

YARRA RANGES PLANNING SCHEME

Zone

Clause 35.04 Green Wedge Zone (GWZ) – Schedule 5

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; and
- To protect and enhance the biodiversity of the area.

Pursuant to the provisions of the zone a planning permit is required for buildings and works associated with a section 2 use (dwelling) in Clause 35.04-1.

Overlay

Clause 44.06 Bushfire Management Overlay (BMO)

Purpose

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

Pursuant to the provisions of the overlay a planning permit is not required as the proposed dwelling is located outside of the area of land affected by the Bushfire Management Overlay.

An application to construct a building, construct or carry out works or to subdivide land must meet the requirements of Clause 53.02 unless a schedule to this overlay

specifies different approved measures or additional alternative measures and decision guidelines to those set out in Clause 53.02

The Overlay also contains mandatory conditions which must be included in any planning permit issued for subdivision and buildings and works.

An application must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03, unless a schedule to this overlay specifies otherwise.

Planning Policy

Clause 11 Settlement

This clause is relevant to this application as it contains objectives relating to activity centre networks, activity centre planning, housing choice and affordability, environment and water and green wedges.

Clause 12.01-1S Protection of Biodiversity

This clause is relevant to this application as it contains objectives which seek to assist with protection and conservation of Victoria's biodiversity, to protect and conserve environmentally sensitive areas and to maintain and enhance the natural landscape character of the Yarra River corridor in which the topography, waterway, banks and tree canopy are dominant features providing a highly valued, secluded, natural environment for the enjoyment of the public.

It also seeks to ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:

- Cumulative impacts.
- Fragmentation of habitat.
- The spread of pest plants, animals and pathogens into natural ecosystems.

Avoid impacts of land use and development on important areas of biodiversity.

Clause 13 Environmental Risks

This clause seeks to ensure that planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards such as flood plain management, erosion and landslip and bushfire risk.

This policy applies 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

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

The policy requires decision makers to:

- 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.
- Identify bushfire hazard and undertake appropriate risk assessment
- 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.
- Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.

Clause 14 Natural Resource Management

This clause is of relevance to this application as it seeks to protect productive farmland which is of strategic significance in the local or regional context and to encourage sustainable agricultural land use.

Clause 15 Built Environment and Heritage

This clause is of relevance as it seeks to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods, to recognise and protect cultural identity, neighbourhood character and a sense of place, to ensure the conservation of places of heritage significance and to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Clause 16 Housing

This clause is of relevance as it seeks to manage development in rural areas to protect agriculture and avoid inappropriate rural residential development. This clause also seeks to ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:

- Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.
- Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.
- Minimising or avoiding property servicing costs carried by local and state governments.

- Maintaining an adequate buffer distance between rural residential development and animal production.

Clause 19 Infrastructure

This clause is of relevance as it contains objectives relating to the provision of infrastructure services including renewable energy, community facilities, distribution of social and cultural infrastructure, development infrastructure, water supply, sewerage and drainage, stormwater, telecommunications, water and resource recovery, pipeline infrastructure and survey infrastructure.

Clause 21.04-3 Agriculture Land Use

This clause seeks to provide for residential use that reinforces the rural and landscape character of the rural areas and does not lead to the loss of productive agricultural land.

The policy requires decision makers to consider:

- In areas which are included in a Significant Landscape Overlay or Wildfire Management Overlay (in the Green Wedge and Rural Conservation Zones), building envelopes be sited to enable provision of utility services with minimal disturbance to established vegetation or other environmental features.
- In the Rural Conservation and Green Wedge Zones, all buildings, including waste treatment and effluent disposal facilities associated with the dwelling, be located outside any land liable to flooding and be at least 30 metres from a watercourse and sited to avoid any detriment to the ecology of any stream or watercourse on or near the site.
- The siting of a proposed dwelling allow for the maximum retention of vegetation, particularly remnant vegetation and other healthy trees above five metres in height.
- In the Intensive Farming areas (GWZ1 and GWZ3) provide for new residential accommodation only if it is directly associated with the operation and management of the land for agricultural uses.
- In the Rural Conservation Zone and Green Wedge Zones, any dwellings not associated with agricultural use, and other residential uses may be sensitive to disturbance from agricultural activities, not be located on sites where the residential use either:
 - Is likely to be adversely affected by ongoing agricultural operations.
 - Would limit the sustainable agricultural operations being carried out on the land.

Clause 21.06 Built Form

This clause recognises that Yarra Ranges includes areas of widely recognised natural beauty with landscapes that offer some of the most attractive scenery in the State. Its towns, villages and rural areas each have their own visual identity which is valued by residents and visitors. It is important that new development respects and maintains these valued characteristics. Good design in the built environment is not simply limited to aesthetically pleasing design. It encourages a sense of local identity and seeks to improve people's experience of a space or locality. It contributes to

creating places that people want to be in. The creation of a more sustainable urban form that consolidates development in existing town centres has many environmental and social benefits. It reduces car dependency, makes more efficient use of community infrastructure and adds life and vitality to town centres.

Objective 1 – Siting and Design seeks to promote proper siting and good design in the construction of all buildings and in the carrying out of works.

Objective 6 – Buildings in Residential, Rural Living and Rural Areas seeks to ensure that any development reflects the environmental and physical form of the surrounding neighbourhood.

MSS 21.07 Landscape

This clause seeks to recognise that the rural areas of Council contain some of the most visually attractive landscapes in Council comprising an intricate mix of open valleys, rolling foothills, steep forested land and majestic mountain ranges.

The objectives of this clause are to retain and protect the scenic landscapes, rural and green wedge character and special environmental features of Council.

It is policy that:

- Any development proposal demonstrates that the proposed buildings and works will not compromise the landscape and environmental qualities of the surrounding area, or substantially change the natural land form.
- All development be designed and sited to:
 - Have regard to the built form and to maintain design consistency with surrounding development and avoid detriment to the local environment.
 - Recognise the land capability of the site in terms of slope, land subsidence potential, viewlines, enhancement of landscape values, protection of water resources, retention of indigenous flora and fauna and associated wildlife habitats and other local amenity considerations, and so as to be unobtrusive in the surrounding landscape.
 - Avoid the removal of remnant vegetation, particularly healthy trees above five metres in height, and to minimise the disturbance to the root zone of such vegetation.
 - Avoid prominent ridgelines, hill tops and other visually exposed sites.
- In the rural landscape areas, protect and enhance the environmental and landscape values particularly those derived from remnant indigenous vegetation.
- The external surfaces, including roofs, of all buildings, except within Metropolitan Residential Areas as identified in plans showing Residential Areas, be treated with non-reflective materials and subdued colours to reduce the visual impact of the development on the surrounding area. This is particularly necessary where any development is proposed to be located on a visually prominent site.
- On the completion of any development, the site be landscaped to protect and enhance the residential amenity, landscape character and any environmental features of the area.
- The landscaping be planted within 12 months of the practical completion of the development or works and then be maintained to the satisfaction of the responsible authority.

- In all areas outside the Urban Growth Boundary and in localities in residential zones which contain a tree canopy cover of mostly remnant vegetation, preference be given to landscaping using predominantly indigenous vegetation appropriate to the site, including upper, middle and lower storey plant species.
- All roads, including internal access tracks, be located, designed and constructed in a manner compatible with surrounding landscape values and character and which minimises soil erosion.

Clause 21.09 Environment

This clause recognises that the Dandenong Ranges and the Upper Yarra Valley are environmentally sensitive areas with significant recreational value and should be protected from development which would diminish their environmental conservation or recreational values. The retention and rehabilitation of remnant vegetation is fundamental to retaining the vast range of wildlife habitats throughout Council. Council's prime objective is protection and enhancement of its rich biodiversity. Remnant vegetation is one of the most significant natural resources of Council. These areas are sensitive to indiscriminate and incremental clearing which can result in intrusion of weeds and the loss of habitat. Vegetation including both remnant and mature exotic planting are important features of Council's scenic landscapes and contributes to the unique character of rural, townships and many residential areas.

Objective 1 – Areas of environmental significance seek to protect and conserve the environmental characteristics of the Shire which are of local, regional, state and national significance.

Strategies to achieve these objectives are as follows:

- Prevent the incremental loss of remnant vegetation on both private and public land and ensure the proper consideration of the environmental effects of proposals to remove vegetation.
- Protect, rehabilitate and extend viable wildlife habitats, including the flora and fauna values of public land, and the integrity of habitat corridor links through the Shire.
- Control, and eventually eradicate, noxious and environmental weeds, and reduce the presence of vermin and pest animals, on Council controlled land and assist private landowners to achieve the same outcomes.
- Manage public access and visitor numbers to recreational and leisure areas where increased human activity will threaten the conservation values of such areas.
- Ensure that the use of the land, construction of buildings and the carrying out of works are of a type, scale and design which do not adversely impact on the natural environment

Objective 2 – Vegetation seeks to protect and enhance the Shire's rich biodiversity.

Strategies to achieve this objective are as follows:

- Identify and ensure effective management of sites of natural significance having regard to the role of remnant vegetation in the landscape value and visual amenity of Council.

- Ensure proper maintenance practices and controls on vegetation clearance are applied to the use and development of land.
- Design buildings and works associated with tourism development to avoid the removal of established trees or indigenous vegetation.
- Manage all land in the Rural Conservation Zone in a way that ensures the protection of its environmental values and provides for the long-term protection and enhancement of any remnant vegetation, particularly if that vegetation contains habitat for plants or animals which are rare or endangered in Council or if the vegetation provides a wildlife corridor link between other areas of remnant vegetation.
- In the Rural Conservation Zone ensure that the use of the land for agriculture does not lead to the loss of indigenous vegetation or detract from other environmental features of the area.

Objective 3 – Catchment seeks to ensure land use and development is assessed in the context of its potential effect on the wider catchment.

It is policy that:

Any development not adversely impact on the natural environment of the land or the surrounding land or watercourses, by ensuring that:

- Earthworks, filling and excavations are properly stabilised, battered and landscaped predominantly with indigenous vegetation so that soil erosion and runoff are minimised.
- The natural drainage system, including nearby watercourses, sub-surface drainage and the water table, is not adversely affected.
- Development in the Little Stringybark Creek Catchment incorporates stormwater retention measures on site to mitigate additional stormwater runoff from the development.
- Buildings and works be sited to avoid detriment to the ecology of any stream or watercourse on or near the site and provide satisfactory drainage and stormwater management measures.
- No buildings, including associated waste treatment and effluent disposal facilities, be constructed within 30 metres of a watercourse within a Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone, Rural Living Zone, or a Farming Zone or within 10 metres of a watercourse in any other zone.
- All buildings, including waste treatment and effluent disposal facilities associated with the dwelling, be located outside any land liable to flooding and be at least 30 metres from a watercourse and sited to avoid any detriment to the ecology of any stream or watercourse on or near the site.

Clause 21.09-2 Environmental Hazards

Objective 1

The objective seeks to ensure that the use of land and development takes account of physical development constraints such as flood, fire and landslip and to control development in these areas.

Strategies to achieve this objectives are as follows:

- Implement fire prevention programs which are closely integrated with environmental and fire management principles.
- Encourage people to adopt principles and practices in the planning and development of their land which minimise the risks from wildfires.
- Limit development in areas prone to intense wildfire behaviour and provide township protection features.
- Identify areas subject to flooding from streams or at risk from overland stormwater flows.
- Ensure that risk factors are fully identified and addressed before additional development is undertaken in areas that are subject to flooding.
- Limit development in areas prone to high volume flood flows, and protect the storage capacity of flood pondage areas.
- Maintain a safe and attractive living environment.
- Promote safety of people and property.
- Provide adequate design and services that allow rapid and effective response by emergency services.
- Ensure the community is aware of the risks of landslide, wildfire hazards, flooding (in specific areas) and the need to limit, and even prevent, development where there are problems or to apply special development criteria.

Clause 21.09-3 Sustainability

Objective 1 – Sustainable Building Design

This objective seeks to ensure that the use of land, the construction of buildings and the carrying out of works are of a type, scale and design which do not adversely impact on the natural environment and take account of physical development constraints.

Strategies to achieve this objectives are as follows:

- Ensure that new and upgraded infrastructure is of an appropriate design and standard to prevent environmental degradation.
- Require land capability assessments where there are identified physical constraints for land use and development, such as flooding, erosion, wildfire risks and landslip.
- Encourage energy efficient design in new development and in the provision of infrastructure.
- Facilitate sustainable land use and development.
- All internal roads and access tracks be located, designed, constructed and landscaped to maintain and enhance the landscape character of the area and to minimise soil erosion and loss of residential amenity to adjoining or nearby residential properties.

Objective 2 – Sustainable Agriculture

This objective seeks To promote sustainable farming and land management practices within the non-urban and green wedge areas of the Shire.

- Encourage local communities to work with Council to implement sustainable farming practices (eg through local Landcare groups).

- Apply integrated catchment management principles in managing the use and development of rural and green wedge lands.
- Maintain the existing buffers between urban areas and productive agricultural land and land of high environmental significance.

LPPF 22.05 Vegetation

The protection and enhancement of Council's rich biodiversity is a prime objective of this planning scheme. The retention and rehabilitation of remnant vegetation is fundamental to retaining the vast range of wildlife habitats throughout Council. The environment strategies identified in Clause 21.07 of the Municipal Strategic Statement identify the need to protect significant vegetation through appropriate controls and policies.

The objectives of this policy are to:

- Recognise the importance of remnant vegetation in providing wildlife habitat and corridors for wildlife movement, as a source of genetic diversity, as a place for recreation and as an important feature of the special landscape character of Council.
- Ensure that consideration is given to the effect of the removal of vegetation when assessing proposals to use and develop land.
- Protect and enhance the long-term viability of all remnant vegetation, whether in a bushland, rural, green wedge or urban environment, especially if the vegetation is generally undisturbed.
- Ensure the conservation of remnant vegetation to sustain and enhance natural ecosystems for both plants and animals.
- Ensure that agricultural and land management practices protect and provide for the long term maintenance of remnant vegetation.
- Ensure that the clearing of remnant vegetation will not have any adverse effect on landscape values, wildlife habitat and wildlife corridors or lead to land degradation through soil erosion or loss of water quality.
- Protect and maintain vegetation communities and species of botanical significance, ensuring none are unnecessarily removed, threatened or destroyed.
- Conserve and protect the habitat of native fauna, especially species which are threatened or endangered.
- Recognise the importance of riparian vegetation to the protection of water quality within streams and wetlands and to the wildlife habitat values of these areas.
- Recognise the values of roadside vegetation and other linear reserves for retaining native vegetation, particularly if it is indigenous to the area within which it is growing and maintaining and enhancing their value as movement corridors for wildlife.
- Recognise the landscape importance of mature plantings of exotic trees in rural, green wedge or farming areas and in the urban built environment and the contribution that the vegetation makes in defining the character of the area.

- Recognise the importance of vegetation in assisting soil stability in areas of high landslip risk and ensure that the effects of vegetation removal in these areas are kept to a minimum.
- Promote re-vegetation with native species, that are indigenous to the area within which they are to be used, as a means to increase and enhance areas of remnant bushland in Council and to assist in the sound management of land.
- Recognise that there is sufficient cleared land within the rural and green wedge areas of Council to provide for future agricultural, including farming, activities.

Particular Provisions

Clause 51.03 Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

The purpose of this clause is:

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*.

This Clause aims to:

- Contain urban development to a level compatible with conservation of the Region's rich environmental features and with its high standards of amenity.
- Define, in a positive manner, boundaries and principles upon which containment is to be handled, including specific policies which deal with the transition between the Region and metropolitan Melbourne.
- Establish policies to promote a sustainable community in economic, social and environmental terms.
- Ensure that rural land in the Region is protected and maintained for agricultural and rural activities and that rural landscapes are protected and maintained.
- Achieve a balance between protection of natural environmental values and amenity, while developing a comprehensive economic and social infrastructure to adequately meet the current and future needs of residents and visitors.

Pursuant to the provisions of Clause 51.03 a planning permit is required for buildings and works with a height more than 7 metres and for earthworks greater than one metre in height or depth.

Clause 52.06 Car Parking

The purpose of this clause is:

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.

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

Table 1 at Clause 52.06-5 sets out the car parking requirement that applies to a use listed in the Table. Table 1 requires that a minimum number of 2 car spaces must be provided for each dwelling with three or more bedrooms. At least one space per dwelling must be undercover and all car spaces must be provided on site.

General Provisions

Clause 65 Decision Guidelines

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

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