

1 YARRA RANGES PLANNING SCHEME

266-268 Maroondah Highway Chirnside Park

1.1 Zone

Clause 32.07 – Residential Growth Zone Schedule 3

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide housing at increased densities in buildings up to and including four storey buildings.
- To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.
- To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
- To ensure residential development achieves design objectives specified in a schedule to this zone.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Pursuant to the provisions of the zone a planning permit is required Under the Residential Growth Zone, a permit is required to use the land for a Retirement Village, construct buildings and works for a Retirement Village, Residential Aged Care Facility and dwellings, and to subdivide the land. Outline of subject land shown in Figure 1 below:



Figure 1 - Outline of Subject Site

Nearby Zones

It is important to note that the site is wholly located within the Residential Growth Zone Schedule 3 (Figure 2 below). The site is known as 266-268 Maroondah Highway Chirnside Park, however the parcel is S4 of the parent lot, and has been subdivided. The area immediately to the west of the subject parcel is within the Commercial 1 Zone, however this zone does not intersect with this lot, and does not need to be considered in this application:

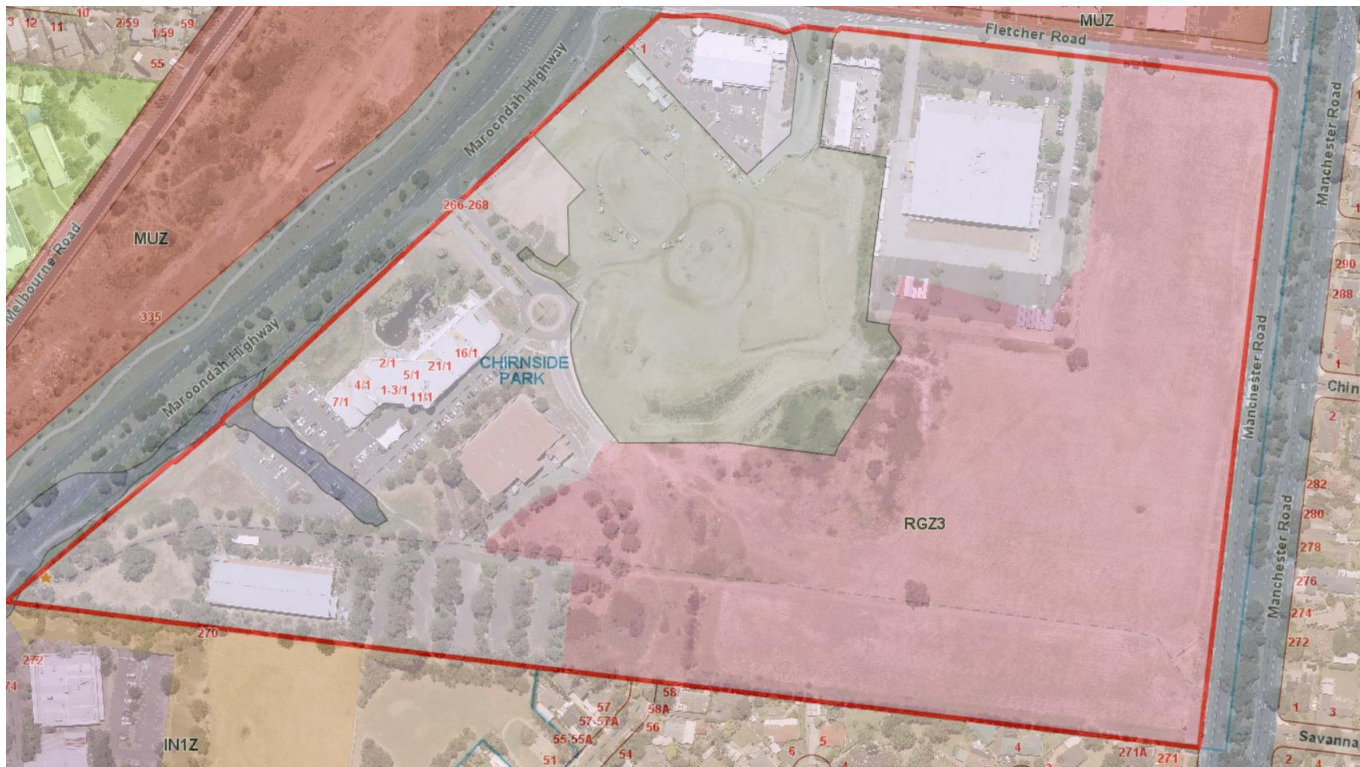


Figure 2 - Zone provision delineating C1Z and RGZ3

1.2 Overlays

Clause 45.06 Development Contributions Plan Overlay (DCPO)

Under the Development Contributions Plan Overlay no planning permit is required however a development contribution is required.

With regard to the developer contribution on this land, this site is located in Charge Area B and until June 2022 the relevant levies are as follows:

	levy per hectare of development footprint area	levy per metre highway frontage
Charge Area B	9.283ha	N/A

The subject site has an area of 9.283ha and, on the basis that residential subdivision is proposed, a charge is required based on the gross area of the land.

The applicant is aware of this requirement, and confirmed that they are expecting to make such payment as part of any approval granted. It is noted that as the contribution amount must be cost adjusted annually it is not required to calculate the amount at this time. This will be calculated if and when they pay the levy.

Nearby Overlays

As described in the zone section above the land is within a broader site known as 266-268 Maroondah Highway Chirnside Park. As shown in Figure 3, there are two overlays nearby, being the Specific

Controls Overlay, which applies to the former Kaufland property to the west (which does not intersect with this portion of the land), and the Special Building Overlay, which again does not intersect with this portion of the land:

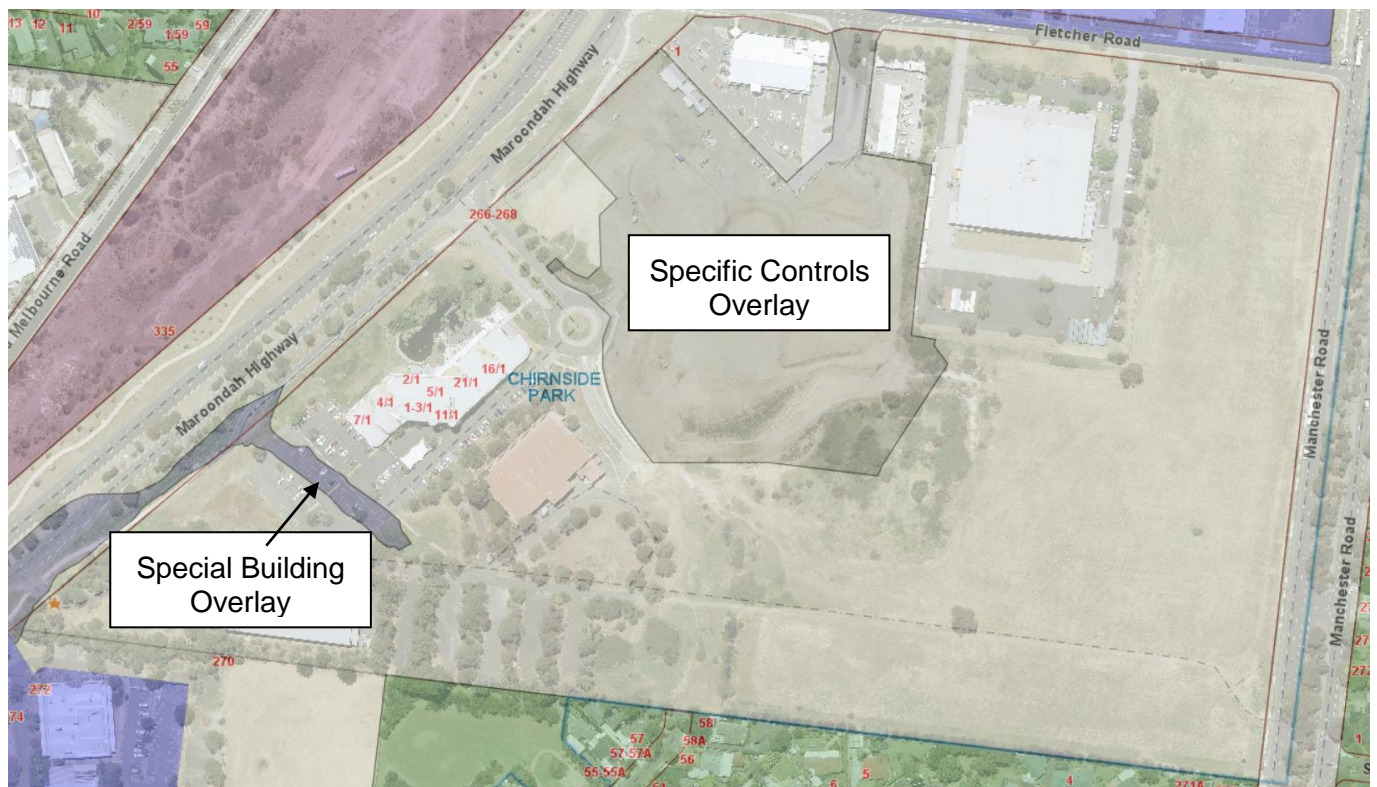


Figure 3 - Overlays on adjoining land to west

1.3 Planning Policy

Clause 11.01-1S Settlement

Strategies include:

- Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.
- Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.
- Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.
- Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.
- Create and reinforce settlement boundaries.
- Provide for growth in population and development of facilities and services across a regional or sub-regional network.
- Plan for development and investment opportunities along existing and planned transport infrastructure.
- Promote transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans.
- Strengthen transport links on national networks for the movement of commodities.

- Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:
 - Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
 - Developing settlements that will support resilient communities and their ability to adapt and change.
 - Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
 - Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
 - Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.
 - Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.
 - Improving transport network connections in and between regional cities, towns and Melbourne.
 - Integrating the management of water resources into the urban environment in a way that supports water security, public health, environment and amenity outcomes.
 - Minimising exposure to natural hazards, including increased risks due to climate change.
 - Contributing to net zero greenhouse gas emissions through renewable energy infrastructure and energy efficient urban layout and urban design.
- Encourage a form and density of settlements that supports healthy, active and sustainable transport.
- Limit urban sprawl and direct growth into existing settlements.
- Promote and capitalise on opportunities for urban renewal and infill redevelopment.
- Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.
- Ensure retail, office-based employment, community facilities and services are concentrated in central locations.
- Ensure land that may be required for future urban expansion is not compromised.
- Support metropolitan and regional climate change adaptation and mitigation measures.

Clause 11.03-1S Activity Centres

Strategies include:

- Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:
 - Comprises a range of centres that differ in size and function.
 - Is a focus for business, shopping, working, leisure and community facilities.
 - Provides different types of housing, including forms of higher density housing.
 - Is connected by transport.
 - Maximises choices in services, employment and social interaction.
- Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.

- Undertake strategic planning for the use and development of land in and around activity centres.
- Give clear direction on preferred locations for investment.
- Encourage a diversity of housing types at higher densities in and around activity centres.
- Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.
- Improve access by walking, cycling and public transport to services and facilities.
- Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.
- Encourage economic activity and business synergies.
- Improve the social, economic and environmental performance and amenity of activity centres.

Clause 11.03-1R Activity Centres – Metropolitan Melbourne

Strategies include:

- Support the development and growth of Metropolitan Activity Centres by ensuring they:
 - Are able to accommodate significant growth for a broad range of land uses.
 - Are supported with appropriate infrastructure.
 - Are hubs for public transport services.
 - Offer good connectivity for a regional catchment.
 - Provide high levels of amenity.
- Locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport.
- Locate new small scale education, health and community facilities that meet local needs in or around Neighbourhood Activity Centres.
- Ensure Neighbourhood Activity Centres are located within convenient walking distance in the design of new subdivisions.

Clause 13.04-1S Contaminated and potentially contaminated land

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.

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 15.01-1S Urban design

Strategies include:

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.

- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Promote good urban design along and abutting transport corridors.

Clause 15.01-1R Urban Design - Metropolitan Melbourne

Strategies include:

- Support the creation of well-designed places that are memorable, distinctive and liveable.
- Integrate place making practices into road space management.
- Strengthen Melbourne's network of boulevards.
- Create new boulevards in urban-growth areas and selected existing road corridors across Melbourne.
- Provide spaces and facilities that encourage and support the growth and development of Melbourne's cultural precincts and creative industries.

Clause 15.01-2-S Building design

Strategies include:

- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Improve the energy performance of buildings through siting and design measures that encourage:
 - Passive design responses that minimise the need for heating, cooling and lighting.
 - On-site renewable energy generation and storage technology.
 - Use of low embodied energy materials.
- Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.
- Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.
- Encourage water efficiency and the use of rainwater, stormwater and recycled water.
- Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.

- Ensure development is designed to protect and enhance valued landmarks, views and vistas.
- Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.
- Encourage development to retain existing vegetation.
- Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

Clause 16.01-1S Housing Supply

Strategies include:

- Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
- Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Identify opportunities for increased residential densities to help consolidate urban areas.
- Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.
- Encourage the development of well-designed housing that:
 - Provides a high level of internal and external amenity.
 - Incorporates universal design and adaptable internal dwelling design.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.
- Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

Clause 16.01-1R Housing Supply – Metropolitan Melbourne

Strategies include:

- Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:
 - In and around the Central City.
 - Urban-renewal precincts and sites.
 - Areas for residential growth.
 - Areas for greyfield renewal, particularly through opportunities for land consolidation.
 - Areas designated as National Employment and Innovation Clusters.
 - Metropolitan activity centres and major activity centres.
 - Neighbourhood activity centres - especially those with good public transport connections.
 - Areas near existing and proposed railway stations that can support transit-oriented development.
- Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.
- Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.

- Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.
- Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.
- Create mixed-use neighbourhoods at varying densities that offer more choice in housing.

Clause 16.01-2S Housing affordability

Strategies include:

- Improve housing affordability by:
 - Ensuring land supply continues to be sufficient to meet demand.
 - Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
 - Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.
 - Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.
- Increase the supply of well-located affordable housing by:
 - Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.
 - Ensuring the redevelopment and renewal of public housing stock better meets community needs.
- Facilitate the delivery of social housing by identifying surplus government land suitable for housing.

Clause 16.01-7S Residential aged care facilities

Strategies include:

- Recognise that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area.
- Recognise that residential aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass).
- Ensure local housing strategies, precinct structure plans and activity centre structure plans provide for residential aged care facilities.
- Ensure that residential aged care facilities are located in residential areas, activity centres and urban renewal precincts, close to services and public transport.
- Encourage planning for housing that:
 - Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.
 - Enables older people to live in appropriate housing in their local community.
- Provide for a mix of housing for older people with appropriate access to care and support services.
- Ensure that proposals to establish residential aged care facilities early in the life of a growth area are in locations that will have early access to services and public transport.
- Ensure that residential aged care facilities are designed to respond to the site and its context.
- Promote a high standard of urban design and architecture in residential aged care facilities.

Clause 17 Economic Development

This clause is of relevance as it seeks to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in

relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities and to encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

Clause 18 Transport

This clause is of relevance as it seeks to ensure an adequate supply of car parking that is appropriately designed and located.

Clause 18.02-1S Walking

- Plan and develop walking networks to:
 - Provide pedestrian routes that are safe, direct and comfortable to use.
 - Enable walking as a part of everyday life.
 - Enable people to meet more of their needs locally and rely less on their cars.
 - Be accessible to vehicles that use footpaths, including wheelchairs, prams and scooters.
 - Accommodate emerging forms of low-emission, low-speed personal transport.
- Develop principal pedestrian networks for local areas that link with the transport system.
- Provide walking infrastructure in all major transport projects.
- Design walking routes to be comfortable by providing shelter from the sun through canopy trees, verandahs and other structures.
- Design direct, comfortable and connected walking infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.

Clause 18.02-2S Cycling

- Plan and develop cycling networks to:
 - Provide routes that are safe, comfortable, low-stress and well connected.
 - Enable cycling as a part of everyday life.
 - Enable people to meet more of their needs locally by cycling and to rely less on their cars.
 - Accommodate emerging forms of low emission, low and moderate speed personal transport.
- Protect and develop the Principal Bicycle Network to provide high-quality cycling routes that are direct and connected, to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.
- Develop Strategic Cycling Corridors by:
 - Integrating them with stations and major interchanges on the public transport network that serve places of state significance.
 - Integrating them with the central city, national employment and innovation clusters, major activity centres and other destinations of metropolitan or state significance.
 - Facilitating safer, lower stress and more direct journeys using a combination of cycleways, cycle paths and shared streets.
 - Providing the most direct route practical.
 - Designing transport corridors to prioritise cycling links and cyclists.
- Protect Strategic Cycling Corridors from encroachment by development and incompatible interface treatments such as cross overs.
- Support increased cycling by providing:

- Cycling routes and cycling infrastructure early in new developments and in all major transport projects.
- Cycle parking and related end of trip facilities to meet demand at education, recreation, transport, shopping, commercial, public transport interchanges and community facilities, significant trip generating developments and other major attractions.
- Facilities for cyclists, particularly storage, at public transport interchanges and rail stations.
- Vegetation to shade cycling routes.

Clause 18.02-4S Roads

- Plan and develop the road network to:
 - Ensure people are safe on and around roads.
 - Improve people's perceptions of safety on and around roads.
 - Improve road connections for all road users.
 - Facilitate the use of public transport, cycling and walking.
 - Integrate new and emerging technologies into road design, including the increasing connectivity and automation of vehicles.
 - Accommodate the expansion of the High Productivity Freight Vehicle Network, and oversize and overmass vehicles.
- Protect and develop the Principal Road Network to:
 - Provide high mobility for through traffic and the efficient movement of freight by facilitating adequate movement capacity and speeds.
 - Improve cross-town arterial links in outer suburbs and growth areas, including circumferential and radial movement to facilitate access to jobs and services.
 - Limit access points to high-volume, high-speed roads by utilising urban design techniques such as service roads and internal connector roads.
 - Improve high-capacity on-road public transport.
- Develop declared freeways to:
 - Link Melbourne with major regional cities, major interstate locations and other key locations important to the economy along major national and state transport corridors.
 - Connect and provide access to Principal Transport Gateways and freight-generating areas.
 - Improve connections to national employment and innovation clusters.
 - Connect dispersed major residential areas with key destinations and lower density employment areas.
 - Avoid private access, except for service centres.
- Provide for grade separation at railway crossings, except with the approval of the Minister for Transport.
- Improve Melbourne's distinctive, established boulevards by developing a connected, contemporary network of boulevards within the urban growth boundary.
- Design road space to complement land use and meet business and community needs through the provision of wider footpaths, bicycle lanes, transit lanes (for buses and commercial passenger vehicles) and freight routes, in line with the designated role of the road.
- Design roads to facilitate the safe movement of people and goods while providing places for people to interact and gather in high pedestrian areas like activity centres, around schools and around community facilities.

- Plan an adequate supply of car parking that is designed and located to:
 - Protect the role and function of nearby roads.
 - Enable the efficient movement and delivery of goods.
 - Facilitate the use of public transport.
 - Maintain journey times and the reliability of the on-road public transport network.
 - Protect residential areas from the effects of road congestion created by on-street parking.
 - Enable easy and efficient use.
 - Achieve a high standard of urban design.
 - Protect the amenity of the locality, including the amenity of pedestrians and other road users.
 - Create a safe environment, particularly at night.
- Allocate land for car parking considering:
 - The existing and potential modes of access including public transport.
 - The demand for off-street car parking.
 - Road capacity.
 - The potential for demand-management of car parking.
- Consolidate car parking facilities to improve efficiency.
- Design public car parks to incorporate electric charging facilities to support the use of low-emission vehicles.

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 21.04-1 Residential (Land Use)

Objective 1 – Housing Location Consolidated Residential Development

To guide residential development into sustainable locations which meet the needs of the community and that are not subject to physical or environmental constraint.

Strategies

- Contain residential development within existing urban zone boundaries.
- Use the residential framework to guide residential development within the urban zones. The Residential Framework identifies areas for housing consolidation, incremental change, least change and low density residential.

Consolidation areas

- Support residential growth and increased densities in Chirnside Park and Lilydale within the Residential Growth Zone areas which are identified as having the best capacity for additional housing.
- Encourage residential infill in the neighbourhood consolidation (General Residential Zone) areas (of Mooroolbark, Kilsyth, Healesville, Yarra Junction, Mt Evelyn and Yarra Glen).
- Ensure higher density residential housing in identified housing consolidation areas is within easy walking distance of shops, public transport, open space and schools and in locations where there is an absence of constraints such as significant vegetation, infrastructure requirements or steeper slopes.

- Ensure multi unit accommodation including retirement villages, residential aged care facilities and co-housing is located where people with restricted mobility can easily access community services and transportation facilities. These are most likely to be within or close to activity centres.

Objective 2 – Housing Diversity

To encourage a diversity of dwelling types to meet the needs of the population.

Strategies

- Promote redevelopment and greater housing diversity in identified consolidation areas (RGZ) within the major activity centres of Lilydale and Chirnside Park. These centres have the capacity to cope with increased densities and offer convenient access to town centres, commercial and community facilities.
- Encourage higher densities in consolidation areas in the General Residential Zone which offer a choice of transportation options to reduce car dependency.
- Provide opportunities for increased densities on aggregated lots within consolidation areas that have walkable access to shops, public transport and community facilities.
- Encourage the provision of affordable housing components in new developments in identified consolidation areas and other locations that provide convenient access to town centres, commercial and community facilities.
- Promote subdivision that supports large lots in consolidation areas.
- Encourage 1 and 2 bedroom dwellings in all multi unit developments.
- Ensure retirement villages are designed to include a significant proportion of 1 and 2 bedroom units.
- Encourage dwellings that are accessible for people of all abilities.
- Support proposals for co-housing, retirement villages and residential aged care facilities in locations practical to the needs of an aging population and away from areas of environmental risk.

**YARRA RANGES COUNCIL
RESIDENTIAL PLANNING FRAMEWORK**

- Major Roads
- Consolidation Areas
- Restricted Change Areas
- Least Change Area
- Low Density Residential Zone
- Municipal Boundary



Clause 21.05 Settlement

Objective 2 – Major Activity Centres

To strengthen the role of Lilydale and Chirnside Park, as the Shire’s two major activity centres, in providing integrated clusters of well designed and conveniently located business, employment and housing opportunities.

Strategies

Chirnside Park Activity Centre

- Create a vibrant and cohesive activity centre comprising a compact town centre and supported by surrounding precincts of mixed use and higher density residential development.
- Encourage innovative development that adopts sustainable design principles to achieve a desirable environment for residents, employees and visitors, and create a distinctive and attractive gateway to Yarra Ranges.
- Encourage the comprehensive redevelopment of key sites and other under-utilised industrial land to provide a diverse range of employment opportunities and community services.
- Encourage the provision of additional housing at higher densities to increase the diversity of conveniently located accommodation within Yarra Ranges.

- Design roads and other public spaces that provide a safe, accessible and attractive circulation network that reduces the reliance on cars, and provides strong linkages within the activity centre and to surrounding neighbourhoods.
- Create a boldly landscaped boulevard along the Maroondah Highway that provides pedestrian and bicycle linkages within the activity centre and the wider open space and recreational trail network.
- Provide additional public open space in strategic locations to meet the needs generated by additional residential development and increases in employment within the activity centre.

Implementation

Chirnside Park Activity Centre

- Apply a local planning policy that gives effect to the Chirnside Park Urban Design Master Plan September 2010.
- Apply the Residential Growth Zone-, in conjunction with a Development Plan Overlay, to precincts where higher density residential development is encouraged.

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

- To promote proper siting and good design in the construction of all buildings and in the carrying out of works.

Strategies include

- Encourage the siting and design of development to respond to the characteristics of the site and surrounding area.
- Develop urban design themes for townships, based on their special character, role and function, and ensure that new development reinforces and consolidates those themes.
- Implement performance based controls which promote good design in all types of building construction to ensure that each proposal takes account of the site and its surroundings.
- Provide public information and advice on urban design issues, where required.
- Promote the construction of buildings that incorporate energy conservation principles.

Objective 6 - Buildings in Residential, Rural Living and Rural Areas

- Ensure that any development reflects the environmental and physical form of the surrounding neighbourhood.

Strategies

- Maintain the existing low density of residential development in the rural areas and protect the rural character and environmental and visual qualities of the surrounding area.
- Protect and enhance the residential character and neighbourhood amenity of residential, rural living and rural residential areas to ensure that new development is compatible with the scale and bulk of nearby buildings.

- Ensure that all development is sensitively designed and sited, having regard to the natural physical features of the land, including slope, the presence of existing vegetation and view lines.
- Building setbacks, height, site coverage and design enable the efficient use of the site, while also recognising the amenity of the surrounding residents, and the residential and environmental character of the area.

Objective 7 – Neighbourhood Character – Residential Areas

- To recognise and protect the distinctive characteristics and environmental features of the residential areas throughout Yarra Ranges.

Strategies

- Encourage higher density housing that retains and/or upgrades existing housing, and enhances the overall character of the area.
- Ensure that subdivision and development in residential areas addresses the landscape elements and landscape character objectives of the corresponding Significant Landscape Overlay and/or design objectives of the Design and Development Overlay.
- Ensure subdivision and development complements the existing site features such as slope, terrain, substantial trees and remnant vegetation.
- Retain extensive tree canopy cover and native vegetation and ensure that opportunities are available to establish and preserve substantial trees within residential areas.
- Encourage single dwellings as the predominant form of housing in residential areas designated for least change (Residential Framework Map).
- Protect and enhance the rural residential areas to ensure new development is compatible with the scale and bulk of nearby buildings.

Clause 21.08 Subdivision

Objective 1 - Subdivision in Residential Areas

- Provide a range of lot sizes in appropriate locations to meet the needs of a diverse range of household types.

Strategies

- Ensure design of new subdivisions recognises and responds to existing physical, environmental and visual characteristics of the site and surrounding area.
- Encourage flexibility and diversity in residential subdivisions especially within consolidation areas (Residential Growth Zone and General Residential Zones).
- Maximise lot yield in identified consolidation areas by considering grid subdivision.
- Promote a variety of lot sizes to encourage subdivision to be responsive to the retention of significant vegetation and other identified characteristics.
- Ensure subdivision proposals for remaining large lots are designed to retain the environmental and landscape values, particularly within the Foothills and Rural Townships areas.
- Guide subdivision of land in the Neighbourhood Residential Zone to locations that will have no adverse impact on the natural, built-form or landscape amenity and do not compromise important environmental values.
- Use Design and Development Overlays to guide subdivision in consolidation areas and in the incremental change areas in the foothills and rural towns.

Objective 2 – Subdivision Design

- Promote subdivision that is functional and enhances the existing neighbourhood character.

Strategies

- Avoid further subdivision in court bowl locations.
- Ensure new lots in residential areas are designed to allow dwellings to have a strong street presence.
- Minimise the number of crossovers created by subdivision.
- Ensure driveways provide safe access to dwellings and enable waste collection.
- Ensure driveways are designed to retain existing vegetation and provide adequate opportunity for landscaping.

Clause 21.10 Infrastructure – Objectives, Strategies And Implementation

Key Issues

- The design and standard of infrastructure needs to cater for current and future demands, maintain environmental qualities of the municipality and be flexible in design to suit local characteristics.

Objective 1 – Physical Infrastructure

- To establish a good standard of physical infrastructure for all new development and, where appropriate, upgrade the existing infrastructure in established urban areas.

Strategies

- Encourage housing diversity, new development and urban consolidation, within existing urban zoned areas, which maximises existing infrastructure.
- Encourage innovation in the provision of drainage infrastructure, with consideration given to the use of grassed swales instead of underground drains and the use of sediment ponds and wetlands for water quality treatment.
- Ensure that areas of unsewered land in existing urban and rural township areas are generally identified as priorities for the installation of reticulated sewerage in any backlog sewerage program.
- Limit the further provision of urban infrastructure in the Dandenong Ranges and its foothills, and in other sensitive locations where the provision of such infrastructure would create adverse physical and environmental impacts or where it could lead to inappropriate pressure for more urban development.

Objective 2 – Transport

- To integrate land use planning with transport planning throughout the Shire.

Strategies

- Identify preferred routes of key road users and develop a road strategy and capital works program (based on a priority evaluation process) to improve these routes.
- Consult the community on options to provide a more responsive and improved public transport system, especially for people living in Rural Townships.
- Encourage the duplication of State Highways through the Shire, as well as actively pursue strategic bypasses (such as of Yarra Glen, Lilydale and other traffic congested townships) as a high priority.
- Ensure heavy traffic users travel along designated routes where design capacity is adequate and local amenity impacts are minimal.
- Implement local traffic management schemes to minimise through traffic movements in residential streets and maintain a high level of safety and amenity.

Clause 22.06 Chirnside Park Activity Centre

The objectives of this policy are to:

- To create a thriving centre, comprising a broad range of retail, entertainment, commercial and community facilities clustered around a vibrant town centre and supported by higher density residential neighbourhoods.
- To significantly contribute to the diversity of conveniently located housing that is available in Yarra Ranges.
- To create a distinctive activity centre that provides an attractive gateway to Yarra Ranges.
- To ensure that future development is supported by improvements to traffic circulation infrastructure and the public open space network.

General Land Use

It is policy that:

- Higher density housing which increases the availability and diversity of housing is encouraged on underutilised land with convenient access to the Town Centre Precinct.
- A diverse range of community facilities and businesses which will service the needs of people living within the activity centre are encouraged.

Residential Precincts

It is policy that:

- Future residential development:
 - Adopts multi level forms and higher densities which increase the diversity of housing and complement the other functions of the activity centre.
 - Is integrated with other development within the precinct and creates strong pedestrian and bicycle linkages to other precincts.
- At the interface with adjoining residential areas beyond the activity centre, adopts a medium density form which is compatible with those adjoining areas.

Traffic and Access

It is policy that:

- Any major redevelopment which significantly increases the floor area of the centre must be supported by a traffic and pedestrian management plan approved by the responsible authority.
- The number of additional vehicle access points on to the Maroondah Highway created through new development proposals is to be minimised.
- Changes in land use and new development are not to prejudice the ongoing effective operation of the Maroondah Highway both for traffic accessing the activity centre and for through traffic.

Public Open Space

It is policy that:

- Proposals for residential development within Residential precincts are to include the provision of public open space in a form that responds to the needs of new residents.
- New public open space areas are to be on sites with sufficient size and appropriate slopes that facilitate recreational use by local residents and the wider community.
- Areas of new public open space are to be located so that they can be:
 - Effectively used for recreational purposes.
 - Linked to pedestrian and cycle paths and to the wider open space network.
 - Integrated with natural features and incorporate water sensitive urban design features.

- Provided with passive surveillance from adjoining land uses.

Policy reference

Chirnside Park Urban Design Master Plan (September 2010)

1.4 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.

Pursuant to Clause 51.03 vegetation removal, destruction or lopping. A permit is not required if the vegetation is:

- Referred to in Clauses 52.14, 53.06 or 52.12.
- On land in a Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone, Low Density Residential Zone, Comprehensive Development Zone or Industrial 1 Zone excluding land within the urban growth boundaries of Launching Place, Millgrove or Wesburn. This exemption does not override the requirements of any Significant Landscape Overlay that applies to the land.
- Proclaimed as a noxious weed under the Catchment and Land Protection Act 1994.
- Listed as an environmental weed in Clause 22.05 – Vegetation.
- Required to be removed, destroyed or lopped to provide for public works or the connection of utility installation, provided those works have the agreement of the Council and there will be no removal, destruction or lopping of remnant vegetation beyond that provided for in any relevant code of practice for tree clearing.
- Required to be removed, destroyed or lopped to provide for works carried out by the Emerald Tourist Railway Board and which are associated with the normal operations and maintenance of the Puffing Billy Tourist Railway.
- Within 2 metres of any lawfully existing building or branches overhanging an existing building, which may be pruned so that they are not overhanging or within 2 metres of the building.
- A plant species that does not occur naturally in the locality in which it is growing and which is less than 5 metres in height or vegetation that is required to be removed, destroyed or lopped as part of a normal domestic or agricultural, including horticultural practice for the species involved. This does not apply to the removal, destruction or lopping of vegetation if a permit is required under the Heritage Overlay.
- Native grass species and the removal, slashing or cutting is associated with an existing residential or permitted use or part of an existing farming operation.
- Dead, or has been assessed as being dangerous by an authorised officer of the responsible authority.
- Required to be removed, destroyed or lopped for fire prevention or suppression purposes in compliance with a notice given under the Country Fire Authority Act 1958 or the Forests Act 1958.
- Required to be removed, destroyed or lopped for the making of a fuel break by or on behalf of a public authority in accordance with a strategic fuel break plan approved by the Secretary of the Department of Sustainability and Environment. The maximum width of a fuel break must not exceed 40 metres.

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.

Pursuant to the provisions of Clause 52.06-3 a permit is required to reduce car parking provision. Table 1 at Clause 52.06-5 sets out the car parking requirement that applies to a use listed in the Table. Pursuant to Table 1 the proposed uses require the following car parking provision.

No reduction in car parking is sought.

Clause 52.17 – Native vegetation

A permit is required to remove, destroy or lop native vegetation. The schedule to Clause 52.17 specifies that no permit is required to remove, destroy or lop:

- Native vegetation for which no permit is required to remove, destroy or lop under the schedule to Clause 51.03.

Clause 52.17-7 includes the following table of exemptions

Conservation work	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work: <ul style="list-style-type: none">• which provides an overall improvement for biodiversity; and• with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Crown land	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land: <ul style="list-style-type: none">• by or on behalf of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>), the Great Ocean Road Coast and Parks Authority or Parks Victoria, and in accordance with the <i>Procedure for the removal, destruction or lopping of native vegetation on Crown land</i>; or• with written permission from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Dead native vegetation	Native vegetation that is dead. This exemption does not apply to a standing dead tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

Emergency works	<p>Native vegetation that is to be removed, destroyed, or lopped:</p> <ul style="list-style-type: none"> • in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access associated with emergency works; or • where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.
Existing buildings	<p>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of a building constructed in accordance with a planning or building permit issued before 15 September 2008.</p> <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> • the operation or maintenance of a fence; or • native vegetation located more than 10 metres measured from the outermost point of the building.
Existing buildings and works in the Farming Zone and Rural Activity Zone	<p>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of an existing building or works used for Agricultural production, including a dam, utility service, bore, horticultural trellising and accessway in the Farming Zone or the Rural Activity Zone.</p> <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> • the use or maintenance of a Dwelling; or • the operation or maintenance of a fence; or • native vegetation located more than 10 metres measured from the outermost point of the building or works.
Extractive industry	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the <i>Mineral Resources (Sustainable Development) Act 1990</i> and authorised by a work authority under that Act.</p>
Fences	<p>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable:</p> <ul style="list-style-type: none"> • the operation or maintenance of an existing fence; or • the construction of a boundary fence between properties in different ownership. <p>The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.</p>
Fire protection	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to carry out any of the following fire protection activities:</p> <ul style="list-style-type: none"> • fire fighting; • planned burning; • making or maintenance of a fuelbreak or firefighting access track (or

	<p>any combination thereof) that does not exceed a combined width of 6 metres;</p> <ul style="list-style-type: none"> making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>); in accordance with a fire prevention notice issued under either: <ul style="list-style-type: none"> Section 65 of the <i>Forests Act 1958</i>; or Section 41 of the <i>Country Fire Authority Act 1958</i>. keeping native vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the <i>Electricity Safety Act 1998</i>; minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by or on behalf of that authority, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the <i>Road Management Act 2004</i>. <p><i>Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.</i></p>
Geothermal energy exploration and extraction	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Geothermal Energy Resources Act 2005</i> .
Grasses	Native grass that is to be mowed or slashed for maintenance only, provided that the grass is: <ul style="list-style-type: none"> located within a lawn, garden or other landscaped area; or maintained at a height of at least 10 centimetres above ground level.
Grazing	Native vegetation that is to be removed, destroyed or lopped by domestic stock grazing on: <ul style="list-style-type: none"> freehold land; or Crown land in accordance with a license, permit or lease granted under applicable legislation.
Greenhouse gas sequestration and exploration	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Greenhouse Gas Geological Sequestration Act 2008</i> .
Harvesting for timber production – naturally established native vegetation	Naturally established native vegetation that is to be removed, destroyed or lopped to enable timber harvesting operations and associated activities that are in accordance with the <i>Code of Practice for Timber Production 2014</i> (amended 2021, Department of Environment, Land, Water and Planning, 2021) and are: <ul style="list-style-type: none"> undertaken on public land under a licence or permit issued under section 52 of the <i>Forests Act 1958</i>; or authorised in accordance with Part 5 of the <i>Sustainable Forests</i>

	<i>(Timber) Act 2004.</i>
Land management or directions notice	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the <i>Catchment and Land Protection Act 1994</i> .
Land use conditions	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the <i>Catchment and Land Protection Act 1994</i> .
Lopping and pruning for maintenance	Lopping or pruning native vegetation, for maintenance only, provided no more than 1/3 of the foliage of each individual plant is lopped or pruned. This exemption does not apply to: <ul style="list-style-type: none"> • the pruning or lopping of the trunk of a native tree; or • native vegetation on a roadside or railway reservation.
Mineral exploration and extraction	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention license issued under the <i>Mineral Resources (Sustainable Development) Act 1990</i> : <ul style="list-style-type: none"> • that is low impact exploration within the meaning of Schedule 4A of the <i>Mineral Resources (Sustainable Development) Act 1990</i>; or • in accordance with a work plan approved under Part 3 of the <i>Mineral Resources (Sustainable Development) Act 1990</i>. <p><i>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</i></p>
New buildings and works in the Farming Zone and Rural Activity Zone	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a building or works used for Agricultural production, including a dam, utility service, bore and accessway, in the Farming Zone or the Rural Activity Zone. The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following: <ul style="list-style-type: none"> • 1 hectare of native vegetation which does not include a tree. • 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. • 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. <p>This exemption does not apply to the construction or operation of a pivot irrigation system or horticultural trellising.</p>
New dwellings in the Farming Zone and Rural Activity Zone	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a dwelling in the Farming Zone or Rural Activity Zone. The maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following: <ul style="list-style-type: none"> • 300 square metres of native vegetation which does not include a

	<p>tree.</p> <ul style="list-style-type: none"> • 5 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. • 1 native tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. <p>This exemption does not apply native vegetation removed, destroyed or lopped to enable the construction of a swimming pool, tennis court or horse ménage.</p>
Personal use	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to obtain reasonable amounts of wood for personal use by the owner or lawful occupier of the land.</p> <p>For the purpose of this exemption personal use means uses such as heating and cooking, building and fence construction on land, and hobbies such as arts and craft.</p> <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> • contiguous land in one ownership that has an area of less than 10 hectares; • the removal, destruction or lopping of native vegetation by means other than cutting or chopping; or • a standing native tree (including a dead tree) with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.
Pest animal burrows	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in the Farming Zone or the Rural Activity Zone:</p> <ul style="list-style-type: none"> • in accordance with written agreement of an officer of the department responsible for administering the <i>Flora and Fauna Guarantee Act 1988</i>; or • provided the maximum extent of native vegetation removed, destroyed or lopped on contiguous land in the same ownership in a five year period does not exceed any of the following: <ul style="list-style-type: none"> ○ 1 hectare of native vegetation which does not include a tree; or ○ 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.
Planted vegetation	<p>Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.</p> <p>This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.</p>
Railways	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and</i></p>

	<i>Lands Act 1987</i>).
Regrowth	<p>Native vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is:</p> <ul style="list-style-type: none"> • less than 10 years old; or • bracken (<i>Pteridium esculentum</i>); or • within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation; or • less than ten years old at the time of a property vegetation plan being signed by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>), and is: <ul style="list-style-type: none"> ○ shown on that plan as being 'certified regrowth'; and ○ on land that is to be used or maintained for cultivation or pasture during the term of that plan. <p>This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.</p>
Road safety	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).</p>
Site area	<p>Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares.</p> <p>This exemption does not apply to native vegetation on a roadside or rail reservation.</p>
Stock movements on roads	<p>Native vegetation that is to be removed, or destroyed by stock being moved along a road.</p> <p>This exemption does not apply to grazing as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.</p>
Stone exploration	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.</p> <p>The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> • 1 hectare of native vegetation which does not include a tree. • 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. • 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

	This exemption does not apply to costeaning and bulk sampling activities.
Surveying	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the <i>Surveying Act 2004</i>) using hand-held tools to establish a sightline for the measurement of land.
Traditional owners	Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with: <ul style="list-style-type: none"> • a natural resource agreement under Part 6 of the <i>Traditional Owner Settlement Act 2010</i>; or • an authorisation order made under sections 82 or 84 of the <i>Traditional Owner Settlement Act 2010</i> as those sections were in force immediately before the commencement of section 24 of the <i>Traditional Owner Settlement Amendment Act</i> in 2016 (1 May 2017).
Tram stops	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter.
Transport land	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Utility installations	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary: <ul style="list-style-type: none"> • to maintain the safe and efficient function a Minor utility installation; or • by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Vehicle access from public roads	Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road. This exemption only applies to properties which share a common boundary with the road reserve, and the total width of clearing must not exceed 6 metres. This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation. In this exemption, roadside and public road have the same meanings as in section 3 of the <i>Road Management Act 2004</i> . <i>Note: Under the Road Management Act 2004 the written consent of the</i>

	<i>coordinating road authority is required to conduct any works, including removing a tree or other vegetation, in, on, under or over a road.</i>
Weeds	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal or destruction of a weed listed in the schedule to Clause 52.17.</p> <p>The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> • 1 hectare of native vegetation which does not include a tree. • 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.

Clause 52.29 Land Adjacent to a Transport Zone

A permit is required to alter access to a Road in Transport Zone TRZ2 (Maroondah Highway). Referral is required to Department of Transport.

Clause 53.01 Public Open Space Contribution And Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). Planning permit YR-2018/408 to re-subdivide the land confirmed that the public open space contribution of 5% has already been satisfied under the previous subdivision permit for the land and cannot be charged again.

Clause 53.17 Residential Aged Care Facility

The purpose of this clause is:

- To facilitate the development of well-designed residential aged care facilities to meet existing and future needs.
- To recognise that residential aged care facilities have a different scale and built form to the surrounding neighbourhood.
- To ensure residential aged care facilities do not unreasonably impact on the amenity of adjoining dwellings.

Clause 53.18 Stormwater Management in Urban Development

The purpose of this clause is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Clause 55 Two Or More Dwellings On A Lot And Residential Buildings

The purpose of this clause is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

Clause 56 Residential subdivision

The purpose of this clause is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create liveable and sustainable neighbourhoods and urban places with character and identity.
- To achieve residential subdivision outcomes that appropriately respond to the site and its context for:
 - Metropolitan Melbourne growth areas.
 - Infill sites within established residential areas.
 - Regional cities and towns.
- To ensure residential subdivision design appropriately provides for:
 - Policy implementation.
 - Liveable and sustainable communities.
 - Residential lot design.
 - Urban landscape.
 - Access and mobility management.
 - Integrated water management.
 - Site management.
 - Utilities.

Clause 58 Apartment Developments

Clause 58 only applies to developments in the Residential Growth Zone of five stories or more and is not applicable to the proposal. The purpose of this clause is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage apartment development that provides reasonable standards of amenity for existing and new residents.
- To encourage apartment development that is responsive to the site and the surrounding area.

65 Decision Guidelines

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.