. The guidelines are derived from *Vision 2020 by Design – A Built Environment Framework for Yarra Ranges* (Shire of Yarra Ranges May 2008).

Building siting

- Buildings should be designed to reflect the topography of the site and minimise the extent of earthworks.
- Front setbacks for new buildings should be maximised to reduce the visual impact of new development on the landscape.
- Buildings and works should be sited to avoid the removal of remnant vegetation or substantial trees including shelterbelts wherever practical.
- Large buildings should be sited and landscaped to minimise their visual bulk, particularly if close to roads or in open settings where there are no other buildings or mature trees nearby.

YARRA RANGES PLANNING SCHEME

- Farm buildings and related structures should be clustered with existing buildings on the same land wherever practical to reinforce the existing pattern of rural development within the landscape.

Building appearance

- Buildings should not break the skyline or ridgeline behind the building as seen from nearby roads or other publicly accessible view points.
- External finishes of buildings should use muted tones and non reflective materials.
- Buildings should be below the level of any surrounding tree canopy and be generally consistent with the height of any nearby development.
- Farm buildings such as storage sheds, water tanks, and related infrastructure should not be a visual intrusion in the rural setting. They should be screened by planting or otherwise merged into the landscape.
- The design and materials of large buildings such as storage and equipment sheds should reflect the rural environment and the traditions of farm buildings.
- The extent of large paved surfaces, including hard stand yards for vehicles and equipment should be limited and in open landscapes clustered around buildings to reduce their visual impacts.

Dwellings and outbuildings

- New dwellings should not be located close to the road. Dwellings and associated outbuildings should be set back on the property as allowed by the available land.
- Dwellings should be preferably single storey except where the slope of the land makes a partly double storey dwelling appropriate.
- The design of dwellings should consider factors such as views and outlook and protection from sun, rain and wind.

Vegetation

- Established trees and patches of indigenous vegetation should be retained.
- Buildings and works should be sited to minimise vegetation removal and land management improvements such as replacement vegetation should be undertaken to strengthen the landscape character objectives of this schedule.
- Landscaping should use predominantly indigenous species. Selected species should not block solar access to crop growing areas or drop debris on horticultural structures.
- Landscaping is to be integrated with the design of the development.

Fence and boundary treatments

- Front fence and boundary treatments should avoid formal landscape design (such as geometrically aligned/spaced tree avenues or garden beds) and hard surfaces and hard edges in landscaping.
- Fences and gateways should be small and constructed of light or transparent materials.

Other buildings and works

- Earthworks that remove the option of future use of the soil resource for productive agriculture should be avoided.
- Urban style road infrastructure such as concrete kerbing, paved footpaths and roundabouts should be avoided wherever practical.

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SCHEDULE 6 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO6**

ROLLING HILLS AND BUSHY AGRICULTURE LANDSCAPE

1.0 Statement of nature and key elements of landscape

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C148

The Rolling Hills and Bushy Agricultural Landscape covers broad areas of pleasantly undulating land with a mountain backdrop. It includes the lower foothills of the Great Dividing Range north of the Yarra River and the elevated areas south of the river extending from the Warramate Hills through Seville and Wandin towards Macclesfield and Yellingbo in the south. Two significant State Parks contribute to the landscape:

- Yellingbo Nature Conservation Reserve – a series of linear riparian vegetation areas along the Woori Yallock, Cockatoo and Sheep Station Creek - (habitat for the endangered Helmeted Honeyeater).
- Yarra Yarraloch Conservation Reserve (Warramate Hills) – a prominent isolated range of forested hills flanked by the flood plain of the Yarra River.

This landscape comprises mostly farmland although it includes many patches of remnant vegetation. It generally has a coarse grain of subdivision with lot sizes mostly between 10 and 20 hectares. Lots are divided into an irregular grid network with lot boundaries often being based on natural features. Properties are generally clearly defined by rural post and wire fencing or windrows. The road pattern is irregular.

Much of the landscape is managed as grazing pasture although there are substantial areas of vineyards, pockets of orchards, and some other more intensively cultivated areas. Crop protection structures such as hail netting and igloos are prevalent in some of these areas.

Most houses are well set back from major roads. Building architecture within this landscape is from a range of styles and eras. Farm houses are often large sprawling structures with rural design elements such as verandahs. Houses are often clustered with farm sheds and partly screened by trees. Winery complexes, often adopting contemporary design styles are a feature of the winegrowing areas.

Views are commonly to a mid range of rolling hills with the Great Dividing Range frequently silhouetted across the horizon as a backdrop to longer distance views.

2.0 Landscape character objective to be achieved

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C148

- To maintain a comparatively open rural landscape of farmland and bushland patches in which houses, farm buildings and tourist facilities are generally inconspicuous.
- To ensure that the siting and design of new buildings complements their setting and reinforces the rural landscape character of the area.
- To retain established trees and patches of indigenous vegetation as an important element of the rural landscape and habitat for wildlife.
- To allow middle and long distance views from the valley to the surrounding ranges.
- To maintain the appearance of an uninterrupted forested backdrop to views.

3.0 Permit requirement

--/20--
C148

Fences

A permit is required to construct a fence.

This does not apply if the fence is both:

- a rural type - post and large space open weave wire fence
- less than 1.8 metres high.

YARRA RANGES PLANNING SCHEME

Vegetation

A permit is required to remove, destroy or prune

- Any indigenous vegetation that occurs naturally in Yarra Ranges
- A substantial tree having a trunk circumference greater than 1.1 metres (0.35 metre diameter) at one 1.3 metres above the ground.

This does not apply to any of the following:

- The pruning of vegetation that is undertaken to assist its health or structural soundness. No more than one third of the foliage may be removed from any individual plant.
- The removal of vegetation that is dead
- The pruning of branches directly overhanging a lawfully existing building so that they are not overhanging or within 4 metres of the building
- The removal of vegetation where the base of the plant to be removed is within 4 metres of a lawfully existing building
- The removal of planted windrows, woodlots or landscaping consistent with the implementation of a property management plan prepared to the satisfaction of the responsible authority
- The removal of vegetation that is one of the species listed in the *Yarra Ranges Council List of Environmental Weeds - April 2019*.

Buildings and Works

A permit is not required to construct or carry out works except for following:

- A new building or extensions to an existing building if the floor area of the construction is more than 100 square metres.
- Buildings or works with a height above natural ground level of more than 7 metres
- Buildings or works within 4 metres of the trunk of any substantial tree protected under this planning scheme.

Crop protection structures

The permit requirements of this clause do not apply to the construction of plastic covered igloos.

4.0

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C148

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03 in addition to those specified in Clause 42.03 and elsewhere in the Scheme which must be considered appropriate by the responsible authority. The guidelines are derived from *Vision 2020 by Design – A Built Environment Framework for Yarra Ranges* (Shire of Yarra Ranges May 2008).

Building siting

- Buildings should be sited to minimise their visual impact on views from adjoining roads and other publicly accessible viewing points.
- Buildings and associated works should be sited to avoid visually prominent sites such as exposed hilltops or ridgelines.
- Large buildings should be sited to minimise their visual bulk, particularly if close to roads or in open settings where there are no other buildings or mature trees nearby.
- Buildings should be designed to reflect the topography of the site and minimise the extent of earthworks.

YARRA RANGES PLANNING SCHEME

- Farm buildings and related structures should be clustered with existing buildings on the same land wherever practical to reinforce the existing pattern of rural development within the landscape.

Building appearance

- Buildings should not break the skyline or ridgeline behind the building as seen from nearby roads or other publicly accessible view points.
- Buildings should be below the level of any surrounding tree canopy and be generally consistent with the height of any nearby development.
- External finishes of buildings should adopt muted tones and non reflective surfaces, and incorporate natural elements such as timber and stone in the design.
- The frontage setbacks for buildings should be maximised to reduce the visual impact of new development on the landscape.
- Farm buildings such as storage sheds, water tanks, wine storage tanks and related infrastructure should not be a visual intrusion in the rural setting. They should be finished in muted colours, screened by planting or otherwise merged into the landscape.
- The design and materials of large buildings such as storage and equipment sheds should reflect the rural environment and the traditions of farm buildings, and not derive from urban built forms.
- Larger buildings used for visitor accommodation or other tourist related activities should be designed to disaggregate the building mass and avoid strongly symmetrical forms.
- Earthworks that remove the option of future use of the soil resource for productive agriculture should be avoided.
- Large signage and advertising, particularly internally illuminated signs, should be avoided.
- Urban style road infrastructure such as concrete kerbing, paved footpaths and roundabouts should be avoided wherever practical.

Dwellings and outbuildings

- New dwellings should not be located close to the road. Dwellings and associated outbuildings should be set back on the property as allowed by the available land.
- Dwellings should be preferably single storey except where the slope of the land makes a partly double storey dwelling appropriate.
- The design of dwellings should consider factors such as views and outlook and protection from sun, rain and wind.

Vegetation

- Established trees and patches of indigenous vegetation should be retained.
- Buildings and works should be sited to minimise vegetation removal and land management improvements such as replacement vegetation should be undertaken to strengthen the landscape character objectives of this schedule.
- Landscaping using predominantly indigenous species and including canopy trees, should be used to screen new buildings that would otherwise be conspicuous in the rural landscape.
- Landscaping is to be integrated with the design of the development and complement the vegetation on any adjoining public land.

Fence and boundary treatments

- Front fence and boundary treatments should avoid formal landscape design (such as geometrically aligned/spaced tree avenues or garden beds) and hard surfaces and hard edges in landscaping.

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- Entrance gates and adjacent walls or fences should be of modest appearance, in keeping with the character of the remainder of the property boundary fence and consistent with the character of the landscape.

Other buildings and works

- Earthworks that remove the option of future use of the soil resource for productive agriculture should be avoided.
- Urban style road infrastructure such as concrete kerbing, paved footpaths and roundabouts should be avoided wherever practical.

Version for Adoption

ATTACHMENT 2. Recommended Amendment C148 Ordinance

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

--/20--
C148**SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY****1.0****Specific controls**--/20--
C-148

PS Map Ref	Name of incorporated document
SCO11	Yarra Ranges Tenement Controls

—/—/20—
C148

SCHEDULE TO CLAUSE 51.03 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN

1.0 Permit requirement for construction of buildings and works

—/—/20—
C148

A permit is not required under this Schedule to construct a building or construct or carry out works.

All other provisions of the Planning Scheme must be met.

2.0 USE OF LAND

—/—/20—
C148

The following land use requirements apply in addition to any other provision of this Scheme.

Dwellings in Green Wedge Areas

This Clause only applies to land in a Green Wedge Zone, Rural Conservation Zone or Green Wedge A Zone.

Permit requirement

A permit is required to use land for the purpose of a dwelling. Any dwelling permitted under this provision must be consistent with Local Planning Policy Clause 22.02 – *Dwellings in Green Wedge Areas*.

Animal Production

In a Rural Conservation Zone, Green Wedge A Zone or Green Wedge Zone (GWZ1, GWZ2, or GWZ3) land must not be used for Intensive Animal Production, Pig Farm, Poultry Farm or Poultry Hatchery.

New Extractive Industry and Mining Operations

In a Green Wedge Zone, a Rural Conservation Zone, a Green Wedge A Zone, Farming Zone, or a Rural Living Zone new extractive industry and mining operations must not be established on land within any of the following:

- The Mt Dandenong Ridge Area (as defined in the Regional Strategy Plan).
- A National or State Park.
- A domestic water supply catchment.
- An Environmental Significance Overlay, a Significant Landscape Overlay shown as SLO21 on the planning scheme map (Puffing Billy Railway Scenic Corridor) or a Heritage Overlay.

Soil Removal

In a Green Wedge Zone, Rural Conservation Zone or Green Wedge A Zone, land may only be used for soil removal if the soil to be removed is:

- Surplus to the construction or maintenance of a dam which is necessary for the supply of water to an agricultural use or for a water supply purposes and its retention would reduce the land's suitability or capability for an agricultural use.
- Surplus to the carrying out of an approved use or development, and its retention would prejudice the use or development of the land.
- Carried out by the Council, a government department, a public authority or a utility service provider in association with the provision of public works or a utility installation or for normal maintenance operations, provided sufficient

YARRA RANGES PLANNING SCHEME

suitable soil is retained on site for use in rehabilitation of batters and exposed earthworks.

Timber Production

In a Green Wedge Zone, Rural Conservation Zone, Green Wedge A Zone, Public Park and Recreation Zone, Public Conservation and Resource Zone or a Public Use Zone:

- A permit is required to use land for timber production
- No timber production or woodlot may comprise an invasive tree species.

Existing Use Rights

An existing lawful use that is prohibited by the provisions of this Schedule is deemed to be a use in Section 3 of the relevant zone for the purpose of determining any existing use rights under Clause 63.

3.0 VEGETATION REMOVAL

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C148

A permit is required to remove destroy or lop any vegetation as defined below in the Commercial 1, Commercial 2 or Industrial 3 Zone. A permit is required to remove vegetation in any Public Use Zone and the Special Use Zone only where they occur within the Urban Growth Boundary.

Vegetation is defined as all native vegetation and any plant species that does not occur naturally in the locality that is greater than 5 metres in height.

All other provisions of the Planning Scheme must be met.

4.0 SUBDIVISION**Subdivision in the Green Wedge Zone, Green Wedge A Zone, Rural Living Zone and Rural Conservation Zone**

A permit may be granted to create lots that do not meet the land area requirements specified in a schedule to the Green Wedge Zone, Green Wedge A Zone, Rural Living Zone or Rural Conservation Zone 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.

Density Matrix

A permit must not be granted to subdivide a lot that was created as a primary lot in a subdivision approved under the density matrix provisions of any planning scheme or other planning instrument that operated in the Shire between October 1982 and 19 May 2004.

5.0 EXEMPTIONS FROM THE OPERATION OF CLAUSE 51.03

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C148

The provisions of this schedule do not apply to:

- The removal of vegetation if the vegetation is referred to in Clause 52.13-2, 52.14 or 52.12.
- The removal of vegetation proclaimed as a noxious weed under the Catchment and Land Protection Act 1994.

ATTACHMENT 2. Recommended Amendment C148 Ordinance

YARRA RANGES PLANNING SCHEME

- Native grass species and removal, slashing or cutting is associated with an existing residential or permitted use or part of an existing farming operation.
- Dead vegetation or has been assessed as being dangerous by an authorised officer of the responsible authority.
- The removal of vegetation listed as an environmental weed in Yarra Ranges Council List of Environmental Weeds April 2019 (Incorporated Document)
- Required to be removed, destroyed or lopped to provide for public works or the connection of utility installation, provided those works have the agreement of Council and there will be no removal, destruction or lopping of remant vegetation beyond that provided for in any relevant Code of Practice for Tree Clearing.
- Any use of land to which clause 52.13-2 or Clause 52.14 of this planning scheme applies.

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—/—/20—
C148

SCHEDULE TO CLAUSE 52.17 NATIVE VEGETATION**1.0****Scheduled area**

—/—/20—
C148

Area	Description of native vegetation for which no permit is required to remove, destroy or lop
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None specified

2.0**Scheduled weed**

—/—/20—
C148

Area	Description of weed
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None specified

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YARRA RANGES PLANNING SCHEME

31/07/2018
VC148**SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION
AND SUBDIVISION****1.0****Subdivision and public open space contribution**31/07/2018
VC148

Type or location of subdivision	Amount of contribution for public open space
All land within Charge Area B as shown in Figure 3 of the Chirnside Park Major Activity Centre Development Contributions Plan, February 2013	5%
All land within the Urban Growth Boundary	5%

YARRA RANGES PLANNING SCHEME

31/07/2018
VC148**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME****1.0 Incorporated documents**31/07/2018
VC148

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 51.01 (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
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
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 (Life Ministry Centre, Old Melbourne Road, Chirnside Park)	NPS1
Restructure Plan for Old and Inappropriate Subdivisions in the Yarra Ranges Council, December 2015	C153

ATTACHMENT 2. Recommended Amendment C148 Ordinance

YARRA RANGES PLANNING SCHEME

Name of Document	Introduced by
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 Council – List of Environmental Weeds 2019	C148
Yarra Ranges Tenement Controls	C148

*Planning and Environment Act 1987***YARRA RANGES PLANNING SCHEME****AMENDMENT C148****EXPLANATORY REPORT****Who is the planning authority?**

This amendment has been prepared by Yarra Ranges Council, which is the planning authority for this amendment.

The Amendment has been made at the request of the Council.

Land affected by the Amendment

The Amendment applies to all land within the Shire of Yarra Ranges.

What the amendment does

The Amendment comprises a comprehensive revision of the planning scheme.

The key changes to the planning scheme that are proposed under this amendment include:

- a rewritten Municipal Strategic Statement that provides clearer strategic direction and decision making guidance on a wide range of land use and development issues
- the introduction of three new local planning policies: *Major Retail Developments*, *Environmentally Sustainable Development*, and *Dwellings in Green Wedge Areas*
- the deletion of eight local planning policies which will become redundant as a result of new policy guidelines contained in the revised Municipal Strategic Statement and revised overlay schedules
- a set of new Significant Landscape Overlays that contain design guidelines for new development in Green Wedge areas
- a new Environmental Significance Overlay that identifies the important biodiversity habitats in Yarra Ranges and provides targeted controls to protect these areas
- the removal of redundant Significant Landscape Overlay and Environmental Significance Overlay schedules
- a 5% public open space contribution requirement through the Schedule to Clause 52.01
- the removal of redundant requirements from the Schedule to Clause 51.03 of the planning scheme.

Clause 21 – Municipal Strategic Statement***Clause 21.01 Introduction***

This clause contains:

- an updated summary of the key characteristics and strategic planning issues in Yarra Ranges
- a theme based strategic vision statement that sets the framework for what Council is trying to achieve through its planning scheme.

Clause 21.02 - Settlement and Housing

This clause covers issues about the spread of urban development and the opportunities to accommodate future growth. It has been informed by Council's Housing Strategy and Activity Centres Network Strategy. The clause contains:

- a long term policy commitment to contain suburban expansion within the established Urban Growth Boundary
- clarification of the specified and limited circumstances where minor changes to the urban growth boundary of rural towns may be considered
- the network of activity centres that serve Yarra Ranges' communities and the role each centre plays within that network
- support for increased housing diversity and sets out the preferred locations for additional housing (in a form that is consistent with Council's Housing Strategy and the planning scheme provisions originally introduced through Amendment C97)
- policy guidelines for residential subdivision design, housing in activity centres and aged persons housing.

Clause 21.03 – Green Wedge

This clause recognises the unique attributes of the Yarra Ranges Green Wedge and the challenges of managing competing demands for Green Wedge land. It has been informed by Council's Green Wedge Management Plan, Economic Development Strategy and Environment Strategy. The clause includes:

- the primary values of the Green Wedge which are: maintaining healthy biodiversity; protecting valued landscapes; and supporting sustainable agriculture
- recognition of the differing characteristics of Green Wedge areas and the three broad categories of rural land use: Productive agricultural areas; Rural Landscape Areas; Rural Residential Areas
- objectives, strategies and policy guidelines which apply the Green Wedge primary values and rural land use categories for the following topics: Agriculture; Rural Industry; Tourism facilities, Dwellings, and Subdivision.

Clause 21.04 – Economic Development

This clause covers issues about business activity and local employment opportunities in Yarra Ranges. It has been informed by Council's Economic Development Strategy. The clause includes:

- the strategy of clustering most retail and commercial opportunities within established activity centres
- policy guidelines for deciding on applications for non residential uses in residential areas
- the importance of the industrial zoned areas and the need to encourage their efficient use for employment generating businesses
- policy guidelines for applications for non industrial uses in industrial areas
- the role of the extractive industry and timber industry in the local economy
- the gambling industry and the economic and social issues associated with problem gambling.

Clause 21.05 – Built form

This clause covers issues about the design of new development in Yarra Ranges. It has been informed the *Vision 2020 by Design* report and the *Yarra Ranges Neighbourhood Character Study* which have been adopted by Council. This clause includes:

- the five sustainable design principles that should guide the form of new development

- the need for a local planning policy to encourage the adoption of sustainable design principles in major new development
- the importance of good design in activity centres and the need for Design and Development Overlays to provide design guidelines for new development in these centres
- the distinctive characteristics of Yarra Ranges' various residential neighbourhoods and the need for some design guidelines
- policy guidelines for new development and signage in industrial areas
- recognition of Yarra Ranges' scenic rural landscapes and the need for Significant Landscape Overlays to provide design guidelines in Green Wedge areas
- acknowledgement of indigenous heritage and other heritage places and the need for Heritage Overlays that provide appropriate recognition and controls.

21.06 – Environment

This clause covers issues about managing the impacts of land use changes and new development on the natural environment of Yarra Ranges. It has been informed by Council's adopted Environment Strategy. This clause includes:

- Yarra Ranges' rich biodiversity and range of habitats
- the network of core habitat areas linked by riparian corridors along the Yarra River and other waterways, and the need to recognise and protect them through Environmental Significance Overlays
- threats to soil resources from poor land management
- environmental hazards such as bushfires, flooding, landslip, and soil contamination and the need to identify areas of significant risk through overlays.

21.07 – Physical and community infrastructure

This clause covers issues about the various forms of infrastructure that support communities throughout Yarra Ranges. It has been informed by Council's adopted Recreation and Open Space Strategy and its Health & Wellbeing Strategy. This clause includes:

- Yarra Ranges' transport network and the high dependence on private motor vehicles
- the need for an integrated approach to future transport planning that reduces the reliance on private motor vehicles
- role of reticulated services infrastructure such as sewerage and drainage in supporting established communities and the need for appropriate upgrades in areas of change
- recognition of the role of community infrastructure including parks, trails and other public places in creating healthy and safe local communities
- Yarra Ranges' public open space network and the need to ensure that new development makes appropriate contributions to it through the schedule to Clause 52.01
- the need for major new developments to contribute to improved infrastructure.

21.08 – Local areas

This clause contains strategic policy for Yarra Ranges' three larger activity centres at Lilydale, Chirnside Park and Mooroolbark. It has been informed by Council adopted structure plans for each of these centres. The clause provides a link to the design guidelines in existing Design and Development Overlays for these centres.

The clause also recognises the strategic importance of the Cave Hill Quarry site in Lilydale and provides principles to guide future master planning and development of the area.

Clause 22 – Local planning policies

The following local planning policies are to be deleted

- Clause 22.01 *Discretionary Uses Residential and Industrial Zones*. It is replaced by more concise decision guidelines contained in relevant sections of the revised Municipal Strategic Statement.
- Clause 22.02 *Timber industry*. It is replaced by objectives and strategies in Clause 21.04-4 of the revised Municipal Strategic Statement.
- Clause 22.03 *Horticultural Structures*. Most forms of horticultural structures are now exempt from planning permit requirements. Any design guidance for structures that require permits will be contained in the new Significant Landscape Overlays for Green Wedge areas.
- Clause 22.04 *Advertising Signs*. Specific design guidance for signage is contained in the existing Design and Development Overlays that apply to activity centres in Yarra Ranges.
- Clause 22.05 *Vegetation protection*. This policy is no longer required as decision guidance about vegetation removal applications is contained in State Government guidelines and in the new Environmental Significance Overlay and the new Significant Landscape Overlays.
- Clause 22.06 *Chirnside Park Activity Centre*. Decision guidance about land use issues is contained in the new Local Areas Clause 21.08. Built form considerations are covered by the existing Design & Development Overlays and Development Plan Overlays that apply in the activity centre.
- Clause 22.07 *Lilydale Activity Centre*. Decision guidance about land use issues is contained in the new Local Areas Clause 21.08. Built form considerations are covered by the existing Design & Development Overlay (DDO4).
- Clause 22.09 *Mooroolbark Activity Centre*. Decision guidance about land use issues is contained in the new Local Areas Clause 21.08. Built form considerations are covered by the existing Design & Development Overlay (DDO9).

The following new local planning policies are to be included in the planning scheme:

- Clause 22.01 *Major Retail Development*. This new policy applies to new retail development with a floor area of more than 2,000 square metres. It specifies information to be provided with new retail development proposals and requires consideration of their economic and social effects.
- Clause 22.02 *Dwellings in Green Wedge Areas*. This new policy contains assessment guidelines for proposals to use Green Wedge land for dwellings. It provides different considerations for the three broad categories of Green Wedge land use: Productive Agricultural Areas, Rural Landscape Areas and Rural Residential Areas.
- Clause 22.03 *Environmentally Sustainable Development*. This new policy requires larger new development proposals to be accompanied by information showing how the proposals incorporate environmentally sustainable design concepts.

Existing Clause 22.08 – Gaming (will be renumbered 22.04 and retained) while Clauses 22.10 and 22.11, Healesville heritage precincts will be retained, unchanged.

Clause 42.01 – Environmental Significance Overlay

Schedules 1 and 2 of the existing Environmental Significance Overlay (ESO) are to be deleted and replaced by a new ESO. The new ESO will apply to:

- all areas that have been identified as highest biodiversity areas for indigenous flora and fauna
- riparian corridors along the Yarra River and other waterways which provide strategic links between habitat areas.

The new ESO will identify the areas containing the most valuable and sustainable biodiversity habitat in Yarra Ranges. It will require planning approval for the removal of indigenous vegetation and the construction of buildings and works that may affect existing vegetation. It is based on background work undertaken for Council by environmental consultants, Ecology Australia.

Clause 42.03 - Significant Landscape Overlays

Schedules 1-21 of the existing Significant Landscape Overlay (SLO) are to be deleted and replaced by a set of new SLO's. Each new SLO will cover one of the six landscape character types that collectively make up the Yarra Ranges Green Wedge. The new SLO schedules provide design guidelines for new development. The SLO's are based on the Council adopted Vision 2020 by Design report.

53.01 – Public open space contributions

The Schedule to Clause 53.01 is to be amended to include a requirement for a 5% public open space contribution for any new subdivision of land into more than 2 lots. This will be applied in the urban areas only (within the Urban Growth Boundary and excluding land in the rural zones). The public open space contribution requirement is based on the recommendations of Council's adopted *Recreation and Public Open Space Strategy*.

Clause 52.17 – Native vegetation

It is proposed to change the schedule to remove a redundant and confusing reference to the vegetation controls of Clause 51.03.

Clause 51.03 - Particular provisions in Yarra Ranges

The schedule to Clause 51.03 of the planning scheme is to be modified to remove a number of provisions that are now redundant as a result of other changes to the planning scheme. The principle underpinning these changes is to remove Clause 51.03 provisions where they can be addressed through other planning scheme techniques that are easier for planning scheme users to identify and understand. These changes include the removal of the following provisions:

- Introductory text about the Regional Strategy Plan. This section of the schedule does not relate to permit requirements or decision guidelines and does not need to be included in the planning scheme.
- Vegetation removal controls. The new Environmental Significance Overlay and Significant Landscape Overlays together with the State standard provisions of Clause 52.17 will replace the need for most vegetation controls in the Schedule to Clause 51.03. The existing controls for vegetation removal in the Commercial 1 and 2 and Industrial 3 Zones have been retained pending further work in these areas.
- Permit requirement for buildings and works higher than 7 metres in Green Wedge areas. This provision will now form part of the new Significant Landscape Overlays.
- Permit requirements for certain kinds of fences. This issue will now be addressed through the new Significant Landscape Overlays.
- Permit triggers for the construction of buildings and works in Mixed Use Zones and Rural Living Zones. The existing zone and overlay controls that apply to these limited areas provide sufficient control over the form of future development.
- Planning permit triggers for the Puffing Billy Railway scenic corridor and the Bickleigh Vale heritage site in Mooroolbark. Development on these sites will continue to be controlled through Significant Landscape and Heritage Overlays respectively.

- Permit requirements for horticultural structures. State Government changes to the Victoria Planning Provisions now exempt most forms of crop protection structures from planning permit requirements. The new Significant Landscape Overlays will further clarify the planning permit exemptions relating to crop protection structures.
- Tenement controls. The complex tenement controls which apply to parts of the Yarra Ranges Green Wedge areas will now form an Incorporated Document to the Specific Control Overlay. The Overlay will be used to map all 'potential' tenement sites.
- Land use requirements for Restaurant, Place of assembly and Minor sport & recreation facility. These requirements are no longer needed as they largely duplicate requirements that now form part of the State standard zone controls for Green Wedge areas and appropriate policy guidance will be provided in the revised MSS.

Strategic assessment of the Amendment

Why is the Amendment required?

The current planning scheme needs to be revised because:

- Council has adopted a range of new and updated strategies that are not adequately reflected in the current planning scheme
- Experience with the operation of the current planning scheme has revealed that there are some aspects that are confusing and difficult for planning scheme users
- New planning issues have emerged which are not adequately addressed by the current planning scheme.

The amendment will make the planning scheme easier for all people to use and understand. It will remove a number of redundant policies and controls. It will also replace a number of other local policies and particular provisions with theme based policy guidelines in the new Municipal Strategic Statement and map based provisions in zones and overlays.

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of Planning in Victoria as stated in Section 4 of the *Planning and Environment Act 1987*. The changes to the Municipal Strategic Statement (MSS) and local planning policies introduced through this amendment will provide a clear strategic policy framework for the fair, orderly, economic and sustainable use and development of land in Yarra Ranges.

How does the Amendment address any environmental, social and economic effects?

The amendment is expected to have a positive effect on the environment. In particular it will:

- establish a more strategic and targeted approach to sustainably protecting habitats for Yarra Ranges' rich biodiversity
- require the incorporation of sustainable design techniques in major new developments
- ensure proper consideration of environmental hazards in the assessment of new development proposals.

The amendment is expected to have a positive social effect. In particular the revised MSS will include new objectives and strategies relating to the:

- provision of public open space and other social infrastructure to support local community needs

- promotion of urban design and development concepts that encourage healthy and active lifestyles
- provision of all abilities access in new developments.

The amendment is expected to have positive effects on the local economy. It will:

- help facilitate new development by employment generating businesses by providing clearer locational and design guidance
- highlight the important new development opportunities that exist within Yarra Ranges' larger activity centres and strategic redevelopment sites
- provide certainty for further investment in agriculture and tourism in the Green Wedge by applying the primary values of the Green Wedge.

Does the Amendment address relevant bushfire risk?

The amendment will retain the current Bushfire Management Overlay which identifies areas subject to risk from high intensity bushfires and ensures proper consideration of new land use and development proposals in these areas. The Amendment makes no changes to the Zones which would allow the introduction of additional

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

The amendment has been evaluated in accordance with the strategic considerations set out in *Minister's Direction No. 11 - Strategic Assessments of Amendments* under Section 12 of the Act. It is consistent with the requirements of that direction.

The amendment is affected by Minister's *Direction No. 9 - Metropolitan Strategy*. It is consistent with the requirements of that direction.

Many of the strategic directions contained in the State Government's metropolitan strategy *Plan Melbourne* are relevant to the changes proposed under this amendment.

Plan Melbourne is a key strategic document at a State level setting strategic directions for metropolitan Melbourne.

The new Yarra Ranges Municipal Strategic Statement is a key strategic document at a local level that sets the strategic direction for the municipality. The new MSS incorporates the broader strategic directions of *Plan Melbourne* such as the:

- protection of the Green Wedge from urban encroachment
- creating a network of vibrant activity centres
- increasing the diversity of housing options
- consolidation of major development opportunities within activity centres and strategic redevelopment sites.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment supports the State Planning Policy Framework through the provision of clear and updated strategic policy. The new MSS and associated local planning provisions are in a form that responds to the State planning policies contained in Clauses 11-19 of the planning scheme. The following table shows the relationship of the Amendment C148 to the VPP (post VC148)

Victoria Planning Provisions (post VC148)	AMENDMENT C148
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Victoria Planning Provisions (post VC148)	AMENDMENT C148
Clause 11 – Settlement 11.01 -1R2 Green Wedges – Metro Melbourne 11.02-1S – Supply of Urban land 11.03-5S Distinctive areas and landscapes 11.03-1S – Activity Centres	Clause 21.02 – Settlement and Housing Clause 21.03 -7 – Green Wedge dwellings Clause 21.08 – Local Areas – Chrinside Park, Cave Hill redevelopment site, Mooroolbark Clause 22.02 – Dwellings in Green Wedge Areas Clause 21.02-3 Activity Centres Network Clause 21.05 – 3 Activity Centre Design
Clause 12 – Environmental and Landscape Values 12.01 – Biodiversity (protection of and Native vegetation management 12.03- 1R – Yarra River Protection 12.05 – Significant Environments and Landscapes	Clauses 21.06 – Environment 21.06-3 Catchments and Waterways Schedule to Clause 42.01 – Environmental Significance Overlay Schedules 1-6 to 42.03 – Significant Landscape Overlay Clause 22.01- Major Retail Development
Clause 13 – Amenity 13.02 - Bushfire 13.04 – Soil Degradation	21.04-2 – Discretionary Uses in Residential Zones 21.05-5 - Industrial Areas design Clause 22.02 – Dwellings in Green Wedge Areas Clause 21.06 -5 Environmental Hazards
Clause 14 – Agriculture 14.01 -1S – Protection of agricultural land 14.01-1R – Protection of agricultural land – Metropolitan Melbourne 140.1 -2S – Sustainable agricultural land use 14.01-3S – Forestry and Timber production	Clause 21.03 – Green Wedge Clause 21.03-6 – Other green land uses 21.06-4 Sustainable Land Management Clause 21.04-4 – Timber Industry
Clause 14.03-1S – Earth and Energy Resources – exploration and extraction	Clause 21.04-3 – Extractive Industry
Clause 15 – Built Environment and Heritage 15.02-1S – Energy and resource efficiency	Clause 21.05 – Built Form Clause 21.05 -2 Sustainable Building Design Clause 21.05-7 – Heritage Schedules 1-6 to 42.03 – Significant Landscape Overlay Clause 22.03 – Environmentally Sustainable Design
Clause 16– Residential Development 16.01-7S – Residential aged care facilities	Clause 21.02 – Settlement and Housing CI 21.02 - Obj 4 - aged persons housing policy Clause 22.02 – Dwellings in Green Wedge Areas

Victoria Planning Provisions (post VC148)	AMENDMENT C148
Clause 17 – Economic Development 17.02 – Commercial Development 17.04 - Tourism	Clause 21.04 – Economic Development Clause 21.08 – Local Areas Clause 22.01 – Major Retail Development 21.03- 4 - Rural Industry Clause 21.03 -5 – Tourism in the Green Wedge
Clause 18 – Integrated Transport	Clause 21.07-1 – Transport networks
Clause 19 - Infrastructure	Clause 21.07-2 Reticulated services infrastructure 21.07 – 4 Telecommunications
Clause 19.02 – Community Infrastructure 19.02-6R – Open Space Metropolitan Melbourne	Clause 21.07 – Physical and Community infrastructure 21.07-3 Public Open Space and recreation Clause 21.07-5 – Social infrastructure 21.07-6 – Community Health and safety Clause 21.04-4 Community Business and Social Enterprise 21.04-5 Gambling Facilities Schedule to Clause 52.01 – Public Open Space Contribution and Subdivision

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment proposes a comprehensively rewritten Local Planning Policy Framework. It provides a clearly expressed strategic policy framework for decision making on land use and development proposals. It updates the planning scheme to incorporate relevant aspects of key strategic documents that have been adopted by Council in recent years. It also responds to a range of land use and development issues that have emerged since the new format Yarra Ranges Planning Scheme was introduced in July 2000.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions. The wording and format of the MSS and local planning policies have been guided by the State Government's practice notes *Format of Municipal Strategic Statements* and *Writing Local Planning Policies*.

The amendment minimises the use of local planning policies and increases the range of matters covered by map based overlays and theme based policy guidelines in the MSS.

It also substantially reduces the range of planning permit triggers and requirements contained in the Schedule to Clause 53. That clause is unique to Yarra Ranges. It was originally introduced in July 2000 as part of the new format Yarra Ranges Planning Scheme. The clause was need at that time to enable the planning scheme to address mostly Green Wedge related planning issues that could not be dealt with under the then existing State standard provisions. Most of the matters that were originally contained in the Schedule to Clause 53 are now able to be addressed through State standard provisions that are available under the current Victoria Planning Provisions.

In particular the amendment proposes to apply the Environmental Significance Overlay to areas that have been identified as core biodiversity habitats and the corridors that connect them. This approach is consistent with the State Government's *VPP Practice Note – Biodiversity* which acknowledges that the native vegetation provisions of Clause 52.17 are

the minimum baseline conservation provisions for limiting the loss of biodiversity on a Statewide basis ... they should not be regarded as adequate and effective in meeting all biodiversity conservation objectives.

The Practice Note goes on to identify the Environmental Significance Overlay as the most appropriate planning tool where additional controls over vegetation removal and the construction of buildings and works, are required to protect important local biodiversity values.

The Schedule to Clause 53 has proved to be a complex and confusing planning provision that can readily be overlooked by people unfamiliar with the Yarra Ranges Planning Scheme. The reduced reliance on this schedule will make the planning scheme clearer and easier to use.

Is the amendment consistent with the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan?

Section 46F of the Planning and Environment Act requires that any amendment to the Yarra Ranges Planning Scheme must be consistent with the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (RSP). The changes proposed under the amendment are consistent with the regional goals and objectives of the RSP and generally consistent with its more specific policies and requirements.

Some of the changes proposed in the amendment are not consistent with specific provisions of the Regional Strategy Plan. These include:

- Clause 5.08 which requires tenement controls to be maintained in rural areas of the former Shires of Sherbrooke and Lilydale;
- Clause 7.05 which requires that planning approval be required for the removal of native vegetation on public land even where it is being undertaken by the public land manager
- Clause 13.04-5 which identifies centres of regional significance and broadly describes their strategic role and expansion opportunities.

The Minister for Planning has agreed to prepare an amendment to the Regional Strategy Plan (Amendment 122) which will resolve any inconsistencies between it and the changes proposed under Amendment C148 to the planning scheme.

Amendment 122 to the Regional Strategy Plan will be exhibited concurrently with Amendment C148 to the planning scheme.

How does the Amendment address the views of any relevant agency?

The amendment has incorporated the views of relevant agencies in the development of the strategies that underpin the new MSS and related provisions.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is expected to have a positive effect on the transportation system.

The amendment is consistent with Section 11 of the *Transport Integration Act 2010* which deals with the integration of transport and land use. In particular, the changes to the planning scheme adopt a sustainable approach to managing the settlement pattern of the municipality, limiting urban encroachment into the Green Wedge and encouraging more intensive development in suburban activity centres and other locations that have access to a range of transport options.

Clause 21.07 of the MSS promotes an integrated approach to transport planning and encourages opportunities to improve accessibility to a range of transport options that reduce the reliance on private motor vehicle transport.

Resource and administrative costs**• What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is expected to have a positive effect on Council resources and decrease administrative costs because the planning scheme will more clearly express Council's strategic objectives and the matters to consider in the assessment of land use and development proposals.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following Yarra Ranges Council Community Links:

- Lilydale 15 Anderson Street, Lilydale
- Monbulk 21 Main Road, Monbulk
- Healesville 110 River Street, Healesville
- Upwey 40 Main Street, Upwey
- Yarra Junction 2442-2444 Warburton Highway, Yarra Junction

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.dtpli.vic.gov.au/publicinspection.

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Adopted

Shire of Yarra Ranges Tenement Controls – Specific Control Overlay Schedule 11

This document is incorporated as part of the Yarra Ranges under the Schedule to Clause 72.04 of the planning scheme.

Tenement controls

This applies to land in the Specific Control Overlay Schedule 11.

Meaning of tenement holding

A tenement holding means one of a lot or all contiguous lots, parcels of land or Crown Allotments held in the same ownership on the following date specified for the zone within which the land is situated:

- In a Green Wedge Zone or Rural Conservation Zone:
 - 23 July 1982, if the land was in the former Shire of Lilydale
 - 8 July 1987, if the land was in the former Shire of Sherbrooke.
- In a Green Wedge A Zone:
 - 27 August 1980, if the land was in the former Shire of Lilydale.
 - 1 October 1980, if the land was in the former Shire of Sherbrooke.

Permit requirement for dwellings

A permit may only be granted to establish one dwelling on land if any of the following apply:

- The land is a parcel of land which existed as a tenement holding.
- The land is a lot created under an approved planning scheme or interim development order.
- The land consists of the consolidation of all parcels or lots within a tenement holding.
- The land is affected by a Restructure Overlay and conforms to the relevant Restructure Plan.
- The land forms part of a tenement holding and that part (and any other part in the tenement holding) exceeds the site area set down as follows for the zone within which the land is located:

Green Wedge Zone

- 2 hectares, if the land is included in Schedule 1 to the Green Wedge Zone (GWZ1).
- 25 hectares if the land is included in Schedule 6 to the Green Wedge Zone (GWZ6).
- 4 hectares, if the land is included in any other schedule to a Green Wedge Zone.

Rural Conservation Zone

- 25 hectares, if the land is included in Schedule 2 to the Rural Conservation Zone (RCZ2).
- 4 hectares, if the land is included in any other schedule to the Rural Conservation Zone.

Green Wedge A Zone

- 4,000 square metres if the land is included in Schedule 1 to the Green Wedge A Zone (GWAZ1)

Consolidation of lots within tenement holdings

If a permit is granted to construct a dwelling on a tenement holding or part of a tenement holding which contains more than one lot, the permit must contain a condition requiring all of the land affected by the permit 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 specific lots, 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.
- The development will be consistent with the provision of any Environmental Significance Overlay, Heritage Overlay, Erosion Management Overlay or Land Subject to Inundation Overlay that applies to the land.
- 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.

Yarra Ranges Council List of Environmental Weeds 2019

This list is to be used in conjunction with the vegetation removal permit exemptions under the Yarra Ranges Planning Scheme.

This document is incorporated as part of the Yarra Ranges under the Schedule to Clause 72.04 of the planning scheme.

Common Name	Botanical Name
African Lily	<i>Agapanthus praecox ssp. orientalis</i>
Alkante	<i>Pentaglottis sempervirens</i>
American Aspen	<i>Populus tremuloides</i>
Angled Onion*	<i>Allium triquetrum</i>
Apple	<i>Malus spp.</i>
Asparagus Fern	<i>Myrsiphyllum scandens</i>
Banana Passionfruit	<i>Passiflora sp. aff. Mollissima</i> (syn. <i>Jacsonia mollissima</i>)
Belladonna Lily	<i>Amaryllis belladonna</i>
Berry-flower Heath	<i>Erica baccans</i>
Bindweeds	<i>Convolvulus spp.</i>
Blackberry	<i>Rubus fruticosus spp. agg.</i>
Black Locust	<i>Robinia pseudoacacia</i>
Bloukeur (Pinnate Scurf-Pea)	<i>Psoralea pinnata</i>
Blue-bell Creeper	<i>Sollya heterophylla</i>
Blue Periwinkle	<i>Vinca major</i>
Boneseed	<i>Chrysanthemoides monilifera</i>
Bulbil Watsonia	<i>Watsonia meriana</i>
Butterfly Bush	<i>Buddleia variabilis</i> (syn. <i>veitchianus</i>)
Cape Broom*	<i>Genista monspessulana</i>
Cape Ivy	<i>Delairea odorata</i>
Cape Wattle	<i>Paraserianthes lophantha</i>
Caucasian Ash / Narrow Leaved Ash	<i>Fraxinus angustifolia</i>
Cedar Wattle	<i>Acacia elata</i>
Cestrum	<i>Cestrum elegans</i>
Cherry Laurel	<i>Prunus laurocerasus</i>

ATTACHMENT 2. Recommended Amendment C148 Ordinance

Common Name	Botanical Name
Cherry Plum	<i>Prunus cerasifera</i>
Common Dipogon (Dolichos)	<i>Dipogon lignosus</i>
Common Evening Primrose	<i>Oenothera stricta</i>
Common Forget-me-not	<i>Myosotis sylvatica</i>
Cootamundra Wattle	<i>Acacia baileyana</i>
Cotoneaster	<i>Cotoneaster spp.</i>
Creeping Buttercup	<i>Ranunculus repens</i>
Darwin's Berberry	<i>Berberis darwinii</i>
Desert Ash	<i>Fraxinus angustifolia</i>
Early Black Wattle	<i>Acacia decurrens</i>
English Broom	<i>Cytisus scoparius</i>
English Ivy	<i>Hedera helix</i>
Euryops	<i>Euryops abrotanifolius</i>
Evergreen Dogwood	<i>Cornus capitata</i>
False Wattle	<i>Albizia lophantha</i>
Fennel	<i>Foeniculum vulgare</i>
Firethorns	<i>Pyracantha spp.</i>
Flax Leaf Broom	<i>Genista linifolia</i>
Fragrant Violet	<i>Viola odorata</i>
Giant Honey Myrtle	<i>Melaleuca armillaris</i>
Golden Wreath Wattle	<i>Acacia saligna</i>
Great Mullein	<i>Verbascum thapsus</i>
Grey Poplar	<i>Populus x canescens</i>
Hawthorn	<i>Crataegus monogyna</i>
Hemlock	<i>Conium maculatum</i>
Himalayan Honeysuckle	<i>Leycesteria formosa</i>
Holly	<i>Ilex aquifolium</i>
Honey Myrtle	<i>Melaleuca hypericifolia</i>
Italian Buckthorn	<i>Rhamnus alaternus</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Karamu	<i>Coprosma robusta</i>
Karo	<i>Pittosporum crassifolium</i>
Laurestinus	<i>Viburnum tinus</i>
Manna Ash	<i>Fraxinus ornus</i>

ATTACHMENT 2. Recommended Amendment C148 Ordinance

Common Name	Botanical Name
Montbretia	<i>Crocasmia x crocosmiifolia</i>
Morning Glory	<i>Ipomoea indica</i>
Myrtle Leaf Milkwort	<i>Polygala myrtifolia</i>
Pampas Grass	<i>Cortaderia selloana</i>
Peruvian Lily	<i>Alstromeria aurea</i>
Plum	<i>Prunus spp.</i>
Portugal Laurel	<i>Prunus lusitanica</i>
Prickly Pear	<i>Opuntia aurantiaca</i>
Common Privet	<i>Ligustrum vulgare</i>
Broadleaf Privet	<i>Ligustrum lucidum</i>
Quaking Grass	<i>Briza maxima</i>
Radiata (Monterey) Pine	<i>Pinus radiata</i>
Rosy Watsonia	<i>Watsonia borbonica</i>
Sallow Wattle	<i>Acacia longifolia</i>
Shasta Daisy	<i>Chrysanthemum maximum</i>
Smilax	<i>Myrsiphyllum asparagoides</i>
Spanish Heath	<i>Erica lusitanica</i>
Sticky Hop Bush	<i>Dodonea viscosa</i>
Strawberry Tree	<i>Arbutus unedo</i>
Sweet Briar	<i>Rosa rubiginosa</i>
Sweet Pea	<i>Lathyrus latifolius</i>
Sweet Pittosporum	<i>Pittosporum undulatum</i>
Sycamore Maple	<i>Acer pseudo-platanus</i>
Tall Fleabane	<i>Conyza bonariensis</i>
Taupata	<i>Coprosma repens</i>
Tree Lucerne	<i>Cytisus palmensis</i>
Tree Tobacco	<i>Solanum mauritianum</i>
Tutsan*	<i>Hypericum androsaemum</i>
Wandering Jew	<i>Tradescantia fluminensis</i>
White Arum Lily	<i>Zantedeschia aethiopica</i>
White Sallow Wattle	<i>Acacia floribunda</i>
Willow	<i>Salix spp.</i>
Willow Hakea	<i>Hakea salicifolia</i>
Wood Violet	<i>Viola riviniana</i>

Planning and Environment Act 1987

UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN

AMENDMENT 122

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment.

The Amendment has been made at the request of Yarra Ranges Council.

Land affected by the Amendment

The Amendment applies to all land in the Shire of Yarra Ranges.

What the amendment does

The amendment proposes changes to clauses within three chapters of the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (Regional Strategy Plan) to bring it into line with more contemporary and effective planning provisions proposed as part of the major revision of the Yarra Ranges Planning Scheme.

The amendment is being considered concurrently with Amendment C148 to the Yarra Ranges Planning Scheme which implements the proposed major revision of the planning scheme.

The proposed changes to the Regional Strategy Plan are outlined below:

Chapter	Proposed change	Reason
7.02 Sites of Natural Significance	Clarify exceptions to prohibition of vegetation removal	The proposed change will remove ambiguities in the current wording of the RSP and planning scheme. It will be consistent with planning scheme exemptions recognised under Amendment 119 to Schedule 6 of the RSP.
7.05 Additional measures to protect Native Vegetation	Delete last three dot point exemptions and replace with <i>"except where exemptions apply under the planning scheme"</i>	Enables consistency between the RSP policies and provisions of the planning scheme including the Significant Landscape Overlay, Environmental Significance Overlay, Erosion Management Overlay and Clause 52.17.
13	Rename Clause 'Activity Centres'	The current clause title 'Commercial Centres' does not reflect the broad range of services and facilities provided in centres and is not consistent with contemporary planning terminology.

ATTACHMENT 3. Proposed Amendment 122 to the Regional Strategy Plan

Chapter	Proposed change	Reason
13.04 Centres of Regional Significance	Delete clauses 13.04 – 13.11	<p>Replace outmoded and unhelpful hierarchy of regional centres with wording that is consistent the Activity Centres Network provisions proposed under Amendment C148 to the planning scheme.</p> <p>Clause 13.11 policies for commercial use in Rural and Landscape Living Policy Areas are not appropriate in the Activity Centres chapter. The matters covered in that clause are generic and are now much more thoroughly addressed in policy guidelines under the planning scheme.</p>
16.08 Recreation and Tourism in Rural Policy Areas	Delete provisions that relate specifically to Intensive Agricultural Policy Areas.	<p>Removes reference to Intensive Agricultural Policy Areas which are not proposed to be specifically singled out in the planning scheme.</p> <p>Specific guidance is provided in the MSS identifying the following categories of rural areas: Productive agricultural areas, Rural landscape areas and Rural residential areas.</p>
16.13 Caravan parks	Delete provisions that relate specifically to Intensive Agricultural Policy Areas.	As above.
16.14 Major tourist facilities	Delete clause	There is no defined meaning for a major tourist facility and the term has led to confusion and uncertainty for planning decision making about tourist development in rural areas. Tourism uses should be considered under the relevant zone, overlay and policy provisions set out in the revised planning scheme.
16.17 Restaurants	Replace third dot point with <i>'It is used in conjunction with agriculture, natural systems, outdoor recreation facility, rural industry or winery'.</i>	The change will make the Regional Strategy Plan consistent with the Green Wedge Zone which is the major zoning for rural policy areas. Further specific guidance for restaurants in rural areas is also provided for under the revised MSS.

Strategic assessment of the Amendment

The Minister has prepared this amendment under section 46C of the *Planning and Environment Act 1987*.

This amendment to the Regional Strategy Plan was exhibited and considered in conjunction with Amendment C148 to the Yarra Ranges Planning Scheme.

Why is the Amendment required?

The amendment to the Regional Strategy Plan is required to enable more contemporary approaches to various planning issues to be implemented through the Yarra Ranges Planning Scheme.

The current Yarra Ranges Planning Scheme needs to be revised because:

- Council has adopted a range of new and updated strategies that are not adequately reflected in the current planning scheme
- Experience with the operation of the current planning scheme has revealed that there are some aspects that are confusing and difficult for planning scheme users
- New planning issues have emerged which are not adequately addressed by the current planning scheme.

Council has prepared Amendment C148 to the Yarra Ranges Planning Scheme. The changes proposed under that amendment will make the planning scheme easier for all people to use and understand. Amendment C148 will remove a number of redundant policies and controls. It will also replace a number of other local policies and particular provisions with theme based policy guidelines in the new Municipal Strategic Statement and map based provisions in zones and overlays.

Section 46F of the Planning and Environment Act requires that any amendment to the Yarra Ranges Planning Scheme must be consistent with the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (Regional Strategy Plan).

The changes proposed under Amendment C148 to the planning scheme are consistent with the regional goals and objectives of the Regional Strategy Plan and are generally consistent with its more specific policies and requirements. However, some of the proposed planning scheme changes are not consistent with specific requirements contained in the current RSP.

The proposed changes to the Regional Strategy Plan are required to enable the revision of the Yarra Ranges Planning Scheme to proceed as proposed under Amendment C148.

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of Planning in Victoria as stated in Section 4 of the *Planning and Environment Act 1987*. The changes to the Regional Strategy Plan will enable the Yarra Ranges Planning Scheme to be comprehensively revised to provide a clear strategic policy framework for the fair, orderly, economic and sustainable use and development of land in Yarra Ranges.

How does the Amendment address any environmental, social and economic effects?

The Amendment to the Regional Strategy Plan does not have any direct environmental, social or economic effects but is being prepared in conjunction with Amendment C148 to Yarra Ranges Planning Scheme. Amendment C148 is expected to have positive effects on the environment via a more targeted approach to protect biodiversity, introduction of

ATTACHMENT 3. Proposed Amendment 122 to the Regional Strategy Plan sustainable design techniques in new major developments and ensuring the proper consideration of environmental hazards in new development proposals.

C148 has also been determined to have a positive social impact through new objectives for open space, social infrastructure and the promotion of urban design as well as positive impacts on the local economy. It will facilitate new development and provide certainty for further investment in agriculture and tourism in the Green Wedge.

Does the Amendment address relevant bushfire risk?

Amendment 122 will have no impact on bushfire risk.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

Minister's Directions are not applicable to the Regional Strategy Plan.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

Not applicable to the Regional Strategy Plan.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

Not applicable to the Regional Strategy Plan.

Does the Amendment make proper use of the Victoria Planning Provisions?

Not applicable.

How does the Amendment address the views of any relevant agency?

The views of relevant agencies have been considered in the development of Amendment C148 which is directly associated with this Amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

Not Applicable

Resource and administrative costs

The amendment will have a positive effect on Council resources by decreasing the cost of administering the Regional Strategy Plan by removing redundant controls.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

Yarra Ranges Council Community Links:

- Lilydale 15 Anderson Street, Lilydale
- Monbulk 21 Main Road, Monbulk
- Healesville 110 River Street, Healesville
- Upwey 40 Main Street, Upwey
- Yarra Junction 2442-2444 Warburton Highway, Yarra Junction

ATTACHMENT 3. Proposed Amendment 122 to the Regional Strategy Plan
The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at

<http://www.dtpli.vic.gov.au/planning/panels-and-committees/current-panels-and-committees/upper-yarra-valley-and-dandenong-ranges-regional-strategy-plan-amendment-122>

7. MANAGEMENT OF SITES OF NATURAL SIGNIFICANCE AND OTHER AREAS OF NATIVE VEGETATION

7.01 General Policy

The long term protection and conservation of all remaining areas of remnant native vegetation and wildlife habitat, including that on land designated as a Site of Natural Significance, must be ensured.

7.02 Sites of Natural Significance

Within any land that is designated as a **Site of Natural Significance**, as shown on **Map 6** and described in **Schedule 3**, the clearing of native vegetation must be prohibited, except:

- to provide for a ~~land~~ use, ~~development, or the construction of a~~ building or works, including utility services, which ~~has been permitted is approved~~ under ~~the~~ Planning Scheme and where the native vegetation to be removed is detailed on a ~~development~~ plan ~~agreed to approved~~ by the responsible authority;
- where the vegetation ~~to be removed is exempt from the permit requirements of the planning scheme is in a dangerous condition and/or is required to be removed in an emergency situation; or~~
- ~~where it is required to be removed in accordance with a Notice made pursuant to the Forests Act, Country Fire Authority Act or Local Government Act, for fire protection and emergency purposes.~~

Where, within a Site of Natural Significance, clearing of native vegetation is required to provide for ~~a use or development that has been permitted under the planning scheme~~ ~~an approved use, development, buildings or works, construct an approved building and/or its driveway~~, it must be ensured that:

- the removal of native vegetation is subject to a planning permit;
- the removal of native vegetation is minimised and that such removal does not adversely affect the integrity of the site, and
- ~~no~~ clearing of native vegetation ~~is avoided~~ ~~takes place~~ on slopes greater than 20% or within 30 metres of a watercourse.

7.03 Management of land in a Site of Natural Significance

Sites of Natural Significance, and where necessary the areas in their vicinity, must be protected and managed to maintain and, where possible, enhance the natural resources and characteristics identified.

ATTACHMENT 3. Proposed Amendment 122 to the Regional Strategy Plan

This protection and management will be achieved by careful land use and development controls, and by the introduction of management practices which ensure that all use and development within Sites of Natural Significance are carried out in a manner which:

- maintains the significance of existing native vegetation and its value as a refuge or habitat for wildlife;
- prevents soil erosion;
- protects the environment of watercourses;
- protects the site from wildfire;
- includes measures to ensure that the condition of the site and the effectiveness of the program are monitored;
- identifies areas within which development is to be precluded, and areas which require treatment in specified ways;
- provides for an appraisal of areas in the vicinity of a Site of Natural Significance and the development of programs, where possible, which are supportive of the management of the Site of Natural Significance and for consideration of external factors in relation to the site, such as buffer zones, flight paths for birds and the need for feral animal and environmental weed control;
- ensure measures are taken to eradicate environmental weed infestations, to prevent degradation of the site, and
- protects the site from domestic pets and vermin.

7.04 Further actions for Sites of Natural Significance

Further investigation of environmental resources, and identification of additional Sites of Natural Significance where desirable, must be carried out.

All owners and occupiers of Sites of Natural Significance should be informed of their importance and significance, and of the best ways to conserve and protect them.

Government Departments, Public Authorities and Councils responsible for management of land within Sites of Natural Significance must ensure their protection, and must prepare and implement programs for the proper management of that land.

Encouragement and assistance must be given for further research to identify additional Sites of Natural Significance and to improve knowledge of the habitat and management requirements of flora and fauna, and to coordinate the preparation of a public information program for the Region to increase public awareness of the need to identify, protect and manage these Sites.

7.05 Additional measures to protect Native Vegetation

Additional measures to maintain and enhance the integrity of native vegetation must be provided for. Some of these measures include the:

- facilitation and active encouragement of environmental weed eradication measures, and active discouragement of planting of environmental weeds, including the development of an environmental weed management strategy for the Region;

ATTACHMENT 3. Proposed Amendment 122 to the Regional Strategy Plan

- facilitation and active encouragement of revegetation with indigenous species, particularly in the establishment/reinforcement of wildlife corridors between Sites of Natural Significance and other areas of significant remnant vegetation;
- active encouragement to fence off stock from areas containing native vegetation;
- facilitation of measures to inform residents and visitors of the Region's rich natural environment and the importance of its conservation;
- requirement that public utilities and firebreaks, wherever possible, are located over cleared land rather than over areas with remnant vegetation;
- requirement that native vegetation on roadside reserves be conserved, wherever possible, during road construction, upgrading and all other times;
- investigation of the feasibility of providing incentives for the conservation of Sites of Natural Significance;
- ensuring that fire prevention measures in areas of native vegetation have conservation of flora and fauna as a high priority, and that fuel reduction programs are monitored to evaluate whether the objectives are being met in the medium to long term, and
- promotion of amendments to the licensing system for use of public land to ensure that conservation of Sites of Natural Significance is a high priority.

The Department of Conservation and Natural Resources, Councils and voluntary groups and organisations, are encouraged to develop information systems and provide advisory services to the landowners on the values, maintenance and management of native vegetation, particularly in Sites of Natural Significance.

Planning schemes must ensure that, within all Landscape Living, Rural and Public Land Policy Areas, a planning permit approval is required for the removal or clearance of native vegetation, except where exemptions apply under the planning scheme.:

- ~~• it is to provide for a building and associated works, including the provision of utility services, which is approved under a planning scheme;~~
- ~~• the vegetation is in a dangerous condition and/or is required to be removed in an emergency situation; or~~
- ~~• it is required to be removed in accordance with a Notice made pursuant to the Forests Act, Country Fire Authority Act or Local Government Act, for fire protection and emergency purposes.~~

7.06 Management of Sites of Natural Significance on Public Land

The long-term conservation of Sites of Natural Significance on Public Land must be ensured.

The management of Public Land containing Sites of Natural Significance must be through appropriate management programs. These programs must be in conformity with the Regional Strategy Plan and must include:

- identification of the location and the extent of the Site of Natural Significance;
- measures to contain any adverse effects brought about by the use or development of the land which contains the Site;
- measures to retain and enhance native vegetation;

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- consideration of external factors in relation to the site, such as buffer zones, flight paths for birds, the control of feral animals and environmental weeds, wildlife refuges and corridors for wildlife movement; and
- measures to prevent degradation of the site and to ensure that the condition of the site and the effectiveness of the program are monitored.

Any Government Department, Public Authority or Council carrying out works or undertakings in a Site of Natural Significance, must ensure that in carrying out those works and undertakings, they have regard to:

- any management program prepared for the site;
- the maintenance and enhancement of landscape character;
- the intrinsic value of existing vegetation and its value as a refuge or habitat for wildlife;
- the prevention of soil erosion;
- the protection and the need for enhancement of the environment of watercourses;
- the protection of the area from wildfire; and
- the protection of the area from environmental and noxious weeds, vermin and domestic animals.

13. ~~COMMERCIAL~~ ACTIVITY CENTRES

13.01 Regional Overview

The intended role of the Region's ~~commercial-activity~~ centres, which refer generally to what people call their 'shopping' and 'community' centres, is to provide an appropriate range of retail and commercial services - together with community and social facilities - to meet the needs of residents and visitors. This role is supported by State Government policies for metropolitan 'activity' centres, which encourage the clustering and integrated planning of activities in preferred centres.

Major activity centres in the northern sector of the Region include ~~the Lilydale Town Centre~~, and ~~the Chirnside Park Shopping Centre~~. These ~~main regional~~ centres are augmented by other ~~larger major shopping~~ centres, including Kilsyth, Mooroolbark, Mt. Evelyn, Seville, Yarra Junction, Warburton, Healesville and Yarra Glen.

The main centres in the southern sector are Belgrave, Monbulk and Upwey, most of which are on Burwood Highway. There is no major activity regional centre comparable to Lilydale or Chirnside Park within the southern sector.

The policies of the Regional Strategy Plan provide a flexible and goal-oriented approach to activity ~~commercial~~ centre planning. They have been developed in recognition of a number of premises, including:

- that despite the growth in population and associated demand for services, the previously anticipated level of growth in retail and commercial floorspace has not occurred, resulting in an under supply in some locations;

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- the growth of significant 'regional' shopping centres outside the Region, especially at Ringwood, Croydon and Knox City, has been to some extent based on the population growth within the Region;
- changes in employment location preferences and settlement patterns and the need to decrease the high level of escape retail spending that currently leaks from the Region; and
- the need to provide more adequately for the Region's population growth, and to plan more effectively for commercial centre development within the Region.

~~A substantial expansion of the Lilydale Town Centre is an important element in the Strategy Plan's commercial centre policies. Lilydale is seen as the Region's most suitable location for major commercial centre development. It has good access to major roads and public transport, is an established administrative, community and commercial focus for the Region and is close to large areas of open space (including the Lilydale Lake). Its choice for this major role should not preclude any expansion of the Chirnside Park Shopping Centre which would complement Lilydale's expanded role.~~

~~Peripheral Bulky goods~~ retailing is occurring in the western parts of the Region. Most of the floorspace is currently located in industrial zones. ~~Peripheral Bulky goods~~ retailing opportunities should be provided in appropriate locations, preferably within the western part of the Region.

13.02 Primary Purpose

~~The primary purpose for the commercial centre policies is to ensure that the future provision of retail and commercial services in the Region achieves a balance between improving consumer choice and convenience, maximising benefits to the retail and commercial industry, conservation of the Region's environmental qualities, the enhancement of the amenity of living and working environments, improving the retailers' ability to compete, and increasing employment opportunities within the Region.~~

To maintain a network of vibrant activity centres that collectively offer a wide and equitably distributed range of commercial services, employment opportunities, and community infrastructure.

13.03 Objectives for all Commercial Centres

- Encourage retail, commercial, entertainment, community and other intensive employment generating activities to locate within established activity centres.
- Ensure that activity centres are well designed places where people can enjoy shopping, doing business and participating in community activities.
- Manage future use and development within activity centres that recognise and strengthen the role of the centre as set out in the Yarra Ranges Activity Centre Hierarchy Table.
- Facilitate within activity centres, a diverse mix of land uses that contribute to net community benefit and do not adversely affect the level of service provided by other centres in the activity centre network.
- Promote additional housing within and adjoining activity centres.
- Ensure services are clustered and provided in a convenient location which is accessible to many by travel on foot, bicycle or improved public transport.
- For those activity centres expected to experience further significant development pressure, prepare structure plans to set strategic directions for future land use, development and the provision of supporting infrastructure.

~~The planning and development of any retail or commercial centre, must not prejudice the designated role of that centre and must seek to:~~

~~Land Use~~

- ~~Encourage the effective use of land and buildings within each centre.~~
- ~~Optimise the attractiveness of the centre to appropriate land uses and development.~~
- ~~Encourage the clustering of compatible and complementary land uses into defined zones.~~

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- ~~Develop optimum continuity of shopping activity at street frontages in the core area.~~
- ~~Provide sensitive and attractive landscaping within each centre.~~
- ~~Be consistent with the centre's projected future roles and the characteristics of its trading area, and to meet the needs of its catchment population.~~
- ~~Provide for sensitive township design and for appropriate landscaping of individual developments.~~

Pedestrian and traffic movement and parking

- ~~Improve traffic access, capacity, circulation and movement within and around the core area, and to ensure that traffic problems are not created away from the centre, and between local and through traffic.~~
- ~~Ensure that the amount and location of parking provided is consistent with the role and function of the centre and the capacity of streets within and adjacent to the centre.~~
- ~~Develop a system of pedestrian linkages and pedestrian priority areas, that minimise conflict between pedestrian and vehicular traffic.~~
- ~~Recognise the importance of public transport access to each centre, in the development of any traffic management proposal.~~

Character

- ~~Conserve and enhance the unique character of each centre by: encouraging retention of existing worthy older buildings; encouraging renovation and re-use of older buildings; ensuring that the design and height of any new development within each centre is sympathetic to existing buildings, and ensuring that advertisements and signs are consistent with or enhance the character of each centre.~~
- ~~Ensure that buildings harmonise in character and appearance with adjacent buildings and with the character of the area.~~

Conservation

- ~~Ensure retention and preservation of architecturally or historically significant buildings and features in each centre.~~
- ~~Encourage restoration, protection and appropriate utilisation of significant buildings as identified by Councils, the Historic Buildings Council, or the National Trust of Australia (Victoria), and to ensure that such restoration is in character with the original style of the buildings.~~
- ~~Promote the restoration of appropriate verandas and shopfronts on commercial premises.~~

Amenity

- ~~Achieve a pleasing physical environment in each centre by encouraging a high standard of architecture, landscaping and township design.~~
- ~~Encourage improvement to pedestrian and shopper amenity through such facilities as open and sheltered rest areas and meeting places, crossing facilities, pedestrian links to car parks and pedestrian weather protection.~~

13.04 Yarra Ranges Activity Centre Hierarchy Table

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<u>Activity Centre Type</u>	<u>Role</u>
<p><u>Major Activity Centres</u></p> <p><u>Chirnside Park and Lilydale</u></p>	<p><u>These centres provide a large, diverse and intensive mix of retail, commercial, entertainment, cultural and other uses.</u></p> <p><u>They have strong public transport links, serve a large regional-sized catchment, and are priority locations for future private and public sector development.</u></p> <p><u>Land within and adjoining these centres is the preferred location for additional and more diverse residential development.</u></p>
<p><u>Large Neighbourhood Activity Centres</u></p> <p><u>Belgrave, Healesville, Kilsyth, Monbulk, Mooroolbark, Mount Evelyn, Seville, Yarra Glen, Yarra Junction</u></p>	<p><u>Smaller in floorspace terms than Major Activities Centres, these centres have a retail mix that is focussed on convenience and grocery shopping. They also provide a range of community services to the surrounding communities.</u></p> <p><u>Some of these centres, which serve a catchment that extends into the rural hinterland, perform a significant role in the provision of community and civic services, with some also providing a range of facilities and services for tourists.</u></p> <p><u>Land within and adjoining these centres is generally an appropriate location for additional housing.</u></p>
<p><u>Small Neighbourhood Activity Centres</u></p> <p><u>Coldstream, Montrose, Mount Dandenong, Olinda, Sassafra, Tecoma., Upwey, Wandin North, Warburton, Woori Yallock.</u></p>	<p><u>These centres have a more limited role in providing convenience retailing and community facilities for an immediate surrounding catchment.</u></p> <p><u>Usually, they have a small supermarket as the main anchor tenant. In some cases they also serve a tourist market.</u></p>
<p><u>Local Activity Centres</u></p> <p><u>Examples include:</u></p> <p><u>Colby Drive - Belgrave South, Monbulk Road Silvan and Switchback Road - Chirnside Park</u></p>	<p><u>Local Activity Centres consist of a small group of shops that typically serve a local walk-in catchment, and provide for the daily convenience and 'top up' needs of local residents and passing motorists.</u></p> <p><u>Some of these centres contain a limited number of community facilities and other uses.</u></p>

13.05 Policy guideline

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Proposals for use and development of land should be consistent with and support the identified role for the relevant activity centre as set out in the Yarra Ranges Activity Centre Hierarchy Table.

~~Centres of Regional Significance~~

~~The designation of a commercial centre as a Centre of Regional Significance does not necessarily imply a centre with large scale growth or function criteria.~~

~~Commercial centres have been identified as having regional significance on the basis of one or more of the following criteria:~~

- ~~• being centres with significant cross-municipal or cross-regional influences;~~
- ~~• providing significant levels of services and facilities for tourists, having environmental sensitivity, or having major highway/road exposure, and~~
- ~~• the possibility of needing protection from intrusive growth of other nearby centres outside the Region.~~

~~The following centres are identified as Centres of Regional Significance:~~

- ~~• The Lilydale Town Centre, together with adjacent commercial, industrial and peripheral retail areas, which is designated as the major commercial and community centre for the Region.~~
- ~~• Chirnside Park Shopping Centre, Kilsyth, Mooroolbark, Healesville, Belgrave, Monbulk, Yarra Junction, and Warburton.~~

~~13.05 Function and role of Centres of Regional Significance~~

~~The requirement to perform a full weekly shopping role does not apply to all commercial centres. However, where applicable, the components of such a role could include Junior Discount Department Store, improved supermarket facilities, small markets and an expanded range of specialty stores.~~

~~Development within Centres of Regional Significance must be in accordance with the general function directions given in the following table:~~

Regional Centre	Role	Implications for Expansion/ Control
Lilydale Township	Major Regional Commercial and Community Centre	Opportunity for substantial retail expansion including a department store and discount department store/s) and commercial office development.
Chirnside Park Shopping Centre	Regional Retail Centre	Limited expansion of existing retail and other services.
Kilsyth	Neighbourhood Centre	Perform full weekly shopping role.
Mooroolbark	Neighbourhood Centre	Perform full weekly shopping role.

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Monbulk	Neighbourhood Centre	Perform full weekly shopping role, also provide services and facilities for tourists.
Belgrave	Community Centre	Consolidation as primary business and administrative centre, also provides services and facilities for tourists. Perform full weekly shopping role.
Yarra Junction	Community Centre	Expansion and consolidation as primary retail, commercial and administrative centre.
Warburton	Neighbourhood Centre	Perform full weekly shopping role, also provide services and facilities for tourists.
Healesville	Community Centre	Expansion and consolidation as primary retail, commercial and administrative centre, also services and facilities for tourists.

13.06—~~Deficiencies in Centres of Regional Significance~~ Content deleted by Amendment 122

~~Where there are identified significant deficiencies in services and facilities which should be addressed within Centres of Regional Significance, the Planning Authority may provide for those deficiencies, in the most suitable locations for the provision of such services and facilities.~~

~~Retail development proposals will be favoured which increase the proportion of Regional residents' household income, available for retail purchases, spent within the Region.~~

13.07—~~Employment within Centres of Regional Significance~~ Content deleted by Amendment 122

~~Retail, commercial and community service uses, which provide employment opportunities for the Region's residents, will be encouraged to locate within appropriate Centres of Regional Significance.~~

13.08—~~Designation of Local Centres~~ Content deleted by Amendment 122

~~All retail, commercial and community service centres not designated as a Centre of Regional Significance will be designated as Local Centres.~~

13.09—~~Management policies for Local Centres~~ Content deleted by Amendment 122

~~Local Centres must fulfil the primary role of providing for daily convenience needs within neighbourhoods, and in some cases serving the needs of tourists and other visitors. They will generally have a floorspace of less than 2,500 sq.m., and some be preferred locations for community facilities and services.~~

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~~Planning of, and development within, local centres must protect and enhance pedestrian and environmental aspects, and minimise any adverse impacts on adjacent residential areas and local traffic movements.~~

~~Proposals for use or development within local centres must seek to:~~

- ~~• improve the range of opportunities for the local community in areas of identified need and in accordance with the primary function of the centre;~~
- ~~• protect and enhance environmentally sensitive areas;~~
- ~~• provide convenient access and parking for motor vehicles and public transport, and not generate traffic or parking problems;~~
- ~~• retain and improve historically or culturally important buildings and features;~~
- ~~• provide a safe and attractive environment for the centre's users;~~
- ~~• support the viability of the centre, and~~
- ~~• not conflict with the role of adjoining community centres.~~

~~13.10—Peripheral Retailing Content deleted by Amendment 122~~

~~Peripheral retailing opportunities should be provided within the Region, however those opportunities must be within strategically placed locations (preferably within the western parts of the Region).~~

~~In considering the establishment, adaptation or expansion of any zone to provide for peripheral retailing, regard must be had to:~~

- ~~• the ability to provide high exposure to passing traffic, convenient road access which allows good traffic movement and the separation of traffic using this zone from residential streets;~~
- ~~• sites which are large enough to provide adequate on-site parking, and~~
- ~~• performance standards for environmental protection and enhancement, landscaping and signage.~~

~~13.11—Other Commercial Use and Development Content deleted by Amendment 122~~

~~In Rural and Landscape Living Policy Areas, commercial use and development may only be established outside commercial centres where:~~

- ~~• it is demonstrated that the use provides a recreation or tourist facility or is ancillary to a tourist accommodation establishment;~~
- ~~• the use is associated with and ancillary to primary production carried out on the land;~~
- ~~• the use is a convenience shop or a general store.~~

~~Any proposal to establish a commercial use or development of land in a Rural or Landscape Living Policy Area must:~~

- ~~• be consistent with the objectives and policies of the Regional Strategy Plan and the relevant policy area; and~~

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- ~~not have any adverse effects on the amenity of adjoining residential areas, the surrounding natural environment or on the landscape of the area.~~

16. RECREATION AND TOURISM

16.01 Regional Overview

It is estimated that some three to five million visitors are attracted to the Region each year, with the Dandenong Ranges National Park alone attracting close to one million people. Approximately 70% of the Region's land is held in public ownership, and within this area significant land has been set aside for parks.

The reservoir parks associated with Melbourne's water supply, such as Maroondah and Silvan reservoirs, have been popular for decades as a 'developed' recreation setting. 'Natural' recreation areas are generally found in the forested areas of the ranges surrounding the Yarra Valley and in the Olinda State Forest and at Mt. Donna Buang. Both 'developed' and 'natural' parks within the Region attract thousands of visitors annually.

Two of Victoria's major tourist attractions, the Healesville Sanctuary and the Puffing Billy Tourist Railway, are located within the Region. In addition, there is significant tourist activity associated with the Yarra Valley wine industry. The Yarra Valley's reputation for cool-climate quality wines is spreading, with an increasing recognition of the potential for related eating and overnight accommodation facilities, in select parts of the Region.

In the Dandenong Ranges, the diverse range of cultural attractions, the picturesque gardens, and the contrasting urban-rural landscapes and bushland settings provide an ideal focus for local, interstate and international visitors.

A number of recent recreational trends need to be taken into account in the planning, development and management of the Region's open space. There is evidence of greater interest in unstructured outdoor activities such as walking and cycling within 'natural' settings. Outdoor social activities such as picnics and barbecues have maintained their traditional appeal, particularly for family groups and organisations. As Melbourne continues to grow in area and population, particularly in the South East Growth Area (Berwick and Pakenham), it is expected that the number of Melbourne residents using major parks just beyond the metropolitan area will also grow.

If properly managed, tourism and recreation can have significant economic benefits, particularly if visitors can be encouraged to extend their stays overnight/s. The challenge is to ensure that such gains can be achieved with minimum disruption to the environment, to the amenity of the local area, and to its community.

The Region's greatest range of opportunities for development of recreation and tourism facilities are within the Yarra Valley. However there is a need to carefully plan and coordinate the development of these facilities, to ensure that the Region's most valued assets - its environmental and landscape qualities - are maintained.

This Strategy adopts a positive approach. It integrates environmental objectives with economic and social goals, by encouraging the tourist industry to develop with themes compatible with environmental protection, and by creating jobs for local people.

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The Strategy recognises that the industry will be seeking a high degree of amenity, and that the way the Region presents itself will determine the degree of success of the enterprise, and influence the extent of preservation of some of the Region's most important features.

16.02 Regional Goals

The regional goals for Recreation and Tourism Policy are to:

- Facilitate further development of the Region's recreation and tourist attractions and facilities, whilst protecting the environment, the landscape and the amenity of the Region and its residents.
- Encourage coordination of the planning, provision and promotion of recreation and tourism facilities in the Region.
- Encourage a diverse range of tourist activities and facilities in appropriate locations, consistent with identified themes.
- Optimise employment and economic benefits to the Region's residents from appropriate recreation and tourism developments.
- Improve the Region's competitive strengths in tourism, to encourage and provide for an increased number of local, interstate and international overnight visitors, and to increase their average length of stay in the Region.
- Encourage positive attitudes amongst the Region's residents, relevant bodies and local councils towards the development of recreation and tourism in the Region, including the provision of associated education and training opportunities and to provide for public consultation.
- Facilitate resolution of existing problems or deficiencies in tourism and recreation infrastructure, through coordination between Government Departments and other relevant public agencies, Councils and local tourism and recreation bodies.

16.03 General regional policies - coordination

The planning, provision and promotion of recreation and tourism facilities, including those on Public Land, must be coordinated at the regional level.

This is to ensure the recognition of regional and local priorities, to assist in the proper allocation of available resources, and to enable the assessment and addressing of possible impacts on the residents, landscapes and environment of the Region. The opportunity for residents to use such facilities and activities must also be considered

16.04 Protection of the environment, landscapes and resident's amenity

Wherever possible, and for all new developments, recreation and tourism activities must be conducted in appropriate locations in the Region, away from areas where the impacts of such activities could be detrimental to the area's residents or to its environmental and landscape values.

16.05 Visitor effect on environmental capacity

Visitors who do come to the Region need to be enticed to stay for longer periods and day trippers need to be diverted away from the Dandenong Ranges, to areas appropriate for tourism and recreation in the Upper Yarra Valley. This is necessary to reduce the pressures of over use on the important landscape, environmental and visitor attraction values of the Region, particularly in the Dandenong Ranges.

Opportunities for recreation and tourism activities and facilities in the Upper Yarra Valley must be promoted, to increase its attractiveness as an alternative to the Dandenong Ranges.

Strategies to assist in the implementation of this policy include:

- promotion of short-break accommodation opportunities, as a means of spreading visitor loads, particularly in the Dandenong Ranges and other overloaded areas;
- promotion of activities and facilities which entice overnight stays, such as nocturnal animal observation at the Healesville Sanctuary and Koori (Aboriginal) cultural activities at the proposed Aboriginal Cultural Centre;
- development of selected wineries and vineyards as tourist attractions in the Region, which highlight the Region's viticulture and wine making industry, and the provision of information and interpretation on these activities;
- development of Mt. Donna Buang as an all-season tourist destination, with an emphasis on the nearest snow-play area to Melbourne, its magnificent scenery, and the opportunity for healthy outdoor activities, provided that the adjacent Watts River and Maroondah catchment are properly protected;
- development of a variety of tourist/visitor accommodation, including low-key farm holiday opportunities and associated outdoor activities;
- development of attractions associated with timber getting and gold mining;
- re-establishment of the historic rail service from Lilydale to Healesville, with the operation of old steam trains, and the re-development of Healesville Railway Station as an attraction featuring transportation history and related matters;
- development of roadside signs in appropriate locations to guide day-trippers to other tourist locations away from the Dandenong Ranges;
- development of and crafts activities related to established themes; and
- establishment of restaurants, tearooms and coffee houses reflecting the hospitality trade of the area.

16.06 Recreation and tourism in Township Policy Areas

The provision of recreation and tourism facilities and services in Township Policy Areas must be carried out in a manner which:

- ensures that any new facilities and/or services are located and designed to be compatible with the current and future needs of local residents and visitors, and
- maximises economic and other benefits to the local community, while minimising adverse impacts on the amenity of local residents, and on the area's landscape character and environment.

16.07 Recreation and tourism in Landscape Living Policy Areas

A limited range of recreational and tourist opportunities may be allowed in appropriate locations within Landscape Living Policy Areas, provided they are in keeping with and enhance the overall character of the area, and they maintain the visual, environmental quality and residential amenity of the area.

16.08 Recreation and tourism in Rural Policy Areas

A diverse range of recreational and tourism opportunities are to be encouraged in appropriate locations in Rural Policy Areas ~~(other than Intensive Agricultural Policy Areas)~~, provided that they are in keeping with, and enhance, the existing overall character of the area and the maintenance of rural and agricultural pursuits, visual and environmental quality and residential amenity.

~~In Intensive Agriculture Policy Areas, recreation and tourism activities may only be allowed where they are incidental or ancillary to an existing intensive agriculture activity being carried out on the land.~~

16.09 Promotion of tourism and recreation

The Region should be promoted for tourism and recreation through major themes, which have been identified as major strengths and which reflect the values important to the Region and its visitors. These themes include:

- Lifestyle experiences, health, good living;
- Rural environment (space, vistas, agriculture);
- Wineries;
- Natural environment (mountains, forests, rivers and streams, flora and fauna);
- Major attractions (e.g. Healesville Sanctuary, Puffing Billy Railway, Upper Yarra Dam, Mt Donna Buang), and
- History and Heritage (e.g. timber, gold, water, guesthouses, pioneer skills).

16.10 Tourist Routes

Appropriately signed and located tourist routes should be developed as a means of informing the public and to:

- assist in planning for recreation and tourism facilities;
- assist in the protection of environmentally and landscape sensitive areas;
- aid in interpreting the historic and cultural values of the area; and
- avoid residential areas where traffic conflicts could arise.

The designation of tourist routes must include consultation with Vic Roads, local Councils and, where appropriate, the Department of Conservation and Natural Resources, Melbourne Parks and Waterways and other relevant bodies.

16.11 Information and interpretation

Tourism and recreation information and interpretation facilities for the Upper Yarra Valley and the Dandenong Ranges (including appropriate signage) need to be provided in appropriate locations, to inform visitors of the nature and location of tourism and recreation facilities and services available.

In the information provided on the Dandenong Ranges, visitors must be made aware of alternative facilities and attractions to the Dandenong Ranges in other parts of the Region.

Roadside signs and other directional information, particularly those directing visitors to tourist and other attractions, should ensure that they are not a hazard to motorists, pedestrians or property, and that the important landscape, environmental and amenity values of the Region are not detrimentally affected.

16.12 Roadside facilities

The planning and provision on road sides for wayside stopping places, picnic and scenic lookout points, and recreation facilities, must be carried out in a manner which causes minimal adverse impact on landscape values, Sites of Natural and Cultural Significance, traffic movements and the residents of the Region:

16.13 Tourist and visitor accommodation and related facilities

Visitors to the Region, particularly overnight visitors, should be encouraged to stay longer, in order to stimulate local economies, to provide employment opportunities for local communities, and to spread the visitor loadings over longer periods of time.

Councils should encourage and facilitate the provision of a range of tourist and visitor accommodation, in appropriate localities, in order to encourage tourists and visitors to stay in the Region for longer periods of time.

Preference in implementing this policy should be given to, accommodation associated with other attractions; improvement or redevelopment of existing accommodation facilities, additional small scale developments, such as bed and breakfast establishments; low cost accommodation such as camping facilities; and accommodation in association with appropriately located restaurants.

~~16.13~~ 14 Caravan parks

Land which is proposed to be used for a caravan park must either be located within:

- a Township Policy Area or a Rural Policy Area (~~other than an Intensive Agricultural Policy Area~~), and be included within a zone that specifically provides for such uses; or
- the townships of Warburton, Healesville and Yarra Glen, where the use may be allowed subject to a planning permit.

~~16.14~~ Major tourist facilities

~~Land which is proposed to be used for a major tourist facility must either be located within:~~

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- ~~• a Township Policy Area or a Rural Policy Area (other than an Intensive Agricultural Policy Area), and be included within a zone that specifically provides for such uses; or~~
- ~~• the townships of Warburton, Healesville and Yarra Glen, where the use may be allowed subject to a planning permit.~~

16.15 Tourist accommodation

The use or development of land for tourist accommodation must be controlled to protect the amenity of residents and the visual and environmental capacity of the area, and to ensure consideration is given to the primary purposes of the relevant policy area for the land.

To achieve this, a planning permit must be required to develop new tourist accommodation establishments. However, planning schemes may allow bed and breakfast style tourist accommodation in any policy area, without planning approval, provided that:

- it is temporary tourist accommodation provided by the resident of a dwelling;
- no more than 5 tourists are accommodated at any one time;
- no new building is constructed; and
- specified car parking and advertising sign requirements are met.

16.16 Hotels

Hotels may only be allowed within ~~commercial or~~ activity centres in Township Policy Areas, and must be controlled to protect the amenity of residents, and the visual and environmental quality of the area.

16.17 Restaurants

Land may be used or developed for a restaurant, subject to planning permit, only where:

- it is in a Township Policy Area; or
- it is in ~~a commercial or an~~ activity centre in any other policy area; or
- ~~• it will be associated with tourist accommodation, a tourist facility, a major tourist facility or with an established vineyard and winery which is producing wines from grapes grown predominantly on land appurtenant to the winery; and~~
- it is used in conjunction with agriculture, natural systems, outdoor recreation facility, rural industry or winery; and
- it will be designed and sited to protect the amenity of residents and the visual and environmental quality of the areas, and to achieve the primary purpose of the policy area within which the land is situated.

16.18 Roadside Stalls

Land within a Rural Policy Area may be used for a roadside stall, subject to planning permit and provided that:

- only primary produce normally grown on the land on which the stall is situated, including fruit, vegetables, flowers and other farm produce, is to be sold; and

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- the location of the roadside stall is appropriate, having regard to traffic considerations; the adequate provision of off-road car parking; and that advertising signs are designed and located so that they do not detract from the landscape character of the area.

16.19 General use and development policies for tourism and recreation facilities

In order to conform with these policies, and to ensure the sustainability of environmental amenity and opportunities for recreation and tourism, any use or development for recreation or tourism purposes, which requires a planning permit, must comply with the following:

- Any undesirable effects of the use or development by reason of its appearance, discharge of wastes into the environment, excessive noise or traffic generation, or the like, must be minimised and/or controlled.
- The site must be both suitable for and capable of supporting the use or development.
- Adequate car parking for the use or development must be provided on the site;
- Any advertisements or signs must be located and designed so that they do not detract from the landscape character or unnecessarily distract passing traffic.
- The intrinsic value of existing native vegetation and its value as habitat for wildlife must be protected.
- The use or development must, if within a Township Policy Area, be connected to a reticulated sewerage system or, if in any other policy area, be capable of properly treating all wastewaters and disposing of effluent within its site.
- The proposed use or development must not contribute to an over-development of a particular area.

16.20 Transport modes

The use of transport modes other than private motor vehicles, for recreation and tourism activities, must be encouraged in order to lessen any adverse effects on the Region's environment and residential amenity, and to reduce traffic demands on the Region's road system.

16.21 Primary purpose - Recreation and Tourism on Public Land

Planning, provision and management of recreation facilities on Public Land is to be undertaken by the appropriate Government Department or public authority.

The primary purpose of policies for recreation and tourism on Public Land is to manage, maintain, and where necessary, improve existing recreation and tourism facilities, and to provide additional facilities and opportunities for a variety of recreational and tourism activities, whilst ensuring that any adverse effects on natural resources, water quality, landscape, environmental character and environmental values, residential amenity and roads, are minimised.

16.22 Mt. Dandenong Ridge Area

Consistent with the general recreation and tourism policies, the further provision and/or expansion of recreation or tourism facilities on Public Land in the Mt. Dandenong Ridge Area must be limited.

ATTACHMENT 3. Proposed Amendment 122 to the Regional Strategy Plan

Government Departments and public authorities and Councils responsible for the management of recreation and tourism facilities within the Mt. Dandenong Ridge Area, must ensure that there is generally no further provision of such facilities within this area, but at the same time, recognise the possibility for upgrading and relocating existing facilities.

16.23 Promotion of Public Land for recreation

Government Departments and Public Authorities responsible for the management of recreation facilities must, when preparing management plans, make provision for the establishment or continued use of appropriate recreation facilities in the Lysterfield Lake Park and other appropriate public land areas beyond the Mount Dandenong main ridge. These plans should also provide for the publishing of brochures and other material promoting the use of these areas for suitable recreational activities.

Camping grounds and camping opportunities for bushwalkers, cyclists, kayakers and rafters should only be allowed on Public Land or in appropriate locations near linear trails or near appropriate rivers.

16.24 The Yarra River System

The Yarra River and its main tributaries below the major water supply reservoirs/dams must be recognised as a special recreational feature, and encouragement must be given to the provision of opportunities, where appropriate, for a variety of recreational activities, including walking tracks, picnic areas, and access for water-based activities.

The Department of Conservation Natural Resources, Melbourne Parks & Waterways, Council and other relevant public agencies, in consultation with Council, must review and coordinate the use of water frontages in the Yarra River catchment within the Region.

16.25 Disused Lilydale-Warburton Railway Reserve

Staged development of the Lilydale-Warburton Railway Reserve and other disused railway reserves for walking, cycling, horse riding and other compatible activities will be encouraged, without prejudice to the possible future use of these reserves for transport purposes if required.

Government Departments and Public Authorities which own/control and manage the disused Lilydale - Warburton Railway Reserve must support the implementation of, and give effect to, the 'Lilydale-Warburton Railway Reserve Recreation Management Plan July 1988' when considering works or undertakings on the Reserve or when considering the disposal of any land which is part of, or associated with, this Railway Reserve.

16.26 Disused Lilydale-Healesville Railway Reserve

Government Departments and Public Authorities which own/control and manage the Lilydale-Healesville Railway must, should this railway not be re-established as a commuter rail service, assist in the development of a strategy for its use as a 'tourist' railway.

The use of the railway reserve for purposes other than a commuter rail service or a 'tourist' railway, may be allowed only when such use is compatible with the protection of the reserve's potential for use as a linear recreation reserve (similar to the Lilydale- Warburton Railway).

16.27 Linear Recreation Opportunities

The development of a regional system of walking, horse riding and bicycle tracks, in a variety of landscapes connecting townships and other private land with Public Land, must be encouraged and coordinated.

In planning and developing recreation facilities and systems within the Region, Government Departments, public authorities, Councils and other agencies responsible for the management of those recreation facilities and systems must consider the approved recommendations of the Land Conservation Council, and must have regard to:

- the possibility of including disused linear features such as the Silvan aqueduct, disused railway reserves, road reserves, stream reserves and utility easements to create a network of walking, horse riding and bicycle tracks throughout the Region;
- where appropriate, the feasibility of leasing private land for purposes of linear linkages with Public Land;
- the need for such facilities, and their integration with existing facilities in particular locations, and
- the effects on local residents, on the environment, and on the landscape of the area in which any such facility is to be situated.

Planning and Environment Act 1987

UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN**AMENDMENT 122****INSTRUCTION SHEET**

The planning authority for this amendment is the Minister for Planning.

The Upper Yarra Valley and Dandenong Ranges Regional Plan is amended as follows:

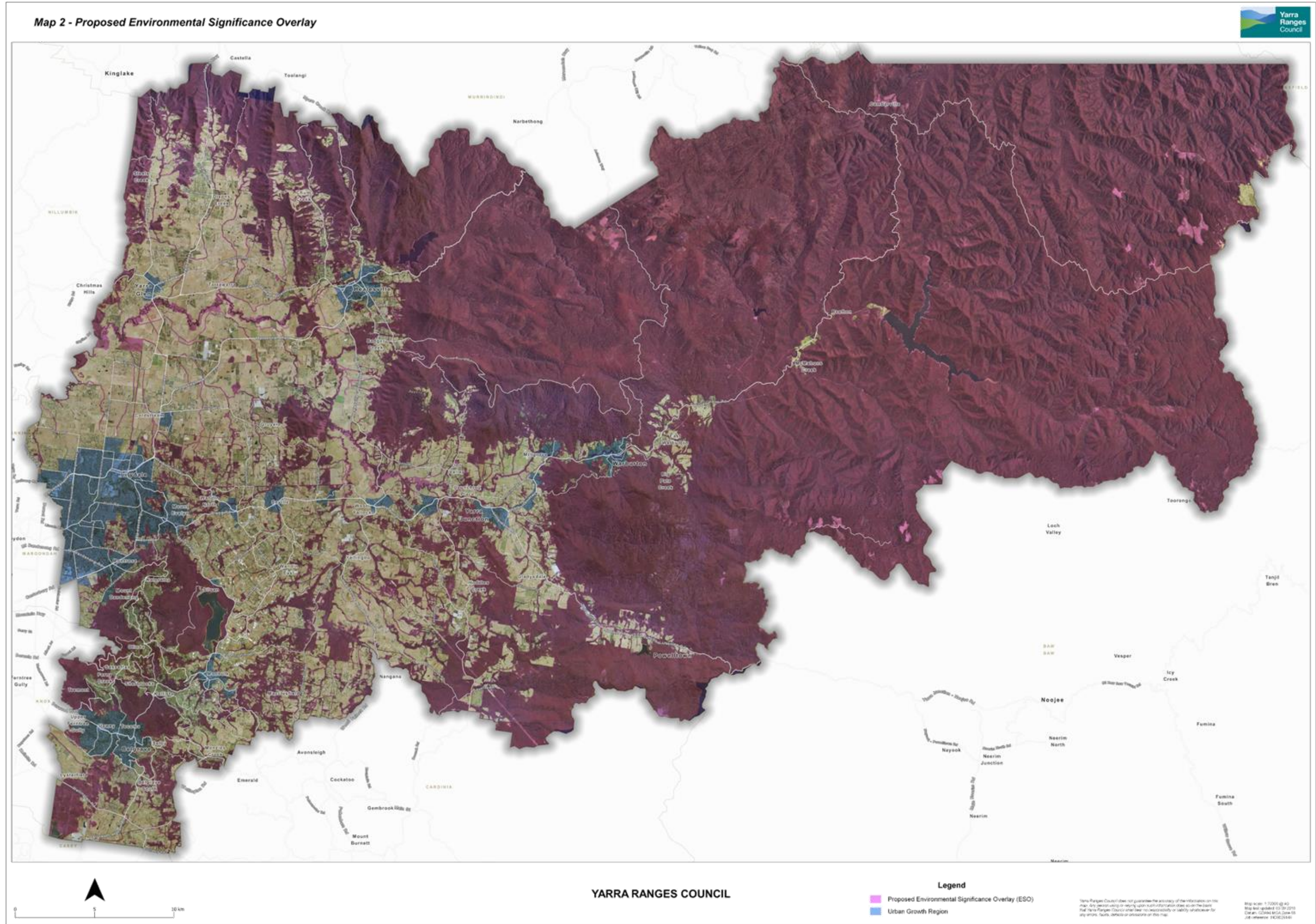
1. In Chapter 7 *Management of Sites of Natural Significance and Other Areas of Native Vegetation*-
 - amend Clause 7.02 to clarify the exceptions to the prohibition of vegetation removal,
 - amend Clause 7.05 to replace the specified planning permit exemptions
 in the form of the attached document *Attachment 1*.
2. In Chapter 13 *Commercial Centres*
 - rename the chapter *Activity Centres*
 - amend Clause 13.01, 13.02 and 13.03
 - delete Clause 13.04, 13.05, 13.06, 13.07, 13.08, 13.09, 13.10 and 13.11
 in the form of the attached document *Attachment 2*.
3. In Chapter 16 *Recreation and Tourism*
 - amend Clause 16.08 to remove references to *Intensive Agricultural Policy Areas*

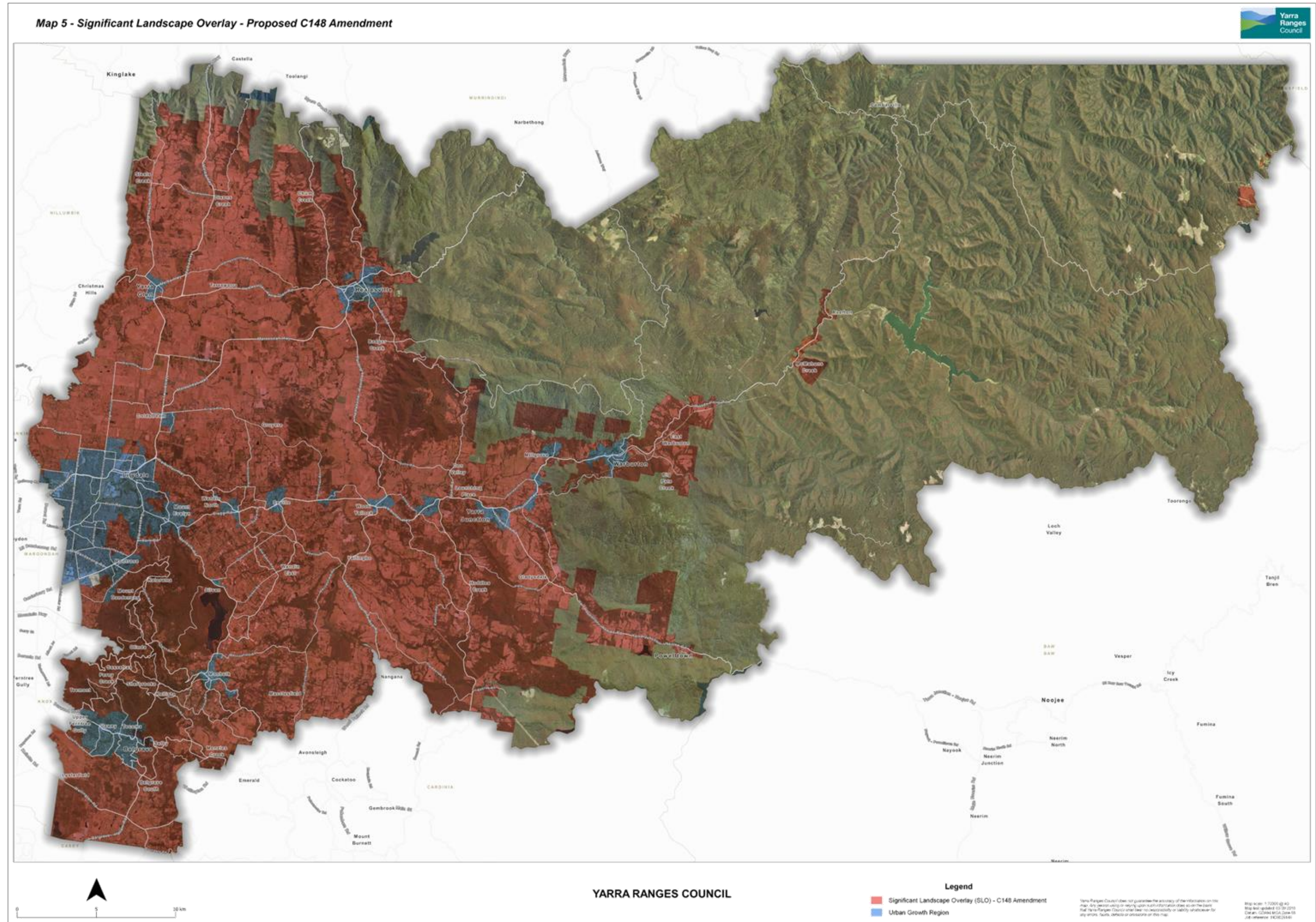
ATTACHMENT 3. Proposed Amendment 122 to the Regional Strategy Plan

- renumber second Clause 16.13 relating to *Caravan Parks* to 16.14 and remove references to *Intensive Agricultural Policy Areas*
- delete former Clause 16.14 relating to *Major Tourist Facilities*
- amend Clause 16.07 to replace the third dot point

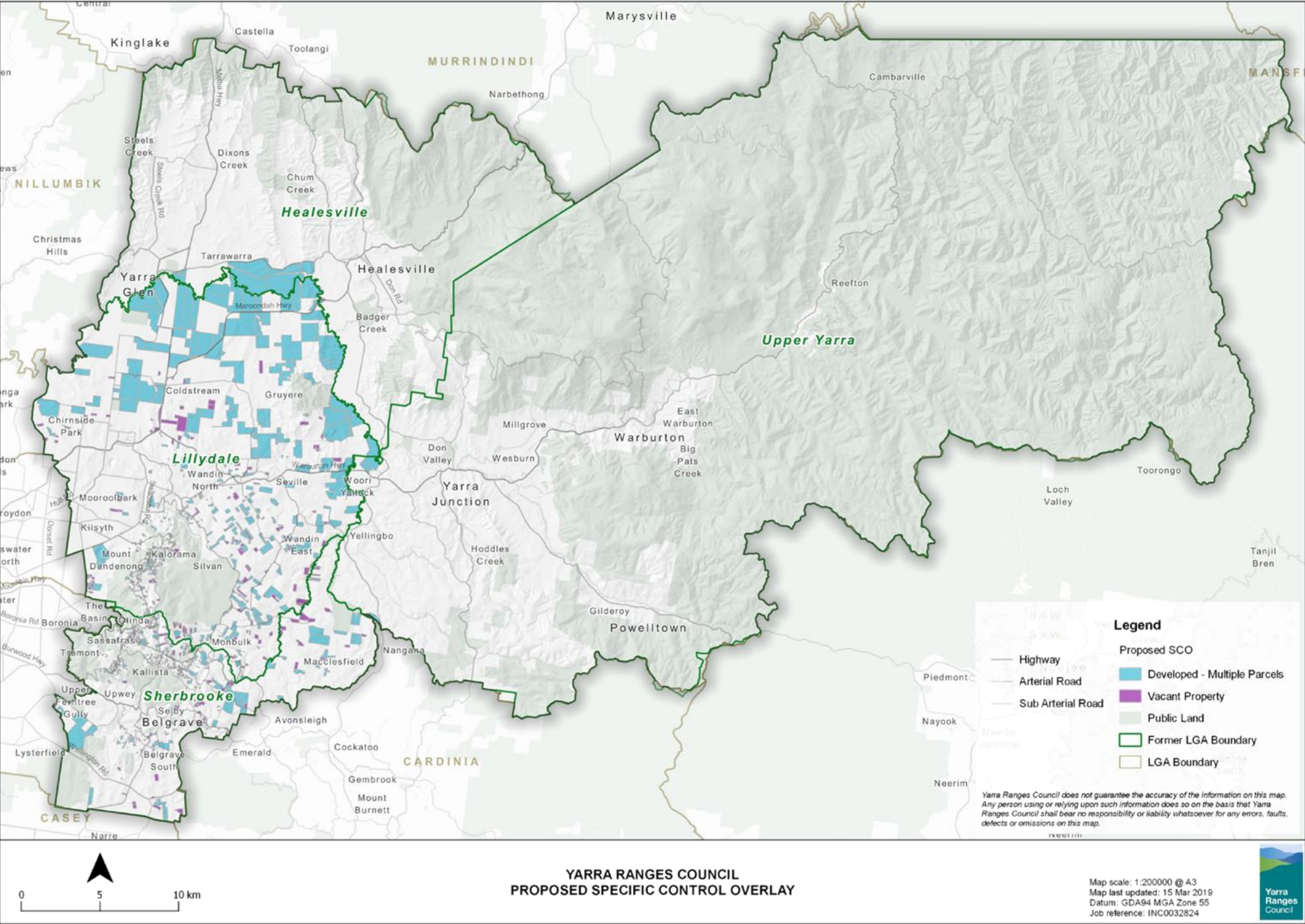
in the form of the attached document *Attachment 3*.

End of document





ATTACHMENT 6. Proposed Special Controls Overlay Mapping



Planning and Environment Act 1987

Panel Report

**Yarra Ranges Planning Scheme Amendment C148 and
Upper Yarra Valley and Dandenong Ranges Regional
Strategy Plan Amendment 122**

16 October 2018


Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Yarra Ranges Planning Scheme Amendment C148 and Upper Yarra Valley and Dandenong Ranges
Regional Strategy Plan Amendment 122

Planning Scheme Review

16 October 2018



Lester Townsend, Chair



Gabby McMillan, Member

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Yarra Ranges Planning Scheme Amendment C148 and Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan
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List of Abbreviations

BESS	Built Environment Sustainability Scorecard
BMO	Bushfire Management Overlay
BPA	Bushfire Prone Area
CASBE	Council for Sustainable Built Environment
DELWP	Department of Environment, Land, Water and Planning
EMO	Erosion Management Overlay
EPA	Environment Protection Authority
ESD	Environmentally Sustainable Design
ESO	Environmental Significance Overlay
GRZ	General Residential Zone
GWAZ	Green Wedge A Zone
GWMP	Green Wedge Management Plan
GWZ	Green Wedge Zone
LDRZ	Low Density Residential Zone
LPPF	Local Planning Policy Framework
LPS	Localised Planning Statement
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
POS	Public Open Space
PPF	Planning Policy Framework
RCZ	Rural Conservation Zone ()
RGZ	Residential Growth Zone
RXO	Restructure Overlay
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework
UGB	Urban Growth Boundary
VPP	Victoria Planning Provisions
YREAC	Yarra Ranges Environment Action Committee

ATTACHMENT 7. Amendment C148 Panel Report

Yarra Ranges Planning Scheme Amendment C148 and Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan
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Overview

Amendment summary	
The Amendments	Yarra Ranges Planning Scheme Amendment C148, and <i>Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan</i> Amendment 122
Common name	Planning Scheme Review
Brief description	The Amendment comprises a comprehensive Planning Scheme review and changes to the <i>Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan</i> to ensure consistency with the updated Planning Scheme
Subject land	All land within the Shire of Yarra Ranges
The Proponent	Yarra Ranges Shire Council
Planning Authority	Amendment C148: Yarra Ranges Shire Council Amendment 122: Minister for Planning
Authorisation	10 February 2016
Exhibition	11 August to 6 October 2016
Submissions	Number of Submissions: - 108 for Amendment C148 - 10 for Amendment 122 - (Submitters are listed in Appendix A)
Panel process	
The Panel	Lester Townsend (Chair) and Gabby McMillan
Directions Hearing	Montrose Town Hall, 6 July 2018
Panel Hearing	Montrose Town Hall, 21, 22 and 23 August 2018
Site inspections	Unaccompanied, 23 August 2018
Appearances	See Appendix B
Date of this Report	16 October 2018

Executive summary

(i) Summary

Amendment C148

Amendment C148 is a result of a comprehensive review of the Yarra Ranges Planning Scheme (the Planning Scheme) and seeks to implement a number of strategies which have been adopted by Council.

The Amendment seeks to update policy guidance in the Planning Scheme to better reflect the unique vision of the Yarra Ranges and community expectations.

Section 46D of the *Planning and Environment Act 1987* requires the Planning Scheme to be consistent with the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* (the *Regional Plan*). This consistency is given effect, in part by Clause 51.03 (previously Clause 53).

The Amendment seeks to move requirements in Clause 51.03 which operationalise the *Regional Plan* within the Planning Scheme, into the appropriate zone and overlay controls to reduce redundancy.

Amendment C148 will be a significant improvement to the transparency and usability of the Planning Scheme.

Amendment 122

Some of the changes proposed in Amendment C148 are inconsistent with the *Regional Plan*, and therefore the *Regional Plan* needs to be amended to ensure there is no inconsistency between the two. The removal of tenement provisions and the revision of activity centre hierarchies are required to ensure consistency between the *Regional Plan* and Amendment C148.

Amendment 122 will need to be approved by the Minister and ratified by Parliament prior to Amendment C148 being approved.

Part B version of the controls

Council submitted a Part B version of the Amendment C148 at the Hearing. The Panel bases its recommendation on this version of the controls but notes that there is a need to review of the form and content of the Amendment against current Ministerial Direction, *The Form and Content of Planning Schemes*.

Issues with the changes

The Panel concludes that the Amendments are broadly supported by, and implement, the relevant sections of the Planning Policy Framework and are generally consistent with the relevant Ministerial Directions¹ and Practice Notes. They are strategically justified.

The Panel agrees with submissions that the policy statements around quarrying operations could be clarified to distinguish between new and expanded operations.

¹ The most significant exemption being the recently amended Ministerial Direction – *The Form and Content of Planning Schemes*

The Panel understands that the Lilydale bypass is subject to a Public Acquisition Overlay (PAO) and considers that the alignment of the Lilydale Bypass should be shown in the Planning Scheme.

The Panel does not support the removal of tenement controls. The community is at the tail end of a long process of correcting a legacy of inappropriate subdivisions. The process is not complete, and the Panel does not think that it is appropriate (or equitable) to completely remove tenement controls. The Panel accepts that control could be more transparent and propose a Specific Control Overlay to clearly identify affected land.

Detailed submissions were made about the landscape character objectives. The Panel considers that the landscape character objectives are broadly acceptable and coherent, and that it is not necessary to include additional schedules to reflect the historical statements of significance.

From the site-specific submissions there appear to be flaws in the Environmental Significance Overlay (ESO) mapping, but because there is a significant overlap between the Significant Landscape Overlay (SLO) and the ESO some form of vegetation control will continue to apply across the majority of the Shire.

The existing ESO Schedule 1, which is proposed to be removed, is potentially valuable to guiding the exercise of discretion and should not be deleted without a detailed review.

The Panel considers that it would be better to replace the exemptions for vegetation removal by public land managers in the proposed overlays with a VicSmart provision to ensure vegetation removal by public land managers is consistently managed.

The Panel does not support the retained vegetation control in Clause 53.01 because these remove current exemptions and so extending the scope of Clause 53.01 to apply more onerous vegetation controls than currently apply.

The intention underlying the built form controls are generally acceptable and broadly consistent with the historical controls that were introduced through the *Regional Plan*. However, the controls are overly prescriptive in places.

The controls would benefit from redrafting to:

- avoid creating ad hoc definitions
- avoid linking the permit requirements to other permit requirements in the Scheme
- remove overlay prescriptive requirements.

Because the Panel has recommended a complete review to ensure compliance with *Ministerial Direction, The Form and Content of Planning Schemes*, it has not been definitive in its precise wording changes.

In respect of uses in the green wedge, tourist facilities should be treated differently to other non-farming uses, such as educational facilities, as they have a direct relationship with the rural land use.

Applying a consistent 5 per cent contribution to land inside the UGB is justified but is not justified for land outside the UGB.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Yarra Ranges Planning Scheme Amendment C148 and Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan Amendment 122 be adopted as exhibited subject to the following:

1. Adopt all changes shown in the revised version of the controls tabled by Council in its Part B submission unless otherwise recommended.
2. Review of the form and content of the Amendment against current *Ministerial Direction, The Form and Content of Planning Schemes*.
3. Change the strategies at 21.04-3 by:
 - Changing Strategy 1.1 to read: "Provide for the continued use and development of, and where appropriate the expansion of, existing quarry operations."
 - Delete Strategy 1.4 and Strategy 1.5.
4. Update the Lilydale activity centre map to show the alignment of the Lilydale Bypass as 'Proposed bypass route'.
5. Apply the Specific Control Overlay to land potentially affected by tenement controls and apply an Incorporated Document that replaces the current provisions in Clause 51.03.
6. Retain the current Environmental Significance Overlay Schedule 1, but update the Schedule to specify the vegetation exemptions within the Schedule.
7. Before adoption, review the application of the proposed Environmental Significance Overlay to the specific sites identified in submissions, including the locality around Perrins Creek and The Crescent, Sassafras.
8. Replace the exemptions for vegetation removal by public land managers with a VicSmart provision to ensure vegetation removal by public land managers is consistently managed.
9. Revise the drafting of the Overlay Schedules to:
 - avoid using definitions where possible.
 - move the 'requirements' presented in the Decision Guidelines in the Significant Landscape Overlays to a more appropriate location in the Planning Scheme, potentially a Local Planning Policy.
 - revise the requirements presented in the Decision guidelines of the Significant Landscape Overlays (but relocate to a more appropriate location) to delete those requirements that impose a prescriptive outcome rather than specify a performance standard, namely those requirements that deal with:
 - strongly symmetrical buildings
 - setback from road frontages or railways
 - building materials.

(Appendix D gives an example of the drafting changes proposed by the Panel)
10. Retain the current exemptions for the remaining vegetation controls in Clause 51.03.

ATTACHMENT 7. Amendment C148 Panel Report

Yarra Ranges Planning Scheme Amendment C148 and Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan
Amendment 122 | Panel Report | 16 October 2018

11. Amend the Schedule to Clause 53.01 'Public Open Space Contribution and Subdivision' to exclude land outside the Urban Growth Boundary.

Based on the reasons set out in this Report, the Panel recommends that the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* Amendment 122 be adopted as exhibited subject to the following:

R1. Retain the statements that deal with tenement controls

1 Introduction

1.1 The Amendments

Section 46D of the *Planning and Environment Act 1987* (the Act) requires the Yarra Ranges Planning Scheme (Planning Scheme) to be consistent with the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* (the *Regional Plan*).

With the creation of the new format planning schemes, any inconsistencies between State Planning Policy and the *Regional Plan* were resolved by Clause 53 (now Clause 51.03) which prevails over any other control in the Planning Scheme.

Amendment C148 description

Amendment C148 is an amendment to the Yarra Ranges Planning Scheme. As exhibited the Amendment proposes to:

- rewrite the Municipal Strategic Statement to provide clearer strategic direction and decision making guidance on a wide range of land use and development issues
- introduce three new Local Planning Policies: 'Major Retail Developments', 'Environmentally Sustainable Development', and 'Dwellings in Green Wedge Areas'
- delete eight local planning policies that will become redundant as a result of new policy guidelines in the revised Municipal Strategic Statement and revised overlay schedules
- introduce a set of new Significant Landscape Overlays that contain design guidelines for new development in green wedge areas, and remove existing Significant Landscape Overlays
- introduce a new Environmental Significance Overlay that identifies the important biodiversity habitats in Yarra Ranges and provides targeted controls to protect these areas and remove the existing Environmental Significance Overlay Schedule 1
- introduce a 5 per cent per cent public open space contribution requirement through the Schedule to Clause 52.01 (now Clause 53.01)
- remove requirements from the Schedule to Clause 53 (now Clause 51.03) of the Planning Scheme, that:
 - would now be covered by other clauses
 - are no longer though necessary, specifically, tenement controls.

Amendment 122 description

Amendment 122 is an amendment to the *Regional Plan*. The Amendment proposes to:

- delete clauses which require the Planning Scheme to apply tenement controls in certain Landscape Living Policy Areas and Rural Policy Areas
- clarify exceptions to prohibition of vegetation removal
- replace certain listed exemptions in Chapter 7.05 with "*except where exemptions apply under the Planning Scheme*"
- rename 'Commercial Centres' to 'Activity Centres' and delete Clauses 13.04-13.11 that addresses retail centres
- delete provisions that relate specifically to Intensive Agricultural Policy Areas in Clauses 16.08 and 16.13
- delete Clause 16.14 that addresses major tourism facilities.

- replace third dot point in Clause 16.17 with *“it is used in conjunction with agriculture, natural systems, outdoor recreation facility, rural industry or winery”*.

(i) Purpose of the Amendments

Amendment C148

Council’s stated intent in preparing the Amendment was to ‘modernise’ the existing planning policy framework, improve transparency and clarify the role and status of the *Regional Plan* objectives within the current VPP structure.

Amendment C148 is a result of a comprehensive review of the Yarra Ranges Planning Scheme and seeks to implement a number of strategies which have been adopted by Council.

Amendment C148 seeks to implement several adopted Council policies and strategies, including:

- *Yarra Ranges Green Wedge Management Plan 2010*
- *Vision 2020 by Design 2009*
- *Industrial Areas Review 2010*
- *Yarra Ranges Economic Development Strategy 2012 – 2022*
- *Yarra Ranges Recreation and Open Space Strategy 2015 – 2025*
- *Yarra Ranges Health and Wellbeing Strategy 2013 – 2017*
- *Yarra Ranges Activity Centres Network Strategy 2012*
- *Structure Plans for Lilydale, Chirnside Park and Mooroolbark*

The Amendment seeks to update policy guidance in the Planning Scheme to better reflect the unique vision of the Yarra Ranges and community expectations. This vision includes:

- *contain urban development within established suburban and township areas*
- *reinforce primary values of Yarra Ranges’ green wedge which are:*
 - *support sustainable farming*
 - *retain healthy biodiversity*
 - *protect valued landscapes*
- *provide for more intensive redevelopment to create business opportunities and more diverse housing in urban locations within and around the larger activity centres*
- *fully use development opportunities in key redevelopment sites such as the Cave Hill quarry in Lilydale*
- *retain the current low density semirural character of the Dandenong Ranges and other established residential areas*

The Amendment also seeks to move policies in Clause 51.03 (previously Clause 53), which operationalises the *Regional Plan* within the Planning Scheme, into the appropriate zone and overlay controls to reduce redundancy.

Amendment 122

Some of the changes proposed in Amendment C148 are inconsistent with the *Regional Plan*, which requires the *Regional Plan* to be amended to ensure there is no inconsistency between the two. The removal of tenement provisions and the revision of activity centre hierarchies are required to ensure consistency between the *Regional Plan* and Amendment C148.

Amendment 122 will need to be approved by the Minister and ratified by Parliament prior to Amendment C148 being approved.

(ii) The subject land

The Amendments apply to all land within the Shire of Yarra Ranges.

1.2 Panel process

Amendments C148 and 122 were prepared by the Yarra Ranges Council and the Minister for Planning respectively.

Amendment C148 was prepared by Yarra Ranges Council and was authorised on 10 February 2016 subject to the following conditions:

- *An amendment to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan must be prepared concurrently with Amendment C148 to ensure consistency between the documents.*
- *Exhibition of the Amendment be undertaken concurrently, in partnership with the Department of Environment, Land, Water and Planning in relation to the [Regional Plan], to enable amendments to be considered and assessed together, including by an independent Panel if necessary.*
- *Notice should be given to Native Title Services Victoria as the amendment affects Crown land.*

1.3 Procedural issues

Dandy Premix Quarries Pty Ltd

On 4 July 2018, an email was received by Planning Panel Victoria and Yarra Ranges Shire Council from Equipe Lawyers who were acting for Dandy Premix Quarries Pty Ltd. In the letter attached to the email, potential issues of a denial of procedural fairness in relation to previous Planning Scheme Amendment C97 were raised and the following directions were sought:

- *Within 21 days of the Directions Hearing, Dandy Premix Quarries Pty Ltd must advise the Panel whether it has made an application to the Court as foreshadowed at the Directions Hearing and file a copy of the application with Planning Panels Victoria*
- *In the event that an application to the Court is filed by Dandy Premix Quarries Pty Ltd, the Hearing of submissions in relation to the matters raised by Dandy Premix Quarries Pty Ltd is adjourned to a date to be determined following the issue of any final order by the Court in the proceeding.*

At the Directions Hearing on 6 July 2018, the Panel heard submissions from Dandy Premix Quarries Pty Ltd, represented by Mr Natoli of Equipe Lawyers, regarding the above letter. It was determined that the issues raised in the 4 July 2018 letter could be resolved through dialogue with DELWP and Council and that, as a result, a timetable would be drafted that did not include Dandy Premix Quarries Pty Ltd.

Dandy Premix Quarries Pty Ltd submitted that this issue will be addressed through a separate amendment process.

Part B version of the controls

The Council presented a Part B version of the controls. Council submitted that this version of the controls made the following changes to the Amendments:

Environmental Significance Overlay

- *Change the model for mapping of the proposed ESO from a 10 hectare minimum patch size to a 5 hectare patch size. The new model includes roadside areas that either support large continuous canopy trees on one or both sides or contribute to a 5 hectare patch. Other roadside areas will be included if they are known to support rare or threatened species (DSE advisory list). Public land that is less than 1 hectare where 30 per cent or greater of the property supports native vegetation.*
- *No application of the ESO inside the Urban Growth Boundary except for public land which meets the criteria of the proposed ESO.*
- *Standardise the definition (size) of a standing dead tree with the definition from Clause 52.17. This establishes the size of a dead tree which requires a permit for removal.*
- *Reference the Australian pruning standard in the ESO – AES 4373.*
- *Remove the requirement for a permit for a fence within four metres of protected vegetation.*
- *Modify the application requirements to require a preliminary land use management plan and leave the full one as a permit requirement. (protects applicants from having to prepare a full land management plan who may not get a permit for other reasons).*

Significant Landscape Overlay

- *The Statements of significance to be modified to incorporate descriptive elements of the National Trust Landscapes ...*
- *References to specific building materials have been removed from the Statements of Significance – Council is not intending these descriptions of existing materials to be interpreted as prescriptive for future developments.*
- *The permit exemptions for fences across the six SLO's have been standardised to read any fence less than 1.8 metres and more than 75 per cent transparent.*

Clause 53 (now 51.03)

- *Retain the existing vegetation controls in Clause 53 for the: Public Use Zone, Special Use Zone, Commercial 1, Commercial 2 and Industrial 3 Zone. Currently vegetation controls under Clause 53 do not apply to the Industrial 1 Zone.*

ESD Policy

- *The revised policy is in line with the MAV's recommendations to use the current vernacular for ESD. To support the policy, it is proposed Council join MAV's Council Alliance for Sustainable Built Environment (CASBE)*

which gives Council access to an online tool to complete ESD assessments. Revised policy is Attachment 6 – Clause 22.03.

- *Limit the application of the policy to buildings of three or more dwellings on a lot and remove rural buildings from the policy.*

The Panel has adopted this version in making its recommendations.

The Panel recommends:

Adopt all changes shown in the revised version of the controls tabled by Council in its Part B submission.

Changes to the VPP

The recent state-wide Amendment VC148 has changed the structure of the Planning Scheme, and there will be a need to revisit the Amendment to ensure consistency with the post Amendment VC148 Planning Scheme.

The VPP structure was reformed just before the Hearing. The approach of Panel has been to review the merits of the Amendments and the substance of the policy changes proposed. A further translation will need to be undertaken in the future, to bring the Local Planning Policy Framework into the new Victoria Planning Provisions format. This approach was discussed at the hearing and confirmed by DELWP as appropriate.

The recent changes also changed the Ministerial Direction *The Form and Content of Planning Schemes* and a review of the form and content of the Amendment against the current Ministerial Direction is required.

The Panel recommends:

Review of the form and content of the Amendment against current Ministerial Direction, *The Form and Content of Planning Schemes*

1.4 Summary of issues raised in submissions

Submissions fell into two broad camps: those that felt the control were too restrictive, and those that sought to maintain strict controls that they saw as important to maintaining regional character.

The key issues raised in the submissions included:

- the proposed vegetation controls (ESO and SLO) are restrictive or unjustified in their application
- the drafting of Municipal Strategic Statement threatens green wedge areas and threatens inappropriate increase in development
- there is a need to continue the protection of green wedge areas for agriculture and conservation
- there is a need to maintain integrity and policy of the *Regional Plan*
- the deletion of Tenement Controls will lead to destruction of the character of the area.

1.5 Issues dealt with in this Report

The Panel considered all written submissions made in response to the exhibition of the Amendments, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Policy changes
 - Changes to the Regional Plan
 - Changes to the LPPF
 - Bushfire risk
- Tenement controls
- Vegetation controls
- Built form controls
- Tourism and education
- Public Open Space contribution.

2 Planning context

2.1 Historical context

The Upper Yarra Valley and Dandenong Ranges Authority

The Upper Yarra Valley and Dandenong Ranges Authority was established with the proclamation, in April 1977, of the *Upper Yarra Valley & Dandenong Ranges Authority Act 1976*. The region for which the Authority was responsible comprised the former Shires of Healesville, Lilydale, Sherbrooke and Upper Yarra. With local government restructure in December 1994, the region generally covered the same area as the municipal district of the Yarra Ranges Shire.

The object of the Upper Yarra Valley and Dandenong Ranges Act was “to enable increased protection for the special features and character of the region”. The Act also required that the Authority prepare Regional Strategy Plans to implement among other things, State Planning Policies for the region (in particular, the former Statement of Planning Policy No. 3, Upper Yarra Valley and Dandenong Ranges, April 1979).

The Authority was wound up in 1995 under the *Planning Authorities Repeal Act 1994*.

The Regional Plan

The *Regional Plan* is considered a seminal planning document for its time. It has often been credited with the preservation of the area – particularly the Dandenong Ranges.

The *Regional Plan* marked a distinct change in direction for the planning of the Upper Yarra and Dandenong Ranges. Importantly the *Regional Plan* supported mechanism to address over development, including dealing with several inappropriate subdivisions. An extensive research base (including surveys and data collection) underpinned the *Regional Plan*.

Since the inception of the *Regional Plan* in 1980 there has consistent planning policy in Yarra Ranges underpinned by specific requirements in the Act and the Planning Scheme.

Many submitters acknowledged the success of consistent planning policy over the last 40 years – that is, the landscapes and ecological values that existing in the 1970s have been effectively protected and still exist today.

Since the disbandment of the Authority, the *Regional Plan* has been under the jurisdiction of the Minister for Planning.

The legislative framework

With the creation of Yarra Ranges Shire Council, and the new format (standardised) planning schemes, any inconsistencies between State Planning Policy and the *Regional Plan* were resolved by Clause 53 (now Clause 51.03) which prevailed over any other control in the Planning Scheme.

2.2 Policy framework

(i) The Regional Plan

Key policy objectives in existing planning framework include, protection of valued landscapes, ecological values, protection of agricultural land from urban encroachment and

rectification of inappropriate smaller lot subdivisions (that date from the 1920s) by way of tenement controls and subsequent restructure processes.

(ii) State policies in the Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the State section of the Planning Policy Framework:

- Clause 11 – Settlement
- Clause 12 – Environmental and Landscape Values
- Clause 13 – Amenity
- Clause 14 – Agriculture
- Clause 14.01-3S – Resource Exploration and Extraction
- Clause 14.03 – Earth and Energy Resources
- Clause 15 – Built Environment and Heritage
- Clause 15.01 – 4S – Healthy Neighbourhoods
- Clause 15.02 – Sustainable Development
- Clause 15.03 – Heritage
- Clause 16 – Housing
- Clause 17 – Economic Development
- Clause 18 – Integrated Transport
- Clause 19 – Infrastructure
- Clause 19.02 – Community Infrastructure
- Clause 19.02-6R – Open Space Metropolitan Melbourne

(iii) Local Planning Policy Framework

Council submitted that:

The Amendment proposes a comprehensively rewritten Local Planning Policy Framework. The LPPF provides a clearly expressed strategic policy framework for decision making on land use and development proposals. It updates the Planning Scheme to incorporate relevant aspects of key strategic documents that have been adopted by Council in recent years. It also responds to a range of land use and development issues that have emerged since the new format Yarra Ranges Planning Scheme was introduced in July 2000.

2.3 Ministerial Directions and Practice Notes

Council submitted that the Amendment meets the relevant requirements of:

- Ministerial Direction 11 – *Strategic Assessment of Amendments*
- Ministerial Direction – *The Form and Content of Planning Schemes* under section 7(5) of the Act.

Council submitted that the Amendment is consistent with:

- *Planning Practice Note 46: Strategic Assessment Guidelines*, June 2015
- *Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes*, June 2015.

As discussed in this Report there are aspects of the SLOs that the Panel does not think follow the *Planning Practice Note 10: Writing Schedules*, May 2000.

2.4 Conclusion

The Panel has reviewed the Amendments in the context of this history and considered:

- Whether the Amendments change the substance of existing policies?
- If policy changes of substance are proposed, are these consistent with the current Planning Policy Framework and purpose of the Act?
- Are there any historical policies (which are not proposed to be changed) that need to be changed in order to ensure the Scheme is consistent with the Planning Policy Framework?

The Panel concludes that the Amendments are broadly supported by, and implement, the relevant sections of the Planning Policy Framework and are generally consistent with the relevant Ministerial Directions and Practice Notes. They are strategically justified and should proceed subject to addressing the more specific issues raised in submissions as discussed in the following Chapters.

3 Policy changes

3.1 Changes to the *Regional Plan*

The specific changes required to the *Regional Plan* include:

- Tenement controls:
 - The removal of the tenement provisions
- Activity Centre hierarchy:
 - Introduction of a new Activity Centre Hierarchy which reflects the broad range of services and facilities provided in centres. It will replace the Commercial Centres policy
 - Replacement of the current hierarchy of regional centres policy
- Vegetation removal:
 - Clarify exceptions to vegetation removal – Clause 7.02 – Sites of Natural Significance
 - Modify Clause 7.05 to enable consistency with the SLO, ESO and Erosion Management Overlay (EMO) and Clause 52.17 Native Vegetation. Clause 16.08, Clause 16.13
- Tourism and restaurants:
 - Delete provisions for recreation, tourism and caravan parks directly related to Intensive Agricultural Policy Areas
 - Remove references to 'major tourist facilities' Clause 16.14 – there is no defined meaning for this term in the Planning Scheme
 - Modify the conditions associated with restaurants (Clause 16.17) in rural areas consistent with provisions of the Green Wedge Zone.

(i) General issues

A number of submissions to Amendment C148 and some to Amendment 122 broadly objected to any revision of the *Regional Plan* and objected to any part of the Amendment that requires an amendment to the *Regional Plan*.

Some submitters submitted that the Amendment C148 should not be progressed until a review of the *Regional Plan* is completed. This included some submitters who believed that the background studies behind the *Regional Plan* were superior to anything which has been compiled since.

Council was not aware of any desire on the part of the State to review the *Regional Plan*.

The Panel can see no harm in incremental changes to the *Regional Plan*, but it is important to maintain the integrity of the vision in the *Regional Plan*. Specific changes to the *Regional Plan* are discussed elsewhere in this Report.

(ii) Specific changes

The specific changes to the *Regional Plan* are discussed under the relevant Chapters of this Report.

3.2 Changes to the LPPF

(i) Township hierarchy

A new township hierarchy is proposed as part of the Amendment, supported by the *Activity Centres Network Strategy 2012*. Council submitted that the current policy for activity centres recognises the major activity centres of Lilydale and Chirnside Park, but offers little guidance for the lower order centres in Yarra Ranges. The *Regional Plan* includes a classification of towns and metropolitan centres as either locally or regionally significant but again provides little information on the role or function of these centres. Six submissions commented on the Activity Centres Network proposed Clause 21.02-3.

Concerns were expressed about changes to policies directed at ensuring that townships are to be free from ribbon development, and that non-agricultural activities should be restricted along highways and main roads.

The Panel agrees with Council that the Urban Growth Boundary effectively contains the townships, and that these policies do not need to be stated in the Planning Scheme because they are part of the current zone controls.

(ii) Localised Planning Statement

Council prepared the Yarra Ranges Localised Planning Statement (LPS) at the request of the State Government, and the Minister for Planning approved it earlier this year. The Yarra Ranges Activity Centre Hierarchy table also appears in the adopted LPS with the exception of one statement in the Large Neighbourhood Activity Centres category:

Land within and adjoining these centres is generally an appropriate location for additional housing.

Council removed the sentence from the LPS due to strong resistance from the reference group guiding the development of the statement.

Council submitted that this statement is current policy and is proposed to be retained in the Planning Scheme as it is entirely consistent with the existing residential framework and associated controls currently applied in the Yarra Ranges' Scheme. The Panel supports Council's position.

(iii) Aged Care Planning Policy

The Amendment adds policy for Aged Persons Housing. Proposed Clause 21.02-4 will provide guidance on Council's preferred locations and design for Nursing homes and Retirement villages. Concerns were expressed about the terminology used.

Terms for aged care include Retirement villages and Nursing homes, both of which are defined in the Planning Scheme. Council's proposed policy, Objective 4 Clause 21.02 – 4 provides additional policy guidance on permits specifically addressing Retirement villages and Nursing homes.

Council submitted that the policy is needed for two reasons:

- amenity – State policy is silent because aged care uses are exempt from the normal requirements applied to higher density residential development

- location – Yarra Ranges contains many small rural towns in the green wedge, creating demand across a number of areas outside the urban parts of the municipality for aged care.

The Panel supports the proposed changes.

(iv) Environmentally sustainable design

The Amendment introduces a Local Planning Policy for environmentally sustainable design – proposed Clause 22.03 which attracted a submission from the Council for Sustainable Built Environment (CASBE) at the Municipal Association of Victoria.

CASBE is a group of councils which subscribe to and use the Built Environment Sustainability Scorecard (BESS) tool to assess planning permit applications for Environmentally Sustainable Design (ESD). Several changes were recommended to the wording in the ESD policy to bring it in line with current best practice. These changes also standardise Yarra Ranges' policy with the nine existing and pending policies amendments lodged with the Minister for Planning.

Council submitted that it has now has now subscribed to CASBE and within the context of what can be achieved via a planning permit, will use the BESS tool to assist in promoting and incorporating environmentally sustainable design into new developments.

Local ESD policies are a feature in, or are proposed for, a number of schemes. There is clear broader support in the PPF, as evidenced by these existing policies, for Council's to adopt such policies where they are relevant to local planning aspirations.

The Panel supports the changes to the exhibited ESD policy to achieve greater consistency with policies in other planning schemes.

Thresholds for ESD

Submissions were made in support of the ESD policy but suggesting the threshold is too small at two dwellings. Other submitters suggested that many of the issues are dealt with at the building permit stage rather than the planning permit stage.

Council agreed with this submission and submitted that the policy to be triggered at a threshold of three or more dwellings on a lot, and for commercial or office construction extension of more than 500 square metres only. The policy as exhibited would have required permits for large rural structures – which is not Council's intent at this time.

Regarding the intersection of planning controls and building requirements – the proposed policy focuses on those matters which are dealt with at the planning stage. It is easier to address orientation and stormwater retention before the design of buildings is complete.

The Panel supports Council's proposed changes to thresholds.

(v) Agricultural policy MSS

Seven submissions made comments about agricultural policy and the terms used in the policy particularly, 'productive agriculture'. Broadly these submitters sought agriculture to be the most important (if not only) use of the green wedge.

Council submitted that the revised Municipal Strategic Statement is designed to support agriculture. The objective of Clause 21.03-3 is to provide a secure long-term future for productive and sustainable agriculture within the green wedge. Council explained that

because the green wedge zones allow for a number of different land uses, new policy has been added to support farming and address the issues associated with the encroachment of tourism and dwellings into agricultural areas.

Additional policy has been added to support rural industry and primary produce sales – which are directly associated with agriculture in Clause 21.03-4.

The Panel agrees with Council that not all green wedge areas are suited to agriculture, and it is appropriate to introduce policy to differentiate the different agriculture areas by their characteristics.

(vi) Rural Residential Policy and Dwellings in Rural areas

Policy for rural dwellings attracted 24 submissions. Concerns were expressed about the dwellings in rural area policy on the basis that:

- residential development in green wedge areas is contrary to policy – the Amendment should only promote agriculture
- putting the onus on residential development adjacent to agricultural land to run an agricultural enterprise to qualify for a house – should be required to show the enterprise will be viable. Otherwise the house will remain, and the agricultural component will go.

A dwelling is a permitted use in all green wedge zones – Green Wedge Zone (GWZ), Rural Conservation Zone (RCZ) and Green Wedge A Zone (GWAZ), but only the GWAZ includes residential use in its purpose, namely:

To recognise and protect the amenity of existing rural living areas.

The GWZ and the RCZ promote agriculture and conservation but provide little guidance for dwellings outside of requiring basic reticulated services. Council advised that there are approximately 2,350 vacant rural lots in Yarra Ranges and demand for lifestyle properties is high.

Proposed Clause 21.03-7 'Green wedge dwellings' and the associated Clause 21.03-8 'Green wedge subdivision' seek to ensure that future subdivision and development support the primary values of the land. They are further supported by the proposed Local Planning Policy *Dwellings in Green Wedge Areas*, applied across all the green wedge zones.

The Panel agrees with Council that guidance around dwellings in green wedge areas is appropriate and does not see that the policies imply that residential development is to be encouraged in these green wedge areas.

(vii) Timber policy

Amendment C148 removes Clause 22.02 – Timber Industry replacing it with policy in the revised MSS 21.04-4. The current prohibition on the use of invasive species will be retained in Clause 53.

Concerns were expressed that:

- the Amendment denies the opportunity for ongoing sustainable wood harvesting.
- no mention is made of damage to forests from the timber industry noting that the Mountain Ash ecosystem has been assessed as critically endangered and continues to be

Council advised that the timber industry is regulated by a Code of Practice which is applied via the *Conservation Forests and Land Act*. As such, this particular land use is not regulated by the *Planning and Environment Act* or the Planning Scheme. No change to the Amendment is appropriate.

(viii) Extractive Industry policy

Submissions

Dandy Premix Quarries Pty Ltd requested changes to:

- Delete the following key issue Clause 21.04-3 *“the extent of the stone resource is finite and confined by environmental constraints and other land use priorities on nearby and adjoining land”*.
- Amend the first strategy as follows:
 - *Provide for the continued use and development of, and where appropriate the expansion of, existing quarry operations.*
- Delete strategies
 - *1.4: Prevent the expansion of quarries into areas of recognised flora and fauna significance*
 - *1.5: Prevent the expansion of quarries into buffer areas for residential and other sensitive uses.*

Council submitted that the key issue statement is not a policy but rather identifies issues relevant to the policies which follow. The statement in question – regarding the finite nature of the existing quarries in Yarra Ranges is true – and it supports their importance. Council did not support the removal of this statement is not supported.

Council submitted that the policy to protect the environmental values of Yarra Ranges from quarries derives from the *Regional Plan* – Clause 15.03 states Extractive industry, whether as an expansion of an existing operation or through the establishment of a new operation must be controlled to minimise detriment to the region’s environment, landscape and water resources.

Dandy Premix Quarries submitted that the MSS strategies distinguish between existing and new quarries, and that the new strategies proposed by Council will ‘prevent’ that expansion of existing quarries. It was submitted that these strategies are inconsistent with the *Regional Plan*.

Council conceded that it is arguable that policy references in the *Regional Plan* relating to Extractive industry and mining distinguish between expansion of an existing operation and the establishment of a new operation. Therefore, under Clauses 15.03 and 15.05 of the *Regional Plan*, it could be interpreted that the *Regional Plan* precludes new facilities from establishing in these defined areas but this prohibition does not extend to a proposal to expand an existing facility. This is further clarified in the proposed policy in C148 Clause 21.04-3 Strategy 1.1 – *“Provide for the continued use and development of existing quarry operations”*.

Council did not support any changes to the Amendment.

Discussion and conclusions

The Panel agrees with Council that the statement regarding the finite and constrained nature of stone resources identifies a relevant issue for consideration.

There is merit in distinguishing between new and expanded operations. It seems clear to the Panel that the *Regional Plan* distinguishes between new and existing operations, stating:

Extractive Industry, whether as an expansion of an existing operation or through the establishment of a new operation, must be controlled to minimise detriment to the Region's environment, landscape and water resources and on the amenity of its residents

This issue is essentially one of the need to balance the need for stone resources against the need to preserve environmental values. Clause 71.02-3 Integrated decision making states:

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. ...

The Panel notes that Strategy 1.3 reads:

- 1.3 Ensure the thorough consideration of potential environmental and landscape impacts of any proposal to expand an existing extractive industry.

It is not clear to the Panel that Strategy 1.4 will help with the process of balancing called for in Clause 71.02-3 if an expansion to the quarry operation is progressed. This is not to say that the Panel is in any position to judge the merits of such a proposal. This is particularly the case given Strategy 1.3.

It seems clear to the Panel that expansion into area of recognised flora and fauna significance should be avoided or minimised to the extent possible, but may still be warranted depending on:

- the extent of the expansion
- the precise impacts on the flora and fauna
- the importance of the resource to be extracted.

The issue for the Panel is that the Strategy 1.4 seems to prejudge Strategy 1.3 and Clause 71.02-3.

The Panel notes that the *Reginal Plan* calls on proposals to “*minimise detriment*” but does not prohibit expansion.

In terms of Strategy 1.5 it is not clear whether this is referring to existing ‘buffers’ being the current on-the-ground separation or uses, or some statutory or prescribed buffer. If it is a prescribed buffer, it is not clear what work the strategy does, as presumably these buffers would be considered in any case as part of any application to expand a quarry.

Recommendation

The Panel recommends:

Change the strategies at 21.04-3 by:

- **Changing Strategy 1.1 to read: “Provide for the continued use and development of, and where appropriate the expansion of, existing quarry operations.”**
- **Delete Strategy 1.4 and Strategy 1.5.**

(ix) Environmental Protection Agency issues

The Environmental Protection Agency submitted that:

- encroachment, contaminated land and waste management should be considered in relevant planning policy
- it was important to make sure none of the proposed zone changes will affect the viability of existing industry
- changes to Clause 21.03 green wedge policies might result in residential encroachment – particularly into any industrial areas
- further development will have associated waste management issues.

Council submitted that as the Amendment did not make any changes to the zones or subdivision provisions, it will not increase the opportunity for development or have impact on the viability of existing industry or encourage residential encroachment in industrial areas.

The Panel supports Council’s position.

(x) DEDJTR – Department of Economic Development, Jobs, Transport and Resources issues

DEDJTR commented on integrated transport for local areas and made some suggestions to the proposed MSS, although these are existing provisions – not proposed to be changed by the Amendment:

- Lilydale activity centre map should be updated to include the alignment of the Lilydale Bypass
- the Cave Hill railway station has been identified as a long-term option – DEDJTR has no objection to a developer setting aside the land for a train station
- the area north of the Mooroolbark Railway Station should be removed from the area of mixed use precinct.

Council submitted that it does not have an official position on the Lilydale Bypass at this time, and Council is currently working on a new Lilydale Structure Plan.

It appears to the Panel that the route of the Lilydale Bypass is protected by way of a Public Acquisition Overlay on the Planning Scheme. It would make sense to show this on strategic maps. Council may not have a position on the route, but the Roads Corporation does, and this is reflected in the Planning Scheme.

Regarding the other matters:

- Council, the Victorian Planning Authority and owner of the quarry are working on a Master Plan process for the Cave Hill site and Council considered that any change to the map should not occur until this work is finished. The Panel thinks this is reasonable.
- Council submitted that the Mooroolbark map depicts outcomes of the Mooroolbark Structure Plan. The depiction of the land as mixed use provides options for future

development, which could incorporate the existing station parking. The Panel supports this approach.

The Panel recommends

Update the Lilydale activity centre map to show the alignment of the Lilydale Bypass as 'Proposed bypass route'.

(xi) Cemeteries

The Metropolitan Cemeteries Trust expressed concerns that the Lilydale Memorial Park and Yarra Glen Cemetery will be subject to vegetation removal provisions of the proposed SLO2 control, unless specified permit exemptions apply.

The Amendment essentially retains the controls currently applied.

3.3 Bushfire risk

The CFA made a submission regarding bushfire risk.

The Amendment was drafted before Amendment VC140 which made changes to policy in the Planning Policy Framework (then the SPPF) establishing the priority of human life. The CFA's submission also predates VC140.

At the CFA's request, Council met to further investigate their submission. Council advised that CFA officers expressed the view that the Yarra Ranges' current Planning Scheme including the MSS does not recognise the significance of the *entire* municipality being within the Bushfire Prone Area (BPA) (not just the Bushfire Management Overlay (BMO)) and is therefore at risk.

Council reported that CFA officers expressed the view that the existing and proposed Planning Scheme would not meet the strategy provisions of Clause 13.02-1S. The relevant part of Clause 13.02-1S states:

Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented

Council did not believe there was any conflict between the exhibited Amendment and Clause 13.02-1S, on the basis that the Amendment makes no change to any zone, nor does it relax or change any subdivision provisions. Council submitted that *"It simply does not increase the ability to develop in Yarra Ranges"*.

There does not appear to the Panel to be a particular reason why the bushfire risk in Yarra Ranges cannot be managed by the State policy and VPP requirements. Indeed, including bushfire policies in local policy in the Yarra Ranges Planning Scheme might imply that in other areas (where the relevant planning schemes do not have local policies) there is a lesser risk of bushfire.

The Panel agrees with Council that no change is required.

4 Tenement controls

4.1 The issue

Should tenement controls be deleted on the basis that there are existing controls in place which will control subdivision and new dwellings?

The tenement provisions form part of the *Regional Plan* and removing the tenement provisions from the Planning Scheme requires an associated amendment to the *Regional Plan*, Amendment 122 which is being considered concurrently with Amendment C148.

4.2 Review of tenement controls

The tenement controls form part of the *Regional Plan* and are one of a number of historic initiatives used to rectify a legacy of old and inappropriate subdivision.

A tenement means a landholding (a group of contiguous lots, parcels of land or Crown Allotments) held in single ownership on the date the controls were introduced. There are four different dates in the Planning Scheme depending on the zone and the location (shown in Table 1). A tenement could be one, two or more lots; with the control meant to restrict development to one dwelling per tenement (or specified land size within a tenement).

A permit may only be granted to establish one dwelling on land if any of the following apply:

- The lot is the whole tenement – *“The land is a parcel of land which existed as a tenement holding”*.
- The land is a lot created under an approved Planning Scheme or interim development order.
- The land consists of the consolidation of all parcels or lots within the tenement.
- The land is affected by a Restructure Overlay and conforms to the relevant Restructure Plan.
- The tenement is larger than a specified size – *“The land forms part of a tenement holding and that part (and any other part in the tenement holding) exceeds the site area”* ... in Table 2.

Tenement controls only apply to land that:

- was within the former Shire of Lilydale or Shire of Sherbrooke, and
- is in the Green Wedge Zone, a Rural Conservation Zone or a GWAZ, or Rural Living Zone (but not within Schedule 2 to the GWAZ).

Clause 51.03 provides:

Consolidation of lots within tenement holdings

If a permit is granted to construct a dwelling on a tenement holding or part of a tenement holding which contains more than one lot, the permit must contain a condition requiring all of the land affected by the permit to be consolidated prior to the use of the land for a dwelling.

ATTACHMENT 7. Amendment C148 Panel Report

Yarra Ranges Planning Scheme Amendment C148 and Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan
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Table 1: Applicable date of tenement controls

Former shire	Zone	Specified date
Shire of Lilydale	Green Wedge Zone	23 July 1982
	Rural Conservation Zone	23 July 1982
	Green Wedge A Zone	27 August 1980
Shire of Sherbrooke	Green Wedge Zone	8 July 1987
	Rural Conservation Zone	8 July 1987
	Green Wedge A Zone	1 October 1980

Table 2: Tenement land size

Zone	Schedule	Tenement size
Green Wedge Zone	Schedule 1 (GWZ1)	2 hectares
	Schedule 6 (GWZ6)	25 hectares
	Any other schedule	4 hectares,
Rural Conservation Zone	Schedule 2 (RCZ2)	25 hectares
	Any other schedule	4 hectares,
Green Wedge A Zone	Schedule 1 to the Green Wedge A Zone (GWAZ1)	4,000 square metres

Tenement controls ceased to be a mandatory prohibition in the early 1990s when the *Regional Plan* was amended (Amendments R8 and 29) to allow Council discretion to approve permits for dwellings on tenement lots, but they still form part of an assessment for a rural dwelling in prescribed areas.

Clause 51.03 also provides:

Tenement Anomalies

Despite the provisions of this Clause, a permit may be granted to establish one dwelling on specific lots, 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.*
- *The development will be consistent with the provision of any ESO, Heritage Overlay, Erosion Management Overlay or Land Subject to Inundation Overlay that applies to the land.*
- *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.*

4.3 Submissions

Council submitted that much of the work in addressing inappropriate subdivision has now been accomplished by applying the Restructure Overlay (to make lot assembly mandatory). A considerable number of tenements were also purchased by the State Government to create the Dandenong Ranges National Park.

Thirty-three submissions discussed their objections to the removal of the tenement provisions from the Planning Scheme (and from the *Regional Plan*). (Including four submissions to Amendment 122). Concerns included:

- Additional houses will be built in the green wedge – the Amendment will introduce a rural residential area in the Dandenongs (contrary to *Regional Plan*).
- Council should know how many tenements exist – proposals for how Council could undertake the work– could result in another 3,000 houses in the Dandenongs.
- Most of the tenement lots are subject to bushfire risk and allowing further development of these lots contradicts State planning policy.

A number of submissions supported the removal of tenement controls from individual lots where the control seemed to be an anomaly. For example, where it applied to one vacant lot in an otherwise developed estate,

Council submitted that:

Over time, with ownership changes, tenements have become increasingly complex and difficult for Council to manage as they require multiple title searches by the applicant to determine if the lot is part of a tenement holding. There are also issues where the tenement appears to be 'nonsense' because adjacent titles are held in slightly different names, for example one lot could be "the estate of Henry" and the other "Henry". This is sufficient to remove them from tenement considerations.

For potential buyers of a property they are a hidden control and do not appear on a section 32 document. The tenements are not uniformly applied (only some rural areas) and attract additional application requirements and cost to determine whether the lot is affected by the tenement provisions.

Arguably tenements have limited development in the past, but much of this work has also been accomplished via Restructure Overlays and the zones

which form the basis for decisions. Many tenements were introduced in un-sewered areas which now have sewer.

Council advised that it had interrogated its rates database to establish how many vacant lots (potential tenements) exist. The analysis assumes a worst-case scenario that all vacant lots are actually tenements as defined by the Planning Scheme. The results are presented in Table 3. It appears in total there are 313 possible vacant tenement lots remaining across all of Yarra Ranges. The estimated 3,000 vacant lots appeared in the background materials for C148, but Council explained that it now has the ability, via a more sophisticated rates database, to make a distinction between parcels (multiple lots) and single lots which enables a much clearer view of how many lots are vacant.

In the Dandenong Ranges – the subject of a number of submissions – it appears there are in the order of 36 vacant lots remaining outside of Restructure Overlays. This Assumes every vacant lot is a tenement as per the definition in Clause 51.03.

Table 3: Vacant Lot / Tenement Data green wedge zones

	Total Vacant lots	Lots Restructure in Overlay	Possible Tenements*
Former Shire of Sherbrooke			
GWAZ1 Dandenongs	69	33	36
GWZ1	1	0	1
GWZ2	38	10	28
GWZ4	1	0	1
GWZ6	12	0	12
RCZ	11	2	9
Subtotal	132	45	87
Former Shire of Lilydale			
GWAZ 1 Chirnside Park	105	2	103
GWAZ2 Mount Evelyn/ Wandin North	27	0	27
GWZ1	45	0	45
GWZ2	33	0	33
GWZ4	11	0	11
RCZ1	7		7
Subtotal	228	2	219
Totals	360	47	313

Council also submitted that:

- Regardless of tenements, the number of vacant rural lots (in the order of 2,370 lots) still strongly supports the need for the proposed Local Planning Policy – Clause 22.02 Dwellings in Green Wedge Areas.
- The BMO is the primary tool in the Planning Scheme used to apply controls to address bushfire risk. The BMO is triggered as part of any application to subdivide rural land or build a dwelling or apply for other sensitive uses. The bushfire provisions are one of a number of controls that may apply to rural land and are not proposed to be modified by this Amendment.
- While it is uncertain about the location of land affected by the tenement controls, all of this land will need a permit to construct a dwelling or subdivision (regardless of whether the tenement controls exist).

4.4 Discussion

Deletion of the tenement controls represents a policy change from a long-standing control that has been in place to rectify a legacy of inappropriate subdivision.

The Panel accepts that many of the old and inappropriate subdivisions have been effectively dealt with by government buy backs and the Restructure Overlay (RXO). The Panel also accepts that not all land affected by a tenement control is unsuitable for development.

Panel understands that a significant amount of work has occurred to restructure and buy back tenement landholdings. Council advised that 3,000 lots were already included in a RXO.

The issue for the Panel is that it does not have a clear idea as to the precise impact of removing the controls. The removal of the control would potentially allow up to 313 new dwellings on lots where a dwelling would otherwise be refused.

The policies, controls and programs to deal with inappropriate subdivision are a long-term planning success.

It is unclear where the lots subject to tenement controls are located, and therefore the Panel cannot make any conclusions about whether development on individual parcels in the tenement is acceptable. In some instances it may be, and in other instances it may not be.

This is the tail end of a long process of correcting a legacy of inappropriate subdivisions. The process is not complete, and the Panel does not think that it is appropriate (or equitable) to completely remove tenement controls.

The Panel accepts that greater transparency around their application would be helpful. In this regard the tenement control should not be deleted but translated into a more transparent control. The new 'Specific Control Overlay' could be applied to the lots that may be affected by the tenement controls and require:

- Require any application on that land to be accompanied by a historical title search to confirm if the tenement controls apply
- Sets out the decision guidelines (mirroring the *Regional Plan*) that apply to an application that is affected by the tenement controls.

4.5 Conclusion and recommendations

The Panel recommends:

ATTACHMENT 7. Amendment C148 Panel Report

Yarra Ranges Planning Scheme Amendment C148 and Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan
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Apply the Specific Control Overlay to land potentially affected by tenement controls and apply an Incorporated document that replaces the current provisions in Clause 51.03.

Retain the statements in the *Regional Plan* that deal with tenement controls.

5 Vegetation controls

5.1 Introduction

The issue

The issue is whether the changes to the vegetation controls are acceptable?

About the controls

There are a suite of vegetation and built form controls in the Planning Scheme. Many of these controls have their genesis in the *Regional Plan*, including Clause 51.03 (Upper Yarra Valley and Dandenong Ranges Strategy Plan), ESO1 and SLO1 to SLO21. These controls exist alongside State provisions, including Clauses 52.12, 52.13, 52.14, (collectively 'bushfire exemptions') and 52.17 (Native Vegetation). Clause 51.03 prevails over any other inconsistent provision in the Planning Scheme.²

To understand the policy implications of the Amendment, the Panel has considered the following questions as a threshold matter:

- What is the effect of the exiting vegetation and built form controls?
- How will the new vegetation and built form controls operate?
- What is the purpose of the controls?
- Having regard to the purpose of the controls, where should they be applied?

This Chapter deals with the vegetation controls. The next Chapter deals with built form.

Panel's approach

Council submitted that the Amendment translates the existing controls contained at Clause 51.03 into reformed ESO and SLO overlay controls. Council submitted that the Amendment also introduced more specific policy guidance which is currently absent from Clause 51.03.

Several submitters disputed Council's assertion that the Amendment was a policy neutral translation. Accordingly, the Panel undertook a detailed review of the existing and proposed vegetation and built form controls to understand how Clause 51.03 interacts with other requirements in the Planning Scheme, including Clause 52.17, Clause 42.01 (ESO) and Clause 42.03 (SLO) and various exemptions.

Identifying the permit requirements was a reasonably complicated exercise given the operation of Clause 51.03. The Panel agrees that the Planning Scheme could be simplified.

5.2 Review of the changes to the vegetation controls

(i) Current permit requirements

Clause 51.03 required a permit to remove, destroy or lop any vegetation unless specified in the Schedule. The Schedule then nominates circumstances where a permit would not be required. Broadly a permit is required to remove 'any vegetation' on most land outside of the RGZ, GRZ, NRZ, Low Density Residential Zone (LDRZ), IN1Z that:

- is not a weed

² The Clause has been drafted so that it does not apply to any buildings or works to which Clause 52.13-2, Clause 52.14, 53.12, 52.12 or to which Clause 62.02-1 applies

- is not an exotic species less than 5 metres in height
- is not grass that needs to be slashed
- is more than 2 metres from a building
- meets other specific exemptions such as bushfire³ or public works.⁴

Given Clause 51.03 prevails over any inconsistent provisions in the Planning Scheme, several of the native vegetation exemptions⁵ are inoperative in many parts of the Shire. The vegetation controls in Clause 51.03-3 are not mapped but have a spatial extent derived from the requirements at section 7 of the *Regional Plan*, including map 6 and schedule 3.

After the Hearing the Panel sought and was supplied with maps showing the extend of existing and proposed overlays, and the area covered by Clause 51.03.

Clause 42.01 (ESO) requires a permit to remove vegetation unless specified in the schedule. ESO1 defaults to the permit requirements at Clause 51.03. ESO2 does not require a permit for vegetation removal. ESO2 is subject to a separate planning scheme amendment process.⁶

Clause 42.03 (SLO) requires a permit to remove vegetation if specified in the schedule. The existing schedules at SLO1 to SLO21 default to the permit requirements at Clause 51.03.

SLO22 states that a permit is required to remove 'indigenous vegetation' or a 'substantial' tree which is defined as having a diameter at breast height greater than 0.16 metres at 1.3 metres above the ground. SLO22 contains a few exemptions, such as dead vegetation, lopping to assist with regeneration, weeds). The permit requirements at SLO23 are very similar to the requirements at SLO22, however a substantial tree is defined differently (that is a tree with a diameter at breast height greater than 0.26 metres).

Clause 52.17 (Native Vegetation) controls the removal of native vegetation across the entire municipality. Clause 52.17 contains many exemptions, including use and maintenance of dwellings, certain farming activities and on land less than 0.4 hectares. As outlined above, the exemptions at Clause 52.17 are inoperative on land affected by the Clause 51.03, ESO1, SLO1 to SLO21 if there is an inconsistency with Clause 51.03.

Clauses 52.12, 52.13 and 52.14 ('bushfire exemptions') apply across the entire Shire. Broadly, these provisions allow any vegetation to be removed to create defensible space around existing dwellings and along existing fences, despite anything contrary in another part of the Scheme or permit condition. Clause 51.03 has been drafted so that the bushfire exemptions operate.

(ii) Current policy guidance

There is currently local policy guidance at Clause 21.09 (Environment), Clause 22.05 (Vegetation Protection) and in the ESO and SLO provisions. State policy applies, including Clause 12 (Environmental and Landscape Values), Clause 13 (Environmental Risks and Amenity). The requirements of Clause 52.17 (Native Vegetation), the bushfire exemptions

³ Exemptions at Clauses 52.13-2, 52.14, 53.06 or 52.12.

⁴ For example, works carried out by the Emerald Tourist Railway Board and which are associated with the normal operations and maintenance of the Puffing Billy Tourist Railway, fire prevention, fuel breaks or removal where a permit is required under a Heritage Overlay.

⁵ 'Native vegetation' as defined at Clause 73.01 of the Planning Scheme.

⁶ Amendment C164. A Panel report was released for Amendment C164 in September 2018.

and Clause 64 and Clause 65 apply. If State policy is inconsistent with Clause 51.03, then Clause 51.03 will prevail.

Clause 22.05 is a catch all policy that applies to all proposals to remove vegetation. There is a long list of policy objectives at Clause 22.05, however the following objectives capture the essence of the current policy objectives:

- *Recognise the importance of remnant vegetation in providing wildlife habitat and corridors for wildlife movement, as a source of genetic diversity, as a place for recreation and as an important feature of the special landscape character of the Shire.*
- *Ensure that consideration is given to the effect of the removal of vegetation when assessing proposals to use and develop land.*
- *Protect and enhance the long-term viability of all remnant vegetation, whether in a bushland, rural, green wedge or urban environment, especially if the vegetation is generally undisturbed.*
- *Ensure the conservation of remnant vegetation to sustain and enhance natural ecosystems for both plants and animals.*
- *Ensure that agricultural and land management practices protect and provide for the long-term maintenance of remnant vegetation.*
- ...
- *Promote revegetation with native species, that are indigenous to the area within which they are to be used, as a means to increase and enhance areas of remnant bushland in the Shire and to assist in the sound management of land.*
- *Recognise that there is sufficient cleared land within the rural and green wedge areas of the Shire to provide for future agricultural, including farming, activities.*

(iii) Proposed permit requirements

The vegetation controls will be restructured so that there is a much greater reliance on the revised ESO1 and SLO1 to SLO6 to control the removal of native vegetation. The changes of substance are summarised below.

Affected land

The majority of vegetation controls at Clause 51.03 will be turned off⁷ placing a greater reliance on the ESO1 and SLO1 to SLO6. This means that the vegetation controls will no longer apply in a 'blanket' fashion, instead it will be more apparent from the Planning Scheme maps which land is affected. In practical terms ESO1 and SLO1 to SLO6 are proposed to have broad application and therefore there will be little difference, aside from greater transparency.

Interaction with exemptions

Given the scope of the vegetation controls at Clause 51.03 will be significantly reduced, the exemptions in the VPP are more likely to operate. This is because there will be less chance of inconsistency between the provisions.

⁷ The exception to this, is that the Clause 51.03 vegetation controls will continue to apply on C1Z, C2Z and IN3Z.

This means that the vegetation removal exemptions at the 'bushfire exemptions' (Clauses 52.12, 52.13, 52.14), 'exempt buildings and works' (62.02-3) and Native Vegetation (52.17-7) of the VPP will operate in more circumstances. It is possible that it this will result in a greater loss of native vegetation if Clause 52.17-7 applies. However, the wider reaching bushfire exemption already apply to majority of the Shire and will continue to apply, accordingly the Panel does not see that this there will be a significant change in practice.

Public land and works exemptions

A broader reaching exemption is proposed to be included in the ESO and SLO for public land. The exemption is more consistent with other State standard provisions, however arguably this may provide agencies with greater scope to undertake vegetation removal without a planning permit. The agencies still need to operate in accordance with any other relevant legislation and within the scope of their powers.

Definitions

There are a number of new or revised definitions proposed by the Amendment. The terms 'indigenous', 'exotic', 'native vegetation', 'substantial tree' and 'significant tree'⁸ all appear in Clause 51.03, the ESO and SLO. The definitions are inconsistent with the definition of native vegetation at Clause 73.01 and some of the descriptions in the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) (Native Vegetation Guidelines).

Threshold sizes for tree removal

There have been changes to the threshold which apply to determine where a permit is required to remove a tree. The threshold for a 'substantial tree' in the ESO has been nominated as 1.1 metre circumference (0.35 metre diameter) at a height of 1.3 metre above the ground. The same threshold is proposed to apply under the SLO1 to SLO6. Previously, SLO22 and SLO23 referred to a diameter of 0.5 metres and 0.8 metres respectively.

By way of comparison with 'large tree' definition in the *Native Vegetation Guidelines* for removal of native vegetation that says if there is no benchmark it defaults to circumference of 1.26 metre)

Clearing around existing buildings

Greater scope has been introduced for clearing of vegetation around existing buildings. Previously vegetation could be removed within 2 metres of an existing building, this distance has been increased to 4 metres.

(iv) Proposed policy guidance

The Municipal Strategic Statement⁹ is proposed to be rewritten. Clause 21.06 (Environment) is proposed to include a number of strategies and objectives which effectively mirror the current themes at Clause 21.09.

The policy at Clause 22.05 – Vegetation protection – is proposed to be deleted.

⁸ Significant tree definition appears with reference to the permit requirements for buildings and works.

⁹ Amendment was prepared prior to VC148 and therefore previous format adopted.

ESO1 will include five objectives which capture very similar themes to what is currently addressed in Clause 22.05. The ESO also contains decision guidelines however these are framed more like objectives than decision guidelines.

The SLOs will each contain a specific landscape character objective to be achieved and an extensive list of decision guidelines that are also framed more like requirements. These guidelines address built form, building appearance, vegetation and fencing and boundary treatments.

5.3 Evidence and submissions

Council submitted that the Amendment represented a translation of the existing vegetation controls at Clause 51.03 into the ESO and SLO controls.

*[The Amendment] proposes to remove the vegetation controls currently found in Clause 53 and replace them with the SLO and the ESO. The translation also removes the need for Local Planning Policy 22.05 which is proposed to be removed. **The Amendment does not introduce any new vegetation controls.***

The existing Clause 53 permit controls are very basic; a permit is required to remove lop or destroy any indigenous vegetation or exotic species over 5 metres in height. Clause 53 provides no decision guidelines for assessment of vegetation removal. Clause 53 is not mapped but generally applies to all land outside the Urban Growth Boundary (UGB).

The existing Planning Scheme does contain ESOs and SLOs but neither contains permit requirements outside of what is in Clause 53. The overlays are broadly based on work undertaken for the former Regional Planning Authority some 30 years ago; including a scenic landscape study prepared for the National Trust (existing SLO) and environmental work which forms the basis for the and ESO. Despite the overlays having only limited coverage, the vegetation controls and associated building controls are applied to all rural areas via Clause 53.

[Emphasis added]

The majority of submitters disputed Council's assessment that there was no change proposed to the vegetation controls.

Some submitters were concerned that the Amendment would weaken the vegetation controls. The Save the Dandenong League submitted that some of the changes proposed would be detrimental, including the relaxation of controls for Puffing Billy Tourist Railway. On behalf of Mr O'Halloran, Mr Buxton submitted that the Amendment would weaken controls in a manner that was inconsistent with the *Regional Plan*. Mr Whitford submitted that the vegetation controls would be weakened and that there were existing enforcement issues where revegetation was often not 'like for like'.

Some submitters supported the changes on the basis that the controls were less onerous, or at least more transparent. The Rural Advisory Committee supported the changes to Clause 51.03 as a means of removing 'red tape'. The Rural Advisory Committee submitted that the exemption allowing regrowth native vegetation to be removed within 10 years led to some perverse outcomes, such as farmers not revegetating their land or removing vegetation after

9 years. Similarly, Mr Boffa submitted that the 10 year regrowth exemption led landowners to either not replant, or to replant with non-native species.

The National Trust of Australia (Victoria) made submissions that it supported the reforms to the SLO in principle however it had concerns about the detail. The National Trust was concerned that the Amendment oversimplified the landscape values and did not capture some of the intangible values in the landscape (for example aboriginal places and views). It supported the requirement for applicants to prepare a landscape character assessment. It submitted that the Planisphere report that informed the SLOs should be updated. The National Trust of Australia (Victoria) raised some concerns about the landscape character statements and questioned whether they reflect the preferred character for certain landscapes.

Mr Boffa made submissions supporting the controls, however suggested that on some strategic viewing points (for example, along the roadside) vegetation should be allowed to be cleared so people could appreciate the landscape values from the roadside.

The Rural Advisory Committee and Mr Di Battista raised concerns about the extensive permit requirements and decision guidelines in the SLO. They submitted that this restricted legitimate agricultural pursuits within the Shire. Mr Di Battista supported any changes to the vegetation controls that would reduce red tape for farmers.

ESO mapping

There were several submitters who disputed the ESO mapping. Yarra Ranges Environment Action Committee (YREAC) supported the review of the vegetation controls in principle but raised concerns about the methodology used to apply the ESO mapping. YREAC identified a number of sites where it believed there has been an error. Mr Hammer provided some detailed submissions about the ESO mapping and its accuracy. Mr Hammer provided a specific example where it was apparent that the ESO had been applied to exotic species but not the over part of the native riparian corridor. Mr Di Battista and Mr and Mrs Marshall¹⁰ raised general concerns about the accuracy of the ESO mapping.

Several submitters raised concerns about the terminology used in the vegetation controls, particularly the references to 'indigenous vegetation' and how this was to be interpreted.

Council submitted that part of the reason for the review of the ESO were shortcomings in the state-wide biodiversity data. It also became evident during the Hearing that the existing ESO maps, which had been developed on the basis of detailed investigations in the 1970s, had not been accounted for.

Council's expert provided the Panel with an overview of the method used to apply the ESO, which included modelled data and some ground truthing. In his evidence, Mr Mahon was confident that the method used reflected the environmental values and protected the most significant patches of vegetation and provided connectivity within the landscape. However, Mr Mahon conceded that since the ESO mapping work had been completed, he had not reviewed the mapping against the updated state-wide biodiversity mapping.¹¹ Mr Mahon did not address the current native vegetation controls in his evidence statement, instead he

¹⁰ In a letter sent to the Panel.

¹¹ Amendment VC138 introduced reformed to the native vegetation policy, including updates to the statewide biodiversity mapping.

made reference to the *Biodiversity Assessment Guidelines* 2013, which have since been superseded.

Mr Mahon gave evidence that an ESO should be “sufficiently ‘independent’ so that a change in [State biodiversity] policy does not necessarily begat a change to the ESO”.¹²

It was unfortunate that many of the submitters who raised concerns about particular locations, were not present when Mr Mahon gave evidence. It would have assisted the Panel if questions could have been directed to Mr Mahon for a specific response.

5.4 Discussion

Scope of changes

The Panel has undertaken a comparison between the existing and proposed vegetation controls. The Amendment does introduce some changes to the vegetation controls, particularly in relation to the permit requirements. The policy guidance is largely unchanged.

The most significant changes to the vegetation controls include:

- The operation of the State standard exemptions across much of the land outside of the UGB. Clause 51.03 currently operates to ‘turn off’ many of the exemptions at Clause 52.17-7, however this will no longer be the case. Arguably, this change will increase the scope of vegetation which could be removed without a planning permit. However, it is important that the most wide-reaching vegetation exemptions (that is the bushfire exemptions) already operate to allow landowners to remove vegetation without a permit. It is likely there will be limited practical effect.
- The use of the ESO and SLO will be the main tool to require a planning permit. The Panel considered this is a more transparent approach and tailored approach – at least in theory. However, in order to be a truly tailored approach the mapping and permit requirements need to reflect the biodiversity values proposed to be protected.

The Panel understands the Puffing Billy Tourist Railway has its own SLO and controls in Clause 53 which regulate vegetation management and the operation of the Emerald Tourist Railway.

Public land exemptions are proposed to be broadened. Exemptions are proposed in the ESO and SLO which will apply to public land where vegetation is proposed to be removed by or on behalf of the public land manager under nominated legislation. The effect of this change may be that public authorities have greater scope to remove vegetation without a planning permit, but this removal will need to be to the satisfaction of the responsible authority. Several submitters raised specific concerns about the loss of vegetation associated with public works projects. The Panel agrees that the revised public land exemption may lead to outcomes that are inconsistent with the Shire’s broader vegetation protection objectives.

The Panel considers that the VicSmart provisions could be used for these types of applications, to ensure proper oversight of the vegetation removal, but to avoid lengthy planning processes. It is not clear to the Panel whether this option was available to the Council when the Amendment was prepared, but it is certainly available now.

¹² Page 7 of expert evidence statement.

Landscape values

The landscape character objectives seem to be appropriate and capture the diversity of landscape values that are sought to be protected. The Panel acknowledges submissions regarding the intangible values within the landscape, however believes that the planning system is not necessarily equipped to deal with these values explicitly. The Planning Scheme can control use and development, however intangible cultural heritage values are addressed through other mechanisms, such as the *Aboriginal Heritage Act 2006*.

ESO mapping methodology

Many submitters explained that historically a significant amount of effort went into the original ESO mapping (through the *Regional Plan* process). It is also apparent that Council have put significant effort into the current review and has attempted to increase protections for corridors and high value habitat.

Submitters have identified a number of sites where the modelling used to apply the ESO does not reflect the conditions on the ground. It appears that the flaws identified in the ESO arise due to the following factors:

- Historical data (including the existing ESO layers) have been disregarded. Even if the surveys and information that informed the ESO is more than 30 years old, there has been effective vegetation protection policies in place since that time and therefore it is expected that biodiversity values remain in place.
- A review was not undertaken following the introduction of the updated state-wide mapping was introduced in December 2017 via Amendment VC138. The State acknowledged there were deficiencies in its modelled data and conducted a state-wide review. This more recent dataset should ideally be incorporated. There has been a reliance on aerial photography in some instances and this has created some preserve outcomes where there is planted vegetation.
- The rates database has been used to identify public land and, in some instances, this is not an accurate reflection of the land management arrangements.

The Panel agrees with submissions that the application of the proposed ESO does not appear to follow on the ground conditions in a number of areas. The mapping should be updated, but the Panel considers that a review by a qualified expert of these specific areas would be appropriate before updating the mapping.

The Panel sees merit in retaining the exiting ESO1 and its reference documents. This appears to be a valuable resource and it is not clear to the Panel that a sufficient case has been made to simply delete it from the planning scheme. The Panel accepts that the controls may not be affected by such a deletion, but the material that guides the exercise of discretion will be changed.

Definitions and terminology

Definitions and threshold for 'substantial trees' have been introduced as well as references to 'indigenous' vegetation and 'significant trees' and 'exotic' plants. It is not clear to the Panel why some many definitions are required and why a link to the definitions in State policy are not more appropriate. The Panel considers there is scope to improve the expression in the overlays.

Remaining vegetation controls

The Part B version of the Schedule to 51.03 (53.01 at exhibition) says:

3.0 VEGETATION REMOVAL

A permit is required to remove destroy or lop any vegetation as defined below in the Commercial 1, Commercial 2 or Industrial 3 Zone. A permit is required to remove vegetation in the any Public Use Zone and Special Use Zone where they occur within the Urban Growth Boundary.

Vegetation is defined as all native vegetation and any plant species that does not occur naturally in the locality that is greater than 5 metres in height.

All other provisions of the Planning Scheme must be met.

It is not clear to the Panel that these requirements are justified (or are justified as part of Clause 51.03 rather than a conventional overlay).

These controls are not simply what is left over once other vegetation control are moved to overlays. A number of critical exemption that apply in the existing control are removed, and so these controls are more onerous than existing controls. The Panel does not see that it is appropriate to extend the reach of Clause 51.03. Few details on the land affected by these controls were presented at the Hearing. Council submitted:

Despite exhibiting the removal of these controls, it is recommended to retain the controls in Clause 51.03 until further investigation is undertaken to replace these provisions, probably with a Vegetation Protection Overlay. This work will commence shortly and could be in place within a reasonably short time frame.

The Panel supports this approach.

5.5 Conclusions

The Panel concludes:

- The Panel considers that broadly the landscape character objectives are acceptable and coherent.
- It is not necessary to include additional schedules to reflect the historical statements of significance.
- There are some changes proposed to the scope of the vegetation controls. The most significant changes relate to the way that exemptions will operate, including exemptions for vegetation removal on public land and under the provisions at Clause 52.17.
- There appear to be flaws in the ESO mapping, however there is a significant overlap between the SLO and the ESO and therefore some form of vegetation control will continue to apply across the majority of the Shire. Given the SLO is directed at protecting landscape character, rather than biodiversity values, the mapping will need to be reviewed to ensure the permit requirements and policy guidance match the objectives for particular land.
- The existing ESO1 is potentially valuable to guiding the exercise of direction and should be deleted without a detailed review.

- The intent of policy at Clause 21.06 and the objectives in the ESO and SLO are supported, however the drafting needs to be reviewed to reduce duplication and ensure decision guidelines are not framed as objectives.
- The controls would benefit from redrafting to avoid defining 'substantial' trees and 'significant' trees.
- Removing the exemptions for the vegetation controls remaining in Clause 51.03 is not justified.

5.6 Recommendations

The Panel recommends:

Revise the drafting of the overlays to avoid using definitions where possible.

(Appendix D gives an example of the type of changes that the Panel envisages.)

Replace the exemptions for vegetation removal by public land managers with a VicSmart provision to ensure vegetation removal by public land managers is consistently managed.

Retain the current Environmental Significance Overlay Schedule 1 but update the schedule to specify the vegetation exemptions within the schedule.

Retain the current exemptions for the remaining vegetation controls in Clause 51.03.

Before adoption, review the application of the proposed Environmental Significance Overlay to the specific sites identified in submissions, including the locality around Perrins Creek and The Crescent, Sassafras.

6 Built form controls

6.1 Introduction

The issue

The issue is whether the proposed built form controls are acceptable.

About the controls

There are a suite of vegetation and built form controls in the Planning Scheme. This Chapter deals with the built form controls.

To understand the policy implications of the Amendment, the Panel has considered the following questions as a threshold matter:

- What is the effect of the exiting built form controls?
- How will the new v built from controls operate? What is the purpose of the controls?
- Having regard to the purpose of the controls, where should they be applied?

The Panel has adopted the same approach to built form that it adopted in relation to vegetation controls. This was set out in the previous chapter.

6.2 Review of built form controls

(i) Current permit requirements

Clause 51.03-3 requires a planning permit to construct a building or carry out works unless specified in the schedule. Clause 2.0 of the schedule lists several exemptions, including:

- buildings and works exempt under Clause 62.02 of the Planning Scheme and the bushfire exemptions
- certain works associated with Puffing Billy Tourist Railway
- buildings and works within 2 metres of protected vegetation, if the land is within a residential, commercial or industrial zone
- open weave wire fencing less than 1.8 metres in height in the GWZ, GWAZ, RLZ and RCZ
- in the GWZ, GWAZ and RCZ:
 - any building less than 7 metres in height
 - Certain horticultural structures (based on the zoning, extent of works and whether the building is temporary).

Clause 51.03 includes a particular definition for a 'horticultural structure' that differs from the scope of the exemptions for certain horticultural structures at Clause 62.02-1.

Clause 42.01 (ESO) defaults to the permit requirements at Clause 51.03 and contains decision guidelines. ESO2 requires permit for certain buildings and works. ESO2 is subject to a separate planning scheme amendment process.¹³

Clause 42.03 (SLO) states that a permit is not required to construct a building or construct or carry out works, if a permit is not required under the provisions of the applicable zone.

¹³ Amendment C164. A Panel report was released for Amendment C164 in September 2018.

The SLO is reliant on the zoning control as the starting point. Council submitted that in most instances the zoning controls would require a planning permit and therefore SLO1 would operate and the relevant decision guidelines would need to be considered.

(ii) Current policy guidance

There is currently local policy guidance at Clause 21.06 (Built form), Clause 22.03 (Horticultural Structures [Igloos and Glasshouses]) and decision guidelines in the SLO, including a requirement to seek the views of the National Trust. State policy applies, including Clause 15 (Built form and Heritage) and the decision guidelines at Clause 64 and Clause 65. If State policy inconsistent with any Clause at 51.03, then Clause 51.03 will prevail.

(iii) Proposed permit requirements

The built form controls will be restructured to rely on the SLO and ESO rather than Clause 51.03. The changes are included at Appendix 2. The most significant changes proposed include:

Affected land

The majority of built form controls at Clause 51.03 will be turned off and the SLO and ESO will operate to require planning permits. While on the face of it, this will allow a more tailored approach, the permit requirements in the SLO1 to SLO6 are almost identical.

Interaction with exemptions

The majority of buildings and works controls at Clause 51.03 will be removed. The exemptions in the VPP are therefore more likely to operate because there will be less chance of inconsistency between the provisions.

Public land and works exemptions

A broader reaching exemption is proposed to be included in the ESO and SLO for public land. The exemption is more consistent with other State standard provisions, however arguably this may provide agencies with greater scope to undertake buildings and works without a planning permit.

Fencing

In the exhibited controls there were three different permit requirements proposed to apply to fencing. In SLO1, SLO2 and SLO4 a permit will not be required if the fence is less than 1.8 metres or more than 75 per cent transparent. In SLO2, SLO5 and SLO6 no permit will be required if the fence is post and large open weave wire and is less than 1.8 metres. In the ESO no permit will be required if the fence is a post or wire open weave fence and less than 1.8 metres.

The differences between the SLO schedules has been corrected in the Part B version of the controls. The Panel is unclear why there is a need to describe apparently very similar structures (or design outcomes) in different ways in the ESO and SLO.

Threshold sizes for buildings and works

Minor changes are proposed to the threshold for when a permit will be required. The thresholds sizes for buildings and works will have less of a relationship with the underlying zone compared with how Clause 51.03 currently operates.

The following buildings and works will need a permit in the SLO1 to SLO6:

- buildings and works within 4 metres of a substantial tree will be required
- extension or buildings greater than 100 square metres
- any building over 7 metres above natural ground level
- any building or works that requires a permit under any other provision of the Planning Scheme.

In SLO5 the threshold for an agricultural building is a floor area of 400 square metres (rather than the standard 100 square metres). The ESO will require a permit for works within a 'significant trees' – which is a tree with a trunk circumference of more than 1.1 metres (diameter 0.35 metres) at height of 1.3 metres above the ground. The Panel is unclear why another definition needs to be introduced.

Exemptions are included for cropping structures, including hail netting, plastic igloos and seasonal crop structures. SLO5 says, for example:

The permit requirements of this clause do not apply to the construction of hail netting, seasonal crop protection covering, or plastic covered igloos.

The Panel is not clear why these exemptions needs to be explicitly nominated given it that appears that Clause 62.02 already exempts these types of structures.

Clause 62.02-1 provides an exemption for:

A crop support or protection structure associated with horticulture, including a trellis, cloche, net and shade cloth. It does not include a structure with a solid roof or solid wall such as a glass house or igloo

(iv) Proposed policy requirements

The Municipal Strategic Statement¹⁴ is proposed to be rewritten. Clause 21.05 (Built form) is proposed to include a number of strategies and objectives that repeat several of the current themes at Clause 21.06.

Some of the existing policy objectives relating to the design of tourism and recreational facilities and the gateways to rural townships¹⁵ is not proposed to be addressed as explicitly in the new Clause 21.05. Instead new provisions at Clause 21.03-6 (Other Green Wedge land uses) addresses these uses and relationship and design of these types of uses.

Clause 22.03 – Horticultural Structures (Igloos and Glasshouses) is proposed to be deleted.

6.3 Submissions

Council submitted that the built form controls proposed to the introduced followed a review of the 21 existing schedules to the SLO. Council is seeking to simplify the controls to better reflect the landscape typologies. In response to submissions during the exhibition period Council revised some aspects of the built form controls:

Twenty-six submitters made comments on the SLOs. Council has responded to some of the issues raised in the submissions by making changes:

¹⁴ Amendment was prepared prior to VC148 and therefore previous format adopted.

¹⁵ Currently objective 5 and objective 8 at Clause 21.06 include some specific direction above tourism and recreational facilities and gateways to rural townships respectively.

- *The Statements of Significance have been revised to incorporate elements of the descriptions from the original National Trust study.*
- *Standardised exemptions for fences across all SLOs – no permit required for any fence less than 1.8 metres and more than 75 per cent transparent.*
- *Standardised controls for buildings and works near significant trees across all the schedules.*

Several submitters raised concerns about the apparently arbitrary requirements relating to the siting of buildings, fencing requirement and use of particular building materials.

Mr Delacretaz supported the continuation of more restrictive built form controls. He submitted that this was necessary to continue the 40 years of successful planning that had occurred since the introduction of the *Regional Plan*.

The National Trust of Australia (Victoria) submitted that more detailed guidance should be included in the SLO schedules, including a suggestion that planners should seek expert advice given a specialised assessment was required.

The National Trust (Dandenong Branch) supported the submissions of the National Trust of Australia (Victoria). It also made some specific submissions about poor recent decision that did not seem to be consistent with the preferred landscape character, including the Belgrave Hub and the gradual urbanisation of the Mt Dandenong Tourist road through the introduction of hard surfaces and removal of vegetation to accommodate more traffic, including buses.

6.4 Discussion

Scope of the control

The built form controls appear more coherent and transparent when compared with the existing controls. The intent of the controls is supported, including a greater allowance for agricultural structures in SLO5 (Red Soil Intensive Agricultural Land). However, there are some aspects of the controls which appear overly prescriptive and detailed.

Specific requirements

A number of the requirements seek to impose a requirement to:

- avoid strongly symmetrical buildings
- setback from road frontages or railways.

It is not clear what the justification for these are. It is conceivable that a symmetrical building is acceptable in the area.

It is not clear to the Panel that setting back a building from the road way will always be the best design outcome. The siting of a building should be driven by a response to the context. In some case a location closer to a road may be preferable.

Referrals

The Panel does not think that it is necessary to include more detailed application or referral requirement in the SLO, planners have the expertise to make judgements about landscape character and there are other legislative processes in place to deal with most of the intangible values identified by the National Trust.

Drafting of the controls

The Panel does not agree with the National Trust that additional details and permit requirements need to apply. Nor does that Panel agree that a referral is required before a planner can make a judgement about whether a building will adversely impact on the landscape. Clearly drafted landscape character objectives combined with clear decision guidelines is a sufficient basis upon which to make a decision.

The Panel has some concerns about permit requirements which is linked to a permit requirement in another part of the Planning Scheme. If there is a particular sensitivity from a landscape character perspective for identified buildings and works then this should be expressed in the SLO.

The parent provision of the SLO does not allow for 'requirements' to be specified.

The SLOs do this by including the requirements under decision guidelines with the text:

Before deciding on an application, the responsible authority must, in addition to the landscape character objective of this schedule and the decision guidelines for the applicable zone, consider the following guidelines as appropriate.

Planning Practice Note 10: Writing Schedules, May 2000, states:

Decision guidelines

Many schedules can include decision guidelines that require the responsible authority to give specific consideration to a particular issue or fact, in addition to any relevant decision guidelines elsewhere in the [Planning] Scheme. They should be 'neutral'. ...

Decision guidelines gain direction from the zone or overlay and schedule objective under which they serve and from a statement of significance for an overlay area, if one is present.

It is not clear to the Panel that this is acceptable drafting. The issue is where such guidance should be contained. The most obvious place in in a Local Planning Policy.

6.5 Conclusions

The Panel concludes:

- The intention underlying the built form controls are generally acceptable and broadly consistent with the historical controls that were introduced through the Regional Plan. However, the controls are overly prescriptive in places.
- The controls would benefit from redrafting to avoid linking the permit requirements to other permit requirements in the Scheme. If building and works warrant control to achieve a landscape character objective then this should be specified in the SLO, not determined with reference to some potentially unrelated permit requirement.

6.6 Recommendations

The Panel recommends:

Revise the drafting of the Significant Landscape Overlays to move the 'requirements' presented in the Decision Guidelines to a more appropriate location in the Planning Scheme, potentially a Local Planning Policy.

Revise the drafting of the requirements presented in the Decision guidelines of the Significant Landscape Overlays (but relocated to a more appropriate location) to delete those requirements that impose a prescriptive outcome rather than specify a performance standard, namely those requirements that deal with:

- **strongly symmetrical buildings**
- **setback from road frontages or railways**
- **building materials.**

(Appendix D gives an example of the type of changes that the Panel envisages.)

7 Tourism and education

7.1 The issue

What should the policy say about tourist and educational uses in the green wedge zones?

7.2 Submissions

Tourism uses have historically been permitted in the green wedge zones, along with other non-farming activities. 'Place of Assembly' and 'Education' used to be prohibited in the Green Wedge Zone, however these uses now are a section 2 (permit required) use in the green wedge zones.¹⁶ Council submitted that the Amendment introduces policy at Clause 21.03 to plug the policy gap with respect to these non-farming activities not previously contemplated in the green wedge.

Several submitters raised concerns that the policy changes are more enabling, in the sense that they direct tourism and education facilities to certain locations rather than strongly discouraging these uses. Mr Delacretaz and Mr O'Halloran raised concerns that these types of uses would erode the controls which had been very effective in protecting the Green Wedge for the last 40 years.

The Rural Advisory Committee was supportive of appropriate tourism activities, where they contributed to the viability of rural enterprises. It raised concerns about other uses encroaching into the rural areas that could lead to potential land use conflicts.

Many submitters raised concerns about the encroachment of educational, tourism and places of worship into the green wedge. It was submitted that these non-farming activities would be detrimental to the function and character of the rural areas. There were concerns that enabling policies would lead to a gradual erosion of the Urban Growth Boundary around townships.

Ms Loke, on behalf of Australian Foundation of Diverse Education Ltd and Muhammadiyah Australia College Ltd, submitted that more relaxed controls should apply to educational facilities. Ms Loke submitted that the effect of policy at Clause 21.03-6 (Education) was that larger schools would be precluded from establishing within the Shire. This was on the basis that sites larger than 20 hectares rarely adjoined the Urban Growth Boundary. Mr Loke submitted that the standard 'General guidelines' should apply to educational centres.

7.3 Discussion

Policy intent

The policies proposed at Clause 21.03 (Green Wedge) direct tourism, educational and places of worship to particular, albeit limited, locations with the green wedge. The Panel agrees that the policy is framed in a more enabling way than the current policy framework. The policy represents a subtle shift away from discouraging these uses.

It is possible that this change in the emphasis of the policy will allow a greater number of non-farming activities to establish in the green wedge. It is not considered that this subtle shift in policy will result in a proliferation of non-farming activities for the following reasons:

¹⁶ Change introduced via Amendment VC103 in 2013.

- The policy is very prescriptive about where particular uses may occur. As explained by Mr Loke, there are very few sites that would meet the criteria for educational facilities within the green wedge. Therefore, in practice there will still only be very limited opportunities for such non-farming activities to occur.
- There is existing State policy which provides very specific guidance about what uses can occur in the green wedge. The decision guidelines in the zones are also prescriptive and the new policy duplicates a lot of existing policy that already applies.
- Clause 21.03 needs to be read on conjunction with all of the other controls that apply in the green wedge, including the built form controls and vegetation controls. The existing suite of controls are quite restrictive and will further limit locations where non-farming uses can establish.

Tourism

Tourist facilities have been a recognised use with the Shire for many years, in fact such uses are acknowledged and encouraged in the *Regional Plan*. Tourist facilities will often have a direct nexus with the rural setting, the high value landscape being a drawcard for tourists and visitors to the region. These attributes are recognised in the drafting of Clause 21.03. The Panel considered that well designed tourist facilities can be established without compromising the objectives of the green wedge or the broader landscape and environmental values in the Shire.

Educational facilities

Educational facilities have not been afforded the same level of policy support at Clause 21.03. The Panel agrees with this approach as educational facilities have different characteristics to tourism. State policy encourages community facilities and services to be located within townships or the Urban Growth Boundary as their primary function is to service residents of a community. Unless a school is specifically designed to cater for outdoor pursuits it does not need to be located in a rural setting.

Educational facilities often generate significant traffic volumes during peak times and if the facility is outside of a township there will be an even greater potential for reliance on private transport (for example car trips rather than walking for buses). The Panel does not consider that the policy with respect to educational facilities needs to be relaxed. It may be acceptable to locate a school on the perimeter of an Urban Growth Boundary, however siting a school in more remote location is not consistent with State policy.

Similarly, the Panel is not persuaded that as general rule Places of worship should be located outside the Urban Growth Boundary – they have similar, but less intense, impacts compared with a school, and except in rare circumstances there is no nexus between the rural landscape and the use.

Drafting of the provisions

The Panel has identified a significant amount of duplication both within and between Clause 21.03, Clause 21.03 and other parts of the Scheme (including the proposed Clause 22.02 Dwellings in the green wedge), the green wedge zones and State policy. It is envisaged that this duplication will be removed when the policies are translated into the new PPF structure.

7.4 Conclusions

The Panel concludes:

- The intention of the policy is sound. While on the face of it the policy appears to be more enabling, in practice there will only be limited circumstances where appropriately designed non-farming activities could establish in the green wedge.
- Tourist facilities should be treated differently to other non-farming uses, such as educational facilities, as they have a direct relationship with the rural land use.
- Educational facilities should only be permitted on land that directly abuts the Urban Growth Boundary and meets other attributes (for example traffic management, catchment considerations)

8 Public Open Space contribution

8.1 The issue

Should a public open space contribution of 5 per cent apply across the municipality?

Contributions required by the *Subdivision Act*, can be contested via the planning appeals process, while contributions in the schedule to Clause 52.01 are mandatory. Council submitted that a standard 5 per cent contribution applied via Clause 52.01 would create a more equitable approach across the municipality.

8.2 Review of the public open space controls

Yarra Ranges contains large areas of open space, commensurate with its size and location, in particular a number of regional bushland reserves and regional trails. While some are owned by the Crown (Parks Victoria or Melbourne Water), in many cases the actual management and maintenance is undertaken by Council under agreement.

The population of Yarra Ranges is not forecast to greatly increase, but new population will place greater demand on open space.

The Amendment proposes to modify the Schedule to Clause 52.01 Public Open Space Contribution and Subdivision to require a 5 per cent contribution for all land in Yarra Ranges.

8.3 Submissions

At present, the Schedule limits 5 per cent contributions to the Chirnside Park Major Activity Centre Development Contributions Plan – Charge Area B. For subdivision in other areas Council relies on contributions of up to 5 per cent as set out in the *Subdivision Act 1988*.

Council submitted that the Yarra Ranges' Open Space Strategy 2013 – 2023 provides the strategic justification for Council's proposed 5 per cent contribution. It identified areas that are currently under-served by open space and outlines Council's plan to expand the trail network and achieve critical open space linkages and meet major sporting facility objectives. In addition to development of new facilities, Council maintains an extensive area parks and bushland portfolio.

Submissions expressed concerns that:

- The Public Open Space (POS) contribution was seen to be 'double dipping' because the *Subdivision Act 1988* already requires contributions. Lots which may have already made a POS contribution would be assessed again with further subdivision.
- POS contributions should be limited to land inside the UGB and apply a lower rate for land in the LDRZ and rural residential land
- Use a Local Planning Policy would be a better option to provide guidance on POS contributions (contribution should be non – mandatory)
- Yarra Ranges has a large amount of open space and very limited population – suggests little additional open space is needed
- Much of the existing open space is managed by other agencies – Council does not need additional funds to manage open space

Council submitted that it did not propose to restrict the POS contribution to only urban land. Council said that many people assume that because the land is rural (larger lots) there is no

need for open space provision or that a lower rate should be applied, but in its experience residents in low density and green wedge areas use public open space in the same way as their urban counterparts.

Council drew the Panel's attention to VCAT Deputy President Gibson's comments in *Stupak v Hobsons Bay* 2011:

Residents will use different areas of open space at different times and in different ways depending on the activities they seek to pursue. In my view, it would be fallacious to assume that the majority of people will only use reserves closest to their homes exclusively.

Council submitted that while the opportunity for further subdivision in green wedge areas is limited this does not support a reduction in the contribution where such subdivision occurs.

8.4 Discussion

The purpose of the proposed change is to remove the discretion that currently exists under the *Subdivision Act 1988* to reduce the 5 per cent public open space contribution.

Clause 53.01 states:

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

While early in the Hearing there was some confusion about how contributions could be used, it is clear that contributions can only be used for capital works or improvements (not maintenance).

The concerns about 'double dipping' are misplaced. The *Subdivision Act 1988* and Clause 52.01 cannot both require POS contributions; they are mutually exclusive. Section 18 (5) of the *Subdivision Act 1988* states:

A public open space requirement may be made only once in respect of any of the land to be subdivided whether the requirement was made before or after the commencement of this section, unless subsection (6) applies.

From a practical point of view the Panel accepts Council's procedures to ensure that open space is not required where it has already been provided, namely:

- checking the history of the current subdivision to assess whether or not a POS contribution has already been made
- for subdivisions before the 1988 Subdivision Act looking to see if there was parkland created as part of the subdivision.

The Panel accepts that residents use a variety of open space in their lifetime. Where they live, whether rural or urban and what is already provided close by, does not necessarily affect the usage of broader open space facilities. This may be the case but the demand for open space from people living on large lots will not necessarily be much greater than people living on small lots, but by requiring 5 per cent over all land potentially required 5 per cent of a

rural residential subdivision. The Panel accepts that Clause 53.01 only applies to “*residential, industrial or commercial purposes*” but is unclear how this might be interpreted for lots outside the UGB that do not have a distinctly rural use such as agriculture.

The Panel notes that opportunity for further subdivision in green wedge areas is limited.

If Clause 53.01 does not apply then open space could still be pursued, where relevant under the Subdivision Act.

8.5 Conclusion

The Panel concludes:

- Applying a consistent 5 per cent contribution to land inside the UGB is justified, but is not justified for land outside the UGB.

8.6 Recommendation

The Panel recommends:

Amend the Schedule to Clause 53.01 to exclude land outside the Urban Growth Boundary.

Appendix A Submitters to the Amendment

No.	Submitter
Submitters to the Yarra Ranges Planning Scheme Amendment C148	
1	Mr R Houlihan
2	Mr A Petherbridge
3	Ms C Muir
4	Mr S Groeneveld
5	Mr T Corcoran
6	Mr A Jennings
7	Mr Jon Ladson
8	Ms M Wallace-Smith
9	Mr G Pottinger
10	Mr T Coffey
11	Mr D Woodward
12	Mr C Morrell
13	Mr J and Ms D Orange
14	Mr I Shimmen and Ms L Macartney
15	Ms C Cowland
16	Mr L and Ms B Marshall
17A & B	Mr I Frazer
18	Ms S Callen
19	Mr J Snodgrass
20	Mr J Denton
21	Mr A and Mrs S Marsden
22	Mr M and Mrs I Hammer
23	Mr B Payten
24	Mr T Ballantyne
25	Ms A Scott-Maxwell
26	Mr D Retegan
27	Mr P McConachy
28	Ms A and Ms L Taylor
29	Ms H Ruddell
30	Ms N Palich
31	Mr H and Ms N Kluth

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32	Mr R Swart
33	Mr T Carroll
34	Mr J Coleman
35	Mr R and Mrs A Ferguson
36	Mr G Boffa
37	Mr A Thatcher
38	Ms C Peterson
39	Ms A Foley
40	Mr P Cochrane
41	Mr G Chris
42	Mr F and Mrs Sarah Greco
43	Ms C Dove
44	Mr S Crowley
45	Mr L Edwards
46	Mr T George
47	Ms M Bond
48	Ms M Bond
49	Mr B Morton
50	Mr W Van Bremen
51A & B	Mr B Whelan
52	Dr P Brennan
53	Mr DR and Mrs CA Mentiplay
54	Ms F Rashidifar
55	Mr S Kaylock
56	Mr L Gaffney
57	Ms J Heald
58	Ms M Van Bremen
59	Ms K Ammerlaan
60	Mr T Lee
61	Mr J Falcone and Mr N Petris
62	Mr W Orange
63	Mr R Whitford
64	Mr D and Mrs L Di Battista
65	Mr K Jesse
66	Mr R Jimenez

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67	Ms J McRae
68	Ms C Ebdon
69	Mr S Squires and Ms R Smith
70	Mr M Burton
	Mr A Collings
71	Mr P Radford
72	Mr D and Mrs J Edwards
73	Ms G Markulia
74	Mr S Merrigan
75	Mr B Callanan
76	Mr I Robertson
77	Ms J Brown
78	Mr M and Mrs K Pullyblank
79	Ms D McKay
80	Mr M Mulder
81	Mr K Williams
82	Mr P O'Halloran
83	Ms J Lancaster
84	Ms N Gale
85	Mr S Gale
86	Ms V Boyle
87	Ms A Jesbera-Hoogendijk
88	Mr R Stephen
89	Mr D Duggan
90	Mr J Hadjugeorgiou
91	Ms K Bradshaw
92	Ms S Johnston
93	Mr P Bradshaw
94	Mr E Gruijthuijsen
95	Ms P Freeman
96	Ms B Marsden and Mr R Whitford
97	Mr L Delacretaz
98	Ms T Garrett
99	Yarra Valley Quarries C/- Mr A Natoli
100	Mr D Hunt

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101	Ms N Davis
102	Mr I Whitford
103	Mr B Preston
104	Mr K Ismail
105	Mr S Woodland
105	Ms A Smith
105	Mr G George
105	Mr D Duggan
105	Dr Birtchnell
105	Mr L Gaffney
105	Ms Valerie Stewart
106	Ms A Langworthy
107	Mr A Nalder, Mrs R McIntosh and Mr A McIntosh
108	Mr S Violi
Submitters to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan – Amendment 122	
1	Ms M Bond
2	Ms M Bond
3	Mr D and Mrs J Edwards
4	Ms P Freeman
5	Ms C Dove
6	Mr R Houlihan
7	Ms C Ebdon
8	Mr L Delacretaz
9	Mr P O'Halloran
10	Ms G Markulia

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Yarra Ranges Shire Council	Claudette Fahy who called the following expert witnesses: - Andrew McMahon and Lisa Crowfoot of Ecology Australia on Environment
Department of Environment, Land, Water and Planning	Adrian Salmon
Yarra Ranges Council Environment Advisory Committee	Dr Melanie Birtchnell
Yarra Ranges Council Rural Advisory Committee	Meridie Jackson
National Trust of Australia (Victoria)	Jessica Hood
National Trust of Australia (Dandenong Ranges)	Carolyn Eddon
Laurence Gaffney	
Country Fire Authority	Tammy Garrett and Mark Holland
Save the Dandenongs League Inc	Betty Marsden OAM
Ross Whitford	
Gilbert Boffa	
Christine Dove	Catherine Kiel
Max Miller	Nick Peterson
Nick Peterson	
Don Di Battista	
Michael Hammer	
Louis Delacretaz	
Paul O'Halloran	Professor Michael Buxton
Edelene Loke	

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Appendix C Document list

No.	Date	Description	Provided by
1	6/7/18	Submission in relation to Extractive industry	Mr Natoli
2	13/8/18	Letter raising concern regarding process	B and L Marshall
3	13/8/18	Late submission from Australian Foundation of Diverse Education Ltd and Muhammadiyah Australia College Ltd	Ms Loke
4	21/8/18	Council Part A submission	Council
5	21/8/18	Expert witness statement of Mr Mahon of Ecology Australia	Council
6	21/8/18	Submission on behalf of Dandy Premix	Mr Natoli
7	21/8/18	Submission in relation to Amendment 122	DELWP
8	21/8/18	Map of submitter locations	Council
9	21/8/18	Submission	Yarra Ranges Council Environment Advisory Committee
10	21/8/18	Submission	Yarra Ranges Rural Advisory Committee
11	22/8/18	Submission	National Trust of Australia (Victoria)
12	22/8/18	Submission	National Trust of Australia (Dandenong Ranges)
13	22/8/18	Submission	CFA
14	22/8/18	Submission	Ms Dove
15	22/8/18	Map of ESO	Ms Dove
16	22/8/18	Submission	Save the Dandenongs League Inc.
17	22/8/18	Submission	Mr Whitford
18	22/8/18	Submission	Mr Boffa
19	22/8/18	Submission	Mr Hammer
20	22/8/18	Submission	Ms Delacretaz
21	23/8/18	Submission	Mr Di Battista
22	23/8/18	Extract from sites of zoological significance, 1979	Mr Di Battista
23	23/8/18	Submission on behalf of Mr O'Halloran	Mr Buxton
24	23/8/18	Maps showing location of various sites	Ms Loke
25	23/8/18	Extracts of zoning maps	Council

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No.	Date	Description	Provided by
26	23/8/18	Closing submission	Council
27	3/9/18	Maps of the extent of existing and proposed vegetation controls	Council

Appendix D Example changes to SLO

This Appendix shows the types of drafting changes that the Panel considers should be made to all the SLOs and ESO as appropriate.

[Council Tracked Added](#) [Council Tracked Deleted](#)

[Panel Tracked Added](#) [Panel Tracked Deleted](#)

SCHEDULE 1 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO1**.

DANDENONG RANGES LANDSCAPE

1.0 Statement of nature and key elements of landscape

The Dandenong Ranges are prominent hills close to Melbourne, with dense forested scenery and intimate fern gullies that have attracted day trippers [for decades, ever since white settlement](#). They provide an iconic and largely uninterrupted forest backdrop to most long distance views across Melbourne's outer eastern suburbs.

Although much of the area forms part of the Dandenong Ranges National Park, [there are also](#) extensive areas [that](#) have been subdivided for residential development. Most residential areas are well integrated into the forest environment and are only apparent at close quarters [creating a landscape of natural and manmade elements](#). Forest trees [including large Mountain Ash and Messmate / Peppermint woodlands and along with](#) large exotic plants [and trees](#) extend into private gardens and roadway edges.

[The main roads through the Dandenong Ranges are popular tourist routes taking advantage of the scenic qualities and the village character of the towns.](#) Roads are narrow, often without kerb or channel treatments [and many have plants spilling along the roadside](#).

Architectural styles are varied [although with](#) many [of the](#) older buildings [are](#) influenced by 'Californian Bungalow' and 'Chalet' styles constructed from the 1920's onwards. [Weatherboard cladding and pitched metal roofs are common](#).

Vistas are a combination of enclosed views shortened by the dense vegetation and long views framed by vegetation, from the ranges to Metropolitan Melbourne or the Great Dividing Range.

[Several micro landscapes occur within the SLO1 area including:](#)

- [Lysterfield Forest Area - within the catchment of the Lysterfield Lake which forms a large expanse of remnant bushland which contrasts with the cleared farmland beyond. The more open Stringybark forest contrasts with the mountain forests which occur in the moister parts aspects of the Dandenong Ranges.](#)
- [Western Face of Dandenong Ranges – extends from Monbulk in the north to Femtree Gully in the south is characterised by steep forested slopes which include areas of dry woodland and are largely part of the Dandenong Ranges National Park.](#)
- [Sherbrooke Forest – a major-large intact remnant of the original tall mountain forests of the Dandenong Ranges contains Mountain Ash and undisturbed fern gullies.](#)
- [Cotswold Valley – an enclosed valley forming part of the headwaters of the Monbulk Creek consisting of steeply sloping pasture and cultivated areas fringed by remnants of Mountain Ash. Prominent view from the Puffing Billy.](#)
- [Menzies Creek Valley – in the eastern foothills of the Dandenong Ranges comprises of steeply sloping land with lush pasture and pockets of dense vegetation along stream lines.](#)

2.0 Landscape character objective to be achieved

- To retain a forest dominated landscape in which large canopy trees and understorey vegetation soften the distinction between private and public land, and provide a sense of enclosure.

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- To retain the mix of indigenous, native and exotic trees which contribute to the landscape.
- To ensure that dwellings, commercial buildings and other structures are inconspicuous elements within the landscape.
- To maintain the appearance of an uninterrupted forested range as seen from Melbourne's outer eastern suburbs and other surrounding areas.
- To ensure that development is responsive to the natural characteristics of the land including slope and remnant vegetation and associated wildlife habitat.
- ~~To ensure that the health of existing trees is not jeopardised by new development.~~

This is just a component of retaining the trees

3.0 Permit requirement

Fences

A permit is required to construct a fence.

This does not apply if the fence is **both**:

- ~~less-Less~~ than 1.8 metres high ~~or and~~.
- ~~is-m~~More than 75% ~~per cent~~ transparent.

Vegetation

A permit is required to remove, destroy or prune **either**:

- ~~any indigenous-Native~~ vegetation ~~that occurs naturally in the Shire of Yarra Ranges.~~
- ~~-or-substantial tree-~~A ~~substantial tree is defined as having with~~ a trunk circumference greater than 1.1 metres (0.35 metre diameter) at a height of 1.3 metres above the ground.

Controls should avoid creating definitions.

This does not apply to any of the following:

- ~~the-The~~ pruning of vegetation that is undertaken to assist its health or structural soundness. No more than one third of the foliage may be ~~removed-pruned~~ from any individual plant. ~~The pruning should be undertaken consistent with AES 4373.~~

Control should avoid reference to external documents.

- ~~the-The~~ removal of vegetation that is dead.
- ~~the-The~~ pruning of branches directly overhanging a lawfully existing building so that they are not overhanging or within 4 metres of the building.
- ~~the-The~~ removal of vegetation where the base of the plant to be removed is within 4 metres of a lawfully existing building (other than a fence).
- ~~the-The~~ removal of planted windrows, woodlots or landscaping consistent with the implementation of a property management plan prepared to the satisfaction of the responsible authority.
- ~~the-The~~ removal of vegetation that is one of the species listed in the *Yarra Ranges Council List of Environmental Weeds - April 2015*.
- ~~the-The~~ removal of regrowth which has naturally established or regenerated on land lawfully cleared ~~of-naturally-established-native-vegetation~~ and is less than 10 years old. This exemption does not apply to land on which native vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.

~~Clause 52.48 of the planning scheme contains further exemptions from the permit requirements of this overlay.~~

Buildings and Works

A permit is ~~only-not~~ required to ~~construct a building or~~ construct or carry out ~~works any of the following except for:~~

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The form of words in the Ministerial Direction on the form and Content of Planning Schemes should be followed.

- ~~buildings or works where a permit would also be required under any other provision in this planning scheme~~

It is not clear what this provision is aimed at achieving. Those buildings or works should be assessed under the provision that triggers the need for a permit.

- ~~a~~ A new building or extensions to an existing building ~~if where~~ the floor area of the construction is more than 100 square metres.
- ~~buildings~~ Buildings or works with a height ~~above natural ground level~~ of more than 7 metres.

Height is defined as above natural ground level

- ~~buildings~~ Buildings or works that would be within 4 metres of the trunk of ~~any substantial tree protected under this Planning Scheme~~ a tree with a trunk circumference greater than 1.1 metres (0.35 metre diameter) at a height of 1.3 metres above the ground.

Crop protection structures

The permit requirements of this clause do not apply to ~~the construction of hail netting, seasonal crop protection covering, or plastic covered igloos.~~

Note: Crop protection structures are already exempt at clause 62.02-1 in certain zones

Crop protection structures are already exempt at clause 62.02-1 (except in PCRZ)

Public land

~~The permit requirements of this clause do not apply to the construction of a building, the carrying out of works, or the removal of vegetation by or on behalf of a public land manager or Parks Victoria under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, or the Crown Land (Reserves) Act 1978.~~

~~The construction or carrying out of the buildings or works must be to the satisfaction of the responsible authority and comply with any relevant code of environmental practice.~~

This class of applications should be specified as a VicSmart application. This will put certainty around the concept of being to the satisfaction of the responsible authority.

~~No permit is required to construct or carry out any other buildings or works.~~

4.0 Decision guidelines

~~These guidelines are derived from Vision 2020 by Design – A Built Environment Framework for Yarra Ranges (Shire of Yarra Ranges May 208).~~

This should be listed in the background document clause

~~Before deciding on an application, the responsible authority must, in addition to the landscape character objectives of this schedule and the decision guidelines for the applicable zone, consider the following guidelines as appropriate.~~

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

This introductory text should be updated in line with the Ministerial Direction of ~~fn~~ n the Form and Content of Planning Schemes

The Panel does not think that these are decision guidelines, but are in fact requirements. They should be moved to a local planning policy, that consolidates the 'decision guidelines' from all the SLO schedules.

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Council should also review which of these general design principles already exist in the Planning Policy Framework (for example at clause 15)

Building siting

- Buildings should be sited to minimise their visual impact on views from adjoining roads and other publicly accessible viewing points.
- Buildings should be designed to reflect the topography of the site and minimise the extent of earthworks.
- ~~The height of buildings should be below the level of any surrounding tree canopy and be generally consistent with the height of any nearby development.~~

Building appearance

- The profile of a building should not break the skyline or ridgeline behind the building as seen from nearby roads or other publicly accessible viewing points.
- Buildings should be constructed using materials and finishes that harmonise with the surrounding landscape, such as muted colours and weatherboard or non reflective metal sheet cladding, rather than heavy masonry or brick detailing.
- Buildings on visually exposed sites such as the northern, western and southern face of the main ridge of the Dandenong Ranges should be ~~designed to~~ minimise visual impacts on distant views by using cladding materials that blend with the surrounding forest, avoiding substantial earthworks and retaining vegetation that can filter views into the site.
- The extent of large impervious areas such as yards, car parks and roads should be minimised.
- Larger buildings should be designed to disaggregate the building mass ~~and avoid strongly symmetrical forms.~~

It is not clear why 'strongly symmetrical forms' are inappropriate.

- Views from roads and other public places to large structures with an ~~unavoidably~~ urban form should be screened or filtered by large scale forest style landscaping.

Dwellings and outbuildings

- ~~Dwellings and associated outbuildings should be set back from the road frontage as far as is feasible having regard to the topography and vegetation on the land.~~

This may not always be the location that meets the objectives of the SLO.

- ~~The siting and design of dwellings and associated outbuildings should respond to such factors as views and outlook, protection from sun, rain and wind.~~

This is a broad statement that would should apply to all dwellings in all areas. It should not have to be said in the SLO, and in any case is at odds with the requirement above that only specifies a consideration of setback, topography and vegetation.

- ~~The construction of dwellings and associated outbuildings should use traditional materials which blend well with the surroundings such as timber, stone and corrugated iron.~~

It may be useful to specify muted colours, but it is not clear that specifying materials is appropriate. Timber and corrugated iron can be brightly coloured and some material such as HardiePlank that looks like weatherboards or cement blocks that look like stone may be appropriate.

- ~~Dwellings should be preferably single storey except where the slope of the land makes a split level or partly double storey building appropriate.~~

This may not always be the best design solution.

Vegetation

Many of these 'decision guidelines' duplicate points in the 'landscape character to be achieved'

- Established trees and patches of indigenous vegetation should be retained.

ATTACHMENT 7. Amendment C148 Panel Report

Yarra Ranges Planning Scheme Amendment C148 and Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan
Amendment 122 | Panel Report | 16 October 2018

- Where retention of the established vegetation is not practicable, buildings and works should be sited to minimise vegetation removal and land management improvements such as replacement vegetation should be undertaken to strengthen the landscape character objectives of this schedule.
- Development should be sited to maintain the naturalistic flow of vegetation across private gardens, road reserves and other public spaces.
- The siting and landscaping of buildings and works should provide for the retention, planting and long term growth of large canopy trees.
- ~~The construction of buildings and works on land abutting roads, stream sides or open space corridors should recognise wildlife habitats and avoid significant vegetation removal or soil disturbance.~~
- ~~Landscape planting and revegetation should seek to renew and extend shelterbelts and provide habitat links to other areas of vegetation such as on public land or along waterways, using predominantly indigenous species.~~

These are about biodiversity values rather than landscape values and addressed in other parts of the Planning Scheme, such as the ESO and clause 52.17

Fence and boundary treatments

- Front fence and boundary treatments should avoid formal geometric landscape design, hard surfaces and hard edges in landscaping.
- Fences and gateways should be small and constructed of light or transparent materials.

Other buildings and works

- ~~Earthworks that remove the option of future use of the soil~~ Soil resources should be reused for productive agriculture ~~should be avoided where possible.~~
- Urban style road infrastructure such as concrete kerbing, paved footpaths and roundabouts should be avoided wherever practical.

5.0 ~~Reference document~~

~~Vision 2020 by Design – A Built Environment Framework for Yarra Ranges (Shire of Yarra Ranges – May 2008).~~