

# **YARRA RANGES PLANNING SCHEME – PLANNING CONTROLS**

## **Zone:**

### **Clause 32.09 Neighbourhood Residential Zone – Schedule 1**

#### **Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

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.

## **Overlays:**

### **Clause 42.03 Significant Landscape Overlay – Schedule 23**

#### **Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify significant landscapes.

To conserve and enhance the character of significant landscapes.

#### **Statement of nature and key elements of landscape**

The landscape significance of the following areas is attributed to the quality of environment, its setting and relationship to the broader landscapes some of which have National Trust classification. Classified landscapes in these areas include: The Silvan Agricultural Area and the Upper Yarra and Environs.

The visual effect of large trees both native and exotic makes a significant contribution to the neighbourhood character of these areas. All the following areas share varying sized blocks allowing development to integrate within its surrounding landscape and providing views between dwellings.

Vegetation and buildings in streamside areas play a significant role in the broader catchment and should address the principles of ecologically sustainable development for the Upper Yarra River Catchment.

## **Chirnside Park**

Chirnside Park was originally a grazing area and is set against a rural backdrop of surrounding hills and paddocks. Housing was developed primarily in the 1970's and as a result, many mature trees of both native and exotic species exist within its established gardens and contribute significantly to the character of the area.

### **Landscape character objective to be achieved**

- To recognise and conserve the environmental and visual sensitivity of residential areas of the Dandenong Ranges foothills and the Yarra Valley.
- To ensure 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.
- To retain mature trees which make a significant contribution to the landscape character of the neighbourhood areas.
- To protect vegetation of significance, natural beauty, interest and importance.
- To protect and preserve the riparian areas along waterways.

## **Clause 44.01 Erosion Management Overlay**

### **Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

### **Statement of nature and key elements of land susceptible to landslip**

The Shire contains areas of land which are susceptible to landslip, including land in the Dandenong Ranges, Silvan, the Don River Valley and Warburton.

A number of geotechnical studies have been undertaken, in various forms, in the former Shires of Lillydale, Upper Yarra, Healesville and Sherbrooke and in the broader region administered by the former Upper Yarra Valley and Dandenong Ranges Authority.

The Shire of Yarra Ranges subsequently adopted a shire wide slope stability classification system and guidelines for the development of land potentially affected by landslip.

All land included in the Erosion Management Overlay has been identified as having a sufficiently high risk of potential instability to warrant specific review of these risks prior to the issue of a planning permit. The control of environmental factors and development such as vegetation cover, drainage, rock and soil disturbance and effluent and stormwater disposal are important in managing the risk of landslip.

## Objectives

- To manage the risk of landslip.
- To ensure that development can be carried out in a manner which will not adversely increase the landslip risk to life or property affecting the subject land or adjoining or nearby land.
- To ensure that on land where a Landslip Risk Assessment is required development is not carried out unless the risk associated with the development is a Tolerable Risk.
- To ensure that applications for development are supported by adequate investigation and documentation of geotechnical and related structural matters.
- To ensure that development is only carried out if identified geotechnical and related structural engineering risks to life and property are effectively addressed.
- To ensure that development is appropriate to be carried out either conditionally or unconditionally, having regard to the results of those geotechnical and related structural investigations.
- To ensure that approved development is thereafter appropriately maintained.

## Particular Provisions:

### Clause 52.31 Local Government Projects

#### Purpose

To facilitate the development of land by or on behalf of municipal councils.

#### Permit exemptions

Any requirement in a zone or a schedule to a zone to obtain a permit to construct a building or construct or carry out works does not apply to the development of land carried out by or on behalf of a municipal council. This exemption does not apply to:

- A development with an estimated cost of more than \$10 million.
- A development in the Urban Floodway Zone unless the development is carried out to the satisfaction of the relevant floodplain management authority.
- A development associated with the use of land for accommodation, earth and energy resources industry, energy generation facility, industry or warehouse.
- A development for which an environment effects statement has been, or is required to be, prepared under the *Environment Effects Act 1978*.
- A development for which the Minister for Planning has decided that an assessment through an environment effects statement under the *Environment Effects Act 1978* is not required if the Minister's decision is subject to conditions.

Any requirement in the Floodway Overlay, Land Subject to Inundation Overlay and Special Building Overlay to obtain a permit to construct a building or construct or

carry out works does not apply to the development of land carried out by or on behalf of a municipal council to the satisfaction of the relevant floodplain management authority.

This clause prevails over any inconsistent provision in this planning scheme.

### **Exemption from notice and review**

An application under any provision of this planning scheme to develop land by or on behalf of a municipal council is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to:

- An application for a development with an estimated cost of more than \$10 million.
- An application for a development associated with the use of land for accommodation, earth and energy resources industry, energy generation facility, industry or warehouse.
- An application to remove, destroy or lop more than:
  - 0.5 hectares of native vegetation other than a tree; or
  - 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level; or
  - 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

## **Planning Policy Framework**

### **Clause 12.01-1S Protection of biodiversity**

This Clause seeks to protect and enhance Victoria's biodiversity.

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

Strategies include:

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.

### **Clause 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.

### **Clause 13.04-2S Erosion and landslip**

#### Objective

To protect areas prone to erosion, landslip or other land degradation processes.

#### Strategies

Identify areas subject to erosion or instability in planning schemes and when considering the use and development of land.

Prevent inappropriate development in unstable areas or areas prone to erosion.

Promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability.