

YR-2025/82 - 7 RODGER ROAD, WANDIN NORTH – PLANNING REPORT

APPLICATION DETAILS

Site Address	7 Rodger Road, (Lot 27 LP8526) Wandin North
Application No.	YR-2025/82
Proposal	Use and development for domestic animal boarding and construction of a fence
Zone	Clause 35.04 – Green Wedge Zone (GWZ2)
Overlays	Clause 42.01 – Environmental Significance Overlay (ESO1) Clause 42.03 - Significant Landscape Overlay (SLO6)
Permit trigger/s	Clause 35.04 – Green Wedge Zone (GWZ2) ○ Clause 35.04-1 - A permit is required to use land for domestic animal husbandry (more than 5 animals) ○ Clause 34.05-5 – A permit is required to construct works a building or carry out works associated with a Section 2 use Clause 42.01 – Environmental Significance Overlay (ESO1) ○ Clause 42.01-1 – A permit is not required pursuant to this overlay as no vegetation removal is proposed within the area of the site affected by the overlay. Clause 42.03 - Significant Landscape Overlay (SLO6) ○ Clause 42.03-2 - A permit is required to construct a fence specified in a schedule to the overlay.

Clause 02.01-3 Settlement

The dispersed settlement pattern in Yarra Ranges, including many relatively small rural towns located in the Green Wedge, creates challenges in meeting community expectations about the range of accessible services and facilities.

There are opportunities for more intensive development within and adjoining activity centres to provide additional housing and employment generating uses.

The redevelopment of urban areas and key redevelopment sites including the Chirnside Park Activity Centre, the former Cave Hill Quarry and the former Swinburne University, will expand the diversity of housing, education, recreation and employment opportunities in Yarra Ranges.

The location of the Urban Growth Boundary has largely prevented urban expansion into the productive agricultural areas and rural landscapes of the Green Wedge. However, there are ongoing latent pressures to change the current Urban Growth Boundary to expand urban development into some adjoining Green Wedge areas.

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

Table 1 below describes the key characteristics of the green wedge area.

Rural Landscape Areas	Areas where: ■ Lot sizes are generally greater than 2 hectares ■ Most lots have been at least partially cleared of indigenous vegetation ■ Most lots are used for residential purposes in a rural environment ■ Very few lots are used for productive agriculture (meaning lots of more than 4 hectares that are used for horticultural production or lots of more than 10 hectares that are predominantly cleared and sown with pasture grasses).
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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.

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 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.

Non-agricultural use and development

Strategies

Locate development for education centres, golf courses or places of worship and outdoor recreation facilities on sites adjoining the Urban Growth Boundary to provide a transition between urban and rural activities.

Locate, site and design development for golf courses, education centres, places of worship or other non-agricultural, tourist or dwelling use to:

- Avoid adverse impacts on productive agricultural land use on adjoining or nearby land.
- Retain the predominant rural character of an area.
- Appear as an unobtrusive element in the rural landscape.
- Be located on a site large enough to provide a rural landscape setting for the proposed development.
- Avoid adverse impacts on the amenity of nearby residential development.
- Retain any significant habitat for native flora and fauna on the site and make sustainable improvements to the quality of that habitat.
- Treat and contain all effluent on the site.
- Have direct access to a sealed or road adequate for the anticipated traffic levels.
- Avoid fire and flood prone locations where vehicle access during bushfire and flood
- Avoid sites with landslip risk.

Policy guidelines

Consider as relevant:

- Locating outdoor recreation facilities on a site with direct access to a sealed road within a Transport Zone 1 or 2 to provide safe and efficient access for traffic.

- Locating places of worship on a site with:
 - An area of at least 10 hectares.
 - Direct access to a sealed road within a Transport Zone 1 that is able to provide safe and efficient access for traffic.
 - Farming activities conducted on the same or adjoining land.
- Locating an education centre on a site with:
 - An area of at least 20 hectares.
 - Direct access to a sealed road within a Transport Zone 1 that is able to provide safe and efficient access for traffic.
 - Farming activities conducted on the same or adjoining land.

Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs

Objective

To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.

Strategies

Protect the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets.

Conserve waterway systems and the landscapes and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity.

Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.

Address the impacts of use and development on drought and flooding events at a catchment and site scale to protect the health and natural function of waterway systems and their surrounding landscape and environment.

Protect geomorphology, bank stability and flood management capacity to strengthen the environmental value and health of waterway systems by:

- Retaining, enhancing and re-establishing indigenous riparian vegetation along waterway systems, ensuring it responds to the bushfire risk of a location.
- Enhancing and re-establishing both terrestrial and aquatic habitats and their linkages along and surrounding waterway systems.
- Limiting earthworks in proximity to waterway systems to minimise alterations to geomorphology, natural drainage, natural flows and water quality.
- Facilitating the restoration of waterway systems through the removal of weeds, invasive species and pests.

Enhance a sense of place and landscape identity by:

- Conserving areas of identified Victorian Aboriginal cultural heritage significance relating to waterway systems.
- Retaining and re-establishing vegetation, including grasslands and canopy trees, surrounding waterway systems to enhance and connect to the landscape setting, ensuring it responds to the bushfire risk of a location.
- Protecting existing topographic features and maintaining a sense of naturalness through sensitive design and siting.

Retain and enhance the recreation and amenity values along waterway systems by:

- Planning for surrounding green spaces as recreation and tourism resources without adversely impacting environmental values and flood management capacity.
- Protecting and enhancing parklands for their economic, social and environmental values.
- Protecting and enhancing public access to waterway systems and surrounding parklands.
- Enhancing existing and providing new green links, pedestrian and cycle connections and open space.
- Discouraging privatisation of spaces that interface with or provide access to waterway systems.
- Avoiding overshadowing of waterway systems, their banks and adjacent public open space.
- Promoting safety by maximising visibility and passive surveillance and providing good connections and access.

Design and site development to maintain and enhance the natural environment of waterway systems by:

- Minimising the visual intrusion of development on the natural landscape views from major roads, bridge crossings, public open space, recreation trails and within waterway systems themselves.
- Ensuring development is visually subordinate to the local landscape setting, including through the use of vegetation to filter views of development.
- Ensuring development adjacent to waterways adopts high quality materials and respectful design and siting.
- Avoiding impeding the natural flow of waterways and future flood events.
- Directing growth to established settlements where water and wastewater can be managed.

Policy Guidelines

Consider as relevant:

- Locating earthworks, including dams, a minimum of 30 metres from waterway systems.
- Locating development a minimum of 30 metres from the banks of waterway systems.

- The views of floodplain and waterway managers.
- Any regional catchment strategy and related plans approved under the Catchment and Land Protection Act 1994.

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

Policy application

This policy must be applied to all planning and decision making under the *Planning and Environment Act 1987* relating to land that is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

Objective

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.

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

- Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.
- Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the *Building Act 1993* or regulations made under that Act.
- Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.

- Considering and assessing the bushfire hazard on the basis of:
 - Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
 - Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;
 - Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and
 - The site for the development.
- Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.
- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.
- Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.

Settlement planning

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under *AS 3959-2018 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2018).
- Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under *AS 3959-2018 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2018) where human life can be better protected from the effects of bushfire.
- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.
- Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.
- Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.
- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification

of development in an area that has, or will on completion have, more than a BAL-12.5 rating under *AS 3959-2018 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2018).

Use and development control in a Bushfire Prone Area

In a bushfire prone area designated in accordance with regulations made under the *Building Act 1993*, bushfire risk should be considered when assessing planning applications for the following uses and development:

- Subdivisions of more than 10 lots.
- Accommodation.
- Child care centre.
- Education centre.
- Emergency services facility.
- Hospital.
- Indoor recreation facility.
- Major sports and recreation facility.
- Place of assembly.
- Any application for development that will result in people congregating in large numbers.

When assessing a planning permit application for the above uses and development:

- Consider the risk of bushfire to people, property and community infrastructure.
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

Policy guidelines

Consider as relevant:

- Any applicable approved state, regional and municipal fire prevention plan.

Clause 13.05 Noise management

Objective

To assist the management of noise effects on sensitive land uses.

Strategy

Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.

Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout),

urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Policy guidelines

Consider as relevant:

- The noise requirements in accordance with the Environment Protection Regulations under the *Environment Protection Act 2017*.

Policy documents

Consider as relevant:

- *Environment Protection Regulations under the Environment Protection Act 2017*
- *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Publication 1826, Environment Protection Authority, May 2021)
- *Environment Reference Standard* (Gazette No. S 245, 26 May 2021)
- *Passenger Rail Infrastructure Noise Policy* (Victorian Government, 2013)
- *VicTrack Rail Development Interface Guidelines* (VicTrack, 2019)

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.

Policy documents

Consider as relevant:

- *Separation Distance Guideline* (Environment Protection Authority, August 2024)
- *Landfill Buffer Guideline* (Environment Protection Authority, August 2024)

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 14.01-1R Protection of agricultural land - Metropolitan Melbourne

Strategy

Protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.

Clause 14.01-2S Sustainable agricultural land use

Objective

To encourage sustainable agricultural land use.

Strategies

Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.

Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.

Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.

Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.

Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.

Support agricultural investment through the protection and enhancement of appropriate infrastructure.

Facilitate ongoing productivity and investment in high value agriculture.

Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

Policy documents

Consider as relevant:

- *Victorian Code for Cattle Feedlots* (Department of Agriculture, Energy and Minerals, 1995)
- *Victorian Code for Broiler Farms* (Department of Primary Industries, 2009, plus 2018 amendments)
- *Apiary Code of Practice* (Department of Planning and Community Development, 2011)

- *Planning Guidelines for Land Based Aquaculture in Victoria* (Department of Primary Industries, No. 21, 2005)
- *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (Department of Economic Development, Jobs, Transport and Resources, June 2018)
- *Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines* (Department of Economic Development, Jobs, Transport and Resources, June 2018)

Clause 14.01-2L-02 Sustainable Agriculture

Policy application

This policy applies to land in the Green Wedge, Rural Conservation and Green Wedge A zones.

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 15.01-6S 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.

Clause 35.04 Green Wedge Zone

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.

Table of Uses

Domestic animal boarding is a section 2 permit required use when more than five (5) animals are proposed.

Clause 35.04-5 Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.04-1.

Decision Guidelines

Before deciding on an application to use or subdivide land, lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation, construct a building or construct or carry out works, 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*.

Clause 42.01 Environmental Significance Overlay

Purpose

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

To identify areas where the development of land may be affected by environmental constraints.

To ensure that development is compatible with identified environmental values.

Schedule 1 – Highest Biodiversity Habitat Areas and Biolink Corridors

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.

A planning permit is not required for the proposal pursuant to the Environmental Significance Overlay as the proposal is located outside the area of the site affected by the overlay.

Clause 42.03 Significant Landscape Overlay

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.

A permit is required to:

- Construct a building or construct or carry out works. This does not apply:
 - If a schedule to this overlay specifically states that a permit is not required.
 - To the conduct of agricultural activities including ploughing and fencing (but not the construction of dams) unless a specific requirement for that activity is specified in a schedule to this overlay.
- Construct a fence if specified in the schedule to this overlay.
- Remove, destroy or lop any vegetation specified in a schedule to this overlay. This does not apply:
 - If the table to Clause 42.03-3 specifically states that a permit is not required.
 - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

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.

Permit requirement

Fences

A permit is required to construct a fence.

This does not apply if the fence is both:

- a rural type - post and large space open weave wire fence
- less than 1.8 metres high.

Vegetation

A permit is required to remove, destroy or lop

- Any native vegetation that occurs naturally in Yarra Ranges
- A substantial tree having a trunk circumference greater than 1.1 metres (0.35 metre diameter) at one 1.3 metres above the ground.

This does not apply to any of the following:

- The pruning of vegetation that is undertaken to assist its health or structural soundness. No more than one third of the foliage may be removed from any individual plant.
- The removal of vegetation that is dead
- The pruning of branches directly overhanging a lawfully existing building so that they are not overhanging or within 4 metres of the building
- The removal of vegetation where the base of the plant to be removed is within 4 metres of a lawfully existing building
- The removal of planted windrows, woodlots or landscaping consistent with the implementation of a property management plan prepared to the satisfaction of the responsible authority
- The removal of vegetation that is one of the species listed in the Incorporated Document *Yarra Ranges Council - List of Environmental Weeds 2019*.

Buildings and Works

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

- A new building or extensions to an existing building if the floor area of the construction is more than 100 square metres
- Buildings or works with a height above natural ground level of more than 7 metres
- Buildings or works within 4 metres of the trunk of any substantial tree protected under this planning scheme.

Crop protection structures

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

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03 in addition to those specified in Clause 42.03 and elsewhere in the Scheme which must be considered appropriate by the responsible authority. The guidelines are derived from *Vision 2020 by Design – A Built Environment Framework for Yarra Ranges* (Shire of Yarra Ranges May 2008).

Building siting

- The visual impact on views from adjoining roads and other publicly accessible viewing points.
- Whether buildings and associated works are sited to avoid visually prominent sites such as exposed hilltops or ridgelines.
- The impact of the siting of large buildings on their visual bulk, particularly if close to roads or in open settings where there are no other buildings or mature trees nearby.
- Whether buildings are designed to reflect the topography of the site and minimise the extent of earthworks.

- Whether farm buildings and related structures are clustered with existing buildings on the same land.

Building appearance

- Whether the profile of buildings do not break the skyline or ridgeline behind the building as seen from nearby roads or other publicly accessible viewpoints.
- How the height of buildings relates to the heights of any surrounding tree canopy and nearby development.
- Whether external finishes of buildings use muted tones and non-reflective surfaces and incorporate natural elements such as timber and stone.
- The visual impact of new development on the landscape having regard to the size of frontage setbacks of buildings.
- Whether farm buildings such as storage sheds, water tanks, wine storage tanks and related infrastructure are a visual intrusion in the rural setting and whether they are finished in muted colours, screened by planting or otherwise merged into the landscape.
- Whether the design and materials of large buildings such as storage and equipment sheds reflect the rural environment and the traditions of farm buildings.
- The building mass and form of larger buildings used for visitor accommodation or other tourist related activities.
- Whether the development includes large signage and advertising, including internally illuminated signs.

Dwellings and outbuildings

- How far dwellings and associated outbuildings are set back from the road.
- The height of dwellings and whether it responds to the topography of the site.
- How the design of dwellings addresses factors such as views and outlook and protection from sun, rain and wind.

Vegetation

- The retention of established trees and patches of indigenous vegetation.
- The extent of vegetation removal and proposed land management improvements such as replacement vegetation.
- The use of indigenous species and including canopy trees in landscaping and screening of new buildings.
- The integration of landscaping with the design of the development and whether it complements the vegetation on any adjoining public land.

Fence and boundary treatments

- Whether the front fence and boundary treatments avoid formal landscape design (such as geometrically aligned/spaced tree avenues or garden beds) and hard surfaces and hard edges in landscaping.

- The appearance of entrance gates and adjacent walls or fences and how they relate to the character of the remainder of the property boundary fence and the landscape.

Other buildings and works

- Whether earthworks will remove the option of future use of the soil resource for productive agriculture.
- Whether the proposal includes urban style road infrastructure such as concrete kerbing, paved footpaths and roundabouts.

Clause 52.06 Car Parking

Purpose

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.

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.

Clause 52.06-1 Scope

Clause 52.06 applies to:

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

Clause 52.06 does not apply to:

- the extension of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Housing Choice and Transport Zone, Mixed Use Zone or Township Zone; or
- the construction and use of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Housing Choice and Transport Zone, Mixed Use Zone or Township Zone unless the zone or a schedule to the zone specifies that a permit is required to construct or extend one dwelling on a lot; or
- the construction and use of a small second dwelling.

Clause 52.06-2 Provision of car parking spaces

Before:

- 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 number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- on the land; or
- in accordance with a permit issued under Clause 52.06-3; or
- in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.

If a schedule to the Parking Overlay specifies a maximum parking provision, the maximum provision must not be exceeded except in accordance with a permit issued under Clause 52.06-3.

Clause 52.06-3 Permit requirement

A permit is required to:

- Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
- Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.
- Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.

A permit is not required if a schedule to the Parking Overlay specifies that a permit is not required under this clause.

A permit is not required to reduce the number of car parking spaces required for a new use of land if the following requirements are met:

- The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land.
- The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

A permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:

- The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone, Activity Centre Zone or Precinct Zone.
- The gross floor area of the building is not increased.

- The reduction does not exceed 10 car parking spaces.
- The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.

Clause 52.06-5 Number of car parking spaces required under Table 1

Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table.

Use of land for domestic animal boarding is not listed in Table 1.

Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority. This does not apply to the use of land for a temporary portable land sales office located on the land for sale.

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 52.06-8 does not apply where no car parking spaces are proposed to be provided.

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.

Design standards 1, 3, 6 and 7 do not apply to an application to construct one dwelling on a lot.

Design standard 1 – Accessways

Accessways must:

- Be at least 3 metres wide.
- Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.
- Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.
- Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.
- If the accessway serves four or more car spaces or connects to a road in a Transport Zone 2 or Transport Zone 3, the accessway must be designed so that cars can exit the site in a forward direction.
- Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Transport Zone 2 or Transport Zone 3.
- Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

If an accessway to four or more car parking spaces is from land in a Transport Zone 2 or Transport Zone 3, the access to the car spaces must be at least 6 metres from the road carriageway.

If entry to the car space is from a road, the width of the accessway may include the road.

Design standard 2 – Car parking spaces

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

Table 2: Minimum dimensions of car parking spaces and accessways			
Angle of car parking spaces to access way	Accessway width	Car space width	Car space length
Parallel	3.6 m	2.3 m	6.7 m
45°	3.5 m	2.6 m	4.9 m

60°	4.9 m	2.6 m	4.9 m
90°	6.4 m	2.6 m	4.9 m
	5.8 m	2.8 m	4.9 m
	5.2 m	3.0 m	4.9 m
	4.8 m	3.2 m	4.9 m

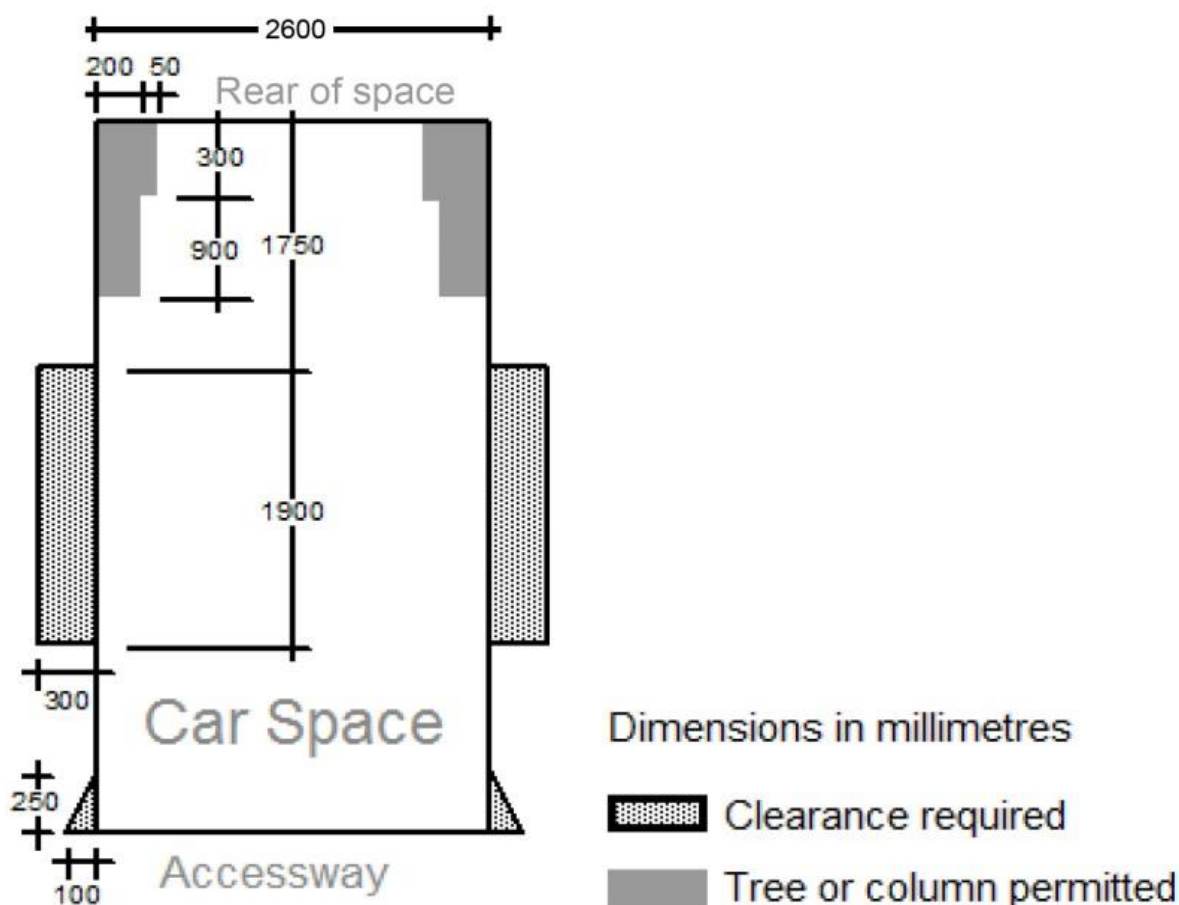
Note

Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).

A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance required' on Diagram 1, other than:

- A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

Diagram 1 Clearance to car parking spaces



Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

Where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space.

Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.

Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.

Design standard 3: Gradients

Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.

Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.

Table 3: Ramp gradients

Type of car park	Length of ramp	Maximum grade
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Public car parks	20 metres or less	1:5 (20%)
	longer than 20 metres	1:6 (16.7%)
Private or residential car parks	20 metres or less	1:4 (25%)
	longer than 20 metres	1:5 (20%)

Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.

Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.

Design standard 4: Mechanical parking

Mechanical parking may be used to meet the car parking requirement provided:

- At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle height of at least 1.8 metres.
- Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.
- The design and operation is to the satisfaction of the responsible authority.

Design standard 5: Urban design

Ground level car parking, garage doors and accessways must not visually dominate public space.

Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.

Design of car parks must take into account their use as entry points to the site.

Design of new internal streets in developments must maximise on street parking opportunities.

Design standard 6: Safety

Car parking must be well lit and clearly signed.

The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.

Pedestrian access to car parking areas from the street must be convenient.

Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.

Design standard 7: Landscaping

The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.

Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.

Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.

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 52.06-11 Construction of car parking

Where a plan is required under Clause 52.06-8, the car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:

- constructed and available for use in accordance with the plan approved by the responsible authority; and
- formed to such levels and drained so that they can be used in accordance with the plan; and
- treated with an all-weather seal or some other durable surface; and
- line-marked or provided with some other adequate means of showing the car parking spaces,

before any of the following occurs:

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

Clause 65.01 Approval Of An Application Or Plan

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.