

Planning Controls

State Planning Policy

12.01-2S – Native vegetation management

Objective

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Strategies

Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017):

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

12.05-1S – Environmentally sensitive areas

Objective

To protect and conserve environmentally sensitive areas.

12.05-2S – Landscapes

Objective

To protect and enhance significant landscapes and open spaces that contribute to character, identity, and sustainable environments.

Strategies

Ensure significant landscape areas such as forests, the bays and coastlines are protected.

Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.

Recognise the natural landscape for its aesthetic value and as a fully functioning system.

Ensure important natural features are protected and enhanced.

Local Planning Policy

Clause 12.01-1L – Biodiversity

Strategies

Support rehabilitation and revegetation of bio-link corridors for wildlife to move between core habitat areas.

Protect and enhance areas containing indigenous vegetation patches on public land.

Ensure unavoidable vegetation removal is adequately offset by revegetation and land management that achieve a net improvement in Yarra Ranges' biodiversity assets.

Direct revegetation and land management improvements associated with vegetation removal offsets to identified habitat corridor links and other key sites within Yarra Ranges.

Protect the biodiversity values of conservation open spaces through revegetation and land management improvements including vegetation offsets.

Zone

35.05 – Green Wedge A Zone

Purpose

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

To provide for the use of land for agriculture.

To protect, conserve and enhance the biodiversity, natural resources, scenic landscapes and heritage values of the area.

To ensure that use and development promotes sustainable land management practices and infrastructure provision.

To protect, conserve and enhance the cultural heritage significance and the character of rural and scenic non-urban landscapes.

To recognise and protect the amenity of existing rural living areas.

Permit Requirement

A planning permit is not required under the zone to remove vegetation.

Overlays

42.01 – Environmental Significance Overlay Schedule 1

HIGHEST BIODIVERSITY HABITAT AREAS AND BIOLINK CORRIDORS

Statement of environmental significance

Yarra Ranges contains an extensive network of bushland remnants that are an integral part of the municipality's unique landscape and environmental character. These bushland areas comprise a wide range of different ecosystems that provide habitats for a rich diversity of flora and fauna.

The value of habitat areas in Yarra Ranges' network of flora and fauna habitats is enhanced where there are opportunities for birds and other wildlife to shelter while moving between them. The connectivity between habitat areas increases their long term sustainability and value in biodiversity protection by reducing the risk of creating isolated and vulnerable habitat areas. This connectivity enables native species to respond to adverse climatic changes, providing greater opportunities for breeding and foraging, and allowing native species to recolonise areas following major disturbances such as bushfires.

The biolink corridors that have been identified in Yarra Ranges generally follow waterways although they also include some roadsides and other areas containing indigenous vegetation remnants. In some areas the extent and condition of indigenous vegetation within these habitat corridors has been fragmented and degraded by past land management practices. There are many opportunities to improve the habitat value of Yarra Ranges' network of flora and fauna habitats through the rehabilitation of these degraded areas especially along watercourses.

Environmental objective to be achieved

To protect and manage the larger patches of remnant highest biodiversity bushland from fragmentation and incremental loss so that they continue to provide high quality biolink corridors and sustainable habitat for indigenous flora and fauna.

Permit Requirement

A planning permit is required to remove vegetation where the diameter is greater than 0.4m at a height of 1.3m above ground level.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal will contribute to the achievement of the environmental objectives of this schedule to the overlay.
- Whether the proposal will require the removal of indigenous vegetation from a site where the majority of understorey ground cover comprises indigenous plants.
- Where removal of vegetation is unavoidable, whether vegetation loss is minimised and appropriate actions taken to offset the loss.

- Whether the proposed development or vegetation removal minimises adverse environmental effects including impacts on rare or threatened species, during and after the construction phase
- Whether the proposal has any adverse effect on faunal movement within habitat corridors and within and between highest biodiversity habitat areas.

42.03 – Significant Landscape Overlay Schedule 6

ROLLING HILLS AND BUSHY AGRICULTURE LANDSCAPE

Statement of nature and key elements of landscape

The Rolling Hills and Bushy Agricultural Landscape covers broad areas of pleasantly undulating land with a mountain backdrop. It includes the lower foothills of the Great Dividing Range north of the Yarra River and the elevated areas south of the river extending from the Warramate Hills through Seville and Wandin towards Macclesfield and Yellingbo in the south. Two significant State Parks contribute to the landscape:

- Yellingbo Nature Conservation Reserve – a series of linear riparian vegetation areas along the Woori Yallock, Cockatoo and Sheep Station Creek - (habitat for the endangered Helmeted Honeyeater).
- Yarra Yarraloch Conservation Reserve (Warramate Hills) – a prominent isolated range of forested hills flanked by the flood plain of the Yarra River.

This landscape comprises mostly farmland although it includes many patches of remnant vegetation. It generally has a coarse grain of subdivision with lot sizes mostly between 10 and 20 hectares. Lots are divided into an irregular grid network with lot boundaries often being based on natural features. Properties are generally clearly defined by rural post and wire fencing or windrows. The road pattern is irregular.

Much of the landscape is managed as grazing pasture although there are substantial areas of vineyards, pockets of orchards, and some other more intensively cultivated areas. Crop protection structures such as hail netting and igloos are prevalent in some of these areas.

Most houses are well set back from major roads. Building architecture within this landscape is from a range of styles and eras. Farm houses are often large sprawling structures with rural design elements such as verandahs. Houses are often clustered with farm sheds and partly screened by trees. Winery complexes, often adopting contemporary design styles are a feature of the winegrowing areas.

Views are commonly to a mid range of rolling hills with the Great Dividing Range frequently silhouetted across the horizon as a backdrop to longer distance views.

Landscape character objectives to be achieved

- To maintain a comparatively open rural landscape of farmland and bushland patches in which houses, farm buildings and tourist facilities are generally inconspicuous.
- To ensure that the siting and design of new buildings complements their setting and reinforces the rural landscape character of the area.
- To retain established trees and patches of indigenous vegetation as an important element of the rural landscape and habitat for wildlife.

- To allow middle and long distance views from the valley to the surrounding ranges.
- To maintain the appearance of an uninterrupted forested backdrop to views.

Permit Requirement

A planning permit is required to remove a substantial tree having a trunk circumference greater than 1.1 metres (0.35 metre diameter) at 1.3 metres above the ground.

Decision Guidelines

Vegetation

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

44.06 – Bushfire Management Overlay

Purpose

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

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Permit Requirement

A planning permit is not required to remove vegetation within this overlay.

Particular Provisions

52.12 – Bushfire Protection Exemptions

Purpose

To facilitate the removal of vegetation in specified circumstances to support the protection of human life and property from bushfire.

To facilitate the construction and protection of community fire refuges and private bushfire shelters.

Exemptions to create defensible space around buildings used for accommodation

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to any of the following:

- The removal, destruction or lopping of any vegetation within 10 metres of an existing building used for accommodation if all of the following requirements are met:
 - The building must be located in an area that is designated as a bushfire prone area under the *Building Act 1993*.
 - The building must have been:
 - constructed before 10 September 2009; or
 - approved by a planning permit or a building permit issued before 10 September 2009; or
 - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009

52.17 – Native Vegetation

Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Permit requirement

A planning permit is required to remove native vegetation under this provision.

Decision guidelines

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

General Provisions

Clause 65 – Decision Guidelines

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

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- 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.