

# YARRA RANGES PLANNING SCHEME

## PLANNING CONTROLS

<b>Zoning:</b>	Clause 35.04 GWZ4 – Green Wedge Zone
<b>Overlay:</b>	Clause 42.01 ESO1 - Environmental Significance Overlay – Schedule 1 (part of land – not applicable to proposal) Clause 42.03 SLO2 - Significant Landscape Overlay - Schedule 2 (All of land) Clause 44.04 LSIO - Land Subject to Inundation Overlay (part of land – not applicable to proposal)
<b>Planning Policy:</b>	Clause 02.03 Strategic Directions Clause 12.01 Biodiversity Clause 12.05 Significant Environments and Landscapes Clause 13.02 Bushfire planning Clause 14.01 Agriculture Clause 15.01 Built Environment
<b>Clause 51.03:</b>	Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan
<b>Schedule to Clause 51.03:</b>	Earthworks and Retaining Walls Soil Removal
<b>Other Requirements:</b>	Clause 65 – Decision guidelines

## PERMIT TRIGGERS

### *Zoning*

Under the Green Wedge Zone – Schedule 4, a planning permit is required to construct buildings or works associated with a use (dwelling) in Section 2 and for earthworks greater than one (1) metre in height or depth. The dwelling use is existing and no permit is required for this use.

### *Overlays*

Under the Significant Landscape Overlay Schedule 2, a planning permit is required to construct or carry out works with a height above natural ground level of more than 7 metres and to construct a fence.

### *Particular Provisions*

Under Clause 51.03 a planning permit is required for earthworks, filling, land forming, excavations and retaining walls that either are more than one metre in height or depth, or cover an area of more than 4000 square metres.

## 1.1 Zone

### **Clause 35.04 Green Wedge Zone (GWZ4)**

Purpose

- To implement the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies; To provide for the use of land for agriculture;
- To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources;
- To encourage use and development that is consistent with sustainable land management practices;
- To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses;
- To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes; and
- To protect and enhance the biodiversity of the area.

Under the zone provisions, a dwelling is a section 2 permit required use. Pursuant to Clause 35.04-2 the 'Use of land for a dwelling' must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must 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.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

## 1.2 Overlay

### Clause 42.03 Significant Landscape Overlay – Schedule 2

#### Purpose

- To implement the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

The landscape character objectives to be achieved under the schedule to the Significant Landscape Overlay are as follows:

- 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.

The statement of nature and key elements of landscape include:

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.

### 1.3 Planning Policy

#### **Clause 02 Municipal Planning Strategy**

##### **Clause 02.03-1 Settlement**

This Clause identifies that The Green Wedge areas will continue to support a diverse mosaic of agricultural activities, rural lifestyle opportunities, tourism and bushland areas. New developments, subdivisions, and land use changes, 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

Key characteristics of the Green Wedge area include:

<b>Category</b>	<b>Characteristics</b>
Productive Agricultural Areas	<p>Areas where:</p> <ul style="list-style-type: none"> <li>▪ Lots are generally greater than 4 hectares in intensively cultivated areas, or 10 hectares in other areas</li> <li>▪ Most lots are cleared and sown with pasture grasses or managed for horticulture</li> </ul> <p>Most lots are currently used for agriculture or have realistic potential to be used for horticulture, livestock grazing or other forms of productive agriculture.</p>
Rural Landscape Areas	<p>Areas where:</p> <ul style="list-style-type: none"> <li>▪ Lot sizes are generally greater than 2 hectares</li> <li>▪ Most lots have been at least partially cleared of indigenous vegetation</li> <li>▪ Most lots are used for residential purposes in a rural environment</li> </ul> <p>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).</p>
Rural Residential Areas	<p>Areas where:</p> <ul style="list-style-type: none"> <li>▪ Lots sizes are generally between 0.1 hectares and 2 hectares</li> <li>▪ Most lots are used for residential purposes in a heavily treed environment</li> </ul>

	<ul style="list-style-type: none"> <li>▪ 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)</li> <li>▪ Many of the existing lots have been created by the consolidation of smaller lots under subdivision restructure and tenement requirements of previous planning schemes.</li> </ul> <p>These areas are mostly concentrated in the Dandenong Ranges although pockets exist in other localities.</p>
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### **Clause 02.03-2 Environmental and Landscape Values**

This Clause is relevant as it identifies that the natural environment dominated by hills and trees will be the most defining characteristic of Yarra Ranges. It also recognises the extensive forested areas including indigenous vegetation and waterways that provide habitats for a rich biodiversity. Incremental vegetation loss can undermine the long term viability of biodiversity in the area.

### **Clause 02.03-3 Environmental Risks and Amenity**

This Clause is relevant as Yarra Ranges is exposed to environmental hazards including bushfire, landslip, flooding and soil contamination. Priority should be given to the protection of human life in the management of areas that are affected by environmental hazards.

Council's strategic directions for these risks are to:

- Discourage additional dwellings, subdivision and other sensitive land uses in bushfire prone areas and where the required defendable space would necessitate significant removal of high-quality indigenous vegetation.
- Locate and design development to minimise the potential risk from flooding.
- Protect the storage capacity of flood pondage areas.
- Locate and design development within areas of landslip risk to minimise the potential risk to life and property.

### **Clause 02.03-5 Built Environment and Heritage**

This Clause is relevant as it recognises that scenic landscapes are a key contributor to the identity of Yarra Ranges and unsympathetically designed new development can detract from these landscapes.

Council's strategic directions for the built environment and heritage are to:

- Protect and respect sensitive environments, significant landscapes and cultural and natural heritage.
- Incorporate best practice environmental design to contribute to sustainable building form.
- Encourage development that contributes to a sense of place and adds to the character and identity of the distinct localities in Yarra Ranges.

## **Clause 10 Planning Policy Framework**

### **Clause 11 Settlement**

#### **Clause 11.01-1L-03 Residential Development in the Green Wedge**

This policy seeks to:

- To protect productive agricultural areas from the development of dwellings that would lead to conflicts between agricultural producers and rural lifestyle residents.
- To ensure development in rural landscape areas responds to the physical and environmental constraints and the limitations of earlier subdivision which did not recognise these constraints.

- To manage development impacts on, biodiversity environmental and landscape values.

Strategies include:

- To protect productive agricultural areas from the development of dwellings that would lead to conflicts between agricultural producers and rural lifestyle residents.
- To ensure development in rural landscape areas responds to the physical and environmental constraints and the limitations of earlier subdivision which did not recognise these constraints.
- To manage development impacts on, biodiversity environmental and landscape values.

The site is identified as a Rural Residential Areas per Table 1 to Clause 02.03-1 which seeks to:

- Provide for additional dwellings in Rural Residential Areas (as set out in Table 1 to Clause 02.03-1) on large lots or on land parcels created through the restructure or consolidation of small lots in old subdivisions.

#### Clause 11.01-1L-04 Green Wedge

This policy seeks to:

- Protect the green wedge by ensuring use and development complements or enhances the primary values of the Green Wedge:
  - Maintaining a healthy biodiversity.
  - Protecting valued rural landscapes.
  - Supporting sustainable agriculture.
- Design development to have direct access to a suitably constructed road that can accommodate the level of traffic likely to be generated by the proposed use.
- Integrate development into the rural landscape and avoid the removal of significant vegetation.

#### Clause 11.03-3S Planning for Places – Peri-urban areas

This policy seeks to manage peri-urban areas to protect and enhance their identified valued attributes.

Strategies include:

- Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources.
- Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities including in Warragul-Drouin, Bacchus Marsh, Torquay-Jan Juc, Gisborne, Kyneton, Wonthaggi, Kilmore, Broadford, Seymour and Ballan and other towns identified by Regional Growth Plans as having potential for growth.
- Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.
- Enhance the character, identity, attractiveness and amenity of peri-urban towns.
- Prevent dispersed settlement and provide for non-urban breaks between urban areas.
- Ensure development is linked to the timely and viable provision of physical and social infrastructure.
- Improve connections to regional and metropolitan transport services.

#### Clause 11.03-5S Distinctive areas and landscapes

The objective of this Clause seeks to recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

Strategies include:

- Recognise the unique features and special characteristics of these areas and landscapes.
- Implement the strategic directions of approved Localised Planning Statements and Statements of Planning Policy.
- Integrate policy development, implementation and decision-making for declared areas under Statements of Planning policy.
- Recognise the important role these areas play in the state as tourist destinations.
- Protect the identified key values and activities of these areas.
- Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity of these areas.
- Support use and development where it enhances the valued characteristics of these areas.
- Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.
- Protect areas that are important for food production.

### **Clause 12.01 Biodiversity**

The objective of this Clause seeks to:

- To protect and enhance Victoria's biodiversity.

Strategies include:

- Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.
- Strategically plan for the protection and conservation of Victoria's important areas of biodiversity.
- Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:
  - Cumulative impacts.
  - Fragmentation of habitat.
  - The spread of pest plants, animals and pathogens into natural ecosystems.
- Avoid impacts of land use and development on important areas of biodiversity.
- Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).
- Assist in the identification, protection and management of important areas of biodiversity.
- Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.
- Support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas.

### **12.01-1L Biodiversity**

Strategies:

- Support land management including fencing of remnant vegetation from livestock grazing and weed control to protect flora and fauna habitats and riparian vegetation.

- Support rehabilitation and revegetation of bio-link corridors for wildlife to move between core habitat areas.
- Protect and enhance areas containing indigenous vegetation patches on public land.
- Encourage development on land adjoining public conservation reserves to protect and enhance the biodiversity assets on the public land.
- Support planting of indigenous vegetation to provide habitat for local flora and fauna.
- Ensure unavoidable vegetation removal is adequately offset by revegetation and land management that achieve a net improvement in Yarra Ranges' biodiversity assets.
- Direct revegetation and land management improvements associated with vegetation removal offsets to identified habitat corridor links and other key sites within Yarra Ranges.
- Protect the biodiversity values of conservation open spaces through revegetation and land management improvements including vegetation offsets.

#### 12.01-2S Native Vegetation Management

##### Objective

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

##### Strategies:

Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017):

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

### **Clause 12.05 Significant Environments and Landscapes**

#### 12.05-1S Environmentally Sensitive Areas

##### Objective

- To protect and conserve environmentally sensitive areas.

##### Strategies:

Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. These areas include the Dandenong and Macedon Ranges, the Upper Yarra Valley, Western Port and Port Phillip Bay and their foreshores, the Mornington Peninsula, the Yarra and Maribyrnong Rivers and the Merri Creek, the Grampians, the Gippsland Lakes and its foreshore, the coastal areas and their foreshores, Alpine areas and nominated urban conservation areas, historic buildings and precincts.

#### 12.05-2S Landscapes

##### Objective:

To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

##### Strategies:

- Ensure significant landscape areas such as forests, the bays and coastlines are protected.
- Ensure development does not detract from the natural qualities of significant landscape areas.

- Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.
- Recognise the natural landscape for its aesthetic value and as a fully functioning system.
- Ensure important natural features are protected and enhanced.

#### 12.05-2L Rural Landscapes

Strategies:

- Design and site development sensitively having regard to the natural physical features of the land including slope, existing vegetation and view lines.
- Discourage non-farm related commercial buildings that adversely impact on valued rural landscapes.

#### **Clause 13.02 Bushfire Planning**

This Clause seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies:

Protection of Human Life

Give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

Areas of biodiversity conservation value

Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.

#### **Clause 14.01 Agriculture**

##### 14.01-2L-02 Sustainable agriculture

Objective:

- To provide a secure, long term future for productive and sustainable agriculture that remains adaptable to the evolving needs of agriculture.

Strategies:

- 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.
- Encourage intensive horticulture where intensive farming is characteristic of the local landscape and where abundant water supply is readily available.
- Protect water resources that are potentially available for agricultural use and maximise opportunities to use recycled wastewater for agricultural purposes.
- Allow buildings and structures required for the sustainable operation of productive agricultural enterprises.
- Protect and restore soil condition, reduce the threats of erosion and salinity.



## **Clause 15.01 Built Environment**

### 15.01-6S Design for Rural Areas

Objective:

- To ensure development respects valued areas of rural character.

Strategies:

- Ensure that the siting, scale and appearance of development protects and enhances rural character.
- Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.
- Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

## **1.4 Particular Provisions**

### **52.06 CAR PARKING**

Provision: 52.06 Car Parking

The purpose of this clause is:

- To implement the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Table 1 at Clause 52.06-5 sets out the car parking requirement that applies to a use listed in the Table. Pursuant to Table 1 the proposed use of dwelling requires that a minimum number of two car parking spaces. The proposed development satisfies this requirement as shown on the plans.

### **CLAUSE 51.03**

- The purpose of the clause is to facilitate consistency between the Yarra Ranges Planning Scheme and the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan in accordance with Section 46F of the Planning and Environment Act 1987. The use of land must meet the requirements of the schedule to this clause.