

## **YARRA RANGES PLANNING SCHEME**

### **Zone**

#### **Clause 34.01 Commercial 1 Zone (C1Z)**

##### **Purpose**

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses; and
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

### **Overlay**

#### **Clause 43.01 Heritage Overlay (HO)**

##### **Purpose**

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

#### **Clause 43.02 Design and Development Overlay Schedule 12 (DDO12)**

##### **Purpose**

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

The site is located within Schedule 12 – Town Centres – Healesville, Monbulk, Seville, Warburton, Yarra Glen and Yarra Junction. The schedule provides a character statement for these towns as follows:

*These town centres will be dominated by a main street that retains a classic and attractive country town character. The built form of new development will reinforce this character and retain the distinctive features associated with the historic development of the town, including established trees and views to rural features such as nearby wooded hills or farmland.*

The schedule provides the following design objectives for these towns:

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- To enhance the distinctive built form and streetscape characteristics of the town centre.
- To reinforce the main street as the focus of business and pedestrian activity in the town centre.
- To maintain visual links between the town centre and its rural hinterland.
- To protect and enhance the amenity of residential and public places within and adjoining the town centre.
- To provide safe and convenient on site car parking that has a minimal visual impact

### **Clause 44.06 Bushfire Management Overlay (BMO)**

#### Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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 required <<variable - insert permit triggers>>

An application to construct a building, construct or carry out works or to subdivide land must meet the requirements of Clause 52.47 unless a schedule to this overlay specifies different approved measures or additional alternative measures and decision guidelines to those set out in Clause 52.47 (refer to the particular provision section of the report for more detail).

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. Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

### **Clause 11.03-1s Activity centres**

#### Objective

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

## Strategies

- 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 13 Environmental and Landscape Values

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.

### Clause 13.02-1S Bushfire planning

#### Policy application

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

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

## Objective

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

## Strategies

Protection of human life

- Give priority to the protection of human life by:
  - Prioritising the protection of human life over all other policy considerations.
  - Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
  - Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

## Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

- Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.
- Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the *Building Act 1993* or regulations made under that Act.
- Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.
- Considering and assessing the bushfire hazard on the basis of:
  - Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
  - Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;
  - Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and
  - The site for the development.
- Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.
- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.
- Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.

## Settlement planning

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

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- Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under *AS 3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009).
- Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under *AS 3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009) where human life can be better protected from the effects of bushfire.
- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.
- Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.
- Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.
- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under *AS 3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009).

### **Areas of biodiversity conservation value**

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.

### **Use and development control in a Bushfire Prone Area**

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

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

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

- Consider the risk of bushfire to people, property and community infrastructure.
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.

- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

### **Clause 13.05-1S - Noise management**

#### **Objective**

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

#### **Strategy**

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

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

### **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 provide for a range of housing types to meet increasingly diverse needs, to identify land suitable for rural living and rural residential development, to facilitate the timely development of residential aged care facilities to meet existing and future needs and to encourage well-designed and appropriately located residential aged care facilities.

#### **Clause 16.01-1S Housing supply**

##### **Objective**

To facilitate well-located, integrated and diverse housing that meets community needs.

##### **Strategies**

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.

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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**

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**

### **Objective**

To deliver more affordable housing closer to jobs, transport and services.

### **Strategies**

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 17 Economic Development**

Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

### **17.01-1S Diversified economy**

#### **Objective**

To strengthen and diversify the economy.

#### **Strategies**

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.



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- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.
- Support rural economies to grow and diversify.

### **Clause 17.02-1S Commercial Business**

#### **Objective**

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

#### **Strategies**

- Plan for an adequate supply of commercial land in appropriate locations.
- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
- Locate commercial facilities in existing or planned activity centres.
- Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
- Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.
- Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.
- Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres.
- Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.

### **MSS 21.04-1 Residential Land Use**

Unlike most of the other municipalities within metropolitan Melbourne, the Yarra Ranges Council performs both an urban and a rural role. Within Council there are opportunities for a range of lifestyle choices and residential environments. The high quality environmental setting or backdrop enhances the overall appeal and attractiveness of both the urban areas and small townships scattered throughout the municipality. The character of individual areas is determined by the combination of a number of key factors including lot size, road treatments, topography, and vegetation cover.

Clause 21.04-1 provides direction and policy for Residential Land Use and includes objectives for consolidation of housing, housing diversity, residential accommodation in commercial areas, and green wedge residential.

Of relevance to this application is Objective 2 – Housing Diversity which seeks to encourage a diversity of dwelling types to meet the needs of the population. It is sought to do this through the following 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.

### **MSS 21.04-2 Commercial Land Use**

This clause recognises that the key issues associated with commercial development within Council include:

- Commercial centres are important to local communities and there is a need to consolidate commercial uses in these areas.
- Tourism contributes significantly to the economy of Council.
- A significant amount of parkland is in public ownership and these areas are becoming increasingly popular with people interested in 'environmental experiences' such as bush walking or mountain biking.
- Small scale tourist accommodation is creating issues with residential amenity and environmental features.
- There is growing demand for eating and overnight accommodation facilities in the Yarra Valley.
- The challenge is to achieve (and maintain) a delicate balance between tourism, the environment and protecting the amenity of the existing residents.

Objective 1 - Commercial Development seeks to promote the future growth and prosperity of Council.

It is policy that:

- Commercial centres are the preferred location for retail, business and community services and encroachment of these uses into other areas be discouraged.
- Any proposed land use reinforces and enhances the established role of the centre.
- The proposed use be located on a site that can provide adequate car parking without compromising the character and appearance of the built and natural environments.
- Traffic generated by a proposed use be able to be accommodated without compromising the functioning of the centre or detracting from the residential amenity of the surrounding area.
- Shops and business uses in the core area of the centre provide a continuity of retail display windows at ground floor level.
- Retail facilities (other than a convenience shop), tourist facilities, recreation facilities (other than on public land) and places of assembly not be established in Foothills Residential Areas, Green Wedge areas, Rural Conservation Zone or other residential areas, particularly those which have environmental or amenity constraints.
- Any proposal to establish a commercial use in a Rural Living Area:

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- Demonstrate why the use needs to be located in such an area rather than within a commercial or industrial area.
- Not lead the transformation of the area to a quasi-commercial area or form ribbon commercial development along main or tourist roads.
- Not lead to the fragmentation of the current land holding pattern.
- Be provided with setbacks from common boundaries with adjoining residential uses that ensure the protection of residential amenity and, where appropriate, provide for the establishment of effective landscaping and screening buffers.

For proposals considering restaurants, further policies are as follows:

- The preferred locations for restaurants are any of the following:
  - In urban areas or rural townships that are within or adjoining an established commercial centre (and are within the Urban Growth Boundary).
  - Where the restaurant will be associated with a visitor accommodation facility or other tourist facility providing for more than 30 people.
  - Where the restaurant will be associated with an established vineyard and winery which is producing wines from grapes or fruit grown predominantly on the site.
- Restaurants be located to not contribute to a concentration of similar land use activities which would alter the established residential character of the surrounding area or detract from its residential amenity.
- Restaurants have direct access to a sealed road or formed gravel road which is capable of accommodating anticipated traffic levels without causing any adverse effect on local residential amenity.
- Restaurants be designed and sited to protect the amenity of residents and the visual and environmental qualities of the area, and to achieve the primary purpose of the zone within which the land is situated.

Objective 3 - Local Employment seeks to facilitate local employment opportunities within the small townships dispersed throughout Council, especially opportunities based on the use of information technology and telecommunications in business activities or in servicing local needs.

It is sought to achieve this through the following strategies:

- Encourage and facilitate the establishment of businesses which have little or no impact on local amenity or the environment, and which provide employment and business opportunities, especially for people living in the small townships.
- Provide for small scale home based businesses which provide local employment opportunities in Rural Townships.

### **MSS 21.05 Settlement**

This clause recognises that activity centres in Council range in size from large suburban centres on the metropolitan fringe, to those serving towns and smaller settlements in the rural and green wedge areas. These activity centres provide a range of retail, commercial and other community services and are important sources of employment opportunities for the local population. Council's two major activity centres, at Lilydale and Chirnside Park, offer significant opportunities for more intensive redevelopment including employment generating commercial uses and higher density housing.

Objective 1 - Sustainable Towns seeks to establish sustainable and attractive townships which can support a range of residential, commercial, retail, community and recreational facilities and services.

It is sought to achieve this through the following strategies:

- Enhance the economic viability, safety and efficiency of the towns.

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- Encourage activities which reinforce the character and function of each centre while catering for local and visitor needs.
- Set strategic directions for future development and changes in land use.
- Encourage small business and their use by local communities.
- Promote good design and a high quality level of amenity which helps to define and enhance the individual character of each town.
- Consider and respond to needs for infrastructure.
- Provide for quality retail, commercial and community facilities which cater for consumer needs.
- Provide adequate design and services that allow rapid and effective response by emergency services.
- Retain compact townships with their distinct village-like character and environmental features.
- In rural townships, provide for small scale home businesses which provide local employment opportunities.
- Prevent the intrusion of uses that would fragment the form and layout, and that are not complementary to the role and function, of the centre.
- Cluster land uses that complement the role and function of the centre.
- Encourage land uses that will maintain and enhance the viability of the centre.
- Contain and consolidate existing commercial centres to improve the centre's convenience to users and minimise any impacts or intrusions into adjoining residential areas or natural environments.
- Develop the continuity of shopping activity at street frontages in the core retail area.

Objective 4 - Rural Townships seeks to maintain and enhance the rural setting and compact form of the rural townships.

Strategies to achieve this objective include:

- Contain small rural townships within currently defined urban boundaries, to create distinctive and compact areas separated by rural based activities.
- Provide for additional infill development in undeveloped and fully serviced areas that are zoned for urban use, and which are not subject to environmental or other development constraints.
- Restrict commercial and non agricultural activities along State Highways and other main rural and tourist road frontages between the towns, to ensure that productive agricultural land and environmental values are protected and rural landscapes are maintained.
- Prevent ribbon development of commercial activities occurring along main or tourist roads.

### **MSS 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 2 - Town Centre Design seeks to provide well designed and integrated commercial centres that provide a range of retail and business facilities and associated community services that meet the needs of the local residents and the tourists visiting the municipality.

Objective 4 – Pedestrian Amenity seeks to ensure town centres are attractive, safe and functional for pedestrians by providing open spaces throughout centres to create attractive sheltered rest areas for pedestrians and enhance the overall amenity and identity of the centre and Recreation trails and other areas in the public realm need to be protected to avoid adverse visual impact.

It is policy that:

- Buildings and works aim to improve pedestrian and shopper amenity in centres wherever possible by providing pedestrian paths throughout the centre, pedestrian links to car parks, sheltered rest areas and pedestrian weather protection facilities.
- New development be designed to provide convenient access for people with disabilities.
- Encourage effective pedestrian links between centre, car parking, public transport facilities, recreational trails and nearby parklands.

Objective 5 - Design and Development of Tourism and Recreation Facilities seeks to ensure that development of new tourist facilities be compatible and integrated with surrounding land uses and the natural and built environments by ensuring that tourism and recreation use and development is managed, located, designed and sited in a manner which protects and enhances the special environmental and landscape characteristics of the area.

When considering buildings and works for tourism or recreation it is considered appropriate that:

- Development be visually and physically integrated on the site without loss of amenity or degradation to the environment.
- Demonstrate 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.
- Earthworks, filling and excavations are properly stabilised, battered and landscaped predominantly with indigenous vegetation so that soil erosion and runoff are minimised.
- Buildings and works and signs be sensitively sited and designed to:
  - Maintain the scenic quality and character of the area, particularly existing view lines and vistas.
  - Protect any environmental features, including remnant vegetation and wildlife habitats, and the landscape character and land form of the area.
  - Integrate with and complement any established image, streetscape or built form character of the area.
  - Retain and enhance any existing indigenous vegetation or other significant vegetation on the site.
  - Avoid any on-site and off-site impacts, including traffic, parking, noise disturbance, odour and fumes.
  - Ensure any signs are located and designed in accordance with policy for Advertising Signs so that they do not detract from the landscape character or unnecessarily distract passing traffic.
  - Avoid prominent ridgelines, hill tops and other visually exposed sites.
- 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 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.

Objective 7 - Neighbourhood Character - Residential Areas seeks to recognise and protect the distinctive characteristics and environmental features of the residential areas throughout Yarra Ranges.

It is sought to do this through the following 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.

#### **LPPF 22.11 Healesville Commercial Precinct**

This policy builds on Clauses 15.03, 21.06 and 43.01 to protect and conserve cultural heritage by providing specific guidelines for the Healesville Commercial Precinct. Healesville Commercial Precinct is of local historical, social and aesthetic/ architectural significance as a long standing shopping strip in Healesville. Known as Nicholson Street, the street was named after the Premier of Victoria between 1859 and 1860. Nicholson Street emerged after the town survey in 1865 as the main street through Healesville. Significant and contributory buildings range from 1880s to post World War II. Nicholson Street has historically contained diverse business activities supporting local tourists as well as residents. Situated on a terraced hillside and lined with mature trees, Nicholson Street generally contains, two storey buildings located on the high side and single storey on the low side of the street.

The objectives of this policy are to:

- Maintain the prominence of the significant and contributory buildings in the precinct.
- Ensure development integrates with surrounding heritage buildings and streetscape.
- Encourage new development that enhances the character and appearance of the heritage precinct and adopts a contemporary interpretation of traditional forms.
- Ensure new development does not dominate the heritage precinct.
- Maintain the architectural integrity and character of significant and contributory buildings.
- Ensure development of non-contributory buildings is considered in the context of their impact on significant and contributory buildings and the streetscape.

It is policy to:

- Consider the relevant heritage study, giving particular regard to the statement of significance.
- Protect and maintain the mature street trees. (covered by separate HO159)

#### **New buildings, alterations and additions**

- Ensure the overall form of development reflects the bulk, height, setbacks, form and appearance of typical contributory and significant heritage buildings.

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- Discourage changes to the principal facade or visible roof form of significant and contributory buildings.
- Discourage alterations or additions which obscure, alter or remove original features and details that contribute to the significance of the place.
- Encourage alterations and additions to be designed in a manner that responds to and is compatible with the built form and architectural treatment of the heritage place.
- Encourage additions to significant and contributory buildings at the rear where they are less visible from the street.
- Encourage upper level additions to be sited behind the principal visible roof so they are less visible from the street.
- Ensure new development is clearly distinguishable as new buildings.
- Encourage the removal of elements which are intrusive to the heritage significance.
- Encourage the use of traditional construction materials.
- Retain shop fronts, doors and windows of significant and contributory buildings as important aspects of the public interface of retail premises and streetscape.
- Discourage the painting or rendering of unpainted surfaces.
- Discourage the installation of new windows and doors in the front facade or in areas that are visible to the public realm.
- Discourage the replacement of original timber window frames with alternative materials such as aluminium.

### **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.

### **53.02 BUSHFIRE PLANNING**

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 ensure that the location, design and construction of development appropriately responds to the bushfire hazard.
- To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

## 53.06 LIVE MUSIC ENTERTAINMENT VENUES

The purpose of this clause is:

- To recognise that live music is an important part of the State's culture and economy.
- To encourage the retention of existing and the development of new live music entertainment venues.
- To protect live music entertainment venues from the encroachment of noise sensitive residential uses.
- To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.
- To ensure that the primary responsibility for noise attenuation rests with the agent of change.

Application

This clause applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with:

- A live music entertainment venue.
- A noise sensitive residential use that is within 50 metres of a live music entertainment venue.
- A noise sensitive residential use that is in an area specified in clause 1.0 of the schedule to this clause

This clause does not apply to:

- The extension of an existing dwelling.
- A noise sensitive residential use that is in an area specified in clause 2.0 of the schedule to this clause.

### Meaning of terms

In this clause:

- **live music entertainment venue** means:
  - a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment
  - a rehearsal studio
  - any other venue used for the performance of music and specified in clause 3.0 of the schedule to this clause, subject to any specified condition or limitation.
- **noise sensitive residential use** means a community care accommodation, dependent person's unit, dwelling, residential aged care facility, residential village, retirement village or rooming house.

Requirements to be met

A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.



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A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:

- Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020)
- Outdoor live music entertainment venue to below 45dB(A), assessed as an  $L_{eq}$  over 15 minutes.

For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (consistent with EPA Publication 1826).

A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.

### Application requirements

An application must be accompanied by the following information, as appropriate:

- A site analysis, including plans detailing:
  - the existing and proposed layout of the use, buildings or works, including all external windows and doors
  - the location of any doors, windows and open space areas of existing properties in close proximity to the site.
- If the application is associated with a noise sensitive residential use:
  - the location of any live music entertainment venues within 50 metres of the site
  - the days and hours of operation of identified venues.
- If the application is associated with a live music entertainment venue:
  - the location of any noise sensitive residential uses within 50 metres of the site
  - the days and hours of operation of that venue
  - the times during which live music will be performed.
- Details of existing and proposed acoustic attenuation measures.
- An assessment of the impact of the proposal on the functioning of live music venues.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

### Decision guidelines

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

- The extent to which the siting, layout, design and construction minimise the potential for noise impacts.
- Whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.
- Whether the proposal adversely affects any existing uses.
- The social and economic significance of an existing live music entertainment venue.
- The impact of the proposal on the functioning of live music venues.

## **58 APARTMENT DEVELOPMENTS**

The purpose of this clause is:

- 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

### **Requirements**

A development:

- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

If a zone or a schedule to a zone, or a schedule to an overlay specifies a requirement different from a requirement of a standard set out in Clause 58 (excluding Clause 58.04-1), the requirement in Clause 58 applies.

For Clause 58.04-1 (Building setback):

- If a zone or a schedule to a zone specifies a building setback requirement different from a requirement set out in Clause 58.04-1, the building setback requirement in the zone or a schedule to the zone applies.
- If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.