

PLANNING POLICY

ZONE

Clause 32.09 Neighbourhood Residential Zone (NRZ)

Purpose

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.*

Construction of two or more dwellings on a lot

Pursuant to Clause 32.09-6 of this zone a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

An assessment of the proposed development against the provisions of clause 55 is found at attached Appendix.

Minimum garden area requirement

A lot must provide the minimum garden area at ground level as set out in the following table:

400 - 500 square metres	25%
501 - 650 square metres	30%
Above 650 square metres	35%

Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that:

- *exceeds the maximum building height specified in a schedule to this zone; or*
- *contains more than the maximum number of storeys specified in a schedule to this zone.*

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- *the building height must not exceed 9 metres, and*
- *the building must contain no more than 2 storeys at any point.*

Various exemptions apply.

- A basement is not a storey for the purposes of calculating the number of storeys contained in a building.
- The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

There are no additional requirements including neighborhood character specified in Schedule 3 to the Neighbourhood Residential Zone.

Clause 35.04 Green Wedge Zone (GWZ1)

Purpose

- *To implement the State 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.*

Pursuant to Clause 35.04-3, *a planning permit is required to subdivide land.*

Each lot must be at least the area specified for the land in a schedule to this zone. The Green Wedge Zone - Schedule 1 (GWZ2) states the minimum subdivision area as the following:

- *Except as provided for in the schedule to Clause 53, a minimum lot size of 12 hectare with an average lot yield not exceeding 1 lot to each 16 hectares of site area and a maximum lot size of 28 hectares.*

Clause 36.02 Public Park And Recreation Zone

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas for public recreation and open space.*
- *To protect and conserve areas of significance where appropriate.*
- *To provide for commercial uses where appropriate.*

OVERLAY

Clause 42.03 Significant Landscape Overlay

Purpose

- *To implement the State 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.*

Schedule 6 - Rolling Hills And Bushy Agriculture Landscape

Statement of nature and key elements of landscape

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.

Landscape character objectives to be achieved

- *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.*

Schedule 22 - Foothills And Rural Townships

Statement of nature and key elements of landscape

Seville, Seville East and Woori Yallock – are characterised by a strong ‘country town’ atmosphere, arising from varying block sizes, winding roads, absence of footpaths and some well treed areas. These towns integrate well in the surrounding pastoral landscapes including the Warramate Hills and Upper Yarra River and Environs which include belts of trees and the wooded slopes of neighbouring hills.

Clause 43.02 Design and Development Overlay Schedule 5

Design objectives

- *To provide a planning framework to guide limited residential development and subdivision*
- *To protect the special features and unique character of these areas from increased dwellings*
- *To ensure development is at a scale consistent with the unique character of the foothills and rural townships and enhances neighbourhood character as defined in the associated Significant Landscape Overlay*

Buildings and Works

- *To minimise the area covered by buildings and impervious surfaces. This will be achieved by:*
 - *Retaining sufficient areas around buildings for landscape planting - including mature species, consistent with the defined character of the foothills and rural areas*
 - *Ensuring open space /setbacks around dwellings are of sufficient size to accommodate usable private open space and maintain the established pattern of development in the street*
 - *Ensuring the setbacks, site coverage and design enable efficient use of the site, while recognising the amenity of the surrounding residents*
 - *Retaining significant unpaved areas for informal drainage to improve stormwater quality and overall health of the catchment*
- *To ensure new development avoids visual dominance by minimising bulk and scale*
- *To minimise vehicle access and dominant car storage facilities at the front of properties*
- *To ensure new development enhances the preferred neighbourhood character identified in the associated Significant Landscape Overlay Schedule 22.*
- *To retain single dwellings as the predominant form of development*

Subdivision

- *To ensure future subdivision creates lots large enough to accommodate new development while retaining natural and established vegetation cover*
- *To provide lots with substantial areas for planting and regeneration to occur including for mature trees on each lot.*
- *To allow for smaller lots provided the site coverage is consistent with Section 2 of this clause and provided no net increase in site cover occurs as a result of subdivision.*

Clause 42.01 Environmental Significance Overlay Schedule 1 (ESO1)

Statement of environmental significance

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.

Environmental objective to be achieved

- *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.*

Clause 44.06 Bushfire Management Overlay (BMO)

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Clause 44.04 Land Subject To Inundation Overlay

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To minimise the potential flood risk to life, health and safety associated with development.*
- *To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.*

Planning Policy

Clause 11.01-1L-05 Green wedge Subdivisions

General

Limit additional lots in Green Wedge Areas

Ensure subdivisions that create new lots:

- *Respond to the characteristics of the site and its surroundings.*
- *Are designed to support the anticipated use of the proposed lots.*
- *Are sensitive to the land capability of each of the proposed lots.*

Discourage subdivision that is likely to result in land use and development that would adversely affect the agricultural capability, environmental quality, rural landscape character or amenity of the area.

Discourage subdivision that creates additional lots in remote or poorly serviced locations.

Discourage subdivision that will result in an increased number of dwellings on sites with significant environmental hazards.

Encourage restructuring and consolidation of lots in old and inappropriate subdivisions in areas affected by significant environmental constraints or hazards.

Productive agricultural areas

Ensure subdivisions in areas of productive agriculture, identify the location of any future dwelling having regard to the need to maximise the productive agricultural potential of the land.

Ensure subdivision in productive agricultural areas does not result in a net loss of productive agricultural use or water resources.

Avoid creating a small lot with a dwelling in productive agricultural areas that may conflict with productive agricultural activities on adjoining or nearby land.

Environmental Significance Overlay

Ensure subdivision in an Environmental Significance Overlay does not create additional lots that would require the removal of vegetation from land that has been identified as a core habitat area by the overlay, including for building envelopes, vehicle access, reticulated services or boundary fences.

Ensure subdivision would lead to improved management of indigenous vegetation or wetland habitat.

Clause 11.03-5S Distinctive areas and landscapes

Objective 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

- *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.*
- *.....*
- *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 13.02-1S - Bushfire planning

- *Give priority to the protection of human life.*
- *Identify bushfire hazard and undertake appropriate risk assessment.*
- *Plan to strengthen the resilience of settlements and communities and prioritise protection of human life.*

15.01-2S Building design

Objective

- *To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

Strategies

- *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.*
- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Improve the energy performance of buildings through siting and design measures that encourage:*
 - *Passive design responses that minimise the need for heating, cooling and lighting.*
 - *On-site renewable energy generation and storage technology.*
 - *Use of low embodied energy materials.*

- *Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.*
- *Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.*
- *Encourage water efficiency and the use of rainwater, stormwater and recycled water.*
- *Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- *Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.*
- *Encourage development to retain existing vegetation.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.*

15.01-3S Subdivision design

- *Objective - To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*

15.01-5L Neighbourhood character

Objective

To protect the distinctive characteristics and environmental features of residential neighbourhoods.

Strategies

- *Design development to complement existing site features such as slope, terrain, substantial trees and remnant vegetation.*
- *Retain extensive tree canopy cover and native vegetation. Support the establishment and maintenance of substantial trees within residential areas.*
- *Site and design development on land adjoining public land and open space to provide passive surveillance.*

16.01-1L Housing

Incremental change areas - Strategies

- *Retain a predominantly low residential density in areas identified as Incremental Change Areas in the map to this clause.*
- *Support additional housing that is consistent with the existing character of the neighbourhood in areas with access to services.*
- *Accommodate incremental development in identified locations within metropolitan residential areas and in rural and foothill townships.*

Particular Provisions

Clause 51.03 Upper Yarra Valley And Dandenong Ranges Regional Strategy Plan

Purpose

- *To ensure consistency between this planning scheme and the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan pursuant to the requirements of Part 3A of the Planning and Environment Act 1987.*

Clause 53.01 POS

Section 18 of the Subdivision Act 1988 – Public Open Space Contribution

As the proposed subdivision is for more than two lots it is subject to an Open Space contribution assessment under Section 18(1)(a) of the Subdivision Act 1988 is needed.

A land contribution of up to 5% of the total land area can be required (as a public park created within the proposed subdivision), or a payment of cash in lieu of land of up to 5% of the value of the land can be required.

The assessment of public open space contribution is based on the following requirement under Section 18(1)(a):

The Council may only make a public open space requirement if it considers that, as a result of the subdivision, there will be a need for more open space, having regard to -

- a. the existing and proposed use or development of the land;*
- b. any likelihood that existing open space will be more intensively used after than before the subdivision;*
- c. any existing or likely population density in the area of the subdivision and the effect of the subdivision on this;*
- d. whether there are existing places of public resort or recreation in the neighbourhood of the subdivision, and the adequacy of these;*
- e. how much of the land in the subdivision is likely to be used for places of resort and recreation for lot owners;*

- f. *any policies of the Council concerning the provision of places of public resort and recreation.*

Clause 52.06 CAR PARKING

The purpose of this clause is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *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 2 dwellings with 3 bedrooms each on the land requires that a minimum number of 2 car parking spaces for each dwelling to be provided on site and no visitor car parking space.

Clause 52.17 Native Vegetation

The purpose of this clause is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through avoiding the removal of native vegetation that makes a significant contribution to Victoria's biodiversity, minimise impacts on Victoria's biodiversity from the removal of native vegetation, where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed; to manage native vegetation to minimise land and water degradation; to manage native vegetation near buildings to reduce the threat to life and property from bushfire.

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

Clause 53.02 Planning for Bushfire

This clause applies to an application under Clause 44.06 - Bushfire Management Overlay.

The purpose of this Clause is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*

- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

Clause 53.02-3 applies to an application to construct a single dwelling or construct or carry out works associated with a single dwelling where the following apply:

- *The land is zoned Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone.*
- *There is only one dwelling on the lot.*
- *The application meets all of the approved measures contained in Clause 53.02-3.*

However, Clause 53.02-4 applies to all other applications, including an application that does not meet all the approved measures in Clause 53.02-4 As this application is located in the Green Wedge A Zone, Clause 53.02-4 will apply.

Clause 55

The purpose of this clause is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

Clause 56

The purpose of this clause is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create liveable and sustainable neighbourhoods and urban places with character and identity.*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for metropolitan Melbourne growth areas, infill sites within established residential areas and regional cities and towns.*
- *To ensure residential subdivision design appropriately provides for policy implementation, livable and sustainable communities, residential lot design, urban landscape, access and mobility management, integrated water management, site management and utilities.*

Clause 64.03 Subdivision Of Land In More Than One Zone

If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.

Permit Requirement

A permit may be granted to create one lot smaller than specified in the scheme if all of the following are met:

- The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.
- The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:
 - To comply with the requirements of the Urban Floodway Zone.
 - To provide access to a road.
- The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.

65 Decision Guidelines

Development - The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. Before deciding on an application, the Responsible Authority must consider:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

Subdivision - Before deciding on an application to subdivide land, the responsible authority must consider, as appropriate:

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*
- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*

- *The layout of roads having regard to their function and relationship to existing roads.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*