

YARRA RANGES PLANNING SCHEME

PLANNING CONTROLS

Zone	Clause 35.04 - Green Wedge Zone Schedule 4
Overlays	Clause 42.03 - Significant Landscape Overlay Schedule 6
Municipal Planning Strategy	Clause 02.03-1 – Settlement Clause 02.03-7 – Tourism
Planning Policy Framework	Clause 11.01-1R – Green Wedges – Metropolitan Melbourne Clause 11.01-1L-04 – Green Wedge Clause 11.03-5S – Distinctive areas and Landscapes Clause 12.05-2L – Rural Landscapes Clause 13.02-1S – Bushfire Planning Clause 13.07-1S – Land Use Compatibility Clause 14.01-1S – Protection of Agricultural Land Clause 14.01-2L-02 – Sustainable Agriculture Clause 17.04-1L – Tourism in the Yarra Ranges Green Wedge
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PERMIT TRIGGERS

Zoning

Clause 35.04- Green Wedge Zone Schedule 4

- A permit is required to use the land for the purpose of a winery
- A permit is required to construct a small second dwelling.
- A permit is required for buildings and works associated with a Section 2 use (winery)

Particular Provisions

Clause 52.05 – Signs

- A permit is required to display a business identification sign Zone

Clause 52.27 – Licenced Premises

- A permit is required to use land to sell or consume liquor

1.1 Zone

Clause 35.04 Green Wedge Zone Schedule 4

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.
- To protect and enhance the biodiversity of the area.

Under the zone provisions, a permit is required to use the land for the purpose of a winery and a small second dwelling, and buildings and works associated with a section 2 use.

Pursuant to Clause 35.04-6 before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.
- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

Rural issues

- The maintenance of agricultural production and the impact on the rural economy.
- The environmental capacity of the site to sustain the rural enterprise.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.

- The protection and retention of land for future sustainable agricultural activities.

Environmental issues

- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.
- The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.
- Design and siting issues
- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

1.2 Overlay

Clause 42.03 – Significant Landscape Overlay Schedule 6

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.

1.3 Planning Policy

Clause 02 Municipal Planning Strategy

Clause 02.03-1 Settlement

Table 1 – Green Wedge Land use and settlement.

Productive Agricultural Areas

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.

Role

Large landholdings and relatively lower land values in Green Wedge areas can attract uses that are seeking to relocate from urban areas. Some of these land uses can create potential conflicts with agriculture and rural amenity.

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 also undermine the confidence and investment decisions of agricultural producers, tourism industry providers and rural lifestyle residents in the Green Wedge.

Council's strategic directions for settlement are to:

- Contain urban development and urban renewal within the urban growth boundary.
- Support a mix of housing, business opportunities and community infrastructure within the suburbs and larger rural towns.
- Protect the Green Wedge by ensuring use and development complements or enhances the primary values and characteristics of the Green Wedge.
- Minimise residential subdivision in the green wedge.
- Limit the use of rural land in the green wedge to agriculture, rural industry, tourist-oriented businesses or dwellings.

Clause 02.03-7 Economic Development

Tourism

The Green Wedge areas contain tourist destinations including wine growing areas, national parks, State forests, recreational trails, golf courses and well-known attractions such as the Puffing Billy Railway, the Dandenong Ranges, Warburton and Healesville Wildlife Sanctuary.

The Green Wedge also includes a variety of businesses linked to tourist related activities including visitor accommodation, wineries, restaurants and cafes.

Many tourist related businesses have a direct association with their setting especially in the wine growing regions and areas of forestry activity.

The Green Wedge and its proximity to the metropolitan region will attract ongoing interest in providing tourism and hospitality services. This sector will provide new economic opportunities in the region. However, it needs to be managed to protect the primary values and characteristics of the Green Wedge.

Council's strategic directions for tourism are to:

- Support commercial land uses associated with tourist activities to create business opportunities that broaden the economic base of rural towns.
- Encourage tourism activity that supports overnight stays and a diversity of tourist experiences.
- Support tourism development in the green wedge that protects biodiversity, agriculture and valued landscapes.

Clause 10 Planning Policy Framework

Clause 11.01-1R – Green Wedges – Metropolitan Melbourne

Objective

To protect the green wedges of Metropolitan Melbourne from inappropriate development.

Strategies

- Promote and encourage the key features and related values of each green wedge area.

- Support development in the green wedge that provides for environmental, economic and social benefits.
- Consolidate new residential development in existing settlements and in locations where planned services are available and green wedge values are protected.
- Plan and protect major state infrastructure and resource assets, such as airports and ports with their associated access corridors, water supply dams, water catchments and waste management and recycling facilities.
- Protect important productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula.
- Support existing and potential agribusiness activities, forestry, food production and tourism.
- Protect areas of environmental, landscape and scenic value such as biodiversity assets, national and state parks, Ramsar wetlands and coastal areas.
- Protect significant resources of stone, sand and other mineral resources for extraction purposes.
- Provide opportunities for renewable energy generation.

Clause 11.01-1L-04 – Green Wedge

Policy application

This policy applies to use and development in the Green Wedge, Rural Conservation and Green Wedge A zones which includes the three broad categories of Green Wedge land defined in Table 1 to Clause 02.03-1.

General strategies

- 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 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

Objective

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.

Clause 13.07-1S Land use compatibility

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Clause 14.01-1S – Protection of Agricultural Land

Objective

To protect the state's agricultural base by preserving productive farmland.

Strategies

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.

- Identify areas of productive agricultural land by consulting with the Department of Energy, Environment and Climate Action and using available information.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
 - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
 - Compatibility between the proposed or likely development and the existing use of the surrounding land.
 - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
 - Land capability.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

Clause 17.04-1L – Tourism in the Yarra Ranges Green Wedge

This policy applies to development for tourism in the Yarra Ranges Green Wedge (land outside the Urban Growth Boundary).

Objective

To provide for sustainable tourism in the Green Wedge.

Strategies

- Support tourist development that will:
 - Not result in the significant loss of productive agricultural land.
 - Retain the predominant rural character of the area.
 - Be located on a site large enough to provide a rural landscape setting for the proposed development.
 - Avoid adverse impacts on the amenity of adjoining or nearby residential development and or farming operations.
 - Minimise the threat to flora and fauna habitat by managing public access and visitor numbers.
 - Treat and contain all effluent on the land.
 - Have direct access to a sealed or otherwise suitably constructed road that is adequate for the anticipated traffic levels.
 - Provide visitor accommodation, restaurants, cafes and function centres in established towns.
- Discourage tourist development on sites that are subject to significant environmental hazards including:
 - Fire and flood prone locations where vehicle access during bushfire and flood events would be unsafe.
 - Sites with landslip risk.

1.4 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.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the Municipal Planning Strategy and the Planning Policy Framework.

Clause 52.05 Signs

Purpose

To regulate the development of land for signs and associated structures.

To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.

To ensure signs do not contribute to excessive visual clutter or visual disorder.

To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

All signs

- The character of the area including:
 - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
 - The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
 - The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
 - The consistency with any identifiable outdoor advertising theme in the area.
- Impacts on views and vistas:
 - The potential to obscure or compromise important views from the public realm.
 - The potential to dominate the skyline.
 - The potential to impact on the quality of significant public views.
 - The potential to impede views to existing signs.
- The relationship to the streetscape, setting or landscape:
 - The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
 - The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.

- The ability to screen unsightly built or other elements.
- The ability to reduce the number of signs by rationalising or simplifying signs.
- The ability to include landscaping to reduce the visual impact of parts of the sign structure.
- The relationship to the site and building:
 - The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
 - The extent to which the sign displays innovation relative to the host site and host building.
 - The extent to which the sign requires the removal of vegetation or includes new landscaping.
- The impact of structures associated with the sign:
 - The extent to which associated structures integrate with the sign.
 - The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.
- The impact of any illumination:
 - The impact of glare and illumination on the safety of pedestrians and vehicles.
 - The impact of illumination on the amenity of nearby residents and the amenity of the area.
 - The potential to control illumination temporally or in terms of intensity.
- The impact of any logo box associated with the sign:
 - The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
 - The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.
- The need for identification and the opportunities for adequate identification on the site or locality.
- The impact on road safety. A sign is a safety hazard if the sign:
 - Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.
 - Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.
 - Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
 - Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
 - Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
 - Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
 - Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
 - Is within 100 metres of a rural railway crossing.
 - Has insufficient clearance from vehicles on the carriageway.
 - Could mislead drivers or be mistaken as an instruction to drivers.

Clause 52.06 Car Parking

The purpose of this clause is:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the 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.

Clause 52.06-8 – Requirement for a car parking plan

Plans must be prepared to the satisfaction of the responsible authority before any of the following occurs:

- a new use commences; or
- the floor area or site area of an existing use is increased; or
- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

The plans must show, as appropriate:

- All car parking spaces that are proposed to be provided (whether on the land or on other land).
- Access lanes, driveways and associated works.
- Allocation of car parking spaces to different uses or tenancies, if applicable.
- Any landscaping and water sensitive urban design treatments.
- Finished levels, if required by the responsible authority.
- Any other matter specified in a schedule to the Parking Overlay.

Plans must be provided to the responsible authority under Clause 52.06-8 wherever Clause 52.06 applies, whether or not a permit application is being made under Clause 52.06-3 or any other provision of the planning scheme.

Where an application is being made for a permit under Clause 52.06-3 or another provision of the planning scheme, the information required under Clause 52.06-8 may be included in other plans submitted with the application.

Clause 52.06-9 Design standards for car parking

Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.

- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).

Clause 52.06-10 Decision Guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay.

Clause 52.27 – Licenced Premises

Purpose

To ensure that licensed premises are situated in appropriate locations.

- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Scope

These provisions apply to premises licensed, or to be licensed, under the *Liquor Control Reform Act 1998*.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

Clause 65 – Decision guidelines

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- 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 environment, human health and 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.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.